

MANISTEE CITY PLANNING COMMISSION

70 Maple Street, Manistee, Michigan 49660

Meeting of Thursday December 2, 2004

7:00 p.m. - Manistee Middle School - Library, 550 Maple Street

AGENDA

- I Roll Call
- II Public Hearing
 - 1. Manistee Area Public Schools - Street Vacation Request
- III Approval of Minutes
 - Planning Commission Meeting (11/4/04)
- IV New Business
 - 1. Manistee Area Public Schools - Street Vacation Request
 - 2. Appointments to Subdivision Committee
 - 3. Election of Officers - 2005
 - 4. Appoint Recording Secretary
- V Unfinished Business
 - None
- VI Other Communications
 - 1.
- VII Citizen Questions, Concerns and Consideration
(Public Comment Procedures on the Reverse Side)
- VIII Work/Study Session
 - 1.
 - 2.
- IX. Adjournment

Public Comment Procedures

The City of Manistee Planning Commission welcomes public comment in support of its decision-making process. To assure an orderly, fair and balanced process, the Planning Commission asks that participants at all public hearings and during the Public Comment portion of the meeting observe the following rule of procedure:

1. The Chairperson will recognize each speaker. When a speaker has the floor, he/she is not to be interrupted unless time has expired. Persons speaking without being recognized shall be out of order.
2. Each speaker shall state their name and address for the record and may present written comments for the record.
3. Speakers shall address all comments and questions to the Planning Commission.
4. Unless waived by the Planning Commission for a specific meeting or a specific speaker, 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 designated who may request that more than five (5) minutes be permitted for the collective comments of the group as presented by that speaker.
5. The Chairperson may request that repetitive comments be limited or abbreviated in the interest of saving time and allowing others to speak.
6. The Chairperson may establish additional rules of procedure for particular hearings as he/she determines appropriate.
7. Normal civil discourse and decorum is expected at all times. Applause, shouting, outbursts, demonstrations, name-calling or other provocative speech or behavior is not helpful to the decision-making process and may result in removal from the hearing or an adjournment.

Thank you for your interest in the work of the City of Manistee Planning Commission and for your cooperation with these rules of procedure.

MEMO

TO: Planning Commissioners

FROM: Denise Blakeslee 
Administrative Assistant

DATE: November 30, 2004

RE: Amended Agenda

Section 1.1 of the Planning Commission By-Laws reads:

- 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.*

Section 2.3 of the Planning Commission By-Laws reads:

- 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]

I have amended the December Agenda by adding under New Business:

- 3. Election of Officers - 2005
- 4. Appoint Recording Secretary

A copy of the Amended Agenda is enclosed. See you Thursday!

MEMORANDUM

TO: Planning Commissioners

FROM: Denise Blakeslee 
Administrative Assistant - Community Development Department

DATE: November 24, 2004

RE: December Meeting

The December Planning Commission Meeting will be held Thursday, December 2, 2004 at 7:00 p.m. in the Middle School Library. Packets are being forwarded to you early because City Hall is closed on November 25th and 26th for the Thanksgiving Holiday.

We have the following Items on the Agenda:

1. Manistee Area Public Schools - Street Vacation Request. A request has been received from Manistee Area Public Schools to vacate the platted but undeveloped portion of Fourth Avenue between Ford Street and Short Street. MAPS is in the process of selling the former Washington School property when a title search revealed that Fourth Avenue had not been vacated. The School building itself was constructed over the undeveloped street.

At this time the City of Manistee Planning Commission can take action:
that the Planning Commission recommend to City Council the vacation of Fourth Avenue between Ford Street and Short Street.

2. Appointments to Subdivision Committee. In anticipation of receipt of an application from the developers of the 55 acres on the corner of Cherry Street and Merkey Road Chairman Yoder will need to appoint three members of the Planning Commission to serve on the Subdivision Committee. This committee is required under section 1242.03 of the Code of Ordinances. Members of the Planning Commission are being furnished a copy of Chapter 1242 Administration, Enforcement and Penalty of the Code of Ordinance for review.

At this time Chairman Yoder can take action to: *appoint three members of the Planning Commission to the Subdivision Committee.*

Have a wonderful holiday. If you are unable to attend the meeting **please call** me at 723-2558.

:djb

MEMO

TO: Planning Commissioners

FROM: Jon R. Rose 
Community Development Director

DATE: November 3, 2004

RE: Manistee Area Public Schools - Street Vacation Request

Members, you have received a request from Manistee Area Public Schools (MAPS) for a Street Vacation Request. MAPS is in the process of selling the Washington School property. During the title search it was discovered that Fourth Avenue from Ford Street to Short Street was not vacated. The school building itself had been constructed over the undeveloped street. The properties on both sides of the undeveloped portion of Fourth Avenue are owned by MAPS.

I have reviewed this request and would recommend approval.

