

**MANISTEE CITY PLANNING COMMISSION**  
70 Maple Street  
Manistee, MI 49660

**MEETING MINUTES**

**AUGUST 1, 2002**

A meeting of the Manistee City Planning Commission was held on Thursday, August 1, 2002 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

**MEMBERS PRESENT:** Greg Ferguson, Ray Fortier, David Kelley, Joyce Jeruzal, Phil Picardat, Tony Slawinski and Roger Yoder

**MEMBERS Absent:** Bob Davis and John Serocki

**OTHERS :** Jon R. Rose (Community Development), and Denise Blakeslee (City Staff)

Meeting was open at 7:00 p.m. by Chair Roger Yoder

**PUBLIC HEARING:**

Open Space Preservation Provisions - Zoning Amendment.

A Zoning Amendment has been prepared to forward to City Council, required is a Public Hearing which has been advertised and posted, and a copy has been available at the Office of the City Clerk for review. This public hearing will allow public comment regarding the Open Space Preservation Provisions Zoning Amendment. This amendment is being implemented to comply with the new Planning Act. The only two Zoning Districts where the Open Space Preservation Provisions would apply will be the R-1 Residential Zoning District and the R-2 Residential Zoning District.

Jon Rose reviewed the proposed ordinance and definitions.

No correspondence has been received in response to the Public Hearing. There being no further discussion the public hearing closed at 7:20 p.m.

**CITIZEN QUESTIONS AND CONCERNS:**

None

**APPROVAL OF MINUTES:**

Planning Commission Meeting Minutes, July 18, 2002

MOTION by Ray Fortier, seconded by Tony Slawinski that the minutes of the July 18, 2002 Planning Commission Meeting be approved. Motion approved unanimously.

**NEW BUSINESS:**

Open Space Preservation Provisions - Zoning Amendment.

A Public Hearing was held earlier for a Zoning Amendment for Open Space Preservation Provisions. This amendment is being implemented to comply with the new Planning Act. The only two Zoning Districts where the Open Space Preservation Provisions would apply will be the R-1 Residential Zoning District and the R-2 Residential Zoning District. A copy of the Zoning Amendment is attached.

MOTION by Tony Slawinski, seconded by David Kelley that the Zoning Amendment for Open Space Preservation Provisions be approved by the Planning Commission and forwarded to City Council. Motion approved unanimously.

CSX Real Property/B.N.C. Corp - Parcel Split and Combination Request

A request has been received for a Parcel Split and Combination Request from Bob Lyman Real Estate Agent for CSX Real Property who is selling part of parcel 51-51-101-325-01 to B.N.C. Corp. This request is to split part of parcel 51-51-101-325-01 located on the corner of Cleveland Street (also known as U.S. 31) and Taylor Street from the parent parcel on the east side of Cleveland Street which will be retained by CSX Real Property. The property that will be split from the parent parcel (#51-51-101-325-01) will then be combined with parcels 51-51-146-724-01 and 51-51-146-725-19 into one parcel which will be owned by B.N.C. Corp. The City Assessor and/or Equalization Department will then assign a parcel number to the property. Review of the request shows that the requirements of the Zoning Ordinance have been met.

Members discussed the possible uses of the property, curb cuts, zoning etc.

MOTION by Ray Fortier, seconded by Joyce Jeruzal that the request from CSX Real Property to split the portion of parcel 51-51-101-325-01 located on the west side of Cleveland Street (also known as U.S.31) and Taylor Street from the parent parcel to be combined with parcels 51-51-146-724-01 and 51-51-146-725-19 owned by B.N.C. Corp be approved by the Planning Commission and forwarded to City Council. Motion approved unanimously.

**UNFINISHED BUSINESS:**

None

**OTHER COMMUNICATIONS:**

Members of the Planning Commission expressed their concern over not having received any documents or correspondence from LSL on the Master Plan. Jon Rose had sent a letter last week to Jerry Adams, Senior Planner who is working on our update and has not received any response to the letter. Jon Rose will contact Mr. Adams Friday and ask if he received the letter and when to expect a draft of the plan. If the response is unsatisfactory the Planning Commission asked that the City Attorney prepare a letter to the president of LSL.

**WORK/STUDY SESSION**

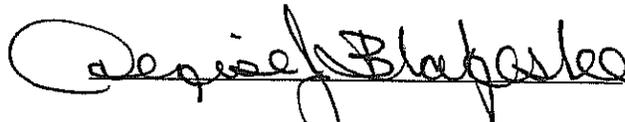
None

**ADJOURNMENT:**

MOTION by Tony Slawinski, seconded by Joyce Jeruzal that the meeting be adjourned. Motion passed unanimously.

