

**CITY OF MANISTEE PLANNING COMMISSION**

70 Maple Street  
Manistee, MI 49660

**MEETING MINUTES**

January 7, 2021

A meeting of the Manistee City Planning Commission was held on Thursday, January 7, 2021 at 7 pm via teleconferencing, Manistee, Michigan.

Meeting was called to order at 7:18 pm by Chair Wittlieff followed by the Pledge of Allegiance.

**ROLL CALL**

Members Present: Pamela Weiner, Michael Szymanski, Marlene McBride, Bob Slawinski, Roger Yoder, Shelly Memberto and Mark Wittlieff

Members Absent: none

Others: Mike Szokola (Planning Department Interim), Zach Sompels (Planner 1/City Zoning Administrator) and Nancy Baker (Recording Secretary)

**APPROVAL OF AGENDA**

Chair Wittlieff wished to amend the agenda to place Correspondence before Public Hearing. Motion by Commissioner Szymanski, seconded by Commissioner Yoder to approve the January 7, 2021 Agenda as amended.

With a Roll Call vote this motion passed 7 to 0.

Yes: Slawinski, Szymanski, Memberto, Weiner, McBride, Yoder, and Wittlieff

No: None

**APPROVAL OF MINUTES**

There were no corrections or additions to the minutes.

Motion by Commissioner Slawinski, seconded by Commissioner Memberto to approve the December 3, 2020 Planning Commission Meeting minutes as presented.

With a Roll Call vote this motion passed 7 to 0.

Yes: Slawinski, Szymanski, Memberto, Weiner, McBride, Yoder, and Wittlieff

No: None

**CORRESPONDENCE**

The following correspondences were read by Mr. Szokola and Mr. Sompels.

Mary Ann Shinn, 585 Broad Avenue- marihuana grow facility; expressed concerns of

facility's lighting, noise pollution, odor control and facility location. Supports rejecting this application.

Scott Dienes, Barnes & Thornburg LLP, on behalf of community members- marihuana grow facility; object to growth facility, support denying application, table the matter until the February meeting, agree with staff recommendations, object to phase approval, concerns with odor, noise, screening, safety, environmental impact, and utilities. Request the plan be revisited.

Dune Drive, 314-Bird, 324-Dalstrom, 294-Filippis, 303-Joyce, 318-Mathews, 288-Rohm, 332-Nicholas, 322-Nolan and Palmer, 326-Ruebeck, 316-Vandeerloon and parcel 51-51-145-018-00- marihuana grow facility; concerns of proximity to public areas, odor, landscaping, lighting, safety/security, noise, and day/hours of operation.

Doug Parks, 445 River Street property owner- Planned Unit Development River/Water Street; not opposed to project, questioned number of units for seniors and workforce, and targeted income. Plans should show adequate space for targeted residents, projected details of playground/fenced in gathering area accommodations and unit information.

Sandra Krchmar and Richard Blue, 130 Lighthouse Way- 1<sup>st</sup> Street beach hotel; sewage concerns for project of this size, include condition company is responsible for sewer upgrade for treatment plan to accommodate increased sewage use.

Peter Beveridge, 307 Lighthouse Way- 1<sup>st</sup> Street beach hotel; opposes project, zoned R-1, not following several zoning district sections. Project too large and completely out of character for this area.

Bill and Judy Ayotte, 120 Lighthouse Way- 1<sup>st</sup> Street beach hotel; opposes project, not in character of the area, can cause many negative impacts, keep it R-1 zoning district.

Patrick Bajtka, 1115 Forest Ave- 1<sup>st</sup> Street beach hotel; opposes project, does not fit character of the area, keep this beach area a great attraction for citizens and visitors.

Todd Newenhouse, Days Inn owner- 1<sup>st</sup> Street beach hotel; opposes project, will have negative impacts, area is improper location for develop, in favor of growth in the proper direction.

Kathy Butler- 1<sup>st</sup> Street beach hotel; structure too commercialized, not part of the city's character, growth is great, and should not be at the expense of our beach/waterfront areas.

Donna Bauman, 807 Dinsen Street- Hampton Inn project; R-1 zoned district, concerned project will not be correct for area.

## **PUBLIC HEARING**

Livery and Dairy Senior Housing PUD 443 Water Street and 451-453 River Street

Chair Wittlieff opened the public hearing at 8:04 pm.

Ms. Kittie Tuinstra, reviewed the development.

- 49 units; Dairy has 3, Livery has 46.
- 24 units for 55 +, 25 units workforce.
- Workforce must meet income eligibility, not a subsidized housing.
- Has maximum number of people per unit.

Ms. Kendra Thompson reviewed the site plans.

Dairy

- Were 2 buildings, is now 1.
- In historic district, renovation will follow city HDC and US Depart of Interior guidelines.
- Alley way to be closed and become pocket park.

