

MANISTEE CITY PLANNING COMMISSION  
70 MAPLE STREET  
MANISTEE, MI 49660

MEETING MINUTES

DECEMBER 7, 2000

A meeting of the Manistee City Planning Commission was held on Thursday, December 7, 2000 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

**MEMBERS PRESENT:** Ray Fortier, Kristie Harless, John Lakos, Phil Picardat, John Serocki, and Roger Yoder

**MEMBERS ABSENT:** Bob Davis and Tony Slawinski

**OTHERS PRESENT:** Elsie Majchrzak (1757 Guthrie Road), John Soltes, (1054 Oak Street), Joseph A.A. Helminski (2027 Twelfth Street), By & Nancy Lyon (500 Third Street), Gene & Donna Cord (2051 Twelfth Street), Bob Gilliland (2033 Twelfth Street), Bill Chapman (315 Lighthouse Way), Sally Schrader (4140 Lakeshore), Ed Jans (3840 Hilltop Road), Dan Welburn, Denis Johnson (Architect), Neil Cray, Tad Bosh (Life Care Choices), R. Ben Bifoss (City Manager), Jeff Mikula (Abonmarche), Jon Rose (Community Development) and Denise Mikula (City Staff)

Meeting was open at 7:02 p.m. by Chairman Roger Yoder.

**PUBLIC HEARING:**

Zoning Amendment - Life Care Choices LLC

Life Care Choices is asking to Re-zone parcel #51-51-363-701-38 (Lots 8, 10, 11, 16, 17, 18, 19, 24, 25, 26, 27, 28, & 29 of the Lakeview Village Subdivision). The current zoning for this property is R-1 Residential. Life Care Choices would like the zoning changed to R-2 Residential to allow the development of a Planned Unit Development - Retirement Village.

Denis Johnson, Architect for Leisure Living gave background information about the development firm. The project is located west of Cherry Street and South of Twelfth Street. This is a Senior Retirement Village which provides assisted living. The first building is a two story independent building, providing one meal per day, laundry service and call service if needed. The second building is a one story supportive care building which provides three meals per day, housekeeping and laundry services, 24 hours staffing. The third building is a one story specialized care building which provides 24 hour care for people who suffer from Alzheimers or dementia. Buildings are frame construction and will have fire suppression systems. In order to meet the licensing requirements they need to locate in an area which provides fire protection.

Gene Cord, 2051 Twelfth Street asked why he did not receive written notification of the hearing? Jon Rose said that all residents within 300 feet of the proposed development received written notification. Notification of the hearing was also in the local newspaper and posted.

Mr. Cord asked if there were any other locations where this project could be developed? Mr. Johnson said they had looked at other sites including by the industrial park and new high school. The other sites were not as desirable as this site. They want to be located in a quiet neighborhood and would provide a buffer between the existing apartments and single family residential. They are a good neighbor and traffic studies show that this type of development does not generate any additional traffic than if property were developed with single family homes with four occupants. Mr. Cord expressed concern about the appearance of the buildings. Mr. Johnson said that the buildings are framed buildings and they use residential materials.

Joseph A.A. Helminski, 2027 Twelfth Street said that he owns four lots and when he purchased the property it was zoned for high scale residential development. Mr. Helminski said that he had a lot of questions and expressed his opinion that this type of development should be zoned I-1 or I-2 for nursing homes not a residential use. Also asked if any tax abatements were going to be received for the development. Jon Rose said that this type of development is classified as a Planned Unit Development and is a Special Use in the R-2 Zoning District. Mr. Johnson said that they were not going to be asking for any tax abatements for this development.

Mr. Helminski asked if anyone has seen, talked to anyone living next to this type of development? Mr. Helminski said that Leisure Living would need to make a tremendously good case in order to receive the change in zoning. He asked if the developer would have to pay a connection fee for each lot? Mr. Helminski said the board should have asked these questions and he should not have to ask them. Roger Yoder said that the Planning Commission knows that there is a need for this type of development in the community. Mr. Johnson said that they have been working with the City and are aware of the fees and have researched the area.

