

MANISTEE CITY PLANNING COMMISSION

70 Maple Street, Manistee, Michigan 49660

Meeting of Thursday, December 7, 2000
7:00 p.m. - Council Chambers, City Hall

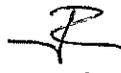
AGENDA

- I Roll Call
 - II Public Hearing
 - 1. Zoning Amendment - Life Care Choices LLC
 - 2. Special Use Permit/PUD - Life Care Choices LLC
 - 3. Zoning of Annexed Property (New High School)
 - III Citizen Questions, Concerns and Consideration
 - IV Approval of Minutes
 - 1. Planning Commission Meeting (11/2/00)
 - V Unfinished Business
 - None
 - VI New Business
 - 1. David & Sarah Bailey - Parcel Split
 - 2. United States Coast Guard - Site Plan Review
 - 3. Eddie Petzak - Site Plan Review
 - 4. Schoonover/Helminski - Parcel Split
 - 5. Zoning Amendment - Life Care Choices LLC
 - 6. Special Use Permit/PUD - Life Care Choices LLC
 - 7. Zoning of Annexed Property (New High School)
 - 8. Election of Officers
 - 9. Review of By-Laws
 - VII Other Communications
 - VIII Work/Study Session
 - IX. 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, Charter Township of Filer Planning Commission
Manistee News Advocate
WMTE Radio
WXYQ Radio
Jeff Mikula, Abonmarche
Julie Beardslee, Assessor
Mark Niesen, Building Inspector

Note: Due to the number of items on the Agenda the Chair may limit the amount of time for public comment.

MEMORANDUM

TO: Planning Commission Members

FROM: Jon R. Rose 
Community Development

DATE: December 1, 2000

RE: Planning Commission Meeting December 7, 2000

Our next Planning Commission Meeting will be Thursday, December 7, 2000 in the Council Chambers at City Hall. Items on the Agenda are:

1. Zoning Amendment - Life Care Choices LLC. Life Care Choices is asking to Re-zone parcel #51-51-363-701-38 (Lots 8, 10, 11, 16, 17, 18, 19, 24, 25, 26, 27, 28, & 29 of the Lakeview Village Subdivision). The current zoning for this property is R-1 Residential. Life Care Choices would like the zoning changed to R-2 Residential to allow the development of a Planned Unit Development - Retirement Village. A copy of the request is enclosed.
2. Special Use Permit - Planned Unit Development - Life Care Choices LLC. If a Zoning Amendment is granted Life Care Choices would like a Special Use Permit to allow a Planned Unit Development on 8.48 acres for the development of a Retirement Village. The request is for one 21 unit two story Independent Building, two 21 unit one story Supportive Care Buildings, and one 20 unit one story Specialized Care Building. A copy of the Special Use Permit Application is enclosed.

While the issue of items #1 & #2 are closely related, we are required to hold two public hearings.

3. Zoning of Annexed Property (New High School). The new High School property has been annexed from the Charter Township of Filer to the City of Manistee. This item was discussed at the worksession of November 16, 2000. The recommendation of the Planning Commission was to advertise a public hearing on the proposed change to the City of Manistee Zoning Map to include the School Property south of Twelfth Street. The proposed Zoning for the property is R-3. Enclosed are copies of the R-3 Zoning District and a map showing the area in questions.
4. David & Sarah Bailey - Parcel Split. David & Sarah Bailey purchased Lot 8 of Parcel # 51-51-574-732-01 from the Church of the Nazarene. The Church sold Lot 7 to Mr. & Mrs. Ebbeling. This requires a parcel split and Mr. & Mrs. Bailey have asked the Zoning Board of Appeals for a variance to the side-yard set-back. The Zoning Board of Appeals granted a variance to the side-yard set-back from 10 feet to 1.25 feet. Staff review of the request shows that with the variance received from the Zoning Board of Appeals the request meets the requirements of the Zoning Ordinance. A copy is enclosed.

5. United States Coast Guard - Site Plan Review. The Coast Guard has received a variance from the Zoning Board of Appeals to reduce the waterfront set-back to 49 feet to allow placing temporary modular housing for personnel pending construction of the new Coast Guard Station. Review of the site plan shows that with the variance the requirements of the Zoning Ordinance have been met. A copy of the request is enclosed.
6. Eddie Petzak - Site Plan Review. Eddie Petzak owns Fast Eddie's Water Front Pub, 344 River Street. Mr. Petzak asked the Zoning Board of Appeals for a reduction to the waterfront set-back to 15 feet allow a second egress from the back of his building to the riverwalk. The Zoning Board of Appeals granted the request with conditions. With the variance from the Zoning Board of Appeals this request meets the requirements of the Zoning Ordinance. A copy of the request is enclosed.
7. Schoonover/Helminski - Parcel Split. A request has been received from Ron Ringel, Ringel Real Estate & Auctions on behalf of Ray Schoonover and Joseph A.A. Helminski. The request is to split Lots 12 & 15 of Lakeview Subdivision from the parent parcel (51-51-363-701-38). Review of the request shows that the split complies with the requirements of the Zoning Ordinance. A copy is enclosed.

A copy of the By-Laws are enclosed for your review. If time allows we will go over them at the meeting. We will also need to hold an election of officers.

Enclosed is a copy of a letter of resignation from Bob Hornkohl who has been elected to the City Council. Congratulations to Bob. We will miss him.

If you are unable to make the meeting please call Denise at 723-2558. See you there!!

cc: City Council

MEMORANDUM

TO: Planning Commission Members

FROM: Jon R. Rose 
Community Development

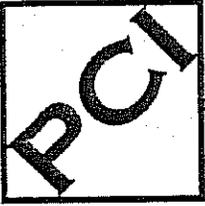
DATE: November 30, 2000

RE: Life Care Choices, L.L.C. - Zoning Amendment and Special Use Permit Request

Correspondence has been received from Michael and Deborah Majchrzak owners of Lot 5 of Lakeview Village Subdivision. Enclosed is a copy of Mr. & Mrs. Majchrzak's letter and my response. Restrictive Covenants are not enforced by the City. The owners of the subdivision can change Restrictive Covenants at any time by a majority vote.

The Restrictive Covenants should have no bearing on the Planning Commission deliberations.

JRR:djm



11-26-00

Mr. Jon R. Rose and Planning Commission:

Regarding the December 7, 2000 hearing on the change of zoning on 12th st. in Manistee. My wife and I will be unable to attend the hearing regarding Life Care Choices and their proposed request for the Lakeview Village Subdivision. However, my surrounding neighbors and property owners as well as my family will be there.

In a letter I received from Reender, c/o Life Care Choices, I was particularly disturbed by their exact statement and intentions that, "You of course would be affected by our development plans." They actually stated this. I would like to make several points.

1. The restrictive covenants that I and these property owners have had to adhere to within this subdivision directly state: To protect the owners lots in order not to depreciate the value of the property. THE PREMISES SHALL BE USED FOR RESIDENTIAL PURPOSES ONLY AND AS SUCH NOT FOR COMMERCIAL PURPOSES OF ANY KIND, AND NOT MORE THAN ONE DETACHED SINGLE FAMILY DWELLING SHALL BE ERECTED ON ANY ONE LOT.

2. These Covenants are there to protect tax paying property owners, The City Planning Commission is there to enforce and protect these tax paying property owners from any breach of code or Covenants.

3. We are personally affected! Such drastic double standards within the subdivision would allow current tax paying property owners the same rights as to develop commercially any way they deem profitable.

4. Our future and investment in Manistee is now in jeopardy. If my legal rights regarding our investment are not protected by these covenants or the City Planning Commission than we will be forced to retain our own legal protection.

There are too many issues here and not just the obvious. We would be seriously affected and violated.

Sincerely,

*Michael and Deborah
Majcherek*
204 #5

PHONE: 636-928-5883
FAX: 636-922-4893



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

231-723-2558
FAX 231-723-1546

December 1, 2000

Michael and Deborah Majchrzak
PCI Lighting Sales
574 Malinmor Drive
St. Charles, MO 63304

Dear Mr. & Mrs. Majchrzak:

Thank you for your letter of November 26, 2000. I will make sure all the Planning Commission Members receive a copy.

The applicants have requested a Zoning Amendment from Residential R-1 to Residential R-2. Granting this Zoning Amendment would enable the applicants to construct apartment style buildings under a Special Use Permit. The Planning Commission can grant or deny the request for a Zoning Amendment and grant or deny the request for the Special Use Permit. However, they can neither enforce nor remove the Restrictive Covenants. Enforcement, amendment, or removal of the Restrictive Covenants is up to the owners in the subdivision.

Thank you for taking the time to express your concerns.

Sincerely,

CITY OF MANISTEE

Jon R. Rose
Community Development

JRR:djm

cc: Planning Commission

HHH Investing Company
2820 PIONEER CLUB RD.
GRAND RAPIDS, MI 49506
Tel (616) 956-6026, Fax (616) 956-3231

Thursday, December 07, 2000

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

Re: Life Care Choices LLC. Zoning Amendment.

Dear Mr. Rose:

Thank you for meeting with me yesterday on the proposed project of Life Care Choices LLC. HHH Investing Company is the owner of Lot 23 in the Lakeview Village Subdivision and also owns the adjoining 55 acres that surround the Lakeview Village Subdivision plat. I wanted to reiterate my concerns for the proposed Zoning amendment and plat changes.

- 1). HHH Investing Company is **very much** for the proposed project, feeling it is positive for the adjoining property and the City of Manistee.
- 2). HHH Investing Company would like to insure and propose the extension of Sunset Lane through lot 23 of the Lakeview Village Plate to the adjoining 55 acres to the South.
- 3). HHH Investing Company would like to insure that Sunset Lane continues to be a public road with standard easements and utilities, built to the City of Manistee and the Manistee County public road standards.
- 4). HHH Investing Company would suggest valve boxes and junction tee's for future utility extensions south on Sunset Lane to the adjoining 55 acres.
- 5). HHH Investing Company is concerned about storm water runoff produced by the proposed project.

I have enclosed additional documents related to the plat restrictions.
Again thank you for your time and effort in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen I. Hunting Jr.", written in a cursive style.

Allen I. Hunting Jr.
President

cc: L.W. Bosh, Reenders Inc.

Planning Commission



231.723-2558
FAX 231.723-1546

70 Maple Street • P.O. Box 356 • Manistee, Michigan 49660

Petition for Zoning Amendment

LIFE CARE CHOICES LLC

Applicant 950 TAYLOR

Address GRAND HAVEN MICH. 49417

City, State, Zip Code

Phone Numbers (Work) 616.842.2425

(Home) _____

FOR OFFICE USE ONLY:

Case number	_____
Date Received	<u>11-20-08</u>
Fee Received	<u>250.00</u>
Receipt Number	<u>4776 11-20-08</u>
Hearing Date	<u>12-7-08</u>

FEE \$250.00

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 _____ Section _____ 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) _____

B. Re-zone from R-1 to R-2 the property(s) described in II Property Information (below), for the following purpose: (State proposed use of the land) RETIREMENT VILLAGE

A previous application for a variance, special use permit or re-zoning on this land (has/had 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

II. PROPERTY INFORMATION:

- A. Legal Description of Property affected: LOTS 8, 10, 11, 16, 17, 18, 19, 24, 25, 26, 27, 28 & 29 OF THE LAKEVIEW VILLAGE SUBDIVISION RECORDED PLAT IN LIBER. 5 PAGE 23
Tax Roll Parcel Code Number: 51-51- 363-701-38
Address of Property: 12TH AVE, WEST OF CHERRY INTERSECTION
- B. List all deed restrictions - cite Liber & Page where found and attach: LIBER 288 PAGE 847
- C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. HOMER R. SCHOONOVER AND MARY ANN SCHOONOVER
- D. This area is un-platted, platted, will be platted.
If platted, name of plat _____
- 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: SINGLE FAMILY PLATTED LOTS.

III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:

- A. State specifically the reason for this Amendment request at this time _____

- 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.

MARKET RESEARCH DEMONSTRATES A NEED FOR SENIOR RETIREMENT VILLAGE FOR MANISTEE.

BY REZONING TO R-2 THE PROJECT IS ALLOWED UNDER A SPECIAL USE. R-2 AND R-4 ZONING EXISTS CONTIGUOUS TO THE PROPOSED SITE.

- 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?

MINIMAL IMPACT.

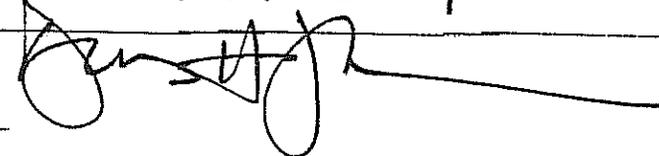
SCALE OF BUILDINGS SHALL BE BUFFERED BY GREENBELT PER CITY'S ORDINANCES.

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):

DENIS H. JOHNSON ARCHITECT
AUTHORIZED AGENT



Dated 11/17/00

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



Planning Commission

SPECIAL USE PERMIT APPLICATION

LIFE CARE CHOICES LLC

Applicant 950 TAYLOR

Address GRAND HAVEN MI. 49417

City, State, Zip Code

Phone Numbers (Work) 616 842-2425

(Home)

FOR OFFICE USE ONLY:

Case number

Date Received 11-20-00

Fee Received 250.00

Receipt Number 4776 11-20-00

Hearing Date 12-7-00

Action Taken

Expiration Date of Permit

FEE FOR SPECIAL USE PERMIT \$250.00

I. ACTION REQUESTED:

A Special Use Permit is hereby requested for the following purpose:
RETIREMENT VILLAGE

II. PROPERTY INFORMATION:

A. Address of Property: 12TH AVE. WEST OF CHERRY ST. INTERSECTION
Tax Roll Parcel Code Number: 51-51- 363-701-38

B. List all deed restrictions - cite Liber & Page where found and attach: LIBER 288
PAGE 847

C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. HOMER R. SCHOONOVER
MARY ANN SCHOONOVER

D. Zoning District: R-1

E. Present use of the property: SINGLE FAMILY PLATTED LOTS.

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): PHASE I 2002
PHASE II 2004.

III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:

A. State specifically the reason for this Special Use Permit request at this time
PROVIDE RUD FOR RETIREMENT VILLAGE PROJECT.

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? **SEE ATTACHED NARRATIVE.**
2. Relationship of the proposed use to the development plans of Manistee County and the City of Manistee. **SEE ATTACHED.**
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: **SEE ATTACHED.**
 - 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: **SEE ATTACHED NARRATIVE**

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 161 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.

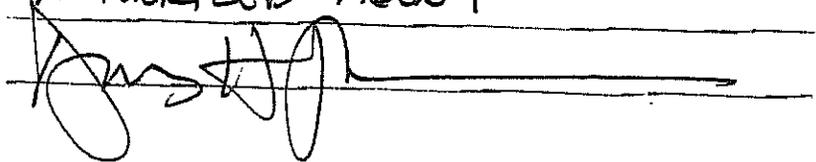
V. CERTIFICATION AND AFFIDAVIT:

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):

DENIS H. JOHNSON ARCHITECT

AUTHORIZED AGENT



Dated

11/17/06

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

NARRATIVE

Life Care Choices, LLC and its operating partner Leisure Living companies, LLC choose to develop their retirement villages in residential settings to better serve the needs of local seniors and their families.

The proposed PUD presented is a two-phased project located on approximately 8.48 acres of currently zoned R-1 single family land.

The designs of the project buildings are residential in character with brick and siding facades and asphalt shingled roof. The exterior architecture is designed to present single family elements into a project made up of small building footprints.

The village is designed to promote the independence, comfort and security of seniors, and to provide residents with recreational and social opportunities.

The building designs are as follows:

One – 21 Unit Two Story Independent Building providing the following:

- One and two bedroom apartments 24 Hour security and emergency call systems.
- One meal per day.
- Optional housekeeping and laundry services.

Two – 20 Unit One Story Supportive Care Buildings providing the following:

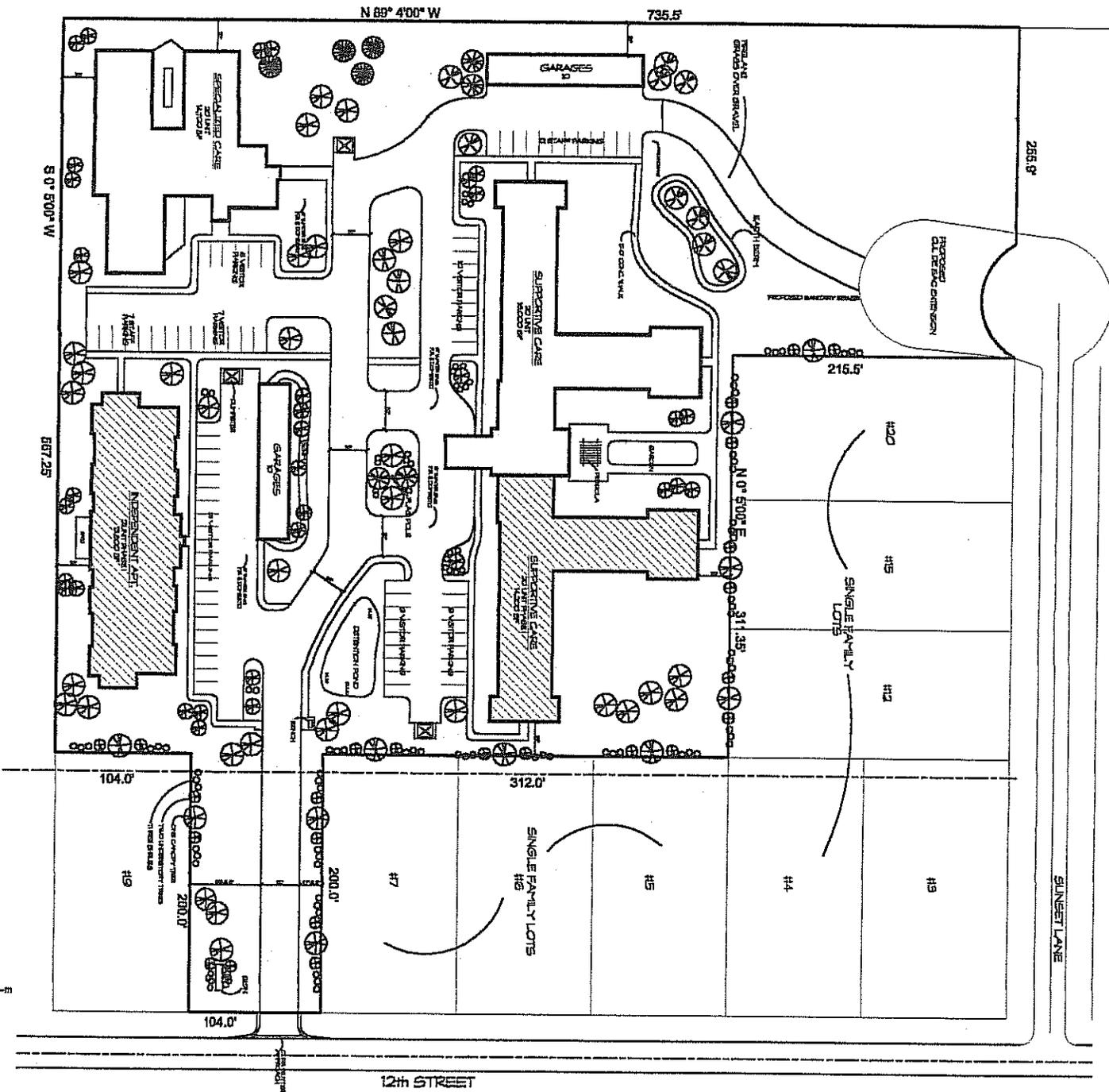
- Studio and one bedroom units.
- Three meals per day.
- Assistance with activities of daily living.
- 24 Hour security and staffing.
- Emergency call system.
- Housekeeping and laundry services.

