

MANISTEE CITY PLANNING COMMISSION
70 Maple Street, Manistee, Michigan 49660
Meeting of Thursday, June 3, 2004
7:00 p.m. - Manistee Middle School - Library, 550 Maple Street

AGENDA

- I Roll Call
- II Public Hearing
 - 1. Zoning Amendment - Adaptive Reuse for Multiple Family Dwellings
- III Approval of Minutes
 - Planning Commission Special Meeting (5/6/04)
- IV New Business
 - 1. Zoning Amendment - Adaptive Reuse for Multiple Family Dwellings
- V Unfinished Business
 - None
- VI Other Communications
 - 1.
- VII Citizen Questions, Concerns and Consideration
(Public Comment Procedures on the Reverse Side)
- VIII Work/Study Session
 - 1. Zoning Ordinance Re-Write
 - 2.
- IX. Adjournment

Public Comment Procedures

The City of Manistee Planning Commission welcomes public comment in support of its decision-making process. To assure an orderly, fair and balanced process, the Planning Commission asks that participants at all public hearings and during the Public Comment portion of the meeting observe the following rule of procedure:

1. The Chairperson 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.
2. Each speaker shall state their name and address for the record and may present written comments for the record.
3. Speakers shall address all comments and questions to the Planning Commission.
4. 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 the collective comments of the group as presented by that speaker.
5. The Chairperson may request that repetitive comments be limited or abbreviated in the interest of saving time and allowing others to speak.
6. The Chairperson may establish additional rules of procedure for particular hearings as he/she determines appropriate.
7. Normal civil discourse and decorum is expected at all times. Applause, shouting, outbursts, demonstrations, name-calling or other provocative speech or behavior is not helpful to the decision-making process and may result in removal from the hearing or an adjournment.

Thank you for your interest in the work of the City of Manistee Planning Commission and for your cooperation with these rules of procedure.

MEMORANDUM

TO: Planning Commissioners

FROM: Denise Blakeslee 
Administrative Assistant - Community Development Department

DATE: May 28, 2004

RE: Planning Commission Meeting June 3, 2004

The June Planning Commission Meeting will be held at 7:00 p.m., June 3rd in the Middle School Library. The following items are on the agenda:

1. Public Hearing for Adaptive Reuse for Multiple Family Dwellings. A Public Hearing is being held for input on a proposed Zoning Amendment that will allow Adaptive Reuse for Multiple Family Dwellings in the C-4 Commercial District. This Amendment would Add the definitions (ADAPTIVE REUSE, DWELLING, MULTIPLE FAMILY, GROUND FLOOR, LIVING SPACE, SIDEWALK MERCHANDISING) to Article 5 Definitions. Amend Article 58: C-4 Commercial District to include Adaptive Reuse for Multiple Family Dwellings as a Special Use and other changes. Amend Article 16: Special Use Permit Standards and Regulations by adding Section 1616. Adaptive Reuse for Multiple Family Dwellings. These amendments will allow condominium development in the C-4 Commercial District (Downtown District).
2. We will continue the Zoning Ordinance Re-Write under the Worksession portion of the meeting.

If you are unable to attend please call me at 723-2558.

:djb

DRAFT

Ordinance 04 - ____
AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING
ORDINANCE" WHICH WAS ADOPTED MAY 1, 1990, AS AMENDED,
TO AMEND THE MANISTEE CITY ZONING ORDINANCE
ARTICLE 5: DEFINITIONS
ARTICLE 58: C-4 COMMERCIAL DISTRICT
ADD SECTION 1616: ADAPTIVE REUSE FOR MULTIPLE FAMILY DWELLINGS

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

- 1. That Article 5: Definitions be amended by adding the following definitions:

ADAPTIVE REUSE: The development of a new use for a older building or for a building originally designed for a special or specific purpose. Adaptive Use for Multifamily Dwellings is the redevelopment of an older building into apartments or condominiums with the ground floor committed to retail, office and service uses.

DWELLING, MULTIPLE FAMILY: A single building or series of building with abutting walls which included more than one dwelling, including condominium developments and apartment buildings.

GROUND FLOOR: That floor(s) or level(s) of a building whose vertical distance is closest to grade of all floors or levels of the building or structure and is not a basement and no part of which is a basement.

LIVING SPACE: The total floor area of all habitable rooms in a dwelling.

SIDEWALK MERCHANDISING: Using window shopping to sell goods and services to patrons from indoor facilities.

- 2. That Article 48: C-4 Commercial District be amended to read as follows:

5801. Purpose

It is the intent of this District to protect and further establish the *City's* downtown central business district as a regional and specialty shopping area; while at the same time adhering to the Downtown Development Authority boundary; and to be compatible with General Commercial (GCM) provisions of the Manistee City Master Plan of 1988, Central Business district as set forth in the City of Manistee Master Plan of 2002, the Manistee Downtown Preservation and Development Plan, and Downtown Development Authority Plan each adopted as part of the *City's* comprehensive planning.

5802. Permitted Uses

Only the following uses shall be permitted, by permit, as specified in Section 8401 *et. seq.* of this Ordinance:

- A. *Outdoor Recreation-Parks*
- B. Printing and Publishing [27]
- C. Postal Service [431]
- D. Transportation Services [47]
- E. Wholesale Trade [F: 50-5199]
- F. Retail Trade [G: 52-5999]
- G. Finance, Insurance and Real Estate [H: 60-6799]
- H. Services [I:70-8999]; EXCEPT
 1. Camps and Recreational Vehicle Parks [703]
 2. Top & Body Repair & paint shops [7532]
 3. Tire retreading & repair shops [7534]
 4. Drive-in Motion Picture Theaters [7833]
- I. Public Administration [J:91-9721]
- J. *Accessory Buildings and uses* to the above. ~~Accessory uses, as used in this district, includes dwelling units on second and third floors above principle uses located on street level.~~

DRAFT

5803. Special Uses

Only the following uses shall be permitted, by Special Use Permit, as specified in Section 8601 *et. seq.* and according to the Standards in Article 16 of this Ordinance:

[Annotation: This section changed by amended, effective May 18, 1998.]

- A. ~~Dwelling Multiple Family~~
 1. *home occupation*
 2. parking for currently licensed automobiles
 3. storage of recreational vehicle(s), boat(s), boat trailer(s) or trailers(s) only in a side yard, rear yard or driveway, ~~except within the Historic Overlay District, where such storage shall be prohibited.~~
- B. Duplex
- C. Apartment Building; with no more than one (1) living unit for each two thousand seven hundred (2,700) square feet of *parcel* area.
- D. Local and Interurban Passenger Transit [41]
- E. *Marina*, with the exception that requirement for providing a minimum number of parking places, Section 1610.G would not apply. (for Special Use Standards, see Section 1610)
[Annotation: This subsection changed by amendment, effective April 17, 1992.]
- F. *Public Warehouse* (for Special Use Standards, see Section 1613)
- G. Accessory Buildings and uses to the above
- H. Micro-Breweries (less than 20,000 barrels per year)
[Annotation: Section 5803.H added by amendment, effective January 31, 1997.]
- I. *Communication Tower* (for Special Use Standards, see Section 1615)
[Annotation: This subsection added by amendment, effective February 17, 1998]
- J. ~~Adaptive Reuse and Adaptive Reuse for Multifamily Dwellings (for Special Use Standards, see Section 1616)~~

DRAFT

3. That Article 16: Special Use Permit Standards and Regulations be amended by adding Section 16.6. Adaptive Reuse for Multiple Family Dwellings as follows:

16.6. Adaptive Reuse for Multiple Family Dwellings

A. **Definition.** Adaptive Reuse: The development of a new use for an older building or for a building originally designed for a special or specific purpose. Adaptive Use for Multifamily Dwellings is the redevelopment, including expansion, of an older building into apartments or condominiums with the ground floor, on-street frontage committed to retail, office and service uses.

B. **Regulations and Conditions:** A building originally designed and constructed for another purpose may be reused for multiple family dwellings, in accord with the following standards and conditions and the provisions of Article 86 of this Zoning Ordinance.

