

# MANISTEE CITY PLANNING COMMISSION

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

MEETING OF AUGUST 5, 1999

There will be a meeting of the Manistee City Planning Commission to be held on Thursday, August 5, 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. Seng Crane & Excavating Inc. - Zoning Amendment
    - 2. Seng Crane & Excavating Inc. - Special Use Permit
    - 3. Lighthouse Landings - Encroachment
    - 4.
  - B. Site Plan Reviews:
    - 1.
    - 2.
  - C. Questions, Concerns and Consideration of Matters Pertaining to Citizens in Attendance:
    - 1.
    - 2.
- III. Business Session:
  - A. Approval of Minutes from Last Meeting (7/22/99)
  - B. New Business:
    - 1.
    - 2.
  - C. Unfinished Business:
    - 1. Seng Crane & Excavating Inc. - Zoning Amendment
    - 2. Seng Crane & Excavating Inc. - Special Use Permit
    - 3. Lighthouse Landings - Encroachment
    - 4.
  - 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  
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  
Mark Niesen, Building Inspector

# MEMORANDUM

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TO: Planning Commission Members

FROM: Jon R. Rose   
Community Development

DATE: July 30, 1999

RE: Planning Commission Meeting

The next Planning Commission Meeting is scheduled for Thursday, August 5, 1999 at 7:00 p.m. in the Council Chambers.

The First item on the agenda is a Public Hearing to consider a re-zoning request from Seng Crane & Excavating Inc. Mr. Seng would like to provide for Motor Freight Transportation and Warehousing as an additional Special Use in the Transition District. A copy of the request is enclosed.

Second is a request from Seng Crane & Excavating Inc for a Special Use Permit for a distribution warehouse to be located on the vacant property west of Main Street between Thirteenth and Fourteenth Streets. A copy of the application is enclosed.

Third is Lighthouse Landings encroachment into required 10 foot set-back. Currently three decks intrude into the set-back to within 6 inches of the property line. A staff report is enclosed.

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

JRR:djm

cc: City Council



70 Maple Street • P.O. Box 358 • Manistee, Michigan 49661

# Petition for Zoning Amendment

SENG CRANE & EXCAVATING INC

FOR OFFICE USE ONLY:

Applicant  
200 RIVER STRET

Case number \_\_\_\_\_

Address  
MANISTEE MI 49660

Date Received 7.23.99

City, State, Zip Code

Fee Received \$200.00

Phone Numbers (Work) 231-723-9508

Receipt Number \_\_\_\_\_

(Home) 231-723-4394

Hearing Date 8.5.99

**FEE \$200.00**

Please Note: All questions must be answered completely. If additional space is needed, number and attach additional sheets.

## I. ACTION REQUESTED:

I (we), the undersigned to hereby request that the City of Manistee approve the following petition for Zoning Amendment:

A. Text Amendment: Amend Article 29 Section 2903 to (delete, supplement or clarify) the Manistee City Zoning Ordinance by making the following change(s): (Attach additional sheets if necessary - state proposed ordinance language) \_\_\_\_\_

ADD: MOTOR FREIGHT TRANSPORTATION & WAREHOUSING (42)

B. Re-zone from \_\_\_\_\_ to \_\_\_\_\_ the property(s) described in II Property Information (below), for the following purpose: (State proposed use of the land) \_\_\_\_\_

A previous application for a variance, special use permit or re-zoning on this land (has/has not) been made with respect to these premises in the last \_\_\_\_\_ years. If a previous appeal, re-zoning or special use permit was made, state the action requested: \_\_\_\_\_

Decision:  approved  denied

## *Instructions for the Completion of Petition for Zoning Amendment*

1. Submit a completed Petition for Zoning Amendment form to:

Jon R. Rose, Community Development Officer  
City of Manistee  
P.O. Box 358  
70 Maple Street  
Manistee, MI 49660

2. A detailed Site Plan, as spelled out in Section 9406 of the City of Manistee Zoning Ordinance is needed with the application.
3. Request must be received 15 days prior to the City of Manistee Planning Commission meeting to be placed on the agenda. The Planning Commission meets on the first Thursday of the Month at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street.

Notice of the Public Hearing shall be held before the Planning Commission. Notice shall include publication in a newspaper, posting in City Hall, and notification by first class mail of all parties within 300 feet of the affected property.

