

CITY OF MANISTEE PLANNING COMMISSION

WORKSESSION AGENDA

Thursday, September 21, 2006 - 6:00 p.m.
Council Chambers, City Hall
70 Maple Street, Manistee, Michigan

I Call to Order.

II Worksession Items:

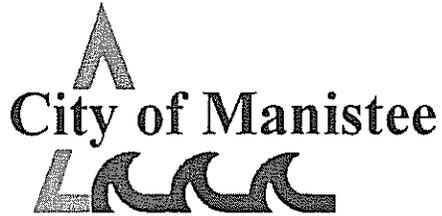
1. Narconon Stone Hawk
2. D.D.A. Presentation -Vertical Zoning Discussion
3. Other

III Adjourn.

All Planning Commission Meetings and Worksessions are open to the Public.

Worksessions are scheduled to allow the Planning Commission the opportunity to discuss in a less formal manner than a regular meeting. No motions or decisions can be made during a worksession.

The Planning Commission does not take public comment during worksessions. The public is not allowed to speak, ask questions, or express opinions on items which are being discussed during the worksession.



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

MEMORANDUM

TO: Planning Commissioners
FROM: Denise Blakeslee 
DATE: September 15, 2006
RE: Planning Commission Worksession

Commissioners, we have a Worksession scheduled for Thursday, September 21, 2006 at **6:00 p.m.** in the Council Chambers. We will continue discussion on the request from Narconon Stone Hawk (see Memo from Jon) and Lee Trucks from the D.D.A. will be giving a presentation on Vertical Zoning.

See you at the worksession, please call if you are unable to attend!

:djb



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

MEMORANDUM

TO: Planning Commissioners
FROM: Jon R. Rose, Community Development Director
DATE: September 15, 2006
RE: Narconon Stone Hawk

Commissioners, we will be discussing the request from Narconon Stone Hawk during our Worksession on Thursday, September 21, 2006. Notification has been sent to all of the property owners and in the Newspaper. This notice indicated that it would be on the Worksession agenda and the public is welcome to attend but public comment is reserved for the Public Hearing.

The following should be noted:

- ▶ The Zoning Ordinance does not define a Drug Education and Rehabilitation Facility.
- ▶ Similar Uses would be an Education Facility (Section 1837) or a Nursing Home or Convalescent Home (Section 1862). These are both Special Uses in the R-3 High Density Residential District but required to be located on a Key Street Segment.
- ▶ While this property is not located on a Key Street Segment the previous use was a Nursing Home. This would be a Legal Non-Conforming Use (Non-Conforming in that it is not located on a Key Street).
- ▶ Does the request meet the requirement of Use Similar to Permitted Special Use (Section 1886)?
- ▶ If the proposed use is a Use Similar to Permitted Special Use does it qualify as a Legal Non-Conforming Use and is it required to be on a Key Street Segment.

We are asking for a determination from the Planning Commission so we can proceed with this request.

JRR:djb

DOWNTOWN STURGIS (Retail Zone)

RETAIL ORDINANCE Adopted 2003

<u>2003</u>	Businesses	<u>2006</u>
15 Retail 25%		23 Retail 31%
6 Food 10%		8 Food 11%
<u>40</u> Service 65%		<u>43</u> Service 58%
61 Total		74 Total

Vacant Buildings	
10 = 17%	4 = 7%

*Percentages figured on a total of 58 buildings.

Overall growth	=	21%
Retail growth	=	53%
Food growth	=	33%
Service growth	=	8% (Second Floors)

*Percentages based on 13 new businesses.

Man Made Lake Status

September 15, 2006

Considerable confusion has resulted from the action of the Planning Commission to deny Sand Products Corporation's application for an amendment to their Planned Unit Development. Before discussing the ramifications of the Planning Commission Action, some historical perspective would be useful.