Meeting adjourned at 8:06 p.m.

MANISTEE PLANNING COMMISSION



Denise J. Blakeslee, Recording Secretary

Ordinance 02 - 04

AN ORDINANCE TO AMEND IN PART  
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING  
ORDINANCE" WHICH WAS ADOPTED MAY 1, 1990, AS AMENDED,  
TO AMEND THE MANISTEE CITY ZONING ORDINANCE  
ARTICLE 5: DEFINITIONS - ADD BUILDABLE AREA and PARENT PARCEL DEFINITIONS  
ARTICLE 10: GENERAL REGULATIONS - ADD SECTION 1082 PARCEL REGULATIONS  
ADD OPEN SPACE PRESERVATION PROVISIONS LANGUAGE TO ALL RESIDENTIAL  
ZONING DISTRICTS, TRANSITION DISTRICT AND MULTIPLE USE DISTRICT

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THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That Article 5: Definitions be amended to add a definition for Buildable Area and Parent Parcel as follows:

**BUILDABLE AREA** means an area of a parcel which is of sufficient size and character so as to support a principal structure and a reasonable use of the property without being in violation of any local, state or federal environmental or other regulations adopted to protect the public health, safety or general welfare. Buildable area shall not include any wetland, 100-year flood plain, high risk erosion area, drainage way, lake or similar natural feature which poses an impediment or hazard to safe construction or use of property without sufficient upland property to meet ordinance requirements. Contour changes to create a Buildable area are permissible only if not contrary to this ordinance, or any other state or federal statute.

**PARENT PARCEL** means a parcel of record on the effective date of this ordinance amendment, or the "parent parcel" or "parent tract" as defined by the Michigan Land Division Act, (M.C.L. 650.101 *et. seq.*).

2. That Article 10: General Regulations be amended to add Section 1082 Parcel Regulations as follows:

**1082. PARCEL DIVISIONS**

A. New parcels created shall conform with both Section 1082 of this Ordinance and the applicable provisions of one of the following development options. In addition the splitting and combining of one adjacent parent parcel with another is allowed, conditioned on both parent parcels not having been split previously under either development option listed below. In these cases the resulting reconstituted parent parcels shall be the basis for further allowable land divisions.

1. Development Option 1, (available only if approved by the Zoning Administrator) Country Properties: A maximum of 80 percent of any parent parcel buildable area may be divided into new parcels averaging not less than 10,000 square feet in area. The remaining 20

percent of the parent parcel shall be kept as open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means acceptable to the Zoning Administrator.

2. Development Option 2, Conservation Planned Unit Development: A maximum of 80 percent of any parent parcel buildable area may be divided into new parcels averaging not less than 10,000 square feet in area. The remaining 20 percent of the parent parcel shall be kept as open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means acceptable to the Planning Commission.
  - a. Eligibility: Parent parcels not previously split may be developed per this option.
  - b. Minimum Conservation Land Requirement: The development density which would normally be realized on the entire parent parcel shall be transferred to the area of the parent parcel which is not the 20 percent of the parent parcel which shall be kept as open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means.
  - c. Determining Maximum Allowable Parcel Divisions: The maximum number of new parcels which may be created within the parent parcel shall be the same number calculated by dividing the total area of the parent parcel which is buildable area by the minimum parcel area required in the respective zoning district. To illustrate this density a conceptual plan of division of the parent parcel shall be submitted by the applicant to the administrator. This plan shall contain proposed parcels, roads, rights-of-way, areas which are not in the buildable area, and other pertinent features. This plan must be drawn to scale, but does not need to be based on a field survey.
  - d. Siting Criteria for new Parcels: Diversity and originality in parcel layout shall be encouraged to achieve the best possible relationship between Buildable and Conservation Lands (section 1082.A.2.b of this Ordinance) areas. The Planning Commission shall evaluate proposals to determine whether the proposed site plan meet the following site plan criteria contained elsewhere in this Ordinance:
    - (1) Protects and preserves all beach contiguous to a lake or stream, wetland, flood plain, existing public utility easements, existing public rights-of-way, waterfront setback areas, and slopes over 25 percent. (Including a buffer area around such areas) from clearing, grading, filling, and construction.
    - (2) Maintains or creates an upland buffer of natural native species vegetation of at least one hundred (100) feet in depth adjacent to wetlands and surface waters.
    - (3) Leaves scenic views and vistas unblocked and uninterrupted, particularly as seen from adjacent roads and surface water.
    - (4) Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features or by siting in forested areas.
    - (5) Protects wildlife habitat areas of species listed as endangered, threatened or of special local concern.
    - (6) Designs around and preserves sites of historic, archaeological, or cultural value, insofar as needed to safeguard the character of the feature.
    - (7) Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, and so on.

