

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

August 5, 2010

A Meeting of the Manistee City Planning Commission was held on Thursday, August 5, 2010 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 p.m. by Chairman Yoder

ROLL CALL:

Members Present: Linda Albee, Maureen Barry, Dave Crockett, Ray Fortier, Harlo Haines, Nathaniel Neider, Tony Slawinski, Roger Yoder

Members Absent: Eric Gustad (excused)

Others: Dennis Dunlap (Linden Court Development Inc.) Ryan Kieszkowski (Oak Grove Cremation Center), Jon Rose (Community Development), Denise Blakeslee (Planning & Zoning) and Others

APPROVAL OF AGENDA:

MOTION by Ray Fortier, seconded by Tony Slawinski that the Agenda be approved as prepared.

With a roll call vote this motion passed 8 to 0.

Yes: Barry, Neider, Albee, Crockett, Fortier, Haines, Slawinski, Yoder
No: None

APPROVAL OF MINUTES:

Planning Commission Meeting of July 1, 2010

MOTION by Ray Fortier, seconded by Linda Albee that the minutes of the July 1, 2010 Planning Commission Meeting be approved.

With a roll call vote this motion passed 8 to 0.

Yes: Barry, Neider, Albee, Crockett, Fortier, Haines, Slawinski, Yoder
No: None

PUBLIC HEARING:

Linden Court Development Inc., Amend Special Use Permit

A request has been received from Linden Court Development Inc. (Bayview Condominiums) to amend the Special Use Permit that was issued on August 7, 1997 by removing a "sliver" piece of property located between the parcel at 91 Arthur Street (51-101-275-09) from the Development. In the event the Planning Commission approves the Amendment the "sliver" piece of property will then be combined with the property at 91 Arthur Street.

Chairman Yoder opened the Public Hearing

Dennis Dunlap, Linden Court Development, Inc. - Mr. Dunlap spoke to the Commission about the request. Thirteen years ago he was before the Planning Commission to get the Special Use Permit for what is commonly referred to as Bayview Condominiums. The property was purchased from Fred MacDonald and included in the parcel was the area that is referred to as the "Sliver". At one time the former Little Caesar's property, Bayview Condominium and Arthur Street Boat Launch property was under one ownership. Somewhere along the line the property was split and the "Sliver" property was part of the Bayview Condominium Property. This was included in the site plan when the request for a Special Use Permit was applied for. Since that time the owner of the former Little Caesar's property approached Mr. Dunlap and the property was traded for a condominium unit. Linden Court Development wanted to Amend the Condominium Documents to remove the "Sliver" property so it could be combined with the Little Caesar's property. A suit filed by the Bayview Condominium Association was resolved two years ago. This opened the way for the request before the Commission.

Chairman Yoder asked Staff for their report.

Jon Rose, Community Development Director - Mr. Dunlap already gave background information to the Commission. Under the previous Zoning Ordinance a PUD required a parcel size of eight (8) acres or more. A Marina was already located on the site. A request was made to amend the Zoning Ordinance that would allow "Apartment Buildings" in the C-3 Commercial District. The Amendment was approved and conditioned to read: "Apartment Building, with no more than one living unit for each two thousand five hundred (2,500) square feet of parcel area with no outside storage." Since the property did not meet the requirements of a PUD, the applicant applied for and received all the necessary variances from the Zoning Board of Appeals to proceed with development.

The request to remove the strip of property that the applicant refers to as the "Sliver" and combine it with the adjoining parcel has been ongoing since 2009 when new condominium documents were received that had removed the "Sliver" from the Development. The Assessor's Office has created a "ghost" parcel for that property until the request was received for processing. We asked for and received a letter from the condominium Association stating they did not object to this request.

Mr. Rose read the letter from **Michael Wood, President of the Owners Association and Board of Bayview Condominiums of Manistee** (attached).

Denise Blakeslee, Planning and Zoning - Spoke to the commission about how the development is consistent with the requirements of the W-F Waterfront District and the Master Plan. For clarification purposes we recommend that the Amended Special Use Permit be for a Mixed Use Development for Condominiums and Marina. We also recommend that the original conditions of the Zoning Amendment be reinstated:

“No more than one living unit for each two thousand five hundred (2,500) square feet of parcel area”
“No outside storage”

In addition the Amendment Should be conditioned upon

“The “Sliver” part of the parcel will be combined with parcel 51-101-275-07 (91 Arthur Street)”

Chairman Yoder asked for Public Comments - None received.

Chairman Yoder closed the Public Hearing at 7:21 p.m.

NEW BUSINESS:

Linden Court Development Inc., Amend Special Use Permit

A public hearing was held earlier in response to the request from Linden Court Development Inc. (Bayview Condominiums) to amend the Special Use Permit that was issued on August 7, 1997 by removing a “sliver” piece of property located between the parcel at 91 Arthur Street (51-101-275-09) from the Development. In the event the Planning Commission approves the Amendment the “sliver” piece of property will then be combined with the property at 91 Arthur Street.

MOTION by Ray Fortier, seconded by Linda Albee to adopt the Resolution to Approve the request from Linden Court Development Inc. to amend the Special Use Permit by removing the “sliver” piece of property from the development as shown on Site Plan prepared by West Shore Consulting Job #627-3A - Replat No 2 dated 1/19/09. With the Conditions:

“No more than one living unit for each two thousand five hundred (2,500) square feet of parcel area”
“No outside storage”

In addition the Amendment Should be conditioned upon

“The “Sliver” part of the parcel will be combined with parcel 51-101-275-07 (91 Arthur Street)”

With a roll call vote this motion passed 8 to 0.

Yes: Fortier, Albee, Neider, Haines, Slawinski, Crockett, Barry, Yoder
No: None

Linden Court Development Inc. - Parcel Split and Combination

A request has been received from Linden Court Development Inc. to split a “sliver” piece of property from the Special Use Permit for Bayview Condominiums and combine it with the property at 91 Arthur Street, Parcel #51-101-275-07. The property is located between the property at 91 Arthur Street and Manistee Lake.

MOTION by Tony Slawinski, seconded by Ray Fortier to recommend to City Council the approval of the request from Linden Court Development Inc. for a Parcel Split and Combination to remove the “sliver” piece of property from the Special Use Permit for Bayview Condominiums and combine it with the property at 91 Arthur Street, Parcel #51-101-275-07.

With a roll call vote this motion passed 8 to 0.

Yes: Barry, Neider, Albee, Crockett, Foriter, Haines, Slawinski, Yoder
No: None

OLD BUSINESS:

None

PUBLIC COMMENTS AND COMMUNICATIONS:

Ryan Kieszkowski, Oak Grove Cremation Center - Mr. Kieszkowski spoke to the Commission about his desire to relocate Oak Grove Cremation Center from their current facility on US 31 to either the former Grounds Café on Washington Street or on three acres in the Light Industrial District. The relocation to either the LI or C-3 Zoning District would result in the need for a Zoning Amendment.

Denise Blakeslee had spoken to Mr. Kieszkowski about the process for an Amendment and Special Use Permit. Ms. Blakeslee discussed the Amendment process with the Commission and the Special Use Standards. Discussion about parking needs and parcel sizes.

The Commission will be sent copies of the Special Use Permit Standards for Mortuary and the parcel information for the Ground Café. The Commission will have time to review them prior to the next meeting.

CORRESPONDENCE:

None

STAFF/SUB-COMMITTEE REPORT:

None

MEMBERS DISCUSSION:

Commissioner Haines has a letter of resignation that he turned over to Ms. Blakeslee. Mr. Haines will be selling his home and moving outside the City Limits. He thanked the members of the Commission and spoke of how much he has enjoyed serving on the Commission.

Members of the Planning Commission wished Mr. Haines the best.

The Planning Commission does not have a worksession scheduled for August.

The next regular meeting of the Planning Commission will be on Thursday, September 2, 2010.

ADJOURNMENT:

MOTION by Harlo Haines, seconded by Ray Fortier that the meeting be adjourned. Motion passed unanimously.

MEETING ADJOURNED AT 7:55 P.M.

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary

Bayview Condominiums of Manistee

Michael R. Wood
10130 N. Centerline Road
Bitely, Michigan 49309
231-745-3236 Fax 745-8736

City of Manistee Community Development
Mr. Jon R. Rose

Reference: Notification of Public Hearing, August 5 7:00 p.m.
Subject: Linden Court Development, Inc.

Dear Mr. Rose:

This letter is to inform you that the individual owners of Bayview Condominiums of Manistee recognize and do not object to the "sliver of land" being transferred from Condominium Complex General Common Elements to Linden Court Development, Inc. nor do we object to this "sliver" being added to the (old) Little Ceasars parcel 51-51-101-175-07.

The "sliver" property transfer as well as property east of the Condo complex between the condo parcel and the (old) Little Ceasars parcel were granted as part of a legal settlement -Case #07-12784-CK (the Honorable James M.. Batzer).

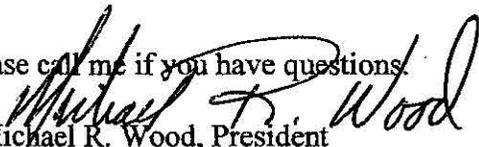
I, Michael R. Wood as President of the Owners Association and the Board of Directors have written consent from the owners for resolution of this case.. As such I believe it is in the interest of all parties that I mention several other related points.

. The Fifth amendment to the Master Deed of Bayview Condominiums of Manistee filed and recorded, November 6, 2009, reflects the smaller Bayview lands. Without the "sliver" waterfront and less General Common Element land north of Building 2, the Taxable Value of all the Individual units and Assessments should be lowered. (Tax IDs 51-51-142-010-001 to 022). This is valuable land that the owners gave up without compensation and lowered their individual unit values.

. As part of the Case settlement the Owners Association of Bayview Condominiums of Manistee was granted a permanent "use of and sale of" restriction that limits any and all parts of parcels 55-51-101-275-07 and 09 to "Residential Use."

. I have marked up your rough sketch attachment to assure we each understand the parcel numbers we are addressing.

Thank you for your consideration. Please call me if you have questions.


Michael R. Wood, President
Owners Association and Board
(Cell 231-250-1594)

Attachment

cc.

Mr. R. Edward Kuhn
Zimmerman, Kuhn Darling
Boyd, Quandt and Phelps, PLC.
Bayview Owners Association

City of Manistee
Assessors Office
and Treasurers Office

Linden Court Development, Inc.

SCARS
NORTH →

± US 31
(ARTHUR STREET)

BAY VIEW
CONDOS

LITTLE
CEASARS
PLAZA
NOW REACTY
FIRST

MOONLIGHT
MOTEL
RV PARK

Current # 51-101-275-09

51-51-101-275-07

32.20'±

51-51-142-000-00

24'±

158'±

SEAWALL

Old Parcel
as part of
Bayview Condominiums
of Manistee

MANISTEE LAKE

City of Manistee
7-13-10
Attachment