Mr. Helminski expressed his concern about having already developed his property as R-1 assuming that was how the area was to be developed. The other owner would lose their faith in the subdivision and sell their lots while he has already made a huge investment in his property. He does not feel this project should justify a change in zoning.

Gene Cord asked how much traffic would be generated by employees of the development. Mr. Johnson said that the development would create approximately 3 shifts of 15 employees. Only the tenants in the Independent building would have vehicles and family would visit residents.

By Lyon, 500 Third Street is a member of the Prime Time of Manistee. Prime Time started three years ago and have been looking all over the county trying to find a suitable site. Circumstances have led them to ask Leisure Living to help assist them with this project. They have seen what Leisure Living has done in Holland and were impressed by their development. There are between 25 and 30 local members of the Prime Time group that are interested in the development. At least half a dozen of their members are ready to move in today if the development were complete.

Elsie Majchrzak, 1757 Guthrie Road. Ms. Majchrzak's son owns property on Twelfth Street. She asked if the entire subdivision was going to be re-zoned and would that allow anyone to build apartments? Mr. Rose said that at this time the request is just to re-zone the property that Leisure Living is purchasing. Mr. Rose showed a Zoning Map and explained that it would be reasonable to re-zone the entire area R-2 that the only other area of R-1 is the Dunes Subdivision on Lake Michigan. The Sweetnam Subdivision to the west is zoned R-2. Mrs. Majchrzak asked when the property was zoned? Mr. Rose said that it would have been done approximately 1990. Mrs. Majchrzak asked if the other lots could be re-zoned. Mr. Rose said that they would need to be noticed and they could not be done at this time.

Mr. Helminski challenged again the re-zoning to R-2. He does not see the zoning of a nursing home as residential. It is an extreme business. Alzheimer and dementia is not residential living. Jon Rose said that R-2 Zoning does allow this type of development within the Zoning Ordinance as a Special Use.

Bob Gilliland, 2033 Twelfth Street expressed his concern about just hearing about this development. Mr. Johnson said that they held a meeting for the property owners within 300 feet of the property. Mr. Gilliland said that he was not informed of any meeting. There are only a handful of homes in the area and felt all residents should have been asked. Mr. Johnson said they only asked for the names of the owners within 300 feet of the development.

R. Ben Bifoss explained the process that the developer has to go through to obtain a Zoning Amendment. First they applicant must make a request. The request is noticed in the newspaper and owner within 300 feet of the area of the request. The Planning Commission holds a Public Hearing and hears the request. If the Planning Commission approves the request it is forwarded to City Council. City Council holds two readings on the request. If approved by the Council the change is implimented 10 days after the second reading. The Planning Commission takes action on Special Use Permits. If approved it is forwarded to City Council. If Council takes no action it is approved. Tonight is the opportunity for citizens to voice their opinion. They can still express concerns to Council if the request is forwarded.

Nancy Lyon, 500 Third Street member of Prime Time. Ms. Lyon has worked on this project for the past three years and has heard the concerns of the people who reside in the neighborhood. The design of the buildings is residential type of high quality housing you would like to see anywhere in town. The project will be landscaped to provide a buffer between the development and the residential homes.

Mr. Cord does not feel the project would be an eyesore but does not feel he been given enough time to review. He asked if the property had already been purchased. Mr. Johnson said that they have an option on the property pending the receipt of the changes needed to develop the property.

Bob Gilliland asked if the board had prior knowledge of the development and asked why the residents in the area were excluded? He felt he did not have enough time to review the project and it seems unfair not to give the residents enough time to understand or be given time to decide how they feel about the development.

Denis Johnson said they contacted the owners within 300 feet of the property and held a meeting for these neighbors. If needed would ask to table the request.

Donna Cord, 2051 Twelfth Street expressed concern about only having access from Twelfth Street for the development. Concerned about an increase in traffic and is also worried about additional traffic if Twelfth Street is developed from the High School.