1. The exterior of the building shall be designed consistent with the design standards of Article 70, Historic Overlay District, if located within said district. Buildings located in the C-4 District, but outside the Historic Overlay District, shall be consistent in scale and exterior materials with nearby existing *buildings*.
2. No dwellings shall be located on the *ground floor* or *basement* of the *building*, except where existing topography creates opportunities for daylight or walkout residences along the riverfront or into a secured and private side or rear yard. The *ground floor* of the *building* facing the street shall be dedicated to retail, office or other commercial *use*, including retail specialty shops intended to serve the residents of the immediate area and visitors. The nature, design and operation of such shops and services shall be compatible with neighboring commercial uses and residential uses in the building. Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, service or offices uses will be generally compatible with residential uses in the building.
3. At least fifty percent (50%) of the exterior wall facing the street for retail space on the *ground floor* shall consist of glass display windows.
4. Parking shall be provided at the rear or side of the *building* or within an enclosed building and shall be appropriately buffered or screened. Parking shall be provided within two hundred (200) feet of the building. Two (2) spaces shall be provided per *dwelling*.
5. The number of dwellings permitted in an adaptive reuse building shall not exceed one dwelling for each 1,500 square feet of building envelope, as defined herein.
6. All *dwellings* shall provide a minimum of eight hundred (800) square feet of *living space*.
7. Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.
8. Signage shall comply with the requirements of Article 14: Signs.

2. **CONFLICTING ORDINANCES:** All other ordinances and parts of ordinances, or amendments hereto, of the Manistee City in conflict with the provision of this ordinance are hereby repealed.

3. EFFECTIVE DATE: This Ordinance shall take effect on _____ upon publication in the Manistee News Advocate.

Richard Mack, Mayor Dated

ATTEST:

Michelle Wright Dated
City Clerk/Deputy Treasurer

DRAFT

DRAFT

Ordinance 04 - ____
AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING
ORDINANCE" WHICH WAS ADOPTED MAY 1, 1990, AS AMENDED,
TO AMEND THE MANISTEE CITY ZONING ORDINANCE
ARTICLE 5: DEFINITIONS
ARTICLE 58: C-4 COMMERCIAL DISTRICT
ADD SECTION 1616: ADAPTIVE REUSE FOR MULTIPLE FAMILY DWELLINGS

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

1. That Article 5: Definitions be amended by adding the following definitions:

ADAPTIVE REUSE: The development of a new use for a older building or for a building originally designed for a special or specific purpose. Adaptive Use for Multifamily Dwellings is the redevelopment of an older building into apartments or condominiums with the ground floor committed to retail, office and service uses.

DWELLING, MULTIPLE FAMILY: A single building or series of building with abutting walls which included more than one dwelling, including condominium developments and apartment buildings.

GROUND FLOOR: That floor(s) or level(s) of a building whose vertical distance is closest to grade of all floors or levels of the building or structure and is not a basement and no part of which is a basement.

LIVING SPACE: The total floor area of all habitable rooms in a dwelling.

SIDEWALK MERCHANDISING: Using window-shopping to sell goods and services to patrons from indoor facilities.

2. That Article 48: C-4 Commercial District be amended to read as follows:

5801. Purpose

It is the intent of this District to protect and further establish the *City's* downtown central business district as a regional and specialty shopping area; while at the same time adhering to the Downtown Development Authority boundary; and to be compatible with General Commercial (GCM) provisions of the Manistee City Master Plan of 1988, Central Business district as set forth in the City of Manistee Master Plan of 2002, the Manistee Downtown Preservation and Development Plan, and Downtown Development Authority Plan each adopted as part of the *City's* comprehensive planning.

5802. Permitted Uses

Only the following uses shall be permitted, by permit, as specified in Section 8401 *et. seq.* of this Ordinance:

- A. *Outdoor Recreation-Parks*
- B. Printing and Publishing [27]
- C. Postal Service [431]
- D. Transportation Services [47]
- E. Wholesale Trade [F: 50-5199]
- F. Retail Trade [G: 52-5999]
- G. Finance, Insurance and Real Estate [H: 60-6799]
- H. Services [I:70-8999]; EXCEPT
 1. Camps and Recreational Vehicle Parks [703]
 2. Top & Body Repair & paint shops [7532]
 3. Tire retreading & repair shops [7534]
 4. Drive-in Motion Picture Theaters [7833]
- I. Public Administration [J:91-9721]
- J. *Accessory Buildings and uses* to the above. ~~Accessory uses, as used in this district, includes dwelling units on second and third floors above principle uses located on street level.~~

DRAFT

5803. Special Uses

Only the following uses shall be permitted, by Special Use Permit, as specified in Section 8601 *et. seq.* and according to the Standards in Article 16 of this Ordinance:

[Annotation: This section changed by amended, effective May 18, 1998.]