- (8) Provides that Conservation Lands (section 1082.A.2.b of this Ordinance) shall be reasonable and contiguous. While Conservation Lands are exempt from the 4 to 1 maximum parcel depth to width ratio, fragmentation of these lands shall as much as practical be minimized so that (except for common greens and playground areas) these areas are not divided into numerous small parcels located in various parts of the development.
- (9) When Conservation Lands (section 1082.A.2.b of this Ordinance) are held in common by surrounding parcel owners the proposed site plan shall:
  - (a) Provide for active recreational areas in suitable locations that offer convenient access by residents and adequate screening from near by parcels in the buildable area(s).
  - (b) Include a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between parcels, activity areas, special features, and contiguous developments.
  - (c) Ownership of conservation Lands (section 1082.A.2.b of this Ordinance) may remain with the owner of the parent parcel, a homeowners association made up of parcel owners in the development, the City, or a recognized non-profit land conservancy.
  - (d) Conservation Lands (section 1082.A.2.b of this Ordinance) created pursuant to option 2, section 1082.A.2 of this Ordinance may be used for any permitted use allowed in the respective zoning district pursuant if the parcel contains a large enough buildable area and if said use is permitted by the conservation easement and the Open Space Preservation Act (Act 179 of 2001). Such parcels shall be covered by a conservation easement prohibiting the further splitting or development of these lands in the future. Such conservation easement shall be held jointly by both the City and one of the following: a homeowners association made up of parcel owners in the development or a recognized non-profit land conservancy.

**B. Application and Site Plan Review Process:**

- 1. A pre-application conference between the applicant, the site designer, and the administrator to discuss the applicant's objectives and how these may be achieved under this Ordinance is encouraged for all parcels to be split under provisions of Option 1, section 1082A.1 of this Ordinance. Engineering, site plans, or surveys, shall not be required for the pre-application conference and shall not be accepted or reviewed at the pre-application conference. If necessary a site visit may be scheduled during the pre-application conference.
- 2. A pre-application conference between the applicant, the site designer, and the administrator to discuss the applicant's objectives and how these may be achieved under this Ordinance shall be mandatory for all parcels to be split under provisions of Option 2, section 1082.A.2 of this Ordinance. Engineering, site plans, or surveys, shall not be required for the pre-application conference and shall not be accepted or reviewed at the pre-application conference. If necessary a site visit may be scheduled during the pre-application conference.

3. The application shall then be processed under the Special Use Permit, Section 8601 et. seq. of this Ordinance, and Planned Unit Development Districts Section 8801 et. seq. of this Ordinance. The municipality shall simultaneously approve the land division splits as part of the review.
  
3. That Article 27: Multiple Use District be amended to add under Regulations and Standards item 2704.F as follows:
  - F. New parcels shall only be created pursuant to P.A. 288 of 1967, as amended (being the Land Division Act; M.C.L. 560.101 et. seq.).
  
4. That Article 29: Transition District be amended to add under Regulations and Standards item 2904.F as follows:
  - F. New parcels shall only be created pursuant to P.A. 288 of 1967, as amended (being the Land Division Act; M.C.L. 560.101 et. seq.).
  
5. That Article 40: R-1 Residential District be amended to add under Regulations and Standards item 4004.E as follows:
  - E. New Parcels may be created pursuant to P.A. 288 of 1967, as amended, (being the Land Division Act, M.C.L. 560.1901 et. seq.) or as provided in section 1082.A of this Ordinance.
  
6. That Article 42: R-2 (Special) Residential District be amended to add under Regulations and Standards item 4204.F as follows:
  - F. New Parcels may be created pursuant to P.A. 288 of 1967, as amended, (being the Land Division Act, M.C.L. 560.1901 et. seq.) or as provided in section 1082.A of this Ordinance.
  
7. That Article 44: R-3 Residential District be amended to add under Regulations and Standards item 4404.E as follows:
  - E. New parcels shall only be created pursuant to P.A. 288 of 1967, as amended (being the Land Division Act; M.C.L. 560.101 et. seq.).
  
8. That Article 46: R-4 Residential District be amended to add under Regulations and Standards item 4406.E as follows:
  - E. New parcels shall only be created pursuant to P.A. 288 of 1967, as amended (being the Land Division Act; M.C.L. 560.101 et. seq.).

