

# MANISTEE CITY PLANNING COMMISSION

70 Maple Street, Manistee, Michigan 49660  
Meeting of Thursday, December 6, 2001  
7:00 p.m. - Council Chambers, City Hall

## AGENDA

- I Roll Call
- II Public Hearing
  - 1. Special Use Permit - John & Suzanne Riley
- III Citizen Questions, Concerns and Consideration
- IV Approval of Minutes
  - Planning Commission Meeting (11/1/01 & 11/15/01)
- V Unfinished Business
  - 1. None
- VI New Business
  - 1. Special Use Permit - John & Suzanne Riley
  - 2. Lot Split - Delores Spencer
  - 3. Harbor Village/Harborside East Condominiums - Site Plan Review
  - 4. Election of Officers
  - 5. Review of By-Laws
- VII Other Communications
- VIII Work/Study Session
  - 1.
- IX. Adjournment

cc: Planning Commission Members  
Kristie Harless  
City Council  
Mitch Deisch, City Manager  
Jon Rose, Community Development  
County Planning Department  
Jack Dinsen, Manistee Township Zoning Board  
Don Alfred, Charter Township of Filer Planning Commission  
Frederick Richter, Beautification Committee  
Manistee News Advocate  
WMTE Radio  
WXYQ Radio  
Jeff Mikula, Abonmarche  
Julie Beardslee, Assessor  
Mark Niesen, Building Inspector

## MEMORANDUM

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TO: Planning Commission Members

FROM: Denise Mikula   
Secretary, Community Development

DATE: November 30, 2001

RE: December 6, 2001 Meeting

The December Meeting of the Planning Commission will be held on Thursday, December 6, 2001. The following items are on the agenda:

1. Suzanne Riley - Special Use Permit. Suzanne Riley is requesting a Special Use Permit to allow a real estate office to be located at 113 Maple Street. A copy of the request is enclosed.
2. Delores Spencer - Lot Split. Julie Beardslee, City Assessor is requesting that a Lot Split be approved for parcel #51-51-311-375-09. Prior to Ms. Spencer selling the school 33 feet of property for Twelfth Street right-of-way this property was contiguous. The result of this sale has created three non-contiguous parcels. Staff review of the request shows that for assessing purposes the properties should be split and given new parcel numbers as assigned by the City Assessor. A copy of the request is enclosed.
3. Harbor Village/Harborside East Condominiums - Site Plan Review. A request has been received from Harbor Village for a Site Plan Review of Harborside East Condominiums. Staff review of the proposed plan shows that all of the requirements of the Zoning Ordinance and Special Use Permit have been met. A copy of the request is enclosed.
4. Election of Officers. Annually at the December meeting of the Planning Commission Meeting officers are elected for the next year.
5. Review of the Planning Commission By-Laws. Once a year we take a few moments to review the By-Laws of the Planning Commission. By-Laws were mailed out in November. If anyone needs a copy please call me prior to the meeting.

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

cc: City Council

## MEMORANDUM

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TO: Planning Commission Members

FROM: Jon R. Rose  
Community Development

DATE: November 30, 2001

RE: Riley - Special Use Permit Request

After John and Suzanne Riley had their request for a Zoning Amendment turned down regarding 113 Maple Street, they decided to return with a request for a Special Use Permit for a Real Estate Office at the same property. The Zoning Ordinance Sections covering this request are:

1604 - Special Uses in Residential Districts Use Standards

8609 - Special Use Permit Standards

8610 - Special Use Permit Conditions

One of the items that need addressing is 1604.C regarding parking. Rather than invoking the section in the Zoning Ordinance regarding parking for commercial uses, 1604.c requires "Adequate off street parking for anticipated business".

If parking were to be required based on the general parking requirements, 1 space per 200 square feet of floor area would be required. This works out to approximately 16 parking spaces. Through intensive use of available property as well as the cooperation of their neighbors to the north, this site plan provides 13 parking spaces.

It also produces a great deal of paved area in what is now lawn, and appears to create a fairly high degree of incompatibility through the establishment of these parking lots. If, rather than using the specific parking requirements in the Zoning Ordinance we use the requirements for the Special Use Permit (adequate for anticipated business), it appears likely that far fewer parking spaces are required.

An informal survey of five local real estate offices at 10:00 a.m. on Friday morning revealed the following:

Coldwell Banker	-	6 vehicles
Ringel Real Estate	-	3 vehicles
Lyman Real Estate	-	3 vehicles
Harbor Real Estate	-	4 vehicles
Greenridge Real Estate	-	2 vehicles

Based on these numbers it seems reasonable to assume that requiring 16 spaces would be far in excess of “adequate off street parking”. It would seem reasonable to assume that 5 or 6 spaces would be adequate. Parking for 5 or 6 vehicles could be provided with a lot less impact on the neighborhood.

