

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

January 7, 2016

A meeting of the Manistee City Planning Commission was held on Thursday, January 7, 2016 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: Tom King (Best Drug – Attorney), Roy King (Best Drug), Patrick Gerard (Best Drug), Kyle Wilson (Nederveld), Jacob Bialik (Morton Salt), Alan Marshall (914 Vine Street), Eric Gustad (1014 Engelmann Street), Tom Thompson (810 Vine Street), Denise Blakeslee (Planning & Zoning Administrator) and others

APPROVAL OF AGENDA

Motion by Ray Fortier, seconded by Maureen Barry 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 Ray Fortier, seconded by Marlene McBride that the minutes of the December 3, 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

Chair Yoder opened the Public Hearing at 7:03 pm

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.

Chair Yoder asked the applicant to make their presentation.

Tom King, Attorney for Best Drug Rehabilitation – Tom King presented the request to the commission. He spoke of the mixed use being primarily public assembly, showed the interior layout of the building that includes a data entry area, file service/record storage, three group meeting rooms and an existing kitchen (no intention to serve outside group meetings). Assembly use will include AA, NA and Intensive outpatient (IOP) meetings. The IOP is for their patients who have completed their program at their facility at 300 Care Center Drive. No additions will be made to the building, a new parking lot will be constructed on the east side of the building, they will be removing the parking along the sidewalk on Ninth Street adjacent to the sidewalk and replacing it with green space. They meet the parking requirements for the use. They did not complete a sentence in the application. The nearest school is Casman Academy which is located 2 ½ blocks away. He drove around the neighborhood and there are two establishments that serve alcohol the Painted Lady and Hi-Way Inn that are about three blocks from their location. They will not be serving alcohol at their location and their use will not have an impact on the nearby school. He spoke of the benefits the facility will provide and that they will be transporting patients from their facility at 300 Care Center Drive to this building for sessions. There will be less traffic in the neighborhood with this use than what was experienced when it was the Civic Club. They will provide another opportunity for AA and NA meetings. They will take care of the building and improve parking. The plan includes a Phase 2 parking area that includes the Morton property on the west side of their property, they have not been able to make contact with the owner and are not able to use that area without their permission.

Commissioner McBride asked if the people that would attend meetings would be violent or create any issues for the neighborhood?

Tom King said that the patients from their facility will have almost completed their program and there AA/NA meetings would have no more impact than those that are typically held at churches in a community.

Commissioner Wittlieff asked if they would have a secured door?

Tom King said they will have a security person at the desk at the main entrance on Ninth Street. The other entrances are for employee's only and emergency exits.

Chair Yoder asked if the building would be open to the public.

Tom King said the building would be open to the public and that they will have a security person at the desk. Most people will be shuttled from their facility at 300 Care Center Drive and they will also have

someone with them during transport into the facility. He also spoke of adding a fence along the south to provide a buffer for the adjoining property, installation of bushes and location of the dumpster.

Commissioner McBride asked what their hours would be.

Tom King said typically 9am – 6pm with some evenings for meetings. They would have between 10-15 employees at the facility with approximately 60 clients throughout the day (15-20 average at one time) with a maximum of about 75 people a day.

Commissioner Wittlieff asked in response to concerns he received about smoking in front of the building if a smoking area could be established.

Tom King said they have not designated an area, but there could be room by the bike rack if it were moved back to put in a picnic table and designate that area for smoking. That may be a good location for a smoking area.

Commissioner Wittlieff asked about the nature of the clients and if they will be removing the existing bar tops in the building.

Tom King said their clients are mainly from their other facility and they will have nearly completed their program. No alcohol will be served at their facility and that they may or may not remove the bar tops.

Commissioner Wittlieff asked about greenspace on their property.

Tom King noted that they will be installing bushes along the south property line and that the majority of their property will be used for parking.

Chair Yoder asked the reason for acquiring the building.

Tom King said that they needed more space to hold meetings and noted they will improve upon the existing parking for the building.

Commissioner Barry asked if they would explain the IOP Meetings.

Roy King, Best Drug Rehabilitation explained that the client would have already completed their detox at their other facility, will have moved into residential treatment, this is the last stage of treatment that also provides life skill training.

Commissioner Barry said that the community already has AA and NA meetings and asked if they have been contacted about this facility.

Tom King said they have not contacted anyone; they were waiting for approval before reaching out.

Commissioner McBride asked what the capacity is at their facility at 300 Care Center.

Mr. King responded they are at approximately 90% capacity.