Denis Johnson said that Leisure Living has 13 projects similar to this in Michigan. Many projects are located similarly to this proposed development. They have not experienced any traffic problems. They are quiet neighbors and should not be compared to the traditional style nursing homes. They are very residential in flavor their residents bring their own furniture and make their home there. This development would keep seniors in the community and allows residents to bring their parents back to the community. The area provides a nice view and peaceful environment.

Bill Chapman, 315 Lighthouse Way. Mr. Chapman said if all the lots were built with single family homes the traffic would be more than with the proposed development. This is a difficult area to build in due to the amount of clay.

Sally Schrader, 4140 Lakeshore member of Prime Time. Ms. Schrader felt this development would increase the value of the property in the area.

Ed Jans, 3840 Hilltop Road member of Prime Time. Mr. Jans said that there is a need for senior housing. This is an upscale development not low income and asked for consideration of the project.

Dan Welburn member of Prime Time. Mr. Welburn said that they have spent three years working on this need for senior housing. As a person gets older they are not able to deal with the steps and maintenance of the own home this provides the needed senior housing in the area.

Mr. Helminski asked what the next move was if this location did not work out. Mr. Johnson said that they looked at other property but did not feel it was desirable. They have focused their efforts on this site.

By Lyon said that the Prime Time group had an article in the paper which discussed their plans.

There being no further discussion the public hearing closed at 8:10 p.m.

#### Special Use Permit - Planned Unit Development - Life Care Choices LLC.

If a Zoning Amendment is granted Life Care Choices would like a Special Use Permit to allow a Planned Unit Development on 8.48 acres for the development of a Retirement Village. The request is for one 21 unit two story Independent Building, two 21 unit one story Supportive Care Buildings, and one 20 unit one story Specialized Care Building.

Mr. Johnson introduced Neil Cray and Tad Bosh who are also working on the project.

Roger Yoder read a letter from Michael and Deborah Majchrzak owner of Lot 5 of Lakeview Village subdivision. Mr. & Mrs. Majchrzak's letter referred to the Restrictive Covenants of the subdivision. Jon Rose responded to the letter and informed Mr. & Mrs. Majchrzak that Restrictive Covenants are not enforced by the City. The owners of the subdivision can change Restrictive Covenants at any time by a majority vote. The Restrictive Covenants should have no bearing on the Planning Commission deliberations.

Mr. Cord asked for clarification about the Restrictive Covenants. Mr. Rose said that the City does not enforce Restrictive Covenants that they are handled by the owners of the subdivision.

Mr. Yoder also read correspondence from HHH Investing Company who own the adjoining 55 acres to the south. HHH Investing Company is in support of the project but expressed concern about Sunset Lane, utility extensions and storm water runoff.

Jon Rose asked Mr. Johnson how they planned to handle storm water runoff? Mr. Johnson said they will do an engineering study and have already planned an area for a retaining pond. They are aware of the amount of clay in the area and will build on a slab, no basements.

Elsie Majchrzak asked how water run off would be handled. Mr. Rose said that the project would be subject to engineering and utility review. They will be restricted to the amount of runoff they are allowed.

Jon Rose asked how much tax base the project would generate. Mr. Johnson said approximately 8 million dollars. They will not be asking for any tax abatements from the City.

There being no further discussion the public hearing closed at 8:25 p.m.

#### Zoning of Annexed Property (New High School)

The new High School property has been annexed from the Charter Township of Filer to the City of Manistee. This item was discussed at the worksession of November 16, 2000. The recommendation of the Planning Commission was to advertise a public hearing on the proposed change to the City of Manistee Zoning Map to include the School Property south of Twelfth Street. The proposed Zoning for the property is R-3 and a portion of the property is located within the Wellhead Protection Overlay District and will be indicated on the map.

John Soltes, 1054 Oak Street spoke about the parcel split for the property he sold to the school. Mr. Soltes has interpreted the Zoning Ordinance that the school should provide a buffer between their driveway and his residence. Mr. Rose said that as Zoning Administrator he did not feel that was a correct interpretation of the ordinance. Under General Requirements driveways can go anywhere on the property. Ray Fortier asked why he did not negotiate with the school to provide a buffer when he sold them the other property? Mr. Soltes said they told him he could take as many trees as he wanted but felt they should have installed them not him.

