

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, July 7, 2022

Time: 07:00 PM Eastern Time

Location: City of Manistee Council Chambers

AGENDA

I **Call to Order**

Pledge of Allegiance

II **Roll Call**

III **Approval of Agenda**

At this time, the Planning Commission can take action to approve the July 7, 2022 Agenda.

IV **Conflicts of Interest**

At this time, the Chair will ask if any members have any conflicts of interest on the approved Agenda.

V **Approval of Minutes**

At this time, the Planning Commission can approve the June 2, 2022 Meeting minutes.

VI **Correspondence**

Correspondence has been shared with the Planning Commission and will not be read aloud.

VII **Public Hearing**

- Storage Shed Amendment
- SUP Termination Date Amendment

VIII **Public Comment on Agenda Related items**

All comments and handouts from the speaker at the podium will go through the Chair, also there will not be any interaction between the podium and audience. If these rules cannot be followed, the Chair can terminate this portion of the meeting.
(A limit of between 3 mins to address Planning Commission).

IX **New Business**

- Storage Shed Amendment
- SUP Termination Date Amendment

X **Old Business**

XI **Public Comments and Communications**

At this time the Chair will ask if there are any public comments.
(3 mins to address Planning Commission).

XII **Staff Reports**

XIII **Members Discussion**

At this time, the Chair will ask members of the Planning Commission if they have any items they want to discuss.

XIV **Adjournment**

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

June 2, 2022

A meeting of the Manistee City Planning Commission was held on Thursday, June 2, 2022, 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 Wittlieff

Members Present: Mark Wittlieff, Robert Slawinski, Michael Szymanski, Pamela Weiner, Marlene McBride, Shelly Memberto, and Roger Yoder

Members Absent: none

Others: Katie Mehl (County Planner 1 & City Zoning Administrator), and Nancy Baker (County Planning Secretary/Assistant to Planner)

APPROVAL OF AGENDA

Motion by Commissioner Slawinski, seconded by Commissioner Szymanski to approve the agenda as printed.

With a Roll Call vote this motion passed 6 to 0.

Yes: Wittlieff, Slawinski, Szymanski, Weiner, McBride, Yoder

No: None

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

Motion by Commissioner Yoder, seconded by Commissioner Szymanski to approve the May 5, 2022, Planning Commission meeting minutes as printed.

With a Roll Call vote this motion passed 6 to 0.

Yes: Wittlieff, Slawinski, Szymanski, Weiner, McBride, Yoder

No: None

CORRESPONDENCE

None

CHIEF GLASS PRESENTATION

Chief Glass:

- With the police force for 18 years
- Fully staffed, 13 police officers-chief included
- 9 patrol officers, 2 patrol sergeants, 1 detective sergeant
- About 5000 service calls per year
- Handle criminal investigations and several types of enforcement
- School liaison

- 4 can assist with fires, 3 on dive team

Commissioner Memberto entered the meeting at 7:09

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

NEW BUSINESS

Dumpster Enclosure Compliance-Painted Lady Saloon

Applicant was absent.

Motion by Commissioner Slawinski, seconded by Commissioner Memberto to table the Painted Lady Saloon dumpster enclosure compliance.

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

Yes: Slawinski, Szymanski, Weiner, Memberto, McBride, Yoder, Wittlieff
No: none

Motion by Commissioner Szymanski, seconded by Commissioner Memberto to un-table the dumpster enclosure compliance due to the applicant entering the meeting.

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

Yes: Wittlieff, Slawinski, Szymanski, Weiner, Memberto, McBride, Yoder
No: None

Susan Wolken, Painted Lady

- Has 2 dumpsters-garbage and grease
- Per Republics, dumpsters need to be on an angle for the truck to be able to access them

Motion by Commissioner Yoder, seconded by Commissioner McBride there is not a need for fencing around the dumpsters because it does not meet the requirements to enclose them with the notation from Republics regarding the dumpster location.