Denise Blakeslee, Planning & Zoning Administrator – Ms. Blakeslee discussed the review of the site plan. The plan indicated that there would be 51 parking spaces. Section 514.K of the ordinance reads *“No parking area designed for more than 4 vehicles shall be located closer than five (5) feet from the front property line.”* The plan showed that this separation was not provided for the portion of the parking lot that fronts on Ninth Street. This reduces the number of parking spaces from 51 to 49 spaces. The calculations used to determine the number of parking spaces required the applicant to provide 49 spaces. Commissioners were given a revised review.

The DPW Director and City Engineer reviewed the plan and they provided 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.

In the event the Planning Commission was to approve the request, staff recommends the following conditions be placed part of the approval.

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.”*
2. In consideration for the applicant to connect into the storm sewer along Ninth Street the applicant may remove the underground storage/infiltration system shown on the original site plan in exchange for the removal of the parallel parking along Ninth Street while maintaining the sidewalk and restore the area with topsoil and seed.
3. All catch basins and storm manholes with inlets are to be constructed with a two foot sump.
4. Any parking lot entrances onto Ninth Street are to be constructed to commercial driveway standards.
5. Applicant will submit an updated site plan that includes all changes to the DPW Director and/or City Engineer who must approve the changes before issuance of the Special Use Permit.

6. In the event a license agreement were obtained from the adjoining property owner to the west; the property owner shall upgrade the parking area that includes incorporating green space, sidewalk extension and curb cut with final design approval from the Planning Department, DPW Director, Director of Public Safety and City Engineer.
7. Construction of the parking area is to be completed no later than May 31, 2016.
8. Applicant is to construct a fence along the south property line as a buffer.

The fence would need to stop 15 feet from the front property line.

Chair Yoder opened the hearing for public comments.

Jacob Bialik, Morton Salt – Mr. Bialik said that they have been contacted about the parking and that their legal department is looking at a license agreement. Morton's wants to be a good neighbor.

Alan Marshall, 914 Vine Street – Mr. Marshall already has a fence on the rear of his property, but would like to see a six foot privacy fence installed in the front yard. The Civic Club had installed a little fence because there were people parking in his driveway. He understands that his garage is only 18 inches off the property line and needs to be able to maintain it. He wants to make sure that there is a buffer between his property and the parking area and that people do not hit his garage when they are parking. He is also concerned about the dumpster and wants to make sure that there is sufficient room so that it will not impact his property.

Eric Gustad, 1014 Engelmann Street – Mr. Gustad appreciates having the public hearing and stated he is not against the project. He expressed his desire for public safety for the residents, students at Casman and noted that there is a school bus stop in front of the building. He asked if the school should be contacted and if an alternate location was needed. He spoke of living near their facility at 300 Care Center Drive and that when they were first opened there was some issues with patients walking off their property into the neighborhood. Since then they have installed a fence and it addressed the issue. They have been a pretty good neighbor.

Tom Thompson, 810 Vine Street – expressed concerns about the oversight of clients and that he has seen them at the boat launch on Ninth Street. He spoke of their methods used for detox and feels that their use of the building for AA and NA is under false premise. Typically AA and NA meet in churches and there are already two groups that hold meetings weekly. He expressed is concern for the safety of the families in the neighborhood and asked that that be kept in mind.

Commissioner Wittlieff – asked a security question. Will they have a security person at the front door at all times?

Mr. King – No one going through detox will be at the facility. They will have completed detox before going to the facility. They will have a security person at the front door.

They will work with the adjoining property owner for acceptable fencing. The dumpster enclosure is constructed to the standards in the ordinance and they provide a five foot buffer between the enclosure and the existing fence.

They are happy to talk with the school about the bus stop. They don't anticipate any problems.

Commissioner Wittlieff – Noted he would like to see green space and bushes in the smoking area.

Mr. King – this is a not a large area and they cannot remove parking. They will try to fit a picnic table along with the bike rack with green space.

Commissioner Wittlieff - spoke of the nice job that Best Drug did when they were involved with the cleanup at Lake Bluff.

Commissioner McBride – asked if they were providing security inside and outside the building.

Mr. King – their clients will be monitored when they are at their facility. The ones that are shuttled will have someone with them. The parking lot on Vine Street will provide parking for those that drive and it has been designed to funnel them into the right direction.

Chair Yoder asked if any correspondence had been received in response to the request - None received

There were no more additional comments; the Public Hearing was closed at 7:54 pm.

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

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.

Commissioners spoke of the comments received from the public and about conditions to be placed if the request were approved.