4. Fee for Petition of Zoning Amendment is \$200.00 which needs to be submitted with the application.
5. You or your representative should be present at the meeting to explain your request to the Planning Commission and to answer any questions.
6. After the public hearing, the Planning Commission will make a recommendation to the City Council. Two readings are required for Zoning Amendments at regularly scheduled Council Meetings. The City Council will consider final action on your petition.

If you have any questions, please call Jon Rose at (231) 723-2558. Office hours Monday - Friday 8:00 a.m. till 5:00 p.m.

**II. PROPERTY INFORMATION:**

A. Legal Description of Property affected: \_\_\_\_\_  
\_\_\_\_\_

Tax Roll Parcel Code Number: 51-51- 764-706-07 & 51-51-764-706-01

Address of Property: CORNER OF MAIN & 13TH STREET-CORNER OF MAIN & 14TH

B. List all deed restrictions - cite Liber & Page where found and attach: \_\_\_\_\_  
\_\_\_\_\_

C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. SENG CRANE & EXCAVATING INC 200 RIVER STREET  
DR SHRINK

D. This area is  un-platted,  platted,  will be platted.  
If platted, name of plat MAXWELLTOWN

E. Attach a site plan drawn to the scale of one (1) inch equals (10) feet, showing all existing structures on the property, all proposed structures and marking those structures that will be removed or razed. Also, the general shape, size and location of all existing structures within 100 feet of the property along with their uses shall be depicted on the site plan, along with all abutting roads, streets alleys or easements.

F. Present use of the property is: VACANT LOT  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:**

A. State specifically the reason for this Amendment request at this time \_\_\_\_\_  
TO CONSTRUCT WAREHOUSE FOR STORAGE AND SHIPPING  
\_\_\_\_\_  
\_\_\_\_\_

B. If the Amendment is a propose re-zoning, please answer the following questions.

1. Will this re-zoning be in conformance with all adopted development plans of the City of Manistee?  yes  no and Manistee County?  yes  no

2. If the proposed zone does not conform to the(se) plan(s), why should the change be made? Please be specific, brief and attach any supporting documentation which substantiates your claim. This could include an allegation that the existing zoning is in error which would be corrected by the proposed change, or that specific changes or changing conditions in the immediate area make the re-zoning necessary to promotion of public health, safety and general welfare.

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3. What do you anticipate the impacts of the proposed zone change on the adjacent property to be? What steps do you propose to take to mitigate any negative impacts associated with the proposed change?

THE CONSTRUCTION OF THE FACILITY WILL BE AESTHETICALLY PLEASING TO THE AREA. DR SHRINK COMPANY TAKES PRIDE IN THEMSELVES AND EQUIPMENT.

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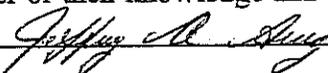
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**IV. AFFIDAVIT**

The undersigned affirms that he/she or they is (are) the (owner, lessee, authorized agent of owner) involved in the petition and that the answers and statements herein contained and the information submitted are in all respects true and correct to the best of his, her or their knowledge and belief.

Signature (s) of Applicant (s):



VICE PRESIDENT

SENG CRANE & EXCAVATING, INC.

Dated JULY 22, 1999

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



# SPECIAL USE PERMIT APPLICATION

SENG CRANE & EXCAVATING INC  
 Applicant 200 RIVER STREET  
 Address MANISTEE MI 49660  
 City, State, Zip Code  
 Phone Numbers (Work) 231-723-9508  
 (Home) 231-723-4394

**FOR OFFICE USE ONLY:**

Case number \_\_\_\_\_  
 Date Received 7.23.99  
 Fee Received \_\_\_\_\_  
 Receipt Number \_\_\_\_\_  
 Hearing Date 8.5.99  
 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 CONSTRUCT WAREHOUSE

**II. PROPERTY INFORMATION:**

A. Address of Property: 1312 MAIN STREET 1336 14th STREET  
CORNER OF 13TH & MAIN ST -CORNER OF 14TH & MAIN ST  
 Tax Roll Parcel Code Number: 51-51-764-706-08 51-51-764-706-07

B. List all deed restrictions - cite Liber & Page where found and attach: 51-51-764-706-01

C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. SENG CRANE & EXCAVATING INC  
DR SHRINK

D. Zoning District: TRANSITION

E. Present use of the property: VACANT LOT

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): OCTOBER 29, 1999

**III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:**

A. State specifically the reason for this Special Use Permit request at this time \_\_\_\_\_  
TO CONSTRUCT NEW FACILITY

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? NO
  - b. Will proposed use be detrimental to the public welfare or injurious to property in the neighborhood? NO

**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.

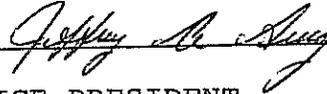
B. In Addition, the applicant may be required to furnish:

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):



VICE PRESIDENT

SENG CRANE & EXCAVATING, INC.

Dated JULY 22, 1999

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

## REQUIRED DATA ON SITE PLAN FOR:

1. *Construction of a Dwelling*
2. *Construction of a Commercial, Industrial or Any Structure for a permitted use which is NOT an addition to a Dwelling, nor the construction of an Accessory Structure to a Dwelling.*
3. *Appeal to Zoning Board of Appeals for any matter which would not need a detailed site, as required for Special Use Permits and Planned Unit Developments (PUD).*

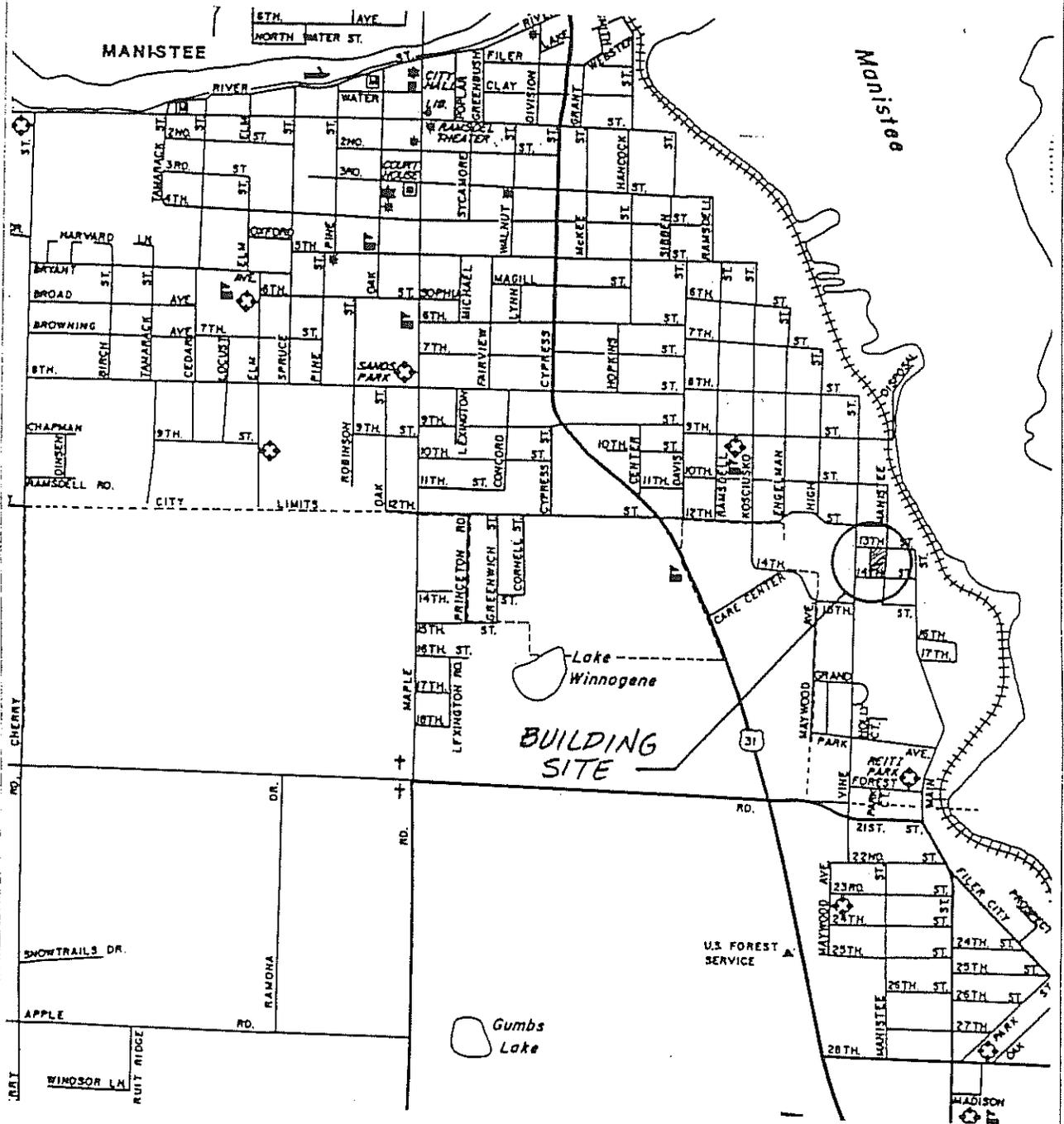
The site plan shall be drawn to scale and shall be on paper which measures at least 8.5 by 11 inches, but not more than 36 by 42 inches. The drawing shall be such that the administrator can readily interpret the site plan, and shall include more than one drawing where required for clarity and shall include the following information, unless specifically waived by the administrator upon the determination that the requirements to be waived are not reasonably related to the proposed use.

1. The property, identified by parcel lines and location and size.
2. The parcel's legal description.
3. Name and address of the property owners(s), developer(s), and designer(s), and their interest in said properties.
4. The scale, north point.
5. Boundary dimensions of natural features such as woodlots, water bodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.
6. The location of proposed and main and accessory buildings, existing structures, fences on the site, the height of all buildings and square footage of floor space.
7. Location dimensions of existing and proposed man-made features such as buildings, structures, utility easements, water, storm sewer and sanitary sewer lines, storm water drainage and retention lines.
8. Surface and subsurface storm water drainage and retention systems for paved, roof, and other impermeable surfaces on the site.
9. Neighboring driveways and other vehicular circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes and service parking.
10. Any proposed alterations to the topography and other natural features shall be indicated.
11. Any proposed location of connections to existing utilities and proposed extensions thereof.
12. A description of the proposed development
13. A vicinity map showing the location of the site in relation to the surrounding street system.

For further information contact:

Jon Rose  
Community Development Officer  
City of Manistee  
70 Maple Street  
Manistee, MI 49660  
(231) 723-2558  
(231) 723-1546 - FAX

# SITE LOCATION MAP



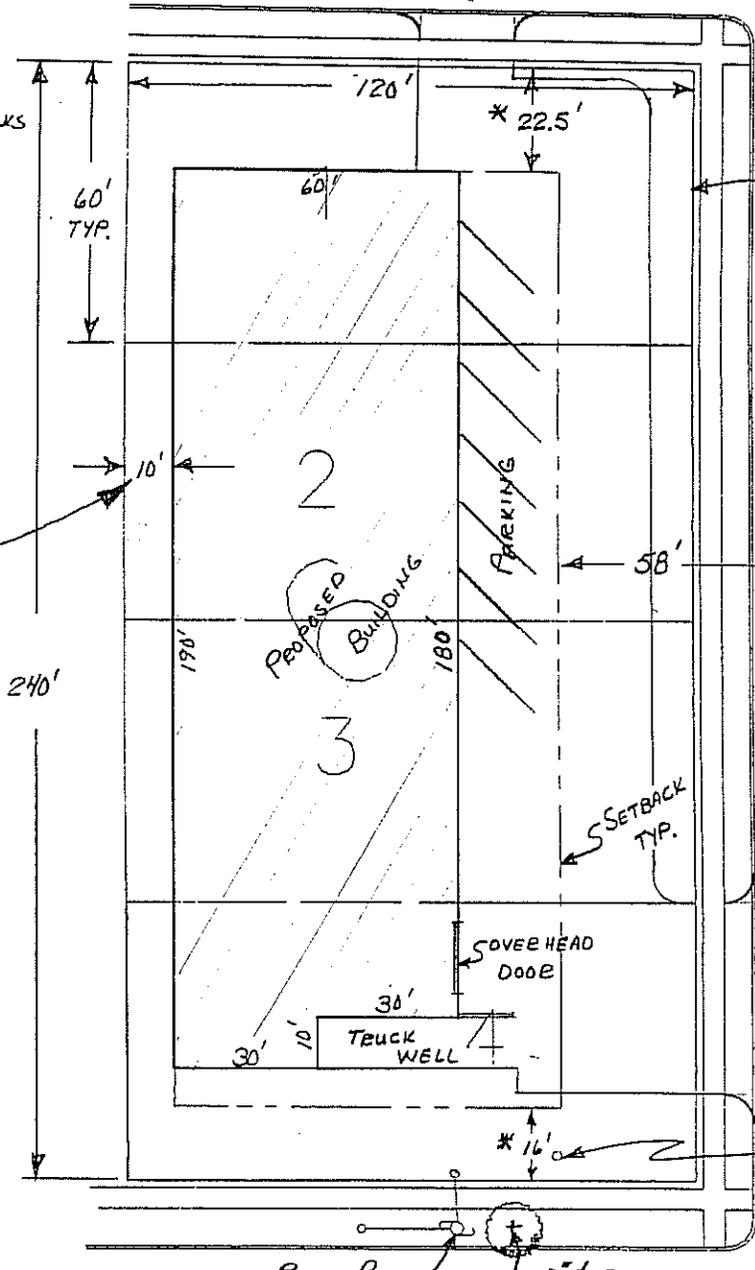
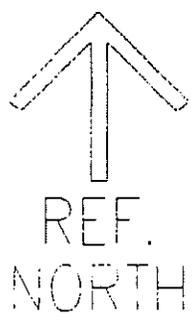
JOB NAME: SENG'S	DRAWN BY: T.C.B.	CHECKED BY: J.A.K.
LOCATION: MANISTEE	SCALE:	
DESCRIPTION:	DATE: JULY 1999	
	JOB NUMBER	SHEET
	9085-2	1 <span style="font-size: 1.5em;">△</span>

NORLUND & ASSOCIATES, INC  
267 RIVER ST

--- 13th Street ---

\* NOTE: THE NORTH & SOUTH SETBACK DISTANCES ARE BASED ON AVERAGE SETBACKS OF EXISTING STRUCTURES WITHIN THE SAME BLOCK

SETBACK WITH PROPOSED 4' HIGH BEEM OR FENCE



PROPERTY LINE TYP.  
ASSUMED 18" INSIDE OF SIDEWALK

Main Street

ENTRANCE

MONITOR WELL

POWER POLE 18" ϕ CHESNUT

--- 14th Street ---

JOB NAME: SENG'S	DRAWN BY: T.C.B.	CHECKED BY: J.A.K.
LOCATION: MANISTEE	SCALE: 1" = 40'	
	DATE: JULY 1999	
DESCRIPTION:	JOB NUMBER	SHEET
	9085-2	2 Δ

## Staff Report

### Lighthouse Landings L.L.C.

July 30, 1999

Lighthouse Landings has encroached into the set-back with decks on three buildings. These decks were not shown on the site plan. The site plan shows the required 10 foot set back maintained.

Lighthouse Landings has been issued a ticket for the construction of these decks. They have also been issued an order to remove the decks. At the request of Lighthouse Landings, Tibor J. Lanczy, from the Department of Military and Veterans Affairs (Armory - neighboring property owners) sent a letter expressing no objection to the encroachment.

The 10 foot set-back from the property line is maintained throughout all Residential Zoning Districts. This set-back is intended to provide 20 foot separation between primary structures which allows fire protection as well as some degree of privacy. The lack of objection from the current occupant of a neighboring property should carry little weight. The neighboring property could be sold or the current owner could chose to build within 10 feet of their property line (as permitted by the Zoning Ordinance) thereby creating a separation across property line of only 10 foot 6 inches rather than the 20 feet anticipated by the Zoning Ordinance.

While Planned Unit Development allow a great deal of flexibility, what is being request in effect a variance. When the Zoning Board of Appeals has a variance request the following questions must all be answered in the affirmative or a variance **cannot** be granted.

1. *Do special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same Land Use District?*

Might be that the PUD is a special condition and circumstance.

2. *Would the literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance?*

The right to encroach into the 10 foot set-back is not a right enjoyed by any other property in the same Land Use District.

3. *The Special Conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance?*

The circumstances causing the appeal are the result of the applicant's action.

4. *Would granting of the variance be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare?*

Encroaching into the set-back is contrary to the intent of the Ordinance.

There is a tendency to look on projects already built with extra leniency because of the problems created for the owner by maintaining the requirements of the ordinance. That is, it is easier for a board to say no to an applicant when the only investment is putting the plans on paper than when the applicant has already invested in the building. Unfortunately, that tendency sends the wrong message to the public. It says there is a better chance of getting the variance if you build in violation and then request a variance. This is not the message we would like to send.

