

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
P.O. Box 358
Manistee, Michigan 49660

MEETING OF MAY 6, 1999

There will be a meeting of the Manistee City Planning Commission to be held on Thursday, May 6, 1999 at 7:00 P.M. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

AGENDA

- I. Roll Call
- II. Matters Pertaining to the General Citizenry:
 - A. Public Hearing:
 - 1. Gloize, Sam - Special Use Permit
 - 2.
 - B. Site Plan Reviews:
 - 1. Jean Picardat - Lot Split & Combination
 - 2. Ray Kieffer (C&E Enterprises) Lot Split
 - 3.
 - C. Questions, Concerns and Consideration of Matters Pertaining to Citizens in Attendance:
 - 1.
 - 2.
- III. Business Session:
 - A. Approval of Minutes from Last Meeting (4/1/99)
 - B. New Business:
 - 1. Joe Pienta/31 North L.L.C. - Property Request
 - 2.
 - C. Unfinished Business:
 - 1. Gloize, Sam - Special Use Permit
 - 2. Manistee County - Alley Vacation
 - 3.
 - D. Other Communications:
 - 1.
 - 2.
- IV. Work/Study Session:
- V. Adjournment

cc: Planning Commission Members
City Council
R. Ben Bifoss, City Manager
Jon Rose, Community Development Officer
County Planning Department
Jack Dinsen, Manistee Township Zoning Board
Don Alfred, Filer Charter Township Planning Commission
Manistee News Advocate
WMTE Radio
WXYQ Radio
Jeff Mikula, Abonmarche
Julie Beardslee, Assessor

MEMORANDUM

TO: Planning Commission Members

FROM: Jon R. Rose
Community Development Officer

DATE: April 30, 1999

RE: Planning Commission Meeting

The May Planning Commission Meeting is scheduled for Thursday, May 6, 1999 at 7:00 p.m. in the Council Chambers.

First item on the agenda is Public Hearing a request from Sam Gloize for a Special Use Permit. Mr. Gloize has made an offer to purchase the property at 522 Water Street and would like to build a 4 unit condominium at that location. Enclosed is a copy of the application.

Second agenda item is a request from Jean Picardat for a Lot Split and Combination. Ms. Picardat is in the process of selling her house located at 85 Poplar Street. During the mortgage survey it was discovered that the driveway of her neighbor Richard Morehouse, 83 Poplar Street was located on part of her property. Ms. Picardat and Mr. Morehouse are asking for a lot split and combination as proposed on the enclosed drawing.

Third agenda item is a request from Ray Kiefer, Manistee Appraisal Service for a Lot Split on behalf of C&E Enterprises. The request is to split off approximately 1 acre of property from parcel code # 51-51-712-475-02. A copy of the request is enclosed.

Joe Pienta/ 31 North L.L.C. has sent a request regarding property next to the Industrial Park. A copy of the request is enclosed. There are several issues involved requiring Public Hearings and decisions by various bodies. However the initial questions for the Planning Commission to discuss are:

1. Should this property be sold for development or retained for buffer?
2. If the property should be sold for development should the Residential Drive Street Vacation be pursued?

Last we have Manistee County Alley Vacation request which was postponed at the April Meeting. Since that time we have discussed the matter with Bruce Gockerman, City Attorney. I have enclosed a memo regarding Mr. Gockerman's recommendation.

If anyone is unable to attend the meeting please call me at 723-2558. See you there!

JRR:djm

cc: City Council

SPECIAL USE PERMIT APPLICATION

Applicant SAM GLOIZE
Address P.O. Box 463
HASLETT, MI 48840
City, State, Zip Code
Phone Numbers (Work) 800-261-0095
(Home) 517-334-8090

FOR OFFICE USE ONLY:

Case number _____
Date Received 4-21-99
Fee Received \$150.00
Receipt Number 2755
Hearing Date 5.6.99
Action Taken _____
Expiration Date of Permit _____

FEE FOR SPECIAL USE PERMIT \$150.00

I. ACTION REQUESTED:

A Special Use Permit is hereby requested for the following purpose: TO ALLOW BUILDING OF A 4 UNIT CONDO. ON THIS PARCEL CURRENTLY ZONED C-3

II. PROPERTY INFORMATION:

- A. Address of Property: 522 WATER STREET
Tax Roll Parcel Code Number: 51-51- 365-703-01
- B. List all deed restrictions - cite Liber & Page where found and attach: LIBER 509 P. 566
LIBER 473 P. 216
- C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land: MARY ANN ROBERTS FISHER - 522 WATER ST.
- D. Zoning District: C-3
- E. Present use of the property: VACANT LAND, THREE APARTMENTS
& A RETAIL BUSINESS.
- F. Attach a Site Plan which meets the requirements of the Special Use Permit Ordinance (see attached).
- G. Is a Property survey attached? Yes No.
- H. Estimated completion date of construction (if applicable): _____

III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:

A. State specifically the reason for this Special Use Permit request at this time _____
TO ALLOW THE BUILDING OF A
4 UNIT CONDOMINIUM ON THIS PARCEL

B. Statement of support for the request. Please justify your request for a Special Use Permit below. The justification should address the following concerns: (Attach additional sheets if necessary)

1. The relationship of the Special Use Permit conditions (Article 86, Section 8610 and if applicable, Article 16) to the particular Special Use proposed. Do they pose any unusual problems for compliance?
2. Relationship of the proposed use to the development plans of Manistee County and the City of Manistee.
3. Impacts of the adjacent property and neighborhood. Indicate what impacts of the proposed use on the adjacent property are anticipated and what steps will be taken to mitigate any negative impacts. Consider the following:
 - a. Will the proposed use adversely affect the health, safety or enjoyment of property of persons residing or working in the neighborhood?
 - b. Will proposed use be detrimental to the public welfare or injurious to property in the neighborhood?