MOTION by Ray Fortier, seconded by Marlene McBride that the Planning Commission adopts a resolution that approves 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 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."***

2. *In consideration for the applicant to connect into the storm sewer along Ninth Street the applicant may remove the underground storage/infiltration system shown on the original site plan in exchange for the removal of the parallel parking along Ninth Street while maintaining the sidewalk and restore the area with topsoil and seed.*
3. *All catch basins and storm manholes with inlets are to be constructed with a two foot sump.*
4. *Any parking lot entrances onto Ninth Street are to be constructed to commercial driveway standards.*
5. *Applicant will submit an updated site plan that includes all changes to the DPW Director and/or City Engineer who must approve the changes before issuance of the Special Use Permit.*
6. *In the event a license agreement were obtained from the adjoining property owner to the west; the property owner shall upgrade the parking area that includes incorporating green space, sidewalk extension and curb cut with final design approval from the Planning Department, DPW Director, Director of Public Safety and City Engineer.*
7. *Construction of the parking area is to be completed no later than May 31, 2016.*
8. *The applicant shall construct a six foot privacy fence along the south portion of their property to provide a buffer between the parking lot and the adjoining residential property east of the garage. The fence shall stop 15 feet from the front property line on Vine Street.*
9. *Applicant is to notify the school that they will be opening their facility and that there is currently a school bus stop at their location.*
10. *The smoking area is to incorporate greenspace and buffering if possible, with final review by the Zoning Administrator.*

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

Yes: Wittlieff, Fortier, Barry, McBride, Yoder
 No: None

Commissioner McBride thanked the public for coming and appreciated all of their input.

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.

Executive Committee (Chair, Vice Chair, Secretary)/ Ordinance Re-Write Committee - Members of this committee will assist in reviewing the Zoning Ordinance for areas that need to be changed and/or updated and if needed review Zoning Ordinance Amendments with the City Council Ordinance Review Committee. *Meet as needed*

Chair Yoder appointed: **Maureen Barry - Vice Chair, Marlene McBride – Secretary, Roger Yoder - Chair**

Master Plan Review Committee/Green Initiative - Ad Hoc Committee - Members of this committee will be responsible to keep current with new trends/changes that are going on in the community that could impact the Master Plan and will review Green Initiative programs for the City of Manistee. These programs could include wind, solar and alternative energy programs that would benefit the community.
Meet as needed

Chair Yoder appointed: **Marlene McBride, Mark Wittlieff and Roger Yoder**

Site Plan Review/ Subdivision Committee - Site Plan Review Committee – Needed for Medium Site Plans for new construction; the Zoning Administrator has the option to forward requests to the Committee. Committee Review required for Planned Unit Developments. Subdivision Committee - This committee is required under section 1242.03 of the Code of Ordinances. *Meet as needed*

Chair Yoder appointed: **Marlene McBride, Mark Wittlieff, and Roger Yoder**

Chair Yoder appointed 2 Alternates: **Maureen Barry and Vacancy**

Zoning Board of Appeals - One member of the Planning Commission will be appointed as the **Planning Commission Representative on the Zoning Board of Appeals.**

Chair Yoder appointed **Ray Fortier**

By Law Review

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

No Changes were made to the By-Laws.

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.”

Ms. Blakeslee said that Rob Carson is working on the plan and the commission will have goals and tasks and possibly a full draft of the document at their next meeting.

Motion by Maureen Barry, seconded by Mark Wittlieff that the Planning Commission will continue their work on rewriting the City of Manistee Master Plan

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

Yes: Wittlieff, Fortier, Barry, McBride, Yoder

No: None

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.

Motion by Ray Fortier, seconded by Mark Wittlieff that the Planning Commission recommends 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.

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

Yes: Wittlieff, Fortier, Barry, McBride, Yoder
No: None

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

None

CORRESPONDENCE

None

STAFF/SUB-COMMITTEE REPORTS

Denise Blakeslee, Planning & Zoning Administrator – Members were invited to the Council Workession on the 12th, spoke of the list of action from 2015 and all the great work the commission did this past year. Spoke of a request that may be coming before them from the Country Club.

MEMBERS DISCUSSION

Commissioner McBride spoke of the Council on Aging (Senior Center) looking at obtaining the Armory and their need for more space.

The next regular meeting of the Planning Commission will be held on Thursday, February 4, 2016

ADJOURNMENT

Motion by Ray Fortier, seconded by Mark Wittlieff that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 8:25 pm

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary