

MANISTEE CITY PLANNING COMMISSION

70 Maple Street, Manistee, Michigan 49660

Meeting of Thursday, June 6, 2002
7:00 p.m. - Council Chambers, City Hall

Amended AGENDA

- I Roll Call
- II Public Hearing
 - 1. Pail Face, L.L.C., 215 Arthur Street - Special Use Permit
 - 2.
- III Citizen Questions, Concerns and Consideration
- IV Approval of Minutes

Planning Commission Meeting (5/2/02)

Chairman Roger Yoder asks members of the Planning Commission if they would be willing to amend the agenda to hear a request for a Parcel Split from Ruth Niemerowicz

- V Unfinished Business
 - 1. Open Space/Cluster Zoning
- VI New Business
 - 1. Pail Face, L.L.C., 215 Arthur Street - Special Use Permit
 - 2. **Ruth Niemerowicz, 1510 Vine Street - Parcel Split
 - 3.
- VII Other Communications
- VIII Work/Study Session
- IX. Adjournment

** If Motion is made by members of the Planning Commission to Amend the Agenda

Speaking at Meetings:

Unless waived by the Commission for a specific meeting, any public comment shall be limited to five (5) minutes per speaker, one time only. If a group of people wish to be heard on one subject, a spokesperson may be appointed who may request that the Chairman approve more than the normal five (5) minutes. If necessary, a maximum of five (5) minutes will be allowed for the group to caucus to choose their spokesperson and develop their comments.

MEMORANDUM

TO: Planning Commission Members

FROM: Denise Blakeslee *DB*
Secretary, Community Development

DATE: May 31, 2002

RE: Planning Commission Meeting June 6, 2002

The May Meeting of the Planning Commission will be on Thursday, June 6, 2002 at 7:00 p.m.
Items on the agenda include:

1. Pail Face L.L.C., 215 Arthur Street - Special Use Permit. John Ball is a member of Pail Face L.L.C. and he has filled out an application for a Special Use Permit application to allow the construction of eight boat slip marina behind the existing restaurant at 215 Arthur Street. A copy of the request is enclosed for your review.
2. Open Space/Cluster Zoning. We began discussion during the May meeting for ordinance language for Open Space/Cluster Zoning. This item was tabled until our June Meeting. We currently are trying to bring a training seminar to Manistee to explain the new zoning laws and explain in more detail the requirements for Open Space/Cluster Zoning. At mailing time we are still trying to coordinate this training. (Please bring your paperwork with you and we will continue this discussion.)

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



SPECIAL USE PERMIT APPLICATION

Pail Face, L.L.C.
 Applicant
P.O. Box 332
 Address
Manistee, MI 49660
 City, State, Zip Code
 Phone Numbers (Work) (231) 723-3554
 (Home) _____

FOR OFFICE USE ONLY:

Case number _____
 Date Received 5.28.02
 Fee Received \$250.00
 Receipt Number 313
 Hearing Date 6.6.02
 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: Marina

II. PROPERTY INFORMATION:

- A. Address of Property: 215 Arthur Street, Manistee, MI 49660
 Tax Roll Parcel Code Number: 51-51-174-702-15
- B. List all deed restrictions - cite Liber & Page where found and attach: none
- C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. Pail Face, L.L.C., P.O. Box 394, Manistee, MI 49660
Phillip C. and Marie A. Celestino, 1460 Princeton, Manistee, MI 49660
- D. Zoning District: C3
- E. Present use of the property: Restaurant
- 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): August 1, 2002

III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION: See Attached Response

A. State specifically the reason for this Special Use Permit request at this time _____

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):

John Ball
as member of Palford LLC

Dated

5/28/02

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

Statement of Justification for Requested Action

A. Pail Face, L.L.C. desires to improve the aesthetics of its property on Arthur St while continuing to profit from its use. The proposed use of this property would allow Pail Face, L.L.C. to utilize these properties in a manner which is best suited to each parcels location. Pail Face, L.L.C. has considered each of the factors stated in Article 86, Section 8609(B) and states as follow;