The BOCA National Building Code requires all walls between 0 and 5 feet of a property line to be rated. The BOCA National Building Code requires every wall in a R-3 Residential Use Group within 0 to 5 feet of a property line to have a one hour Fire Resistant Rating. Therefore I would recommend that the PUD be modified to allow the decks on units #23, #24, #25, #26, #27 and #28 to encroach up to 5 feet into the required 10 foot set-back. This would maintain the separation required by BOCA and still allow use of the patio door and decks.

In the alternate, if Lighthouse Landings can provide a commitment within the next 30 days from the Department of Military Affairs to sell them a 10 foot strip of property, I would recommend approval of the Planned Unit Development to include that strip.

Jon R. Rose  
Community Development

July 30, 1999

JUL 30 1999

July 28, 1999

Jon Rose, Community Development  
City of Manistee  
70 Maple Street  
Manistee, MI 49660

Dear Mr. Rose and Planning Commission:

We are writing this letter in response to the request by Seng's for re-zoning on Main Street.

We will be out of town on the day of the meeting, otherwise we would be attending the meeting. We feel there are too many unanswered questions as to what kind of freight and warehouse they are proposing to construct.

We already experience loud noise coming from Ambar at all hours of the day and night, from their use of the Trackmobile. We feel that noise is excessive.

We feel that Freight Transportation and Warehousing would be a danger located so close to a residential area. This proposed warehouse would be built right in the resident's back yards!

Our neighborhood has had an increase of children living and playing in this area and we feel this construction could pose a danger to them.

We have Industrial Park areas more suited for this type of business. We are concerned that if Seng's request is granted the increase truck traffic and noise would be detrimental to our residents. Please consider our plea that you deny their request for re-zoning. We would hope to keep the West side of Main Street residential. Thank you for your consideration.

Sincerely,

*Kenneth Bauman*

*Susie Bauman*

Kenneth and Susie Bauman  
1405 Manistee Street  
Manistee, MI 49660

JUL 30 1999

July 29, 1999

Jon Rose, Community Development  
City of Manistee  
70 Maple Street  
Manistee, MI 49660

Dear Mr. Rose and members of the Planning Commission:

This letter is in response to the one received from your office regarding Seng Crane and Excavating Inc.'s request for re-zoning and a special use permit for the property on Main Street.

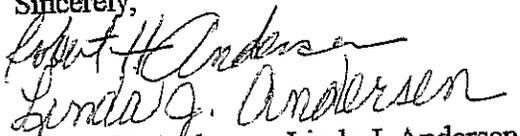
Unfortunately we will not be able to attend the Planning Commission meeting on August 5, 1999. We have several questions and concerns regarding Seng's request.

- What size warehouse is being considered?
- What kind of freight will be housed and transported from the location?
- During what hours of the day and night will trucks be moving in and out of the warehouse?
- How many trucks will this involve?
- Are they going to perform maintenance to the vehicles on the premise?
- Is there going to be stock piles of products outside of the warehouse?

We currently have a BIG problem with noise from Ambar. When they run the trackmobile, the constant honking of the horn at all hours is very disturbing. This loud noise also occurs during the night and we have not seen any evidence by the City to enforce the Noise Ordinance. We wonder how necessary the honking is anyway, as the C&O Railroad does not use that method.

Our concerns if this request is granted, are increased truck traffic and noise in our neighborhood. The proposed construction is in the immediate backyards of our neighbors! We currently have two industrial areas, the Industrial Park and the Renaissance Park dedicated for industry placement which we feel would be more suited for this venture. We urge you to deny Seng's request and keep the West side of Main Street residential. Thank you for your consideration.

Sincerely,

  
Robert H. Andersen, Linda J. Andersen  
1409 Manistee St.  
Manistee, MI 49660

AUG 03 1999

**DATE:** August 3, 1999

**TO:** Manistee City Planning Commission

**FROM:** Thomas C. Kubanek  
316 Tamarack Street  
Manistee, MI 49660

**SUBJECT:** Fencing on the East Property Line of Lighthouse Landings -- Limited Liability Company

At the January 23, 1996 Public Hearing, I was assured by Duane Jones and with discussion by the Planning Commission that fencing would be erected at the East end of their property backing up to my West property line.