IV. INFORMATION REQUIRED IN APPLICATION:

A. An Application for Special Use shall include:

1. A detailed Site Plan, as spelled out in Section 9406 of this ordinance, a copy of which is attached.
2. A specific statement and supporting information regarding the required findings for the Special Use Permit, as stated in Section 8609 (as follows).
 - a. *Is the use reasonable and designed to protect the health, safety and welfare of the community,*
 - b. *Is the use consistent with the intent and purpose of the Land Use District,*
 - c. *Is the use compatible with adjacent land uses,*
 - d. *Is the use designed to insure that public services and facilities are capable of accommodating increased loads caused by the land use or activity, and*
 - e. *Does the use comply with all applicable regulations of this Ordinance.*
 - f. *Does the use comply with all specific standards found in the respective Land Use District, Section 1601 et. seq., and Section 101 et. seq. of this Ordinance.*

3. Proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc.

B. In Addition, the applicant may be required to furnish:

1. Elevations on all buildings, including accessory buildings.
2. An Environmental assessment.
3. Evidence of having received or having an agreement for concurrent approval for any other necessary permits required prior to a construction code permit.
4. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.

V. CERTIFICATION AND AFFIDAVIT:

The undersigned affirm(s) that he/she/they is/are the owner, leasee, owner's representative, contractor involved in the application; and that the information included in this application is correct. Further, if the request is approved, the applicant will comply with all of the requirements of the City of Manistee Zoning Ordinance and certifies that measures proposed to mitigate adverse impacts will be completed in a timely fashion.

Signature (s) of Applicant (s):

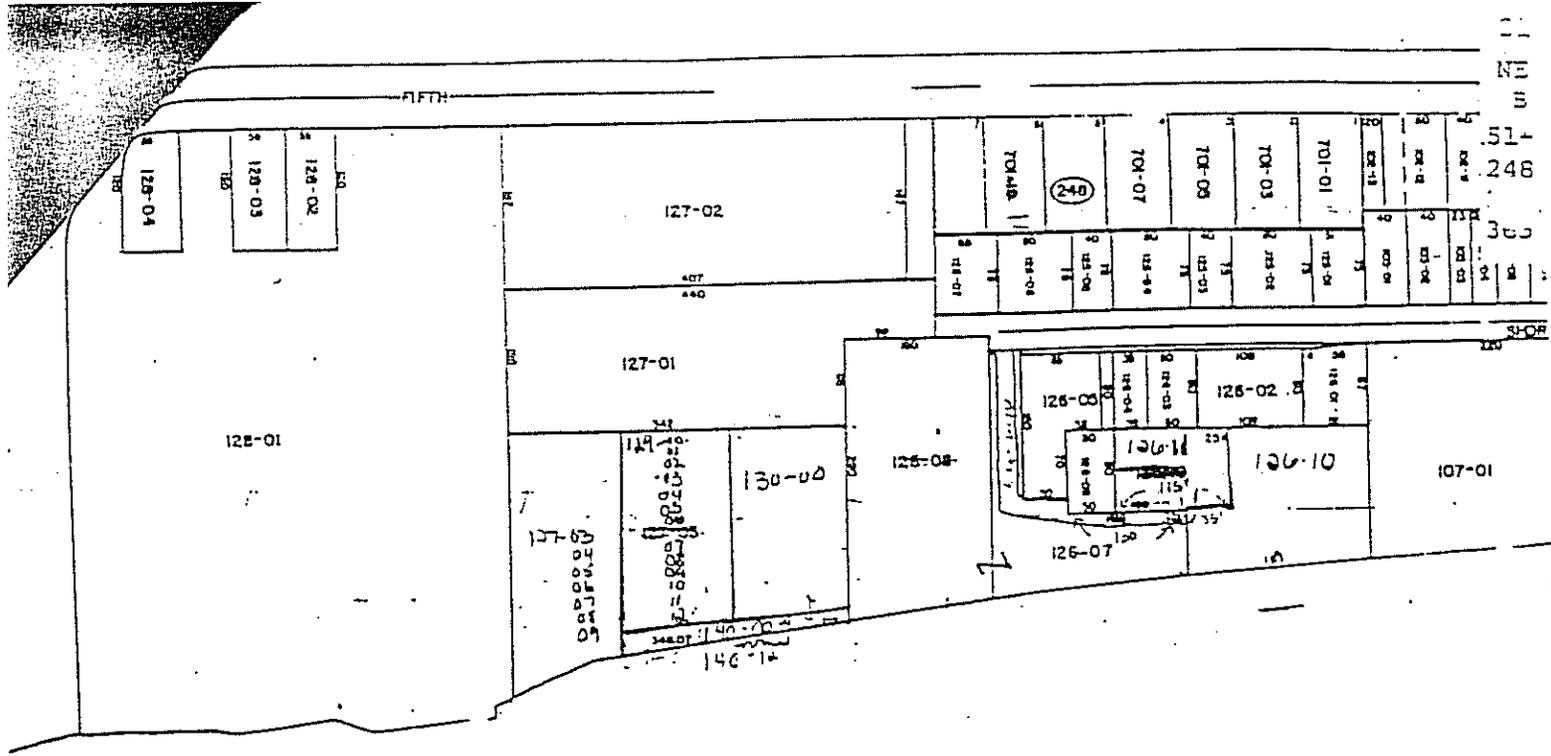
Samuel S. Lu

Dated

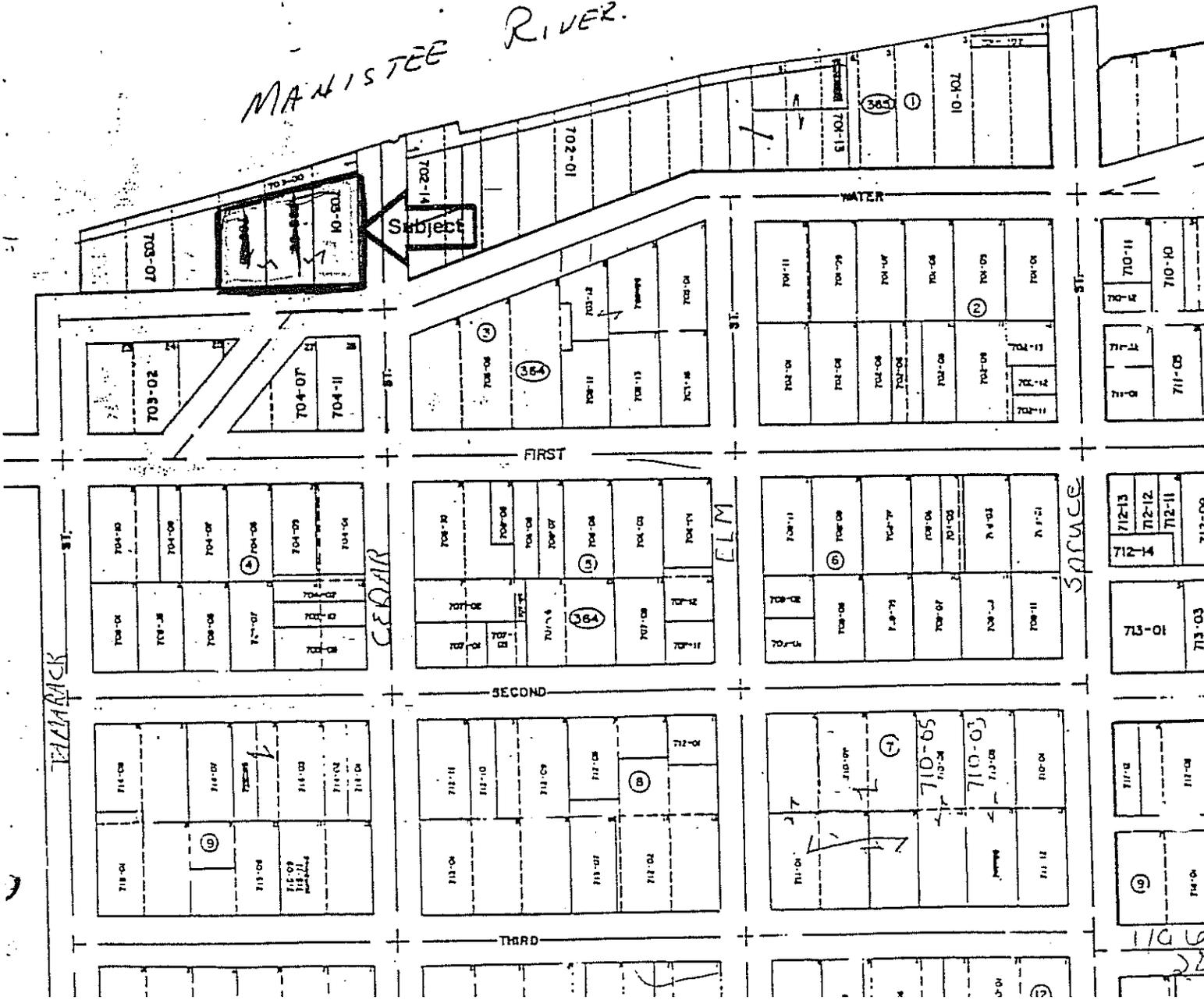
4-21-99

By checking this box permission is given for Planning Commission Members to make a site inspection if necessary.

51
48
248
300



MANISTEE RIVER.



Subject

WATER

FIRST

SECOND

THIRD

WILKINSON ST.

CEDAR

ELM

SALVAGE

1106
20

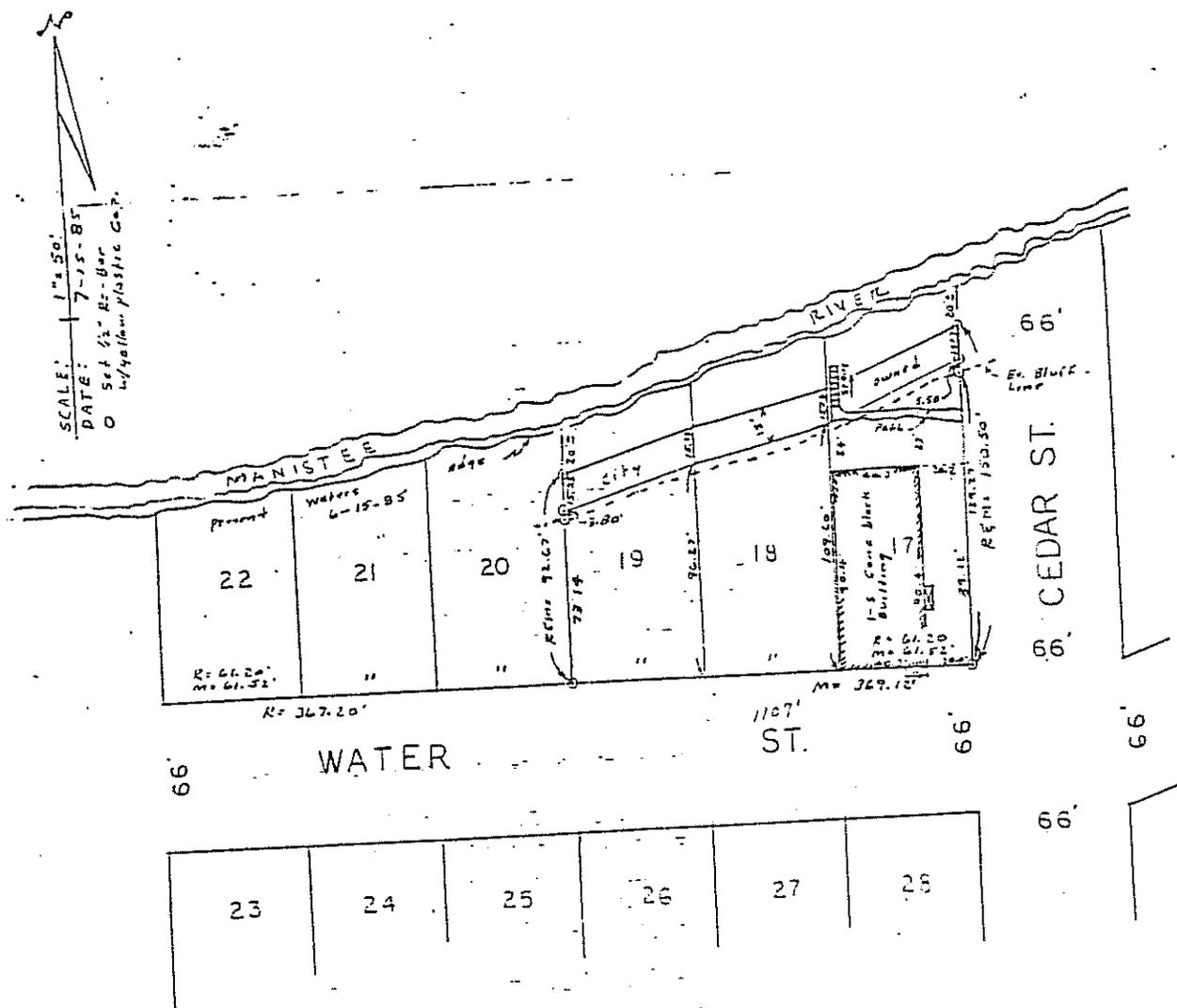
Showing Lots 17, 18 and 19 excepting the North 15 feet thereof, all of subdivision of Block 1 of Mrs. G.E. Marsh's addition to the City of Manistee, Michigan, as recorded in Liber 3 of deeds, page 496.

LEGAL DESC. 5

I, Anthony M. Slawinski, hereby certify that I have surveyed and mapped the above described parcel(s) of land in accordance with Act 132, P.A. 1970, and that the error of closure was no greater than 1:5000.

SURVEYED FOR: Mr. & Mrs. Donald Roberts
522 Water Street
Manistee, Michigan 49660

SURVEYED BY: Anthony M. Slawinski
Anthony M. Slawinski
Registered Land Surveyor #13597
384 7th Street
Manistee, Michigan 49660
Phone (616) 723-2992

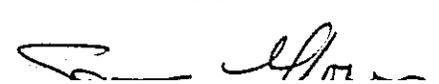


STATEMENT.

ACROSS THE RIVER FROM THE PROPOSED SITE SOME CONDOMINIUM UNITS HAVE BEEN CONSTRUCTED AND SHIPWATCH IS CURRENTLY ADDING MORE TO THEIR PROJECT. ALSO FURTHER WEST ON THE SOUTH SIDE OF THE RIVER IS LIGHTHOUSE LANDING. I FEEL THAT THE ADDITION OF A FOUR UNIT CONDO. ON THE PROPERTY IN QUESTION WOULD BE A NATURAL AND CONSISTENT USE. ALSO BY THE TASTEFUL USE OF DESIGN AND SIDING TECHNIQUES, SUCH AS TRIM ACCENTS AND SCALLOPED OR SUNBURST GABLE DESIGNS, IT WOULD BLEND IN VERY WELL WITH THE VICTORIAN FLAVOR OF THE TOWN.

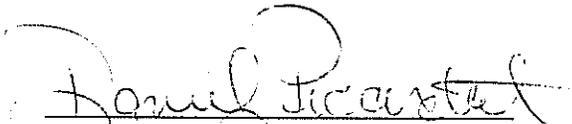
I FEEL THIS USE WOULD BE CONSISTENT WITH THE DEVELOPMENT PLANS OF MANISTEE AND CAN FORSEE NO NEGATIVE IMPACTS ON ENVIRONMENT ADJOINING, OR NEIGHBORHOOD RESIDENTS.

AT THIS TIME I HAVE NO FINAL BLUEPRINTS TO SUBMIT FOR CONSIDERATION AND THEREFORE NO "FOOTPRINT" OF THE BUILDING LOCATED ON THE SITE PLAN. HOWEVER I ASSURE YOU THAT THESE PLANS WILL BE OF A NATURE TO COMPLY WITH ANY STANDARDS, REGULATIONS AND ORDINANCES REQUIRED. OF COURSE I WOULD EXPECT REVIEW OF THESE PLANS BEFORE I AM ALLOWED TO BUILD.



April 20, 1999

We the undersigned hereby request a lot split and combination in accordance with the attached drawing.


Daniel Picardat

Dated: 4-20-99


Richard Morehouse

Dated: 4-20-99



4-20-99

Jenema Land Surveys

82 Division Street

Manistee, MI. 49660

Ph. # 616-723-7930

Fax # 616-723-5761

DESCRIPTION FOR JEAN GRISWOLD:

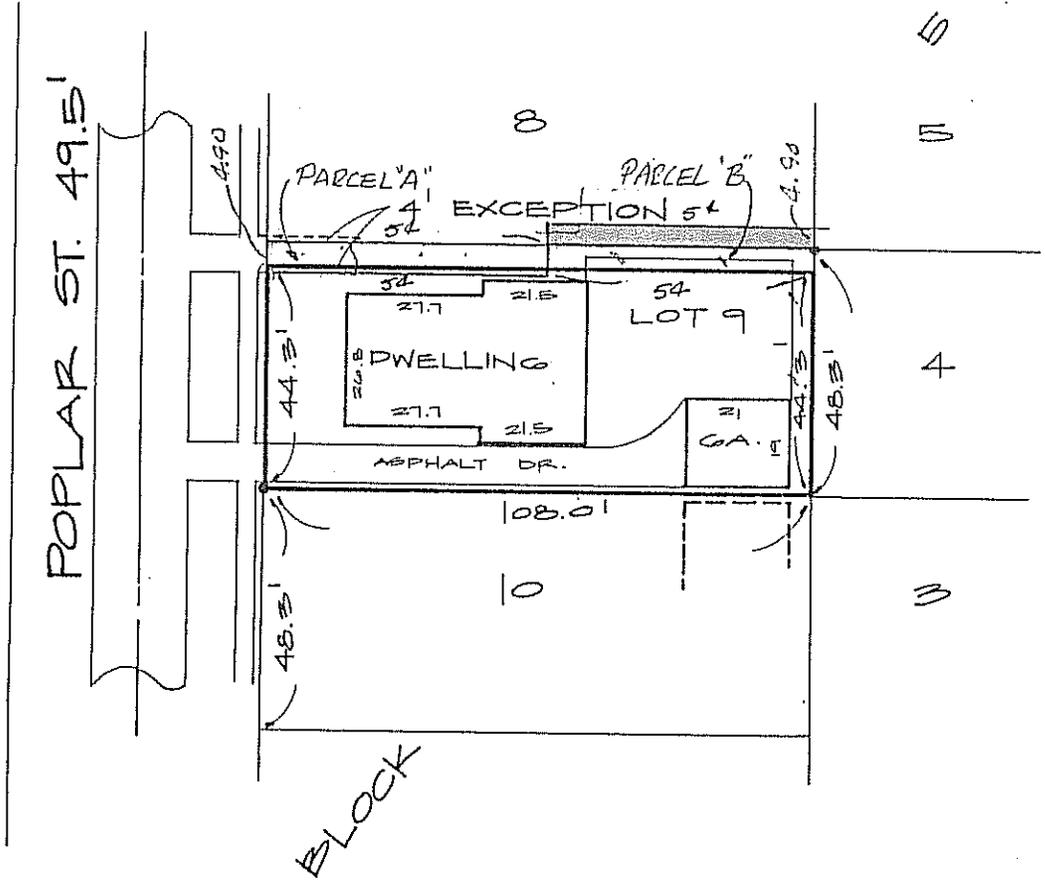
PARCEL "A":

Part of Lot 9, Block 5, Green's Addition to the City of Manistee, Manistee County, Michigan. According to the plat thereof as recorded in Liber 3 of Deeds, page 22. Described as: Beginning at the Northwest corner of said Lot 9, thence S90°00'00"E 54.00 ft. along the North line of said Lot 9, thence S01°06'00"W 4.90 ft. parallel to the West line of said Lot, thence N90°00'00"W 54.00 ft. to the West line of said Lot, thence N01°06'00"E to the point of beginning. Containing 264.6 sq. ft. of land more or less.

PARCEL "B":

Part of Lot 8, Block 5, Green's Addition to the City of Manistee, Manistee County, Michigan. According to the plat thereof as recorded in Liber 3 of Deeds, page 22. Described as: Beginning at the Southwest corner of said Lot 8, thence S90°00'00"E 54.00 ft. along the South line of said Lot 8 to the point of beginning, thence N01°06'00"E 4.90 ft., thence S90°00'00"E 54.00 ft. to the East line of said Lot 8, thence S01°06'00"W 4.90 ft. to the South line of said Lot 8, thence N90°00'00"W 54.00 ft. to the point of beginning. Containing 264.6 sq. ft. of land more or less.

MORTGAGE REPORT



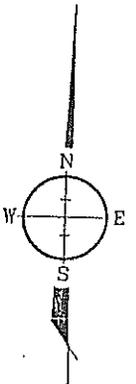
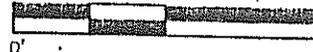
ADDRESS:
85 Poplar Street
Manistee, MI. 49660

DESCRIPTION: Lot 9, Block 5, Green's Addition to the City of Manistee, according to the plat thereof as recorded in Liber 3 of Deeds, page 22, except the North 4 ft. thereof. Manistee County, Michigan.

LEGEND

- ⊕ MONUMENT FND. ALL BOUNDARY & EASEMENT DIMENSIONS ARE RECORDED UNLESS OTHERWISE NOTED.
- IRON FND

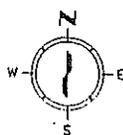
SCALE 1"=30'



I hereby certify that I have inspected the property hereon described; that there are improvements located as shown; that said improvements are within property lines; and that there are no visible encroachments upon the land and property described, unless otherwise noted. All utilities and easements may / or may not be shown.

This inspection is for mortgage purposes only.

R.L.S. No. 25850



Jenema Land Surveys
82 Division Street
Manistee, MI 49660
616-723-7930
FAX 616-723-5761

FOR: Jean A. Griswold		
Northwestern Public Employees C.U. Great Lakes Title of Cadillac		
DATE: Apr. 5, 1993	SHEET 1 of 1	
DRAWN BY: K.	CHK. BY: J.L.	FILE NO. 93240

MANISTEE APPRAISAL SERVICE INC
P.O. BOX 501
MANISTEE MICHIGAN 49660

Office 616-723-3555 Fax 616-723-6287

FAX TO: John Rose, Manistee City Planning

FROM: Ray Kieffer Temp fax 305-745-3598

RE: Request for consideration of land division

PAGES INCL COVER: 3

Dear Sir,

Please accept this communication as a request to be on the planning commission agenda at their next regular meeting scheduled for May 6th. I am requesting permission to split land owned by C & E Enterprises Inc. The Property is currently approximately 6.21 acres total owned by Seng. The portion to be sold is approximately 1 acre and involves land owned by C & E, West of the CSX Railroad. Seng will retain all land East of CSX railroad to Manistee Lake. This property has an older low value building on the site at 9th street

I am sending a survey and legal of split property, however the quality will probably not be good. Lois at Manistee Abstract office has good copies and I will be able to provide additional information prior to the Planning Commission meeting.

I expect to return to the Manistee area by the 19th of April. Please leave a message with my office if you need additional information prior to that date.

Sincerely,



Ray Kieffer

Jean @ Coldwell Banker 723-3555

Lois @ Manistee Abstract & Title 723-3397

LAWYERS TITLE INSURANCE CORPORATION
National Headquarters
Richmond, Virginia
COMMITMENT FOR TITLE INSURANCE

Schedule A

Case No. L-99092 REVISED

1. Effective Date: 4-20-99 @ 8 AM

2. Policy or policies to be issued:

(a) Amount \$27,500.00
[X] ALTA Owner's Policy
[] MI Residential Title Insurance Policy
Proposed insured: RICHARD MOSHER

(b) ALTA Loan Policy without Standard Exceptions Amount \$
Proposed insured:

(c) ALTA Loan Policy with Standard Exceptions Amount \$
Proposed insured:

3. Title to the fee simple estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in: C AND E ENTERPRISES, INC., A MICHIGAN CORPORATION

4. The land referred to in this Commitment is described as follows:

LAND IN THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, DESCRIBED AS:

PART OF BLOCK 28 OF THE FREELAND ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 2-A OF PLATS, PAGE 9, AND PART OF GOVERNMENT LOT FOUR (4), SECTION TWELVE (12), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE SEVENTEEN (17) WEST, COMMENCING AT A POINT 209 FEET EAST OF THE SOUTHEAST CORNER OF BLOCK 17 OF THE FREELAND AND 66 FEET SOUTH FOR PLACE OF BEGINNING, THENCE SOUTH TO THE NORTH LINE OF LOT 7 OF BLOCK 28 OF THE FREELAND, THENCE NORTH 89° 54' 01" EAST 168.60 FEET ALONG THE NORTH LINE OF SAID LOT 7 EXTENDED TO THE WESTERLY LINE OF THE RAILROAD RIGHT-OF-WAY, THENCE NORTHERLY ALONG SAID WEST LINE OF THE RAILROAD RIGHT-OF-WAY TO THE SOUTH LINE OF NINTH STREET, THENCE WEST TO PLACE OF BEGINNING.

Schedule B - Section 1 - Requirements

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

1. DEED

2. PARTIAL RELEASE OF MORTGAGE DATED DECEMBER 17, 1991, RECORDED DECEMBER 23, 1991, IN LIBER 552, PAGE 982, EXECUTED BY C AND E ENTERPRISES, INC., A MICHIGAN CORPORATION TO FMB SECURITY NATIONAL BANK.

Item (c) FOR INFORMATIONAL PURPOSES ONLY, WE ASSUME NO LIABILITY FOR CORRECTNESS THEREOF; PROPERTY TAXES ASSESSED UNDER PROPERTY TAX #51-51-712-475-02 (W/OTHER LANDS) ARE PAID OR NOT RETURNED DELINQUENT THROUGH 1997. SPECIAL ASSESSMENTS: NOT EXAMINED. 1998 TAXES IN THE SUM OF \$4,834.52, PLUS FEES, HAVE NOT BEEN PAID.

Schedule B - Section 2 - Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

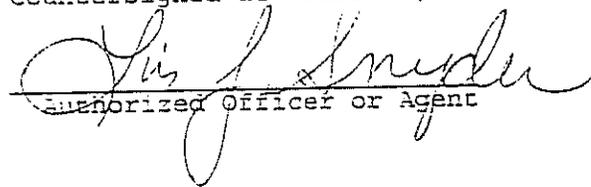
2. RESERVATION OF THE RAILROAD RIGHT OF WAY TO MANISTEE & NORTHEASTERN RAILWAY COMPANY RECORDED IN LIBER 42 OF DEEDS, PAGE 568 AND IN LIBER 49 OF DEEDS, PAGE 2.

CONTINUED

3. RESERVATION BY THE STATE OF MICHIGAN OF ALL MINERAL, COAL, OIL, GAS AND OTHER RIGHTS AND PRIVILEGES AS SET FORTH IN LIBER 140, PAGE 419 AS TO LOT 4, BLOCK 29 OF THE FREELAND.
4. EXCEPTED FROM COVERAGE ARE ALL OIL, GAS AND MINERALS, TO BE RETAINED. OIL AND GAS LEASES, IF ANY, ARE NOT SHOWN.
5. EASEMENT FOR GAS PIPELINE IN FAVOR OF MICHIGAN CONSOLIDATED GAS RECORDED IN LIBER 218, PAGE 447.
6. TAXES WHICH BECOME A LIEN PURSUANT TO PUBLIC ACT 143 OF 1995 AND ANY OTHER TAXES AND/OR ASSESSMENTS WHICH BECOME A LIEN SUBSEQUENT TO THE DATE OF THIS COMMITMENT.

NOTE: If policy is to be issued in support of a mortgage loan, attention is directed to the fact that the Company can assume no liability under its policy, the closing instructions, or Insured Closing Service for compliance with the requirements of any consumer credit protection or truth in lending law in connection with said mortgage loan.