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

Yes: Wittlieff, Slawinski, Szymanski, Weiner, Memberto, McBride, Yoder
No: None

OLD BUSINESS

Dumpster Enclosure Compliance-TJ's Pub

Lindsey Swidorski, TJ's Pub:

- Dumpster is housed on Manistee Beverage business parking lot
- Owner does not want dumpster enclosure on the lot

Manistee Beverage owner

- TJ's Pub cannot utilize city dumpsters as they fill rapidly
- Moving the dumpster to the corner of the lot may be possible

Motion by Commissioner Szymanski, seconded by Commissioner Yoder for the dumpster to be moved as far to the southeast corner as practical from the standpoint of Republic.

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

Yes: Slawinski, Szymanski, Weiner, Memberto, McBride, Yoder, Wittlieff
No: None

PUBLIC COMMENTS AND COMMUNICATIONS

None

STAFF REPORTS

Ms. Mehl has weekly meetings with Mark Miller, Economic Development Director. He submitted a writeup on the old hospital, Care Center. He will submit monthly reports for PC review. With no SUPs or PUDs submitted to the department, several minor amendments will be brought before the PC at the next meeting: SUP termination date(s) and proposed language for property owners garden shed.

MEMBERS DISCUSSION

Commissioner Slawinski stated the A&W is working on their dumpster enclosure.

Commissioner Weiner stated the Master Plan will need to be reviewed.

Commissioner Yoder inquired on the city dumpsters and the schedule of emptying them.

Commissioner Wittlieff stated the Tabernacle parking lot work is making great progress.

Commissioner McBride stated the 12th Street storage units have many issues that need to be addressed. Ms. Mehl has attempted to contact them. Contact to the company cannot be made using the provided information.

Commissioner Szymanski inquired on the Milwaukee House parking lot. Ms. Mehl stated the permit is on review with the Site Plan Committee.

ADJOURNMENT

Motion by Commissioner Slawinski, seconded by Commissioner Yoder to adjourn the meeting. Meeting was adjourned at 8:03 pm.

MANISTEE PLANNING COMMISSION



Nancy Baker, Recording Secretary



Planning Department

June 22, 2022
Planning Commission
70 Maple Street
Manistee, MI 49660

Katie Mehl
Manistee County Planner
395 3rd St.
Manistee, MI 49660
231.723.6041
planning@manisteecountymi.gov

Dear Planning Commission Members,

At the June Planning Commission meeting, discussion was held regarding several proposed amendments to the Zoning Ordinance. This memo details the proposed amendments that are noticed for the public hearing to be held at the July Planning Commission meeting. The proposed amendments are to address storage sheds and a termination date for Special Land Uses (SLU).

The first item to be addressed is the incorporation of language for smaller detached accessory buildings in the residential districts. Currently, the zoning ordinance does not provide regulation for a small accessory building such as a storage shed, and you are only allowed one detached accessory building regardless of the size. The changes to these sections would provide regulation for storage sheds that are less than 144 sq. ft. and less than eight feet at the eave. This would allow for a parcel that contains a principal building to have one (1) storage shed in addition to the accessory building(s) allowed on the parcel.

To address the issue, staff has proposed the following:

Amend Article 2: DEFINITIONS AND INTERPRETATION

Amend SECTION 202 A

- Remove, ACCESSORY STRUCTURE: A structure which is clearly subordinate or incidental to a principal structure or principal use. Accessory structures include, but are not limited to, the following: storage structures, parking lots, loading docks, radio and television antennas, or any part thereof; but shall not include fences and hunting blinds which are clearly not permanent and are easily removed. Under no circumstances shall a septic system and tile field be considered an accessory structure.
- Add, ACCESSORY STRUCTURE: A structure which is clearly subordinate or incidental to a principal structure or principal use. Accessory structures include, but are not limited to, the following: storage structures of *greater than 144 sq ft*, parking lots, loading docks, radio and television antennas, or any part thereof; but shall not include fences and hunting blinds which are clearly not permanent and are easily removed. Under no circumstances shall a septic system and tile field be considered an accessory structure.

Amend SECTION 220 S

- Add, STORAGE SHED: A building or structure of 144 square feet or less and not exceeding a height of eight (8) feet at the eave line.

