

# MANISTEE CITY PLANNING COMMISSION

70 Maple Street, Manistee, Michigan 49660  
Meeting of Thursday, January 3, 2001  
7:00 p.m. - Council Chambers, City Hall

## AGENDA

- I Roll Call
- II Public Hearing
  - 1. Maas Development L.L.C. - Zoning Amendment
  - 2. Maas Development L.L.C. - Special Use Permit
  - 3. Maas Development L.L.C. - Street Vacation Request
  - 4.
- III Citizen Questions, Concerns and Consideration
- IV Approval of Minutes
  - Planning Commission Meeting (12/6/01)
- V Unfinished Business
  - 1. None
- VI New Business
  - 1. Maas Development L.L.C. - Zoning Amedment
  - 2. Maas Development L.L.C. - Special Use Permit
  - 3. Maas Development L.L.C. - Street Vacation Request
  - 4. Review of By-Laws
  - 5. Committee Appointments
- VII Other Communications
- VIII Work/Study Session
  - 1.
- IX. Adjournment

cc: Planning Commission Members  
Kristie Harless  
City Council  
Mitch Deisch, City Manager  
Jon Rose, Community Development  
County Planning Department  
Jack Dinsen, Manistee Township Zoning Board  
Don Alfred, Charter Township of Filer Planning Commission  
Frederick Richter, Beautification Committee  
Manistee News Advocate  
WMTE Radio  
WXYQ Radio  
Jeff Mikula, Abonmarche  
Julie Beardslee, Assessor  
Mark Niesen, Building Inspector

WILLIAM KRASEAN  
1026 PEARCE RD.  
MANISTEE, MI 49660

Dec 24/01

Mr. John R. Rose  
Community Development

Dear Mr. Rose:

Re: Public Hearing  
Mass Development L.L.C.

I will not be available to attend the above meeting as I will be out of town on that date.

As to my reaction to the nearness of such a project as is planned, I presume I have the same feelings of concern of having an institution housing "Lemuria Patients" so close as probably others of my neighbors also do.

I understand this Company has other similar projects elsewhere, and insist they have the knowledge and performance capabilities to avoid potential problems with unstable patients.

If the management can reflect having an institution such as this in the immediate neighborhood does not result in reducing real estate values, I would have no objections.

Sincerely,

Bill Krasian

SUNSET LANE

#3

#4

#5

SINGLE FAMILY LOTS #6  
R-1 ZONE

312.0

#12

SINGLE FAMILY LOTS  
R-1 ZONE

#15

#20

N 0° 5'00" E

344.35

215.9

255.9'

PROPOSED  
CUL-DE-SAC EXTENSION  
TO BE DETERMINED BY  
LOCAL FIRE DEPARTMENT

10.0'

PROPOSED SANITARY SEWER

EARTH BERM

PROPOSED  
FIRELANE  
GRASS OVER GRAVEL  
TO BE DETERMINED BY  
LOCAL FIRE DEPARTMENT

SUCCOIC WALK

10  
GARAGES

12 STAFF PARKING

SUPPORTIVE CARE  
20 UNIT  
18,000 SF

SUPPORTIVE CARE  
20 UNIT  
14,200 SF

CLUSTER

TRIPOLA

10 VISITOR PARKING

9 VISITOR PARKING

9 WATER BGS  
FF & DEFENSE

9 WATER BGS  
FF & DEFENSE

9 VISITOR PARKING  
WITH TRIPOLA

735.5'

10' W

# MEMORANDUM

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**TO:** Planning Commission Members

**FROM:** Denise Mikula   
Secretary, Community Development

**DATE:** December 28, 2001

**RE:** January 3, 2002 Meeting

The January Meeting of the Planning Commission will be held on Thursday, January 3, 2002. The following items are on the agenda:

1. Maas Development L.L.C. - Zoning Amendment. Maas Development has purchased Lot 9 of Lakeview Subdivision and is requesting a change in zoning from R-1 Residential to R-2 Residential. This lot is adjacent to the portion of Lakeview Subdivision that was re-zoned to R-2 last year. A copy of the request is enclosed.
2. Maas Development L.L.C. - Special Use Permit. Maas Development would like to develop a Planned Unit Development - Retirement Village on a portion of Lakeview Subdivision. This is similar to the request from Life Care Choices that was approved last year. A copy of the request is enclosed.
3. Maas Development L.L.C. - Street Vacation Fairway Lane and Golf Court. The final item that Maas Development L.L.C. will need to proceed with the development of a retirement village is the vacation of Fairway Lane and Golf Court. A copy of the letter requesting the vacation is enclosed. Also enclosed is an informational memo regarding these three items from Jon Rose.
4. The Review of the Planning Commission By-Laws was tabled at the December Meeting due the length of the meeting. We will be reviewing the By-Laws at this time.
5. Committee Appointments. At the January Meeting of the Planning Commission Chairman Yoder will make committee appointments. The current sub-committees of the Planning Commission are:
  - A. Joint Ordinance Review Committee (Executive Committee - consisting of Chair, Vice Chair & Secretary)
  - B. Historic Overlay Review Committee (3 members 1 alternate)
  - C. Zoning Board of Appeals (1 member)
  - D. Bike Trails (Citizen Committee - up to 3 members of the Planning Commission)

If you still need to sign up for the Zoning Ordinance Workshop please call me soon. Space is limited!

Have a safe and happy new year! See you at the meeting.

cc: City Council



70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

231.723-2558  
FAX 231.723-1546

# Petition for Zoning Amendment

MAAS DEVELOPMENT, L.L.C.

Applicant

508 WEST MAIN ST.

Address

LOWELL, MICHIGAN 49331

City, State, Zip Code

Phone Numbers (Work) 616-897-8000

(Home) \_\_\_\_\_

## FOR OFFICE USE ONLY:

Case number \_\_\_\_\_

Date Received 12.7.01

Fee Received \$250.00

Receipt Number #1065

Hearing Date 1.3.02

**FEE \$250.00**

**Please Note: All questions must be answered completely. If additional space is needed, number and attach additional sheets.**

### I. ACTION REQUESTED:

I (we), the undersigned to hereby request that the City of Manistee approve the following petition for Zoning Amendment:

A. Text Amendment: Amend Article \_\_\_\_\_ Section \_\_\_\_\_ to (delete, supplement or clarify) the Manistee City Zoning Ordinance by making the following change(s): (Attach additional sheets if necessary - state proposed ordinance language) \_\_\_\_\_

B. Re-zone from R-1 to R-2 the property(s) described in II Property Information (below), for the following purpose: (State proposed use of the land) \_\_\_\_\_

RETIREMENT VILLAGE

A previous application for a variance, special use permit or re-zoning on this land (has/has not) been made with respect to these premises in the last \_\_\_\_\_ years. If a previous appeal, re-zoning or special use permit was made, state the action requested: \_\_\_\_\_

Decision:  approved  denied

**II. PROPERTY INFORMATION:**

- A. Legal Description of Property affected: LOT 9 OF THE LAKEVIEW VILLAGE  
SUBDIVISION RECORDED PLAT IN LIBER 5 PAGE 23
- Tax Roll Parcel Code Number: 51-51- 363 - 701 - 37
- Address of Property: 12 TH AVE., WEST OF CHERRY STREET INT.
- B. List all deed restrictions - cite Liber & Page where found and attach: LIBER 288 PAGE 84  
848.
- C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. NONE.
- D. This area is  un-platted,  platted,  will be platted.  
If platted, name of plat LAKEVIEW VILLAGE SUBDIVISION
- E. Attach a site plan drawn to the scale of one (1) inch equals (10) feet, showing all existing structures on the property, all proposed structures and marking those structures that will be removed or razed. Also, the general shape, size and location of all existing structures within 100 feet of the property along with their uses shall be depicted on the site plan, along with all abutting roads, streets alleys or easements.
- F. Present use of the property is: VACANT, ZONED R-1 RESIDENTIAL.

**III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:**

- A. State specifically the reason for this Amendment request at this time TO PERMIT THE  
DEVELOPMENT OF A RETIREMENT VILLAGE ON LOTS OWNED  
WITHIN THE PLATTED SUBDIVISION.
- B. If the Amendment is a propose re-zoning, please answer the following questions.
1. Will this re-zoning be in conformance with all adopted development plans of the City of Manistee?  yes  no and Manistee County?  yes  no

2. If the proposed zone does not conform to the(se) plan(s), why should the change be made? Please be specific, brief and attach any supporting documentation which substantiates your claim. This could include an allegation that the existing zoning is in error which would be corrected by the proposed change, or that specific changes or changing conditions in the immediate area make the re-zoning necessary to promotion of public health, safety and general welfare.

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3. What do you anticipate the impacts of the proposed zone change on the adjacent property to be? What steps do you propose to take to mitigate any negative impacts associated with the proposed change?

NO IMPACT - LOT 9 IS BOUNDARIED BY (1) A PUBLIC STREET, (2) A MULTIFAMILY (R-4) DEVELOPMENT, AND (3) OTHER LOTS ALREADY ZONED R-2.

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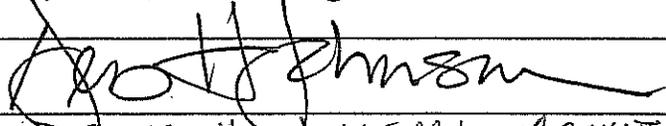
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**IV. AFFIDAVIT**

The undersigned affirms that he/she or they is (are) the (owner, lessee, authorized agent of owner) involved in the petition and that the answers and statements herein contained and the information submitted are in all respects true and correct to the best of his, her or their knowledge and belief.

Signature (s) of Applicant (s):

  
DENIS H. JOHNSON, ARCHITECT  
AUTHORIZES REPORT

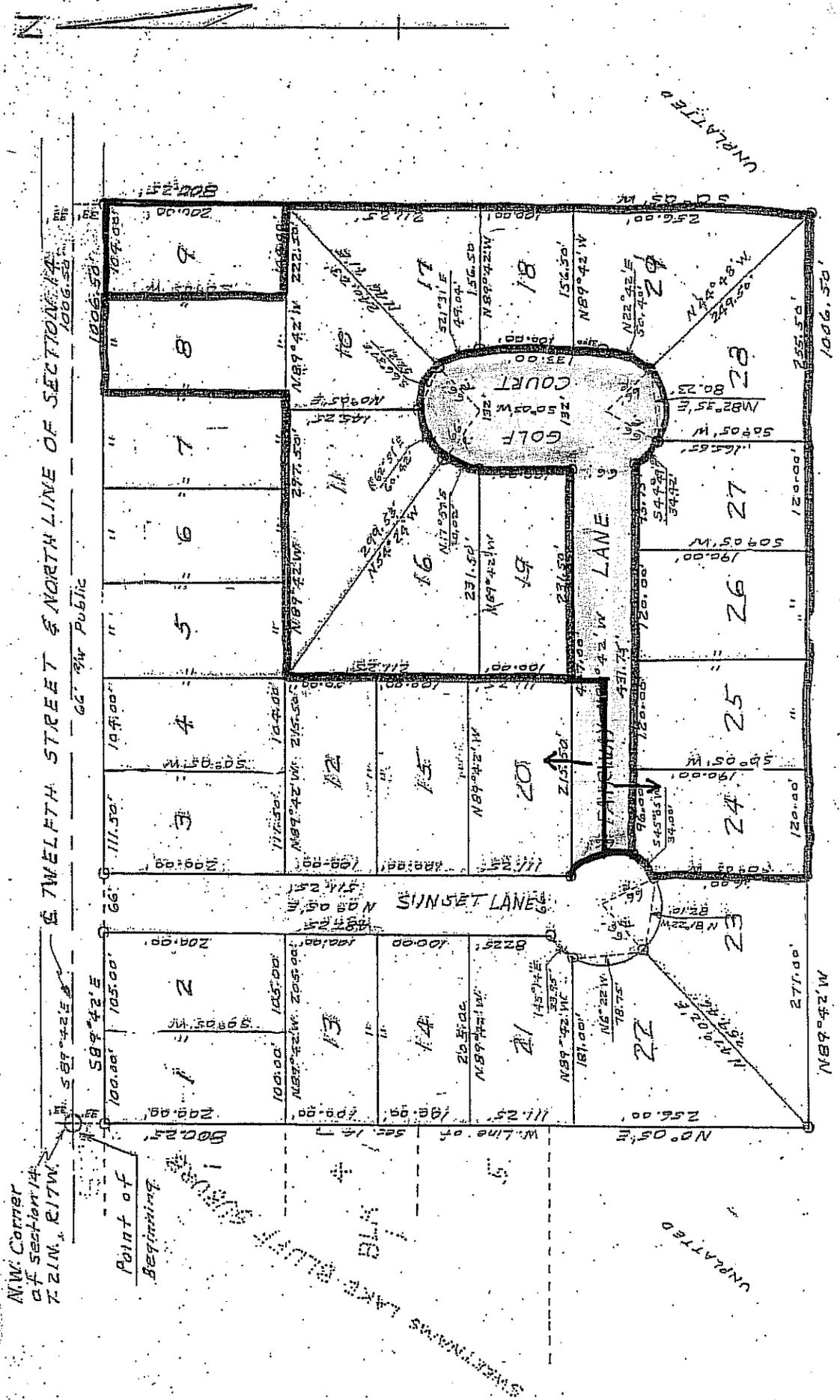
Dated 12/6/01

By checking this box permission is given for Planning Commission Members to make a site inspection if necessary.

# Lakeview Village Subdivision

Request from Maas Development, L.L.C.

- Request #1 - Zoning Amendment to Re-zone Lot #9 from R-1 Residential to R-2 Residential  
Lots 8, 10, 11, 16, 17, 18, 19, 24, 25, 26, 27, 28, & 29 are currently zoned R-2 Residential
- Request #2 - Request for a Planned Unit Special Use Permit for a Retirement Village consisting of one (1) 20 unit single story independent buildings, two (2) 20 unit single story supportive care buildings, one (1) 20 unit single story specialized care building.
- Request #3 - Request for the vacation of Fairway Lane and Golf Court.





# SPECIAL USE PERMIT APPLICATION

MAAS DEVELOPMENT, L.L.C.  
 Applicant  
508 WEST MAIN ST.  
 Address  
LOWELL, MICHIGAN 49331  
 City, State, Zip Code  
 Phone Numbers (Work) (616) 897-8000  
 (Home) \_\_\_\_\_

FOR OFFICE USE ONLY:

Case number \_\_\_\_\_  
 Date Received 12.7.01  
 Fee Received \$250.00  
 Receipt Number # 1065  
 Hearing Date 1.3.02  
 Action Taken \_\_\_\_\_  
 Expiration Date of Permit \_\_\_\_\_

**FEE FOR SPECIAL USE PERMIT \$250.00**

**I. ACTION REQUESTED:**

A Special Use Permit is hereby requested for the following purpose: TO PERMIT THE  
DEVELOPMENT OF A RETIREMENT VILLAGE (ARTICLE 40,  
SECTION 4203(A)(6).