One – 20 Unit One Story Specialized Care Building providing the following:

- A building designed to meet the needs of seniors with memory loss.
- Studio Apartments.
- Three meals per day.
- Assistance with activities of daily living.
- 24 Hour security and staffing.
- Emergency call system.
- Housekeeping and laundry services.

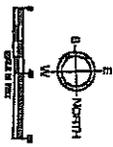
The demands placed by the village on the neighborhood and infrastructure will neither produce excessive traffic, nor overburden existing public utilities. Additionally, the proposed development will provide a stable, attractive transition between the multi-family project immediately to our east and the single family residential neighborhood to our west.

It is our understanding that the design and use are consistent with the city and county Development Plan.



EXISTING APARTMENTS
R-4 ZONE

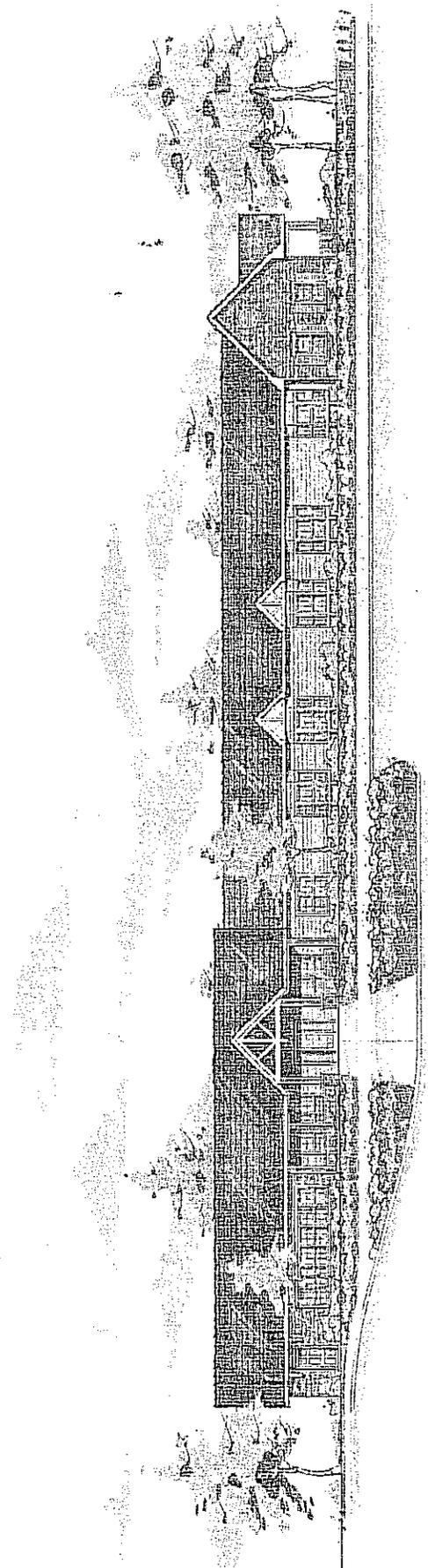
SITE PLAN



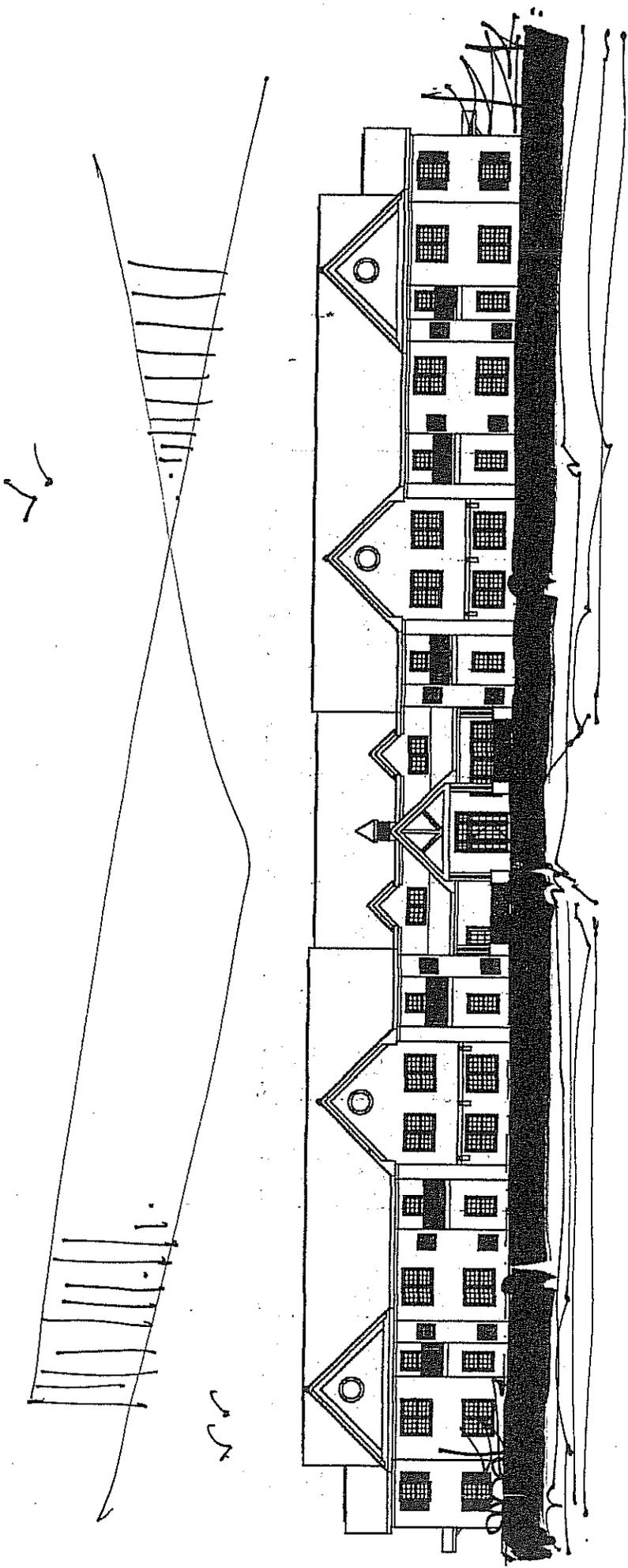
PROPOSED
MANISTEE RETIREMENT VILLAGE
MANISTEE MICHIGAN 11/17/00



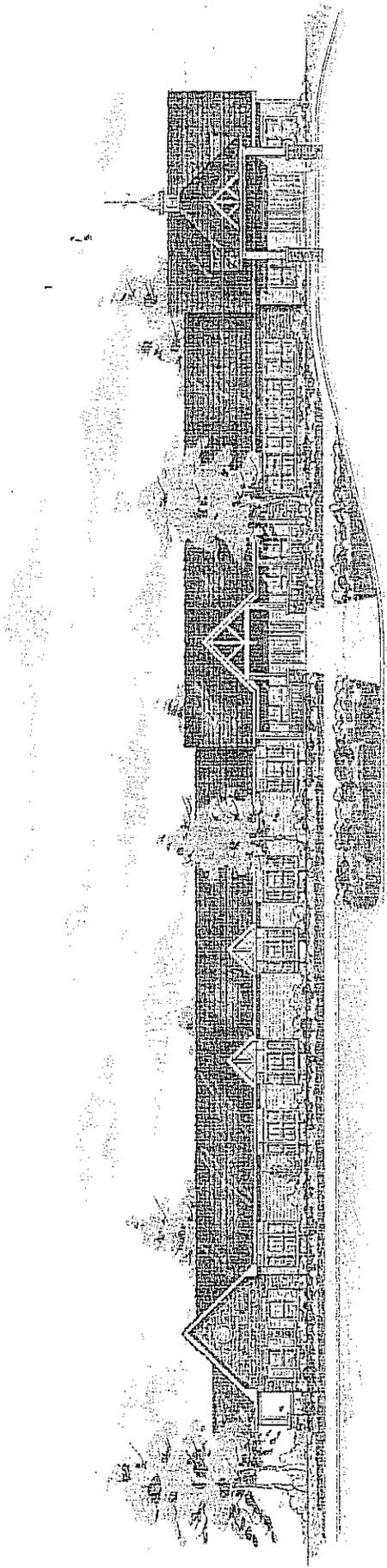
JOHNSON RESEARCH
ASSOCIATES, INC.
ARCHITECTS
1000 W. WASHINGTON
ANN ARBOR, MI 48106
313.769.1000



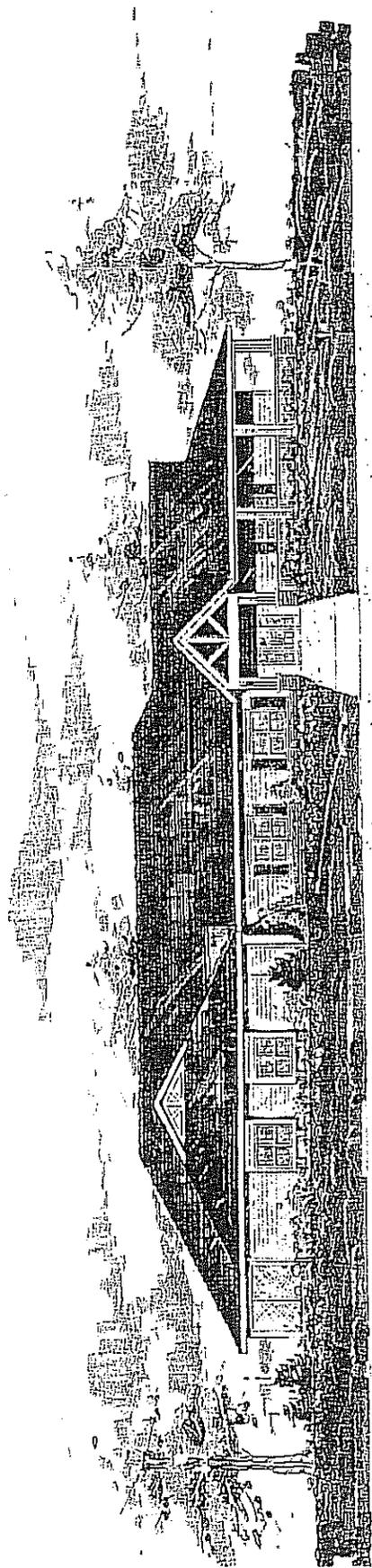
20 UNIT SUPPORTIVE CARE-PHASE I



21 UNIT INDEPENDENT-PHASE I



20 UNIT SUPPORTIVE CARE-PHASE II



20 UNIT SPECIALIZED-PHASE II



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- ▲ Portage
7818 Kenmore Dr.
Portage
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809 Carroll St.
Buchanan
(616) 695-6655
- ▲ Coopersville
620 W. Randall
Coopersville
(616) 837-9253
- ▲ Holland
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Holland
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Alzheimer's Centers of Western Michigan

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- Buchanan (Fountain View)
- Holland (Fountain View)
- Lowell (Cumberland)
- Kalamazoo (Windsor Estates)
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(Opening Spring 2000)
Gaylord, MI 49735
(616) 291-6322
- ▲ Crystal Manor
1171 68th St. S.E.
Grand Rapids
(616) 281-8054
- ▲ Cumberland Retirement Village of Lowell
11535 E. Fulton
Lowell
(616) 897-8413
- ▲ East Grandville Manor
3000 Porter S.W.
Grandville
(616) 534-0718
- ▲ Genesis Home Care
4555 Wilson Ave. S.E., Suite 1
Grand Rapids
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- ▲ Liberty Court
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- ▲ Prestige Way
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NARRATIVE

Life Care Choices, LLC and its operating partner Leisure Living companies, LLC choose to develop their retirement villages in residential settings to better serve the needs of local seniors and their families.

The proposed PUD presented is a two-phased project located on approximately 8.48 acres of currently zoned R-1 single family land.

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- Housekeeping and laundry services.

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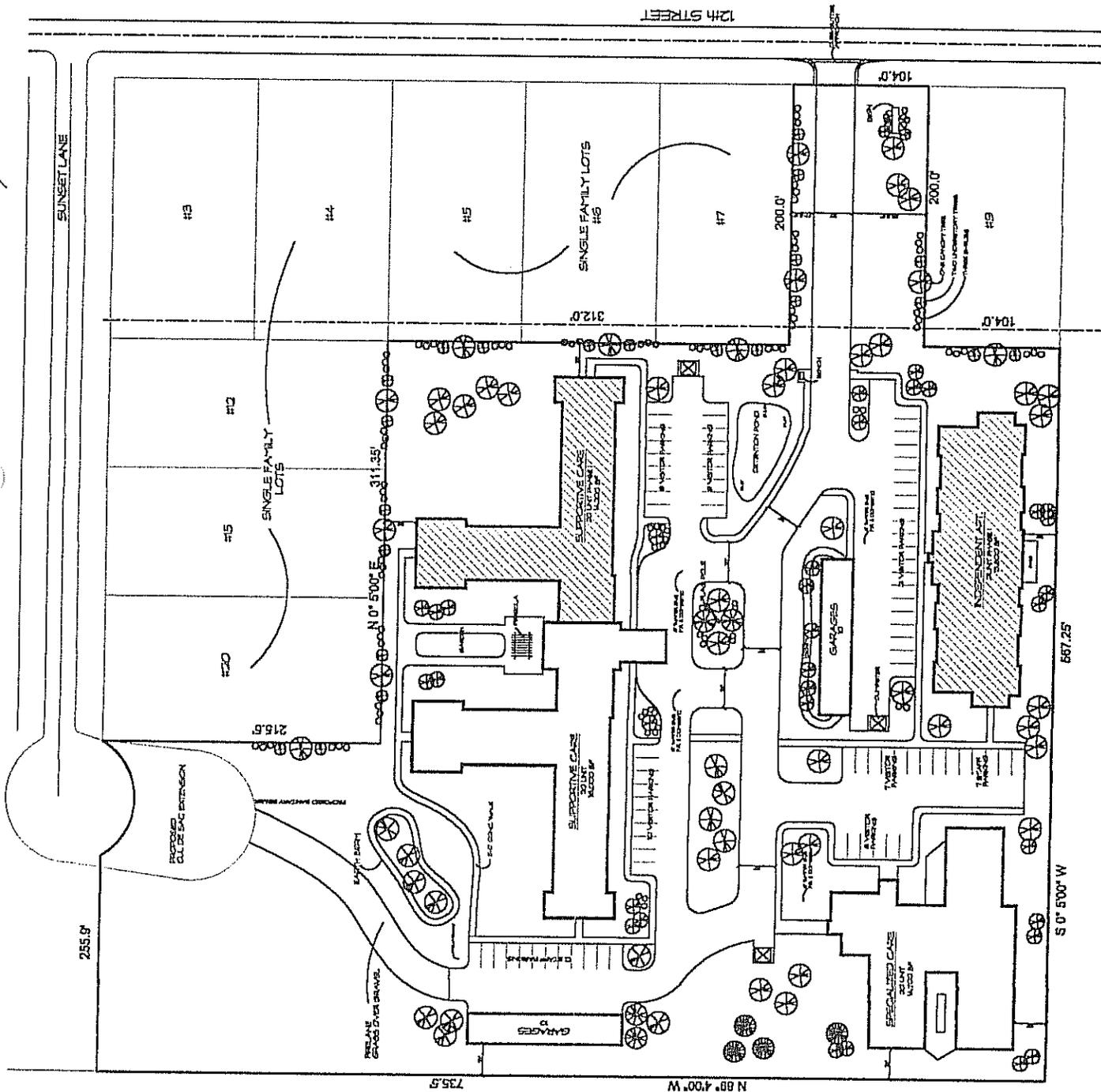
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PROPOSED
 MANISTEE RETIREMENT VILLAGE
 MANISTEE MICHIGAN 117700

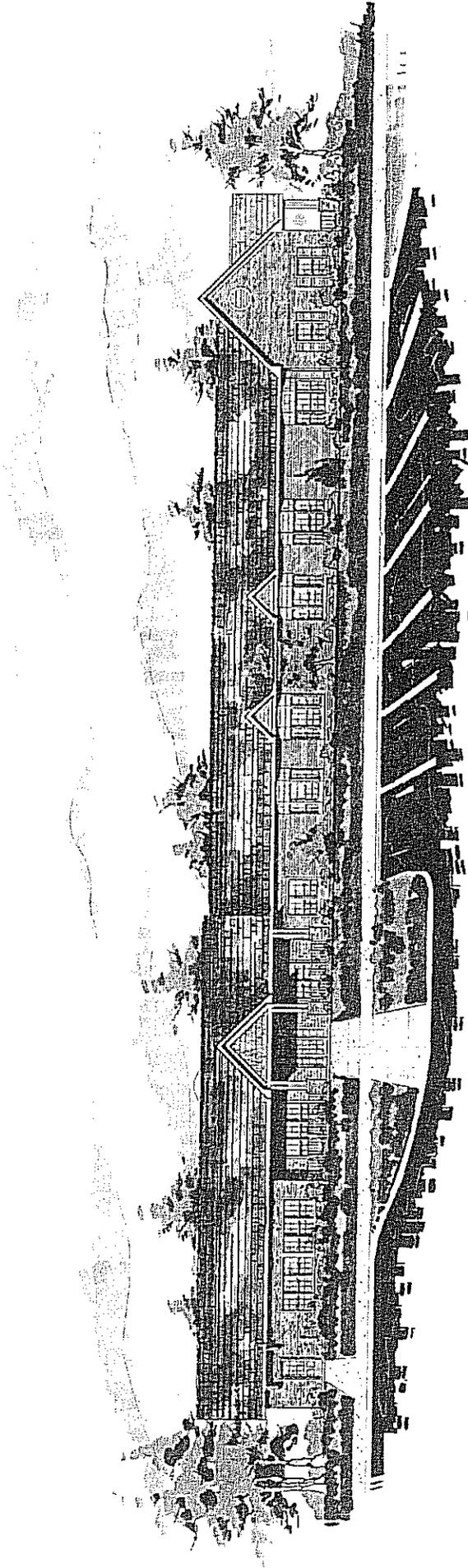
JOHNSON NEWHOFF
 ASSOCIATES, INC.
 200 SOUTH WALKER
 ANN ARBOR, MI 48106
 PHONE: 734.769.1100
 FAX: 734.769.1101