Item 1604.E also needs to be addressed as the proposed plans show no buffer or wall between the subject property and adjacent properties. In the past Planning Commission has eliminated that requirement upon the request of the adjoining property owners. To date no such request has been received

from adjacent roads and properties. The plans and specifications for a *campground* shall include the proposed arrangement of such plantings.

**1603. Mobile Home Park Special Use Standards:**

- A. The location of a *mobile home park* shall front or have public access to an existing paved or blacktopped surfaced *street*, existing state trunkline, existing city major *street* or the developer shall agree to provide the funds to upgrade or will upgrade an existing city or *private street* to a city *street* which is paved, blacktopped; or to a city major *street*.
- B. The *mobile home park* shall conform to all applicable regulations of the Michigan Mobile Home Commission Rules promulgated by the Michigan Mobile Home Commission, and thus mobile homes which locate within said *mobile home park* shall be exempt from *Dwelling Regulations*, above.  
[Annotation: Under authority of Public Act 419 of 1976, as amended, being the Michigan Mobile Home Commission Act, MCL 125.1101 et seq.]
- C. The *mobile home park* shall provide at least two (2) 'entrances/exits' to a state trunkline or city *street*.
- D. The application for a zoning Special Use Permit for a *mobile home park* shall contain all the elements and parts which are required by the administrative rules of the Michigan Mobile Home Commission, for an application for license to operate a *mobile home park* in addition to the Special Use Permit application requirements presented in this zoning Ordinance.  
[Annotation: Under authority of Public Act 419 of 1976, as amended, being the Michigan Mobile Home Commission Act, MCL 125.1101 et seq.]

**1604. Special Uses in Residential Districts Use Standards**

Any Special Use, except *Apartment Building*, Hotels and Motels located in a converted single *family dwelling*, Religious Organization [866], Adult Foster Care Small Group Home - not to exceed 8 Adults, Lumber Yards and *Planned Unit Development*, to be located in a Residential District shall conform to the following standards:

- A. Shall have frontage on one of the following roads: Washington, Maple, First Streets, Eighth Street east of Cypress Street, Veterans Oak Grove Drive and those streets which were the pre-1955 route of U.S.-31, which are as follows: Main Street from south city limits to Thirteenth Street, Thirteenth Street from Main to Vine Street, Vine Street from Thirteenth Street to Eighth Street, Eighth Street from Vine Street to Kosciusko Street, Kosciusko Street from Eighth Street to Fifth Street, Fifth Street from Kosciusko Street to Sibben Street and Sibben Street from Fifth Street to First Street.
- B. Shall be located in an existing *building* with minimal exterior alteration.
- C. Shall provide adequate off-street parking for anticipated business.
- D. Nature of business shall be such that business is conducted primarily off-premises or by telephone with limited customer traffic.
- E. When contiguous to a single *family dwelling* or *duplex*, a *buffer area* consisting of one of the following shall be maintained:
  - 1. Twenty-five (25) feet from *parcel* boundary on which one or two *family dwelling* is located, or
  - 2. Berm four (4) feet or more in *height*, or
  - 3. Solid wall four (4) feet or more in *height*.

[Annotation: This section changed by amendment, effective September 11, 1992]

[Annotation: This section changed by amendment, effective March 19, 1993 - In making the decision to amend this section, the Planning Commission confirmed its decision to NOT include Cypress Street, the current US-31 corridor, in item #1 of the above standards. The basis for this decision being, that it was their intent when the ordinance was originally adopted, for the C-1 Commercial District to eventually be extended further along Cypress Street, as development pressures increased. The inclusion of Cypress Street into the above standards would have allowed certain types commercial development in the corridor area, which would have been prohibited in the C-1 Commercial District, thus defeating its purpose.]

[Annotation: This section changed by amendment, effective September 24, 1993]

[Annotation: Lumber Yard added September 2, 1997]

council member may allege the *Commission* erred in applying any one or more of the standards in Section 8609. The allegation shall be brought before *Council* at a meeting of *Council* within fourteen (14) days of the *Commission's* action.

1. If, at that *Council* meeting, *Council's* action is not to intervene, or is to find the allegations are false, or council fails to act one way or the other, then the Special Use Permit shall be granted immediately, Section 8608.A notwithstanding.
2. If, at that *Council* meeting, *Council* Acts to intervene, it may do so in an administrative capacity and shall be bound in its action and deliberation by all statutes, laws, procedures and limitations which apply to the *Commission* in reviewing a Special Use Permit; including the requirement of making a findings of fact to support its conclusion. Within twenty eight (28) days of the *Commission's* action *Council* shall:
  - a. Confirm the *Commission* made the error alleged and revise the *Commission's* decision in whole or in part.
  - b. Confirm the *Commission* did not make the error alleged. Then the Special Use Permit shall be granted immediately, Section 8608.A notwithstanding.
3. If *Council* does not act within 28 days, then the Special Use Permit shall be granted immediately, Section 8608.A notwithstanding.