**II. PROPERTY INFORMATION:**

- A. Address of Property: LAKEVIEW VILLAGE SUBDIVISION; 12TH AVE. WEST OF CHERRY  
 Tax Roll Parcel Code Number: 51-51-363-701-38; 51-51-363-701-37
- B. List all deed restrictions - cite Liber & Page where found and attach: LIBER 288  
PAGES 847-848 (COPY ATTACHED)
- C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. NONE.
- D. Zoning District: R-2
- E. Present use of the property: VACANT; PLATTED AS SINGLE  
FAMILY LOTS
- F. Attach a Site Plan which meets the requirements of the Special Use Permit Ordinance (see attached).
- G. Is a Property survey attached?  Yes  No.
- H. Estimated completion date of construction (if applicable): PHASE I LATE 2002  
PHASE II LATE 2004

### III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:

A. State specifically the reason for this Special Use Permit request at this time To Permit, By P.U.D., THE DEVELOPMENT OF A RETIREMENT VILLAGE.

B. Statement of support for the request. Please justify your request for a Special Use Permit below. The justification should address the following concerns: (Attach additional sheets if necessary)

1. The relationship of the Special Use Permit conditions (Article 86, Section 8610 and if applicable, Article 16) to the particular Special Use proposed. Do they pose any unusual problems for compliance? *No.*
2. Relationship of the proposed use to the development plans of Manistee County and the City of Manistee. *PLEASE REFER TO ATTACHED NARRATIVE.*
3. Impacts of the adjacent property and neighborhood. Indicate what impacts of the proposed use on the adjacent property are anticipated and what steps will be taken to mitigate any negative impacts. Consider the following: *PLEASE REFER TO ATTACHED NARRATIVE*
  - a. Will the proposed use adversely affect the health, safety or enjoyment of property of persons residing or working in the neighborhood? *No.*
  - b. Will proposed use be detrimental to the public welfare or injurious to property in the neighborhood? *No.*

### IV. INFORMATION REQUIRED IN APPLICATION:

- A. An Application for Special Use shall include: *PLEASE REFER TO ATTACHED SITE PLAN & NARRATIVE*
1. A detailed Site Plan, as spelled out in Section 9406 of this ordinance, a copy of which is attached.
  2. A specific statement and supporting information regarding the required findings for the Special Use Permit, as stated in Section 8609 (as follows).
    - a. *Is the use reasonable and designed to protect the health, safety and welfare of the community,*
    - b. *Is the use consistent with the intent and purpose of the Land Use District,*
    - c. *Is the use compatible with adjacent land uses,*
    - d. *Is the use designed to insure that public services and facilities are capable of accommodating increased loads caused by the land use or activity, and*
    - e. *Does the use comply with all applicable regulations of this Ordinance.*
    - f. *Does the use comply with all specific standards found in the respective Land Use District, Section 1601 et. seq., and Section 101 et. seq. of this Ordinance.*

3. Proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc.

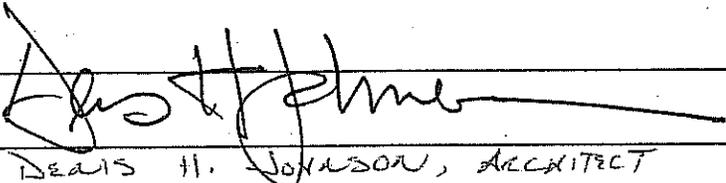
B. In Addition, the applicant may be required to furnish:

1. Elevations on all buildings, including accessory buildings.
2. An Environmental assessment.
3. Evidence of having received or having an agreement for concurrent approval for any other necessary permits required prior to a construction code permit.
4. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.

**V. CERTIFICATION AND AFFIDAVIT:**

The undersigned affirm(s) that he/she/they is/are the  owner,  leasee,  owner's representative,  contractor involved in the application; and that the information included in this application is correct. Further, if the request is approved, the applicant will comply with all of the requirements of the City of Manistee Zoning Ordinance and certifies that measures proposed to mitigate adverse impacts will be completed in a timely fashion.

Signature (s) of Applicant (s):

  
\_\_\_\_\_  
DENNIS H. JOHNSON, ARCHITECT  
AUTHORIZED AGENT  
\_\_\_\_\_

Dated 12/6/01

By checking this box permission is given for Planning Commission Members to make a site inspection if necessary.

## NARRATIVE

Maas Development, L.L.C. ("Maas") proposes to develop a retirement village on approximately 9 acres located on 12<sup>th</sup> Ave., west of the Cherry Street intersection. Maas owns 14 of the 29 total lots within the platted Lakeview Village Subdivision. All but one of the Maas lots are zoned R-2 Residential.

To facilitate the development of the retirement village, Maas has (1) requested that its most recently purchased lot be re-zoned from R-1 Residential to the R-2 classification, (2) that a special use permit be granted for the entire Maas parcel, and (3) that two roads located within the Lakeview Village Subdivision be vacated.

Other than the extension of public utilities and the construction of a gravel base for the platted roadways, no improvements have been made to the subdivision. All lots are currently vacant.

Maas Development, LLC develops its retirement villages in residential settings to serve better the needs of local seniors and their families.

The proposed PUD presented is a two or three phased project located on approximately 9 acres of land zoned R-2 Residential.

The proposed buildings have been designed to be residential in character, with brick and siding facades, and asphalt shingled roofs. The exterior architecture is designed to present single family elements into a project made up of small building footprints.

The village is designed and managed to promote the independence, dignity, health, comfort and security of the residents, and to provide them with recreational and social opportunities.

The building designs are as follows:

One – 20 Unit, Single Story Independent Building providing the following:

- One bedroom apartments, 24 Hour security, and emergency call system.
- One meal per day, minimum.
- Housekeeping and laundry services.

Two – 20 Unit, Single Story Supportive Care Buildings providing the following:

- Studio and one bedroom apartments.
- Three meals daily.
- Assistance with activities of daily living.
- 24 Hour security and staffing.
- Emergency call system.
- Housekeeping and laundry services.

One – 20 Unit, Single Story Specialized Care Building providing the following:

- A building designed to meet the needs of seniors with memory loss.
- Studio apartments.
- Three meals daily.
- Assistance with activities of daily living.
- 24 Hour security and staffing.
- Emergency call system.
- Housekeeping and laundry services.

The demands placed by the village on the neighborhood and infrastructure will neither produce excessive traffic, nor overburden existing public utilities. Additionally, the proposed development will provide a stable, attractive transition between the multi-family project immediately to our east and the single family residential neighborhood to our west.

It is our understanding that the design and use are consistent with the city and county of Manistee Development Plans. The development will comply with all applicable standards and regulations of the City of Manistee's zoning ordinance.