1. This use is reasonable and designed to protect the health, safety and welfare of the community.
2. This use is consistent with the intent and purpose of the Land Use District, it is similar to other structures and activities in the area, but will not negatively affect those existing structures and activities.
3. The use is compatible with adjacent land uses. The property surrounding this parcel is all being used for commercial purposes, but none of those uses involve navigation of Manistee Lake.
4. The use is designed to insure that public services and facilities are capable of accommodating increased loads caused by the land use or activity. At the present time the land is being used for commercial purposes and does not create congestion on US 31. The addition of eight boat slips will not significantly increase the ingress and egress of traffic to and from US 31. Pail Face, L.L.C. does not believe that the proposed use will result in a significant increase in demand for utilities or waste removal.
5. Pail Face, L.L.C. believes that the proposed use complies with all applicable regulations of the Ordinance.
6. Pail Face, L.L.C. has addressed Section 1601 in the next response.

B.

1. This property has been used as a restaurant for several years. To Pail Face, L.L.C.'s knowledge there has never been any controversial issues concerning this parcel. Applicant has considered each of the concerns stated in Article 16, Section 1610, and has states its opinions as follows;
 - A. The parcel has direct and contiguous access to navigable water, it is has frontage on Manistee Lake.
 - B. The facility does not unreasonably affect the public trust or riparian rights. There has never been public access to the frontage on Manistee Lake that is part of this parcel. There has been a private dock on this parcel from time to time that was for the use of the restaurant's invitees. The addition of eight boat slips in this area would not affect any public access to Manistee Lake.
 - C. The current plan does not affect the adjacent property owners' riparian rights. The property located to the North of the parcel ("Car Wash") is currently being purchased by Pail Face, L.L.C. but it does not include the riparian rights. There is a narrow strip of

land between the Car Wash and Manistee Lake that is not developable at this time because it would not meet the set back requirements of the ordinance. The property to the South of the parcel is vacant and has not been used for any commercial purpose in recent years. Pail Face, L.L.C. does not foresee any use of the adjacent properties riparian rights if this permit is granted.

- D. The design of the proposed structure has been carefully constructed to develop an aesthetically pleasing appearance. The only similar structure in the area is the Solberg Marina, which is located to the North of the parcel. The design of this structure and the activities at the proposed marina shall be similar to those located at Solberg's Marina, although this marina will be much smaller. It is not anticipated that this marina will have as great a traffic flow as that of Solberg's Marina.
- E. Manistee Lake is not unsafe or hazardous. The addition of the proposed 8 boat slips will not create congestion or safety problems. There are currently no recognized congestion or safety problems in this area of Manistee Lake.
- F. Pail Face, L.L.C. shall comply with all provisions of Section 5 of Act 167 of PA of 1970, as amended, being MCL 323.335 et seq..
- G. The parcel shall provide 15 parking spaces on this lot. It should be noted that Pail Face, L.L.C. also has an interest in the adjacent parcel to the North of the subject parcel that will be modified pursuant to a building permit which will be submitted to the building inspector for renovations to convert the structure to a hotel. That parcel will also be used for parking to service the marina and the restaurant. The total number of spaces in the site plan for both parcels is currently planned to be 30. This would be more than adequate for the marina, restaurant, and approved modifications to the adjacent property.
- H. Pail Face, L.L.C. shall maintain the marina in good repair and will not allow it to become a safety or navigational hazard.
- I. There are no plans to include any on shore boat storage at this site.
- J. Pail Face, L.L.C. is submitting all plans to the City of Manistee at the same time as it submits this application.
- K. Pail Face, L.L.C. is currently applying for all permits required by both the local and State agencies.

- 2. Arthur Street is located on what is commonly referred to as the U.S. 31 corridor in Manistee, Michigan. The current use of the surrounding properties is exclusively commercial. Both the City of Manistee and the County of Manistee have encouraged commercial development of this area both historically and presently. The area has been zoned as commercial use for quite some time. Pail Face, L.L.C. believes that the proposed use is similar to the scope and character of similar developments in this area.

