

# CITY OF MANISTEE PLANNING COMMISSION

## WORKSESSION AGENDA

Thursday, November 15, 2007  
7:00 p.m.  
Council Chambers, City Hall  
70 Maple Street, Manistee, Michigan

I Call to Order.

II Worksession Items:

1. Discussion on Language for Parking Facilities
2. Discussion on Language for Obsolete Buildings
3. Definition of Accessory Use
4. Misc.

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.

*The Zoning Ordinance currently allows Parking Facility as a Special Use in the W-F, C-1, and C-3 Districts.*

*Staff is proposing to add Parking Facility as a Special Use in the R-2, R-3 (only on Key Streets), C-2 and G-I Districts. See Attached Table of Uses.*

*Section 1865 Parking Facility could be amended to read as follows:*

**SECTION 1865      PARKING FACILITY, PUBLIC**

**A. Definition.** A parking area available to the public, with or without fee, used to temporarily store motor vehicles.

**B. Regulations and Conditions.**

1. A Public Parking Facility shall be designed in accord with the standards of **Section 514** of this Ordinance.
2. Landscaping and Buffering shall be provided pursuant to standards set forth in of **Section 531** of this Zoning Ordinance; provided, that landscaping and buffering shall be provided to screen any Public Parking Facility from an adjacent residentially zoned or used parcel.
3. All exterior lighting shall be in accordance with **Section 525** hereof.
4. The applicant shall demonstrate to the Planning Commission the need for the proposed parking facility, and also the sufficiency of the spaces provided to meet the needs of adjacent land uses.
5. A site plan shall be submitted illustrating clearly marked circulation patterns. The City shall retain the right to approve or deny locations of curb cuts, spaces, and drive aisles.

*If the Planning Commission felt that a Parking Facility with frontage on a key street segment should be allowed as a Special Use in the R-2, R-3 districts the following language could be inserted into Section 1865 as follows:*

6. Within the R-2, R-3 districts, Parking Facility shall front on a key street segment, as defined herein.

*If the Planning Commission agreed with staff that the "Public" portion of the language should be removed the Definition of a Parking Facility (Article 2, Section 217 P) would need to be amended as follows:*

**PARKING FACILITY:** A parking area, with or without fee, used to temporarily store motor vehicles.

USES	R-1 Low. Density	R-2 Med. Density	R-3 Hi. Density	R-4 Mfg. Hsng	W-F Water-front	C-1 Reg'l Com.	C-2 Neigh. Bus.	C-3 Central Bus.	L-1 Light Industrial	G-1 Gen'l Industrial
Mortuary		SLU*	SLU*			SLU*	SLU*			
Motel					SLU*	R				
Nursing Home or Convalescent Home		SLU*	SLU*			SLU	SLU			
Outdoor Recreation, Park	R	R	R	R	R	R	R	R	R	R
Outdoor Sales Facility						SLU*	SLU*			
Parking Facility; <b>Public</b>		<b>SLU*</b>	<b>SLU*</b>		SLU	SLU	<b>SLU</b>	SLU		<b>SLU</b>
Personal Service Establishment		SLU	SLU		R	R	R	R		
Place of Public Assembly - Large		SLU*	SLU*		SLU*	SLU*	SLU*	SLU*	SLU*	
Place of Public Assembly - Small	SLU	SLU*	SLU*		R	R	R	R		
Planned Unit Development	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Power Generating Facility										SLU
Processing and Manufacturing									SLU	R
Professional Office		SLU*	SLU*		R	R	R	R	R	R
Professional Service Establishment		SLU*	SLU*		R	R	R	R	R	R
Research, Testing and Laboratory									R	R
Retail Business		SLU*	SLU*		R	R	R	R		
Sexually Oriented Business						SLU				
Shipping Facility					R					R
Sports and Recreation Club	SLU				SLU*	R	SLU*	SLU*	SLU*	
Studio for Performing and Graphic Arts		SLU*	SLU*		SLU	R	R	R		
Subdivision, Plat or Condo. (of permitted uses)	R	R	R	R	R	R	R	R	R	R
Tattoo Parlor						SLU				
Theater					SLU*	R	SLU*	R	SLU*	
Urgent Care Facility						R				

**For Review by Planning Commission during Worksession 11/7/07**

*The Planning Commission has been asked to provide language that would allow the reuse of obsolete buildings that may or may not be located on Key Street Segments. The following Adaptive Reuse Language was specifically developed for the C-3 Central Business District and does not fit into other Zoning Districts.*

**SECTION 1807      ADAPTIVE REUSE**

- A. Definition.** The development of a new use for an older building or for a building originally designed for a special or specific purpose. Adaptive Use is the redevelopment, including expansion, of an older building into apartments or condominiums, which may include some or all of 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.
1. The exterior of the building shall be designed consistent with the design standards of Article 20, Historic Overlay, if located within said district. Buildings located in the C-3 District, but outside the Historic Overlay, shall be consistent in scale and exterior materials with nearby existing buildings.
  2. Within the C-3 district, the street level of buildings proposed for adaptive reuse will normally be dedicated to retail, office or service uses. Such uses shall be compatible with neighboring uses and offer services to the residents of the immediate neighborhood and/or the general public. Dwelling units should not be located on the street level or basement except in those locations where resident privacy can be provided by building design, courtyards, topography or similar design; such as daylight or walkout dwelling units along the riverfront or into a secured and private side or rear yard. 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 five hundred (500) 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 21**.

*The following is a very crude draft for amending Section 1807 to apply to other zoning districts.*

## SECTION 1807      ADAPTIVE REUSE

**A. Definition.** The development of a new use for an older building or for a building originally designed for a special or specific purpose which has become obsolete. Adaptive Reuse is the redevelopment, including expansion, of an older building into uses which might not otherwise be permitted in a Zoning District. apartments or condominiums, which may include some or all of the ground floor, on-street frontage committed to retail, office and service uses. Such uses may include residential, retail, office, eating and drinking establishments and service uses.

**B. Statement of Intent:** There are many older buildings throughout the community which have architectural significance or historic significance, but due to their size and or location may no longer be suited for their intended purpose. This Chapter attempts to provide flexibility in maintaining the viability of these resources to the community.

**C. Regulations and Conditions:** A building originally designed and constructed for another purpose may be adaptively reused for multiple family dwellings, in accordance with the following standards and conditions.

1. ~~The exterior of the building shall be designed consistent with the design standards of Article 20, Historic Overlay, if located within said district. Buildings located in the C-3 District, but outside the Historic Overlay, shall be consistent in scale and exterior materials with nearby existing buildings.~~

1. The Adaptive Reuse of a building in the C-3 District shall meet the following standards:

a. The buildings outside the Manistee Commercial Historic District shall be consistent in scale and exterior materials with nearby existing buildings.

b. Buildings located in the Manistee Commercial Historic District must receive approval from the Historic District Commission all exterior modifications prior to application to the Planning Commission.

c. For buildings fronting on River Street, at least the first ( ) feet of depth at street level of the building shall be dedicated to Retail, Eating or Drinking Establishment, or Personal Service Establishment.

~~The street level of buildings proposed for adaptive reuse will normally be dedicated to retail, office or service uses. Such uses shall be compatible with neighboring uses and offer services to the residents of the immediate neighborhood and/or the general public.~~

~~Dwelling units should not be located on the street level or basement except in those locations where resident privacy can be provided by building design, courtyards, topography or similar design, such as daylight or walkout dwelling units along the riverfront or into a secured and private side or rear yard.~~

d. 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.

~~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.~~

- e. Parking shall be provided located at the rear or side of the building or within an enclosed building and shall be appropriately buffered or screened. Required parking shall be provided within two hundred (200) feet of the building. ( ) spaces shall be provided per dwelling unit.
  - f. 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.
  - g. All dwellings shall provide a minimum of five hundred (500) square feet of living space.
  - h. Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.
2. The Adaptive Reuse of a building in the R-1, R-2, R-3, W-F, C-1, C-2, Districts shall meet the following standards:
- a. The building shall be consistent in scale and exterior materials with nearby existing buildings.
  - b. ~~The street level of Buildings proposed for adaptive reuse may include be dedicated to retail, office, eating and drinking establishments and service uses. Such uses shall be compatible with neighboring uses and offer services to the residents of the immediate neighborhood and/or the general public. Dwelling units should not be located on the street level or basement except in those locations where resident privacy can be provided by building design, courtyards, topography or similar design; such as daylight or walkout dwelling units along the riverfront or into a secured and private side or rear yard. 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.~~
  - c. Parking shall comply with the requirements of **Section 514**. Parking shall be located within two hundred (200) feet of the building.  
~~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.~~
  - e. All dwellings shall provide a minimum of five hundred (500) square feet of living space.
  - f. Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.
  - g. The minimum lot size shall be consistent with the District standards for Multiple Unit Dwellings.
  - h. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.
3. Signage shall comply with the requirements of **Article 21**.

*Adaptive Reuse will be removed as a use from the R-4 and G-I Districts.*

Effective March 27, 2006, as Amended thru 5/29/07  
 Table 7-2, Table of Land Uses summarizes the applicable regulatory standards for the land uses governed under this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this ordinance.

CITY OF MANISTEE - Table of Land Uses

Table 7-2 Uses Permitted by Right and Special Land Use Permit

(R=Use by Right; SLU=Use Permitted as Special Land Use; \* Indicates Use Permitted as Special Land Use on Key Street Segment)

USES	R-1 Low Density	R-2 Med. Density	R-3 Hi. Density	R-4 Mfg. Hang	W-F Water-front	C-1 Reg'l Conn.	C-2 Neigh. Bus.	C-3 Central Bus.	L-I Light Industrial	G-I Gen'l Industrial
Accessory Bldg. ≤ footprint principal structure	R	R	R	R	R	R	R	R	R	R
Accessory Bldg. > footprint principal structure	SLU	SLU	SLU	SLU	SLU	R	SLU	SLU	R	R
Accessory Uses, Related to uses permitted	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU
Adaptive Reuse	SLU	SLU	SLU	<del>SLU</del>	SLU	SLU	SLU	SLU	SLU	<del>SLU</del>
Adult Foster Care Facility		SLU	SLU							
Animal Grooming					SLU	R	SLU		R	R
Assembly Operation						R	SLU		R	
Automobile Repair Facility										
Bed & Breakfast	SLU	SLU	SLU		SLU			SLU		
Billboard						SLU				
Car Wash						SLU	SLU		SLU	
Cemetery									SLU	
Communication Tower			SLU		SLU	SLU			SLU	
Contractor's Facility			SLU			SLU	SLU	SLU	SLU	R
Convenience Store, w/ fuel pumps							SLU			
Convenience Store, w/o fuel pumps		SLU*	SLU*		SLU	R	R	R	SLU	
Day Care, Commercial			SLU		SLU	SLU	SLU		SLU	
Day Care, Group	SLU	SLU	R	SLU	SLU	SLU	R			

*The Zoning Board of Appeals requested that the Planning Commission to review and clarify the definition of "Accessory Use" at their meeting on October 25, 2007. Staff has drafted the following changes for the Planning Commissions Review:*

**SECTION 1805      ACCESSORY USES, RELATED TO USES PERMITTED**

A. **Definition.** A use naturally and normally incidental to, and subordinate to, and devoted exclusively to, the principal use of the land or buildings and located on or contiguous to the same parcel as the principal use.

B. **Regulations and Conditions.**

1. A determination of whether a proposed accessory Special Use is related to uses permitted shall be made by the Planning Commission upon the recommendation of the Zoning Administrator. In preparing such a recommendation, the Zoning Administrator shall evaluate the proposed use in terms of the potential generation of traffic, congestion, noise, odors, dust, litter, and similar impacts. In addition, the proposed use shall be evaluated to determine the degree to which it may support or conflict with other uses permitted.
2. For purposes of interpreting Accessory Uses Related to Uses Permitted;
  - a. A use may be regarded as incidental or insubstantial if the viability of the principal use is not dependent in any significant way on the accessory use.
  - b. To be commonly associated with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
3. An accessory use shall not generate any effects on neighboring properties, including, but not limited to, noise, parking, traffic, glare, or dust, greater than or more burdensome than such impacts from the main use on the property.
4. Where an Accessory Use Related to Uses Permitted is proposed, and regulations are contained in this Ordinance for said use, those regulations shall be met; provided, the Planning Commission may impose additional conditions on approval, to protect the health, well being, safety, and economy of the City and its residents

*If the Planning Commission agrees with the draft language the definition of Accessory Use (Article 2, Section 202 A) would need to be amended as follows:*

ACCESSORY USE: A use naturally and normally incidental to, and subordinate to, and devoted exclusively to, the principal use of the land or buildings and located on or contiguous to the same parcel as the principal use.

# G. Haven to welcome retailers only?

9-12-07

## Proposal calls for filling Washington Avenue with shopping spots

PRESS NEWS SERVICE

GRAND HAVEN — The Downtown Development Authority is pushing a plan that would allow only retailers to move into first-floor storefronts on Washington Ave-

nue, the town's main shopping district.

The proposal, drafted by the city's Main Street Downtown Development Authority, could raise a debate over property owners' rights to fill their vacant storefronts.

The Main Street board has asked the city to change the downtown's zoning to exclude new offices, such as consulting firms, law offices and other services, from first-floor spaces facing Washington.

The proposed zoning change would go from Harbor to Third street. Existing offices would not be forced to leave, according to the proposal.

Dana Bulson, executive director of the Main Street

board, said studies indicate offices disrupt the flow of shoppers in a retail district.

She said uninterrupted foot traffic is vital to locally owned stores that don't have large advertising budgets to compete with big-box retailers.

Lori Bosch, manager of Carlson Wagonlit Travel, 132 Washington, said the proposal is not fair. She said it excludes businesses such as hers from capturing the exposure that comes from prominent storefronts.

Bosch said stores and offices help each other.

"We get a lot of foot traffic from the people shopping around here," she said. "It's great for our business. But people who have to wait for our services end up going next door to shop. They always seem to come back with a bag."

Bosch said successful downtowns in the area, like Holland, have a mix of retail and offices.

"They have a lot of businesses down there that are not retail shops, and they seem to be making it work," she said.

Bulson said the 2003 Hyett-Palma study performed for the city of Grand Haven recommended stores and restaurants should have first-floor exposure. It suggested offices and services should fill space in upper floors and back entrances facing the alleys.

*Save the Grand Haven solution...  
City Mountain*

*10-3-07  
Meeting*

# Offices blocked along busy street

Grand Haven City Council says only stores should be allowed on first floor

BY CHAD D. LERCH  
PRESS NEWS SERVICE

GRAND HAVEN — The city council has issued a moratorium blocking offices from relocating to vacant first-floor storefronts facing Washington Avenue through 2007.

Mayor Roger Bergman called for the moratorium Monday night, and the council supported him unanimously.

"It's imperative that we do this now rather than later," Bergman told the council. "I do not want to see us lose more retail space on Washington Avenue."

A prominent downtown store — Earth's Edge — has announced it will move this fall to the Grand Landing development on the northwest side of town.

Earth's Edge, which sells outdoor adventure merchandise and apparel, occupies one of the largest retail spaces downtown. Its store, 222 Washington, takes up two storefronts.

The push to protect retail in the first three blocks of Washington, from Harbor to Third, is headed to the city's planning commission.

The city council said Monday the moratorium gives the planning commission time to review the matter.

The city's Main Street Downtown Development Authority has asked the city to change zoning rules to protect vacant retail properties from being gobbled up by office tenants.

Supporters say offices block the flow of shoppers and ultimately hurt merchants. They say foot traffic is a small-town retail district's best friend.

Opponents say a ban would unfairly prevent property owners from deciding who can lease their spaces. They also say offices bring potential shoppers downtown.

Dana Bulson, director of the Main Street board, has said the proposal is supported by two studies that suggest retailers and restaurants should occupy space facing Washington.

The HyettPalma and Johnson Hill studies say offices, such as law firms, consultants and travel agencies, should fill spaces in upper levels and first floors facing the alley.

**Jon Rose**

**From:** Ben Bifoss [bbifoss@abonmarche.com]  
**Sent:** Thursday, November 08, 2007 8:39 AM  
**To:** Jon Rose  
**Subject:** fyi

## Council limits downtown office space

Wednesday, November 07, 2007

**By Chad D. Lerch**

**clerch@muskegonchronicle.com**

The Grand Haven City Council has approved an amendment to the downtown zoning ordinance that blocks offices from relocating to first-floor storefronts on Washington Avenue.

The unanimous vote, council members said, isn't aimed at stopping professional services from moving downtown. Mayor Roger Bergman said he hopes the change helps build a stronger retail district.

Offices for accountants, lawyers, travel agents and other professional services are encouraged to move into spaces in the back or sides of buildings on Washington Avenue's first three blocks.

Existing offices will not be forced to shut down, officials said.

While the change is supported by the planning commission and a downtown advocacy group, not everyone is happy about it. Several building owners complained that limiting uses for downtown storefronts hurts their chances to fill vacancies.

The Main Street Downtown Development Authority has been pushing for the amendment. Main Street director Dana Bulson said the intent of the amendment is to maintain a "healthy balance" of retail and offices.

Supporters say the central business district has lost more than 40,000 square feet of retail space since the late 1990s. If the balance shifts further, they fear the downtown will no longer be a shopping destination.

The Main Street board brought the change to the table after Earth's Edge -- the downtown's biggest retailer -- announced plans to move.

The store takes up three storefronts in the 200 block of Washington. It is moving to the Grand Landing development this winter on the north side of town.

Main Street board members said they feared more retail space would be lost, and that the downtown would move one step closer to losing its distinction as a shopping destination.

Ben Bifoss  
Project Manager  
Abonmarche  
361 First Street  
Manistee, Mi 49660  
Ph: 231 723 1198 ext. 23  
Fax: 231 723 1194  
[www.abonmarche.com](http://www.abonmarche.com)

the case will move to  
Court for felony proceedings.

GRAND HAVEN **11-6-01**

### **No offices in storefronts**

The City Council approved an amendment to the downtown zoning ordinance blocking offices from relocating to first-floor storefronts on Washington Avenue. The unanimous vote, council members said, is not aimed at stopping professional services from moving downtown. Mayor Roger Bergman said he hopes the change helps build a stronger retail district. Existing offices will not be forced to shut down, officials said. The Main Street Downtown Development Authority board sought the change after Earth's Edge — the downtown's biggest retailer at 200 Washington Ave. — announced plans to move to the Grand Landing development this winter on the north side of town. The Main Street board asked for the change, fearing more retail space would be lost.