

# **MANISTEE CITY PLANNING COMMISSION**

Meeting of Thursday, September 1, 2011  
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 Planning Commission can take action to approve the September 1, 2011 Agenda.

### **IV Approval of Minutes**

At this time Planning Commission can take action to approve the August 4, 2011 meeting Minutes.

### **V Public Hearing**

#### Manistee Area Public Schools – Street Vacation Request

A request has been received from Manistee Area Public Schools to vacate portions of streets located within the Hadsall Village Subdivision (Manistee High School Campus).

At this time the Chair shall open the hearing.

The Applicant shall present any comments and explanation of the case.

City Staff shall present the proposed amendment

The hearing will be opened for public comments

The hearing will be closed

#### Proposed Zoning Amendment – Z11-08 Wind Energy Conversion System

The Planning Commission has been working on a Zoning Amendment that would allow a wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located in all Zoning Districts.

At this time the Chair shall open the hearing.

The Applicant shall present any comments and explanation of the case.

City Staff shall present the proposed amendment

The hearing will be opened for public comments

The hearing will be closed

### **VI Public Comment on Agenda Related items**

**VII New Business**

Manistee Area Public Schools – Street Vacation Request

A request has been received from Manistee Area Public Schools to vacate portions of streets located within the Hadsall Village Subdivision (Manistee High School Campus).

At this time the Planning Commission can make a recommendation to City Council to consider the request from Manistee Area Public Schools to vacate portions of streets located within the Hadsall Village Subdivision (Manistee High School Campus).

Proposed Zoning Amendment – Z11-08 Wind Energy Conversion System

The Planning Commission has been working on a Zoning Amendment that would allow a wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located in all Zoning Districts.

At this time the Planning Commission can make a recommendation to City Council to consider proposed Zoning Amendment Z11-08 Wind Energy Conversion System.

**VIII Old Business**

**IX Public Comments and Communications**

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

**X Correspondence**

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

**XI Staff/Sub-Committee Reports**

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

At this time the Chair will ask if any of the Sub-Committees have anything to report.

**XII Members Discussion**

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

**XIII Adjournment**

**MANISTEE CITY PLANNING COMMISSION**

70 Maple Street  
Manistee, MI 49660

**DRAFT**

**MEETING MINUTES**

August 4, 2011

A Meeting of the Manistee City Planning Commission was held on Thursday, August 4, 2011 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 p.m. by Chairman Yoder

Roll Call:

Members Present: Linda Albee, Maureen Barry, David Crockett, Bill Dean, Ray Fortier, Eric Gustad, Marlene McBride, Nathaniel Neider, Roger Yoder

Members Absent: None

**Others:** Jon Rose (Community Development), Denise Blakeslee (Planning & Zoning) and Others

**APPROVAL OF AGENDA:**

MOTION by Ray Fortier, seconded by Linda Albee that the Agenda be approved as prepared.

With a Roll Call vote this motion passed 9 to 0.

Yes: Albee, Barry, Crockett, Dean, Fortier, Gustad, Mc Bride, Neider, Yoder  
No: None

**APPROVAL OF MINUTES:**

Planning Commission Meeting of July 7, 2011

MOTION by Ray Fortier, seconded by Dave Crockett that the minutes of the July 7, 2011 Planning Commission Meeting be approved.

With a Roll Call vote this motion passed 9 to 0.

Yes: Dean, Fortier, Albee, Barry, Crockett, Gustad, Mc Bride, Neider, Yoder  
No: None

**DRAFT**

**PUBLIC HEARING:**

None

**PUBLIC COMMENT ON AGENDA RELATED ITEMS**

None

**NEW BUSINESS:**

Special Use Permit for 300 Care Center Drive, Manistee, Michigan

A letter has been received from Kreis, Enderle, Udgers & Borsos, PC Attorneys for Per Wickstrom and TIA Corporation, Inc. asking the Planning Commission for a six month extension for the Special Use Permit for 300 Care Center Drive. The Special Use Permit is currently held by Bellasam Inc. Due to financial difficulties the facility was closed in September 2010. The six month extension (March 15, 2012) is to allow Mr. Per Wickstrom and TIA Corporation, Inc. the opportunity to acquire the property and resume operations of the facility.

Commissioner Gustad declared a conflict of interest under Section 3.12.1.f of the By-Laws.

MOTION by Maureen Barry, seconded by Marlene McBride that the Planning Commission postpones deliberation on the request until the September 1, 2011 Meeting so that a representative could be present to discuss the request.

Jon Rose spoke to the Commission about the request. The applicant was not told they needed to attend the meeting. Mr. Rose also noted that by postponing the request the permit may expire since we are unsure of the date the facility closed.

With a Roll Call vote this motion failed 2 to 6 with Commissioner Gustad Abstaining.

Yes: Barry, Mc Bride,  
No: Dean, Fortier, Albee, Crockett, Neider, Yoder

MOTION by Dave Crockett, seconded by Linda Able to approve the request for a six month extension of the Special Use Permit for 300 Care Center Drive, Manistee, Michigan (March 15, 2012).

With a Roll Call vote this motion passed 6 to 2 with Commissioner Gustad Abstaining.

Yes: Albee, Crockett, Dean, Fortier, Neider, Yoder  
No: Barry, McBride

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**OLD BUSINESS:**

**Wind Energy Conversion System, Accessory**

A copy of the proposed Zoning Amendment had been forwarded to the City Attorney and Planner of Record for review. Comments were received from Lynee Wells, Williams and Works and discussed with the Commission. Some changes were recommended to the ordinance. Discussion was held by the Planning Commission on the recommended changes. The Planning Commission incorporated some of the changes into the proposed amendment. Public hearing will be scheduled for the September 1, 2011 Planning Commission Meeting.

**PUBLIC COMMENTS AND COMMUNICATIONS:**

None

**CORRESPONDENCE:**

None

**STAFF/SUB-COMMITTEE REPORT:**

Jon Rose spoke to the Commission about the Road Construction Projects.

The Planning Commission does not have a worksession scheduled for August.

The next regular meeting of the Planning Commission will be on Thursday, September 1, 2011

**ADJOURNMENT:**

MOTION by Ray Fortier, seconded by Maureen Barry that the meeting be adjourned. Motion passed unanimously.

MEETING ADJOURNED AT 7:45 P.M.

MANISTEE PLANNING COMMISSION

\_\_\_\_\_  
Denise J. Blakeslee, Recording Secretary

DRAFT



the place to be!

550 Maple St. • Manistee, MI 49660 • 231-723-3521 • FAX: 231-723-1507

**John A. Chandler, Superintendent**

**Howard Vaas, Business Manager**

June 30, 2011

Planning and Zoning Department  
City of Manistee  
P.O. Box 358  
Manistee, MI 49660

RE: Street Vacation Request

Manistee Area Public Schools is requesting that the City of Manistee vacate portions of the streets located within the Hadsall Village Subdivision (see attachments A & B). Manistee Area Public Schools High School Campus has been constructed in the Hadsall Village Subdivision and the subdivision is owned in its entirety by Manistee Area Public Schools.

Please place this item on the next available Planning Commission Agenda for consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard Vaas", written in a cursive style.

Howard Vaas  
Business Manager

## **Attachment A**

### **Description of Street Vacation Hadsall Village**

Vacate that portion of Fourteenth Street lying between the East Line of Hadsall Street extended and the East edge of the Hadsall Village Plat.

Vacate that portion of Thirteenth Street lying between the East Line of Hadsall Street extended and the East edge of the Hadsall Village Plat.

Vacate that portion of Heller Street lying between the South edge of the Hadsall Village Plat and the South line of Twelfth Street.

Vacate that portion of Paine Street lying between the South edge of the Hadsall Village Plat and the South line of Twelfth Street.

Vacate that portion of Billings Street lying between the South edge of the Hadsall Village Plat and the South line of Twelfth Street.

Vacate that portion of Stony Street lying between the South edge of the Hadsall Village Plat and the South line of Twelfth Street.

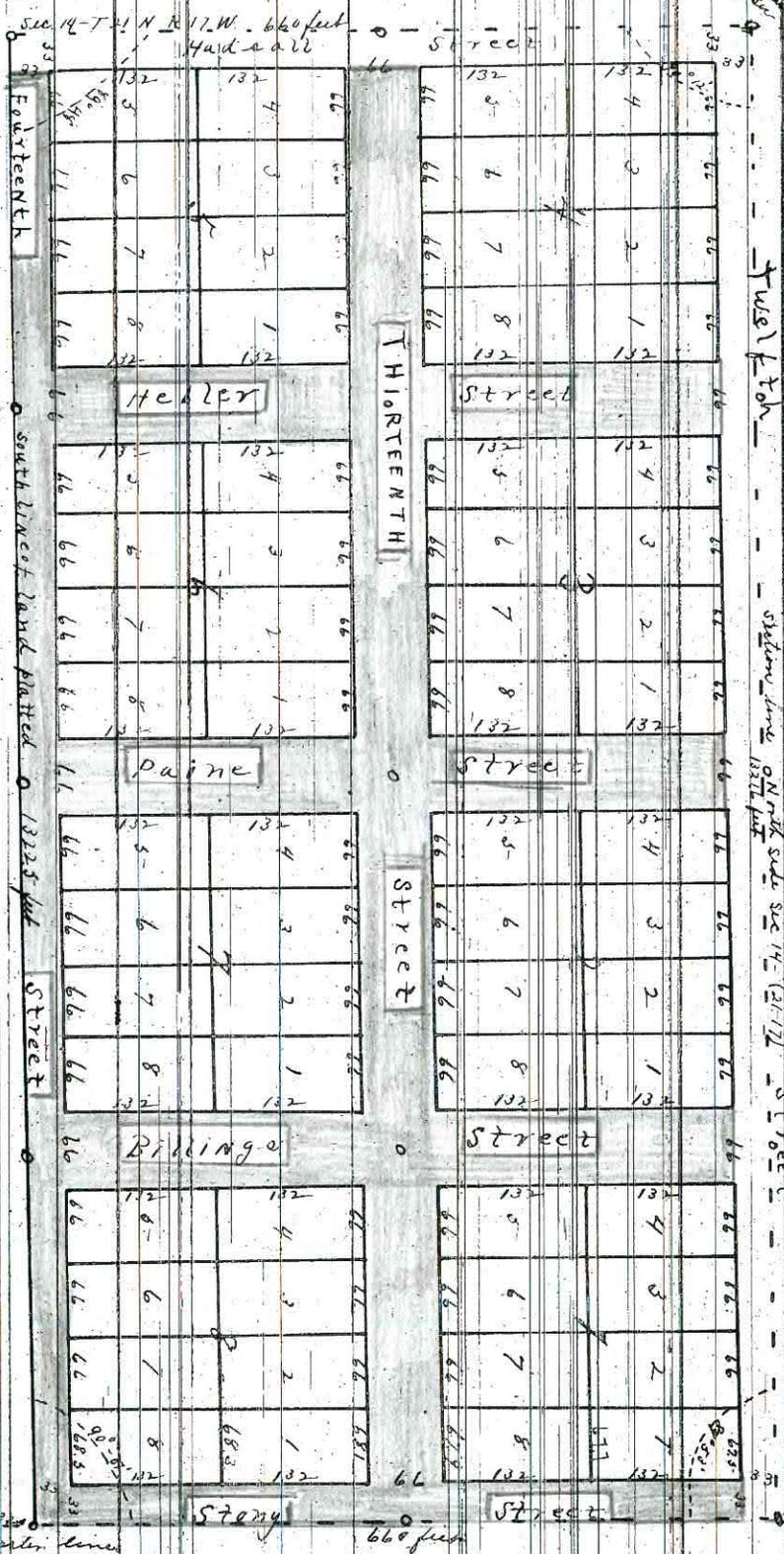
Part of Parcel Code #51-51-311-475-20

Map of

Madison Village

Section 14, T41N, R17W, 660 feet

Section 14, T41N, R17W, 660 feet



Trust for

system line

Section line

Section line

Section line

Object - North and east - quarter line  
 STATE OF MICHIGAN  
 MANISTEE COUNTY  
 REGISTERED DEEDS OFFICE  
 Received for Record August 7 09 1890  
 Volume of \_\_\_\_\_ on page \_\_\_\_\_  
 J. W. Pendergast  
 Register of Deeds



Examined and Approved  
 August 5 1890  
 J. W. Pendergast  
 Register of Deeds

State of Michigan  
 County of Manistee  
 and with the  
 County Clerk  
 was signed on  
 the \_\_\_\_\_ day of \_\_\_\_\_ 1890

Shelby  
 personal or  
 directed this  
 plat to be  
 filed and

Know all me  
 and all the  
 part to be bound  
 and that the  
 use of the  
 signed and  
 by J. W. Pendergast  
 Clerk of the  
 State of Michigan  
 before me  
 named within  
 persons who  
 this act and

the for  
 on this  
 East quarter  
 T41N (7) W28



11 hereby  
 the plat  
 of Madison  
 Village  
 containing  
 the  
 description

Ordinance Z11-08

**AN ORDINANCE TO AMEND IN PART  
AN ORDINANCE ENTITLED “MANISTEE CITY ZONING ORDINANCE”  
WHICH WAS ADOPTED FEBRUARY 21, 2006,**

To Amend the Manistee City Zoning Ordinance

**Article 2: Definitions & Interpretation**

**AMEND Section 224 W – Wind Energy Conversion System, Accessory**

**Article 3: Districts, Dimensional Standards Uses Table and Zoning Map**

**Table 3-2 Uses Permitted by Right and Special Land Use Permit**

**Amend by CHANGING Windmill, Accessory to Wind Energy Conversion System, Accessory**

**And allowing it as a Use by Right in all Districts**

**Article 5: General Provisions**

**SECTION 515 Accessory Buildings and Structures - AMEND Item G**

**Amend by CHANGING Windmill, Accessory to Wind Energy Conversion System, Accessory**

**Article 7: G-C Golf Course District**

**Section 700 Purpose and Intent Permitted Uses - ADD Wind energy conversion system, Accessory as a Permitted Use**

**Section 701 Uses Permitted by Right - ADD Item K. Wind Energy Conversion System, Accessory**

**Article 8: R-1 Low Density Residential**

**Section 800 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use**

**Section 801 Uses Permitted by Right - ADD Item H. Wind Energy Conversion System, Accessory**

**Article 9: R-2 Medium Density Residential**

**Section 900 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use**

**Section 901 Uses Permitted by Right - ADD Item H. Wind Energy Conversion System, Accessory**

**Article 10: High Density Residential**

**Section 1000 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use**

**Section 1001 Uses Permitted by Right - ADD Item I. Wind Energy Conversion System, Accessory**

**Article 11: R-4 Manufactured Housing Community District**

**Section 1100 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use**

**Section 1101 Uses Permitted by Right - ADD Item K. Wind Energy Conversion System, Accessory**

**Article 12: W-F Waterfront District**

**Section 1200 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use**

Section 1201 Uses Permitted by Right - ADD Item N. Wind Energy Conversion System, Accessory

Article 13: C-1 Regional Commercial District

Section 1300 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use

Section 1301 Uses Permitted by Right - ADD Item Z. Wind Energy Conversion System, Accessory

Article 14: C-2 Neighborhood Commercial District

Section 1400 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use

Section 1401 Uses Permitted by Right - ADD Item R. Wind Energy Conversion System, Accessory

Article 15: C-3 Central Business District

Section 1500 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use

Section 1501 Uses Permitted by Right - ADD Item U. Wind Energy Conversion System, Accessory

Article 16: L-I Light Industrial District

Section 1600 Purpose and Intent – AMEND, Permitted Use by changing Windmill, Accessory to Wind Energy Conversion System, Accessory

Section 1601 Uses Permitted by Right – AMEND Item S. by changing Windmill, Accessory to Wind Energy Conversion System, Accessory

Article 17: G-I General Industrial District

Section 1700 Purpose and Intent – AMEND, Permitted Use by changing Windmill, Accessory to Wind Energy Conversion System, Accessory

Section 1701 Uses Permitted by Right – AMEND Item P. by changing Windmill, Accessory to Wind Energy Conversion System, Accessory

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That **Article 2: Definitions & Interpretations, Section 224 W Windmill, Accessory** be amended by **CHANGING** as follows:

~~WINDMILL, ACCESSORY: A wind energy system used to produce electricity for onsite consumption and not for resale.~~

**WIND ENERGY CONVERSION SYSTEM, ACCESSORY: A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located.**

2. That **Article 3 Districts, Dimensional Standards Uses Table and Zoning Map, Table 3-2 Uses Permitted by Right and Special Land Use Permit** be **AMENDED** as follows:

Uses	G-C Golf Course	R-1 Low. Densty	R-2 Med. Densty	R-3 Hi. Densty	R-4 Mfg. Hsng.	W-F Water- front	C-1 Reg'l Com.	C-2 Neigh Bus.	C-3 Central Bus.	L-I Light Ind.	G-I Gen'l Ind.
<i>Windmill, Accessory, Wind Energy Conversion System, Accessory Subject to Section 515</i>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	R	R

3. That **Article 5 General Provisions, Section 515 Accessory Buildings and Structures, Item G** be **AMENDED** as follows:

Section 515 Accessory Buildings and Structures

~~G. Accessory Windmills~~

- ~~1. Accessory Windmills shall not be constructed to a height higher than fifty (50) feet, as measured from the finished median grade elevation of the site.~~
- ~~2. Accessory Windmills shall be located in compliance with the front yard setback requirements of the district in which it is located or the height of the accessory structure, whichever is greater.~~
- ~~3. Accessory Windmills shall not be located closer to an adjoining parcel than the height of the accessory structure or setback requirements, whichever is greater.~~
- ~~4. Accessory Windmills shall not be located closer than ten (10) feet to the principal structure on the property which it is located.~~
- ~~5. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.~~
- ~~6. A detailed site plan shall be required and reviewed by the Site Plan Review Committee per **Section 2201.B.**~~

**G. Accessory Wind Energy System**

- 1. Design and Installation. - All accessory wind energy conversion systems (ground and roof mounted) shall comply with the building code currently adopted by the City of Manistee. Applications shall be accompanied by engineering drawings of the accessory wind energy conversion system structure including the tower, base, and footings. An engineering analysis of the tower showing compliance with the currently adopted building code and certified by a licensed professional engineer shall also be submitted. The installation of the accessory wind energy conversion system shall meet manufacturer's specifications.**
- 2. Plan Submittal – A Basic Site Plan is required for accessory wind energy conversion systems. The plan must include a drawing showing the rotor clearance from the finished median grade elevation of the site.**
- 3. Height – Accessory wind energy conversion systems shall be measured from the finished median grade elevation of the site as follows:**
  - a. Accessory wind energy conversion systems in the G-C, R-1, R-2, R-3, R-4, and W-F District shall not be constructed to a height higher than thirty five (35) feet.**
  - b. Accessory wind energy conversion systems in the C-1 District shall not be constructed to a height higher than forty (40) feet.**
  - c. Accessory wind energy conversion systems in the C-3, L-1, and G-1 shall not be constructed to a height higher than fifty (50) feet.**
- 4. Rotor Clearance - A minimum ten (10) foot clearance from the ground shall be maintained to the vertical blade tip of a Horizontal Axis Wind Turbine and to the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.**
- 5. Guy Wires - The use of Guy wires shall be prohibited.**
- 6. Placement on Parcel - Accessory wind energy conversion systems shall not be located closer to an adjoining parcel than the height of the accessory wind energy conversion system or setback requirements for the zoning district, whichever is greater.**

7. *Noise – The property owner of an accessory wind energy conversion system shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line or in excess of five decibels above the background noise, whichever is greater, as measured at the nearest property line.*
8. *Vibration - Accessory wind energy conversion systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel in which it is located.*
9. *Spacing - Minimum spacing between accessory wind energy conversion systems (on and off site) shall be per the manufacturers specifications. Accessory wind energy conversion systems shall not be located closer than ten (10) feet to the principal structure on the property which it is located.*
10. *Accessory Equipment - All electrical equipment and battery storage shall be located within a locked panel or building (principal or accessory structure) so as not to be readily accessible. A small sign shall be placed on the panel or building with emergency contact information. Manufacturers Materials Safety Data Sheet (s) for all coolants, lubricants, batteries (acid), etc. shall be provided to the City prior to installation, and updated or amended sheets provide as may be required and a copy must be maintained on site.*
11. *Reception Interference - Accessory wind energy conversion systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.*
12. *Shadow Flicker - The property owner of an accessory wind energy conversion system shall minimize shadow flicker to any occupied building on nearby properties.*
13. *Potential Ice Throw - Any potential ice throw or ice shedding from the accessory wind energy conversion system shall not cross the property lines of the site or impinge on any right-of-way or overhead utility line.*
14. *Visual Impact - All visible components of an accessory wind energy conversion system shall be painted a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.*
15. *Safety – Accessory wind energy conversion systems shall have an automatic braking system to prevent uncontrolled rotation.*
16. *Other Regulations - On-site use of Accessory wind energy conversion systems shall comply with all applicable State Construction and Electrical Codes, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, the Michigan Tall Structures Act (P.A. of 1959, as amended), and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.*
17. *Historic District – Prior to the issuance of any permits the City of Manistee Historic District Commissions shall review and approve any proposal to locate an accessory wind energy conversion system within a historic district, approval being subject to the requirements for the Historic District.*

4. That Article 7 Golf Course, Section 700 Purpose and Intent be amended by ADDING *Wind Energy Conversion System, Accessory* to Uses Permitted by Right.
5. That Article 7 Golf Course, Section 701 Uses Permitted by Right be amended by ADDING Item *Wind Energy Conversion System, Accessory, Subject to Section 515* and renumbering remainder of list.

6. That Article 8 R-1 – Low Density Residential District, Section 800 Purpose and Intent be amended by ADDING ***Wind Energy Conversion System, Accessory*** to Uses Permitted by Right.
7. That Article 8 R-1 – Low Density Residential District, Section 801 Uses Permitted by Right be amended by ADDING Item ***H. Wind Energy Conversion System, Accessory, Subject to Section 515*** and renumbering remainder of list.
8. That Article 9 R-2 – Medium Density Residential District, Section 900 Purpose and Intent be amended by ADDING ***Wind Energy Conversion System, Accessory*** to Uses Permitted by Right.
9. That Article 9 R-2 – Medium Density Residential District, Section 901 Uses Permitted by Right be amended by ADDING Item ***H. Wind Energy Conversion System, Accessory, Subject to Section 515*** and renumbering remainder of list.
10. That Article 10 R-3 – High Density Residential District, Section 1000 Purpose and Intent be amended by ADDING ***Wind Energy Conversion System, Accessory*** to Uses Permitted by Right.
11. That Article 10 R-3 – Low Density Residential District, Section 1001 Uses Permitted by Right be amended by ADDING Item ***I. Wind Energy Conversion System, Accessory, Subject to Section 515*** and renumbering remainder of list.
12. That Article 11 R-4 – Manufactured Housing Community District, Section 1100 Purpose and Intent be amended by ADDING ***Wind Energy Conversion System, Accessory*** to Uses Permitted by Right.
13. That Article 11 R-4 – Manufactured Housing Community District, Section 1101 Uses Permitted by Right be amended by ADDING Item ***K. Wind Energy Conversion System, Accessory, Subject to Section 515*** and renumbering remainder of list.
14. That Article 12 W-F – Waterfront District, Section 1200 Purpose and Intent be amended by ADDING ***Wind Energy Conversion System, Accessory*** to Uses Permitted by Right.
15. That Article 12 W-F – Waterfront District, Section 1201 Uses Permitted by Right be amended by ADDING Item ***N. Wind Energy Conversion System, Accessory, Subject to Section 515*** and renumbering remainder of list.
16. That Article 13 C-1 Regional Commercial District, Section 1300 Purpose and Intent be amended by ADDING ***Wind Energy Conversion System, Accessory*** to Uses Permitted by Right.
17. That Article 13 C-1 Regional Commercial District, Section 1301 Uses Permitted by Right be amended by ADDING Item ***Z. Wind Energy Conversion System, Accessory, Subject to Section 515*** and renumbering remainder of list.
18. That Article 14 C-2 Neighborhood Commercial District, Section 1400 Purpose and Intent be amended by ADDING ***Wind Energy Conversion System, Accessory*** to Uses Permitted by Right.