Countersigned at Manistee, MI

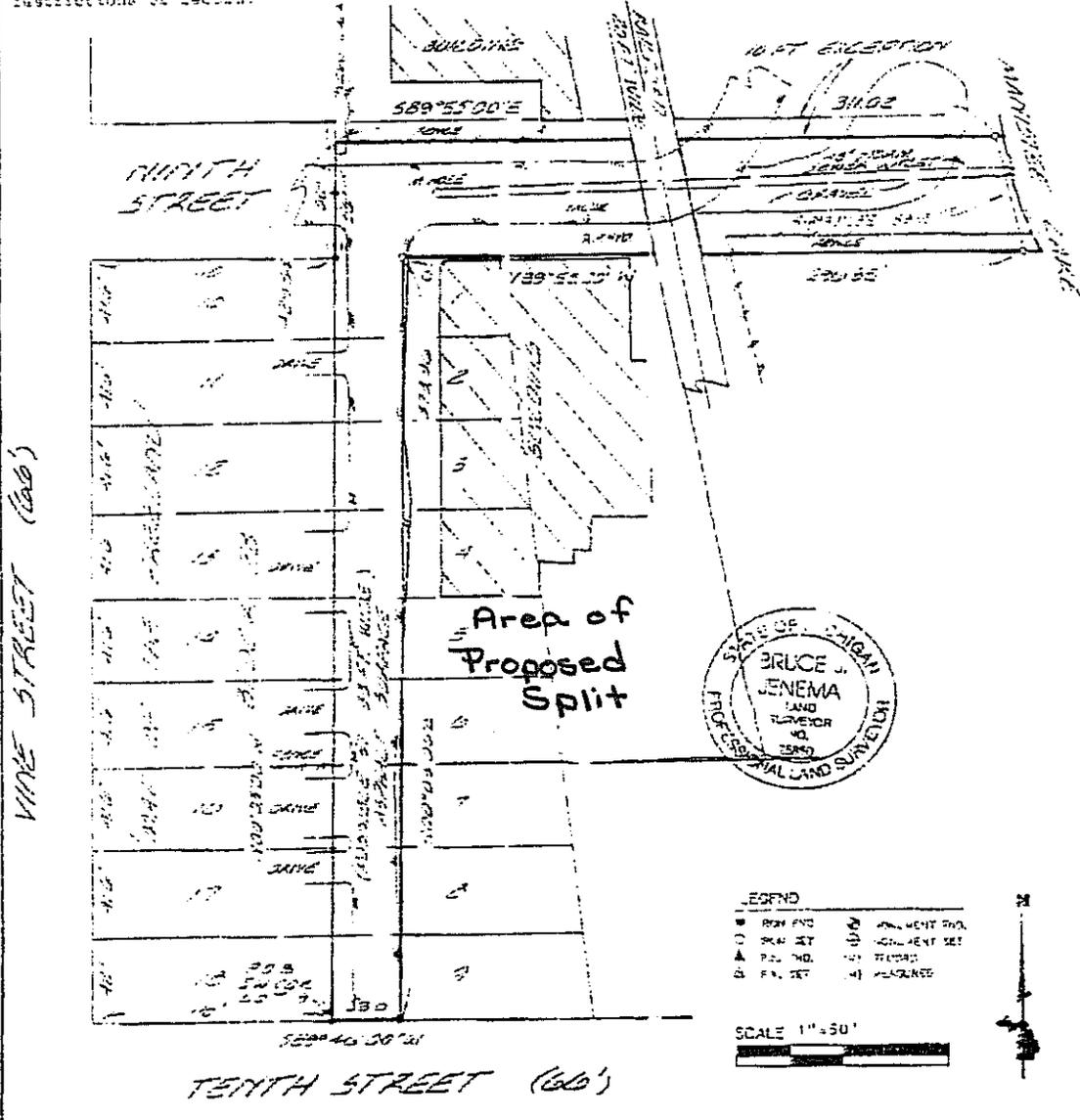

Authorized Officer or Agent

This commitment is invalid unless the Insuring Provisions and Schedules A & B are attached.

(Form 91-88, Schedules A, B-1 and B-2)

CERTIFICATE OF SURVEY

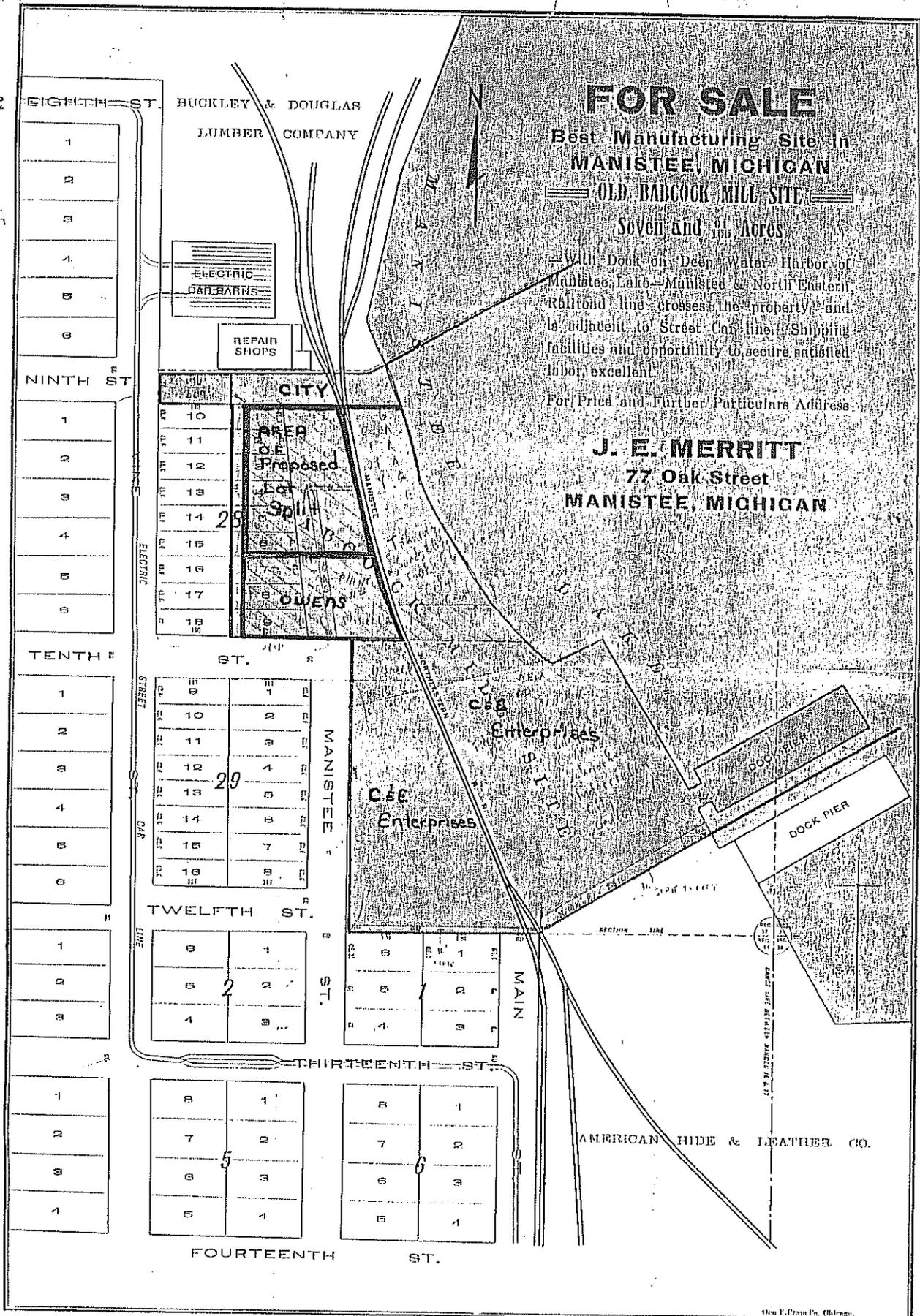
DESCRIPTION:
 The West 1/2 of Lots 1 thru 3 inclusive, Block 18, Map of the Freehold, also part of Ninth Street extended East from Vine Street, Government Lot 1, Section 12, T21N, R17W, City of Manistee, Manistee County, Michigan, described as follows: Beginning at the southwest corner of said Lot 1, thence North 89° 55' 00" W 422.54 ft. along the West line of said Lot 1 thru 3 to a point lying 10 ft. South of the North line of Ninth Street extended, Map of the Freehold, thence S89° 55' 00" E 311.31 ft. parallel with North line of Ninth Street extended, Map of the Freehold, thence along the Street of Manistee said North line of 3rd Street extended to an intermediate traverse line S89° 55' 00" E 89.13 ft. to the South line of said West 1/2 Street thence along said intermediate traverse line S89° 55' 00" E 373.14 ft. to the East line of said West 1/2 Street extended, thence along said South line of 3rd Street 25 ft. to the East line of said West 1/2 Street, thence along said East line S00° 00' 00" W 373.14 ft. to one South line of said Lot 1, thence along said South line of Lot 1 S89° 55' 00" W 33.70 ft. to the point of beginning. Except the 10 ft. excess, containing 0.07 acres of land more or less to said intermediate line. Together with beach adjacent to and all riparian rights pertaining to Manistee Lake. Subject to any easements and restrictions of record.



I, the undersigned, being a Registered Land Surveyor, do hereby certify that I have surveyed and mapped the above portion of said Block 18, and that the accuracy of the produced field observations is noted and after said data and that same has been compared with the regulations of Act 122 of 1920 as amended and the rules for bearings is:

Date of Survey: 11/1/84 *Bruce J. Jenema* P.L.S. No. 25840

	Jenema Land Surveys 50 Day Street Manistee, MI 49860 616-723-7930 Fax: 616-723-5781	C & E Enterprises
	Date: 03/1/84	Date: 04/8/84



FOR SALE

Best Manufacturing Site in
MANISTEE, MICHIGAN

== OLD BABCOCK MILL SITE ==

Seven and 1/2 Acres

With Dock on Deep Water Harbor of
 Manistee Lake - Manistee & North Eastern
 Railroad line crosses the property and
 is adjacent to Street Car line. Shipping
 facilities and opportunity to secure satisfied
 labor excellent.

For Price and Further Particulars Address

J. E. MERRITT

77 Oak Street
MANISTEE, MICHIGAN

BUCKLEY & DOUGLAS
 LUMBER COMPANY

ELECTRIC
 CAR BARN

REPAIR
 SHOPS

AREA
 OF
 Proposed
 Lot
 Split

OWENS

C&E
 Enterprises

C&E
 Enterprises

DOCK PIER

DOCK PIER

AMERICAN HIDE & LEATHER CO.

31 North LLC

P O BOX 336 - Manistee, MI 49660

723-8318 - fax 723-8055

April 30, 1999

Ben Bifoss
City of Manistee
70 Maple St.
Manistee, MI 49660

Dear Mr. Bifoss:

31 North LLC would like to purchase the unplatted piece of property south of South Glocheski Dr. and north of the unnamed dirt road that goes to the Aztec wells. The property is 66' by 561.59' (approximately 0.864 acres). We would further like to have this unnamed road abandoned, thus increasing the width of the property to 99' and increasing the acreage to approximately 1.296 acres.

If abandonment is not allowed, we would be interested in purchasing if setbacks were allowed to be 25' from the north line and 9' from the south line.

The purchase price offered would be \$6000.00 per acre.

We would like to build tasteful and upscale pole type or steel frame buildings. Probably with standing ridge steel roofing with an overhang and colored to be compatible with both residential and commercial application. The buildings would include both storage area and an area that could be finished as an office. They could be used for personal use or business rentals.

Your consideration to the above is appreciated.

Sincerely,



Joseph A. Pienta

JAP/cll

MEMORANDUM

TO: Planning Commission Members

FROM: Jon R. Rose 
Community Development Officer

DATE: April 26, 1999

RE: Manistee County Alley Vacation Request

Kendra Thompson had requested an Alley Vacation on behalf of Manistee County at the April 1, 1999 Planning Commission Meeting. This item was postponed until the May Planning Commission Meeting for review from the City Attorney.

I spoke to the City Attorney Bruce Gockerman regarding this matter. After discussion it was decided to suggest to the County that they apply for a variance to the building set-back from the alley. I will recommend approval of the variance with the stipulation that the County provide a five foot wide raised sidewalk to protect the building from vehicular traffic.

Staff recommendation to the Planning Commission is to deny the request for Alley Vacation by Manistee County.

JRR:djm