### 8609. Special Use Permit Standards

- A. Within sixty (60) days following the receipt of a complete application (unless a formal extension is mutually agreed to between the applicant and *Commission*), the commission shall either grant or deny the application. The decision shall be in writing and reflect the reasons for the decision.
- B. The general standards for determining if a Special Use Permit is granted or not are:
  1. Is the *use* reasonable and designed to protect the health, safety and welfare of the community,
  2. Is the *use* consistent with the intent and purpose of the Land Use District,
  3. Is the *use* compatible with adjacent land uses,
  4. 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
  5. Does the *use* comply with all applicable regulations of this Ordinance.
  6. Does the *use* comply with all specific standards found in the respective Land Use District, Section 1601 *et. seq.*, and Section 1001 *et. seq.* of this Ordinance.

### 8610. Special Use Permit Conditions

- A. Special Use Permits can be granted with conditions, limitations, or additional requirements imposed by the commission. Any conditions, limitations or requirements upon which approval is based shall be:
  1. reasonable and designed to protect natural resources, the health, safety and welfare of the public;
  2. relevant to the social and economic well-being of the owners and occupants of the lot in question, of the area adjacent thereto and of the community as a whole;
  3. a valid exercise of police power;
  4. related to the purposes which are affected by the proposed activity;
  5. consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective Land Use District;
  6. designed to insure compatibility with adjacent uses of land and the natural environment, or
  7. designed to insure that public services and facilities affected by a proposed land *use* or activity will be capable of accommodating increased service and facility

# SPECIAL USE PERMIT APPLICATION

Applicant Suzanne Riley  
Address 4601 Third Street  
Manistee, MI 49660  
City, State, Zip Code  
Phone Numbers (Work) 723-3555  
(Home) 723-2361

FOR OFFICE USE ONLY:

Case number                       
Date Received ~~10-19-01~~ 11-9-01  
Fee Received 250.00  
Receipt Number 0998  
Hearing Date 12-6-01  
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: Real Estate Office

II. PROPERTY INFORMATION:

- A. Address of Property: 113 Maple St  
Tax Roll Parcel Code Number: 51-51- 574-702.01
- 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. Robert C. Palmer
- D. Zoning District: R-4
- E. Present use of the property: Residential
- 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): June 1, 2001

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

A. State specifically the reason for this Special Use Permit request at this time \_\_\_\_\_  
\_\_\_\_\_ *Real Estate Office* \_\_\_\_\_  
\_\_\_\_\_

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:

*to be submitted ASAP*

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.

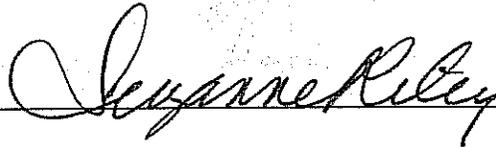
B. In Addition, the applicant may be required to furnish:

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 Maristee Zoning Ordinance and certifies that measures proposed to mitigate adverse impacts will be completed in a timely fashion.

Signature (s) of Applicant (s):