Amend Article 5: GENERAL PROVISIONS

Add SECTION 537 STORAGE SHEDS

A Storage Shed of 144 square feet or less in area is not classified as an accessory building. The following requirements shall apply:

- A. Storage sheds must be in a side or rear yard and not less than ten (10) feet from any principal building or above grade accessory structures. Such structures may be located on the waterfront, side, or rear yard of the parcel, providing that all mandated setbacks and any other requirements are complied with.
- B. Storage sheds must be secured to the ground using screw-in soil anchors or a minimum of 4X4 inch treated posts 18 inches deep at each corner and well secured to the structure.
- C. In no case shall a storage shed be erected on any parcel lacking a principal building.
- D. All parcels are allowed a maximum of one (1) storage shed.
- E. The lot coverage requirements of the district shall be adhered to.
- F. The storage shed must be compatible in design and appearance with the principal building and adjacent properties (i.e., common siding and roofing material).
- G. Membrane covered storage structures and carports of any type shall not be considered a storage shed.

The second item to be addresses is a termination date for Special Land Uses (SLU). The Zoning Ordinance currently allows for the City to place stipulations on approval times SLU but does not have an automatic expiration date associated with the approval. It is common from looking at surrounding Cities in our region that an automatic expiration date be associated with approval of SLU. The change to the expiration section would put a built-in expiration to SUP that are not completed in a timely manner The Planning Commission could still stipulate a lesser or longer termination date as part of the stipulation for approval.

To address the issue, staff has proposed the following:

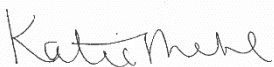
Amend Article 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES:

Amend SECTION 1801, SUBSECTION I: EXPIRATION

- Remove, 3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.
- Add, 3. If no date is stipulated the special use permit shall expire two (2) years from date of final approval if the applicant has not commenced substantial construction and is not diligently proceeding to completion, or the use has not commenced if the approval does not involve construction. Upon written request by the applicant, stating the reasons therefore, the Planning Commission may extend the time for commencement of construction or use.

If you have any additional questions or concerns, feel free to contact me.

Regards,



Katie Mehl
Planning and Zoning Administrator
Manistee County

Notice of Public Hearing Proposed Zoning Ordinance Amendment

The Manistee City Planning Commission will hold a Public Hearing for proposed changes to the Zoning Ordinance on **Thursday, July 7, 2022, at 7pm** at City Hall (237-398-2803), 70 Maple St., Manistee, MI 49660.

The Hearing is being held to consider the adoption of proposed amendments to the City of Manistee Zoning Ordinance.

Hearing Purpose: Amendment to the City of Manistee Zoning Ordinance as follows:

Z22-03: Storage Sheds

Z22-04: Special Land Use Permit Termination Date

Zoning Amendment **Z22-03 & Z22-04** have been prepared to address Definitions, General Provisions, and Standards and Requirements for Special Uses in the following sections of the Ordinance:

Article 2: DEFINITIONS AND INTERPRETATION

AMEND SECTION 202 A

Amend definition of Accessory Building to not include small storage structures defined as Storage Sheds.

AMEND SECTION 220 S

Add definition of Storage Shed to allow for a small storage structure on parcels that contain a principal building.

Article 5: GENERAL PROVISIONS

Add SECTION 537 STORAGE SHEDS to allow for a small storage structure on parcels containing a principal building.

Article 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES

Amend SECTION 1801, SUBSECTION I: EXPIRATION to allow for a built-in expiration date to special land use approvals if the applicant has not commenced substantial construction and is not diligently proceeding to completion within two years.

Copies of the proposed Amendments are available for review at the Office of the City Clerk, City Hall, 70 Maple St., Manistee, MI, 49660, the Manistee County Planning Department, 395 Third St., Manistee, MI 49660, and on the City's Web Page www.manisteemi.gov. Interested parties are welcome to attend the hearing, or written comments with signature can be submitted to the Manistee County Planning Dept. 395 Third St. Manistee, MI 49660 by the end of business day on the day of the meeting.

Planning Department

June 17, 2022
Planning Commission
70 Maple Street
Manistee, MI 49660

Katie Mehl
Manistee County Planner
395 3rd St.
Manistee, MI 49660
231.723.6041
planning@manisteecountymi.gov

Dear Planning Commission Members,

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The first item to be addressed is the incorporation of language for smaller detached accessory buildings in the residential districts. Currently, the zoning ordinance does not provide regulation for a small accessory building such as a storage shed, and you are only allowed one detached accessory building regardless of the size. The changes to these sections would provide regulation for storage sheds that are less than 144 sq. ft. and less than eight feet at the eave. This would allow for a parcel that contains a principal building to have one (1) storage shed in addition to the accessory building(s) allowed on the parcel.