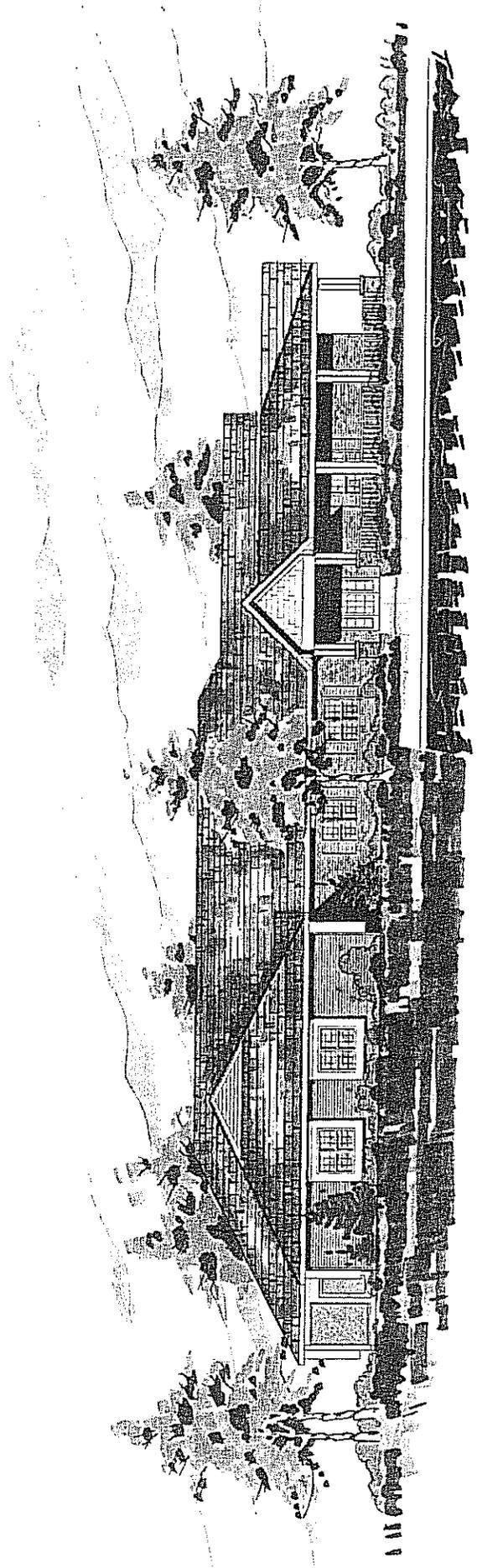
SITE PLAN
 NORTH
 E
 W



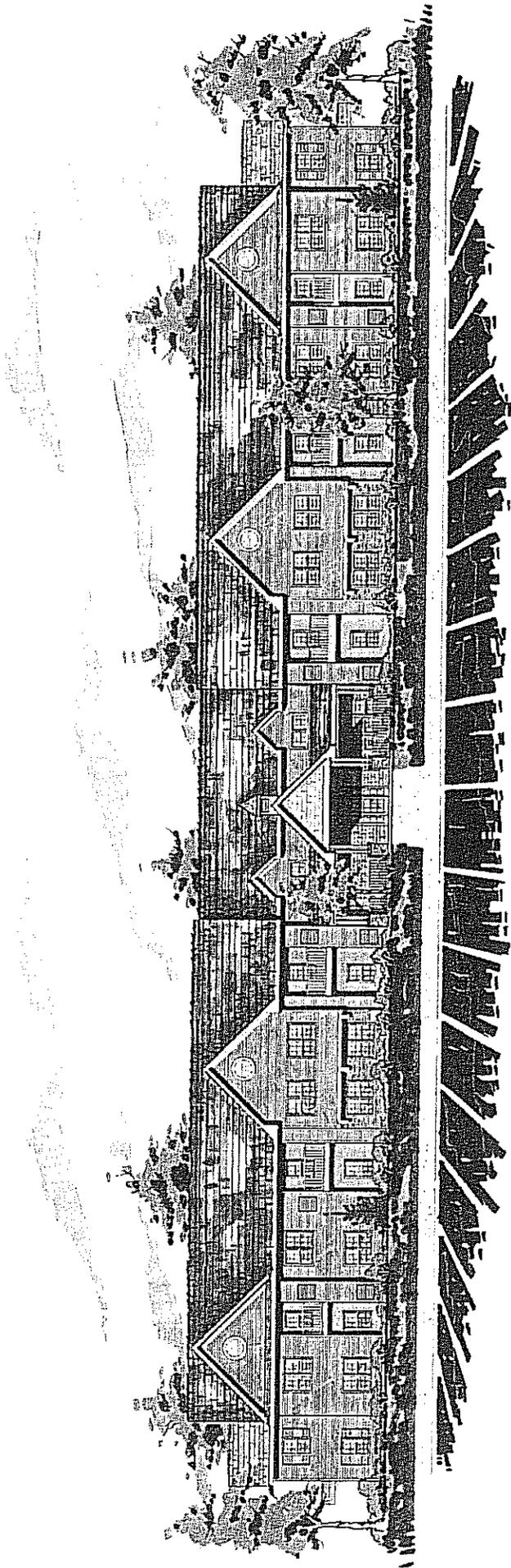
EXISTING APARTMENTS
 R-4 ZONE



FRONT ELEVATION
1.10.127



FRONT ELEVATION
1/8" = 1'-0"



FRONT ELEVATION
19-2107

Ordinance 00 - ____

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 OFFICIAL MAP
TO INCLUDE ANNEXED PROPERTY
SOUTH OF TWELFTH STREET ZONED R-3 RESIDENTIAL
INCLUDING AN AREA WITHIN THE
WELLHEAD PROTECTION OVERLAY DISTRICT

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

1. That the City of Manistee Zoning Ordinance Official Map referenced in Section 1802 is hereby amended to add recently annexed property from the Charter Township of Filer City into the City of Manistee, as shown on the accompanying Zoning Ordinance Amending Map. This property shall be zoned R-3 Residential AND a portion of the property is located within the Wellhead Protection Overlay District indicated on the map.
2. CONFLICTING ORDINANCES: All other ordinances and parts of ordinances, or amendments hereto, of the Manistee City in conflict with the provision of this ordinance are hereby repealed.
3. EFFECTIVE DATE: This Ordinance shall take effect on _____ upon publication in the Manistee News Advocate.

Richard Mack, Mayor

Dated

ATTEST:

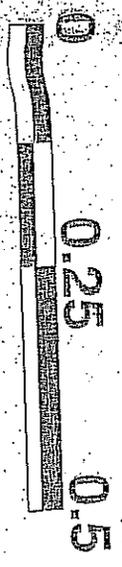
Kenneth J. Oleniczak
City Clerk/Treasurer

Dated

High Risk Erosion Overlay District (Art. 75)

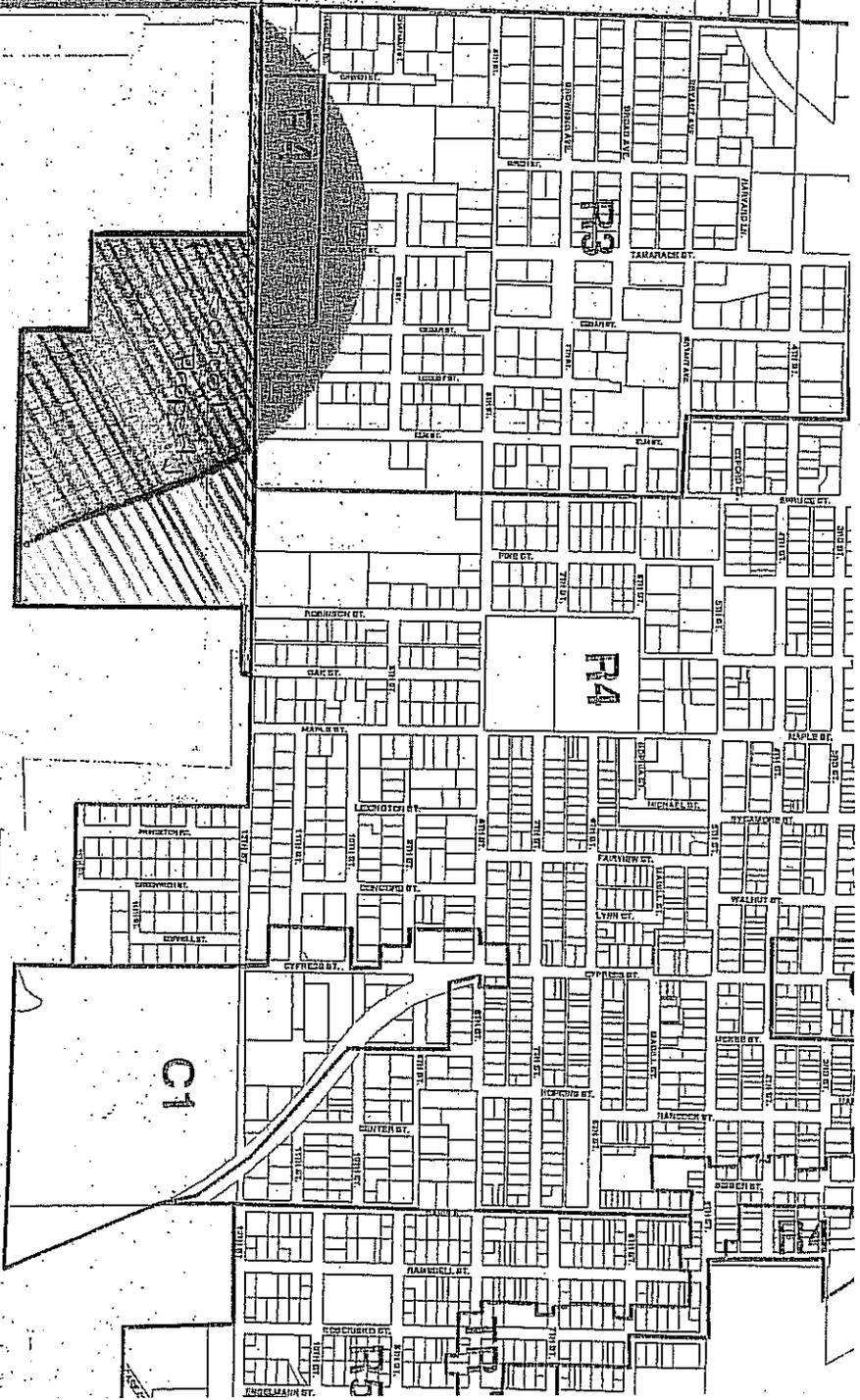
R2

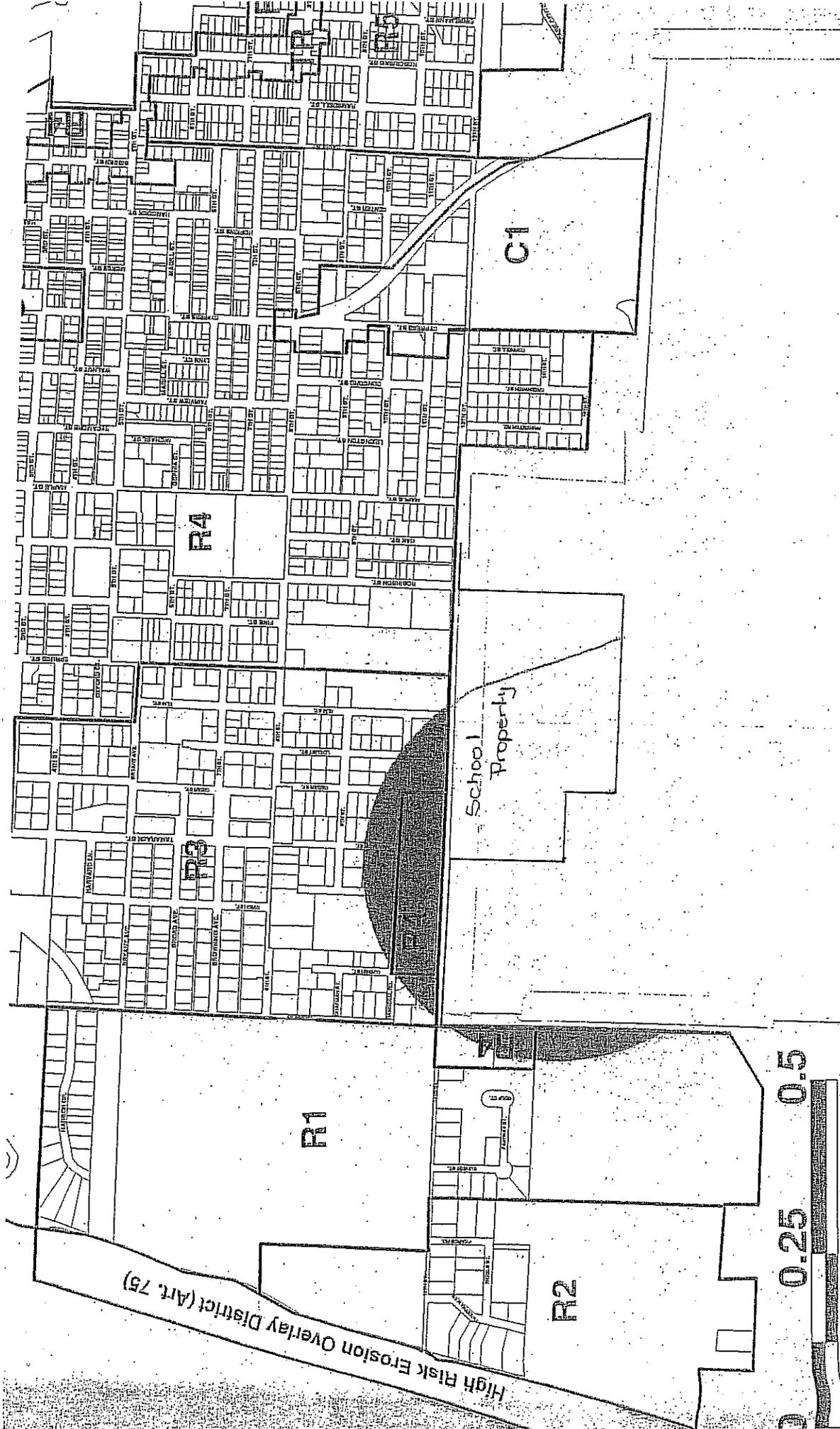
R1



Property Annexed from the
 Charter Township of Filer
 to the City of Manistee

Shaded area indicates
 Wellhead Protection
 Overlay District





High Risk Erosion Overlay District (Art. 75)

School Property

C1

R4

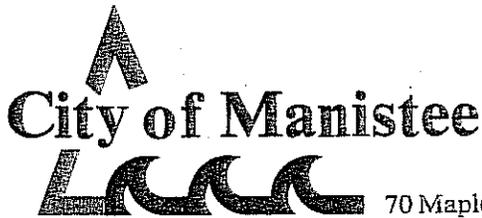
R3

R1

R2

0 0.25 0.5

Miles



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

231-723-
FAX 231-723-1546

NOTICE OF PUBLIC HEARING

City of Manistee Planning Commission

The Manistee City Planning Commission will hold a public hearing on Thursday, December 7, 2000 at 7:00 p.m. in the Council Chambers at City Hall 70 Maple Street, Manistee, MI 49660.

The hearing is to provide for opportunity for public comment on a proposed change to the City of Manistee Zoning Map to include School Property south of Twelfth Street recently annexed from the Charter Township of Filer. The proposed zoning for the property is R-3 Residential.

Interested parties are welcome to attend the hearing, or can comment in writing to: Jon Rose, Community Development, City of Manistee, 70 Maple Street, Manistee, MI 49660.

Run 1 Day

Special Notice - Box Ad Classifieds

Please send an affidavit to:

Jon Rose
City of Manistee
P.O. Box 358
Manistee, MI 49660

*Filed
11-17-00
2:46 PM
DK*

ARTICLE 44: R-3 RESIDENTIAL DISTRICT

4401. Purpose

It is the intent of this District to protect established neighborhoods, existing housing with neighborhood public facilities such as schools, churches, play fields; while at the same time providing for continued development of privately held vacant lands, redevelopment of larger homes, at a density of four (4) to six (6) living units per acre and under some circumstances more dense development; and to be consistent with Medium Density Residential (MDR), and respective Public/Quasi Public (PUB) provisions of the Manistee City Master Plan of 1988, adopted as part of the *City's* comprehensive planning.

4402. Permitted Uses

Only the following uses shall be permitted, by permit, as specified in Section 8401 *et. seq.* of this Ordinance:

- A. *Outdoor Recreation-Parks* (including boardwalks)
- B. *Dwelling*
 - 1. *home occupation*
 - 2. *parking for currently licensed automobiles*
 - 3. *on lake front lots, one boat dock for private use*
 - 4. *storage of recreational vehicle(s), boat(s), boat trailer(s) or trailer(s) only in a side yard, rear yard or driveway.*
- C. *Duplex*
- D. *Accessory Buildings and uses to the above*

4403. Special Uses

Only the following uses shall be permitted, by Special Use Permit, as specified in Section 8601 *et. seq.* and according to the Standards in Section 1604 *et. seq.* of this Ordinance:

- A. *Apartment Building*; with no more than one (1) living unit per each two thousand five hundred (2,500) square feet of *parcel* area when located in a converted single *family dwelling* which does not alter the exterior of the *building* and off *street* parking is provided
- B. *Hotel and Motel* [7011]; when located in a converted single *family dwelling* which does not alter the exterior of the *building* and off *street* parking is provided.
[Annotation: This subsection added by amendment, effective January 12, 1991.]
- C. *Educational Services* [82]
- D. *Religious Organizations* [866]
- E. *Planned Unit Development*
- F. *Accessory buildings and uses to the above*

[Annotation: This section changed by amendment, effective September 11, 1992, November 19, 1992, March 19, 1993 and May 18, 1998]

4404. Regulations and Standards

The following regulations shall apply to permitted uses and special uses in this District.

