

# MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, June 5, 2008  
7:00 p.m. -Council Chambers, City Hall, 70 Maple Street,  
Manistee, Michigan

## AGENDA

### I Call to Order

### II Roll Call

### III Approval of Agenda

At this time the Planing Commission can take action to approve the June 5, 2008 Agenda.

### IV Approval of Minutes

At this time Planning Commission can take action to approve the May 1, 2008 meeting Minutes.

### V Public Hearing

None

### VI New Business

Uses Similar to Uses Permitted as Special Land Use. A request has been received from Russell Edenburn asking if the City would permit a Recycling Collection Center at 32 Arthur Street (Lakeview Car Wash). This Recycling Collection Center would accept and sort paper, plastic, cardboard and tin recyclables at this location at no charge to the public. The public would drive into the building where employees would remove items for recycling from their vehicles. The employees would then load items into appropriate bins which are transferred into semi trailers on site for removal to their recycling facility.

A Recycling Collection Center is not a listed use in the City of Manistee Zoning Ordinance. Review of the C-1 Regional Commercial District shows that Warehouse Public (Section 1889) is a Special Use and is similar to a Recycling Transfer Facility as explained by the applicant.

Staff is requesting the Planning Commission to review the request under Section 1886 *Uses similar to uses permitted as Special Land Uses* to determine if a Special Use Permit Application can be submitted.

If the Planning Commission determines the use is similar to a Public Warehouse they will then determine if they need to establish any additional regulations and conditions (to protect the health, well being, safety and economy of the City and its residents).

At this time the Planning Commission will determine if a Recycling Collection Center is a Use Similar to uses permitted as a Special Land Use.

At this time the Planning Commission will determine if any additional regulations and conditions are necessary to protect the health, well being, safety and economy of the City and its residents.

## VII Old Business

None

## VIII Public Comments and Communications

At this time the Chair will ask if there are any public comments.

## IX Correspondence

At this time the Chair will ask if any correspondence has been received to be read into the record.

## X Staff Reports

At this time the Chair will ask Staff for their report.

## XI Members Discussion

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

## XII Adjournment



PLANNING AND ZONING  
COMMUNITY DEVELOPMENT  
231.398.2805  
FAX 231.723-1546  
www.ci.manistee.mi.us

## MEMORANDUM

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TO: Planning Commissioners  
FROM: Denise Blakeslee   
DATE: May 30, 2008  
RE: June Meeting

Commissioners, enclosed is your packet for the June Planning Commission Meeting. We have the following item on the Agenda:

**Uses Similar to Uses Permitted as Special Land Use.** We have received a request from Russell Edenburn asking if the City would permit a Recycling Collection Center at 32 Arthur Street (Lakeview Car Wash). This Recycling Collection Center would accept and sort paper, plastic, cardboard and tin recyclables at this location at no charge to the public. The public would drive into the building where employees would remove items for recycling from their vehicles. The employees would then sort and package the items into semi trailers on site for removal to their recycling facility.

A Recycling Collection Center is not a listed use in the City of Manistee Zoning Ordinance. Review of the C-1 Regional Commercial District shows that Warehouse Public (Section 1889) is a Special Use and is similar to a Recycling Transfer Facility as explained by the applicant.

We are requesting the Planning Commission to review the request under Section 1886 Uses similar to uses permitted as Special Land Uses to determine if a Special Use Permit Application can be submitted.

See you Thursday! Please call me if you are unable to attend the meeting.

:djb



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## MEMORANDUM

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TO: Planning Commissioners

FROM:  Jon R. Rose  
Community Development Director

DATE: May 29, 2008

RE: Russell Edenburn - Recycling Collection Center

Commissioners, Russell Edenburn would like to operate a Recycling Collection Center at 32 Arthur Street (Lakeview Car Wash). Review of the Zoning Ordinance shows that a Recycling Collection Center does not meet any of our definitions of Uses.

Section 1886 *Uses Similar to Uses Permitted as Special Land Uses* provides for the Planning Commission to determine if a proposed use is similar to one or more uses permitted by Special Use Permit.

I believe *Warehouse, Public* (Section 1889) is the closest to the proposed facility. The definition is "A structure used for storage and repackaging of goods, wares, raw materials, equipment, parts and other materials by the owner or operator on behalf of the owner(s) of such items,"

As required in Section 1886.B.1, through my discussion with the applicant I have made the following evaluations:

- ▶ **Generation of Traffic**-A Recycling Collection Center might generate more trips than a Public Warehouse,, however, there would be more cars and fewer trucks. *Warehouse, Public* is a Permitted Use in the L-I Light Industrial and G-I General Industrial District and Special Use in the W-F Waterfront and the C-1 Regional Commercial District. These districts were established anticipating higher traffic volumes.

The building at 32 Arthur Street located in the C-1 Regional Commercial District. This building is currently used as a drive-through car wash and the proposed use would be for the drop off of recycling. The facility is accessed from U.S. 31/Arthur Street which is a four lane highway.

- ▶ **Congestion** - Parcels are required to be larger for Commercial Operations. This requirement in itself assists with concerns relating to congestion.

The proposed building is located in a commercial area where traffic does not impact residential uses. The building is located far enough from the highway that stacking of vehicles should not be an issue.

- ▶ **Noise /Odors/Dust/Litter** Under *Warehouse Public* -Section 1889.B.1 and Section 1889.B.5 these items are addressed.

The activities contemplated should not generate any more noise/odor/dust/litter than a Public Warehouse.

- ▶ **Other impacts** - While these assurances have been made during our discussion of the proposed facility the Planning Commission can make any regulations and conditions they feel are necessary to protect the health, well being, safety and economy of the City and its residents.

Attached is a copy of Section 1889 *Warehouse, Public* for your review. The Regulations and Conditions could apply to this request as well as any additional regulations and conditions the Planning Commission deems necessary.

If the Planning Commission determines that this is a *Use similar to uses permitted as Special Land Uses* then the applicant can proceed with a formal application with a public hearing scheduled for the July 3, 2008 meeting.

JRR:djb

5. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.
6. All parking shall be in compliance with the provisions of Section 514 of this Ordinance.
7. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

**SECTION 1886 USES SIMILAR TO USES PERMITTED AS SPECIAL LAND USES**

- A. **Definition.** Uses that have characteristics similar to specifically cited Special Uses in terms of trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, clientele and other off-site impacts.
- B. **Regulations and Conditions.**
1. The Planning Commission upon the recommendation of the Zoning Administrator shall make a determination of whether a proposed use is similar to one or more uses permitted by Special Use permit. In preparing such a recommendation, the Zoning Administrator shall evaluate the proposed use in terms of the potential generation of traffic, congestion, noise, odors, dust, litter and similar impacts. In addition, the proposed use shall be evaluated to determine the degree to which it may support or conflict with other uses in the vicinity.
  2. The Planning Commission shall determine whether or not a proposed Special Use is similar to other permitted Special Uses, and may require of the applicant further information to demonstrate such similarity.
  3. Upon a finding of such similarity, the Planning Commission may establish any regulations and conditions necessary to protect the health, well being, safety, and economy of the City and its residents.

**SECTION 1887 RESERVED**

**SECTION 1888 VETERINARY CLINIC**

- A. **Definition.** A facility where animals are given medical care and the boarding of animals is limited to short-term care incidental to the clinic use.
- B. **Regulations and Conditions.**
1. Animal wastes, biohazard materials or byproducts shall be disposed of as required by the Manistee County Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than once per week. No animal wastes, biohazard materials or byproducts shall be buried or incinerated on site. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use approval for a Veterinary Clinic.

2. Said use shall be located on a parcel not less than one-half (1/2) acre in size, provided all operations and the housing of animals are contained in one or more completely enclosed buildings.
3. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.
4. Any outdoor exercise areas for animals shall be adequately fenced to prevent both escape from and entry into the facility.
5. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.
6. All off-street parking shall be in compliance with Section 514 of this Ordinance.
7. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.
8. All exterior lighting shall be in accordance with Section 525 hereof.

## **SECTION 1889      WAREHOUSE, PUBLIC**

A. **Definition.** A structure used for storage and repackaging of goods, wares, raw materials, equipment, parts and other materials by the owner or operator on behalf of the owner(s) of such items.

B. **Regulations and Conditions.**

1. All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any Public Warehouse.
2. All exterior lighting shall be in accordance with Section 525 hereof.
3. The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all uses and activities on site shall, at all times, comply with Section 520 hereof.
4. No processing or manufacturing shall take place within a public warehouse.
5. All parking areas and truck maneuvering areas shall be paved or treated to minimize dust and the site plan shall demonstrate provisions to contain blowing dust, trash and debris on the site.
6. No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
7. No trucks, trailers or other equipment shall be stored in the front yard or closer than ten (10) feet to any side or rear lot line.
8. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.

9. All off-street parking shall be in compliance with Section 514 of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

## **SECTION 1890      RESERVED**

## **SECTION 1891      WELLS, EXTRACTION**

- A. **Definition.** Wells installed for the commercial extraction of ground water, crude oil, brine, natural gas, sour gas or similar products. This definition may include any surface or subsurface pumping or processing equipment or facilities.
- B. **Regulations and Conditions.** The following standards shall apply to all Extraction Wells.
  1. **Intent:** The activity of drilling and exploring for, producing, processing, transporting and storing oil, gas, brine or other products extracted from subterranean deposits within the City of Manistee involves, or may involve, hazardous and/or toxic substances and practices and the intent of this section is to provide for the protection of citizens, workers and property from dangerous and nuisance conditions associated with extraction wells.
  2. All Extraction Wells shall be established, operated and maintained in conformity with all state and federal statutes and regulations pertaining thereto.
  3. No new Extraction Well shall be located nearer than three hundred (300) feet from an adjoining property line, unless such adjoining property shall contain an existing extraction well.
  4. A new Extraction Well for the purpose of exploring for or producing oil, natural gas or hydrocarbons shall be considered a principal use, regardless of other activities carried out on the site. Extraction Wells for the purpose of exploring for or producing ground water, brine, salt water or related products, may be considered an accessory use pursuant to Section 516, providing such Extraction Wells include facilities for storage, processing, transporting, refining, combining, packing or other activities.
  5. An existing Extraction Well located in the L-I or G-I districts may be reworked, deepened or otherwise operated as an existing use without reference to this section, whether it is currently working or not; provided all State and Federal statutes and regulations are fully met.
  6. A new Extraction Well site shall be completely fenced to prohibit unauthorized entry at all times.
  7. A new Extraction Well shall include measures or controls satisfactory to the Planning Commission to minimize any objectionable dust, fumes, or odors at any property line.
  8. All exterior lighting shall be in accordance with Section 525 hereof.
  9. Height limitations set forth in Sections 1603, E and 1703, E shall apply to derricks and other drilling equipment, unless specifically waived by the Planning Commission. In

FRANK M. TRANSUE  
BROOKE TRANSUE  
176 OAKMONT DRIVE  
ELGIN, IL 60123

May 1, 2008

Mr. John Rose  
**City of Manistee**  
P.O. Box 358  
Manistee, MI 49660-0358

RE: Public Hearing for Deck Extensions - May 1, 2008

Dear Mr. Rose:

I am against the proposed deck extensions. My opinion is that they are architecturally unattractive and out of proportion with the unit's size.

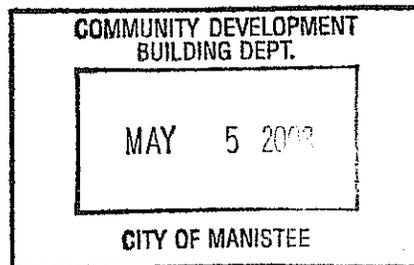
Sincerely,



Frank M. Transue, P.E.  
309 Lakeshore Drive  
Manistee, MI 49660  
T: 231.723.9272  
C: 847.846.5178

FMT:cgm

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Received  
After public  
Hearing  
RB

**FACSIMILE**



**WALKER**  
PARKING CONSULTANTS

DATE: May 5, 2008  
TO: Jon Rose  
COMPANY:  
FAX NUMBER: 231.723.1546  
VOICE NUMBER:

505 Davis Road  
Elgin, IL 60123

Voice: 847.697.2640  
Fax: 847.697.7439  
www.walkerparking.com

FROM: Frank Transue  
PROJECT NAME:  
PROJECT #: 10-0800.08  
SUBJECT:  
TOTAL # PAGES: 2  
CC:

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MESSAGE: