

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, January 7, 2016
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 January 7, 2016 Agenda.

IV Approval of Minutes

At this time Planning Commission can take action to approve the December 3, 2015 meeting Minutes.

V Public Hearing

PC-2016-01 – Best Drug Rehabilitation/TIA Corporation, 900 Vine Street – Special Use Permit for Mixed Use (Medical or Dental office, Place of Public Assembly Large that includes an Eating and Drinking Establishment).

A request has been received from Best Drug Rehabilitation/TIA Corporation for a Special Use Permit for a mixed use that includes a medical/dental office, place of public assembly that includes an eating and drinking establishment at 900 Vine Street.

At this time the Chair shall open the hearing.

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

City Staff shall present their report

The hearing will be opened for public comments

The hearing will be closed

VI Public Comment on Agenda Related items

VII New Business

PC-2016-01 – Best Drug Rehabilitation/TIA Corporation, 900 Vine Street – Special Use Permit for Mixed Use (Medical or Dental office, Place of Public Assembly Large that includes an Eating and Drinking Establishment).

A public hearing was held earlier in response to a request from Best Drug Rehabilitation/TIA Corporation for a Special Use Permit for a mixed use that includes a medical/dental office, place of public assembly that includes an eating and drinking establishment at 900 Vine Street.

At this time the Planning Commission can take action to adopt a resolution that approves/approves with conditions/denies the request from Best Drug Rehabilitation/TIA Corporation for a Special Use Permit for a mixed use that includes a medical/dental office, place of public assembly that includes an eating and drinking establishment at 900 Vine Street as submitted with site plan prepared by Nederveld, Project No: 15201654.

Sub-Committee Appointments

According to the By-Laws of the City of Manistee Planning Commission the Chair will appoint members of the Planning Commission to serve on Sub-Committees of the Planning Commission and one member who shall serve on the Zoning Board of Appeals.

By Law Review

According to the By-Laws of the City of Manistee Planning Commission shall annually review their By-Laws at the regularly scheduled meeting in January.

At this time the Planning Commission could take action to make changes to their By-Laws if necessary.

Master Plan Review

Under Section 125.3845, Sec. 45 (2) "At least every 5 years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the planning commission."

At this time that the Planning Commission could take action to continue their work on rewriting the City of Manistee Master Plan.

Manistee County-Wide Parks and Recreation Plan – Endorsement

Members of the Planning Commission received a copy of the Manistee County-Wide Parks and Recreation Plan at the December Meeting. The Commissioners were given a month to review the plan and make a recommendation of approval to the City Council.

At this time the Planning Commission could take action to recommend to City Council the approval of the Manistee County-Wide Parks and Recreation Plan which includes a five year park and recreation plan for the City of Manistee.

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

Memorandum



To: Planning Commissioners

FROM: Denise Blakeslee
Planning & Zoning Administrator

DATE: December 23, 2015

RE: January 7, 2016 Planning Commission Meeting

Denise Blakeslee
Planning & Zoning
Administrator
70 Maple Street
Manistee, MI 49660
231.398.2805
dblakeslee@manisteemi.gov
www.manisteemi.gov

Commissioners, the next meeting of the Planning Commission will be on Thursday, January 7, 2016. We have the following items on the agenda:

PC-2016-01 – Best Drug Rehabilitation/TIA Corporation, 900 Vine Street – Special Use Permit for Mixed Use (Medical or Dental office, Place of Public Assembly Large that includes an Eating and Drinking Establishment). - A request has been received from Best Drug Rehabilitation/TIA Corporation for a Special Use Permit for a mixed use that includes a medical/dental office, place of public assembly that includes an eating and drinking establishment at 900 Vine Street.

Sub-Committee Appointments - According to the By-Laws of the City of Manistee Planning Commission the Chair will appoint members of the Planning Commission to serve on Sub-Committees of the Planning Commission and one member who shall serve on the Zoning Board of Appeals.

By Law Review - According to the By-Laws of the City of Manistee Planning Commission shall annually review their By-Laws at the regularly scheduled meeting in January.

Master Plan Review - Under Section 125.3845, Sec. 45 (2) "At least every 5 years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the planning commission."

Manistee County-Wide Parks and Recreation Plan – Endorsement - Members of the Planning Commission received a copy of the Manistee County-Wide Parks and Recreation Plan at the December Meeting. The Commissioners were given a month to review the plan and make a recommendation of approval to the City Council.

I have enclosed a copy of the 2015 List of Action in your packets for you. Packets are being sent out early since I will be out of the office until January 5, 2015. Have a wonderful holiday and best wishes for the New Year. If you are unable to attend the meeting please call me at 398-2805.

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

December 3, 2015

A meeting of the Manistee City Planning Commission was held on Thursday, December 3, 2015 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 pm by Chair Yoder

Roll Call:

Members Present: Maureen Barry, Ray Fortier, Marlene McBride, Mark Wittlieff, Roger Yoder

Members Absent: Vacancy (2)

Others: Denise Blakeslee (Planning & Zoning Administrator)

APPROVAL OF AGENDA

Motion by Ray Fortier, seconded by Marleen McBride that the agenda be approved as prepared.

With a Roll Call vote this motion passed 5 to 0.

Yes: Barry, Fortier, McBride, Wittlieff, Yoder

No: None

APPROVAL OF MINUTES

Motion by Mark Wittlieff, seconded by Maureen Barry that the minutes of the November 5, 2015 Planning Commission Meeting be approved as prepared.

With a Roll Call vote this motion passed 5 to 0.

Yes: Fortier, Barry, McBride, Wittlieff, Yoder

No: None

PUBLIC HEARING

None

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

NEW BUSINESS

Election of Officers 2016

According to the By-Laws of the City of Manistee Planning Commission their annual election of Officers is held at the December Meeting for the following year.

Chair

At this time the meeting was turned over to Denise Blakeslee who asked for nominations for the Position of Chair.

Ray Fortier, seconded by Marlene McBride nominated Roger Yoder for the position of Chair.

Nominations were asked for three times; there being no other nominations, nominations were closed.

With a roll call vote, Roger Yoder was elected Chair of the Planning Commission for 2016, 5 to 0.

The meeting was turned over to Chair Yoder.

Vice-Chair

Chair Yoder asked for nominations for the Position of Vice-Chair.

Ray Fortier, seconded by Mark Wittlieff nominated Maureen Barry for the position of Vice-Chair.

Nominations were asked for three times; there being no other nominations, nominations were closed.

With a roll call vote, Maureen Barry was elected Vice - Chair of the Planning Commission for 2016, 5 to 0.

Secretary

Chair Yoder asked for nominations for the Position of Secretary.

Ray Fortier, seconded by Maureen Barry nominated Marlene McBride for the position of Secretary.

Nominations were asked for three times; there being no other nominations, nominations were closed.

With a roll call vote, Marlene McBride was elected Secretary of the Planning Commission for 2016, 5 to 0.

Appointment of a Recording Secretary 2016

Once Elected the Secretary may appoint a Recording Secretary to handle the administrative functions of the office.

Marlene McBride appointed Denise Blakeslee to act as the Recording Secretary for the Planning Commission for the year 2016.

Manistee County Park and Recreation Plan

The County Planning Department has developed a county wide park and recreation plan. The planning commission received a copy of the document for their review. The Commission is asked to make a recommendation at the January Meeting.

OLD BUSINESS

Master Plan Update

The Goals and Tasks are being drafted; the commissioners will receive a copy once they are completed to review.

PUBLIC COMMENTS AND COMMUNICATIONS

None

CORRESPONDENCE

None

STAFF/SUB-COMMITTEE REPORTS

Denise Blakeslee, Planning & Zoning Administrator – A Site Plan Review Committee will need to be scheduled this month for a PUD Request. Spoke to the commission about two requests that will require public hearings.

MEMBERS DISCUSSION

Commissioner McBride expressed her disappointment that no stores were open this evening with it being Sleighbell Weekend.

Commissioner Wittlieff said that there appears to be some activity at the former First Street Tavern.

The Planning Commission does not have a Worksession scheduled in December

The next regular meeting of the Planning Commission will be held on Thursday, January 7, 2016

ADJOURNMENT

Motion by Ray Fortier, seconded by Maureen Barry that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 7:40 pm

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary

DRAFT

Memorandum



To: Planning Commissioners

FROM: Denise Blakeslee
Planning & Zoning Administrator

DATE: December 23, 2015

RE: Special Use Permit – 900 Vine Street

Denise Blakeslee
Planning & Zoning
Administrator
70 Maple Street
Manistee, MI 49660
231.398.2805
dblakeslee@manisteemi.gov
www.manisteemi.gov

Commissioners, we have received a request from Best Drug Rehabilitation/TIA Corporation c/o Slott Law Group PLLC for a Special Use Permit for Mixed Use (Medical or Dental office, Place of Public Assembly Large that includes an Eating and Drinking Establishment) at 900 Vine Street (former Civic Club).

A copy of the request, draft resolutions for approval/denial and Staff review of the request are enclosed for your consideration. Staff is working on drafting a list of conditions for the request that will be completed for the meeting. One of the conditions will be that all three parcels will be required to be combined into one parcel to meet the dimensional standards for a commercial use in the R-2 Medium Density Residential Zoning District.

The public hearing has been noticed and will be held at our January 7, 2016 meeting.

Site Plan Review
R-2 Medium Density Residential District

Name of Owner: Best Drug Rehabilitation			
Address/Parcel Code: 900 Vine Street & 2 vacant parcels/ # 51-748-731-01, 03, & 05			
Proposed Use: Mixed Use (Medical/Dental Office, Place of Public Assembly Large with an Eating and Drinking Establishment)			
> = Greater than < = Less than +/- = More or Less than	Requirements	Proposed	Compliance Yes No
Commercial Minimum Lot Area Minimum Lot Width	10,000 sq. ft. 80 ft.	Total of all three parcels 33,815 sq. ft. 187 ft – Vine Street 247 ft – Ninth Street	X
Maximum Building Height	2 ½ stories, or 35 ft.	Existing	
Maximum Lot Coverage	40%	24.9%	X
Front Yard Set Back	15 ft.	Existing	
Side Yard Set Back:	10 (each side)	Existing	
Rear Yard Set Back:	10 ft.	Existing	
Parking Requirements: Section 1857.B.5 Off-street parking facilities for such mixed uses may be provided collectively, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use, unless the Planning Commission finds that such requirements are may be modified due to varying hours of operation or other factors.	Public Assembly with an Eating and Drinking Establishment 1 space for four seats of legal capacity	51 spaces Parking lot/Vine Street If a license agreement were obtained, the parking lot/High Street would provide an additional 12 spaces	<i>Planning Commission will determine if parking provided is sufficient under Section 1857.B.5</i>
Signage – subject to Article 21: Note on application, applicant will comply with Article 21			
Landscaping Requirements – subject to Section 531: A new buffer strip of bushes will be added along the south property line, to screen the new parking lot from the property to the south.			
Outdoor Lighting Requirements – subject to Section 525: Note on applicant, applicant will comply with Section 525 if new lighting is installed.			
Notes: The Fire Department reviewed the floor plan for occupancy. The sizes and occupant loads are as follows:			
<ul style="list-style-type: none"> ➤ Group Meeting Room 1: 46' x 64' with an occupant load of 196 ➤ Group Meeting Room 2: 24' x 47' with an occupant load of 75 ➤ Group Meeting Room 3: 22' x 22' with a 7' x 8' closet and an occupant load of 28 ➤ Office/Data Entry Room: 39' x 24' with an occupant load of 10 ➤ Kitchen: 26' x 26' with an occupant load of 4 			
The ordinance requires 1 space for each four seats of legal capacity for Places of Public Assembly. Using the largest room with an occupant load of 196 a total of 49 parking spaces would be needed. The applicant will provide 51 parking spaces in the parking lot on Vine Street and has included a bike rack. In the event a license agreement were to be obtained from the adjoining property owner (no response to inquiry by the applicant) an additional 12 spaces could be added for the use on the west side of the building.			
City Engineer/DPW Review (attached).			
Zoning Review by: Denise J. Blakeslee, Planning and Zoning Administrator			

MEMO TO: Denise Blakeslee
FROM: Jeffrey W. Mikula, Public Works Director
DATE: December 21, 2015
SUBJECT: 900 Vine Street – Best Drug Rehabilitation



My office in conjunction with our Engineer of Record have completed a review of the proposed site plan. We offer the following comments.

- The on-site storm sewer is proposed to utilize underground storage/infiltration, then discharging into the City Storm sewer along Vine Street. The City would prefer the project access our storm sewer along 9th Street. We can provide PDF's of three sheets from the storm sewer as-built. We would also offer to remove the underground storage system. The storm sewer along 9th St is a 54" RCP and the site is within 500+/- ft of the outfall into Manistee Lake.
- In consideration for removing the underground storage, we would encourage you to look for opportunities to remove impervious surface. A couple suggested areas include removing all pavement west of the proposed parking on the Morton Salt parcel, while maintaining the sidewalk and removing the parallel parking along 9th St. These areas could be top soiled and seeded.
- All catch basins and storm manholes with inlets should be constructed with a 2 ft sump.
- The parking lot entrances onto 9th St should be constructed to commercial driveway standards.