- A. *Parcel Area* - No *building* or *structure* shall be established on any *parcel* less than ten thousand (10,000) square feet in area.
- B. *Parcel Width* - The minimum *parcel width* shall be one hundred (100) feet and it shall

- front on a public *street*.
- C. Yard and Setback Requirements - The following requirements shall apply to every *parcel, building or structure*.
1. *Front Yard*: The *minimum setback* shall not be less than thirty (30) feet from *front property line*, or sixty-three (63) feet from centerline of a *street*, whichever is greater. In established neighborhoods, where a majority of the *buildings* do not meet the required *front yard setback*, the *Administrator* may establish a reduced *setback*. This reduced *setback* shall be the most common of the existing *front yard setbacks* of all principal *buildings* that are on the same block and front on the same *street*. This reduced *setback* provision shall be applicable to *front yard setbacks only*.
[Annotation: This section changed by amendment, effective September 11, 1992]
 2. *Side Yards*: The *minimum width* of either *yard* shall not be less than ten (10) feet;
 3. *Rear Yard*: The *minimum setback* shall not be less than ten (10) feet. For *accessory buildings*, the *minimum rear yard and side yard setbacks* shall be three (3) feet, excepting garages which front on a platted *alley*. Such garages shall be set back a minimum of twenty (20) feet from the *property line* on the opposite side of the *alley*, to provide a minimal turning radius for vehicles, but at no time shall the *structure* be closer than three (3) feet to the rear *property line*. The *side yard* for such garage shall be the same as for other *accessory structures*, as outlined above.
[Annotation: This subsection was changed by amendment, effective April 17, 1992.]
- D. No *dwelling* shall be constructed in this District which is less than one thousand two hundred (1,200) square feet of *building area*, and is less than twenty (20) feet wide.

MEMORANDUM

TO: Planning Commission Members

FROM: Jon R. Rose 
Community Development

DATE: November 30, 2000

RE: David & Sarah Bailey - Parcel Split

David & Sarah Bailey - Parcel Split. David & Sarah Bailey purchased Lot 8 of Parcel # 51-51-574-732-01 from the Church of the Nazarene and the Church sold Lot 7 to Mr. & Mrs. Ebbeling. This requires a parcel split and Mr. & Mrs. Bailey have asked the Zoning Board of Appeals for a variance to the side-yard set-back. The Zoning Board of Appeals granted a variance to the side-yard set-back from 10 feet to 1.25 feet with the condition that Mr. Bailey try to obtain 3 feet of property from the neighbor. Staff review of the request shows that with the variance received from the Zoning Board of Appeals the request meets the requirements of the Zoning Ordinance.

A copy of the request is enclosed for your review.

JRR:djm

Request to Split a Parcel

Name and Address of Applicant: David & Sarah Bailey
340 Fifth Street
Manistee MI 49660

Phone Numbers: Home 231-398-2037 Work 231-843-3431 ext 296

Name and Address of other parties who have an interest: _____

Phone Numbers: Home _____ Work _____

Parcel Identification Numbers for all parcels involved: _____
51-51-574-732-01

Reason for request: Church sold Church on
Lot 7 to Ebbeling's & House on
Lot 8 to Bailey.

Applied for Variance from ZBA 11-29-00

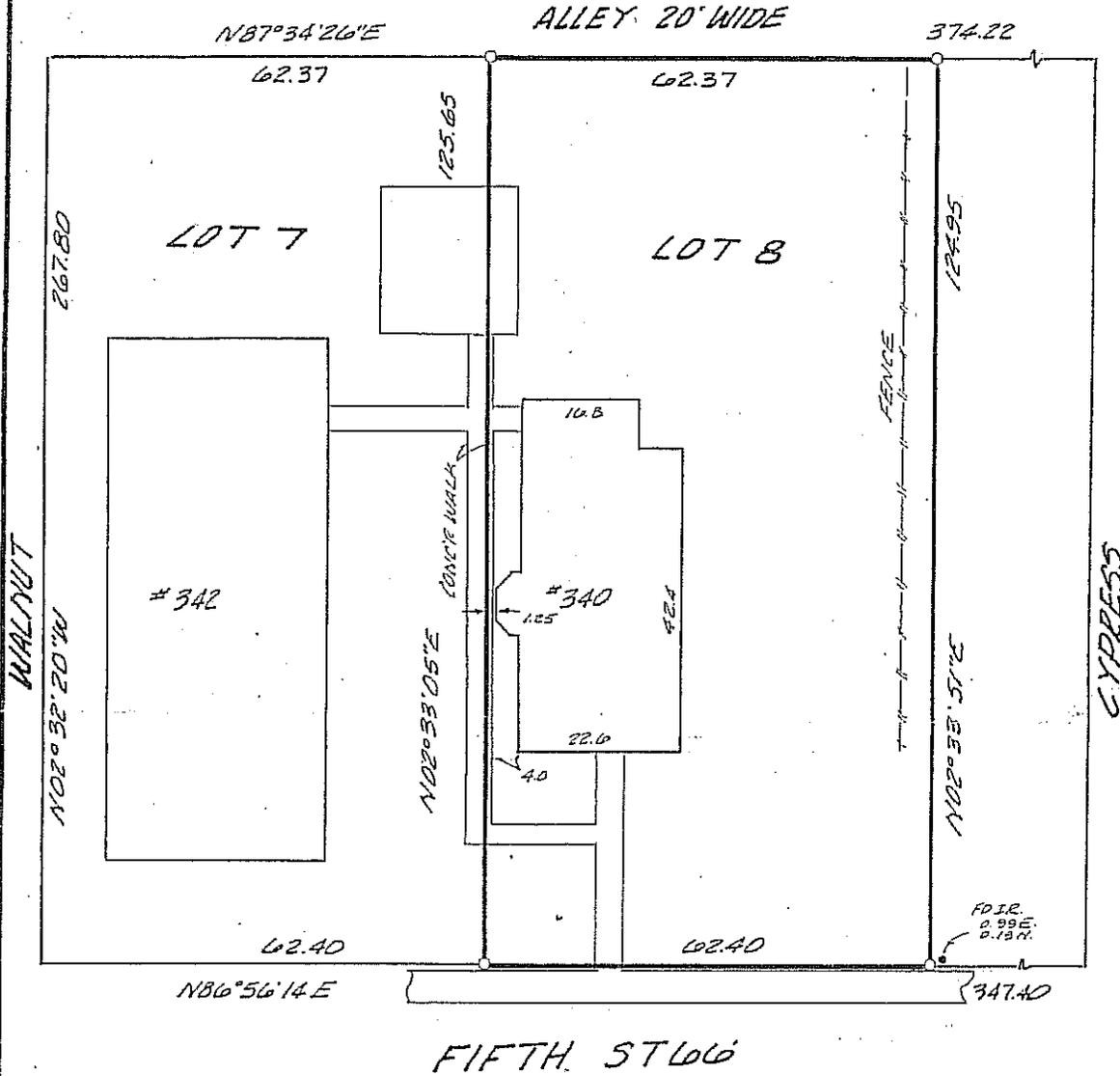
Attach a sketch or site plan of all parcels involved in the request. The sketch must include the location of buildings and/or structures, building set-backs, streets, street names and lot dimensions.

Fee: \$50.00 for first split + \$25.00 for each additional split. Receipt # _____

David Bailey

CERTIFICATE OF SURVEY

Lot 8, Block 16
M.S. Tyson & Co's Addition
to the City of Manistee,
Manistee County, Michigan.

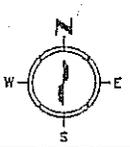


SCALE 1"=20'

- LEGEND**
- ⊙ IRON FND ⊕ MONUMENT FND.
 - IRON SET ⊕ MONUMENT SET
 - ▲ P.K. FND. (R) RECORD
 - △ P.K. SET (M) MEASURED

I, the undersigned, being a Registered Land Surveyor, hereby certify that I have surveyed and mapped the above parcel of land, that the ratio of closure of the unadjusted field observations is noted, and within limits and that I have fully complied with the regulations of Act 132, P.A. 1970 as amended.
The basis for bearings is:

Error of Closure is 1' / Bruce J. Jenema R.L.S. No. 25850



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

PREP: David Bailey	
DATE: Sept. 26, 2000	SHEET 1 of 1
DRAWN: DWL	CHECKED: B.J.J. FILE NO. 00439

MEMORANDUM

TO: Planning Commission Members

FROM: Jon R. Rose 
Community Development

DATE: November 30, 2000

RE: Coast Guard Station - Site Plan Review

The Coast Guard Station has received a variance from the Zoning Board of Appeals to reduce the waterfront set-back to 49 feet to allow placing temporary modular housing for personnel pending construction of the new Coast Guard Station with the condition that the temporary housing be removed by January 2, 2005. Review of the site plan shows that with the granting of the variance to the waterfront set-back the requirements of the Zoning Ordinance have been met.

A copy of the request is enclosed for your review.

JRR:djm

Receipt # _____

Application for Site Plan Review & Land Use Permit

Location of Project: COAST GUARD STATION MANISTEE

✓ Parcel Code #: _____

Name & Address of Applicant: CG GROUP GRAND HAVEN
650 S HARBOR
GRAND HAVEN MI 49417

Phone Numbers: Work _____ Home _____

Name & Address of Owner if different: _____

Phone Numbers: Work _____ Home _____

Brief description of work to be done: A 24 x 48 DOUBLE-WIDE
TRAILER WILL BE INSTALLED BETWEEN THE CURRENT
STATION BUILDING AND THE SEAWALL FOR ~ 42 MONTHS
AS TEMP HOUSING

Site Plan Reviews need to go before the City of Manistee Planning Commission. They must be received 10 days prior to the meeting. Regularly scheduled meetings are the first Thursday of the Month at 7:00 p.m. in the Council Chambers, City Hall.

A Site Plan, as spelled out in Section 9404, 9405 or 9406 of this ordinance, is needed with the application. Specifications on the back of this sheet.

Once completed the form should be returned to: **Jon Rose**
Community Development Officer
City of Manistee
P.O. Box 358, 70 Maple Street
Manistee, MI 49660

For Questions call Jon Rose, (231) 723-2558.

Fee: Land Use Permit/Site Plan Review \$ 20.00 (PUD \$250.00)

MEMORANDUM

TO: Planning Commission Members

FROM: Jon R. Rose 
Community Development

DATE: November 30, 2000

RE: Eddie Petzak - Site Plan Review

Eddie Petzak - Site Plan Review. Eddie Petzak owns Fast Eddie's Water Front Pub, 344 River Street. Mr. Petzak asked the Zoning Board of Appeals for a reduction to the waterfront set-back to allow a second egress from the back of his building to the riverwalk. The Zoning Board of Appeals approved a variance to the waterfront set-back from 50 feet to 15 feet to allow construction of a second egress with the following conditions:

1. That the existing framing be enclosed and the raw wood under the floor be covered to the satisfaction of the Historic Overlay Review Committee
2. That the stairway be cleared of snow at least as frequently as the front door.

With the variance from the Zoning Board of Appeals this request meets the requirements of the Zoning Ordinance.

A copy of the request is enclosed for your review.

JRR:djm

Receipt # _____

Application for Site Plan Review & Land Use Permit

Location of Project: 344 River Street

Parcel Code #: 51.51-452-703.11

Name & Address of Applicant: Eddie Petzak
344 River Street
Manistee MI 49660

Phone Numbers: Work 723-9293 Home 723-8862
office

Name & Address of Owner if different: _____

Phone Numbers: Work _____ Home _____

Brief description of work to be done: Construction of second
Egress.

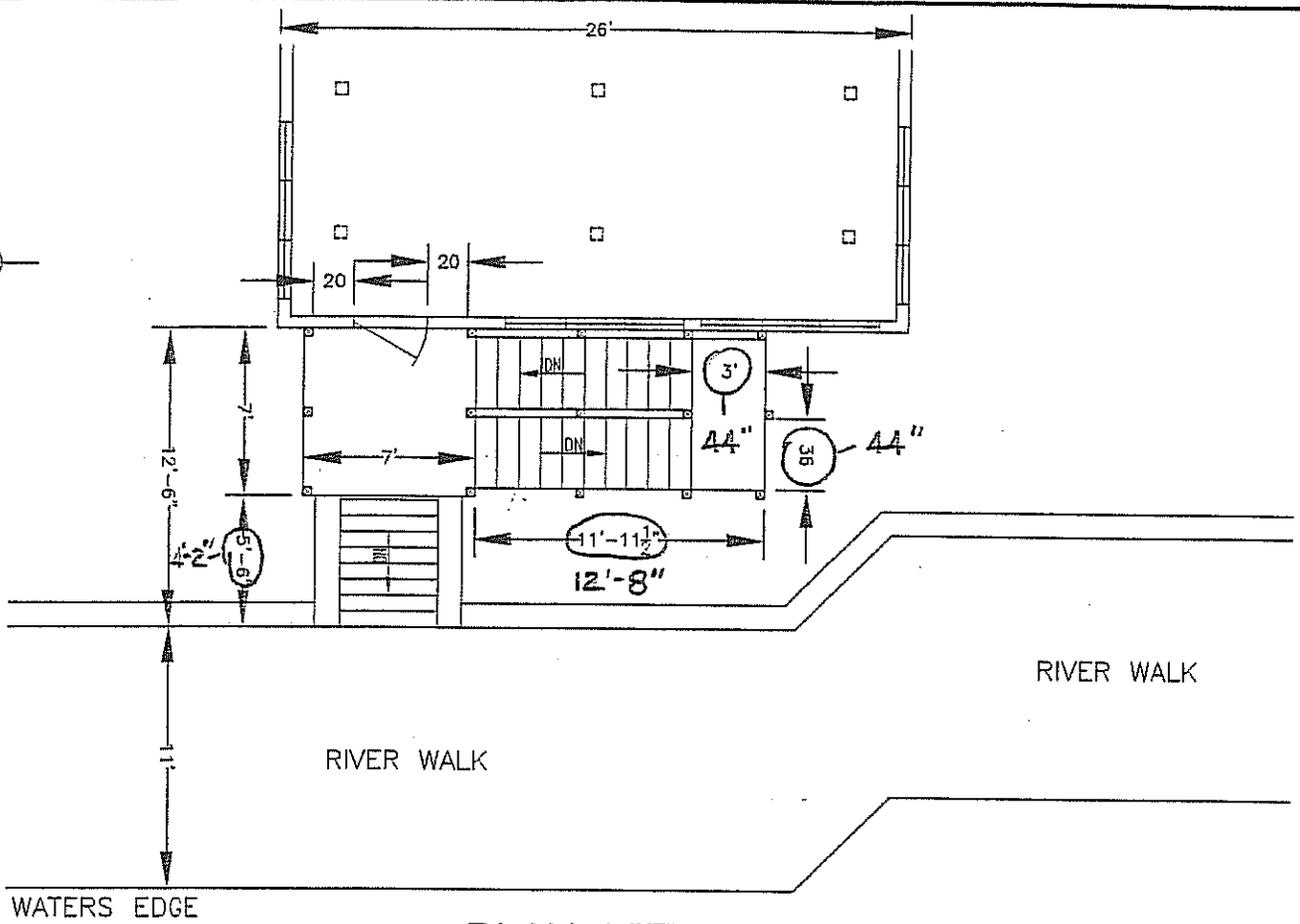
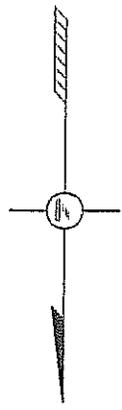
Site Plan Reviews need to go before the City of Manistee Planning Commission. They must be received 10 days prior to the meeting. Regularly scheduled meetings are the first Thursday of the Month at 7:00 p.m. in the Council Chambers, City Hall.

A Site Plan, as spelled out in Section 9404, 9405 or 9406 of this ordinance, is needed with the application. Specifications on the back of this sheet.

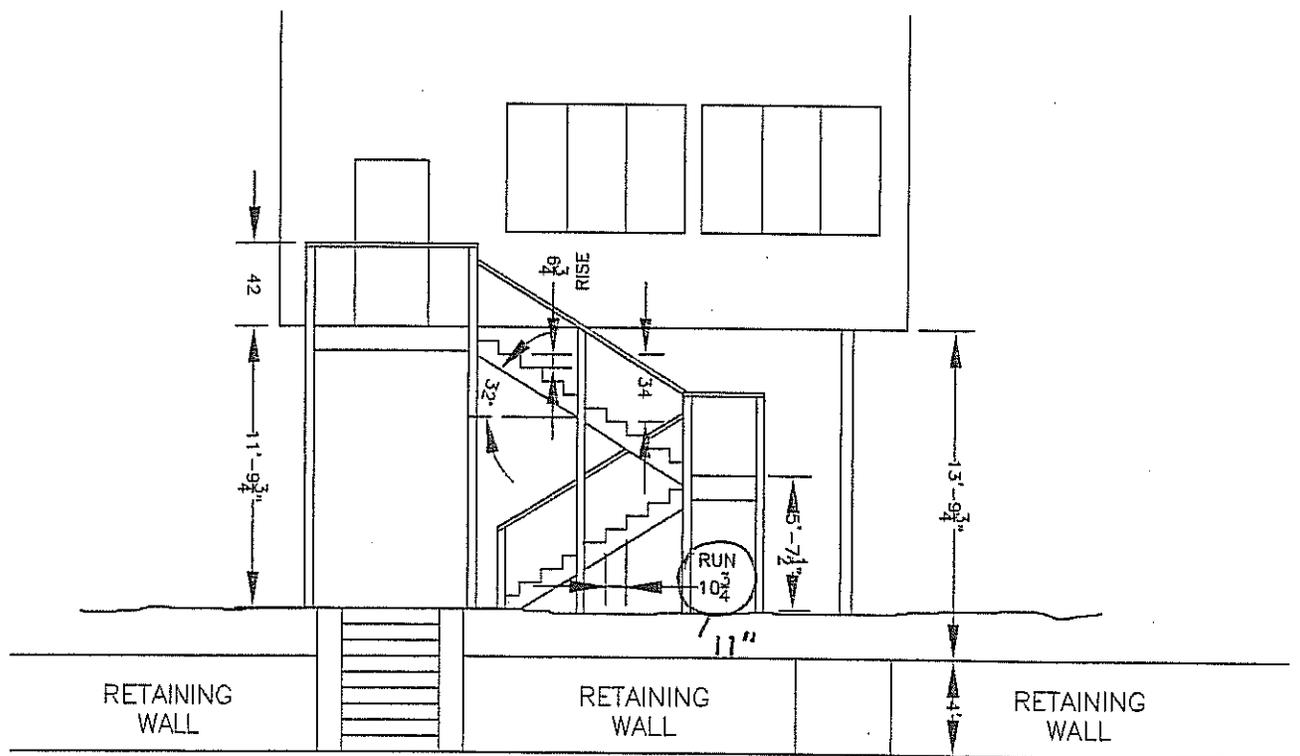
Once completed the form should be returned to: Jon Rose
Community Development Officer
City of Manistee
P.O. Box 358, 70 Maple Street
Manistee, MI 49660

For Questions call Jon Rose, (231) 723-2558.

Fee: Land Use Permit/Site Plan Review \$ 20.00 (PUD \$250.00)



PLAN VIEW

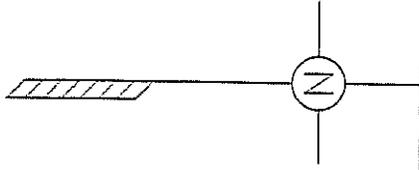


NORTH ELEVATION

PLATFORM/STAIRS DETAILS (WATERFRONT PUB)

SCALE: 1/8" = 1'-0"

DATE: 11-29-00



WATERS EDGE

PLAN VIEW

MEMORANDUM

TO: Planning Commission Members

FROM: Jon R. Rose 
Community Development

DATE: November 21, 2000

RE: Schoonover/Helminski - Parcel Split

We have received a request for a Parcel Split from Ron Ringel, Ringel Real Estate & Auctions on behalf of Ray Schoonover and Joseph A.A. Helminski. The request is to split Lots 12 & 15 of Lakeview Subdivision from the parent parcel (#51-51-363-701-38).

Review of the request shows that the requirements of the Zoning Ordinance have been met. A copy of the request is enclosed for your review.

JRR:djm

Request to Split a Parcel

Name and Address of Applicant: Ronald W. Ringel, Ringel Real Estate & Auctions 318 Parkdale Avenue P.O. Box 212 Manistee, MI 49660

Phone Numbers: Home _____ Work 231-723-6595

Name and Address of other parties who have an interest: Ray Schoonover, 13284 Graf Road, Brethren, MI (Owner) and Joseph A.A. Helminski (Purchaser)
2027 12th Street, Manistee, MI 49660

Phone Numbers: Home Schoonover 477-5263
Helminski 723-6317 Work _____

Parcel Identification Numbers for all parcels involved: Part of 51-51-363-701-384

Reason for request: Purchaser wants to purchase the two (2) vacant lots out of the Lakeview Subdivision. These are vacant lots without any buildings.

Attach a sketch or site plan of all parcels involved in the request. The sketch must include the location of buildings and/or structures, building set-backs, streets, street names and lot dimensions.

Fee: \$50.00 for first split + \$25.00 for each additional split. Receipt # _____



318 Parkdale Avenue • P.O. Box 212
Manistee, Michigan 49660
Phone: (231) 723-6596 • (888) 335-7464 • Fax (231) 723-6235

November 20, 2000

Jon Rose, Zoning Administrator
City of Manistee
70 Maple Street
P.O. Box 358
Manistee, MI 49660

Re: Request for Lot Split

Dear Mr. Rose:

Pursuant to your faxed correspondence to me, I am herewith submitting a formal request to split a parcel in the City of Manistee. That parcel being lots 12 and 15 in the Lakeview Subdivision.

The property is owned by Mr. and Mrs. Raymond Schoonover and is currently under contract to sell to Mr. and Mrs. Joseph A. A. Helminski. The property is two vacant lots without any buildings or structures on them. The reason for the request for the lot split is that Mr. Helminski would like to purchase and Mr. Schoonover would like to sell. It appears that the size of the lots conform to the requirements specified in your zoning.

Enclosed also you will find a copy of the previous letter I sent to you on October 31 along with a duplicate copy of the subdivision plat with lots 12 and 15 highlighted in yellow.

Also enclosed is a \$50 check as required for a split. I trust that this will be placed on the December 7 Planning Commission agenda.

Please keep me informed as to the progress and/or approval of the lot split so that we may proceed in a timely fashion to close this transaction.

Sincerely,

Ron Ringel

RR/cw

Enclosures

c: Mr. and Mrs. Ray Schoonover
Mr. and Mrs. Joseph A. A. Helminski



318 Parkdale Avenue • P.O. Box 212
Manistee, Michigan 49660
Phone: (231) 723-6596 • (888) 335-7464 • Fax (231) 723-6235

October 31, 2000

Jon Rose, Zoning Administrator
City of Manistee
70 Maple Street
P.O. Box 358
Manistee, MI 49660

Re: Request for Lot Split

Dear Mr. Rose:

Please consider this a request to split Lots 12 and 15 from the parent parcel of Lakeview Subdivision owned by Mr. and Mrs. Raymond Schoonover. These lots, along with numerous others are taxed on parcel #51-51-363-701-38.

A map of the lots in Lakeview Subdivision is enclosed with lots 12 and 15 highlighted. Each lot is 100'x115.5'. I believe each lot complies with the required square footage pursuant to your zoning.

Mr. and Mrs. Raymond Schoonover propose selling these two lots to Joseph Helminski.

If you would be so kind as to guide these through the proper channels the planning commission and the City Council and provide us with the approval when it is given we would be most appreciative. If you are in need of any additional information, please do not hesitate to call.

Sincerely,

Ronald W. Ringel
On behalf of Mr. and Mrs. Raymond Schoonover

RR/cw
Enclosure



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

231-723-2558
FAX 231-723-1546

ADDENDUM NO. 1

TO: Prospective Bidders

FROM: Jon Rose 
Community Development

RE: Request for Proposals
City of Manistee
Master Plan Update

DATE: December 7, 2000

The following is an Addendum to the Request for Proposals for the City of Manistee Master Plan Update.

1. The time constraints in the RFP may make it difficult to provide the level of community involvement necessary to create a plan which is uniquely Manistee's. Submittals may include a project schedule and completion date based on the consultants' experience rather than the completion date included in the original RFP.
2. The budgeted amount may be at the low end of what is necessary to provide a quality plan. Proposals which exceed the budget will receive consideration and the budget may be amended.
3. The final product must be compatible with the Proposed Coordinated Planning Act.

1 (g) Designing and implementing an impact assessment system
2 that ensures each new increment of development pays its fair
3 share of the infrastructure costs associated with the new devel-
4 opment and minimizes negative impacts on land, water, and air
5 resources.

6 (h) Carrying out capital improvement programming responsi-
7 bilities as provided in chapter 4 to ensure development has ade-
8 quate capital facilities concurrent with the need.

9 (i) Carrying out zoning, condominium, and subdivision review
10 responsibilities as provided in chapter 5.

11 CHAPTER 3

12 LOCAL UNIT AND REGIONAL PLANS

13 Sec. 41. (1) Subject to the requirements of this chapter, a
14 planning commission shall prepare a plan for the development of
15 the jurisdictional area of the planning commission.

16 (2) The purpose of a plan is to promote public health,
17 safety, and general welfare through the creation of economically
18 and environmentally sustainable communities whose plans are com-
19 patible with and consistent with other plans of other local units
20 and state agencies, as specified in this act, and with plans
21 listed in section 53(1). The purpose of a plan shall also
22 include all of the following:

23 (a) The embodiment of a common future vision of new develop-
24 ment and redevelopment for at least the next 20 years after adop-
25 tion of the plan and the identification of feasible steps to
26 achieve that vision.

1 (b) The coordinated and harmonious long-range physical,
2 social, environmental, and economic development or redevelopment
3 of the community in a fiscally sound and feasible manner.

4 (c) The availability of adequate light, clean air, and clean
5 water.

6 (d) The promotion of safety from fire, floods, erosion,
7 storm surge, and other dangers, as applicable.

8 (e) The use of natural and physical resources in accordance
9 with their character and adaptability.

10 (f) The appropriate use of any agricultural lands, forests,
11 wetlands, shorelines, sand dunes, and other open spaces consider-
12 ing their economic and environmental values.

13 (g) To avoid the overcrowding of land and the underutiliza-
14 tion of land by buildings or people.

15 (h) To promote population densities and distribution pat-
16 terns that are attractive, healthy, safe, and convenient to work-
17 places and services and that can be efficiently served by sewer,
18 water, public safety, garbage collection, transportation, and
19 other services, as applicable.

20 (i) Retention of existing employers and attraction of new
21 ones so that the area will have suitable employment opportunities
22 with adequate wages sufficient to support the needs of people
23 living in the community.

24 (j) The provision of adequate land in a planned pattern for
25 all the land uses necessary to meet the identified needs, in par-
26 ticular, the need for affordable housing near places of
27 employment.

1 (k) The provision of a system of interconnected roads,
2 highways, and streets and of bicycle, pedestrian, transit, and
3 other transportation modes as appropriate in the community.

4 (l) The prevention and mitigation of congestion on public
5 roads and streets and the management of access to prevent acci-
6 dents and preserve vehicular capacity.

7 (m) The provision of a cost-effective environmentally sound,
8 safe, and efficient system of capital facilities.

9 (n) The consideration of the character of each community and
10 its suitability for particular uses judged in terms of such fac-
11 tors as the trend in land and population development in the area
12 and the physical features of existing buildings and landscapes in
13 a community.

14 (o) The promotion of quality building designs and improved
15 or preserved community appearance.

16 (p) The promotion of good civic design and arrangement of
17 public buildings and public spaces.

18 (q) Providing the basis for specific programs to improve
19 community quality of life in accordance with adopted plans.

20 (r) Promoting land use patterns that prevent unreasonable
21 inequities between communities, races, income groups, or
22 generations.

23 (s) The establishment of a rational legal basis for zoning,
24 subdivision, condominium, and related land development regula-
25 tions as provided in subsections (3) to (5).

26 (3) A municipal plan or joint municipal plan shall serve as
27 the principal general policy guide for future land use and

1 capital facilities within the municipality or municipalities. A
2 municipal plan or joint municipal plan shall also serve as the
3 legal basis for zoning, land division, subdivision, condominium,
4 redevelopment ordinances and rules, capital improvement programs,
5 and other programs recognized in the municipal plan or joint
6 municipal plan as being related to the development or redevelop-
7 ment of the jurisdictional area if required by law to be based on
8 a plan.

9 (4) A county plan shall serve as the legal basis for any
10 county zoning and land division ordinances and rules and for cap-
11 ital improvement programs and other programs recognized in the
12 county plan as being related to the physical growth or redevelop-
13 ment of the county if required by law to be based on a plan. A
14 county plan that has received a recommendation for approval of at
15 least 60% of the planning commissions within the county shall
16 serve as the principal general policy guide for future land use
17 and county capital facilities as defined in the county plan.

18 (5) A regional plan may serve as all or part of the legal
19 basis for any program that the regional planning commission has
20 authority to implement if required by law to be based on a plan.
21 A regional plan shall serve as a general policy guide for future
22 land use and capital facilities serving the region as defined in
23 the regional plan.

24 Sec. 43. (1) A regional plan or a county plan for a county
25 that has not adopted a zoning ordinance shall be a general plan
26 as described in section 45. A municipal plan, a joint municipal
27 plan, or a county plan for a county that has adopted a zoning

1 ordinance shall be a future land use plan as described in
2 section 47, a comprehensive plan as described in section 49, or,
3 as appropriate, a growth management plan or redevelopment plan as
4 described in section 51.

5 (2) Additional provisions concerning the contents of plans
6 are found in section 53.

7 (3) Procedures for the preparation, adoption, and amendment
8 of plans and to ensure coordination of plans are found in
9 sections 55 to 65.

10 Sec. 45. A regional plan or a county plan for a county that
11 has not adopted a zoning ordinance shall be a general plan. A
12 general plan shall be a policy-based plan with generalized future
13 land use maps. A general plan shall include all of the
14 following:

15 (a) A separate section on affordable housing needs and a
16 strategy to meet those needs, as well as a section on job reten-
17 tion and expansion and a strategy to meet those needs.

18 (b) A separate section on the relationship between jobs,
19 housing, and transportation within the county or region.

20 (c) A separate section on multimodal transportation includ-
21 ing streets and highways, public transit, airports, railroads,
22 ports, and pedestrian and bicycle ways.

23 (d) A separate section on capital facilities owned or oper-
24 ated, or both, or privately contracted for by the county or by a
25 regional governmental entity, together with long-range fiscal
26 plans for the provision of new capital facilities for the county
27 or region. The long-range fiscal plans shall be the basis for

1 the county or regional capital improvement program. The section
2 on capital facilities in a county plan shall include any capital
3 facilities or capital improvements included in a capital improve-
4 ment plan or capital facilities plan prepared by a county road
5 commission, drain commissioner, parks and recreation commission,
6 or other county agency unless the county agency's plan is incon-
7 sistent with the future land use plan of the county or regional
8 governmental entity, in which case the county planning commission
9 or regional planning commission shall so indicate to the county
10 agency and request changes that would eliminate the
11 inconsistency.

12 (e) If the general plan is for a county, an analysis of all
13 the municipal plans and joint municipal plans of municipalities
14 within the county to ensure coordination and consistency includ-
15 ing, but not limited to, buildout, economic, fiscal, environmen-
16 tal, and social impact analyses according to a common methodology
17 established by the department of management and budget. A county
18 plan shall also meet the requirements for a municipal future land
19 use plan if the county administers county zoning.

20 (f) Such other elements as determined by the planning
21 commission.

22 (g) A program of implementation.

23 Sec. 47. (1) A municipal plan, a joint municipal plan, or a
24 county plan for a county that has adopted a zoning ordinance may
25 be a future land use plan.

1 (2) A future land use plan shall address land use at least
2 20 years into the future and shall include all of the following
3 elements:

4 (a) If the local unit is a county that has adopted a zoning
5 ordinance, all of the elements of a general plan.

6 (b) The arrangement of future land uses, as well as the
7 intensity and density of such uses and the degree to which they
8 are or are not compatible with the future land use plans and
9 zoning regulations of adjoining jurisdictions or the management
10 plans of state or federal agencies with public lands within the
11 jurisdictional area. Future land use shall be described in the
12 text and depicted on a future land use map showing the general
13 location and arrangement of future land uses. Individual parcel
14 lines shall not be evident on a future land use map.

15 (c) A future transportation network, including, but not
16 limited to, roads and streets, bridges, railroads, airports,
17 bicycle paths, and pedestrian ways.

18 (d) Provision for a network of electronic communication
19 facilities.

20 (e) Future capital facilities.

21 (f) A zoning plan for the control of the height, area, bulk,
22 density, location, and use of buildings and premises, for current
23 and future zoning districts and an explanation of their relation-
24 ship to the future land use plan. The zoning plan shall provide
25 specific guidance for the zoning map and other short-term zoning
26 decisions over a period of not more than the next 5 years. The
27 text shall describe how the community intends to move from

1 present conditions illustrated on the current zoning map and
2 described in the zoning plan to the proposed future relationship
3 of land uses illustrated on the future land use map. This subdi-
4 vision applies only if the local unit has adopted zoning regula-
5 tions, is in the process of adopting zoning regulations, or is
6 subject to adopted zoning regulations of a county or joint munic-
7 ipal planning commission.

8 (g) A discussion of measures considered and included in the
9 development of the future land use plan to avoid possible takings
10 of private property without just compensation if land use regula-
11 tions were to be subsequently adopted or amended consistent with
12 the plan. In the development of this part of the plan, the plan-
13 ning commission shall consider takings assessment guidelines
14 issued by the attorney general under the property rights preser-
15 vation act, 1996 PA 101, MCL 24.421 to 24.425.

16 (h) A program of implementation.

17 (3) Each of the elements of a future land use plan listed in
18 subsection (2) shall incorporate goals, objectives, policies, and
19 strategies to be employed in fulfilling the plan. Each element
20 of a future land use plan shall utilize maps and, if helpful,
21 plats, charts, and tables. Maps, plats, charts, and tables shall
22 be accompanied by explanatory text.

23 Sec. 49. (1) A municipal plan, a joint municipal plan, or a
24 county plan for a county that has adopted a zoning ordinance may
25 be a comprehensive plan.

26 (2) A comprehensive plan shall include all of the
27 following:

- 1 (a) All the elements of future land use plan.
- 2 (b) Recommendations for environmental protection and for the
3 social, economic, or physical development or redevelopment of the
4 jurisdictional area. The comprehensive plan shall identify the
5 amount and source of the fiscal and other resources to be used to
6 implement the recommendations in the comprehensive plan.
- 7 (c) An analysis of existing community disparities in employ-
8 ment, income, housing, transportation, education, and crime and
9 recommendations for public and private measures to rectify
10 disparities.
- 11 (d) A separate section on multimodal transportation facili-
12 ties, together with long-range fiscal plans for the provision or
13 replacement of transportation facilities. This section may be
14 part of the future transportation network element of a future
15 land use plan.
- 16 (e) Additional information on capital facilities necessary
17 for the comprehensive plan to serve as the basis for the develop-
18 ment and annual updating of a capital improvement program under
19 chapter 4. The comprehensive plan shall include a map of the
20 location of new capital facilities on which construction is pro-
21 posed to begin, or which are proposed to be acquired, within a
22 period at least as long as that covered by a capital improvement
23 program prepared under chapter 4.
- 24 (f) Maps and text with an analysis of existing conditions
25 and strategies to address identified problems and opportunities
26 with the following:

1 (i) Housing, including, but not limited to, the condition of
2 existing housing and specific needs for affordable and assisted
3 housing, and analysis of options for meeting those needs.

4 (ii) Economic development, including, but not limited to,
5 job retention and promotion strategies.

6 (iii) Environmental protection, including, but not limited
7 to, air and water quality.

8 (iv) Management of natural resources, including, but not
9 limited to, each of the following, if it exists within the local
10 unit:

11 (A) Agricultural lands.

12 (B) Forest lands.

13 (C) Mineral lands.

14 (D) Wetlands.

15 (E) Floodplains.

16 (F) Headwater areas.

17 (G) Sand dunes.

18 (H) Areas at high risk of erosion.

19 (I) Other sensitive areas.

20 (J) Endangered or threatened species habitat.

21 (K) Land use related to preserving biodiversity.

22 (v) Measures to develop, protect, enhance, or change commu-
23 nity character.

24 (g) A program of implementation.

25 (3) A comprehensive plan also may include 1 or more of the
26 following elements:

- 1 (a) Soil and water conservation.
- 2 (b) Open space protection.
- 3 (c) Intergovernmental coordination.
- 4 (d) Human services, including, but not limited to, child
- 5 care services, senior citizen programming, and mental health
- 6 services.
- 7 (e) Historic preservation.
- 8 (f) Coastal zone management.
- 9 (g) Solid waste management.
- 10 (h) Energy conservation.
- 11 (i) Watershed planning and management.
- 12 (j) Community corrections.
- 13 (k) Annexation.
- 14 (l) Redevelopment.
- 15 (m) Other elements.
- 16 (4) A comprehensive plan, except for the portion consisting
- 17 of a future land use plan, may be adopted by successive parts
- 18 that correspond to major geographical divisions of the jurisdic-
- 19 tional area of the planning commission or with functional divi-
- 20 sions of the subject matter of the comprehensive plan, such as
- 21 housing or transportation.
- 22 Sec. 51. (1) A municipal plan, a joint municipal plan, or a
- 23 county plan for a county that has adopted a zoning ordinance may
- 24 be a growth management plan or redevelopment plan.
- 25 (2) A growth management plan or redevelopment plan shall
- 26 include all of the following:

1 (a) All the elements of a comprehensive plan.

2 (b) A mechanism for phasing growth or redevelopment
3 efforts.

4 (c) One or more of the following elements:

5 (i) The boundaries for expansion or replacement of capital
6 facilities or public services by local units during the period of
7 the growth management plan or redevelopment plan.

8 (ii) Maximum density of land use based on available public
9 services and facilities and specified level of service standards
10 for those services and facilities.

11 (iii) Consistent with the city and village zoning act, 1921
12 PA 207, MCL 125.581 to 125.600, the township zoning act, 1943
13 PA 184, MCL 125.271 to 125.310, or the county zoning act, 1943
14 PA 183, MCL 125.201 to 125.240, as applicable, a program for the
15 purchase of development rights or, to the extent permissible by
16 law, transfer of development rights.

17 (iv) Maps showing the location of proposed future road
18 right-of-way and of other capital facilities beyond 5 years in
19 the future.

20 (v) A strategy and locations for provision of affordable
21 housing.

22 (vi) A strategy that links future jobs, housing, and trans-
23 portation in mutually supportive ways.

24 (vii) A strategy for land assembly and redevelopment.

25 (viii) Other elements as necessary to implement the growth
26 management or redevelopment goals of the growth management plan
27 or redevelopment plan.

1 (d) A program of implementation.

2 Sec. 53. (1) Subject to subsection (2), a municipal plan,
3 joint municipal plan, or county plan shall include or incorporate
4 by reference the relevant portions of any of the following
5 adopted plans that apply to the territory covered by the plan:

6 (a) A development plan adopted by a tax increment finance
7 authority under the tax increment finance authority act, 1980
8 PA 450, MCL 125.1801 to 125.1830.

9 (b) A development plan adopted by a downtown development
10 authority under 1975 PA 197, MCL 125.1651 to 125.1681.

11 (c) A development plan adopted by a local development
12 finance authority under the local development financing act, 1986
13 PA 281, MCL 125.2151 to 125.2174.

14 (d) A development plan adopted by an international tradeport
15 development authority under the international tradeport develop-
16 ment authority act, 1994 PA 325, MCL 125.2521 to 125.2546.

17 (e) A brownfield plan adopted by a brownfield redevelopment
18 authority under the brownfield redevelopment financing act, 1996
19 PA 381, MCL 125.2651 to 125.2672.

20 (f) A plan adopted by a county or regional economic develop-
21 ment commission under 1966 PA 46, MCL 125.1231 to 125.1237.

22 (g) A project plan adopted by an economic development corpo-
23 ration under the economic development corporations act, 1974
24 PA 338, MCL 125.1601 to 125.1636.

25 (h) A plan adopted by a housing commission under 1933 (Ex
26 Sess) PA 18, MCL 125.691 to 125.709c.

1 (i) A development plan approved by a planning commission and
2 supervising agency under the urban redevelopment corporations
3 law, 1941 PA 250, MCL 125.901 to 125.922.

4 (j) A county or regional park or recreation plan adopted by
5 a county or regional commission under 1965 PA 261, MCL 46.351 to
6 46.367.

7 (k) A plan adopted by an historic district commission under
8 the local historic districts act, 1970 PA 169, MCL 399.201 to
9 399.215.

10 (l) An airport approach plan adopted by the aeronautics com-
11 mission under the airport zoning act, 1950 (Ex Sess) PA 23,
12 MCL 259.431 to 259.465.

13 (m) Any plan for the construction or closure of school
14 buildings adopted by a public school district or public school
15 academy.

16 (n) A sewer system or sewage disposal plan adopted by a
17 local unit or adopted by an authority under 1955 PA 233,
18 MCL 124.281 to 124.294.

19 (o) A water supply system plan adopted by a local unit or
20 adopted by an authority under 1952 PA 196, MCL 124.251 to
21 124.262, or 1955 PA 233, MCL 124.281 to 124.294.

22 (p) A solid waste management plan adopted under part 115 of
23 the natural resources and environmental protection act, 1994
24 PA 451, MCL 324.11501 to 324.11550.

25 (q) A blighted area rehabilitation plan adopted under 1945
26 PA 344, MCL 125.71 to 125.84.

1 (r) A neighborhood area improvement plan adopted under 1949
2 PA 208, MCL 125.941 to 125.952.

3 (s) A plan for redevelopment of principal shopping areas,
4 1961 PA 120, MCL 125.591 to 125.987.

5 (t) A comprehensive development plan under the enterprise
6 zone act, 1985 PA 224, MCL 125.2101 to 125.2123.

7 (u) A strategic plan under the empowerment zone development
8 corporation act, 1995 PA 75, MCL 125.2561 to 125.2591.

9 (v) Any capital facility or other metropolitan plan prepared
10 by a metropolitan area council under the metropolitan councils
11 act, 1989 PA 292, MCL 124.651 to 124.729.

12 (w) Any other plan related to land use, redevelopment, eco-
13 nomic development, environmental protection, or transportation or
14 other public facilities adopted in or applicable to the territory
15 covered by the municipal plan, joint municipal plan, or county
16 plan.

17 (2) A municipal plan or joint municipal plan need not incor-
18 porate or include by reference a plan or a portion of a plan
19 listed under subsection (1)(a) to (w) that is inconsistent with a
20 regional plan or county plan or with 1 or more elements of the
21 municipal plan or joint municipal plan that achieves a purpose
22 set forth in section 41. A county plan need not incorporate or
23 include by reference a plan or a portion of a plan listed under
24 subsection (1)(a) to (w) that is inconsistent with a regional
25 plan.

26 (3) After a plan under this act has been adopted, an
27 amendment to a plan listed in subsection (1)(a) to (w) shall not

1 be inconsistent with the purposes listed in section 41 and shall
2 be submitted to the planning commission for comment a reasonable
3 time before adoption.

4 (4) A municipal plan or joint municipal plan may include
5 special purpose, sub-area, functional, neighborhood, corridor, or
6 strategic plans as necessary to provide greater detail in achiev-
7 ing the purposes of this act.

8 (5) A plan may incorporate by reference plans, or portions
9 of plans, adopted by other agencies of political subdivisions,
10 this state, or the federal government. A county may adopt the
11 relevant portion of a regional plan as the county plan if that
12 portion of the regional plan meets the requirements for a county
13 plan. A municipality may adopt the relevant portion of a county
14 plan as the municipal plan if that portion of the county plan
15 meets the requirements in section 49(2).

16 (6) A zoning map adopted as part of a zoning ordinance by
17 the governing body of a local unit under the county zoning act,
18 1943 PA 183, MCL 125.201 to 125.240; the township zoning act,
19 1943 PA 184, MCL 125.271 to 125.310; or the city and village
20 zoning act, 1921 PA 207, MCL 125.581 to 125.600, is not a future
21 land use map, and neither a zoning map, nor the text of a zoning
22 ordinance, constitutes a plan under this act. Likewise, a plan
23 is not a zoning ordinance and a future land use map is not a
24 zoning map under these zoning enabling acts.

25 (7) A plan shall be entitled and known as "general plan",
26 "future land use plan", "comprehensive plan", "growth management
27 plan", or "redevelopment plan", as appropriate based on the

1 content of the plan. A part of a plan adopted under
2 subsection (3) shall have a title reflective of its contents and
3 also indicate, as part of the title, that it supplements a spe-
4 cific type plan under this section described by its title.

5 Sec. 55. (1) Before preparing a plan, a proposing planning
6 commission shall send to all of the following a written notice
7 explaining that the planning commission intends to prepare a plan
8 and requesting the recipient's cooperation and comment:

9 (a) Each political subdivision whose territory is contiguous
10 to or includes all or part of the jurisdictional area of the
11 planning commission.

12 (b) Each federal, state, or local governmental entity pro-
13 viding services to property within the jurisdictional area of the
14 planning commission, including, but not limited to, the county
15 road commission and county drain commissioner.

16 (c) Each railroad; public airport; oil or gas pipeline com-
17 pany; electric, natural gas, steam, sewer, or water public utili-
18 ty; or telephone, fiber optic, cable, or other communications
19 company that has facilities or, to the knowledge of the planning
20 commission, intends to install facilities, within the jurisdic-
21 tional area of the planning commission.

22 (d) Each entity listed in section 53(1).

23 (e) If the proposing planning commission is a regional plan-
24 ning commission, to each municipal planning commission or joint
25 municipal planning commission whose jurisdictional area is conti-
26 guous to or includes part of the jurisdictional area of the
27 regional planning commission.

1 (2) A proposing planning commission shall also send a notice
2 described in subsection (1) to each of the following reviewing
3 entities:

4 (a) To each state or federal agency responsible for managing
5 at least 10 contiguous acres of public lands within the jurisdic-
6 tional area of the planning commission.

7 (b) If the proposing planning commission is a municipal
8 planning commission or joint municipal planning commission, to
9 each municipal planning commission, joint municipal planning com-
10 mission, and county planning commission, or if there is not a
11 county planning commission, to each regional planning commission,
12 whose jurisdictional area is contiguous to or includes all or
13 part of the jurisdictional area of the proposing planning
14 commission.

15 (c) If the proposing planning commission is a county plan-
16 ning commission, to each municipal planning commission, joint
17 municipal planning commission, county planning commission, and
18 regional planning commission whose jurisdictional area is conti-
19 guous to or includes all or part of the jurisdictional area of
20 the proposing planning commission.

21 (d) If the proposing planning commission is a regional plan-
22 ning commission, to each county planning commission and regional
23 planning commission whose jurisdictional area is contiguous to or
24 includes all or part of the jurisdictional area of the proposing
25 planning commission.

26 (3) The notice under this section may request permission for
27 the proposing planning commission to submit electronically any

1 information required to be submitted under section 57 or 59. If
2 the entity to which the notice is sent grants such permission,
3 information submitted to or by the proposing planning commission
4 under section 57 or 59 may be submitted electronically.

5 Otherwise, such information shall be submitted in writing.

6 (4) If requested, a representative of the planning commis-
7 sion shall meet with any person entitled to notice under this
8 section to discuss the proposed plan. The planning commission
9 shall consider the written comments of persons entitled to notice
10 under this section and the written comments of other interested
11 persons as it prepares and revises a proposed plan.

12 (5) Public officials shall furnish in a timely manner infor-
13 mation, advice, and technical assistance requested by a planning
14 commission to achieve coordination, compatibility, and consis-
15 tency between plans.

16 Sec. 57. (1) After preparing a proposed plan, the proposing
17 planning commission shall submit a copy of the proposed plan as
18 follows:

19 (a) To each entity entitled to notice under section 55(1)
20 along with a notice that, not more than 63 days after the date of
21 submittal of the proposed plan, the entity may submit to the pro-
22 posing planning commission any questions, suggestions, or other
23 comments on the plan.

24 (b) To each reviewing entity along with a notice that, not
25 more than 63 days after the date of submittal of the proposed
26 plan, the reviewing entity may submit to the proposing planning

1 commission its consent or objection to the plan, along with any
2 questions, suggestions, or other comments on the plan.

3 Sec. 59. (1) A proposing planning commission shall give
4 serious consideration to and attempt in good faith to address
5 every objection or suggestion made and shall reply to each com-
6 ment made by a reviewing entity. If the proposing planning com-
7 mission disagrees with any objection or comments made by a
8 reviewing entity, the reply shall so state along with the reasons
9 why. The reply may propose changes to the proposed plan. The
10 proposing planning commission may employ dispute resolution serv-
11 ices to resolve a disagreement with a reviewing entity.

12 (2) A reviewing entity shall be considered to consent to a
13 proposed plan unless the reviewing entity objects to the plan
14 within the time provided under subsection (1) and does not with-
15 draw its objection in writing before final adoption of the plan,
16 the objection includes specific facts supporting the objection,
17 and the objection is based on failure of the plan or an element
18 of the plan to satisfy 1 or more of the following requirements:

19 (a) The proposed plan and each element thereof shall conform
20 to the requirements of this act.

21 (b) The proposed plan and each element of the proposed plan
22 shall be feasible. A proposed plan or element is feasible if the
23 jurisdiction for which the plan is being proposed has sufficient
24 authority and resources, including, but not limited to, finances,
25 personnel, and facilities, to carry out the program of implemen-
26 tation in the proposed plan.

1 (c) The proposed plan and each element of the proposed plan
2 shall be sound. A proposed plan or element is sound if both of
3 the following apply:

4 (i) The facts, statistics, maps, analysis, and other infor-
5 mation included or referred to in the proposed plan or element
6 are substantially correct and substantially reflect present and
7 future conditions in the jurisdictional area of the proposing
8 planning commission, as described in the proposed plan, and
9 present and future conditions in the jurisdictional area of the
10 reviewing entity.

11 (ii) Based on professionally accepted planning principles,
12 the goals and policies of the proposed plan or element are an
13 appropriate response to the facts, statistics, maps, analysis,
14 and other information included or referred to in the proposed
15 plan or element.

16 (d) The proposed plan shall be consistent. A proposed plan
17 is consistent if both of the following apply:

18 (i) The goals, policies, and program of implementation for
19 each element of the plan would further, or at least not interfere
20 with, the goals, policy, and program of implementation of other
21 elements of the same plan.

22 (ii) The goals, policy, and program of implementation of the
23 plan and each element thereof would further, or at least not
24 interfere with, the goals, policy, and program of implementation
25 of a plan of the reviewing entity adopted under this act or under
26 an enabling act in effect at the time of adoption of the
27 reviewing entity's plan. Circumstances that violate the

1 requirements of this subparagraph include, but are not limited
2 to, all of the following:

3 (A) If the jurisdictional area of the reviewing planning
4 commission and the jurisdictional area of the proposing planning
5 commission are contiguous, land use intensity, land use density,
6 or capital facilities in the jurisdictional area of the proposing
7 planning commission and near the common border are incompatible
8 with or would conflict with land use intensity, land use density,
9 or capital facilities in the jurisdictional area of the reviewing
10 planning commission and near the common border.

11 (B) If the reviewing entity is the planning commission of a
12 local unit or a regional planning commission, the proposed plan
13 would create 1 or more specific, verifiable threats to the health
14 or safety of individuals within the local unit or region.

15 (C) If the reviewing entity is the planning commission of a
16 local unit or region, cumulative effects of the proposed plan or
17 element are likely to reduce the existing or planned quality of
18 life in the proposed local unit or region in reasonably identi-
19 fiable and verifiable ways.

20 (4) A regional planning commission is not required to comply
21 with subsections (1) to (3). A regional planning commission
22 shall adopt a plan pursuant to procedures adopted by the regional
23 planning commission. The procedures shall, at a minimum, provide
24 each reviewing entity with an opportunity for comment and require
25 that at least 60% of the counties lying in whole or part within
26 the jurisdictional area of the regional planning commission
27 consent to the plan before it is adopted. If a municipality

1 submits questions, suggestions, or other comments on a proposed
2 regional plan to the regional planning commission, the municipal-
3 ity shall submit a copy to the county planning commission or, if
4 there is no county planning commission, to the county board of
5 commissioners of the county in which the municipality is
6 located.

7 (5) This section does not prohibit a reviewing entity, when
8 formulating its response to the proposed plan based on the cri-
9 teria set forth in this section, from considering the comments
10 and objections of any other person, including, but not limited
11 to, any local unit of government to which the plan was not
12 required to be submitted.

13 (6) Notwithstanding any other provision of this section, a
14 reviewing planning commission, other than a regional planning
15 commission, shall be considered to have consented to a plan pro-
16 posed by a municipal planning commission or joint municipal plan-
17 ning commission if that reviewing planning commission's plan was
18 not adopted or amended in the last 5 years.

19 Sec. 61. After satisfying the requirements of section 59,
20 the proposing planning commission shall hold a public hearing on
21 the plan. The planning commission shall publish notice of the
22 public hearing twice in a newspaper having a general circulation
23 in the jurisdictional area of the planning commission. The
24 notices shall be published at least 2 weeks apart and not more
25 than 28 or less than 7 days before the hearing. The notices
26 shall include the following information:

1 (a) The jurisdictional area of the planning commission.

2 (b) A list of the elements identified in sections 45 to 53
3 that are covered by the proposed plan.

4 (c) The place and time at which a copy of the proposed plan
5 may be purchased or inspected.

6 (d) The place, time, and telephone number at which further
7 information on the proposed plan can be obtained.

8 Sec. 63. (1) After the hearing under section 61, the pro-
9 posing planning commission shall approve or reject the plan, with
10 or without any changes proposed by the planning commission under
11 section 59, by majority vote of the members of the planning
12 commission.

13 (2) Approval of the plan by the planning commission is the
14 final step for adoption of either of the following:

15 (a) A regional plan.

16 (b) A county plan for a county without county zoning and in
17 which the county board of commissioners has not adopted a resolu-
18 tion stating that it will exercise authority to approve or reject
19 the plan.

20 (3) The final step for adoption of a county plan for a
21 county other than a county described in subsection (2), for a
22 municipal plan, or for a joint municipal plan is approval of the
23 plan by the governing body of the county, by the governing body
24 of the municipality, or by agreement of the governing bodies of
25 the participating municipalities, respectively. After the plan-
26 ning commission approves the plan, it shall forward the plan to
27 the governing body or governing bodies for approval. If the

1 governing body determines or the governing bodies agree that the
2 plan should be changed, the governing body or governing bodies
3 shall submit a clear statement of the proposed changes and the
4 rationale for each proposed change to the planning commission,
5 and each entity entitled to notice under section 55. Not more
6 than 63 days later, the affected jurisdictions shall respond to
7 the planning commission, which in turn shall respond to the gov-
8 erning body or the governing bodies, within 28 additional days.
9 The governing body, or the governing bodies by agreement, shall
10 then approve or reject the plan, with or without the proposed
11 changes, by vote of a majority of its members. The governing
12 body or governing bodies shall document responses to any comments
13 on the plan received by the governing body or governing bodies
14 during the process provided for by this subsection.

15 (4) Notice of final adoption of any plan under this section
16 shall be published once in a newspaper of general circulation in
17 the jurisdictional area of the planning commission not more than
18 14 days after adoption. The notice of adoption shall include the
19 following information:

- 20 (a) That a plan was adopted pursuant to this act.
21 (b) The jurisdictional area of the planning commission.
22 (c) A listing of the elements identified in sections 45 to
23 53 that are covered by the plan.
24 (d) The effective date of the plan which shall not be ear-
25 lier than the date of publication of the notice.
26 (e) The place and time at which a copy of the plan may be
27 purchased or inspected.

1 (f) The place, time, and telephone number at which further
2 information on the plan can be obtained.

3 (5) The final page of the plan shall include all of the
4 following:

5 (a) The date of adoption of the plan.

6 (b) The roll call vote of the planning commission and, if
7 applicable, the governing body or governing bodies.

8 (c) A list of the reviewing entities that indicates whether
9 each reviewing entity responded to the proposed plan under
10 section 59, when it responded, and whether it consented or
11 objected to the proposed plan.

12 (6) At the time of adoption, a plan shall have an appendix
13 that includes all of the following:

14 (a) A written copy of all correspondence from reviewing
15 entities before adoption, along with all written replies.

16 (b) A summary of all written, electronic, or oral comments
17 on the proposed plan received from the public at or following the
18 public hearing on the proposed plan under section 61.

19 (c) A list of all reviewing entities that did not consent to
20 the plan and specific reasons why the concerns raised were not
21 accommodated before adoption of the plan.

22 (7) Promptly after a plan is adopted, the planning commis-
23 sion shall transmit a certified copy of the plan to all of the
24 following:

25 (a) To each reviewing entity.

1 (b) If the plan is a joint municipal plan or regional plan,
2 to the governing body of each participating political
3 subdivision.