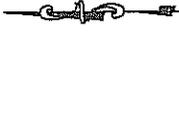
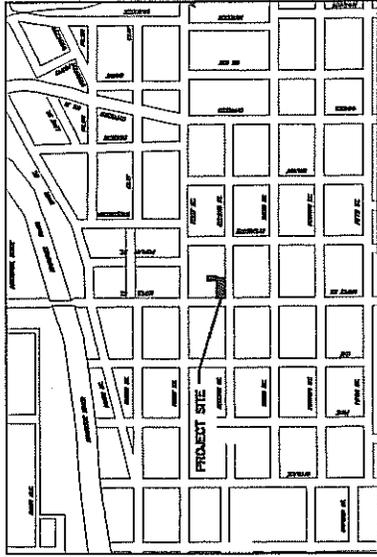
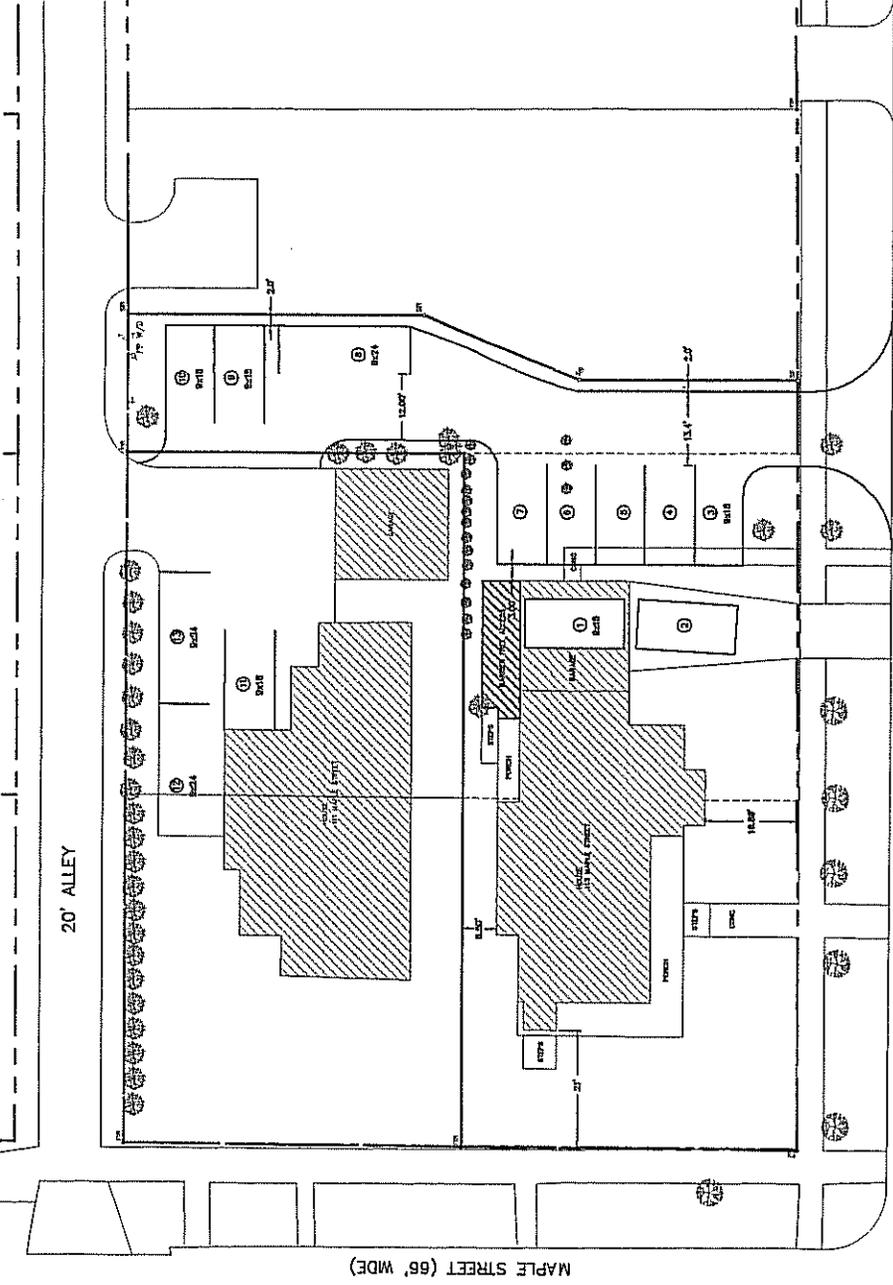
Dated

10-19-01

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

**LEGAL DESCRIPTION:**

THE NORTH HALF (1/2) OF LOTS SEBEN (A) AND SEBTE (A) AND LOT NINE (A) OF BLOCK 107 IN THE MAP (172) SUBDIVISION, BEING PART OF THE CITY OF MANISTEE, MICHIGAN, EXCEPTING THAT PART OF SAID LOT NINE (A) FRANKED AND DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT NINE (A) AND RUNNING THENCE WEST ALONG THE NORTH LINE OF SAID LOT NINE (A) 100 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89° 54' 00" WEST 100 FEET TO THE EAST LINE OF SAID LOT NINE (A); THENCE THENCE NORTHEASTERLY 31 FEET AND 8 INCHES TO THE PARALLEL TO AND 37 FEET AND 5 INCHES DISTANT FROM THE EAST LINE OF SAID LOT NINE (A); THENCE NORTH ALONG SAID PARALLEL LINE 54 FEET TO THE NORTH LINE OF SAID LOT NINE (A); THENCE EAST 57 FEET AND 5 INCHES TO THE EAST LINE OF SAID LOT NINE (A); THENCE SOUTH ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

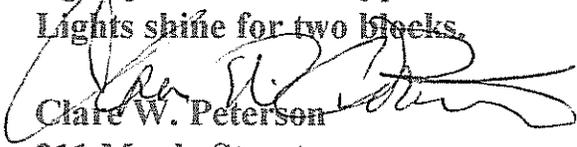


PREPARED BY	DATE
JOHN & SUZANNE RILEY	
461 THIRD STREET	
MANISTEE, MI 49860	
<b>ARONMARCHÉ CONSULTANTS, INC.</b>	
ARCHITECTS / ENGINEERS / SURVEYORS / PLANNERS	
SUZANNE RILEY PROPOSED SITE PLAN 113 MAPLE STREET MANISTEE, MI 49860	
SCALE	SHEET
1" = 20'	1
DATE: NOVEMBER 27, 2020	OF 1 SHEETS
DRAWN BY: JRM	
CHECKED BY: JRM	
APPROVED BY: JRM	
PROJ. NO. 181110103	

To Manistee City Planning Commission

I'm totally against any business at 113 Maples Street. Even if you supply parking spaces **THE CUSTOMERS WILL PARK ANY DAMM PLACE THEY WANT TO** on the city street.. The next thing they will want is a sign **LARGE SIGN To ADVERTISE** with to further make the neighborhood look tacky

I'm not in favor of this business at all. **SEE HOW tacky it looks up at the health department!. The signs look?? I was told when that went up they weren't going use large signs just two inch type mounted on the buildings what happened???** The Sodium Vapor Lights shine for two blocks.

  
Clare W. Peterson

211 Maple Street

City

## Request to Split a Parcel

Name and Address of Applicant: Julie Beardslee, City Assessor, City Hall, PO Box 358,  
Manistee, MI 49660 231-723-6941 Ext 17

Name and Address of Owner: Delores Spencer, 1394 N. Lendale, Ludington, MI 49431  
231-843-1152

Signature

*Julie A. Beardslee*

Name and Address of other parties who have an interest: Ron Flaughner, Coolman Anderson  
Realty Inc., 609 E. Ludington Ave., Ludington, MI 49431  
231-843-3491 office, 231-845-7782

Signature

Parcel Identification Numbers for all parcels involved: 51-51-311-375-09 (2001 Parcel #)  
51-51-311-375-08, 51-51-311-375-08 & 51-51-311-375-11 (new 2002 Parcel #'s)

Please see attached map

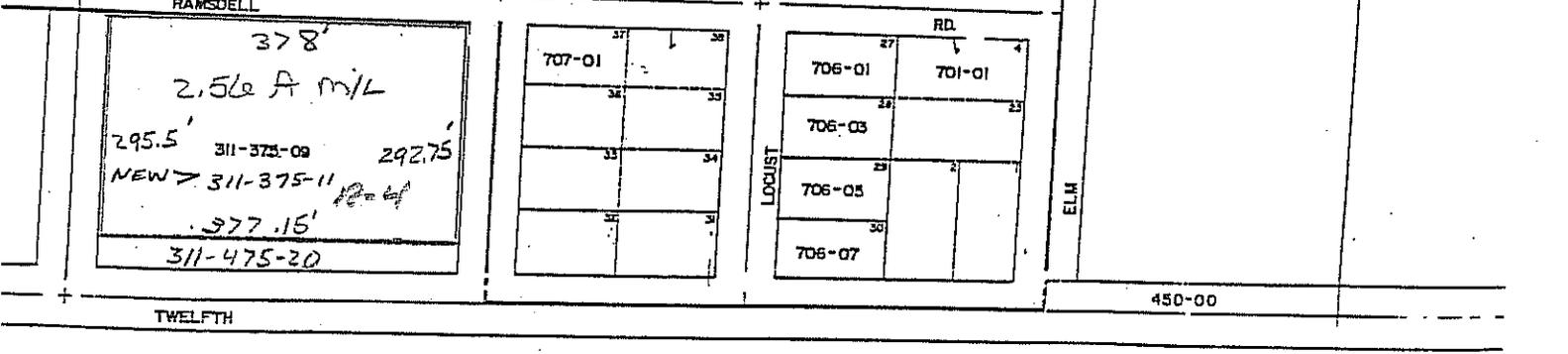
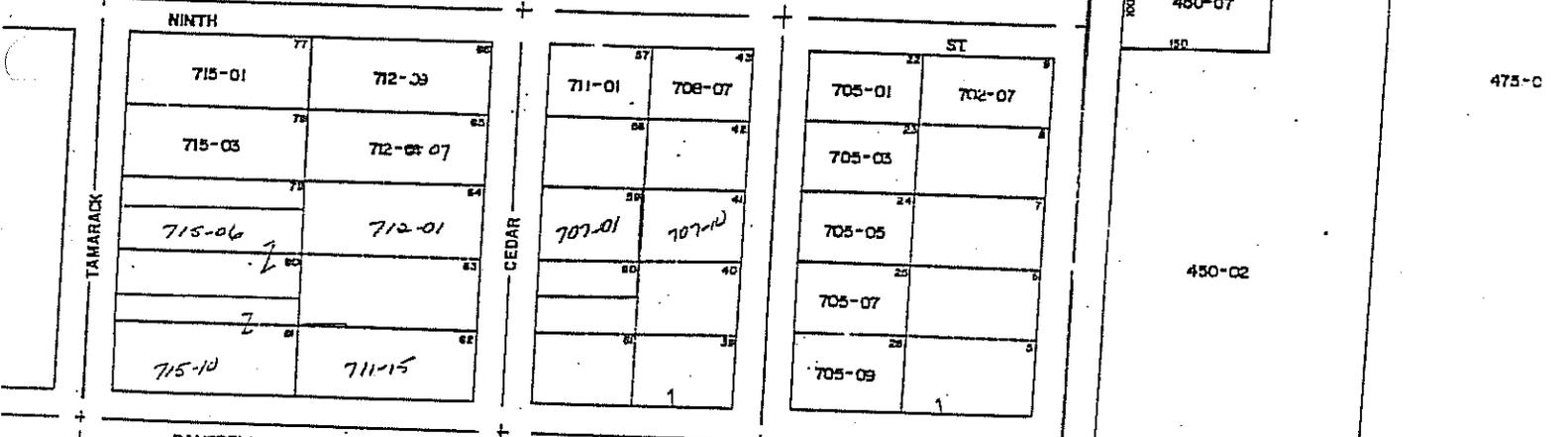
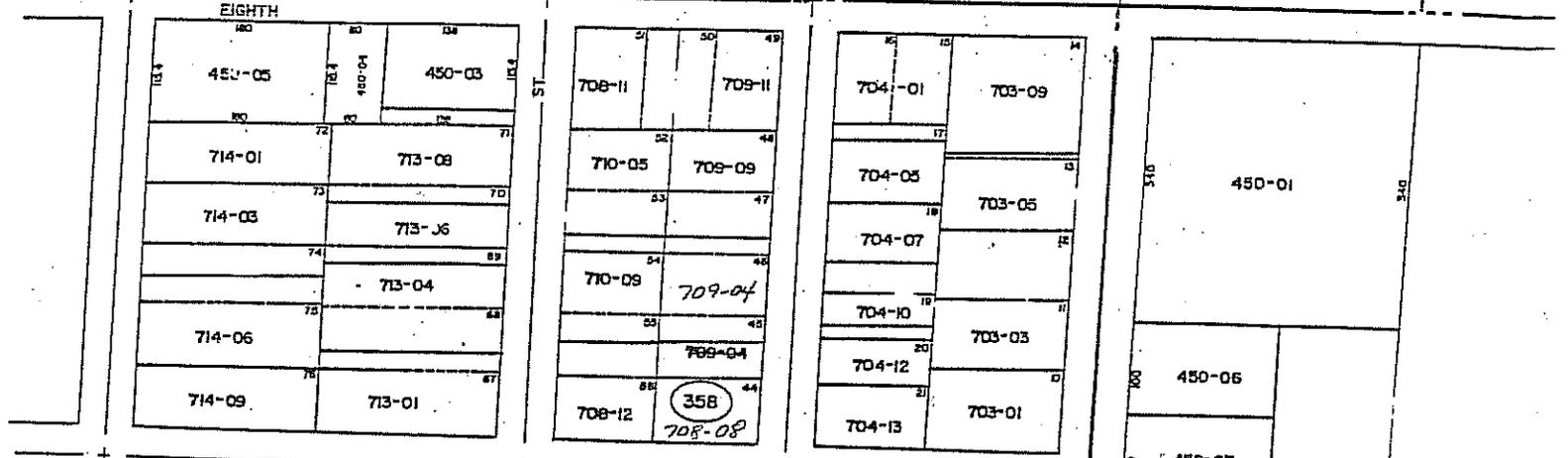
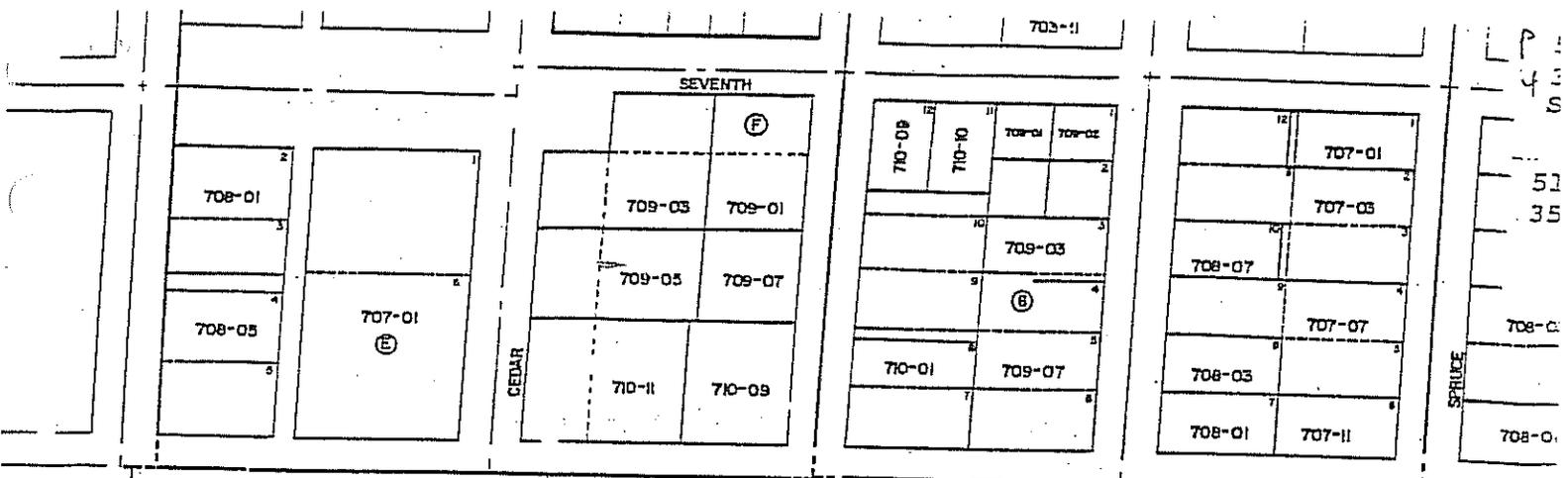
Reason for request: The parcel as it appears on the 2001 assessment roll is a non-contiguous parcel, assessed as one parcel. This occurred when Mrs. Spencer sold 12<sup>th</sup> St. right of way to Manistee Public Schools. The policy and procedure of the State Tax Commission as adopted by the Manistee County Equalization Department and the City Assessor's office require that non-contiguous parcels assessed as one parcel be split and assessed accordingly. The split was not accomplished for the 2001 assessment year due to a delay in the receipt of the recorded deed conveying right of way. I have consulted with Mrs. Delores Spencer and Mr. Ron Flaughner on 11-16-01 and 11-15-01, respectively, and they are aware of the need for the splitting of property. Mr. Flaughner, who is Mrs. Spencer's realtor for the currently listed property, agreed to the City of Manistee administering the request for the split of property, as did Mrs. Spencer.

**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.  
(Waived-City of Manistee administrative request)

Receipt # waived/JR

P: 43  
51  
35  
708-C  
708-C





Receipt # 1028

## *Application for Site Plan Review & Land Use Permit*

Location of Project: HarborSide East Condominium; Harbor Village at  
Manistee Beach

Parcel Code #: \_\_\_\_\_

Name & Address of Applicant: DSLIT Inc. by Cyndy Fuller  
100 Marina Drive  
Manistee, MI 49660

Phone Numbers: Work (231) 723-0070 Home (231) 723-8058

Name & Address of Owner if different: \_\_\_\_\_

Phone Numbers: Work \_\_\_\_\_ Home \_\_\_\_\_

Brief description of work to be done: Construction of 4 buildings, replacing  
original townhouse design.

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)

**SITE PLAN REVIEW**

NAME: Harbor Village  
 100 Marina Drive  
 Manistee, MI 49660

PROPOSED USE: Condominiums  
 ZONING DISTRICT: (PUD)

PARCEL CODE: Harbor Side East

USE IS:  Permitted  
 Special  
 Not Permitted

**BULK REGULATIONS**

	REQUIRED BY ZONING	PROPOSED IN PLAN	COMPLIANCE	
			YES	NO
PARCEL SIZE:	n/a		X	<input type="checkbox"/>
STREET FRONTAGE:	n/a		X	<input type="checkbox"/>
<b>SETBACKS</b>				
FRONT YARD	n/a		X	<input type="checkbox"/>
SIDE YARD	15/20	15/20	X	<input type="checkbox"/>
REAR YARD	n/a		X	<input type="checkbox"/>
WATERFRONT	n/a		X	<input type="checkbox"/>
HEIGHT:	35 ft.	30 ft.	X	<input type="checkbox"/>
PARKING:	2/unit	2/unit	X	<input type="checkbox"/>
BUILDING AREA:	n/a		X	<input type="checkbox"/>

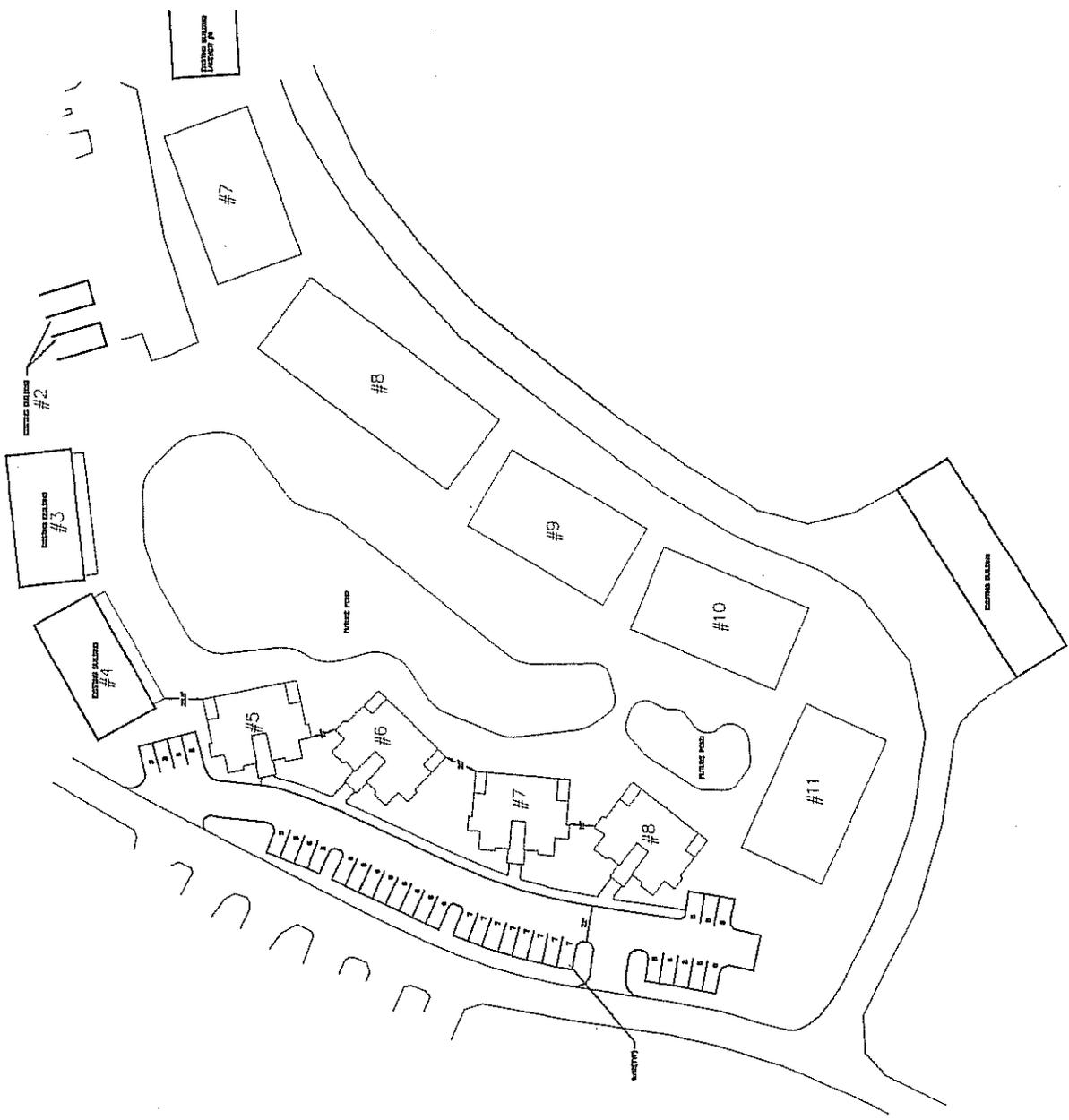
**SPECIAL DISTRICTS**

	APPLIES?		APPROVED?	
	YES	NO	YES	NO
HISTORIC OVERLAY:	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIGH RISK EROSION:	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
FLOOD PLAIN:	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
SOIL EROSION:	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

OTHER:

REVIEWED BY: Jon R. Rose  
 Jon R. Rose/Community Development

DATE: November 30, 2001



GRAPHIC SCALE



NO. 1	REVISION DESCRIPTION	BY	DATE
HARBOR VILLAGE AT MANISTEE BEACH OWNER: MANISTEE VILLAGE PARTNERS 100 MARINA DRIVE, MANISTEE, MI ARCHITECT: ABBONMARCHÉ CONSULTANTS, INC. 1000 WEST WASHINGTON ANN ARBOR, MI 48106 TEL: 734-769-1100 FAX: 734-769-1101			
DRAWING TITLE		SHEET	
HARBORVILLE EAST		1	
BUILDINGS #5 - #9		OF 1 SHEETS	
SITE PLAN			
ARCHITECTS / ENGINEERS / SURVEYORS / PLANNERS		DATE PLOTTED: 10/20/01	
PROJECT NO. 01-001		DATE: 10/20/01	
DRAWN: LJA/LJA		CHECKED: LJA/LJA	
APPROVED: JPL		DATE: 10/20/01	