Livery

- Removing present building, construct 4 story building.
- On site management and maintenance.
- Reviewed amenities, possible development of patio/playground area, retaining wall placement and height, utility usage and utilities ability to handle these projects.

Communication with Commissioner McBride was lost.

The Planning Department staff amendments:

- HDC approval of external façade, improvements, signage, and lighting on both buildings.
- Lighting must have a lumen/photoactive plan.
- Any changes to the narrative are to be presented to the Planning Department for update approval.

Staff recommendations:

- Bollards or vegetation across walkway at River Street with the curb cut removed.
- Site plan review committee request of no work before 8 am without city manager approval.
- Acknowledgement of existing parking on site location.
- Fill out city infrastructure connection and breakage form.
- Fire Department requirements: Knox box with master set of keys, signed approval prior to construction.
- FDC connections added to site plan and installed if not present, requires signed approval prior to construction.

The public hearing was closed at 9:29 pm.

MRK Investments Grow Operation 170 Glocheski Drive

Chair Wittlieff opened the public hearing at 8:04 pm.

Mr. Ryan Fitzsimmons reviewed the plan development.

- Objective- eliminate black market sales.
- Explained licensing process.
- Choose site due to location and city's ordinance.

- Create local jobs with livable wages.
- Secured transport, secured labs and stringent testing standards.
- Project phases.
- City of Manistee and the State have provisions on limits of odor and requirements for air quality control.
- Water use and wastewater to follow environmental standards.
- Zoning requirements differ from city requirements.
- Explained process of operation, grow, dispensing, transportation.
- Address numbers on buildings, no outside signage on buildings.
- Reviewed- starting employment numbers, increase with phases, approximate wages, hours/days of operation.

Mr. Wright reviewed general details of site plans.

- Explained the illuminate plan, lighting will not spill off property.
- Landscaping along berm, and south side, landscaping/berm height.
- Phasing plan of buildings.
- Transporting will follow state requirements and zoning ordinance.

The Planning Department staff recommendations:

- FDC connections added to site plan, install if not present.
- Additional fire hydrant near south entrance in second phase.
- Verify utility lines location with Aztec prior to construction.
- FD will do PPE inspections.
- Knox box for FD if not a 24/7 operation.
- Fertilizers stored and used on site must be clearly marked.
- Outside engineer must confirm odor control is able to eliminate noxious odor.
- Green space buffer on west side and south side meets Section 531 requirements.

Public hearing was closed at 11:00 pm

### Text Amendments

Chair Wittlieff opened the public hearing at 11:00 pm.

Mr. Szokola reviewed the text amendments.

- ❖ Lower-story dwellings: allow within C-3 district, 40% must be commercial, can have below ground (basement must have backside walk-out)
- ❖ Fences: no permit required, must meet zoning ordinance
- ❖ Patios: no land use permit required, must meet zoning ordinance
- ❖ Site Plan Review Committee: updates for requirement of the RRC program
- ❖ Temporary Storage Structures: pods allowed, tents and portable garage units not allowed
- ❖ Design Standards: structure to conform to neighborhood character

These amendments were provided to the PC for their review several weeks before the meeting and have been a matter of discussion for the past year.

The public hearing was closed at 11:05 pm.

## **PUBLIC COMMENT ON AGENDA RELATED ITEMS**

Claire Ruebeck, 326 Dunes Drive, MRK Investments Grow Operation: thanked PC for attention given on landscaping plan, green buffer should be along children's play park, inquired if state license has been obtained, name of partners, enforce city ordinance and conditions and each phase obtain SUP.

Tom H Amour, 234 4<sup>th</sup> Street, owner of Water Street project site property, Livery and Dairy Senior Housing/River Water Development: in favor of project, close proximity to downtown walking, will assist in creating housing for young employees, desirable for retirees with no housing maintenance.

Sam Nicholas, 332 Dunes Drive, MRK Investments Grow Operation: concern of facilities creating odor issues to neighborhood areas. Response from Mr. Fitzsimmons—to avoid violation and risk of losing SUP/license conditions/requirements must be followed.

Kim Nicholas, 332 Dunes Drive, MRK Investments Grow Operation: thanked Mr. Fitzsimmons for the process information, ordinance should require a back-up if carbon filters fail, secure dumpsters, and table project until February.

Tom Amor Sr., 12493 Hopkins Forest Dr, Bear Lake, past owner of Water Street project site, Livery and Dairy Senior Housing/River Water Development: perfect site due to downtown proximity, as business owner had past difficulties obtaining some employee prospects due to inability to find suitable housing, has waiting list for rentals he owns in Manistee, great addition to Manistee.

Madalyn DeCor, Second Avenue, agreed with all meeting items.

Scott Carlson, 492 Dunes Drive, MRK Investments Grow Operation: would like no retail within 60 miles of city, expressed addiction concerns, inquired on generator decimal level, obtain EGLE permit, quality security and thanked the PC and staff for looking out for the Manistee residents.

Therran Ferguson, 510 Fairview Avenue, owner 428 1<sup>st</sup> Street business, Livery and Dairy Senior Housing/River Water Development: great project, planning aspects are extremely detailed, requested consideration to extending retaining wall by hillside connecting both sides, welcomed contact to discuss setbacks and other plan details.

Mike McLaren, 330 Dune Drive, MRK Investment Grow Operation: be sure process is complete, applicant obtains needed growers license, monitoring/enforcement is incorporated.

## **NEW BUSINESS**

Livery and Dairy Senior Housing PUD 443 Water Street and 451/453 River Street

Mr. Sompels reviewed the staff amendments of the HDC approval, narrative changes, and lighting plans which were detailed during the Public Hearing.

Motion by Commissioner Szymanski, seconded by Commissioner Weiner to approve the Livery and Dairy Senior and Workforce Housing PUD with the amendments for senior housing of 24 senior units and 25 workforce units.

With a Roll Call vote this motion passed 6 to 0.

Yes: Slawinski, Szymanski, Memberto, Weiner, Yoder, and Wittlieff

No: None

The Livery and Dairy Senior/Workforce Housing PUD is approved.

MRK Investment Grow Operation 170 Glocheski Drive

Motion by Commissioner Szymanski, seconded by Commissioner Yoder to approve the MRK Investment Grow Operation with the stipulations being in full compliance of state and municipality requirements, odor free, meets landscaping requirements presented by the planning office.

With a Roll Call vote this motion passed 6 to 0.

Yes: Slawinski, Szymanski, Memberto, Weiner, Yoder, and Wittlieff

No: None

The applicant must comply to all Federal, State, City business license for a grow facility and local ordinances and obtain all required permits, follow lighting and lumen plan, with adhering to ordinance Section 1889, Warehouse, Public and Section 531, Landscaping and Screening with the green space along the west and southern portion of the site plan and have outside engineer to confirm odor control and eliminate noxious odor.

The MRK Investment Grow Operation is approved.

Text Amendments

C-3 Story, Fences, Patios, Site Plan Review Committee, Temporary Storage, and Design Standards.

Motion by Commissioner Slawinski, seconded by Commissioner Memberto to approve all the Text amendments.

With a Roll Call vote this motion passed 6 to 0.

Yes: Slawinski, Szymanski, Memberto, Weiner, Yoder, and Wittlieff

No: None

The text amendments are approved.

Manistee Courthouse Bollards 415 Third Street

The circuit court judge requested additional protection to prevent a vehicle from entering the courthouse main entrance from the parking lot side. Bollards are allowed per Section 527, Essential Services, of the ordinance. Manistee County has requested the land use permit for \$25 be waived.

The Planning Department staff recommends granting of the essential services and placement of the bollards 3 feet from the alleyway, as shown on the site plan.

Mr. Szokola read the 3 possible actions with the PC to move forward one of actions.

Motion by Commissioner Slawinski, seconded by Commissioner Szymanski to approve motion action #1: The action reads, The Planning Commission moves to permit the Manistee Courthouse the use of the essential services section of the ordinance and waives all fees associated with the permitting process.

With a Roll Call vote this motion passed 6 to 0.

Yes: Slawinski, Szymanski, Memberto, Weiner, Yoder, and Wittlieff

No: None

The Manistee Courthouse bollards with the waiving of the permit is approved.

## **OLD BUSINESS**

### **Non-motorized Trail Plan**

Mr. Szokola gave a trail plan update. It is still in a holding pattern. Grant opportunities through MCCF are being pursued. A plan is being developed to move forward with MCCF and MI NW assistance.

### **Sign Ordinance**

Mr. Szokola stated the PC approached the City Council requesting guidance on updating the Sign Ordinance. Appropriate signs should be workable for each city area. Grandfathering could be put in place giving opportunity for older signs to adapt to the ordinance. The master plan will need to be reviewed to assure it supports the possible rewrite of the sign ordinance.

## **PUBLIC COMMENTS AND COMMUNICATIONS**

None

## **STAFF REPORTS**

No application for the Lakeshore hotel project or the Gateway project has been submitted to the Planning Department.

Mr. Sompels gave a brief background of himself.

## **MEMBERS DISCUSSION**

The Planning Commission welcomed Mr. Sompels.

**ADJOURNMENT**

Motion by Commissioner Slawinski, seconded by Commissioner Yoder to adjourn the meeting.  
Meeting adjourned at 12:22 am.

A special meeting of the Planning Commission will be held January 21, 2021 and the regular  
Planning Commission will be February 4, 2021.

MANISTEE PLANNING COMMISSION



Nancy Baker, Recording Secretary