4 (c) If the plan is a municipal plan or joint municipal plan,
5 to the regional planning commission whose jurisdictional area
6 includes all or part of the jurisdictional area of the planning
7 commission submitting the plan.

8 (d) If the plan is a municipal plan, joint municipal plan,
9 or regional plan, to the county planning commission or, if there
10 is not a county planning commission, the county clerk of each
11 county that includes all or part of the jurisdictional area of
12 the planning commission transmitting the plan. The county plan-
13 ning commission or county clerk shall make a record of receipt
14 for all adopted plans, which shall include the date, means of
15 transmittal, and name and address of the planning commission that
16 transmitted the plan. The county planning commission or county
17 clerk shall maintain the record of transmittal with the original
18 copy of the plan.

19 (8) Subject to subsection (9), in the office of the county
20 planning commission, or, if there is no county planning commis-
21 sion, in the office of the county clerk, each county shall main-
22 tain in writing at a single location and make available for
23 public inspection during normal business hours all of the
24 following:

25 (a) Any plan that has been submitted to the county planning
26 commission, if any, for approval under section 57 and that has
27 been adopted or whose adoption is pending.

1 (b) The county plan, if any.

2 (c) The regional plan adopted by the regional planning com-
3 mission in which that county is located, if any.

4 (d) The capital facilities map prepared under section 71.

5 (9) A county may instead maintain all or part of the plans
6 or capital facility map under subsection (8) on a publicly acces-
7 sible internet site in a readily accessible format.

8 (10) A municipal plan or joint municipal plan adopted under
9 this act supersedes a plan for that municipality or 1 of those
10 municipalities adopted under 1931 PA 285, MCL 125.31 to 125.45,
11 or 1959 PA 168, MCL 125.321 to 125.333. A county plan adopted
12 under this act supersedes a plan for that county adopted under
13 1945 PA 282, MCL 125.101 to 125.107.

14 Sec. 65. (1) A successive part of a plan or an amendment to
15 a plan shall be adopted pursuant to the same procedures that
16 govern the adoption of a plan except as follows:

17 (a) An entity to which notice of the start of a plan amend-
18 ment process is given under section 55 may reply in writing that
19 it does not desire to review a plan amendment. If so, the
20 entity's consent may be presumed and a draft of the plan amend-
21 ment need not be submitted to it, unless, before a draft of the
22 plan amendment has been sent to any other such entity for review,
23 the entity notifies the planning commission in writing that it
24 has reversed its decision and desires to review and comment on
25 the successive part or amendment.

26 (b) The period for responding to a proposed amendment to a
27 plan under section 57 is 42 days.

1 (2) Every 5 years after adoption of the plan, the planning
2 commission shall review the plan and prepare and recommend adop-
3 tion of any amendments to the plan that it considers advisable.

4 Except as provided in this subsection, a plan shall only be
5 amended once every fifth year after its adoption. In other
6 years, the plan may be amended only once each year and only if 1
7 or more of the following apply:

8 (a) The amendment involves the siting or significant expan-
9 sion or reduction of capacity of a capital facility.

10 (b) The amendment involves an issue of greater than local
11 concern.

12 (c) The amendment is in response to an emergency that
13 resulted in or may result in substantial injury or harm to the
14 population or substantial damage to or loss of property or public
15 funds, such as a tornado, explosion, terrorist act, military
16 action, or riot.

17 (d) The amendment is in response to a court order.

18 (3) All proposals for amendments to a plan shall be pro-
19 cessed concurrently so the cumulative effect of the various pro-
20 posals can be ascertained. A governing body shall document the
21 reason for a plan amendment in the motion to approve the plan
22 amendment.

23 (4) An amendment to a CIP does not constitute a plan amend-
24 ment under this section.

25

CHAPTER 4

MANISTEE CITY PLANNING COMMISSION

BY-LAWS and RULES OF PROCEDURE

The following by-laws and rules of procedure are hereby adopted by the Planning Commission to facilitate the performance of its duties as outlined in Act 285, P.A. of 1931, as amended (being M.C.L. 125.34, Municipal Planning).

Section 1.0 Officers:

- 1.1 Selection: At the regular meeting in December of each year, the Planning Commission shall select from its membership a Chairman, Vice Chairman and Secretary. All officers are eligible for reelection.
- 1.2 Tenure: The officers shall take office at the start of the next regular meeting following their selection and shall hold office for a term of one year, or until their successors are selected and assume office.

Section 2.0 Officers' Duties:

2.1 Chairman: The Chairman shall:

- A. Preside at all meetings,
 - B. Appoint committees,
 - C. Sign all Legal Documents authorized by the Planning Commission,
 - D. Periodically meet with Planning Department Staff,
 - E. Appoint an acting Secretary for a meeting at which the Secretary is absent, and
 - F. Perform such other duties as may be ordered or authorized by the Planning Commission.
- [Annotation: Section 2.1.C was added by amendment on November 4, 1999]

2.2 Vice Chairman: The Vice-Chairman shall:

- A. Act in the full capacity of the Chairman in the absence of the Chairman, and
- B. In the event the office of the Chairman becomes vacant, shall succeed to the office of Chairman for the unexpired term. The Planning Commission shall select a successor to the office of Vice-Chairman from its membership for the unexpired term.

2.3 Secretary: The Secretary or his or her designee shall:

- A. Execute documents in the name of the Planning Commission,
- B. Be responsible for the minutes of each meeting and shall have them spread in suitable volumes.
- C. Be responsible for copies of the minutes being distributed to each member of the Planning Commission prior to the next meeting of the Planning Commission,
- D. Prepare an agenda for each meeting,
- E. Be responsible for all communications, petitions and reports addressed to the Planning Commission,
- F. Keep attendance records and shall notify the City Council whenever any member of the Planning Commission is absent from three consecutive regularly scheduled meetings so the City Council can take further action pursuant to Section 3.2 of these rules of procedure and by law, and

- G. Perform such other duties as the Planning Commission may determine.
- H. Maintain an accounting of funds budgeted to the Planning Commission.
[Annotation: Section 2.3 was amended November 4, 1999, by adding "or his or her designee" to 2.3 and adding 2.3.D]

Section 3.0 Meetings:

- 3.1 **Regular Meetings:** Meetings of the Planning Commission will be held the First Thursday of every month at 7:00 p.m. in the City Council Chambers at City Hall. When the regular meeting day falls on a legal holiday, or if city wide festivities are planned for that date, the Planning Commission shall select a suitable alternate day in the same month. A meeting of the Planning Commission shall only be canceled due to severe weather or when quorum cannot be present.
[Annotation: The meeting time was changed from 7:15 p.m. by amendment on December 10, 1992]
- 3.2 **Attendance:** If any member of the Planning Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the City Council to remove any member from the Planning Commission for nonperformance of duty or misconduct of office, or both, after a public hearing. [Annotation: Section 3.2 was amended on November 4, 1999]
- 3.3 **Special Meetings:** Special meetings shall be called at the request of the Chairman, or by three members of the Planning Commission. Notice of special meetings shall be given to the members of the Planning Commission at least 48 hours prior to such meeting and shall state the purpose and time and place of the meeting. The Chairman may designate special meetings for the exclusive purpose of discussion of long range portions of the master plan or for other single issue discussions. [Annotation: Section 3.3 was amended on November 4, 1999]
- 3.4 **Public:** All regular and special meetings, hearings, records and accounts shall be open to the public.
- 3.5 **Quorum:** Five members shall constitute a quorum for the transaction of business and the taking of official action for all matters except the adoption of a master plan, or any part of a master plan. The affirmative vote of six members shall be necessary for the adoption of a master plan, or any part of a master plan. Whenever a quorum is not present at a meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda. No action taken at such a meeting shall be final or official unless and until ratified and confirmed at a subsequent meeting when a quorum is present by acting to approve the minutes of the meeting at which the quorum is not present.
- 3.6 **Motions:** Motions shall be restated by the Chairman before a vote is taken.
- 3.7 **Voting:** Voting shall be by voice or shall be by roll call and each vote recorded in the minutes. Roll call votes shall only be done upon request of a member or by ruling of the Chairman. Members must be present to cast a vote.
- 3.8 **Commission Action:** Action by the Planning Commission on any matter on which a hearing is held shall not be taken until after the hearing has concluded.

- 3.9 Parliamentary Procedure: Parliamentary Procedure in Commission meetings, when needed, shall be governed by Roberts' Rules of Order.
- 3.10 Conflict of Interest: As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
- A. A commission member issuing, deliberating, voting or reviewing a case concerning himself.
 - B. A commission member issuing, deliberating, voting or reviewing a case concerning work on land owned by himself.
 - C. A commission member issuing, deliberating, voting or reviewing a case involving a corporation, company, partnership, or other entity in which he is a part owner, or any other relationship where he may stand to have a financial gain or loss.
 - D. A commission member issuing, deliberating, voting or reviewing a case which is an action which results in a pecuniary benefit to himself.
 - E. A commission member issuing, deliberating, voting or reviewing a case concerning his spouse, children, step-child, grandchildren, parents, brother, sister, grandparents, parents in-law, grandparents in-law or member of his household.
 - F. A commission member issuing, deliberating, voting or reviewing a case where he/she is a member of the Manistee City Planning Commission and
 - 1. is an applicant, or
 - 2. has a direct interest in the permit, or
 - 3. chooses to intervene in a permit application case and is done in such a manner that the commissioner feels, in his/her judgement, that his/her job, scope of duties and/or position may be a risk, pending the outcome of the permitting process. A commission member shall, when he/she has a conflict of interest do the following immediately, upon the first review of the case and determining a conflict exists:
 - a) declare a conflict exists at the beginning of the meeting where the case appears on the agenda, or when the topic brought up so such declaration is recorded in the minutes, and
 - b) refrain from participating in the discussion, site inspection or review of the case, except where specific information has been requested by the commission, and
 - c) refrain from casting a vote on any motion having to do with the case.

[Annotation: Section 3.0 Meetings was amended on November 4, 1999. The amendment included deleting 3.6 Order of Business]

Section 4.0 Committees:

4.1 Executive Committee:

- A. The Executive Committee shall be a standing committee of the Planning Commission. Its membership shall be the elected officers of the Commission, and they shall hold the same offices in the committee. The Executive Committee may deal with recommendations to the Planning Commission on
 - 1. matters of the Planning Commission Budget;
 - 2. and anything else directed to the Executive Committee by the Planning Commission.
- [Annotation: Section 4.1.A was amended on November 4, 1999]
- B. The Executive Committee has limited power to act only on housekeeping matters, budget, office policy, overseeing contracts when time constraints require action prior to the next

regularly scheduled Planning Commission meeting. Such actions shall be reported at the next regularly scheduled Planning Commission meeting and are subject to the Planning Commission's review and veto. [Annotation: Section 4.1B was amended on November 4, 1999]

- 4.2 Ad Hoc Committees: The Planning Commission or Chairman of the Planning Commission may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. No more than four members of the Planning Commission may serve on an ad hoc committee at any given time.

Committee appointments shall be made at the first regular meeting held in January of each year or at the time the committee is formed. Committees requiring appointments may include, but are not limited to: Site Plan /Historic Overlay District Review Committee, Joint Planning Commission/City Council Review Committee, Ordinance Committee, Zoning Board of Appeals, Manistee County Plat Review Board, DDA Liaison.

- 4.3 Citizen Committees: The Planning Commission, Chairman of the Planning Commission, and/or the Planning Director may establish and appoint citizen committees with the consent of the Planning Commission. Membership can be any number, so long as no more than four members of the Planning Commission serve on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Planning Commission, to better represent various interest groups.

Section 5.0 Rules of Procedure for All Committees:

- 5.1 Subservient to the Planning Commission: All committees are subservient to the Planning Commission and report their recommendations to the Planning Commission for review and action. A simple majority vote by the Planning Commission can overrule any action of any committee.
- 5.2 Same Principles: The same principles of these Rules of Procedure for the Planning Commission also apply to all committees of the Planning Commission:
- A. Officers of committees are appointed by the Chairman at the time the committee is created or are elected by the committee from its membership at their first meeting. Officers, at a minimum, shall include a chairman and a secretary-vice chairman.
 - B. A committee's quorum shall be at least half the total appointed membership of the committee. Only citizen committees can elect to meet without a quorum as provided in section 3.4 of these Rules of Procedure.
 - C. Only those appointed members of a committee who are present at the time of a vote shall be eligible to cast a vote.
 - D. If any member of a committee is absent from three consecutively scheduled meetings of that committee, than that member shall be considered delinquent. Delinquency shall be grounds for the Planning Commission to remove the member from the committee. The elected committee secretary or acting secretary shall (and the Planning Director may) keep

attendance records and notify the Planning Commission of any committee member who has been absent from three consecutively scheduled meetings. The Planning Commission may consider removal of the individual from the committee. [Annotation: Section 5.2.D was amended on November 4, 1999]

- E. The secretary of the committee shall keep minutes of the committee meetings in the same format as the minutes of the Planning Commission. Minutes shall be filed in the Planning Department.
- F. Committees have reasonable use of Planning Department staff time and assistance and direction for performing the work of the committee.
- G. All committee meetings, records, etc. are open to the public
- H. Citizen committees may form subcommittees from their own membership or with additional citizens when deemed necessary. Subcommittees are subservient to the parent committee. Subcommittees are informal, not requiring quorums, attendance, minutes, public participation, Less than one half the committees' members shall be appointed to a single subcommittee.

Section 6.0 Per Diem, Expenses and Mileage:

- 6.1 Mileage and Per Diem shall be paid to members of the Planning Commission at rates established by the City Council from time to time for attendance at Commission meetings and Executive Committee meetings and other authorized meetings or trips to represent the Commission, if those members bill the Commission for the same.
- 6.2 The payment of registration fees and/or the reimbursement for expenses to represent the City at planning related meetings, seminars and workshops must be approved by the Planning Commission in regular session prior to any payments being made by the city, provided budgeted funds are available and if those members bill the Commission for the same.

Section 7.0 Hearings:

- 7.1 Master Plan Hearings: Before the adoption of any part of the Master Plan as defined in Section 8 of P.A. 285 of 1931, as amended (being M.C.L. 128.38, Municipal Planning) or any amendment to the Master Plan, or recommending approval of an amendment to the governing body, the Planning Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by one publication in each newspaper of general circulation.
- 7.2 Special Hearings: Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group representatives most interested.

- 7.3 Notice of Decision: A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request for the Planning Commission to study a special problem.

Section 8.0 Matters to be considered by the Planning Commission:

- 8.1 The following matters shall be presented for consideration at a meeting of the Planning Commission:
- A. All preliminary plans and reports for the physical development of the city, including the general location, character and extent of streets and roads, viaducts, bridges, parks and open spaces; the general location and extent of public utilities and terminals.
 - B. The removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any public right-of-way, grounds, agricultural land, open spaces, buildings or properties.
 - C. The general character, extent and layout of the replanning and redevelopment of blighted districts and slum areas.
 - D. Land subdivision plats.
 - E. All planning reports and plans before publication.
 - F. Capital improvement programs.
 - G. Planning Department and Commission's budget requirements for the fiscal year and requests for appropriations.
 - H. Selection of consultants and determination of basis for compensation. [Annotation: Section 8.1.H was amended on November 4, 1999]
 - I. Plans, zoning ordinances, etc. adopted by municipalities.
 - J. Such other matters as the Planning Director shall find advisable or essential to receive consideration by the Planning Commission.

Section 9.0 Matters to be acted upon by staff on behalf of the Commission:

- 9.1 The Planning Department Director shall take action or make recommendation in the name of the Planning Commission, in accordance with such plans, policies and procedures as are approved or established by the Planning Commission from time to time. Where there is a serious conflict of interest, public controversy, or uncertainty or doubt as to the plans, policies or procedures approved or established by the Planning Commission, presentation of the matter shall be made at a Planning Commission meeting.

Section 10.0 Site Plan Review and Lot Split and Combination Review Policy:

- 10.1 Submitted site plans shall be reviewed in the following manner:

Basic Site Plans: shall only be subject to review by the zoning administrator. [Annotation: "City Code Administrator" was changed to "Zoning Administrator" by amendment on November 4, 1999]

Medium Site Plans:

New Single Family Homes -

subject to review by the zoning administrator, with his option to refer the plan to the planning commission or site plan review committee. [Annotation: "City Code Administrator" was changed to "Zoning Administrator" by amendment on November 4, 1999]

New Multi-Family Homes (less than 4 units) -

subject to review by the zoning administrator, with his option to refer the plan to the planning commission or site plan review committee. [Annotation: "New Multi-Family Homes (less than 4 units)" was added by amendment on November 4, 1999]

New Multi-Family Homes (more than 4 units) -

subject to review by the planning commission. [Annotation: "(more than 4 units)" was added by amendment on November 4, 1999]

New Non-Residential Structures -

subject to review by the planning commission.

Minor Additions to Non-Residential Structures -

subject to review by the zoning administrator, with his option to refer the plan to the planning commission or site plan review committee. [Annotation: this paragraph was added by amendment on November 4, 1999]

Major Additions to Non-Residential Structures -

subject to review by the planning commission. [Annotation: The word "Major" was added by amendment on November 4, 1999]

Detailed Site Plans: shall only be subject to review by the planning commission and/or Board of Appeals.

10.2 The Zoning Administrator shall report monthly on all site plans administratively reviewed. [Annotation: Section 10.2 was added by amendment on November 4, 1999]

10.3 Plans for Lot Splits and Combinations shall be reviewed, as required in Section 151.07(E) of the Manistee City Subdivision Ordinance, in the following manner:

Plans for the proposed lot split or combination shall be forwarded by the Zoning Administrator to the Site Plan Review Committee at a meeting of the committee, for their review. The committee shall review the plan to see that each resulting parcel meets each and every requirement of the City of Manistee Zoning Ordinance for the land use district in which the parcels are located. After reviewing the plan the Committee is authorized to either: [Annotation: "City Code Administrator" was changed to "Zoning Administrator" by amendment on November 4, 1999]

- A. Submit recommendations on the plan to the Manistee City Council on behalf of the Planning Commission, or
- B. Refer the plan to the full Planning Commission for review and recommendation.

As provided in Section 151.07(E) of the Manistee City Subdivision Ordinance, recommendations of the Site Plan Review Committee and/or of the Planning Commission can be made with or without a public hearing. [Annotation: Section 10.3 added by amendment on December 9, 1993]

Section 11.0 Staff assigned to Planning Commission:

[Annotation: Section 11.0 was changed by amendment on November 4, 1999]

- 11.1 **Authorization:** The Planning Commission staff may consist of a Planning Director and such other personnel as may be authorized after the budget for the same is approved by the City Council. [Annotation: Section 11.1 was changed by amendment on November 4, 1999]
- 11.2 **General Responsibility:** The Planning Commission Staff is charged with the duty of preparation and administration of such plans as are authorized by the Planning Commission.
- 11.3 **Planning Director's Duties:** The Planning Director shall be responsible for the professional and administrative work in directing and coordinating the program of the City. His work shall be carried on with the widest degree of professional responsibility under the direction of the City Manager. The Planning Director shall: [Annotation: Section 11.3 was changed by amendment on November 4, 1999]
- A. Supervise and review the work of professional, technical and nontechnical employees. [Annotation: Section 11.3.A was changed by amendment on November 4, 1999]
 - B. Prepare a proposed annual budget for the Planning Commission and Department to submit to the Planning Commission.
 - C. Be responsible for carrying out the directives of the Planning Commission.
 - D. Work with the chairman of the Planning Commission for formulation of staff policy, subject to approval by the Planning Commission.
 - E. Recommend to the Planning Commission the process to implement plans and policies such as:
 - 1. Zoning and subdivision control.
 - 2. Programs for capital expenditures.
 - 3. Other actions by the commission or other government agencies.
 - F. Officially present the Planning Commission's recommendations to the City Council.
 - G. Officially represent the Planning Commission, and Planning Department, at planning conferences, interdepartmental meetings, and to the public and press. [Annotation: Section 11.3.G was changed by amendment on November 4, 1999]
 - H. Encourage development in harmony with plans, policies and ordinances, supply information, and promote understanding of planning.
 - I. Perform other such duties as are contained in a job description adopted by the City [Annotation: Section 11.3.I was changed by amendment on November 4, 1999]

Section 12.0 Adoption and Repeal:

- 12.1 Upon adoption of these by-laws and rules of procedure, they shall become effective and all previous rules of procedure or bylaws shall be repealed.

Section 13.0 Amendments:

- 13.1 These rules may be amended at any regular meeting of the Planning Commission by a two-thirds (2/3) vote of the total membership of the commission.

Adopted by Manistee City Planning Commission - 1/9/92
Amended by Manistee City Planning Commission - 12/10/92
Amended by Manistee City Planning Commission - 12/9/93
Amended by Manistee City Planning Commission - 11/4/99

Printed November 17, 2000

November 26, 2000

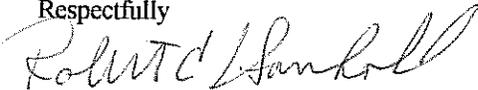
Mr. Roger Yoder
Chairman, Manistee City Planning Commission
Manistee, MI. 49660

Dear Mr. Yoder:

Due to being elected to the Manistee City Council, I'am resigning my position on the Manistee City Planning Commission.

It has been a pleasure working with you and each member of the Planning commission, along with Jon & Denise.

Respectfully



Robert C. Hornkohl



Application Withdrawn
11-22-00 VIA FAX (attached)
Planning Commission

SPECIAL USE PERMIT APPLICATION

NEXTEL COMMUNICATIONS
Applicant
6303 28TH STREET, S.E.
Address
GRAND RAPIDS, MICHIGAN
City, State, Zip Code 49546
MICHAEL COUTURIEN
Phone Numbers (Work) 231-933-3817

(Home) 231-929-1298

FOR OFFICE USE ONLY:

Case number _____
Date Received 11-21-00
Fee Received \$250.00 11-21-00
Receipt Number 4783
Hearing Date 12-7-00
Action Taken _____
Expiration Date of Permit _____

FEE FOR SPECIAL USE PERMIT \$250.00

I. ACTION REQUESTED:

A Special Use Permit is hereby requested for the following purpose: ATTACHING COMMUNICATIONS ANTENNAE TO PRE-EXISTING CONSUMERS ENERGY TOWER. INSTALLATION OF A 12X20 PREFABRICATED EQUIPMENT SHELTER

II. PROPERTY INFORMATION:

- A. Address of Property: 23 ARTHUR STREET, MANISTEE, MICHIGAN 49660
Tax Roll Parcel Code Number: 51-51-101-300-01
- 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. CONSUMERS ENERGY, 1945 W. PARNALL RD. JACKSON, MICHIGAN 49201-8643
- D. Zoning District: COMMERCIAL
- E. Present use of the property: CONSUMERS ENERGY OFFICE, STORAGE & EQUIPMENT YARD.
- 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 AITAH COMMUNICATION ANTENNAE TO EXISTING CONSUMERS ENERGY TOWER TO ALLOW NEXTEL COMMUNICATIONS TO OFFER IMPROVED CELLULAR COVERAGE TO THE MANISTEE AREA.
- 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.

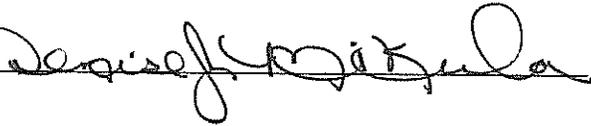
Signature (s) of Applicant (s): Michael D. Coates

Dated _____

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

AFFIDAVIT OF MAILING

On November 22, 2000 the attached letter giving Notice of a Public Hearing for the City of Manistee Planning Commission was sent to the attached list of property owners. This letter was sent regular mail by Denise J. Mikula

Signed: 

Dated: November 22, 2000 - City Hall Closed 11/23/00 & 11/24/00



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

231-723-2558
FAX 231-723-1546

November 22, 2000

To Whom It May Concern:

The Manistee City Planning Commission will hold a public hearing on Thursday, December 7, 2000 at 7:00 p.m. at City Hall 70 Maple Street, Manistee, MI 49660. The Hearing is being held in response to a request from:

NAME: Nextel Communications

ADDRESS: 6303 28th Street S.E.
Grand Rapids, MI 49546

LOCATION OF REQUEST: 23 Arthur Street

HEARING PURPOSE: Request for a Special Use Permit to allow installation of a 12' x 20' equipment building.

Anyone interested in this matter is welcome to attend this meeting.

Sincerely,

CITY OF MANISTEE

Jon R. Rose
Community Development

JRR:djm

Post-It® Fax Note		7671	Date	11/22/00	# of pages	1
To		mike				
From		Denise				
Co./Dept.						
Phone #						
Fax #						

51-51-101-300-01
Consumers Power Co
Attn: Tax Dept
P O. Box 201
Ind Rapids, MI 49501-0201

51-51-101-325-01 & 146-705-01
C&O RR Co Tax Dept J910
400 Water Street
Jacksonville, FL 32202

51-51-146-704-19
Blarney Castel Inc.
P.O. Box 246
Bear Lake, MI 49614

Occupant
32 Arthur Street
Manistee, MI 49660

51-51-146-705-03
Chas Madsen
P.O. Box 391
Onkama, MI 49675

51-51-146-705-05
Monica Olson
138 Quincy Street
Manistee, MI 49660

51-51-146-708-15
Sand Product Corp
1111 First National Bldg
Detroit, MI 48226-3513

Occupant
28 Arthur Street
Manistee, MI 49660

51-51-146-709-07
Cecilia Adamczak
26 Arthur Street
Manistee, MI 49660

51-51-146-709-09
Gregory Mapes
7588 Melissa Drive
Traverse City, MI 49684

Occupant
24 Arthur Street
Manistee, MI 49660

51-51-146-710-01
Patrick Gielczyk
13 Bowerman Road
Manistee, MI 49660

Occupant
132 Monroe Street
Manistee, MI 49660

51-51-146-710-07
Richard L. Skocelas
P.O. Box 295
Manistee, MI 49660

51-51-146-710-09
Rhoda Hahn ETAL
144 Monroe Street
Manistee, MI 49660

51-51-146-713-09
Annetta Bialik
146 Quincy Street
Manistee, MI 49660

51-51-146-713-11
Robert Thomas ETUX
471 Water Street
Manistee, MI 49660

Occupant
234 Cleveland Street
Manistee, MI 49660

51-51-146-714-01
Maxine Laubscher
1781 Brentwood
Troy, MI 48098

Occupant
202 Cleveland Street
Manistee, MI 49660

51-51-146-714-02
LaVerne Franckowiak
1022 Engelmann Street
Manistee, MI 49660

Occupant
198 Cleveland Street
Manistee, MI 49660

51-51-146-714-03
Glen & Carol Danison
146 Jackson Street
Manistee, MI 49660

51-51-146-717-11
Lorraine & Charles Beggrow
143 Monroe Street
Manistee, MI 49660

51-51-146-717-12
Arthur & Janet Eddy & Dan Gramza
206 Cleveland Street
Manistee, MI 49660

51-51-146-717-13
Health Matters Inc.
210 Cleveland Street
Manistee, MI 49660

51-51-448-702-01
Seng's Limited LLC
254 River Street
Manistee, MI 49660

51-51-448-736-01
Manistee Intermediate School Dist.
772 E. Parkdale Avenue
Manistee, MI 49660

Occupant
30 Jones Street
Manistee, MI 49660

51-51-474-701-01
Neva Fortier
6174 Lakeshore Road
Manistee, MI 49660

Occupant
16 Mason Street
Manistee, MI 49660

51-51-474-701-02
American Legion Post #10
10 Mason Street
Manistee, MI 49660

Nextel Communications
6303 28th Street S.E.
Grand Rapids, MI 49546

Nextel

101- 300.01

325.01-RR

146- 717.11

717.12

717.13

146- 704.19 \ Blarney
704.25

705.01-RR

705.03 - Madsen

705.05

708.15

709.03 - Blarney

709.07 -

709.09 -

710.01 - Gielczyk

710.05 - City

710.07

710.09

713.09

713.11 -

713.13 - City

713.15 - Madsen

713.17 - Gielczyk

714.01

714.02

714.03

448- 702.01

736.01

474- 701.01

702.01

PUBLIC NOTICE

The Manistee City Planning Commission will hold a public hearing on Thursday, December 7, 2000 at 7:00 p.m. City Hall 70 Maple Street, Manistee, MI 49660.

The Hearing is being held in response to a request from:

NAME: Nextel Communications

ADDRESS: 6303 28th Street S.E.
Grand Rapids, MI 49546

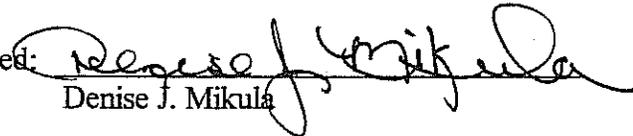
LOCATION OF REQUEST: 23 Arthur Street

HEARING PURPOSE: Request for a Special Use Permit to allow installation of a 12' x 20' equipment building.

Interested parties are welcome to attend the hearing, or can comment in writing to: Jon Rose, Community Development, City of Manistee, 70 Maple Street, Manistee, MI 49660.

This notice was posted by Denise J. Mikula, to comply with Sections 4 & 5 of the Michigan Open Meetings Act (P.A. 267 of 1976) at 12:00 noon, Wednesday, November 22, 2000 on the bulletin board at the south entrance to City Hall.

Signed:


Denise J. Mikula



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

231-723-2558
FAX 231-723-1546

NOTICE OF PUBLIC HEARING

City of Manistee Planning Commission

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The Hearing is being held in response to a request from:

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Run 1 Day

Special Notice - Classified Ads

Please send an affidavit to:

Jon Rose
City of Manistee
P.O. Box 358
Manistee, MI 49660

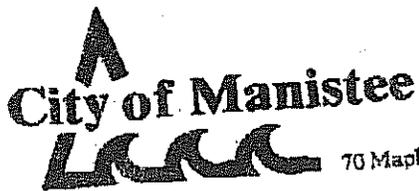
*faxed
11-21-00
4:22 P.M.
JM*

11/21/2000 16:19 2317231546

CITY OF MANISTEE

PAGE 01

231-723-2558
FAX 231-723-1546



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

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Jon Rose
City of Manistee
P.O. Box 358
Manistee, MI 49660

*Ad Deleted
11/22/00*

*Cost of Ad
\$28.00
per phone
11:22.00
D.M.*

MICHAEL G. COUTURIER
954 BUSINESS PARK DRIVE, SUITE 3
TRAVERSE CITY, MICHIGAN 49686
PHONE (231) 933-3817 CELL (616) 437-6264
FAX (231) 922-9599

11/22/00

Manistee City Planning Commission
Attention: Denise
70 Maple Street
P.O. Box 358
Manistee, Michigan 49660

RE: Special Use Permit Application
For Nextel Communications

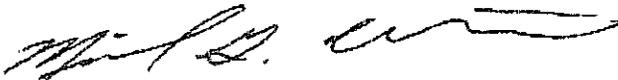
Dear Denise:

Nextel Communications request that our application for a Special Use Permit that was to be heard at the Planning Commission Meeting on Thursday, December 7, 2000 be withdrawn. We regret any inconvenience and extra work that this may have caused you and hope to work with you again in the future.

Please reimburse your office for any expenses incurred from our application fee. You may mail and balance to Nextel Communications at the address listed above.

If you should have any questions or need any additional information, please feel free to contact me.

Sincerely,



Michael G. Couturier
Agent/Nextel Communications

CITY OF MANISTEE

TO: Ken Oleniczak
City Clerk/Treasurer

FROM: Jon R. Rose 
Community Development

DATE: November 22, 2000

Nextel Communications have asked that we remove their request for a Special Use Permit from the December Planning Commission Agenda. We will refund the amount of the ad (cancelled 11/22/00) in the amount of \$28.00.

Please make a check to Nextel Communications in the amount of \$28.00. The mailing address is:

Nextel Communications
954 Business Park Drive, Suite 3
Traverse City, MI 49686

Thank you.

JRR:djm

**CITY ASSESSOR
CITY OF MANISTEE
70 MAPLE STREET
MANISTEE, MI 49660
(231) 723-2558**

ADDRESS ASSIGNATION FORM

PURPOSE/DESCRIPTION: Nextel Communications tower mounted on Consumer's Power tower. Driveway to the tower is at 23 Arthur St. The tower is approximately 825' southeasterly of the driveway entrance.

ASSIGNATION DATE: 11-13-00

OWNER: Consumer's Power Co.

REPRESENTATIVE REQUESTING ASSIGNATION: Brad Bertsch, Nextel Communication

PURPOSE: TEMPORARY _____ PERMANENT X

PARCEL CODE: 51-51-101-300-01

OLD ADDRESS: N/A

NEW ADDRESS: 23 Arthur St. (This address is required to be designated at the driveway entrance, at Arthur St., in accordance with instructions found on the reverse.)

DATE FOR "DATA PROCESSING BY STREET ADDRESS" BOOK CHANGE: 11-13-00

DATE FOR "NEW OR CHANGED ROAD NAME" SUBMISSION: N/A

*** * * * * DISTRIBUTION LIST FOR ADDRESS ASSIGNATION * * * * ***

PROPERTY OWNER/MAILING ADDRESS: Consumers Power, 25 Arthur St., Manistee, MI 49660 ATT: Bill Kelly

REPRESENTATIVE/MAILING ADDRESS: Brad Bertsch, 27755 Stansbury Dr., Farmington Hills, MI 48334

CONSUMERS POWER CO. -ATTN: JOAN CONWAY
MANISTEE BUILDING INSPECTOR: MARK NIESEN
MANISTEE CITY CLERK - ATTN: KEN OLENICZAK
MANISTEE CITY DPW - ATTN: JACK GARBER
MANISTEE CITY FIRE DEPARTMENT - ATTN: SID SCRIMGER
MANISTEE PUBLIC SAFETY DIRECTOR - ATTN: DAVE BACHMAN
MANISTEE CITY WWTP - ATTN: EDWARD COTE
MANISTEE CITY ZONING ADMINISTRATOR - ATTN: JON ROSE
MANISTEE COUNTY EQUALIZATION DEPARTMENT - ATTN: HEATHER NICKELSON
MANISTEE COUNTY PLANNER - ATTN: FRANK BEAVER
MANISTEE COUNTY SHERIFF'S DEPARTMENT - ATTN: CENTRAL DISPATCH

**ADDRESS MUST BE DISPLAYED IN ACCORDANCE WITH THE
CITY ORDINANCE FOUND ON THE REVERSE OF THIS FORM.**

CHAPTER 172: NUMBERING OF BUILDINGS

172.01 ALL BUILDINGS TO BE NUMBERED

The city ordains as follows, to wit: All primary structures or utility service fronting on any street, lane or alley, or any other public space within the city, shall be numbered in accordance with the plan hereinafter provided. Address numbers existing prior to the effective date of this ordinance, which are clearly visible and legible from the street, shall be allowed to remain until replacement.

172.02 NUMBERING TO BE IN ACCORDANCE WITH MAPS AND EXISTING ADDRESS ASSIGNATION

The numbering on all primary structures or utility service, shall be in accordance with the address map and index entitled MANISTEE, Michigan, and in accordance with existing addresses.

172.03 DISPLAY OF ADDRESS NUMBERS

It shall be the duty of the owner, agent or occupant of any primary structure or utility service to display the address number on the side of the building or service facing the street to which the address applies. If the number of the building cannot be seen from the road, the address number shall be displayed on a post at the driveway entrance, clearly visible from the street. All address numerals shall have three inch high or larger block numerals. The color of the numerals shall contrast with the background or structure surface. If a primary structure contains more than one dwelling unit, each dwelling unit number shall be clearly designated and visible.

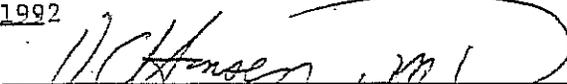
Exceptions to the above paragraph may be made by the street address administrator on a case by case basis.

172.99 PENALTY

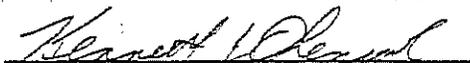
Any owner, agent or occupant of a primary structure or utility service refusing or neglecting to display the address, in the manner hereinabove provided shall, for every such offense, be subject to a fine of not more than one hundred (\$100) dollars or imprisonment, for a period not to exceed ninety (90) days, or by both, such fine and imprisonment at the discretion of the court.

Ordinance effective November 19, 1992

Date: November 4, 1992


Vickers C. Hansen, Mayor

Date: November 4, 1992


Kenneth Oleniczak, City Clerk

CITY OF MANISTEE

TO: Ken Oleniczak
City Clerk/Treasurer

FROM: Jon R. Rose 
Community Development

DATE: November 22, 2000

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Nextel Communcations
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Traverse City, MI 49686

Thank you.

JRR:djm

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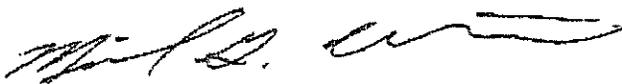
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Sincerely,



Michael G. Couturier
Agent/Nextel Communications

Low.
FY I
Ken

CITY OF MANISTEE
GENERAL FUND
MANISTEE, MI 49660

8902

DATE November 28, 2000

9-91
720 623

The sum of 28 dol's 00 cts

DOLLARS \$ 28.00

PAY
TO THE ORDER
OF

Nextel Communications
954 Business Park Drive, Suite 3
Traverse City, MI. 49686

CITY TREASURER

refund - Special Use Permit

⑈008902⑈ ⑈072000915⑈

0006001599⑈

FIRST OF AMERICA
First of America Bank, N.A.
MICHIGAN 49007

Security Features
Federal Reserve
Check on Back