Mr. Rose asked that the Planning Commission respectfully disagree with Mr. Soltes interpretation of the Zoning Ordinance.

There being no further discussion the public hearing closed at 8:49 p.m.

#### CITIZEN QUESTIONS AND CONCERNS:

None

#### APPROVAL OF MINUTES:

MOTION by John Lakos, seconded by Phil Picardat, that the minutes of the November 2, 2000 Planning Commission Meeting be approved. Motion approved unanimously.

#### UNFINISHED BUSINESS:

None

#### NEW BUSINESS:

##### David & Sarah Bailey - Parcel Split.

David & Sarah Bailey purchased Lot 8 of Parcel # 51-51-574-732-01 from the Church of the Nazarene. The Church sold Lot 7 to Mr. & Mrs. Ebbeling. This requires a parcel split and Mr. & Mrs. Bailey have asked the Zoning Board of Appeals for a variance to the side-yard set-back. The Zoning Board of Appeals granted a variance to the side-yard set-back from 10 feet to 1.25 feet with the condition that Mr. Bailey demonstrate trying to obtain 3 feet of property from the neighbor within the next 90 days. Staff review of the request shows that with the variance received from the Zoning Board of Appeals the request meets the requirements of the Zoning Ordinance.

MOTION by Kristie Harless, seconded by John Lakos that the request from David & Sarah Bailey for a Parcel Split be forwarded to City Council for approval subsequent to the conditions of the variance received from the Zoning Board of Appeals. Motion approved unanimously.

##### United States Coast Guard - Site Plan Review.

The Coast Guard has received a variance from the Zoning Board of Appeals to reduce the waterfront set-back to 49 feet to allow placing temporary modular housing for personnel pending construction of the new

Coast Guard Station with the condition that the temporary housing be removed by January 2, 2005. Review of the site plan shows that with the variance the requirements of the Zoning Ordinance have been met.

MOTION by John Lakos, seconded by John Serocki that the Site Plan for the United State Coast Guard for placing temporary modular housing for personnel pending construction of the new Coast Guard Station be approved subject to the conditions of the variance from the Zoning Board of Appeals. Motion passed unanimously.

#### Eddie Petzak - Site Plan Review

Eddie Petzak owns Fast Eddie's Water Front Pub, 344 River Street. Mr. Petzak asked the Zoning Board of Appeals for a reduction to the waterfront set-back to 15 feet allow a second egress from the back of his building to the Riverwalk. The Zoning Board of Appeals granted the request with the following conditions:

1. That the existing framing be enclosed and the raw wood under the floor be covered to the satisfaction of the Historic Overlay Review Committee
2. That the stairway be cleared of snow at least as frequently as the front door.

With the variance from the Zoning Board of Appeals this request meets the requirements of the Zoning Ordinance but will require review from the Historic Overlay Review Committee.

MOTION by John Lakos, seconded by Ray Fortier that the Site Plan for Eddie Petzak, 344 River Street to construct a second egress from the back of his building to the riverwalk be approved subsequent to the conditions of the Zoning Board of Appeals and approval from the Historic Overlay Review Committee. Motion passed unanimously.

#### Schoonover/Helminski - Parcel Split

A request has been received from Ron Ringel, Ringel Real Estate & Auctions on behalf of Ray Schoonover and Joseph A.A. Helminski. The request is to split Lots 12 & 15 of Lakeview Subdivision from the parent parcel (51-51-363-701-38). Review of the request shows that the split complies with the requirements of the Zoning Ordinance.

Jon Rose asked Mr. Helminski if he wanted this property split into two separate lots or one parcel? Mr. Helminski said that he would like two separate lots.

MOTION by Kristie Harless, seconded by Ray Fortier that the request on behalf of Ray Schoonover and Joseph A.A. Helminski to split Lots 12 & 15 of Lakeview Subdivision into two separate lots from the parcel 51-51-363-701-38 be forwarded to City Council for approval. Motion approved unanimously.

Zoning Amendment - Life Care Choices LLC

A Public Hearing was held earlier in response to a request from Life Care Choices for a Zoning Amendment. Life Care Choices is asking to Re-zone parcel #51-51-363-701-38 (Lots 8, 10, 11, 16, 17, 18, 19, 24, 25, 26, 27, 28, & 29 of the Lakeview Village Subdivision). The current zoning for this property is R-1 Residential. Life Care Choices would like the zoning changed to R-2 Residential to allow the development of a Planned Unit Development - Retirement Village.

MOTION by Ray Fortier, seconded by Phil Picardat that the request from Life Care Choices to change the Zoning for parcel #51-51-363-701-38 (Lots 8, 10, 11, 16, 17, 18, 19, 24, 25, 26, 27, 28, & 29 of the Lakeview Village Subdivision) from R-1 to R-2 be forwarded to City Council. Motion passed unanimously.

Special Use Permit - Planned Unit Development - Life Care Choices LLC

The request from Live Care Choices LLC for a Special Use Permit for a Planned Unit Development is contingent upon receipt of a Zoning Amendment. The request is allow a Planned Unit Development on 8.48 acres for the development of a Retirement Village. The request is for one 21 - unit two story Independent Building, two 20 - unit one story Supportive Care Buildings, and one 20 - unit one story Specialized Care Building.

MOTION by Ray Fortier, seconded by John Lakos that the request from Live Care Choices LLC for a Special Use Permit to construct a Planned Unit Development be approved subject to Engineering, Utilities, and Public Safety review. Motion passed unanimously.

Zoning of Annexed Property (New High School)

The new High School property has been annexed from the Charter Township of Filer to the City of Manistee. This item was discussed at the worksession of November 16, 2000. The recommendation of the Planning Commission was to advertise a public hearing on the proposed change to the City of Manistee Zoning Map to include the School Property south of Twelfth Street. The proposed Zoning for the property is R-3.

MOTION by Phil Picardat, seconded by Kristie Harless that the property annexed from the Charter Township of Filer to the City of Manistee be Zoned R-3 Residential AND that the portion of the property located within the Wellhead Protection Overlay District be indicated on the map. Motion passed unanimously.

Election of Officers

Chair:

The meeting was turned over to Jon Rose who asked for nominations for the position of Chair.



John Serocki nominated Roger Yoder for the position of Chair. Ray Fortier seconded the nomination.

There being no other nominations, nominations were closed. Roger Yoder was elected as Chair

Jon Rose turned the meeting back over to Roger Yoder.

Vice Chair:

Roger Yoder asked for nominations to the position of Vice-Chair.

John Serocki nominated Ray Fortier.

There being no other nominations, nominations were closed. Ray Fortier was elected as Vice-Chair

Secretary:

Roger Yoder asked for nominations to the position of Secretary.

Ray Fortier nominated John Serocki.

There being no other nominations, nominations were closed. John Serocki was elected as Secretary.

Denise Mikula will continue to act as recording secretary on behalf of the Manistee City Planning Commission.

Review of By-Laws

Review of the By-Laws was rescheduled for the January Meeting.

**OTHER COMMUNICATIONS:**

Jon Rose handed out an addendum to the Request for Proposals for updating the Master Plan. Included was proposed Legislation to coordinate Planning Law. This is for the members to review.

The Requests for Proposals are due at 2:00 p.m. Monday, December 18, 2000. Members of the Planning Commission are invited to attend the opening of the Proposals. A rating sheet will be made and copies of the proposals will handed out to member in attendance. The others will be mailed. Mr. Rose asked the members if they would like to schedule a special meeting to select firms for interviews.

MOTION by Kristie Harless, seconded by John Lakos that a Special Meeting be scheduled for 3:00 p.m. Wednesday, December 27, 2000. Motion passed unanimously.

**WORKSESSION:**

None

**ADJOURNMENT:**

MOTION by Kristie Harless, seconded by John Serocki that the meeting be adjourned. Motion passed unanimously.

Meeting adjourned at 9:27 p.m.

MANISTEE PLANNING COMMISSION

  
Denise J. Mikula, Recording Secretary