To address the issue, staff has proposed the following:

Amend Article 2: DEFINITIONS AND INTERPRETATION

Amend SECTION 202 A

- Remove, ACCESSORY STRUCTURE: A structure which is clearly subordinate or incidental to a principal structure or principal use. Accessory structures include, but are not limited to, the following: storage structures, parking lots, loading docks, radio and television antennas, or any part thereof; but shall not include fences and hunting blinds which are clearly not permanent and are easily removed. Under no circumstances shall a septic system and tile field be considered an accessory structure.
- Add, ACCESSORY STRUCTURE: A structure which is clearly subordinate or incidental to a principal structure or principal use. Accessory structures include, but are not limited to, the following: storage structures *of greater than 144 sq ft*, parking lots, loading docks, radio and television antennas, or any part thereof; but shall not include fences and hunting blinds which are clearly not permanent and are easily removed. Under no circumstances shall a septic system and tile field be considered an accessory structure.

Amend SECTION 220 S

- Add, STORAGE SHED: A building or structure of 144 square feet or less and not exceeding a height of eight (8) feet at the eave line.

Amend Article 5: GENERAL PROVISIONS

Add SECTION 537 STORAGE SHEDS

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- A. Storage sheds must be in a side or rear yard and not less than ten (10) feet from any principal building or above grade accessory structures. Such structures may be located on the waterfront, side, or rear yard of the parcel, providing that all mandated setbacks and any other requirements are complied with.
- B. Storage sheds must be secured to the ground using screw-in soil anchors or a minimum of 4X4 inch treated posts 18 inches deep at each corner and well secured to the structure.
- C. In no case shall a storage shed be erected on any parcel lacking a principal building.
- D. All parcels are allowed a maximum of one (1) storage shed.
- E. The lot coverage requirements of the district shall be adhered to.
- F. The storage shed must be compatible in design and appearance with the principal building and adjacent properties (i.e., common siding and roofing material).
- G. Membrane covered storage structures and carports of any type shall not be considered a storage shed.

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To address the issue, staff has proposed the following:

Amend Article 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES:

Amend SECTION 1801, SUBSECTION I: EXPIRATION

- Remove, 3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.
- Add, 3. If no date is stipulated the special use permit shall expire two (2) years from date of final approval if the applicant has not commenced substantial construction and is not diligently proceeding to completion. Upon written request by the applicant, stating the reasons therefore, the Planning Commission may extend the time for commencement of construction.

If you have any additional questions or concerns, feel free to contact me.

Regards,



Katie Mehl
Planning and Zoning Administrator
Manistee County

ORDINANCE Z22-03

AN ORDINANCE TO AMEND IN ARTICLE 2 AND ARTICLE 5 OF THE CITY OF MANISTEE ZONING ORDINANCE ENTITLED “MANISTEE CITY ZONING ORDINANCE” WHICH WAS ADOPTED FEBRUARY 21, 2006. THESE AMENDMENTS WOULD PROVIDE FOR THE ALLOWANCE OF SMALL STORAGE STRUCTURE THAT IS NOT CLASSIFIED AS AN ACCESSORY BUILDING ON PARCELS THAT CONTAIN A PRINCIPAL BUILDING AND TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH

THE CITY OF MANISTEE ORDAINS:

Section 1.:

Amend Article 2: Definitions And Interpretation

“Amend Section 202 A”

- Remove, “ACCESSORY STRUCTURE: A structure which is clearly subordinate or incidental to a principal structure or principal use. Accessory structures include, but are not limited to, the following: storage structures, parking lots, loading docks, radio and television antennas, or any part thereof; but shall not include fences and hunting blinds which are clearly not permanent and are easily removed. Under no circumstances shall a septic system and tile field be considered an accessory structure.”
- Add, “ACCESSORY STRUCTURE: A structure which is clearly subordinate or incidental to a principal structure or principal use. Accessory structures include, but are not limited to, the following: storage structures of greater than 144 sq ft, parking lots, loading docks, radio and television antennas, or any part thereof; but shall not include fences and hunting blinds which are clearly not permanent and are easily removed. Under no circumstances shall a septic system and tile field be considered an accessory structure.”