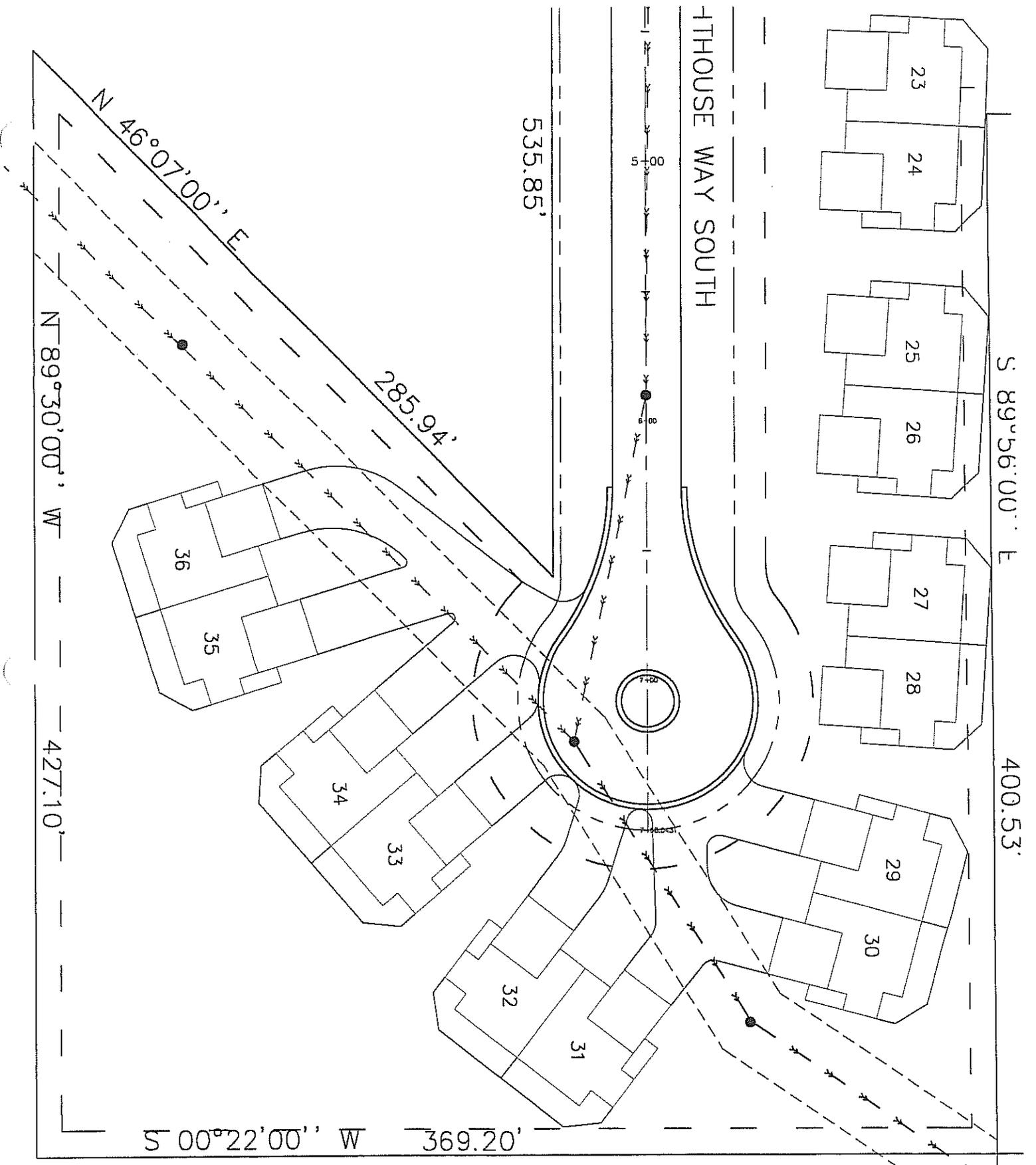
At the July 6, 1999 Public Hearing, I was again assured by Duane Jones and it was discussed at the Planning Session that a fencing would be provided. However, it has not been made a requirement to the Planned Unit Development Special Use Permit issued in February, 1996.

Due to the density of the project, the limited setbacks of the buildings from the property line and the stated willingness of the developer to fence this area, I am requesting that this fencing be made a part of the modified Special Use Permit. Had this fencing been installed at the start of the project, it would have eliminated the many encroachments that have occurred since the project started.

Sincerely,



Thomas C. Kubanek



**Project total of foundation area coverage including decks equals 28% of Net Land Area**