December 6, 2001

Mr. Jon Rose  
Community Development Director  
City of Manistee  
70 Maple Street  
P.O. Box 358  
Manistee, Michigan 49660

Re: Request for Street Vacation  
Maas Development, L.L.C. Site  
Lakeview Village Subdivision

Dear Jon,

On behalf of our client, Maas Development, L.L.C., please consider this our request for the vacation of Fairway Lane and the Golf Court cul-de-sac, both contained within the platted, but presently undeveloped Lakeview Village Subdivision on 12<sup>th</sup> street. I have enclosed a plat map depicting all parcels affected by the proposed vacation, together with the roadways in question. I also have enclosed a site plan of our proposed development of the Maas Development, L.L.C. lots.

As you know, Maas Development, L.L.C. has purchased Lots 8-11, 16-19, and 24-29 (parcel numbers 51-51-363-701-38 and 51-51-363-701-37), and with the exception of Lot 20 (parcel number 51-51-363-701-43), owns all the lots affected by our proposed street vacation. Lot 20, of course, would not be adversely affected by the vacation: the lot fronts on Sunset Lane, thereby gaining access to 12<sup>th</sup> Street; also, the size of Lot 20 would be increased by approximately 7,000 square feet as a result of the vacation of Fairway Lane.

Finally, I have enclosed our check to the City of Manistee in the amount of \$750 to cover the application fees for this road vacation request and our requests for a zoning amendment and special use permit.

Jon, I would appreciate your placing our request on the Planning Commission's agenda at the first available date, which I believe to be Thursday, January 3, 2002. Also, though not required, we would appreciate the City's notification not only of the owners of property within 300' of the roads, but of all owners of land west of Cherry and south of 12<sup>th</sup> Streets. Thank you in advance for your kind assistance, Jon; please do not hesitate to contact me should you need anything further. I'll look forward to speaking with you soon.

Sincerely,

  
Denis H. Johnson

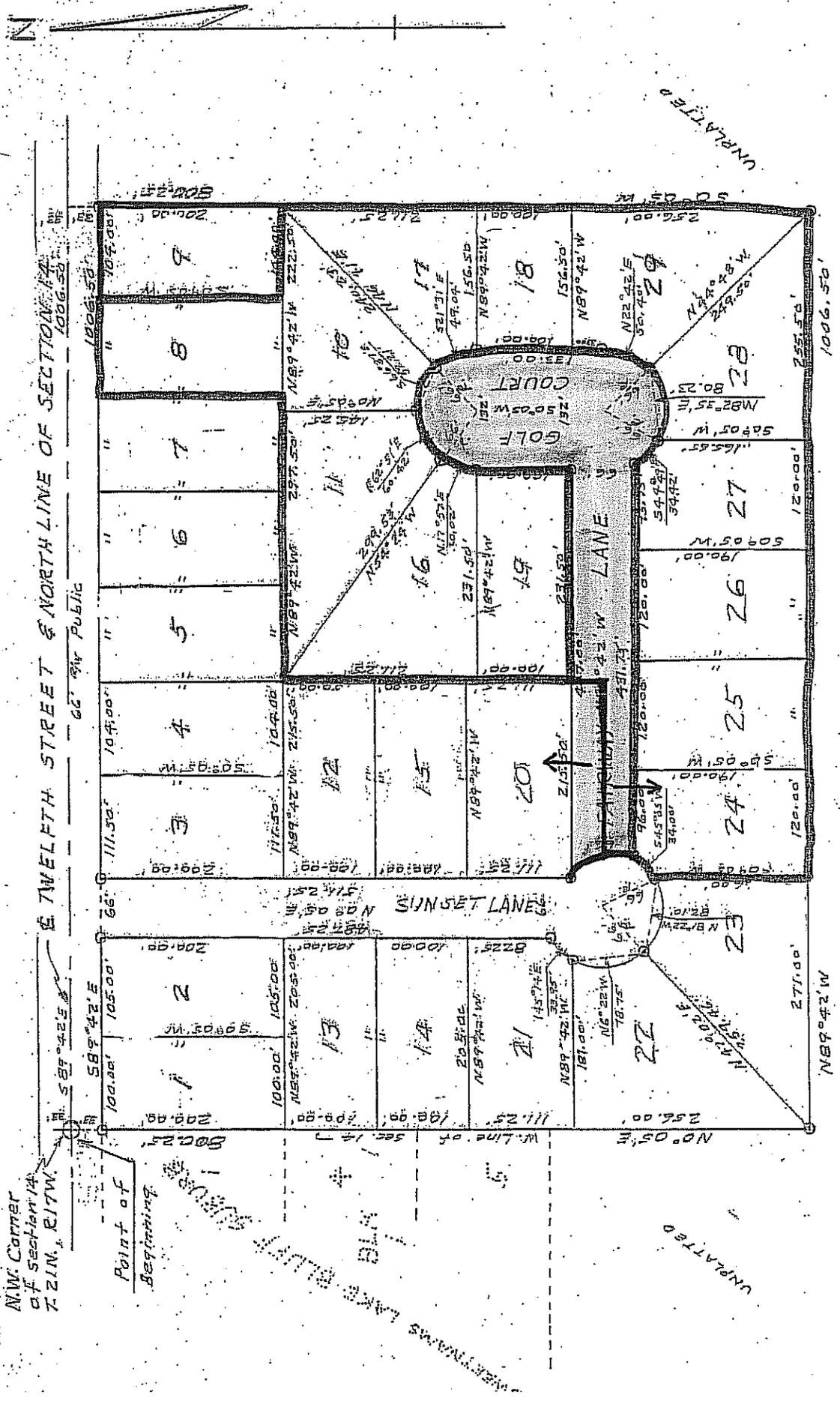
Enclosures (3)

Receipt # 1005

# Lakeview Villa Subdivision

Request from Maas Development, L.L.C.

- Request #1 - Zoning Amendment to Re-zone Lot #9 from R-1 Residential to R-2 Residential  
Lots 8, 10, 11, 16, 17, 18, 19, 24, 25, 26, 27, 28, & 29 are currently zoned R-2 Residential
- Request #2 - Request for a Planned Unit Special Use Permit for a Retirement Village consisting of one (1) 20 unit single story independent building, two (2) 20 unit single story supportive care buildings, one (1) 20 unit single story specialized care building.
- Request #3 - Request for the vacation of Fairway Lane and Golf Court.



## MEMORANDUM

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TO: Planning Commission Members

FROM: Jon R. Rose   
Community Development

DATE: December 28, 2001

RE: Maas Development L.L.C.

There are three requests from Maas Development on the January Agenda. To update new members to the Planning Commission I am attaching the minutes from the December 7, 2000 Planning Commission Meeting. At that meeting Life Care Choices requested a Zoning Amendment and Special Use Permit to develop a Planned Unit Development - Retirement Village. The Planning Commission granted the Zoning Amendment to change the zoning from R-1 Residential to R-2 Residential and a Special Use Permit for this project.

After approval was received Life Care Choices was unable to proceed when their option on the property ran out and they could not reach agreement on option renewal.

Maas Development L.L.C. has purchased the property and would like to proceed with the development of a retirement village by obtaining the necessary permits. Maas Development also purchased Lot #9 which is currently zoned R-1. This purchase has resulted in the request for a Zoning Amendment to change the zoning for Lot #9 from R-1 Residential to the same R-2 Residential zoning as the rest of their property.

Maas Development L.L.C. have also requested a Planned Unit Development Special Use Permit for the retirement village on their property.

The final requirement needed to proceed with this project is to vacate Fairway Lane and Golf Court. The owner's of Lot 20, Mr. & Mrs. Shawn Barthlow have written a letter to the Planning Commission (attached). When a request to vacate a street or alley is approved the street/alley is divided down the center and ½ is then combined with each adjoining property. Mr. & Mrs. Barthlow would receive the 33 feet of Fairway Lane that is adjacent to their property if the street were to be vacated.

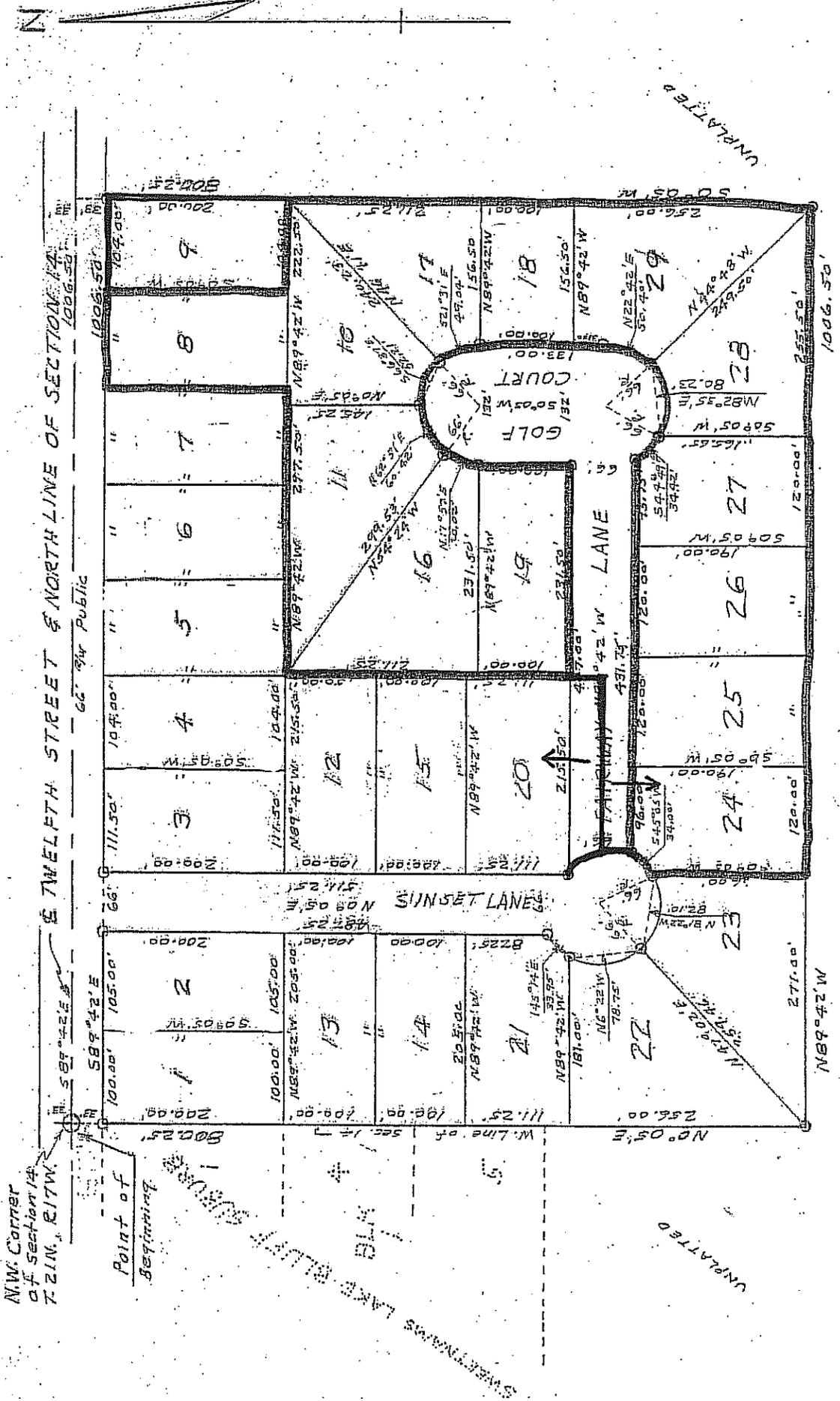
Staff review of the site plan shows no issues.

Documentation is attached.

# Lakeview Vill Subdivision

Request from Maas Development, L.L.C.

- Request #1 - Zoning Amendment to Re-zone Lot #9 from R-1 Residential to R-2 Residential  
Lots 8, 10, 11, 16, 17, 18, 19, 24, 25, 26, 27, 28, & 29 are currently zoned R-2 Residential
- Request #2 - Request for a Planned Unit Special Use Permit for a Retirement Village consisting of one (1) 20 unit single story independent building, two (2) 20 unit single story supportive care buildings, one (1) 20 unit single story specialized care building.
- Request #3 - Request for the vacation of Fairway Lane and Golf Court.



**TO:** Jon R. Rose & the Manistee Planning Commission

**FROM:** Mr. & Mrs. Shawn Barthlow

**SUBJECT:** Lakeview Village Subdivision

**DATE:** December 2, 2001

This letter is being written to express our concerns about the proposed senior retirement community that will be positioned on some of the current lots located within the Lakeview Village Subdivision. First and foremost, we purchased lot #20 not only for an investment, but also for a future cottage/home. One of our concerns is the loss in property value due to the proposed development. In fact, between the first proposed development and the one with Johnson Newhof Associates, INC., we have seen a decrease of almost 50% in our property value. Secondly, we are concerned not only about the appearance of the development but also what type of outdoor lighting will be used, additional noise the complex will omit and an increase in security issues. Third, we want to make sure this proposed complex would not affect our utility, water and sewer hookups. Fourth, we want to know how and where the storm water runoff will be handled. Lastly, we would like additional information on what the proposed sanitary sewer (on the site map located by the fire lane) is going to consist of.

If the planning commission accepts the proposal, we would like to see the following items implemented to help maintain the value of our land and the aesthetics of the surrounding area.

1. An earth berm that stretches the entire length of the back portion of our property that borders the retirement village and one third of the side that faces the proposed fire line/ cul-de-sac.
  - a. The minimum height of the earth berm should be at least 3 feet high with pines landscaped at the top.
  - b. The maintenance of this berm (weeding, grass, mulch, etc.) would be done by the retirement community or whomever will be maintaining the grounds.
  - c. As owners of lot #20, we do not feel that any type of fencing (wire, brick, etc.) should be permitted. Fencing of any nature disrupts the beauty of the surrounding environment.
2. If the current Fairway Lane is used for the proposed fire line / cul-de-sac, it is required that one half of this road be added to our property. (Approximately 33ft by 215ft).
3. We would also like to see Sunset Lane paved and/or improvements made to the road if item two above becomes a fire line / cul-de-sac.
4. In the original plans we had drawn up for our property, we had the driveway coming off the current Fairway Lane. If this road no longer exists, will we still have the option of having the driveway off this side of our property?

Please keep us informed as additional information becomes available.

Thank You,

Shawn & Jenifer Barthlow

MANISTEE CITY PLANNING COMMISSION  
70 MAPLE STREET  
MANISTEE, MI 49660

MEETING MINUTES

DECEMBER 7, 2000

A meeting of the Manistee City Planning Commission was held on Thursday, December 7, 2000 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

**MEMBERS PRESENT:** Ray Fortier, Kristie Harless, John Lakos, Phil Picardat, John Serocki, and Roger Yoder

**MEMBERS ABSENT:** Bob Davis and Tony Slawinski

**OTHERS PRESENT:** Elsie Majchrzak (1757 Guthrie Road), John Soltes, (1054 Oak Street), Joseph A.A. Helminski (2027 Twelfth Street), By & Nancy Lyon (500 Third Street), Gene & Donna Cord (2051 Twelfth Street), Bob Gilliland (2033 Twelfth Street), Bill Chapman (315 Lighthouse Way), Sally Schrader (4140 Lakeshore), Ed Jans (3840 Hilltop Road), Dan Welburn, Denis Johnson (Architect), Neil Cray, Tad Bosh (Life Care Choices), R. Ben Bifoss (City Manager), Jeff Mikula (Abonmarche), Jon Rose (Community Development) and Denise Mikula (City Staff)

Meeting was open at 7:02 p.m. by Chairman Roger Yoder.

**PUBLIC HEARING:**

Zoning Amendment - Life Care Choices LLC

Life Care Choices is asking to Re-zone parcel #51-51-363-701-38 (Lots 8, 10, 11, 16, 17, 18, 19, 24, 25, 26, 27, 28, & 29 of the Lakeview Village Subdivision). The current zoning for this property is R-1 Residential. Life Care Choices would like the zoning changed to R-2 Residential to allow the development of a Planned Unit Development - Retirement Village.

Denis Johnson, Architect for Leisure Living gave background information about the development firm. The project is located west of Cherry Street and South of Twelfth Street. This is a Senior Retirement Village which provides assisted living. The first building is a two story independent building, providing one meal per day, laundry service and call service if needed. The second building is a one story supportive care building which provides three meals per day, housekeeping and laundry services, 24 hours staffing. The third building is a one story specialized care building which provides 24 hour care for people who suffer from Alzheimers or dementia. Buildings are frame construction and will have fire suppression systems. In order to meet the licensing requirements they need to locate in an area which provides fire protection.

Gene Cord, 2051 Twelfth Street asked why he did not receive written notification of the hearing? Jon Rose said that all residents within 300 feet of the proposed development received written notification. Notification of the hearing was also in the local newspaper and posted.

Mr. Cord asked if there were any other locations where this project could be developed? Mr. Johnson said they had looked at other sites including by the industrial park and new high school. The other sites were not as desirable as this site. They want to be located in a quiet neighborhood and would provide a buffer between the existing apartments and single family residential. They are a good neighbor and traffic studies show that this type of development does not generate any additional traffic than if property were developed with single family homes with four occupants. Mr. Cord expressed concern about the appearance of the buildings. Mr. Johnson said that the buildings are framed buildings and they use residential materials.

Joseph A.A. Helminski, 2027 Twelfth Street said that he owns four lots and when he purchased the property it was zoned for high scale residential development. Mr. Helminski said that he had a lot of questions and expressed his opinion that this type of development should be zoned I-1 or I-2 for nursing homes not a residential use. Also asked if any tax abatements were going to be received for the development. Jon Rose said that this type of development is classified as a Planned Unit Development and is a Special Use in the R-2 Zoning District. Mr. Johnson said that they were not going to be asking for any tax abatements for this development.

Mr. Helminski asked if anyone has seen, talked to anyone living next to this type of development? Mr. Helminski said that Leisure Living would need to make a tremendously good case in order to receive the change in zoning. He asked if the developer would have to pay a connection fee for each lot? Mr. Helminski said the board should have asked these questions and he should not have to ask them. Roger Yoder said that the Planning Commission knows that there is a need for this type of development in the community. Mr. Johnson said that they have been working with the City and are aware of the fees and have researched the area.

Mr. Helminski expressed his concern about having already developed his property as R-1 assuming that was how the area was to be developed. The other owner would lose their faith in the subdivision and sell their lots while he has already made a huge investment in his property. He does not feel this project should justify a change in zoning.

Gene Cord asked how much traffic would be generated by employees of the development. Mr. Johnson said that the development would create approximately 3 shifts of 15 employees. Only the tenants in the Independent building would have vehicles and family would visit residents.

By Lyon, 500 Third Street is a member of the Prime Time of Manistee. Prime Time started three years ago and have been looking all over the county trying to find a suitable site. Circumstances have led them to ask Leisure Living to help assist them with this project. They have seen what Leisure Living has done in Holland and were impressed by their development. There are between 25 and 30 local members of the Prime Time group that are interested in the development. At least half a dozen of their members are ready to move in today if the development were complete.

Elsie Majchrzak, 1757 Guthrie Road. Ms. Majchrzak's son owns property on Twelfth Street. She asked if the entire subdivision was going to be re-zoned and would that allow anyone to build apartments? Mr. Rose said that at this time the request is just to re-zone the property that Leisure Living is purchasing. Mr. Rose showed a Zoning Map and explained that it would be reasonable to re-zone the entire area R-2 that the only other area of R-1 is the Dunes Subdivision on Lake Michigan. The Sweetnam Subdivision to the west is zoned R-2. Mrs. Majchrzak asked when the property was zoned? Mr. Rose said that it would have been done approximately 1990. Mrs. Majchrzak asked if the other lots could be re-zoned. Mr. Rose said that they would need to be noticed and they could not be done at this time.

Mr. Helminski challenged again the re-zoning to R-2. He does not see the zoning of a nursing home as residential. It is an extreme business. Alzheimer and dementia is not residential living. Jon Rose said that R-2 Zoning does allow this type of development within the Zoning Ordinance as a Special Use.

Bob Gilliland, 2033 Twelfth Street expressed his concern about just hearing about this development. Mr. Johnson said that they held a meeting for the property owners within 300 feet of the property. Mr. Gilliland said that he was not informed of any meeting. There are only a handful of homes in the area and felt all residents should have been asked. Mr. Johnson said they only asked for the names of the owners within 300 feet of the development.

R. Ben Bifoss explained the process that the developer has to go through to obtain a Zoning Amendment. First they applicant must make a request. The request is noticed in the newspaper and owner within 300 feet of the area of the request. The Planning Commission holds a Public Hearing and hears the request. If the Planning Commission approves the request it is forwarded to City Council. City Council holds two readings on the request. If approved by the Council the change is implemented 10 days after the second reading. The Planning Commission takes action on Special Use Permits. If approved it is forwarded to City Council. If Council takes no action it is approved. Tonight is the opportunity for citizens to voice their opinion. They can still express concerns to Council if the request is forwarded.

Nancy Lyon, 500 Third Street member of Prime Time. Ms. Lyon has worked on this project for the past three years and has heard the concerns of the people who reside in the neighborhood. The design of the buildings is residential type of high quality housing you would like to see anywhere in town. The project will be landscaped to provide a buffer between the development and the residential homes.

Mr. Cord does not feel the project would be an eyesore but does not feel he been given enough time to review. He asked if the property had already been purchased. Mr. Johnson said that they have an option on the property pending the receipt of the changes needed to develop the property.

Bob Gilliland asked if the board had prior knowledge of the development and asked why the residents in the area were excluded? He felt he did not have enough time to review the project and it seems unfair not to give the residents enough time to understand or be given time to decide how they feel about the development.

Denis Johnson said they contacted the owners within 300 feet of the property and held a meeting for these neighbors. If needed would ask to table the request.

Donna Cord, 2051 Twelfth Street expressed concern about only having access from Twelfth Street for the development. Concerned about an increase in traffic and is also worried about additional traffic if Twelfth Street is developed from the High School.

Denis Johnson said that Leisure Living has 13 projects similar to this in Michigan. Many projects are located similarly to this proposed development. They have not experienced any traffic problems. They are quiet neighbors and should not be compared to the traditional style nursing homes. They are very residential in flavor their residents bring their own furniture and make their home there. This development would keep seniors in the community and allows residents to bring their parents back to the community. The area provides a nice view and peaceful environment.

Bill Chapman, 315 Lighthouse Way. Mr. Chapman said if all the lots were built with single family homes the traffic would be more than with the proposed development. This is a difficult area to build in due to the amount of clay.

Sally Schrader, 4140 Lakeshore member of Prime Time. Ms. Schrader felt this development would increase the value of the property in the area.

Ed Jans, 3840 Hilltop Road member of Prime Time. Mr. Jans said that there is a need for senior housing. This is an upscale development not low income and asked for consideration of the project.

Dan Welburn member of Prime Time. Mr. Welburn said that they have spent three years working on this need for senior housing. As a person gets older they are not able to deal with the steps and maintenance of the own home this provides the needed senior housing in the area.

Mr. Helminski asked what the next move was if this location did not work out. Mr. Johnson said that the looked at other property but did not feel it was desirable. They have focused their efforts on this site.

By Lyon said that the Prime Time group had an article in the paper which discussed their plans.

There being no further discussion the public hearing closed at 8:10 p.m.

#### Special Use Permit - Planned Unit Development - Life Care Choices LLC.

If a Zoning Amendment is granted Life Care Choices would like a Special Use Permit to allow a Planned Unit Development on 8.48 acres for the development of a Retirement Village. The request is for one 21 unit two story Independent Building, two 21 unit one story Supportive Care Buildings, and one 20 unit one story Specialized Care Building.

Mr. Johnson introduced Neil Cray and Tad Bosh who are also working on the project.

Roger Yoder read a letter from Michael and Deborah Majchrzak owner of Lot 5 of Lakeview Village subdivision. Mr. & Mrs. Majchrzak's letter referred to the Restrictive Covenants of the subdivision. Jon Rose responded to the letter and informed Mr. & Mrs. Majchrzak that Restrictive Covenants are not enforced by the City. The owners of the subdivision can change Restrictive Covenants at any time by a majority vote. The Restrictive Covenants should have no bearing on the Planning Commission deliberations.

Mr. Cord asked for clarification about the Restrictive Covenants. Mr. Rose said that the City has does not enforce Restrictive Covenants that they are handled by the owners of the subdivision.

Mr. Yoder also read correspondence from HHH Investing Company who own the adjoining 55 acres to the south. HHH Investing Company is in support of the project but expressed concern about Sunset Lane, utility extensions and storm water runoff.

Jon Rose asked Mr. Johnson how they planned to handle storm water runoff? Mr. Johnson said they will do an engineering study and have already planned an area for a retaining pond. They are aware of the amount of clay in the area and will build on a slab, no basements.

Elsie Majchrzak asked how water run off would be handled. Mr. Rose said that the project would be subject to engineering and utility review. They will be restricted to the amount of runoff they are allowed.

Jon Rose asked how much tax base the project would generate. Mr. Johnson said approximately 8 million dollars. They will not be asking for any tax abatements from the City.

There being no further discussion the public hearing closed at 8:25 p.m.

#### Zoning of Annexed Property (New High School)

The new High School property has been annexed from the Charter Township of Filer to the City of Manistee. This item was discussed at the worksession of November 16, 2000. The recommendation of the Planning Commission was to advertise a public hearing on the proposed change to the City of Manistee Zoning Map to include the School Property south of Twelfth Street. The proposed Zoning for the property is R-3 and a portion of the property is located within the Wellhead Protection Overlay District and will be indicated on the map.

John Soltes, 1054 Oak Street spoke about the parcel split for the property he sold to the school. Mr. Soltes has interpreted the Zoning Ordinance that the school should provide a buffer between their driveway and his residence. Mr. Rose said that as Zoning Administrator he did not feel that was a correct interpretation of the ordinance. Under General Requirements driveways can go anywhere on the property. Ray Fortier asked why he did not negotiate with the school to provide a buffer when he sold them the other property? Mr. Soltes said they told him he could take as many trees as he wanted but felt they should have installed them not him.

Mr. Rose asked that the Planning Commission respectfully disagree with Mr. Soltes interpretation of the Zoning Ordinance.

There being no further discussion the public hearing closed at 8:49 p.m.

#### CITIZEN QUESTIONS AND CONCERNS:

None

#### APPROVAL OF MINUTES:

MOTION by John Lakos, seconded by Phil Picardat, that the minutes of the November 2, 2000 Planning Commission Meeting be approved. Motion approved unanimously.

#### UNFINISHED BUSINESS:

None

#### NEW BUSINESS:

##### David & Sarah Bailey - Parcel Split.

David & Sarah Bailey purchased Lot 8 of Parcel # 51-51-574-732-01 from the Church of the Nazarene. The Church sold Lot 7 to Mr. & Mrs. Ebbeling. This requires a parcel split and Mr. & Mrs. Bailey have asked the Zoning Board of Appeals for a variance to the side-yard set-back. The Zoning Board of Appeals granted a variance to the side-yard set-back from 10 feet to 1.25 feet with the condition that Mr. Bailey demonstrate trying to obtain 3 feet of property from the neighbor within the next 90 days. Staff review of the request shows that with the variance received from the Zoning Board of Appeals the request meets the requirements of the Zoning Ordinance.

MOTION by Kristie Harless, seconded by John Lakos that the request from David & Sarah Bailey for a Parcel Split be forwarded to City Council for approval subsequent to the conditions of the variance received from the Zoning Board of Appeals. Motion approved unanimously.

##### United States Coast Guard - Site Plan Review.

The Coast Guard has received a variance from the Zoning Board of Appeals to reduce the waterfront set-back to 49 feet to allow placing temporary modular housing for personnel pending construction of the new

Coast Guard Station with the condition that the temporary housing be removed by January 2, 2005. Review of the site plan shows that with the variance the requirements of the Zoning Ordinance have been met.

MOTION by John Lakos, seconded by John Serocki that the Site Plan for the United State Coast Guard for placing temporary modular housing for personnel pending construction of the new Coast Guard Station be approved subject to the conditions of the variance from the Zoning Board of Appeals. Motion passed unanimously.

#### Eddie Petzak - Site Plan Review

Eddie Petzak owns Fast Eddie's Water Front Pub, 344 River Street. Mr. Petzak asked the Zoning Board of Appeals for a reduction to the waterfront set-back to 15 feet allow a second egress from the back of his building to the Riverwalk. The Zoning Board of Appeals granted the request with the following conditions:

1. That the existing framing be enclosed and the raw wood under the floor be covered to the satisfaction of the Historic Overlay Review Committee
2. That the stairway be cleared of snow at least as frequently as the front door.

With the variance from the Zoning Board of Appeals this request meets the requirements of the Zoning Ordinance but will require review from the Historic Overlay Review Committee.

MOTION by John Lakos, seconded by Ray Fortier that the Site Plan for Eddie Petzak, 344 River Street to construct a second egress from the back of his building to the riverwalk be approved subsequent to the conditions of the Zoning Board of Appeals and approval from the Historic Overlay Review Committee. Motion passed unanimously.

#### Schoonover/Helminski - Parcel Split

A request has been received from Ron Ringel, Ringel Real Estate & Auctions on behalf of Ray Schoonover and Joseph A.A. Helminski. The request is to split Lots 12 & 15 of Lakeview Subdivision from the parent parcel (51-51-363-701-38). Review of the request shows that the split complies with the requirements of the Zoning Ordinance.

Jon Rose asked Mr. Helminski if he wanted this property split into two separate lots or one parcel? Mr. Helminski said that he would like two separate lots.

MOTION by Kristie Harless, seconded by Ray Fortier that the request on behalf of Ray Schoonover and Joseph A.A. Helminski to split Lots 12 & 15 of Lakeview Subdivision into two separate lots from the parcel 51-51-363-701-38 be forwarded to City Council for approval. Motion approved unanimously.

Zoning Amendment - Life Care Choices LLC

A Public Hearing was held earlier in response to a request from Life Care Choices for a Zoning Amendment. Life Care Choices is asking to Re-zone parcel #51-51-363-701-38 (Lots 8, 10, 11, 16, 17, 18, 19, 24, 25, 26, 27, 28, & 29 of the Lakeview Village Subdivision). The current zoning for this property is R-1 Residential. Life Care Choices would like the zoning changed to R-2 Residential to allow the development of a Planned Unit Development - Retirement Village.

MOTION by Ray Fortier, seconded by Phil Picardat that the request from Life Care Choices to change the Zoning for parcel #51-51-363-701-38 (Lots 8, 10, 11, 16, 17, 18, 19, 24, 25, 26, 27, 28, & 29 of the Lakeview Village Subdivision) from R-1 to R-2 be forwarded to City Council. Motion passed unanimously.

Special Use Permit - Planned Unit Development - Life Care Choices LLC

The request from Live Care Choices LLC for a Special Use Permit for a Planned Unit Development is contingent upon receipt of a Zoning Amendment. The request is allow a Planned Unit Development on 8.48 acres for the development of a Retirement Village. The request is for one 21 - unit two story Independent Building, two 20 - unit one story Supportive Care Buildings, and one 20 - unit one story Specialized Care Building.

MOTION by Ray Fortier, seconded by John Lakos that the request from Live Care Choices LLC for a Special Use Permit to construct a Planned Unit Development be approved subject to Engineering, Utilities, and Public Safety review. Motion passed unanimously.

Zoning of Annexed Property (New High School)

The new High School property has been annexed from the Charter Township of Filer to the City of Manistee. This item was discussed at the worksession of November 16, 2000. The recommendation of the Planning Commission was to advertise a public hearing on the proposed change to the City of Manistee Zoning Map to include the School Property south of Twelfth Street. The proposed Zoning for the property is R-3.

MOTION by Phil Picardat, seconded by Kristie Harless that the property annexed from the Charter Township of Filer to the City of Manistee be Zoned R-3 Residential AND that the portion of the property located within the Wellhead Protection Overlay District be indicated on the map. Motion passed unanimously.

Election of Officers

Chair:

The meeting was turned over to Jon Rose who asked for nominations for the position of Chair.

John Serocki nominated Roger Yoder for the position of Chair. Ray Fortier seconded the nomination.

There being no other nominations, nominations were closed. Roger Yoder was elected as Chair

Jon Rose turned the meeting back over to Roger Yoder.

Vice Chair:

Roger Yoder asked for nominations to the position of Vice-Chair.

John Serocki nominated Ray Fortier.

There being no other nominations, nominations were closed. Ray Fortier was elected as Vice-Chair

Secretary:

Roger Yoder asked for nominations to the position of Secretary.

Ray Fortier nominated John Serocki.

There being no other nominations, nominations were closed. John Serocki was elected as Secretary.

Denise Mikula will continue to act as recording secretary on behalf of the Manistee City Planning Commission.

Review of By-Laws

Review of the By-Laws was rescheduled for the January Meeting.

**OTHER COMMUNICATIONS:**

Jon Rose handed out an addendum to the Request for Proposals for updating the Master Plan. Included was proposed Legislation to coordinate Planning Law. This is for the members to review.

The Requests for Proposals are due at 2:00 p.m. Monday, December 18, 2000. Members of the Planning Commission are invited to attend the opening of the Proposals. A rating sheet will be made and copies of the proposals will handed out to member in attendance. The others will be mailed. Mr. Rose asked the members if they would like to schedule a special meeting to select firms for interviews.

MOTION by Kristie Harless, seconded by John Lakos that a Special Meeting be scheduled for 3:00 p.m. Wednesday, December 27, 2000. Motion passed unanimously.

**WORKSESSION:**

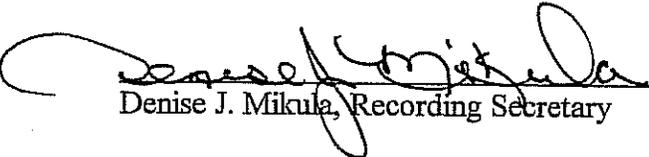
None

**ADJOURNMENT:**

MOTION by Kristie Harless, seconded by John Serocki that the meeting be adjourned. Motion passed unanimously.

Meeting adjourned at 9:27 p.m.

MANISTEE PLANNING COMMISSION

  
Denise J. Mikula, Recording Secretary

WILLIAM KRASEAN  
1026 PEARCE RD.  
MANISTEE, MI 49660

Dec 24/61

Mr. John R. Rose  
Community Development

Dear Mr. Rose:

Re: Public Hearing  
Mass Development L.C.

I will not be available to attend the above meeting as I will be out of town on that date.

As to my reaction to the nearness of such a project as is planned, I presume I have the same feelings of concern of having an institution housing "Lunatic Ascents" so close as probably others of my neighbors also do.

I understand this Company has other similar projects elsewhere, and insist they have the knowledge and experience capabilities to avoid potential problems with unstable tenants.

If the management can reflect having an institution such as this in the immediate neighborhood does not result in reducing real estate values, I would have no objections.

Sincerely,

Bill Krasean

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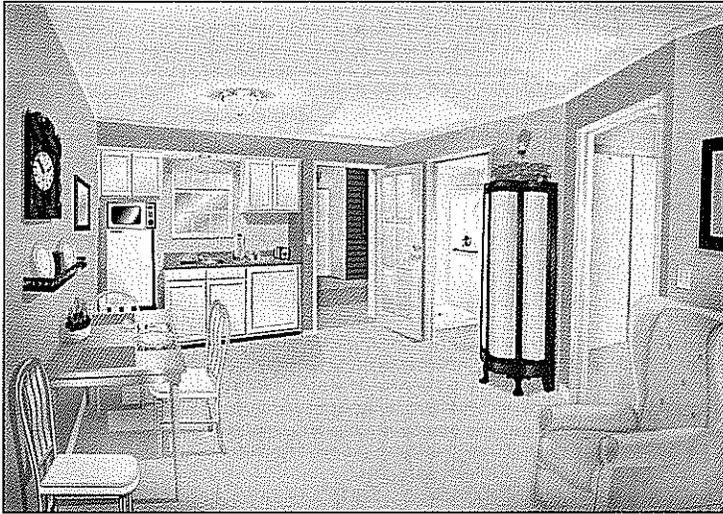
Park Avenue, a lighted interior streetscape

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  - Cable hook-up

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- Fully equipped library with:
  - Large book selection; Television
  - Movies; Games; Baby Grand Piano

## Your Dining Area:

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