History:

Sand Products Corporation has owned the property around Man Made Lake for over 50 years along with much of the rest of the property on the Northside of Manistee along Lake Michigan. The Man Made Lake area was part of a sand mining operation. Sand was mined from the dunes and shipped to Dearborn for use in building cars (engines and glass). Man Made Lake is the result of that mining operation continuing after the dunes were gone.

On September 5, 1995 the City entered into an agreement with Sand Products Corporation to lease the remainder of their property around Man Made Lake for Recreational Purposes. This is a 20 year lease with a cancellation clause for either party upon 180 days notice.

In 1996 the City purchased property at the north end of the Dunes Subdivision from Harbor Village. This property was subsequently used to create the North Beach Access. Harbor Village donated the proceeds of this sale back to the City to construct the access drive and parking at Man Made Lake.

On July 16, 1997 the City purchased property from Mr. & Mrs. Axce which provided about 200 feet of frontage (between Phase 1 and Phase 2) on Man Made Lake.

On October 20, 1998 the City of Manistee purchased property from Mr. & Mrs. Janowiak fronting on Dunes Drive (Subsequently traded to Sand Products).

In February of 2003 Sand Products Corporation filed a Special Use Permit request for a Planned Unit Development on Man Made Lake.

A Planned Unit Development allows the Developer and Planning Commission flexibility to design a project which is not required to meet the specific requirements of the Zoning Ordinance but, through negotiations can achieve a development which is more favorable to both the City and the Developer.

The Planned Unit Development for Sand Products Corporation was approved by the Planning Commission on April 10, 2003 for nine (9) units in Phase 1 and six (6) units in Phase 2 with provision for approval of lot layout at a later date.

Concurrently the City Council and Sand Products Corporation have entered into two agreements to consolidate properties and provide public access. Agreements were signed April 15, 2003. These agreements have all been executed by City Council and Sand Products Corporation.

Included in these agreements is a condition that Sand Products Corporation "shall grant to the City permanent public deeded access for all that property along Lake Michigan" from Lake Michigan to an established line approximately at the western base of the berm. The City Attorney and Sand Products Corporation Attorney are working on deed language acceptable to both parties. The issue is how much public use is permitted under the word "access".

This reconfiguration allowed the addition of one building site in Phase 1. The Planning Commission approved this as a minor non-substantive change on May 1, 2003. The approved Planned Unit Development included a Phase 1 (10 building sites) and Phase 2 (6 building sites). The developer will need to come back to the Planning Commission for site plan approval in Phase 2.

Sand Products Corporation applied for an amendment to add five building sites on Phase 3 (the berm) on January 25, 2006. The Public Hearing for Phase 3 was held on March 2, 2006.

On March 27, 2006 the newly Re-written Zoning Ordinance of the City of Manistee went into effect. Under the new Zoning Ordinance all of the property is zoned R-1 Low Density Residential.

Discussions between Planning Commission and Developer:

Through the course of a Public Hearing and several meetings with the Planning Commission the proposed site plan for Phase 2 and Phase 3 was adjusted to move the Lake Michigan-fronting street to the eastern side of the berm (Man Made Lake side), and reduce the proposed number of building sites on the berm from five (5) to four (4).

The Lots in Phase 2 were reduced from six (6) building sites to five (5) building sites to accommodate the installation of the private street.

Discussions resulted in an agreement that the developer would provide permanent deeded public use of the north and western edge of Man Made Lake (in front of Phase 2 and Phase 3). This public use would apply to all the property between the private street and Man Made Lake.

The Developer also agreed to install a 12 space parking lot at the north end of the private street (off Dunes Drive); to permanently protect the remaining open space on the berm (Phase 3) from further development through protective covenants; to assume full responsibility for any maintenance or environmental contamination caused by potential erosion; to allow Planning Commission review of Architectural standards for buildings; to keep landscaping natural with no manicured lawns; to not gate the private street; and to limit building height to 30 feet.

Current Status:

On September 7, 2006 the Planning Commission voted to adopt a resolution to deny the request from Sand Products Corporation to Amend the Special Use Permit for a Planned Unit Development by adding a Phase 3 and configuring the private street and parcels in Phase 2.

As a result all of the agreements developed through the discussion phase of amending the Planned Unit Development are no longer in place. The developer is no longer under any obligation to:

- Provide public use of Man Made Lake in front of Phase 2 and Phase 3 (north and western edge of lake). The only public access around Man Made Lake is the area in front of the City Owned property located between Phase 1 and Phase 2 and the City Owned property along the southern end of the lake.
- Provide 12 space parking lot at the north end of the access street
- Permanently protect the remaining open space on the berm (Phase 3) from further development through protective covenants
- Assume full responsibility for any maintenance or environmental contamination caused by potential erosion.

The R-1 Low Density Residential Zoning District allows the developer to construct two houses on the berm (requires DEQ approval). The R-1 Zoning District does not require Architectural Review and buildings are allowed to be constructed up to 35 feet in height. Single Family homes do not have any landscaping requirements. The private driveway to these buildings could be located anywhere on the property and could be gated.

A letter was also received on August 23, 2006 from Sand Products Corporation requesting the Planning Commission extend the time for commencement of construction on Phase 1 and Phase 2 to allow a total of three years to begin construction. Without an extension being granted by the Planning Commission the developer will need to start construction within one year. As of this time no action has been taken by the Planning Commission in response to the request.

Acquisition Efforts:

The City has been working hard to try to acquire the Man Made Lake property

The developer has offered to sell the entire property surrounding Man Made Lake to the City of Manistee for 3.15 million dollars.

The City Man Made Lake Ad Hoc Committee is working with the Grand Traverse Regional Land Conservancy in attempting to find funding to assist in purchasing Man Made Lake. The Ad Hoc Committee will need up to two years to apply to potential grant sources to try to acquire money for purchasing the property.

Any grant(s) awarded will require a match. Possible sources under discussion for match money include:

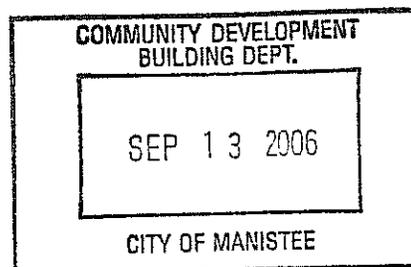
- ▶ Possible transfer of development rights from the Man Made Lake property to Sand Products Corporation Property on the Manistee River Channel. There may be a value to the developer for increase densities over what currently is allowed in the Zoning Ordinance.
- ▶ Possible tax credits to developer for donation of part of the property.
- ▶ The Citizens Committee to Save Man Made Lake is soliciting pledges/donations.

It is now up to City Council and the Ad Hoc Committee to work with the Developer to attempt to achieve a resolution that maintains public use of Man Made Lake.

Prepared by Jon R. Rose, Community Development Director

ROBERT C. BROOK, M.Div., Ed.D., Ph.D.
Licensed Psychologist

517-881-5566



August 10, 2006

Mr. Roger Yoder
Planning Commission
70 Maple Street
Manistee Mi. 49660

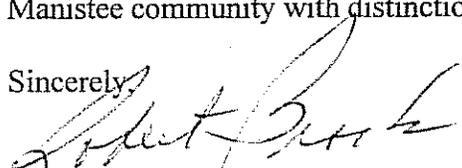
Dear Mr. Yoder,

Enclosed with this letter is a draft copy of an open letter to the community. I'm sending it to you in case you or committee members missed its publication in the News Advocate.

Additionally, we want to bring to your attention our positive experiences working with Mr. Jon Rose and Ms. Denise Blakeslee. They were always helpful, knowledgeable and polite in our several encounters over these past eight months.

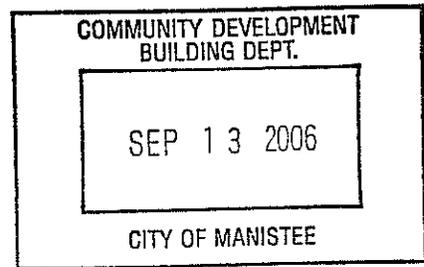
In our opinion they are outstanding city employees and serve your committee and the Manistee community with distinction.

Sincerely,



Robert Brook, Ph.D.

CC. Mr. Mitch Deisch, City Manager



An Open Letter to the Community

The Planning Commission voted to deny Sand Products a PUD to build on the berm between Man Made Lake and Lake Michigan.

The Commission acted responsibly after careful and prolonged deliberations. The community of Manistee can be proud that we have dedicated commissioners who volunteer their time, energy and expertise to insure our safety and welfare.

While Sand Products Corporation did not receive a favorable vote they did however, successfully mobilize the community and the city's ad hoc committee to seek funding to purchase the property.

We ~~want to and in this letter do~~ thank the 700 plus community members who signed our petition and who attended the commission meetings.

Our efforts have made a difference! We cannot however, take this single success as a reason to reduce our commitment and efforts to save Man Made Lake for recreational and its' esthetic value.

The people of Manistee through the Mayor's ad hoc committee must diligently and with speed search for grants and receive funding to purchase the entire property. Only through our continued efforts at fund raising will we be able to truly save Man Made Lake.

Thank you,

Citizens Committee to Save Man Made Lake

NOTICE
City of Manistee Planning Commission

Members of the City of Manistee Planning Commission will be attending the Northwest Michigan Council of Governments Workshop "Finding Common Ground: Lake Michigan Joint Planning Options in Benzie and Manistee Counties" on the following dates:

September 28, 2006 at 7:00 p.m. - Onekama Township Hall

October 26, 2006 at 7:00 p.m. - Filer Township Rec Center

November 30, 2006 at 7:00 p.m. - City of Manistee (City Hall, Council Chambers)

This notice was posted by Denise J. Blakeslee to comply with Sections 4 & 5 of the Michigan Open Meetings Act (P.A. 267 of 1976) at 4:30 p.m., Thursday, September 14, 2006 on the on the bulletin board at the south entrance to City Hall.

Signed: 
Denise J. Blakeslee



Northwest Michigan Council of Governments

Let Our Resources Work For You.
• Employment • Business • Community

Chairman: Larry C. Inman
Workforce Development
Board Chairman: David R. Adams
Director: Alton M. Shipstead

September 5, 2006

MEMORANDUM

TO: Local Governments in Benzie and Manistee Counties
FROM: Patty O'Donnell
RE: Lake Michigan Joint Planning Workshop in September

Enclosed, please find the agenda for the September Training Workshop for the Lake Michigan Joint Planning Options in Benzie and Manistee Counties project.

Please distribute these to your Planning Commissions, Boards, and staff.

Thank you for your time and consideration. If you need additional agendas or have any questions or comments, please feel free to contact me at (231) 929-5039 or via email at podonnel@nwm.cog.mi.us.



Northwest Michigan Council of Governments

Let Our Resources Work For You.
• Employment • Business • Community

Chairman: Larry C. Inman
Workforce Development
Board Chairman: David R. Adams
Director: Alton M. Shipstead

Finding Common Ground: Lake Michigan Joint Planning Options in Benzie and Manistee Counties

**Training Workshop for Manistee County
Thursday, September 28, 2006
Onekama Township Hall 7:00 p.m.**

AGENDA

- I. Welcome and Introductions**
- II. Finding Common Ground: Joint Planning for Lake Michigan
Patty O'Donnell, Northwest Michigan Council of Governments**
- III. 2004 Land Use Legislation – Joint Municipal Planning Act**
- IV. Manistee River Watershed Initiative
Little River Band of Ottawa Indians**
- V. Watershed Activities in Manistee County
Conservation Resource Alliance**
- VI. Wrap Up and Next Workshop**