- A. *Dwelling Multiple Family*
 1. *home occupation*
 2. parking for currently licensed automobiles
 3. storage of recreational vehicle(s), boat(s), boat trailer(s) or trailers(s) only in a side yard, rear yard or driveway, ~~except within the Historic Overlay District, where such storage shall be prohibited.~~
- B. Duplex
- C. Apartment Building; with no more than one (1) living unit for each two thousand seven hundred (2,700) square feet of *parcel* area.
- D. Local and Interurban Passenger Transit [41]
- E. *Marina*, with the exception that requirement for providing a minimum number of parking places, Section 1610.G would not apply. (for Special Use Standards, see Section 1610)
[Annotation: This subsection changed by amendment, effective April 17, 1992.]
- F. *Public Warehouse* (for Special Use Standards, see Section 1613)
- G. Accessory Buildings and uses to the above
- H. Micro-Breweries (less than 20,000 barrels per year)
[Annotation: Section 5803.H added by amendment, effective January 31, 1997.]
- I. *Communication Tower* (for Special Use Standards, see Section 1615)
[Annotation: This subsection added by amendment, effective February 17, 1998]
- J. ~~*Adaptive Reuse and Adaptive Reuse for Multifamily Dwellings* (for Special Use Standards, see Section 1616)~~

DRAFT

3. That Article 16: Special Use Permit Standards and Regulations be amended by adding Section 1616. Adaptive Reuse for Multiple Family Dwellings as follows:

1616. Adaptive Reuse for Multiple Family Dwellings

A. **Definition.** Adaptive Reuse: The development of a new use for an older building or for a building originally designed for a special or specific purpose. Adaptive Use for Multifamily Dwellings is the redevelopment, including expansion, of an older building into apartments or condominiums with the ground floor, on-street frontage committed to retail, office and service uses.

B. **Regulations and Conditions:** A building originally designed and constructed for another purpose may be reused for multiple family dwellings, in accord with the following standards and conditions and the provisions of Article 86 of this Zoning Ordinance.

1. The exterior of the building shall be designed consistent with the design standards of Article 70, Historic Overlay District, if located within said district. Buildings located in the C-4 District, but outside the Historic Overlay District, shall be consistent in scale and exterior materials with nearby existing *buildings*.
2. No dwellings shall be located on the *ground floor* or *basement* of the *building*, except where existing topography creates opportunities for daylight or walkout residences along the riverfront or into a secured and private side or rear yard. The *ground floor* of the *building* facing the street shall be dedicated to retail, office or other commercial *use*, including retail specialty shops intended to serve the residents of the immediate area and visitors. The nature, design and operation of such shops and services shall be compatible with neighboring commercial uses and residential uses in the building. Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, service or offices uses will be generally compatible with residential uses in the building.
3. At least fifty percent (50%) of the exterior wall facing the street for retail space on the *ground floor* shall consist of glass display windows.
4. Parking shall be provided at the rear or side of the *building* or within an enclosed building and shall be appropriately buffered or screened. Parking shall be provided within two hundred (200) feet of the building. Two (2) spaces shall be provided per *dwelling*.
5. The number of dwellings permitted in an adaptive reuse building shall not exceed one dwelling for each 1,500 square feet of building envelope, as defined herein.
6. All *dwellings* shall provide a minimum of eight hundred (800) square feet of *living space*.
7. Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.
8. Signage shall comply with the requirements of Article 14: Signs.

2. CONFLICTING ORDINANCES: All other ordinances and parts of ordinances, or amendments hereto, of the Manistee City in conflict with the provision of this ordinance are hereby repealed.

3. EFFECTIVE DATE: This Ordinance shall take effect on _____ upon publication in the Manistee News Advocate.

Richard Mack, Mayor Dated

ATTEST:

Michelle Wright Dated
City Clerk/Deputy Treasurer

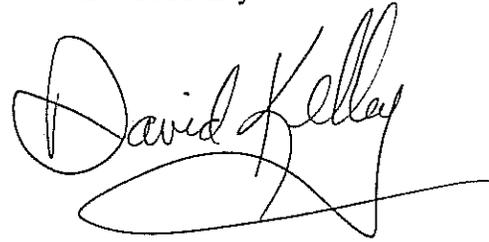
DRAFT

To the Manistee City Planning Commission:

I Dave Kelley on 6/03/04 am officially resigning my position on the Manistee City Planning Commission Board, Due to personal commitments. I would hope to eventually come back to reside on the Manistee City Planning Commission Board when I am able to commit the time necessary to the Commission.

Sincerely,

David Kelley

A handwritten signature in cursive script that reads "David Kelley". The signature is fluid and includes a large loop at the end of the word "Kelley".