December 8, 2015

Ms. Denise Blakeslee
Planning and Zoning Administrator
City of Manistee
70 Maple Street
Manistee, MI 49660

RE: Best Drug Rehabilitation Special Use Permit Request
900 Vine Street, City of Manistee, Manistee County, Michigan

Dear Ms. Blakeslee:

Included with this cover letter, please find twelve (12) copies of the Proposed Site Plan for the desired Special Use Permit related to improvements to 900 Vine Street, Manistee, Michigan. The improvements shown on the attached plan are to accommodate the desired Best Drug Rehabilitation facility planned for the site. Included with the submission is the following:

1. Special Use Permit Application
2. Check for \$750 to cover application fee
3. Detailed Narrative for the project
4. Stormwater Management Calculations
5. Preliminary Plan Set (24x36)

These items are being submitted for review at the January 7, 2015 Planning Commission meeting.

Should you have any questions or need any additional information, please do not hesitate to contact me at (616) 575-5190.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Wilson", with a long horizontal flourish extending to the right.

Kyle D. Wilson, P.E.
Project Engineer

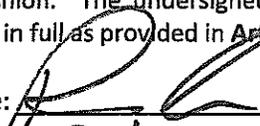
K:\2015\152\15201654\OUTGOING\2015.12.10 Special Use Submittal package\cover letter.2015.12.8.DOC



Planning Commission/Planning & Zoning
 City Hall
 70 Maple Street
 Manistee, MI 49660
 231.398.2805 (phone)
 231.723.1546 (fax)

Special Use Permit Application
 A Detailed Site Plan is required for all Special Uses
 Please Print

Submission of Application		
<p><i>Applications must be submitted 25 days prior to the meeting for review for completeness.</i> Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee \$750.00 and any applicant escrow payments as required by Section 2701 and in accordance with the schedule of fees adopted by the City Council to cover the costs of processing the application. An application shall be submitted to the Zoning Administrator on a Special Use application form. A Special Use application shall be placed on the agenda of the Planning Commission by the Zoning Administrator within thirty (30) days of the submission of a complete application prepared in accordance with this Zoning Ordinance. An application, which is incomplete or otherwise not in compliance with this Ordinance, shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees and escrow payments paid in full.</p>		
Property Information		
Address: 900 Vine Street		Parcel # 51-748-731-01; 51-748-731-0T3; 51-748-731-05
Applicant Information		
Name of Owner or Lessee: TIA Corporation c/o Slot Law Group, PLLC		
Address: 77 Monroe Center NW, Suite 700, Grand Rapids, Michigan 49503		
Phone #: 616-456-5457	Cell#: 616-780-6632	e-mail: pslot@slotlaw.com
Name of Agent (if applicable):		
Address:		
Phone #:	Cell#:	e-mail:
Data Required/Project Information		
Land Area: 0.78 acres		Zoning Classification: R-2
Present/proposed Land Use: existing vacant building		
Attach a Detailed Narrative for the following		
<input checked="" type="checkbox"/>	A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.	
<input checked="" type="checkbox"/>	Applicant's statement of the expected effect of the special use on emergency service requirements, schools, storm water systems, sanitary sewer facilities, automobile and truck circulation patterns, and local traffic volumes.	
<input checked="" type="checkbox"/>	Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this ordinance, by the City Zoning Administrator or the Planning Commission; including, but not limited to, measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties; elevations on all buildings, including accessory buildings; and, an environmental assessment.	
<input checked="" type="checkbox"/>	Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing Special Use permit applications as provided in Section 1802 .	

Additional Information		
Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed Special Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, a traffic impact analysis as required by Section 2203, E, 2 , an environmental assessment as required by Section 2203, E, 1 , a market study as required by Section 2203, E, 3 , or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment.		
Special Use review procedures. An application for Special Use Approval shall be processed in accordance with Section 1801.C.		
Issuance of a Special Use permit. Special Use Permits shall be issued in accordance with Section 1801.D.		
Appeals. No decision or condition related to a Special Use application shall be appealed to the Zoning Board of Appeals. An appeal of a Special Use decision or condition may be taken to Circuit Court.		
Duration of Approval. The Special Use permit shall become effective upon Planning Commission approval and in accordance with Section 1801.F.		
Amendments. Amendments to Special Use permits shall be handled in the same manner as the initial Special Use permit application. Minor non-substantive changes to a site plan in accordance with Section 2208 may be made to an existing Special Use permit with the approval of the Zoning Administrator.		
Transfers. Transfers shall be handled in accordance with Section 1801.H.		
Expiration. A Special Use permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The Special Use permit will expire on the occurrence of one or more of the following conditions: <ol style="list-style-type: none"> 1. If replaced or superseded by a subsequent permitted use or Special Use permit. 2. If the applicant requests the rescinding of the Special Use permit. 3. If a condition of approval included stipulation to expire the Special Use permit by a certain date. 4. If the use is abandoned, moved or vacated for a period of one year. 		
Violations. Violations shall be handled in accordance with Section 1801.J.		
Authorization		
CERTIFICATION AND AFFIDAVIT:		
The undersigned affirm(s) that he/she/they is/are the <input type="checkbox"/> owner, <input type="checkbox"/> leasee, <input type="checkbox"/> owner's representative, <input type="checkbox"/> 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. The undersigned, by signing the Application, agrees to pay any and all fees and escrow payments in full as provided in Article 27.		
Signature: 		Date: <u>12/8/15</u>
Signature: <u>Philip Slot Attorney In Fact</u>		Date: _____
<i>If applicant is Incorporated or a Limited Liability Corporation a copy of the Articles of Incorporation are to be submitted with application.</i>		
<input checked="" type="checkbox"/> By checking this box permission is given for Planning Commission Members to make a site inspection if desired.		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please indicate if the applicant will be tax exempt, applying and/or eligible for tax abatements, credits or deferments for this proposed project. If Yes, explain:		
Office Use Only		
Fee: <input checked="" type="checkbox"/> \$750.00 <input type="checkbox"/> \$ _____	Escrow Payment	Receipt #
Date Received:	Hearing Date:	PC -

Applicant:		Submission Guidelines
Detailed site plan shall include twelve (12) copies of all required information including any documents rendered in color and a digital PDF of the Site Plan shall be forwarded to the Planning and Zoning Department. Unless specifically waived by the Zoning Administrator the site plan shall be prepared by an Engineer, Architect, Landscape Architect or Surveyor licensed to work in Michigan and shall include and illustrate at a minimum the following information:		
Waived Initials	Included	Detailed Site Plan Requirements
	<input type="checkbox"/>	The site plan shall be prepared by an Engineer, Architect, Landscape Architect or Surveyor licensed to work in Michigan
	<input type="checkbox"/>	A scale drawing of the site and proposed development thereon, including the date, name, address and professional seal of the preparer. In no instance shall the scale of the drawing be greater than one inch equals 20 feet nor less than one inch equals 200 feet. One copy shall be submitted in a photo-reduced form on 17" x 11" paper.
	<input type="checkbox"/>	The scale of the drawing and north arrow
	<input type="checkbox"/>	A vicinity map illustrating the property in relation to the surrounding street system.
	<input type="checkbox"/>	Topography of the site and its relationship to adjoining land illustrated at 2-foot contours and including an area extending 100 feet from the parcel boundary.
	<input type="checkbox"/>	Existing man-made features, including buildings, fences, landscaping, parking, screening and the locations, heights and footprint of each.
	<input type="checkbox"/>	Illustration of all proposed improvements and buildings, fences, landscaping, parking and screening, including location, height, footprint of each.
	<input type="checkbox"/>	Setback lines and their dimensions.
	<input type="checkbox"/>	Percentage of land covered by buildings and impervious surfaces and that reserved for open space.
	<input type="checkbox"/>	Dwelling unit density where pertinent; including a density schedule demonstrating number of each dwelling type, if applicable.
	<input type="checkbox"/>	Project phasing, if applicable.
	<input type="checkbox"/>	Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
	<input type="checkbox"/>	Curb-cuts, driving lanes, parking and loading areas, including the number of parking spaces and parking calculations; vehicular circulation patterns and features, location and size of all parking spaces and the identification of service lanes and parking.
	<input type="checkbox"/>	Curb-cuts and driveways on adjacent properties.
	<input type="checkbox"/>	Location and type of drainage, sanitary sewers, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.
	<input type="checkbox"/>	Existing and proposed water main, sanitary and storm sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.
	<input type="checkbox"/>	Proposed changes to the topography of the site illustrated at no greater than two (2) foot contours.
	<input type="checkbox"/>	Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development.
	<input type="checkbox"/>	Detail on proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination, in accordance with Article 21 .
	<input type="checkbox"/>	A lighting plan in conformance with Section 525 .
	<input type="checkbox"/>	A written and illustrated landscape plan prepared in accord with Section 531 of this Zoning Ordinance.
	<input type="checkbox"/>	If the parcel is a result of a parcel division undertaken after the adoption of this Ordinance, the site plan shall illustrate all structures and buildings, drawn to scale located on the previously undivided property.
	<input type="checkbox"/>	Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.
	<input type="checkbox"/>	Any required approvals, permits, changes or modifications required by any applicable regulatory agency.
	<input type="checkbox"/>	Special Groundwater Protection. [If applicable – requirements will be provided]

DETAILED NARRATIVE
BEST DRUG REHABILITATION

Description of the proposed special use:

The proposed improvements of the site at 900 Vine Street include modifications to the existing building to provide a facility that will offer a meeting place for Alcoholics Anonymous (AA) and Narcotics Anonymous (NA). In addition to the AA and NA meetings, the building will be used as a location for intensive outpatient (IOP) meetings.

In addition to the building modifications, site work is proposed to maximize available parking on the site. The proposed site plan provides 51 parking spaces along the east and south side of the building utilizing existing curb cuts off 9th Street and Vine Street. The lot will be improved by providing a paved surface, catch basins and storm sewers for surface drainage, and an underground detention system to provide storm water management in accordance with the City of Manistee storm water control ordinance.

Statement of expected effect of special use on emergency service requirements:

The proposed Best Drug Rehabilitation facility will not have any adverse effects on schools, storm water systems, sanitary sewer facilities, automobile and truck circulation patterns, and local traffic volumes.

Additional information necessary:

During site work, measures will be taken to address soil erosion and sedimentation control (sesc). These include installation of silt fencing where prudent, installation of silt sacks in catch basin structures, and topsoil, seed, fertilizer and mulch of disturbed areas. Construction will be in accordance with all City requirements and ordinances, including any noise ordinances. The project will not result in adverse impacts on surrounding properties, buildings or result in any adverse environmental impacts. As noted on plan sheet C-205, any site signs or lighting will be in accordance with the City of Manistee zoning ordinance requirements. The plan also provides a landscape buffer strip of bushes along the south property line, to screen the new parking lot from the property to the south.

Supporting Statements:

We believe the enclosed plans provide the information necessary for the City to review in accordance with the Special User permit application provided in the City's Zoning Ordinance, Section 1802. The following paragraphs and discussions have been prepared by the applicant to address Special Use Permit requirements and the request for Special Use Permit for Mixed Use that includes a Medical/Dental office, Place of Public Assembly Large that includes Eating and Drinking (Kitchen). As noted, the following addresses the items requested by the City of Manistee in their November 5, 2015 letter to Mr. Matt Phares of Nederveid, Inc.:

SUPPLEMENTAL NARRATIVE (AS PROVIDED BY APPLICANT)
BEST DRUG REHABILITATION

Present and Past Use of the Property

The proposed project is located at 900 Vine Street, Manistee, Michigan (the "Project"). The Project was formerly used as an eating and drinking establishment (restaurant). The property is currently vacant and unused. The Project is located in a residential neighborhood and zoned R-2 (medium density residential). The property owner and applicant, TIA Corporation ("Applicant") intends to lease the property to one tenant. The Project will be used as a mixed-use space for meetings, office and as a medical clinic as described in further detail below.

Special Use Requirements

Under Section 9 (R-2 Medium Density Residential) of the City of Manistee Zoning Ordinance (the "Ordinance"), the proposed use does not constitute a permitted use. Thus this application is brought to permit the operation of a Special Use under Section 9 of the Ordinance. The property is located on Vine Street, which is a "key street" within the meaning of the Ordinance. This permits the application of additional special uses. This application for special use is brought pursuant to Sections 1858 (Mixed Use), 1868 (Place of Public Assembly), 1853 (Medical or Dental Office) and 1835 (Eating and Drinking Establishment) of the Ordinance which are listed as approved special uses under Section 902 of the Ordinance. Those specific uses are discussed in greater detail below.

Under Michigan law, MCL 125.3504(1) states that "[i]f the zoning ordinance authorizes the consideration and approval of special land uses ... or otherwise provides for discretionary decisions, the regulations and standards upon which those decisions are made shall be specified in the zoning ordinance." Here, the decision will be controlled by Section 1800 of the Ordinance. This application is being submitted pursuant to that section.

Section 1802 of the Ordinance provides that in deciding whether to grant or deny the special use permit, the Planning Commission must determine that the Project is consistent with the following standards:

1. The Special Use shall be consistent with the adopted City of Manistee Master Plan.
2. The Special Use shall be designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed.
3. The Special Use shall not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
4. The Special Use shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.
5. The Special Use shall not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.

6. The Special Use shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare, or odors.

7. The Special Use shall meet the intent and purpose of the Zoning Ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

Description of the Proposed Special Use

Section 1858 (Mixed Use): This application is being brought pursuant to section 1858 of the Ordinance as a “Mixed Use Development”. The proposed mixed use is three categories which are integrated into this one facility: 1) Medical or Dental office under Section 1853 of the Ordinance; 2) Place of Public Assembly under Section 1868 of the Ordinance; and 3) an Eating and Drinking Establishment Under Section 1835 of the Ordinance.

Section 1868 (Place of Public Assembly): The facility will be used as a meeting place for Alcoholics Anonymous and Narcotics Anonymous meetings. Meetings will involve at least 30 people. These AA and NA meetings will be open to the public although there may be some required segregation between patients and members of the public, including but not limited to a partition or different scheduling for meetings.

In addition to AA and NA meetings, the facility will be used as a location for intensive outpatient (“IOP”) meetings and counseling and therapy sessions. Those sessions may involve licensed counselors who will counsel groups of patients. IOP meetings are recommended for those patients who do not need medically-supervised detox. IOP enables people in recovery to continue their recovery following a successful detox, on a part-time basis. An IOP program is designed to allow the patient to accommodate work and family life. In an IOP program, the patients may live independently.

Section 1853 (Medical or Dental Offices): This use largely overlaps with the use described under Section 1868. In addition to the use outlined above, the facility will have workstations and office space to support counselors and staff who oversee and manage these meetings as well as ancillary office support including staff responsible for data entry and medical record keeping purposes.

Section 1835 (Eating and Drinking Establishment). Finally, the existing kitchen facilities in the building will provide food or snacks for the patients during the meetings. Note that food will not be sold to the members of the public as to avoid the requirement of inspections by the health department. Food, if any, will be given free of charge, to the people in the meetings. Alcohol would not be sold on the premises and any alcohol use and possession on the premises would be strictly prohibited.

Propriety of the Site for the Proposed Use

The site is ideal for the proposed Project. The site was formerly a restaurant and has large areas for people to gather and a kitchen for food service. These open spaces will serve as meeting space for AA and NA meetings and IOP therapy sessions as described above.

In the event that the Project is denied the building is unlikely to be put to another beneficial use as the potential uses for such a space are limited by the zoning restrictions of the R2 zone.

It is foreseeable that ten additional staff will be hired to work in the building should the Project be approved. These employment opportunities are valuable to the Manistee community.

The proposed use will typically operate during normal business hours from approximately 8 am to 6 pm. In addition, there may be occasional AA or NA meetings after 6 pm, but most of the activity at the project will be during daytime hours. A restaurant or bar would likely have nighttime externalities which could disturb the residential neighborhood at night. The proposed use will not have that impact.

The building is close to Best Drug Rehabilitation's other facility at 300 Care Center Drive. This proximity makes the building a desirable location for the proposed tenant.

The AA and NA meetings will be available to members of the public. Clearly the City of Manistee has an interest in combating drug and alcohol addiction within the community. The proposed tenant believes in giving back to the community and will offer this benefit to the public and to the local community. As outlined above, alcohol possession and use would be prohibited on the premises.

Analysis of the Impacts of the Proposed Project

Pursuant to Section 1801(B)1(f), the Application must outline the expected effect of the special use on emergency service requirements, schools, storm water systems, sanitary sewer facilities, automobile and truck circulation patterns and local traffic volumes.

1). Emergency Services. IOP patients reside in the surrounding community, but attend daily counseling sessions to continue their recovery for drug and alcohol addiction. These individuals have completed medical detoxification, and their treatment plan at this phase does not include intensive medical treatment. Instead the treatment is therapy and continued group support through NA or AA. Thus, it is highly unlikely that any of the patients will have greater medical needs or emergency services than any other population of people. For this reason, the Project should not create any excessive strain on emergency services. Moreover, the Applicant will work with the Fire Department to ensure that adequate fire safety and occupancy conditions are set for the property.

2). Schools. The proposed use will not have patients who are of age to attend public k-12 schools. Thus, there will be no impact on the local school systems or bussing services. The nearest school

3). Storm Water Systems. The Project is a currently existing structure with a non-conforming parking lot and storm water management system. As outlined in the attached site plan, the Project outlines storm water management calculations and provides a detailed plan for paved surfaces, catch basins and storm sewers for surface drainage, including an underground detention system. These improvements will do much to improve the storm water system for the site, and will create an appropriate system to address water that would otherwise contribute to uncontrolled surface runoff.

4. Sanitary Sewer System. The Project is serviced by two sets of restroom facilities as shown in the attached **Exhibit A**. These restroom facilities were existing when the structure was a restaurant. The proposed use will have no greater impact than the prior use, and there is no reason to believe that there would be any material impact on the sanitary sewer system in the area.

5. Automobile and Truck Circulation Patterns and Local Traffic Volumes. As outlined above, the Project will lead to the creation of 10 new jobs in the City of Manistee. This will create approximately 3 trips per day per employee. In addition, there will be an estimated 10 daily trips from the Best Drug Rehab Facility at 300 Care Center Drive, Manistee, Michigan to the Project. This means that there will be approximately 40 total trips for employees per day.

Patients will arrive at the facility by Nine AM. Patients will be parking at the facility located at 300 Care Center Drive and will be shuttled by a van to the Project for the meetings. This will reduce local traffic through the neighborhoods. It is anticipated that there will be approximately two sessions per day for a total of approximately 10 total trips for shuttle vans per day.

Finally, members of the public are welcome to attend AA and NA meetings. We anticipate that approximately 2-10 members of the public will attend these meetings, which will occur once every business day. Most people who attend NA or AA do not drive due and are dropped off by friends or family. Thus, we anticipate approximately 7 trips per day from members of the public.

There will be delivery of office supplies, textbooks, printers, ink, etc. to the facility. In addition, there may be limited deliveries of food, although it is not anticipated that food service will be a significant part of the activities at the site. Finally, there will be waste removal and other routine deliveries (Federal Express, UPS, etc.). Therefore we estimate a total of 3-4 commercial deliveries during regular business hours.

6). Parking. Because patients are being shuttled to the Project, the proposed 51 parking spaces should be more than adequate to accommodate parking needs for the Project. Assuming there are ten employee vehicles, 10 vehicles for members of the public and

shuttle busses, then there are an additional 30 spaces to accommodate overflow. For this reason, the Applicant maintains that the proposed parking should be more than adequate to service the Project. The proposed parking lot uses up almost all of the vacant space on the property. Additional parking space would have to be purchased, leased or acquired from third parties, including Morton Salt, which owns the parcel to the west of the building. Morton Salt is a very large company and has not been responsive to our inquiries regarding additional parking. For this reason, we believe that obtaining additional parking could be very difficult, if not impossible.

Site Modifications

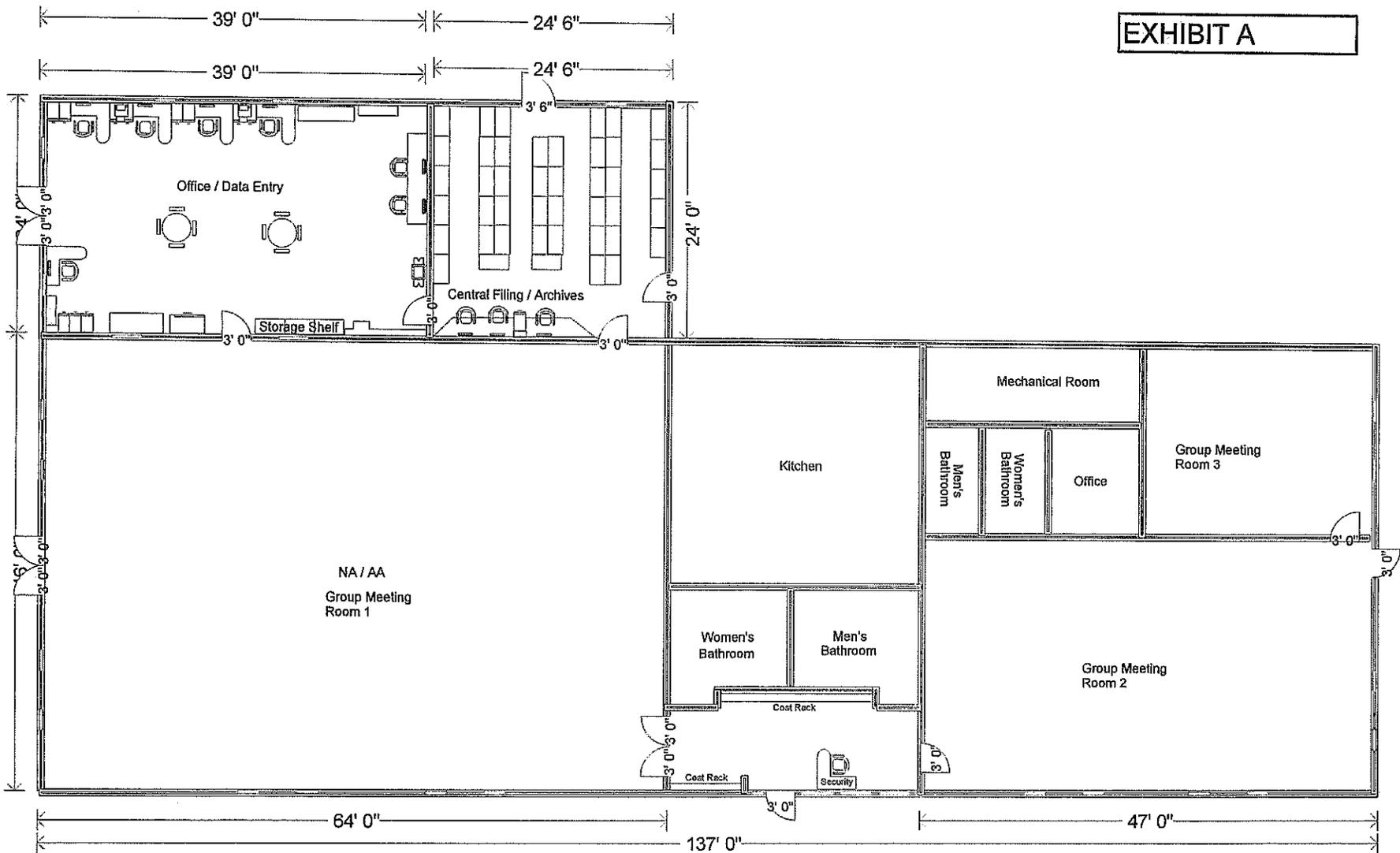
The interior floor plan of the building will remain unchanged. The intended uses of the interior spaces are detailed in the attached **Exhibit A**. The changes to the interior spaces, if any, are minor or cosmetic in nature.

In addition to the building modifications, site work is proposed to maximize available parking on the site. The proposed plan is enclosed herewith and provides 51 parking spaces along the east side of the building utilizing existing curb cuts off 9th Street and Vine Street. The lot will be improved by providing a paved surface, catch basins and storm sewers for surface drainage, and an underground detention system to provide storm water management in accordance with the City of Manistee storm water control ordinance. The modifications to the site are shown in detail in the enclosed site plan.

Additional Information

During site work, measures will be taken to address soil erosion and sedimentation control (sesc). These include installation of silt fencing where prudent, installation of silt sacks in catch basin structures, and topsoil, seed, fertilizer and mulch of disturbed areas. Construction will be in accordance with all City requirements and ordinances, including any noise ordinances. The Project will not result in adverse impacts on surrounding properties, buildings or result in any adverse environmental impacts.

EXHIBIT A



DRAINAGE DESIGN CHECKLIST FOR ACCESSING STATE TRUNKLINES

This checklist should assist the MDOT Utility Permit Engineers' review of permits and help each applicant's engineer submit adequate drainage design information. MDOT's Drainage Manual (DM), should be used as the primary reference for hydrologic and hydraulic calculations. The DM can be found at the following web address: <http://www.michigan.gov/stormwatermgt>

Required Information

- Plans of proposed storm water conveyance system
- NA Outlet control details
- NA Connection details to MDOT system
- Hydrologic and hydraulic design calculations
- Certification Statement (Signed by a Michigan Registered Professional Engineer)
- Contour Map (100-Year Storm Event)

Required Information for Detention/Retention Basins

- NA Elevation vs storage table or curve
- NA Elevation vs discharge table or curve
- NA Soil boring information showing groundwater elevations, permeability tests shall be performed for infiltration basins

Additional Information

- Public Drainage Easement(s)
(Required when multiple properties share the proposed drainage system)
- NPDES Storm Water Industrial Permit (Certificate of Coverage)
(Required when storm water discharge associated with industrial activities defined by 40 CFR 122.25(b)(14)).
- Energy Dissipation details to control outlet velocities
(Required when proposed velocity is greater than 6 fps)
- Outlet shut off details for water quality purposes
(Required when the possibility for a potentially hazardous material spillage exists)
- Local Requirements
(Required when either flows or storage volumes are more restrictive than MDOT's requirements)
- Input and output reports for all range of flows
(Required when computer application is used)

Flood Routing Method

- NRCS TR55 Graphical
- NRCS TR55 Tabular
- TR20
- Rational Method
(Acceptable when the drainage area is less than 20 acres, and the duration is equal to time of concentration)
- HEC-1
- Modified Rational Method
(Acceptable when the drainage area is less than 20 acres, and the duration is equal to time of concentration)
- Other (specify) _____

Water Quality

- Discharge to MDOT's stormwater system will not cause a violation of MDOT's National Pollution Discharge Elimination System storm water discharge permit.

DRAINAGE DESIGN CHECKLIST FOR ACCESSING STATE TRUNKLINES

Data Summary

ALL FIELDS SHALL BE COMPLETED!

Frequency	Existing flow to MDOT ROW		Proposed flow to MDOT ROW						
			Without detention			With required detention***			
	Discharge (cfs)	Run off Volume (cft)	Discharge (cfs)	Velocity * (ft/s)	Run off Volume (cft)	Discharge (cfs)	Velocity (ft/s)	Required Storage Volume** (cft)	Water Surface Elevation (ft)
10-year Storm Event	0.9	2,875	1.6	N/A	5,881				
50-year Storm Event	1.3	4,304	2.4	N/A	8,560	1.3	3.0	4,256	
100-year Storm Event Harmful Interference Evaluated	1.5	5,023	2.7	N/A	9,915				
Drainage Area (Acres)	0.5								
Design Storage Volume (cft)								4,256	

* Not applicable (N/A) if "sheet flow" into MDOT right of Way, or detention is proposed.

** Difference in volume between the proposed and existing conditions.
i.e. Required Storage Volume = Proposed Volume - Existing Volume,
or (N/A) if Proposed Volume <= Existing Volume

*** Not required i.e. Proposed discharge is less than or equal to the existing discharge.

Kyle D. Wilson, P.E.

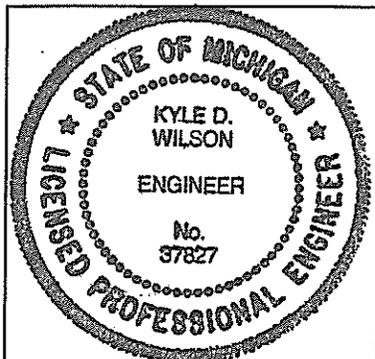
Certification

I, _____, P.E.,
have prepared the attached plans and specifications for the proposed drainage system. The proposed outlet control from this drainage system is discharged at a flow rate equal to or less than the existing flow rate conditions into the MDOT storm water conveyance system; the velocity discharged is properly dissipated; there exists sufficient storage on the permit applicant's property for all the range of flows summarized above, so that no harmful interference to MDOT ROW or adjacent properties will be caused as a result of utilizing this facility. This discharge to MDOT's stormwater system will not cause a violation of MDOT's National Pollution Discharge Elimination System storm water discharge permit.

Kyle D. Wilson

_____, P.E.

Michigan Professional Engineer License Number: 6201037827



This document shall be sealed in the space provided to the left and submitted with the permit package.

Proposed Parking Lot Improvements
 Stormwater Flows to Vine Street Right of Way

Project:	900 Vine Street
Project #:	1.5E+07
Date:	11/20/15

Discharge

$Q=CIA$

C= 0.45
 I_{10} = 3.8 in/hr (T_c = 15 minutes)
 I_{50} = 5.68 in/hr (T_c = 15 minutes)
 I_{100} = 6.64 in/hr (T_c = 15 minutes)
 A= 0.5 Acres

Q_{10} =	0.9 cfs
Q_{50} =	1.3 cfs
Q_{100} =	1.5 cfs

Volume

$Vol=Total\ Rainfall(24\ hour)*Area*C-dev$

Rainfall $_{10}$ = 3.52 inches
 0.29 feet
 Rainfall $_{50}$ = 5.27 inches
 0.44 feet
 Rainfall $_{100}$ = 6.15 inches
 0.51 feet
 A= 0.5 Acres
 21780 ft²
 C= 0.45

Vol $_{10}$ =	2,875 ft ³
Vol $_{50}$ =	4,304 ft ³
Vol $_{100}$ =	5,023 ft ³

Developed Without Detention

Discharge

$Q=CIA$

C= 0.9
 I_{10} = 3.60 in/hr (T_c = 15 minutes)
 I_{50} = 5.24 in/hr (T_c = 15 minutes)
 I_{100} = 6.07 in/hr (T_c = 15 minutes)
 A= 0.5 Acres

Q_{10} =	1.6 cfs
Q_{50} =	2.4 cfs
Q_{100} =	2.7 cfs

Velocity

$V=Q/A$

Diameter= 12 inches
 Area= 0.785 ft²

V $_{10}$ =	2.06 cfs
V $_{50}$ =	3.00 cfs
V $_{100}$ =	3.48 cfs

Volume

$Vol=Total\ Rainfall(24\ hour)*Area*C-dev$

Rainfall $_{10}$ = 3.60 inches
 0.30 feet
 Rainfall $_{50}$ = 5.24 inches
 0.44 feet
 Rainfall $_{100}$ = 6.07 inches
 0.51 feet
 A= 0.5 Acres
 21780 ft²
 C= 0.9

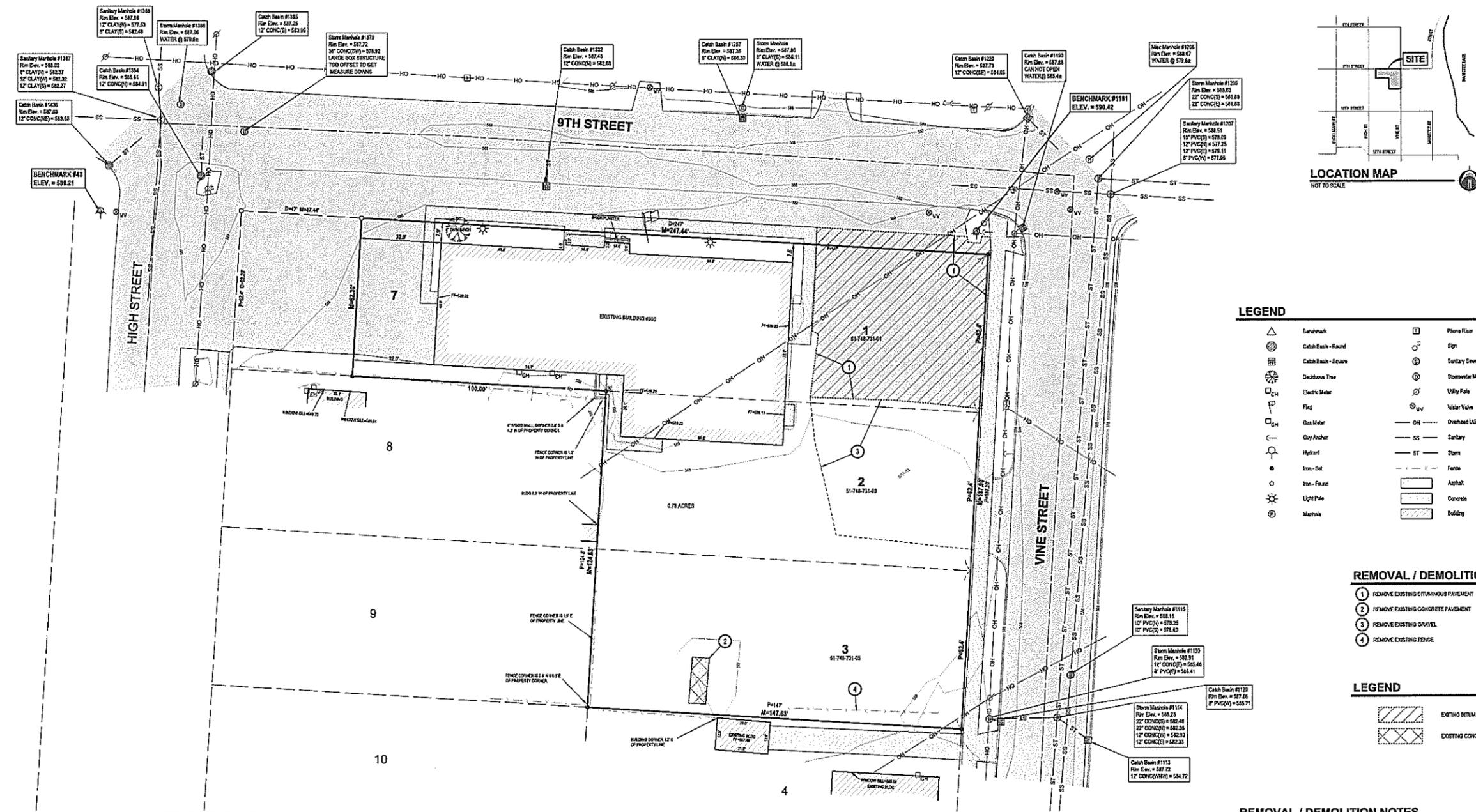
Vol $_{10}$ =	5,881 ft ³
Vol $_{50}$ =	8,560 ft ³
Vol $_{100}$ =	9,915 ft ³

NEDERVELD
 www.nederveld.com
 800.222.1868
GRAND RAPIDS
 217 Ottawa Ave., Suite 302
 Grand Rapids, MI 49503
 Phone: 616.781.5100
 ANN ARBOR
 CHICAGO
 COLUMBUS
 HOLLAND
 INDIANAPOLIS
 ST. LOUIS

PREPARED FOR:
 Innovative Design, PC
 Mark McDowell
 1652 E Kentwood Dr. NW
 Grand Rapids, MI 49505
 Phone: 616.291.1745

REVISIONS:

Title: Special Use Permit - Review	Checked: KJW	V. Date: 12.01.15
Drawn: GAN	Checked: KJW	S. Date: 12.01.15
Title: Special Use Permit Submittal	Checked: KJW	V. Date: 12.08.15
Drawn: GAN	Checked: KJW	S. Date: 12.08.15



LOCATION MAP
 NOT TO SCALE

LEGEND

	Benchmark		Phone Floor
	Catch Basin - Round		Sign
	Catch Basin - Square		Sanitary Sewer Manhole
	Deciduous Tree		Stormwater Manhole
	Electric Meter		Utility Pole
	Flag		Water Valve
	Gas Meter		Overhead Utility
	Guy Anchor		Sanitary
	Hydrant		Storm
	Iron - Set		Fence
	Iron - Found		Asphalt
	Light Pole		Concrete
	Manhole		Building

- REMOVAL / DEMOLITION NOTES**
- REMOVE EXISTING BITUMINOUS PAVEMENT
 - REMOVE EXISTING CONCRETE PAVEMENT
 - REMOVE EXISTING GRAVEL
 - REMOVE EXISTING FENCE

LEGEND

	EXISTING BITUMINOUS REMOVAL
	EXISTING CONCRETE REMOVAL

- REMOVAL / DEMOLITION NOTES**
- THE CONTRACTOR SHALL NOTIFY THE UTILITY COMPANIES AT LEAST THREE WEEKS PRIOR TO THE BEGINNING OF CONSTRUCTION OPERATIONS. THESE ARE EXISTING UNDERGROUND UTILITIES WHICH CROSS THE PROPOSED REPLACEMENT WORK AREAS. ALTHOUGH THEIR EXACT LOCATION CANNOT BE DETERMINED, IT IS KNOWN THESE UTILITIES ARE LOCATED WHERE SHOWN IN THIS PLAN. THE CONTRACTOR SHALL CONDUCT THE REQUIRED EXCAVATION IN THESE AREAS WITH EXTREME CAUTION.
 - ALL EXISTING UTILITY INFORMATION SHOWN IS TAKEN FROM EXISTING RECORDS, AND FIELD VERIFIED WHERE ACCESSIBLE ONLY. INFORMATION OBTAINED FROM EXISTING RECORDS MAY NOT BE COMPLETE OR ACCURATE. THE LOCATION OF ALL EXISTING UTILITIES SHOWN ON THIS PLAN HAVE BEEN DETERMINED FROM THE BEST INFORMATION AVAILABLE AND ARE GIVEN FOR THE CONVENIENCE OF THE CONTRACTOR. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THEIR ACCURACY. THE CONTRACTOR SHALL FIELD VERIFY FOR ACCURACY, LOCATION AND CONDITION.
 - BEFORE ANY WORK IS STARTED ON THE PROJECT AND AGAIN BEFORE FINAL ACCEPTANCE BY THE CITY AND BY THE OWNER, REPRESENTATIVES OF THE CITY, THE OWNER AND THE CONTRACTOR SHALL HAVE AN INSPECTION OF THE EXISTING SERVICES WITHIN THE WORK LIMITS WHICH ARE TO REMAIN IN SERVICE AND WHICH MAY BE AFFECTED BY THE WORK. THE CONDITION OF THE EXISTING UTILITIES AND THEIR APPURTENANCES SHALL BE DETERMINED FROM FIELD OBSERVATIONS AND EXISTING VIDEO TAPES. RECORDS OF THE INSPECTIONS SHALL BE KEPT IN WRITING BY THE CONTRACTOR.
 - THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS REQUIRED FOR DEMOLITION WORK.
 - ALL EXISTING UTILITIES, SEWERS AND WATER LINES ARE TO REMAIN UNDISTURBED UNLESS OTHERWISE NOTED ON THE PLANS. THE CONTRACTOR SHALL CONTACT AND COORDINATE WITH ALL APPLICABLE UTILITY COMPANIES, MUNICIPALITIES AND AGENCIES BEFORE COMMENCING ANY WORK.
 - THE CONTRACTOR SHALL COORDINATE WITH ALL UTILITY COMPANIES REGARDING REMOVAL OF EXISTING POLES, OVERHEAD WIRES, UNDERGROUND UTILITIES, GUY WIRES, GAS LINES, ETC. ALL ADJUSTMENT OR RECONSTRUCTION WORK EXCEPT FOR THOSE STRUCTURES OTHERWISE NOTED ON THE PLANS, SHALL BE PERFORMED BY THE CONTRACTOR. EXISTING APPURTENANCES SUCH AS UTILITY POLES AND VALVES SHALL NOT BE DISTURBED BY THE CONTRACTOR DURING CONSTRUCTION.
 - THE CONTRACTOR SHALL MAINTAIN EXISTING UTILITY SERVICE TO ALL ADJOINING PROPERTIES.
 - ALL DEBRIS SHALL BE REMOVED FROM THE SITE, AND NO STOCKPILING ON SITE SHALL BE ALLOWED UNLESS APPROVED BY THE OWNER OR THEIR REPRESENTATIVES.
 - THE CONTRACTOR SHALL LIMIT SAWCUT AND PAVEMENT REMOVAL TO ONLY THOSE AREAS WHERE REQUIRED OR AS SHOWN. ALL PAVEMENTS TO BE REMOVED SHALL BE SAWCUT AND REMOVED TO FULL DEPTH AT ALL PAVEMENT LIMITS OR EXISTING JOINTS. IF ANY DAMAGE IS INCURRED TO ANY OF THE SURROUNDING PAVEMENT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ITS REMOVAL AND REPAIR AT NO ADDITIONAL COST TO ANYONE ELSE, INCLUDING THE CITY OR OWNER.
 - ASPHALT AREAS SHOWN TO BE SAWCUT AND REMOVED TO FULL DEPTH ARE ACTUAL FACE OF PROPOSED CURBS. IT WILL BE NECESSARY TO MAKE OFF-SET SAWCUTS TO PROVIDE CLEARANCE FOR PROPOSED CURBS. THE CONTRACTOR SHALL DETRANSH THE AMOUNT OF OFF-SET NECESSARY TO CONSTRUCT THE PROPOSED CURBS. ADDITIONAL CUTS MAY BE DESIRED TO FACILITATE THE REMOVAL OF THE EXISTING PAVEMENT, BUT THERE WILL BE NO EXTRA PAYMENT FOR ADDITIONAL CUTS. PAVEMENT SHALL BE REMOVED WITHOUT DAMAGING OR UNDERMINING THE ADJACENT PAVEMENT. IF ADJACENT PAVEMENT IS DAMAGED, THE CONTRACTOR SHALL MAKE ADDITIONAL FULL DEPTH SAWCUTS AND REMOVE THE DAMAGE AREAS AS NECESSARY.
 - ALL PAVEMENT REMOVAL AREAS SHALL BE FULL PAVEMENT CROSS-SECTION REMOVAL DOWN TO NATIVE SOIL LAYER IN ACCORDANCE WITH THE GEOTECHNICAL REPORT DATED MONTH/DAY/YEAR.
 - ALL TREES WITHIN THE GRADING LIMITS SHALL BE REMOVED UNLESS OTHERWISE NOTED.

TITLE INFORMATION
 The Title Description and Schedule B Items hereon are from Lighthouse Group Manistee Abstract & Title, Comment No. MAT 15-02211173 Rev 2, dated May 28, 2015

TITLE DESCRIPTION
 The land referred to in this commitment, situated in the City of Manistee, County of Manistee, and State of Michigan, is described as follows:
 Lots 1, 2, 3, and East 100 feet of Lot 7, Block 18, the Freeland Addition to the City of Manistee, according to the Plat thereof as recorded in Liber 2-A of Plats, Manistee County Records.

SCHEDULE B - SECTION II NOTES

- Easement granted to Consumers Power Company for Utility purposes over Lot 1, disclosed in Instrument recorded in Liber 79, Page 75, Manistee County Records. (DOCUMENT NOT RECEIVED OR REVIEWED.)
- Reservation of Easement and other rights and privileges to Consumers Power Company as set forth in Liber 669, Page 317. (DOCUMENT NOT RECEIVED OR REVIEWED.)

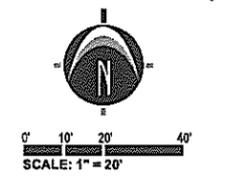
BENCHMARKS

BENCHMARK #48 ELEV. = 586.21 (NAVD88)
 Top of flag bolt under "E" of "E.I.W." 2.8'± above grade; 22'± West of the centerline of High Street & 35'± South of the centerline of Ninth Street.

BENCHMARK #1181 ELEV. = 586.42 (NAVD88)
 Top of flag bolt under "E" of "E.I.W." 1.8'± above grade; 38'± West of the centerline of Vine Street & 25'± South of the centerline of Ninth Street.

SURVEYOR'S NOTES

- An examination of the National Flood Insurance Program's Flood Insurance Rate Map for Community Number 289131, Panel Number 0002 B, with an Effective Date of March 18, 1977, shows this parcel to be located in Zone X (Areas determined to be outside 500-year flood plain). No field surveying was performed to determine this zone.
- Utility locations are derived from actual measurements or available records. They should not be interpreted to be exact locations nor should it be assumed that they are the only utilities in this area.
- NOTE TO CONTRACTORS: 3 (THREE) WORKING DAYS BEFORE YOU DIG, CALL MISS DIG AT TOLL FREE 1-800-482-7171 FOR UTILITY LOCATIONS ON THE GROUND.



811 Know what's below. CALL before you dig.

UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

NOTE: FORMING UTILITIES AND SERVICE LINES IDENTIFIED AS "TRUNK" WERE OBTAINED FROM AVAILABLE RECORDS. RECORD DRAWINGS. THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL UTILITIES AND SERVICE LINES PRIOR TO ANY CONSTRUCTION.

900 VINE STREET
Existing Site Conditions Plan
 900 Vine Street
 PART OF FREELAND ADDITION TO THE CITY OF MANISTEE, SECTION 12,
 12TH, NINTH, CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN

STAMP:

PROJECT NO:
 15201654

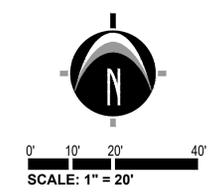
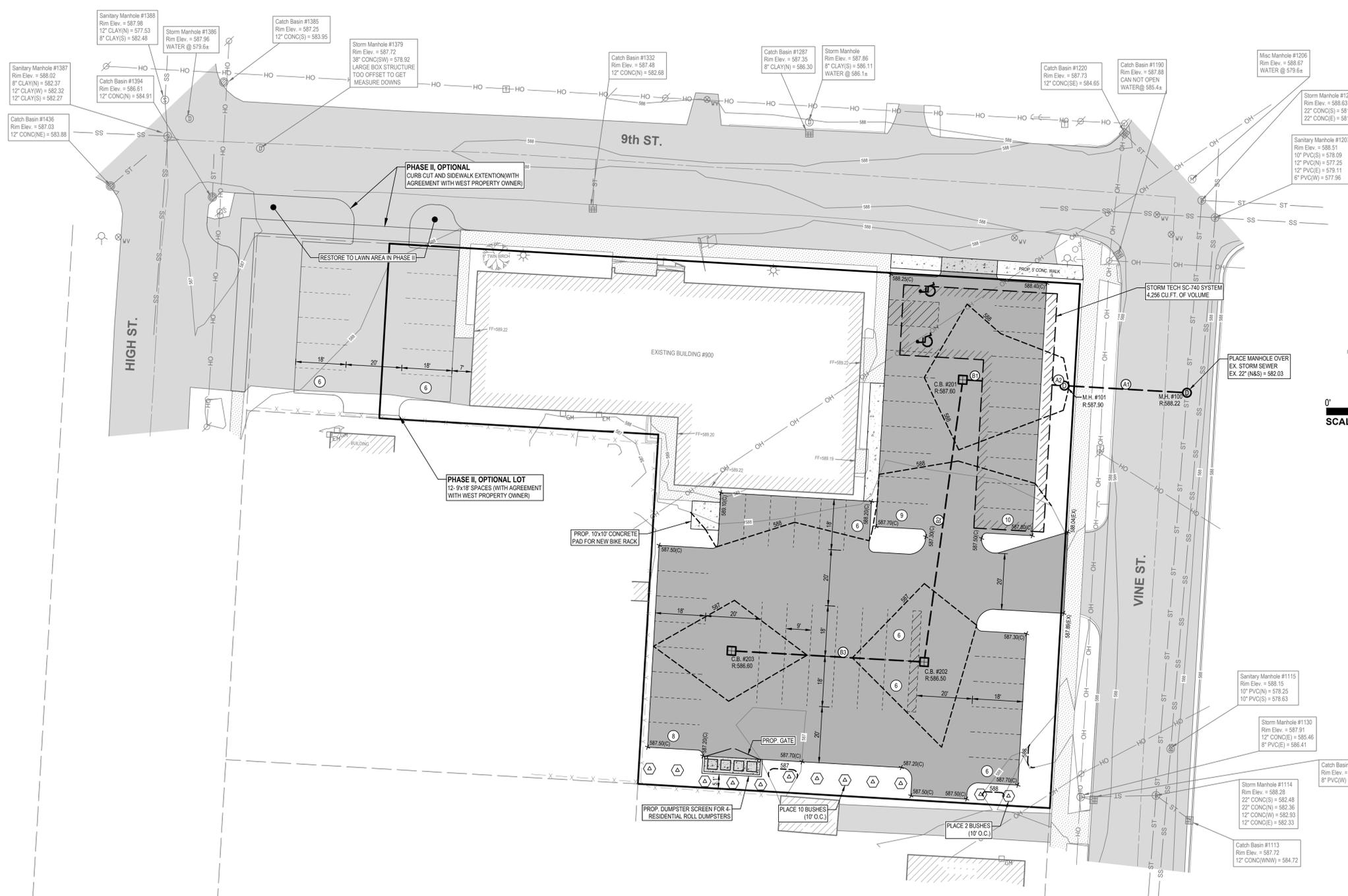
SHEET NO:
C-201

SHEET: 1 OF 2

PREPARED FOR:
 Innovative Design, PC
 Mark McDowell
 1652 E Kentview Dr. NW
 Grand Rapids, MI 49505
 Phone: 616.291.1745

REVISIONS:

Title: Special Use Permit - Review	V. Date: 12.01.15
Drawn: GAN	Checked: KW
Title: Special Use Permit Submittal	V. Date: 12.08.15
Drawn: GAN	Checked: KW
Title: With Dumpster Location	V. Date: 12.10.15
Drawn: GAN	Checked: KW



LEGEND

[Pattern]	EXISTING BITUMINOUS
[Pattern]	EXISTING CONCRETE
[Pattern]	PROPOSED BITUMINOUS (STANDARD DUTY)
[Pattern]	PROPOSED BITUMINOUS (HEAVY DUTY)
[Pattern]	PROPOSED CONCRETE (STANDARD DUTY)
[Pattern]	PROPOSED CONCRETE (HEAVY DUTY)
[Symbol]	PROPOSED BUSH

GENERAL NOTES

- ZONING OF PROPERTY: R-2 MEDIUM DENSITY RESIDENTIAL
 R-2 ZONING REQUIREMENTS
 A) MINIMUM LOT AREA = 10,000 SQ.FT.
 B) MINIMUM LOT WIDTH = 80 FT.
 C) MAXIMUM BUILDING HEIGHT = 35 FT OR 2 1/2 STORIES
 D) MAXIMUM LOT COVERAGE = 40%
 SETBACKS
 A) FRONT YARD = 15 FT.
 B) SIDE YARD = 10 FT.
 C) REAR YARD = 10 FT.
- SUMMARY OF LAND USE:
 A) TOTAL ACREAGE = 0.78 ACRES (33,815 SQ.FT.) (EXCLUDING R.O.W.)
 B) AREA OF EXISTING BUILDING = 8,275 SQ.FT.
 C) LOT COVERAGE = 24.5%
 D) ZONING OF PARCELS TO NORTH, EAST, SOUTH, & WEST = R-2
- PARKING REQUIREMENTS:
 A) MINIMUM REQUIRED SPACE PER TOWNSHIP = 9x18' (20' AISLE)
 B) TYPICAL PARKING SPACE PROVIDED = 9x18' (20' AISLE)
 C) TYPICAL BARRIER FREE SPACE = 13x18'
 D) NUMBER OF SPACES PROVIDED = 51 ON SITE PLUS ON-STREET PARKING RATE MAPS
- THIS PROJECT IS NOT LOCATED IN THE 100 YEAR FLOOD PLAIN, BASED ON THE NATIONAL FLOOD INSURANCE PROGRAM RATE MAPS
- BEST MANAGEMENT PRACTICES WILL BE UTILIZED DURING AND AFTER CONSTRUCTION OF THE PROJECT. MEASURES WILL INCLUDE THE USE OF SEEDING AND MULCHING, SEDIMENT INLET FILTERS, COMPACTON AND PAVING. THE OWNER OF THE SUBJECT PARCEL SHALL HAVE THE RESPONSIBILITY TO MAINTAIN THE PERMANENT SOIL EROSION PROTECTION MEASURES.
- UTILITIES SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.
- CONTRACTOR TO FIELD VERIFY ALL INVERTS.
- THE PERMANENT PARCEL NUMBERS FOR THE SITE IS 51-743-731-01, 51-743-731-03, AND 51-743-731-05. THE ADDRESS OF THE PROPERTY IS 900 VINE STREET.
- NO FENCES OR WALLS OTHER THAN WHAT IS SHOWN ON THE SITE PLAN ARE PROPOSED AT THIS TIME.
- THIS PROJECT SHALL CONFORM TO THE MANISTEE COUNTY SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE.
- STORM WATER MANAGEMENT FOR THE SITE SHALL BE IN ACCORDANCE WITH THE CITY OF MANISTEE STORM WATER CONTROL ORDINANCE.
- ALL SIGNAGE WILL BE IN ACCORDANCE WITH CITY OF MANISTEE ZONING ORDINANCE, ARTICLE 21.
- ANY PROPOSED LIGHTING WILL BE IN ACCORDANCE WITH CITY OF MANISTEE ZONING ORDINANCE, ARTICLE 5, SECTION 525.

STORM SEWER DRAINAGE STRUCTURES

PROP.	RIM	INVERTS	DIA.	TYPE
100	588.22	12" W. INV.=582.10	4'	Concentric Cylindrical Structure
101	587.90	12" E. INV.=582.32 12" W. INV.=582.32	4'	Concentric Cylindrical Structure
201	587.60	12" E. INV.=583.25 12" S. INV.=583.25	4'	Concentric Cylindrical Structure
202	586.50	12" N. INV.=583.76 12" W. INV.=583.76	4'	Concentric Cylindrical Structure
203	586.60	12" E. INV.=584.10	4'	Concentric Cylindrical Structure

STORM SEWER DRAINAGE PIPES

#	LENGTH	DIA.	SLOPE	MATERIAL
A1	44'	12"	0.50%	SLCPP
A2	4'	12"	0.50%	SLCPP
B1	7'	12"	0.50%	SLCPP
B2	101'	12"	0.50%	SLCPP
B3	69'	12"	0.50%	SLCPP

811 Know what's below. CALL before you dig.

UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

NOTE: EXISTING UTILITIES AND SERVICE LINES IDENTIFIED AS "PLANS" WERE OBTAINED FROM AVAILABLE "AS-BUILT" RECORD DRAWINGS. THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL UTILITIES AND SERVICE LINES PRIOR TO NEW CONNECTIONS.

900 VINE STREET
Site Layout Plan
 900 Vine Street
 PART OF FREELAND ADDITION TO THE CITY OF MANISTEE, SECTION 12,
 T21N, R17W, CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN

STAMP:

STATE OF MICHIGAN
 KYLE D. WILSON
 ENGINEER
 No. 37827
 LICENSED PROFESSIONAL ENGINEER

Kyle Wilson

PROJECT NO:
 15201654

SHEET NO:
C-205

SHEET: 2 OF 2

**City of Manistee
Planning Commission Resolution to Approve a
Special Use Permit, Case Number PC-2016-01
Best Drug Rehabilitation / TIA Corporation
900 Vine Street**

At a regularly scheduled meeting of the City of Manistee Planning Commission held on January 7, 2016, the following resolution was adopted to approve a Special Use Permit for Best Drug Rehabilitation / TIA Corporation for Mixed Use consisting of Medical/Dental Office, Place of Public Assembly Large with an Eating and Drinking Establishment as submitted with site plan prepared by Nederveld, Project No: 15201654.

Planning Commissioner _____ moved, supported by Planning Commissioner _____, the adoption of the following resolution.

WHEREAS, On December 11, 2015 a request was received from Best Drug Rehabilitation /TIA Corporation for a Special Use Permit for Mixed Use consisting of Medical/Dental Office, Place of Public Assembly Large with an Eating and Drinking Establishment, and

WHEREAS, a Mixed Use is provided for as a Special Use under the R-2 Medium Density Residential Zoning District, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed development on January 7, 2016, and

WHEREAS, the Planning Commission has received written comment, reviewed the Site, and has completed review of the application, Site input of the Applicant and the input received at said public hearing.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

A. That the Planning Commission has reached the following determination regarding Special Use Permit Standards (Section 1802.A):

1. The Special Use is consistent with the adopted City of Manistee Master Plan.
2. The Special Use is designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed.
3. The Special Use is not hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.

4. The Special Use is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.
5. The Special Use does not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
6. The Special Use does not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare, or odors.
7. The Special Use meets the intent and purpose of the Zoning Ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

B. Findings of Fact – Section 1858 Mixed Use Development of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. The applicant demonstrated how the proposed mixing of uses will reduce traffic generation and provide a substantial amenity for the City of Manistee.
2. The mixing of uses will be compatible with adjacent land uses, the natural environment, and the capacities of affected public services and facilities, and such use shall be consistent with the public health, safety and welfare of City of Manistee residents. The mixing of uses shall be consistent with the policies set forth in the City of Manistee Comprehensive Plan.
3. The development consolidated and maximized usable open space, wherever possible.
4. The applicant demonstrated that the proposed mixing of uses will not constitute a nuisance to future inhabitants or users of the development, or the City in general.
5. Off-street parking facilities for such mixed uses were provided collectively.
6. The proposed Mixed-Use Development was designed in such a manner that will lead to compatible, efficient, and attractive uses of property in the City of Manistee, and shall:
 - a. Encourage unique retail, office and residential use alternatives.
 - b. Continue and augment the City's traditional neighborhood patterns.
 - c. Establish neighborhood places that will define and strengthen the community character and supplement the identity of the City.
 - d. Provide for the redevelopment of underutilized sites.
 - e. Facilitate pedestrian oriented development using design options such as sidewalk cafes, rear parking, residential condominiums above small-scale service uses, and

enhanced landscape open spaces, squares, and parks.

7. Vehicular and pedestrian circulation within the development and access to the development is safe, convenient, non-congested and well defined. Shared access to parking areas will be required, where appropriate.
8. A Mixed-Use Development shall not infringe unreasonably on any neighboring uses.
9. All signs shall be in compliance with the provisions of Article 21 of the City of Manistee Zoning Ordinance.
10. Landscaping and Buffering shall be provided in accordance with Section 531 of the City of Manistee Zoning Ordinance.

C. Findings of Fact – Section 1853 Medical or Dental Office of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. Within the R-2 and R-3 districts, a medical or dental office shall not exceed seven thousand (7,000) square feet in gross floor area. ***Request is for mixed use including Place of Public Assembly Large with an Eating and Drinking Establishment***
2. As a condition of approval, the Planning Commission may establish hours of operation for the Medical or Dental Office, if in the judgment of the Planning Commission such restrictions are needed to assure the compatibility of the facility with neighboring uses.
3. The exterior of the building shall be compatible with neighboring uses. ***No changes to exterior of existing structure***
4. All exterior lighting shall be in accordance with Section 525 of the City of Manistee Zoning Ordinance.
5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines. Any disposal of bio hazardous waste shall be in conformance with state and local requirements.
6. Within the R-2 and R-3 districts, Medical or Dental office shall front on and be accessed primarily from a key street segment, as defined herein. ***Vine Street is a Key Street Segment***
7. All signs shall be in accordance with Article 21 of this Zoning Ordinance.
8. All parking shall be in accordance with Section 514 of this Zoning Ordinance.
9. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

D. Findings of Fact – Section 1868.B.1 Place of Public Assembly Large of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. A Large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined herein, unless it is located on a parcel of land with a minimum area of five (5) acres. **Vine Street is a Key Street Segment**
2. A Large Place of Public Assembly that includes an Eating and Drinking Establishment shall meet the standards of Section 1835, hereof. **See Finding of Facts E**
3. The Zoning Administrator may require the completion of a traffic impact study under the terms of Section 2203, E, 2 of this Zoning Ordinance. **Waived by ZA, Planning Commission may require if they feel it is needed**
4. All exterior lighting shall be in accordance with Section 525 hereof.
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.

E. Findings of Fact – Section 1835 Eating and Drinking Establishment of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
2. Such facilities shall be located and designed such that no objectionable noise in excess of 60 decibels shall be carried onto adjoining property zoned for, or occupied by, residential uses.
3. Such facilities shall be located and designed such that no objectionable odor or fumes shall be carried onto property located in the R-1, R-2 or R-3 districts.
4. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate, so that any refuse or dumpster shall not be visible from any building, dwelling, adjacent property, or street. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.
5. The Planning Commission may establish reasonable hours of operation for eating and drinking establishments.
6. Within the R-2 and R-3 districts, Eating and Drinking Establishments shall front on and be accessed primarily from a key street segment, as defined herein. **Vine Street is a Key Street Segment**
7. All exterior lighting shall be in accordance with Section 525 hereof.
8. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.
9. All parking shall be in compliance with the provisions of Section 514 of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

BE IT FURTHER RESOLVED that the Special Use Permit for Mixed Use consisting of Medical/Dental Office, Place of Public Assembly Large with an Eating and Drinking Establishment shall comply with the following conditions:

- 1. The Applicant shall request to combine all three parcels 51-748-731-01, 51-748-731-03 and 51-748-731-05 into one parcel to meet the requirement of Section 903.A "No duplex, multiple unit or commercial structure shall be established on any parcel less than ten thousand (10,000) square feet in area."***

CITY OF MANISTEE PLANNING COMMISSION:

AYES:

ABSTAINING:

NAYS:

ABSENT:

MOTION:

CARRIED

NOT CARRIED

CERTIFICATION

I, Marlene McBride, Secretary of the City of Manistee Planning Commission certify that the foregoing is a true and complete record of action taken by the Planning Commission at their regular meeting of January 7, 2016.

Marlene McBride, Secretary

**City of Manistee
Planning Commission Resolution to Deny a
Special Use Permit, Case Number PC-2016-01
Best Drug Rehabilitation / TIA Corporation
900 Vine Street**

At a regularly scheduled meeting of the City of Manistee Planning Commission held on January 7, 2016, the following resolution was adopted to approve a Special Use Permit for Best Drug Rehabilitation / TIA Corporation for Mixed Use consisting of Medical/Dental Office, Place of Public Assembly Large with an Eating and Drinking Establishment as submitted with site plan prepared by Nederveld, Project No: 15201654.

Planning Commissioner _____ moved, supported by Planning Commissioner _____, the adoption of the following resolution.

WHEREAS, On December 11, 2015 a request was received from Best Drug Rehabilitation /TIA Corporation for a Special Use Permit for Mixed Use consisting of Medical/Dental Office, Place of Public Assembly Large with an Eating and Drinking Establishment, and

WHEREAS, a Mixed Use is provided for as a Special Use under the R-2 Medium Density Residential Zoning District, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed development on January 7, 2016, and

WHEREAS, the Planning Commission has received written comment, reviewed the Site, and has completed review of the application, Site input of the Applicant and the input received at said public hearing.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

A. RESOLVED, that the Planning Commission has reached the following determination regarding Special Use Permit Standards (Section 1802.A):

1. The Special Use is consistent with the adopted City of Manistee Master Plan.
2. The Special Use is designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed.
3. The Special Use is not hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.

4. The Special Use is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.
5. The Special Use does not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
6. The Special Use does not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare, or odors.
7. The Special Use meets the intent and purpose of the Zoning Ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

B. Findings of Fact – Section 1858 Mixed Use Development of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. The applicant shall demonstrate how the proposed mixing of uses will reduce traffic generation and provide a substantial amenity for the City of Manistee.
2. The mixing of uses will be compatible with adjacent land uses, the natural environment, and the capacities of affected public services and facilities, and such use shall be consistent with the public health, safety and welfare of City of Manistee residents. The mixing of uses shall be consistent with the policies set forth in the City of Manistee Comprehensive Plan.
3. The development shall consolidate and maximize usable open space, wherever possible.
4. The applicant shall demonstrate that the proposed mixing of uses will not constitute a nuisance to future inhabitants or users of the development, or the City in general.
5. Off-street parking facilities for such mixed uses may be provided collectively, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use, unless the Planning Commission finds that such requirements are may be modified due to varying hours of operation or other factors.
6. A proposed Mixed-Use Development shall be designed in such a manner that will lead to compatible, efficient, and attractive uses of property in the City of Manistee, and shall:
 - a. Encourage unique retail, office and residential use alternatives.
 - b. Continue and augment the City's traditional neighborhood patterns.
 - c. Establish neighborhood places that will define and strengthen the community character and supplement the identity of the City.

- d. Provide for the redevelopment of underutilized sites.
- e. Facilitate pedestrian oriented development using design options such as sidewalk cafes, rear parking, residential condominiums above small-scale service uses, and enhanced landscape open spaces, squares, and parks.
7. Vehicular and pedestrian circulation within the development and access to the development shall be safe, convenient, non-congested and well defined. Shared access to parking areas will be required, where appropriate.
8. A Mixed-Use Development shall not infringe unreasonably on any neighboring uses.
9. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

C. Findings of Fact – Section 1853 Medical or Dental Office of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. Within the R-2 and R-3 districts, a medical or dental office shall not exceed seven thousand (7,000) square feet in gross floor area. ***Request is for mixed use including Place of Public Assembly Large with an Eating and Drinking Establishment***
2. As a condition of approval, the Planning Commission may establish hours of operation for the Medical or Dental Office, if in the judgment of the Planning Commission such restrictions are needed to assure the compatibility of the facility with neighboring uses.
3. The exterior of the building shall be compatible with neighboring uses. ***No changes to exterior of existing structure***
4. All exterior lighting shall be in accordance with Section 525 of the City of Manistee Zoning Ordinance.
5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines. Any disposal of bio hazardous waste shall be in conformance with state and local requirements.
6. Within the R-2 and R-3 districts, Medical or Dental office shall front on and be accessed primarily from a key street segment, as defined herein. ***Vine Street is a Key Street Segment***
7. All signs shall be in accordance with Article 21 of this Zoning Ordinance.
8. All parking shall be in accordance with Section 514 of this Zoning Ordinance.
9. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

D. Findings of Fact – Section 1868.B.1 Place of Public Assembly Large of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. A Large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined herein, unless it is located on a parcel of land with a minimum area of five (5) acres. **Vine Street is a Key Street Segment**
2. A Large Place of Public Assembly that includes an Eating and Drinking Establishment shall meet the standards of Section 1835, hereof. **See Finding of Facts E**
3. The Zoning Administrator may require the completion of a traffic impact study under the terms of Section 2203, E, 2 of this Zoning Ordinance. **Waived by ZA, Planning Commission may require if they feel it is needed**
4. All exterior lighting shall be in accordance with Section 525 hereof.
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.

E. Findings of Fact – Section 1835 Eating and Drinking Establishment of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
2. Such facilities shall be located and designed such that no objectionable noise in excess of 60 decibels shall be carried onto adjoining property zoned for, or occupied by, residential uses.
3. Such facilities shall be located and designed such that no objectionable odor or fumes shall be carried onto property located in the R-1, R-2 or R-3 districts.
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7. All exterior lighting shall be in accordance with Section 525 hereof.
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9. All parking shall be in compliance with the provisions of Section 514 of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

BE IT FURTHER RESOLVED, that the Special Use Permit for Mixed Use consisting of Medical/Dental Office, Place of Public Assembly Large with an Eating and Drinking Establishment **is hereby denied for the reasons set forth in this resolution.**

CITY OF MANISTEE PLANNING COMMISSION:

AYES:

ABSTAINING:

NAYS:

ABSENT:

MOTION:

CARRIED

NOT CARRIED

CERTIFICATION:

I, _____, Secretary of the City of Manistee Planning Commission certify that the foregoing is a true and complete record of action taken by the Planning Commission at their regular meeting of (meeting date)

, Secretary

Draft Resolution to DENY Special Use Permit Request

**City of Manistee
Planning Commission Resolution to Approve a
Special Use Permit, Case Number PC-2016-01
Best Drug Rehabilitation / TIA Corporation
900 Vine Street**

At a regularly scheduled meeting of the City of Manistee Planning Commission held on January 7, 2016, the following resolution was adopted to approve a Special Use Permit for Best Drug Rehabilitation / TIA Corporation for Mixed Use consisting of Medical/Dental Office, Place of Public Assembly Large with an Eating and Drinking Establishment as submitted with site plan prepared by Nederveld, Project No: 15201654.

Planning Commissioner _____ moved, supported by Planning Commissioner _____, the adoption of the following resolution.

WHEREAS, On December 11, 2015 a request was received from Best Drug Rehabilitation /TIA Corporation for a Special Use Permit for Mixed Use consisting of Medical/Dental Office, Place of Public Assembly Large with an Eating and Drinking Establishment, and

WHEREAS, a Mixed Use is provided for as a Special Use under the R-2 Medium Density Residential Zoning District, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed development on January 7, 2016, and

WHEREAS, the Planning Commission has received written comment, reviewed the Site, and has completed review of the application, Site input of the Applicant and the input received at said public hearing.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

A. That the Planning Commission has reached the following determination regarding Special Use Permit Standards (Section 1802.A):

1. The Special Use is consistent with the adopted City of Manistee Master Plan.
2. The Special Use is designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed.
3. The Special Use is not hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.

4. The Special Use is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.
5. The Special Use does not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
6. The Special Use does not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare, or odors.
7. The Special Use meets the intent and purpose of the Zoning Ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

B. Findings of Fact – Section 1858 Mixed Use Development of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. The applicant demonstrated how the proposed mixing of uses will reduce traffic generation and provide a substantial amenity for the City of Manistee.
2. The mixing of uses will be compatible with adjacent land uses, the natural environment, and the capacities of affected public services and facilities, and such use shall be consistent with the public health, safety and welfare of City of Manistee residents. The mixing of uses shall be consistent with the policies set forth in the City of Manistee Comprehensive Plan.
3. The development consolidated and maximized usable open space, wherever possible.
4. The applicant demonstrated that the proposed mixing of uses will not constitute a nuisance to future inhabitants or users of the development, or the City in general.
5. Off-street parking facilities for such mixed uses were provided collectively.
6. The proposed Mixed-Use Development was designed in such a manner that will lead to compatible, efficient, and attractive uses of property in the City of Manistee, and shall:
 - a. Encourage unique retail, office and residential use alternatives.
 - b. Continue and augment the City's traditional neighborhood patterns.
 - c. Establish neighborhood places that will define and strengthen the community character and supplement the identity of the City.
 - d. Provide for the redevelopment of underutilized sites.
 - e. Facilitate pedestrian oriented development using design options such as sidewalk cafes, rear parking, residential condominiums above small-scale service uses, and

enhanced landscape open spaces, squares, and parks.

7. Vehicular and pedestrian circulation within the development and access to the development is safe, convenient, non-congested and well defined. Shared access to parking areas will be required, where appropriate.
8. A Mixed-Use Development shall not infringe unreasonably on any neighboring uses.
9. All signs shall be in compliance with the provisions of Article 21 of the City of Manistee Zoning Ordinance.
10. Landscaping and Buffering shall be provided in accordance with Section 531 of the City of Manistee Zoning Ordinance.

C. Findings of Fact – Section 1853 Medical or Dental Office of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. Within the R-2 and R-3 districts, a medical or dental office shall not exceed seven thousand (7,000) square feet in gross floor area. ***Request is for mixed use including Place of Public Assembly Large with an Eating and Drinking Establishment***
2. As a condition of approval, the Planning Commission may establish hours of operation for the Medical or Dental Office, if in the judgment of the Planning Commission such restrictions are needed to assure the compatibility of the facility with neighboring uses.
3. The exterior of the building shall be compatible with neighboring uses. ***No changes to exterior of existing structure***
4. All exterior lighting shall be in accordance with Section 525 of the City of Manistee Zoning Ordinance.
5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines. Any disposal of bio hazardous waste shall be in conformance with state and local requirements.
6. Within the R-2 and R-3 districts, Medical or Dental office shall front on and be accessed primarily from a key street segment, as defined herein. ***Vine Street is a Key Street Segment***
7. All signs shall be in accordance with Article 21 of this Zoning Ordinance.
8. All parking shall be in accordance with Section 514 of this Zoning Ordinance.
9. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

D. Findings of Fact – Section 1868.B.1 Place of Public Assembly Large of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. A Large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined herein, unless it is located on a parcel of land with a minimum area of five (5) acres. ***Vine Street is a Key Street Segment***
2. A Large Place of Public Assembly that includes an Eating and Drinking Establishment shall meet the standards of Section 1835, hereof. ***See Finding of Facts E***
3. The Zoning Administrator may require the completion of a traffic impact study under the terms of Section 2203, E, 2 of this Zoning Ordinance. ***Waived by ZA, Planning Commission may require if they feel it is needed***
4. All exterior lighting shall be in accordance with Section 525 hereof.
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.

E. Findings of Fact – Section 1835 Eating and Drinking Establishment of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
2. Such facilities shall be located and designed such that no objectionable noise in excess of 60 decibels shall be carried onto adjoining property zoned for, or occupied by, residential uses.
3. Such facilities shall be located and designed such that no objectionable odor or fumes shall be carried onto property located in the R-1, R-2 or R-3 districts.
4. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate, so that any refuse or dumpster shall not be visible from any building, dwelling, adjacent property, or street. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.
5. The Planning Commission may establish reasonable hours of operation for eating and drinking establishments.
6. Within the R-2 and R-3 districts, Eating and Drinking Establishments shall front on and be accessed primarily from a key street segment, as defined herein. ***Vine Street is a Key Street Segment***
7. All exterior lighting shall be in accordance with Section 525 hereof.
8. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.
9. All parking shall be in compliance with the provisions of Section 514 of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

BE IT FURTHER RESOLVED that the Special Use Permit for Mixed Use consisting of Medical/Dental Office, Place of Public Assembly Large with an Eating and Drinking Establishment shall comply with the following conditions:

- 1. The Applicant shall request to combine all three parcels 51-748-731-01, 51-748-731-03 and 51-748-731-05 into one parcel to meet the requirement of Section 903.A "No duplex, multiple unit or commercial structure shall be established on any parcel less than ten thousand (10,000) square feet in area."***

CITY OF MANISTEE PLANNING COMMISSION:

AYES:

ABSTAINING:

NAYS:

ABSENT:

MOTION:

CARRIED

NOT CARRIED

CERTIFICATION:

I, Marlene McBride, Secretary of the City of Manistee Planning Commission certify that the foregoing is a true and complete record of action taken by the Planning Commission at their regular meeting of January 7, 2016.

Marlene McBride, Secretary

City of Manistee
Planning Commission Resolution to Deny a
Special Use Permit, Case Number PC-2016-01
Best Drug Rehabilitation / TIA Corporation
900 Vine Street

At a regularly scheduled meeting of the City of Manistee Planning Commission held on January 7, 2016, the following resolution was adopted to approve a Special Use Permit for Best Drug Rehabilitation / TIA Corporation for Mixed Use consisting of Medical/Dental Office, Place of Public Assembly Large with an Eating and Drinking Establishment as submitted with site plan prepared by Nederveld, Project No: 15201654.

Planning Commissioner _____ moved, supported by Planning Commissioner _____, the adoption of the following resolution.

WHEREAS, On December 11, 2015 a request was received from Best Drug Rehabilitation /TIA Corporation for a Special Use Permit for Mixed Use consisting of Medical/Dental Office, Place of Public Assembly Large with an Eating and Drinking Establishment, and

WHEREAS, a Mixed Use is provided for as a Special Use under the R-2 Medium Density Residential Zoning District, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed development on January 7, 2016, and

WHEREAS, the Planning Commission has received written comment, reviewed the Site, and has completed review of the application, Site input of the Applicant and the input received at said public hearing.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

A. RESOLVED, that the Planning Commission has reached the following determination regarding Special Use Permit Standards (Section 1802.A):

1. The Special Use is consistent with the adopted City of Manistee Master Plan.
2. The Special Use is designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed.
3. The Special Use is not hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.

4. The Special Use is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.
5. The Special Use does not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
6. The Special Use does not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare, or odors.
7. The Special Use meets the intent and purpose of the Zoning Ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

B. Findings of Fact – Section 1858 Mixed Use Development of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. The applicant shall demonstrate how the proposed mixing of uses will reduce traffic generation and provide a substantial amenity for the City of Manistee.
2. The mixing of uses will be compatible with adjacent land uses, the natural environment, and the capacities of affected public services and facilities, and such use shall be consistent with the public health, safety and welfare of City of Manistee residents. The mixing of uses shall be consistent with the policies set forth in the City of Manistee Comprehensive Plan.
3. The development shall consolidate and maximize usable open space, wherever possible.
4. The applicant shall demonstrate that the proposed mixing of uses will not constitute a nuisance to future inhabitants or users of the development, or the City in general.
5. Off-street parking facilities for such mixed uses may be provided collectively, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use, unless the Planning Commission finds that such requirements are may be modified due to varying hours of operation or other factors.
6. A proposed Mixed-Use Development shall be designed in such a manner that will lead to compatible, efficient, and attractive uses of property in the City of Manistee, and shall:
 - a. Encourage unique retail, office and residential use alternatives.
 - b. Continue and augment the City's traditional neighborhood patterns.
 - c. Establish neighborhood places that will define and strengthen the community character and supplement the identity of the City.

- d. Provide for the redevelopment of underutilized sites.
- e. Facilitate pedestrian oriented development using design options such as sidewalk cafes, rear parking, residential condominiums above small-scale service uses, and enhanced landscape open spaces, squares, and parks.
7. Vehicular and pedestrian circulation within the development and access to the development shall be safe, convenient, non-congested and well defined. Shared access to parking areas will be required, where appropriate.
8. A Mixed-Use Development shall not infringe unreasonably on any neighboring uses.
9. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

C. Findings of Fact – Section 1853 Medical or Dental Office of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. Within the R-2 and R-3 districts, a medical or dental office shall not exceed seven thousand (7,000) square feet in gross floor area. ***Request is for mixed use including Place of Public Assembly Large with an Eating and Drinking Establishment***
2. As a condition of approval, the Planning Commission may establish hours of operation for the Medical or Dental Office, if in the judgment of the Planning Commission such restrictions are needed to assure the compatibility of the facility with neighboring uses.
3. The exterior of the building shall be compatible with neighboring uses. ***No changes to exterior of existing structure***
4. All exterior lighting shall be in accordance with Section 525 of the City of Manistee Zoning Ordinance.
5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines. Any disposal of bio hazardous waste shall be in conformance with state and local requirements.
6. Within the R-2 and R-3 districts, Medical or Dental office shall front on and be accessed primarily from a key street segment, as defined herein. ***Vine Street is a Key Street Segment***
7. All signs shall be in accordance with Article 21 of this Zoning Ordinance.
8. All parking shall be in accordance with Section 514 of this Zoning Ordinance.
9. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

D. Findings of Fact – Section 1868.B.1 Place of Public Assembly Large of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. A Large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined herein, unless it is located on a parcel of land with a minimum area of five (5) acres. **Vine Street is a Key Street Segment**
2. A Large Place of Public Assembly that includes an Eating and Drinking Establishment shall meet the standards of Section 1835, hereof. **See Finding of Facts E**
3. The Zoning Administrator may require the completion of a traffic impact study under the terms of Section 2203, E, 2 of this Zoning Ordinance. **Waived by ZA, Planning Commission may require if they feel it is needed**
4. All exterior lighting shall be in accordance with Section 525 hereof.
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.

E. Findings of Fact – Section 1835 Eating and Drinking Establishment of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
2. Such facilities shall be located and designed such that no objectionable noise in excess of 60 decibels shall be carried onto adjoining property zoned for, or occupied by, residential uses.
3. Such facilities shall be located and designed such that no objectionable odor or fumes shall be carried onto property located in the R-1, R-2 or R-3 districts.
4. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate, so that any refuse or dumpster shall not be visible from any building, dwelling, adjacent property, or street. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.
5. The Planning Commission may establish reasonable hours of operation for eating and drinking establishments.
6. Within the R-2 and R-3 districts, Eating and Drinking Establishments shall front on and be accessed primarily from a key street segment, as defined herein. **Vine Street is a Key Street Segment**
7. All exterior lighting shall be in accordance with Section 525 hereof.
8. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.
9. All parking shall be in compliance with the provisions of Section 514 of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

BE IT FURTHER RESOLVED, that the Special Use Permit for Mixed Use consisting of Medical/Dental Office, Place of Public Assembly Large with an Eating and Drinking Establishment **is hereby denied for the reasons set forth in this resolution.**

CITY OF MANISTEE PLANNING COMMISSION:

AYES:

ABSTAINING:

NAYS:

ABSENT:

MOTION:

CARRIED

NOT CARRIED

CERTIFICATION:

I, _____, Secretary of the City of Manistee Planning Commission certify that the foregoing is a true and complete record of action taken by the Planning Commission at their regular meeting of (meeting date)

, Secretary

Draft Resolution to DENY Special Use Permit Request

**CITY OF MANISTEE
PLANNING COMMISSION
BY-LAWS AND RULES OF PROCEDURES**

1. AUTHORITY

These By-laws and Rules of Procedures are adopted by the Planning Commission of the City of Manistee, County of Manistee, (hereinafter referred to as the Commission) pursuant to Public Act 110 of 2006, as amended, the Michigan Zoning Enabling Act; Public Act 33 of 2008, as amended being the Michigan Planning Enabling Act, the City of Manistee Zoning Ordinance, and the Public Act 267 of 1976, as amended, the Open Meetings Act.

2. OFFICERS

- 2.1 Selection. At the December meeting, the Planning Commission shall elect a chair, vice-chair and secretary who shall serve for the next twelve (12) months and who shall be eligible for re-election. Vacancies in an office of the Commission shall be filled at the next regular meeting of the Commission. The membership shall elect one of its members to fill the vacancy until the next annual election.
- 2.2 Duties. The chair shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein.
- The vice-chair shall act in the capacity of the chair in the absence of the chair or in the event of a vacancy in the office of chair; in which case, the Commission shall select a successor to the office of vice-chair at the earliest practicable time.
 - The Secretary shall be responsible for execution of documents in the name of the Planning Commission, the preparation of minutes, keeping of pertinent public records, delivering communications, reports, and related items of business of the Commission, issuing notices of public hearings and performing related administrative duties to assure efficient and informed Commission operations.
 - The Secretary may appoint a Recording Secretary to handle the administrative functions of the office. In the event the Secretary is absent, the chair or acting chair shall appoint a temporary secretary for such meeting.
- 2.3 Tenure. The officers shall take office at the first regularly scheduled meeting immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

3. MEETINGS

- 3.1 Meeting Notice. Notice of all meetings shall be posted at City Hall by December 31st of each year. The notice shall include the date, time and place of the meeting. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meeting act.
- 3.2 Removal from Office. The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

- 3.3 Commission Absences. In order to maintain the maximum participation of all appointed Planning Commission members at all scheduled meetings, the following is the attendance guide and Commissioner replacement policy for “excused” or “unexcused” absences:
1. When appointed, each Commissioner should state his/her willingness and intention to attend each scheduled meeting of the Planning Commission.
 2. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the Commissioner from attending the scheduled meeting; the Commission Chair or staff Liaison to the Planning Commission should be notified as soon as possible prior to the time of the scheduled meeting of their inability to attend. The Commissioner upon this notification will receive an “excused absence” for the involved scheduled meeting.
 3. If any Commissioner is absent from three (3) consecutive scheduled meetings without an “excused absence” for any of the three (3) meetings, the Commissioner shall be reported in writing to the City Manager. The City Manager will contact the Commissioner in writing and question his/her continued ability or interest in being on the Commission, giving the member a chance to rectify the attendance issue or submit a resignation.
 4. There will be no limit on the number of consecutive “excused absences” for any Commissioner. However, if the Commissioner is repeatedly absent for at least 50% of the yearly scheduled meetings, that member will also be reported in writing to the City Manager. The City Manager will contact the Commissioner in writing and question the member’s continued ability or interest to be on the Commission. The Commissioner will be considered for appointment nullification when the absences total six in the calendar year.
 5. The appointment nullification action would be initiated by the City Manager and forwarded on to the City Council for official action.
- 3.4 Special Meetings. A special meeting may be called by three members of the Planning Commission upon written request to the Secretary or by the Chairperson. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open meeting Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meeting act, and the Secretary or Recording Secretary shall provide notice to commission members by writing, telephone, or e-mail.
- 3.5 Quorum. In order for the Commission to conduct business or take any official actions, a quorum consisting of at least four of the seven members of the Commission shall be present. When a quorum is not present, no official action, except for the closing of the meeting may take place. The members of the commission may discuss matters of interest, but shall take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place is announced at the meeting.
- 3.6 Public Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the Acts and Ordinance cited in Section 1. Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure.

1. The Chair of the Planning Commission shall announce that a public hearing will be conducted on a request.
2. The Chair may read the public hearing announcement as published in the newspaper and give a brief description of the hearing subject and the public notice procedure.
3. The Chair may announce the following hearing rules:
 - a. The Chair will recognize each speaker. When a speaker has the floor, he/she is not to be interrupted unless time has expired. Persons speaking without being recognized shall be out of order.
 - b. Each speaker shall state their name and address for the record and may present written comments for the record.
 - c. Speakers shall address all comments and questions to the Planning Commission and comments will be limited to the subject matter of the Public Hearing.
 - d. Unless waived by the Planning Commission for a specific meeting or a specific speaker, public comment shall be limited to five (5) minutes per speaker, one time only. If a group of people wish to be heard on one subject, a spokesperson may be designated who may request that more than five (5) minutes be permitted for collective comments of the group as presented by that speaker.
 - e. The Chair may require that repetitive comments be limited or abbreviated in the interest of saving time and allowing others to speak. Everyone shall have an opportunity to speak before someone is allowed to speak a second time.
 - f. The Chair may establish additional rules of procedure for particular hearings as he/she determines appropriate.
 - g. Normal civil discourse and decorum is expected at all times. Applause, shouting, outbursts, demonstrations, name-calling or other provocative speech or behavior may result in removal from the hearing or an adjournment.
4. Once all public comments have been stated, the Chair shall close the hearing. Any voting member of the Planning Commission may initiate a motion to close the hearing.
5. Public Hearings may be carried out in the following format:
 - a. The Chair shall open the hearing.
 - b. The Applicant shall present any comments and explanation of the case. Applicant's presentation shall not be subject to the five (5) minute limitation.
 - c. The City staff and any consultants serving the City shall present their reports.
 - d. The hearing will be opened for public comment.
 - e. The public comment period will be closed.
 - f. Deliberation and discussion by the Planning Commission.
 - g. Disposition of the case by the Planning Commission.

3.7 Motions. Motions shall be restated by the Chair before a vote is taken. The name of the maker and supporter of each motion shall be recorded.

3.8 Voting. An affirmative vote of the majority of those members present shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last.

- 3.9 Order of Business. A written agenda for all regular meetings shall be prepared as followed. The order of business shall be:
- Call to Order.
 - Roll Call
 - Approval of Agenda
 - Approval of Minutes
 - Public Hearings
 - Public Comment on Agenda related items
 - New Business
 - Old Business
 - Public Comments and Communications
 - Correspondence
 - Staff Reports
 - Members discussion
 - Adjournment

A written agenda for special meeting shall be prepared and followed, however the form as enumerated above shall not be necessary.

- 3.10 Rules of Order. All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure as adopted by City Council for all Boards and Commissions within the City of Manistee.
- 3.11 Agenda Items. For an item to be considered at a regular Planning Commission meeting, it must be submitted to the City Community Development Department no later than the established policy of the City prior to the next scheduled Planning Commission Meeting.
- 3.12 Conflict of Interest: Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission.
1. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. A commission member issuing, deliberating, voting or reviewing a case concerning himself.
 - b. A commission member issuing, deliberating, voting or reviewing a case concerning work on land owned by himself.
 - c. A commission member issuing, deliberating, voting or reviewing a case involving a corporation, company, partnership, or other entity in which he is a part owner, or any other relationship where he may stand to have a financial gain or loss.
 - d. A commission member issuing, deliberating, voting or reviewing a case which is an action which results in a pecuniary benefit to himself.
 - e. A commission member issuing, deliberating, voting or reviewing a case concerning his spouse, children, step-child, grandchildren, parents, brother, sister, grandparents, parents in-law, grandparents in-law or member of his household.
 - f. A commission member may consider the possibility of declaring a conflict of interest if his/her home falls within a notification radius used for a Public Hearing. Because the sending of the notice automatically presumes some degree of interest, this fact

- should be recognized by declaring a conflict, particularly if a financial impact is likely.
- g. A commissioner who feels, in his/her judgment that his/her job, scope of duties and/or position may be at risk, pending the outcome of the permitting process.
2. A commission member shall, when he/she has a conflict of interest do the following immediately, upon the first review of the case and determining a conflict exists:
 - a. declare a conflict exists at the beginning of the meeting where the case appears on the agenda, or when the topic brought up so such declaration is recorded in the minutes, and
 - b. refrain from participating in the discussion, site inspection or review of the case, except where specific information has been requested by the commission, and
 - c. refrain from casting a vote on any motion having to do with the case.

4. MINUTES

- 4.1 Preparation. Commission minutes shall be prepared by the Secretary or Recording Secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, action and resolutions shall be attached to the minutes.

5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- 5.1 All meetings of the Commission shall be open to the public and held in a place available to the general public.
- 5.2 All deliberations and decision of the Commission shall be made at a meeting open to the public.
- 5.3 A person shall be permitted to address a hearing of the Commission under the rules established in subsection 3.5, and to address the Commission concerning non-hearing matters at the time designated for such comments.
- 5.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.
- 5.5 All records, files, publications, correspondences, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

6. COMMITTEES

- 6.1 Executive Committee. The Executive Committee of the Planning Commission shall consist of the Chair, Vice -Chair and Secretary. The Executive Committee shall be the Joint Ordinance Review Committee.
- 6.2 Committees. The Planning Commission or Chair of the Planning commission may establish and appoint standing and/or ad hoc committees for special purposes or issues, as deemed necessary. No more than three members of the Planning Commission may serve on a standing and/or ad hoc committee at any given time. Committee appointments shall be

made at the first regular meeting held in January of each year or at the time the committee is formed.

- 6.3 Rules of Procedure. All Sub-committees are subservient to the Planning Commission and report their recommendations to the Planning Commission for review and action and shall be conducted in accordance with generally accepted parliamentary procedure as adopted by City Council for all Boards and Commissions within the City of Manistee.

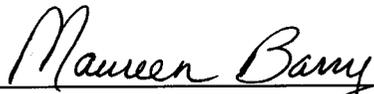
7. ANNUAL REVIEW OF BY-LAWS

The Commission shall annually review their By-Laws at the regularly scheduled meeting in January.

8. AMENDMENTS

These rules may be amended by the Commission by a concurring vote subject to subsection 3.7, during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

I HEREBY CERTIFY that the above Bylaws were adopted the 3rd day of January 2013.



Maureen Barry, Secretary

As Amended by the Planning Commission at their regularly scheduled meeting of March 5, 2009.

[Amendments included requirements of the new Michigan Zoning Enabling Act and Michigan Planning Enabling Act.]

[Annotation: As approved by the City Council at their June 2, 2009 Meeting - Council authorized the bylaw amendments for all Boards and Commissions to include the new Board Absences language; directed all boards or commissions to implement and follow these changes as Council has requested; and authorized the Mayor to sign the amended bylaws.]

[Annotation: Section 3.9 Order of Business was amended at the January 6, 2011 Planning Commission Meeting by adding "Public Comment on Agenda related items" after Public Hearings]

[Annotation: Section 3.9 Order of Business was amended at the January 6, 2011 Planning Commission Meeting by adding "Public Comment on Agenda related items" after Public Hearings]

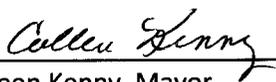
[Annotation: on January 3, 2013 the Planning Commission amended the first sentence of Section 3.5 Quorum as follows: In order for the Commission to conduct business or take any official actions, a quorum consisting of at least ~~five~~ **four** of the ~~nine~~ **seven** members of the Commission shall be present.]

Annotation: on January 3, 2013 the Planning Commission amended the second sentence of Section 6.2 Committees as follows: No more than ~~four~~ **three** members of the Planning Commission may serve on a standing and/or ad hoc committee at any given time.]

Approved by the City of Manistee Council

1/15/13

Date



Colleen Kenny, Mayor