“Amend Section 220 S”

- Add, “Storage Shed: A building or structure of 144 square feet or less and not exceeding a height of eight (8) feet at the eave line.”

Section 2.:

Amend Article 5: General Provisions

“Add Section 537 Storage Shed”

- Add, “Section 537 Storage Shed

A Storage Shed of 144 square feet or less in area is not classified as an accessory building. The following requirements shall apply:

- A. Storage sheds must be in a side or rear yard and not less than ten (10) feet from any principal building or above grade accessory structures. Such structures may be located on the waterfront, side, or rear yard of the parcel, providing that all mandated setbacks and any other requirements are complied with.
- B. Storage sheds must be secured to the ground using screw-in soil anchors or a minimum of 4X4 inch treated posts 18 inches deep at each corner and well secured to the structure.
- C. In no case shall a storage shed be erected on any parcel lacking a principal building.
- D. All parcels are allowed a maximum of one (1) storage shed.
- E. The lot coverage requirements of the district shall be adhered to.
- F. The storage shed must be compatible in design and appearance with the principal building and adjacent properties (i.e., common siding and roofing material).
- G. Membrane covered storage structures and carports of any type shall not be considered a storage shed.”

Section 3.:
Severability.

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of this ordinance which shall continue in full force and effect.

Section 4.:
Effective Date; Publication.

This Ordinance shall be effective ten (10) days after its enactment as provided in Section 4-3 of the City of Manistee Charter and seven (7) days after publication, whichever is later. The City Clerk shall cause a copy of this Ordinance to be published in a newspaper circulated in the city of Manistee, stating the date of the enactment and effective date of the Ordinance, a brief notice as to the subject matter of the Ordinance and such other facts as the City Clerk shall deem pertinent. A copy of the Ordinance shall be made available for public use and inspection at the office of the Manistee City Clerk.

Section 5.:
Repealer.

ORDINANCE Z22-04

AN ORDINANCE TO AMEND IN ARTICLE 18 OF THE CITY OF MANISTEE ZONING ORDINANCE ENTITLED “MANISTEE CITY ZONING ORDINANCE” WHICH WAS ADOPTED FEBRUARY 21, 2006. THIS AMENDMENT WOULD PROVIDE FOR A BUILT IN EXPIRATION DATE OF TWO YEARS FOR SPECIAL LAND USE APPROVALS IF NO OTHER EXPIRATION IS STIPULATED AND TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH

THE CITY OF MANISTEE ORDAINS:

Section 1.:

Amend Article 18: Standards and Requirements For Special Uses:

“Amend SECTION 1801, SUBSECTION I: EXPIRATION”

- Remove, “3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.”
- Add, “3. If no date is stipulated the special use permit shall expire two (2) years from date of final approval if the applicant has not commenced substantial construction and is not diligently proceeding to completion. Upon written request by the applicant, stating the reasons therefore, the Planning Commission may extend the time for commencement of construction.”

Section 2.:

Severability.

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of this ordinance which shall continue in full force and effect.

Section 3.:

Effective Date; Publication.

This Ordinance shall be effective ten (10) days after its enactment as provided in Section 4-3 of the City of Manistee Charter and seven (7) days after publication, whichever is later. The City Clerk shall cause a copy of this Ordinance to be published in a newspaper circulated in the city of Manistee, stating the date of the enactment and effective date of the Ordinance, a brief notice as to the subject matter of the Ordinance and such other facts as the City Clerk shall deem pertinent. A copy of the Ordinance shall be made available for public use and inspection at the office of the Manistee City Clerk.

Section 4.:
Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
MANISTEE, MANISTEE COUNTY, MICHIGAN, THIS ____ DAY OF _____,
2022.

ENACTMENT DATE: _____

CERTIFICATION

STATE OF MICHIGAN)
) ss.
COUNTY OF MANISTEE)

I, the undersigned, the duly qualified and acting Clerk of City of Manistee, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Manistee City Council at a regular meeting held on the ____ day of _____, 2022, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, being Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this ____ day of _____, 2022.

Heather Pefley, City Clerk