3. Pail Face, L.L.C. has considered the impact on the adjacent properties and neighborhood. The following are two considerations as addressed in the application for special use;

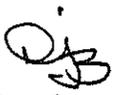
A. Will the proposed use adversely affect the health, safety or enjoyment of property of persons residing or working in the neighborhood?

It is important to note that the subject parcel is far removed from any residential neighborhoods. As it concerns the workers in the neighborhood, this use should be conducive to a more enjoyable atmosphere than that which currently exists. The plan will improve the shoreline adjacent to the parcel and create boat slips. This use should actually provide a more aesthetically pleasing situation than that which currently exists.

B. Will the proposed use be detrimental to the public welfare or injurious to property in the neighborhood?

Pail Face, L.L.C. does not foresee any detrimental affects on either the public welfare or property in the neighborhood.

MEMORANDUM

FROM: Denise J. Blakeslee 
Secretary, Community Development

TO: Members of the Planning Commission

DATE: June 6, 2002

RE: Request for Parcel Split - Ruth Niemerowicz

We have received a request from Ruth Niemerowicz for a parcel Split. Members of the Planning Commission could amend the agenda to allow the request to be heard during the June 6, 2002 meeting. A copy of the request is enclosed.

At this time the City of Manistee Planning Commission could make a motion to amend the agenda to allow a request from Ruth Niemerowicz for a parcel split to be added under new business to the June 6, 2002 agenda.

Request information:

Ruth Niemerowicz owns a home at 1510 Vine Street which is located on the South ½ of Lot 3 & Lot 4 Block 10 Maxwelltown. Included in this parcel is Lot 5 and Lot 6 (located on Maywood Street) which Mrs. Niemerowicz would like to split from the main parcel into two separate parcels so she could sell the two lots.

Staff review of the request shows that if parcel #51-51-764-710-07 were split into three parcels the requirements of the Zoning Ordinance would be met.

Request to Split a Parcel

Name and Address of Applicant: Ruth Niemierowicz
1510 Vine Street
Manistee, MI 49660

Signature Ruth Niemierowicz
Phone Numbers: Home 723-2026 Work —

Name and Address of other parties who have an interest: n/a

Signature _____
Phone Numbers: Home _____ Work _____

Parcel Identification Numbers for all parcels involved: 51-51-764-710-07

Reason for request: Want to sell two lots on
Maywood. Live in house on Vine Street
(Lots to sell Lot 5 Block 10 Maxwelltown
Lot 6 Block 10 Maxwelltown)

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 # 397

(- \$75.00)

CITY OF MANISTEE

05 MAR 2002

PARCEL NUMBER : 51 51 764 710 07
 COUNTY : Manistee 401
 SCHOOL DISTRICT: MANISTEE AREA PUBLIC SCHO 30
 PROPERTY LOCATION: NEIGHBORHOOD: MAX1
 NIEMEROWICZ RUTH ETAL ZONED: RD5
 1510 VINE ST
 MANISTEE MI 49660
 MAILING ADDRESS(S):
 NIEMEROWICZ RUTH ETAL
 1510 VINE ST
 MANISTEE MI 49660

SALES INFORMATION

| GRANTEE | DATE | INSTR | LIBR | PAGE | SALE PRICE |
|---------|------|-------|------|------|------------|
| | | | | | |

| DESCRIPTION | DATE | AMOUNT |
|-------------|------|--------|
| | | |

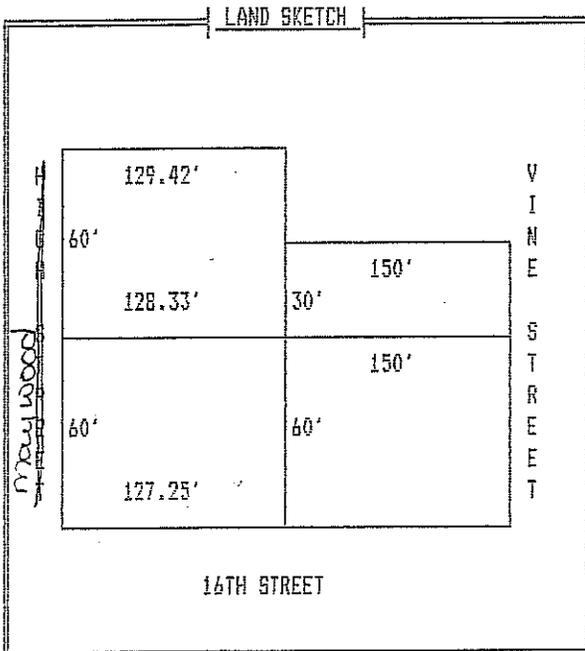
| YEAR | TRUE CASH VALUE | | | CODE | HMST | ASSESSMENT | EQUALIZED | TAXABLE |
|------|-----------------|-----------|---|------|--------|------------|-----------|---------|
| | LAND | BUILDINGS | | | | | | |
| 2001 | 22,440 | 47,701 | C | 100 | 35,100 | 35,100 | 25,382 | |
| 2000 | 16,830 | 45,671 | C | 100 | 31,300 | 31,300 | 24,595 | |
| 1999 | 11,220 | 45,030 | C | 100 | 28,100 | 28,100 | 24,137 | |
| 1998 | 8,976 | 42,102 | C | 100 | 25,500 | 25,500 | 23,757 | |

P.ADDR: 1510 VINE STREET

Improved, Platted, Residential
 Landscaped, Level
 Electric, Gas, Paved Road, Sidewalk, Sanitary Sewer, Storm Sewer, Water

| SIZE | LAND COMPUTATIONS | | RATE | VALUE |
|------|-------------------|-------------|--------|--------|
| | FACTOR | DESCRIPTION | | |
| 90 | 1.12 | 90*150 | 100.00 | 10,080 |
| 120 | 1.03 | 120*128 M/L | 100.00 | 12,360 |

| LAND IMPROVEMENTS | Sf/Lf/Ea | Rate | DepCost |
|--|----------|------|---------|
| Drive & Patio:Concrete,Three & One-Half inch | 900 | 2.82 | 2538 |



DESCRIPTION:
 MAXWELLTOWN S 1/2 LOT 3 & LOTS 4, 5, & BLOCK 10.
 P.ADDR 1510 VINE ST. ;;SALE(79) 7.65 1376 0483
 (94) 3587 1721 (96) 3643 0291

| | | | |
|------------------------|--------|-------------------------------|---------|
| 2002 FINAL VALUES: | | TOTAL TRUE CASH VALUE: 80,512 | |
| PROPERTY BASE VALUE : | 22,440 | CALCULATED ASSESSMENT: | 40,300 |
| NEIGHBORHOOD FACTOR: | 1.00 | ASSESSMENT OVERRIDE: | |
| TRUE CASH VALUE : | 22,440 | CLASS FACTOR APPLIED: | 1.00000 |
| LAND IMPROVEMENT BASE: | 2,538 | BOR ASSESSMENT: | |
| COST NEW MULTIPLIER: | NA | STC/MTT ASSESSMENT: | |
| DEPRECIATION : | NA | FINAL ASSESSMENT: | 40,300 |
| NEIGHBORHOOD ECF : | NA | EQUALIZATION FACTOR: | 1.00000 |
| NSHD LAND FACTOR : | NA | STATE EQUALIZED VALUE: | 40,300 |
| TRUE CASH VALUE : | 2,538 | CAPPED VALUE: | 26,194 |
| BLDGS TOTAL TRUE CASH: | 55,534 | | |
| TRANSFER: | | | |
| HOMESTEAD PERCENT: | 100% | TOTAL TAXABLE VALUE: | 26,194 |