JRR:djb

Manistee Area Public Schools

550 Maple Street • Manistee, MI 49660 • 231-723-3521 • FAX: 231-723-1507

Robert G. Olsen, Superintendent

Howard Vaas, Business Manager

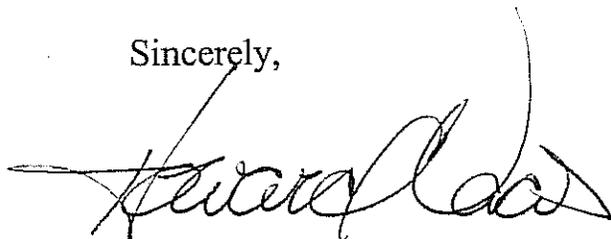
October 27, 2004

Jon Rose
Community Development
City of Manistee
P.O. Box 358
Manistee, Michigan 49660

Dear Mr. Rose:

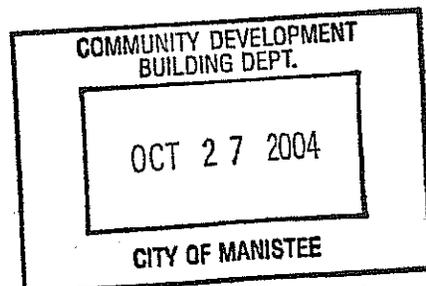
I am writing to request that the City vacate Fourth Avenue between Ford Street and Short Street. There is apparently no record that this vacation took place prior to the construction of Washington School. The parcel number for the Washington School property is 51-51-244-701-01. I have included a drawing from a 1963 survey that shows the parcel in question. Please disregard the surveyors note that Fourth Avenue was "vacated" as this apparently is not the case.

Sincerely,



Howard Vaas
Business Manager

Enclosures



fee \$250.00
Receipt 7269

CHAPTER 1242
Administration, Enforcement and Penalty

1242.01	Tentative approval of preliminary plat required prior to sale or construction.	1242.03	Subdivision Committee; composition; duties.
1242.02	Pre-application procedure; review of sketch of plat by Subdivision Committee and Planning Commission.	1242.04	Variances; re-subdivision of land; lot splits.
		1242.99	Penalty.

CROSS REFERENCES

Acceptance of plats; recording - see CHTR. Secs. 13-6, 13-7;
M.C.L.A. Sec. 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44

Approval or disapproval of plats; procedure; effect - see
M.C.L.A. Sec. 125.45

Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.

**1242.01 TENTATIVE APPROVAL OF PRELIMINARY PLAT
REQUIRED PRIOR TO SALE OR CONSTRUCTION.**

No person, firm or corporation proposing to make or have made a subdivision or re-subdivision within the jurisdictional limits of these Subdivision Regulations shall enter into any contract for the sale of, or shall offer for sale, such subdivision, or any part thereof, or shall proceed with any construction work on the proposed subdivision, including grading, until he or she or it has obtained from the Planning Commission the tentative approval of the preliminary plat of the proposed subdivision.
(Ord. Unno. Passed 8-16-60.)

1242.02 PRE-APPLICATION PROCEDURE; REVIEW OF SKETCH OF PLAT BY SUBDIVISION COMMITTEE AND PLANNING COMMISSION.

It is required that the subdivider or his or her agent consult with the Subdivision Committee while the plat is in sketch form and before the preliminary plat is prepared to ascertain the location of proposed highways, major streets, parkways, parks, playgrounds and other planned developments. At this time the subdivider may request that the Planning Commission review the proposal in sketch form and give general comments regarding its probable acceptability. No commitments can be made by either the Subdivision Committee or the Planning Commission at this stage as to the official acceptance of the preliminary plat.

(Ord. Unno. Passed 8-16-60.)

1242.03 SUBDIVISION COMMITTEE; COMPOSITION; DUTIES.

(a) A Subdivision Committee composed of three members of the Planning Commission, together with a planning consultant, is hereby delegated to represent the Commission in pre-application negotiations with the subdivider and to perform such other functions as may be assigned by the Chairperson of the Commission.

(b) The function of the Subdivision Committee shall be to represent the Commission and make recommendations regarding subdivision proposals in the pre-application stages. The Committee, or any of its members, shall discuss such proposals with the subdivider, review preliminary plats and other data, inspect sites and make such other investigations as necessary, and shall furnish information to the subdivider regarding plat procedures and requirements. The Committee shall present its recommendations regarding a proposal to the Commission at its next regular meeting.

(c) The information which may be furnished to the subdivider by the Committee includes the following:

- (1) Procedural steps, design standards, preliminary plat requirements, zoning requirements and public health requirements.
- (2) Any known unusual or difficult problems pertinent to the site, such as adjacent land use, drainage, soil percolation, water supply, public utilities and streets.

(Ord. Unno. Passed 8-16-60.)

1242.04 VARIANCES; RE-SUBDIVISION OF LAND; LOT SPLITS.

(a) Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these Subdivision Regulations, it may vary these Regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the interest and purpose of the Major Street and Thoroughfare Plan, the Master Plan or these Regulations.

(b) The general principles of design and the minimum requirements for the laying out of the subdivision, stipulated in Chapter 1248, may be varied by the Planning Commission in the case of a subdivision large enough to constitute a more or less self-contained neighborhood to be developed in accordance with a comprehensive plan, safeguarded by appropriate restrictions, which, in the judgment of the Commission, make adequate provision for all essential community requirements, provided, however, that no modification shall be granted by the Commission which would conflict with the proposals of the Major Street and Thoroughfare Plan or the Master Plan or with the interests and purposes of general principles of design and minimum requirements.

(c) In the case of a small subdivision of minor importance situated in a locality where conditions are well defined, the Planning Commission may exempt the subdivider from complying with some or all of the requirements stipulated in Section 1244.02 pertaining to the preparation of the preliminary plat, except that, in such cases, a public hearing on the final plat shall be held prior to the installation of any improvements or approval of such final plat.

(d) In any particular case where the subdivider can show that, by reason of an exceptional situation or characteristic of his or her property, strict compliance with any requirement of these Regulations would cause practical difficulty or exceptional and undue hardship, the Planning Commission may relax such requirement to the extent deemed just and proper so as to relieve such difficulty or hardship, provided that such relief may be granted without detriment to the public good and without impairing the intent and purposes of these Regulations or the desirable general development of the neighborhood and the community in accordance with the Master Plan and the Zoning Code. Any modification thus granted shall be entered in the minutes of the Planning Commission, justifying the modification.

(e) In the case of a proposal to re-subdivide land which is already platted but is relatively underdeveloped, the Planning Commission will give due consideration to the need for utilizing existing street improvements, utility installations and developed residential lots, in keeping with good subdivision design.
(Ord. Unno. Passed 8-16-60.)

(f) A subdivision lot, once platted, shall not be split, sold in part or combination or in anyway modified, except as follows:

- (1) Each resulting parcel must meet each and every requirement of the Zoning Code for the land use district in which the parcel is located;
- (2) The Planning Commission has reviewed, and made recommendations to the City Council relating to, the proposed modifications, either with or without a public hearing, at the discretion of the Planning Commission; and

- (3) The proposed modifications have been approved by the City Council.
(Ord. Unno. Passed 3-3-92.)
- (4) This Section shall not apply to subdivision lot combinations which may be approved by the Zoning Administrator.
(Ord. 97-5 Passed 6-17-97)

1242.99 PENALTY.

Any person, firm or corporation violating or failing to comply with any provision of these Subdivision Regulations shall be fined not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(1973 Code §151.99)

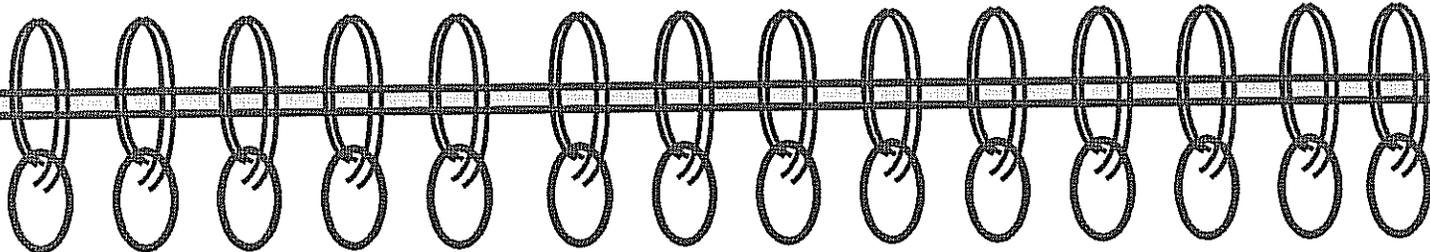
MEMO

TO: Planning Commissioners
FROM: Denise Blakeslee 
DATE: November 23, 2004
RE: Housing Needs Study & Misc. Information

Enclosed is a copy of the Housing Needs Study. This is the document that was referenced at the November Worksession. I wanted to get a copy to you so you have time to review it along with the other items for the next worksession.

Also enclosed is a copy of the notes from the Worksession and Smart Growth References and Resources web page addresses (from Alan Marshall).

:djb



Tour of City Hall
for Planning
Commissioners

Thursday
December 2, 2004

5:30 p.m.

Before regularly scheduled meeting

Meet at Lakewood
Construction Trailer

For Rose

SMART GROWTH REFERENCES and RESOURCES

1. Arigoni, Danielle. Affordable Housing and Smart Growth: Making the Connection. Smart Growth Network and National Neighborhood Coalition, 2001, 57 pages, available in PDF format at http://www.smartgrowth.org/pdf/epa_ah-sg.pdf
2. Freilich, Robert. From Sprawl to Smart Growth. American Bar Association, 1999, 346 pages, paperback
3. International City/County Management Association. Getting to Smart Growth: 100 Policies for Implementation. ICMA and the Smart Growth Network, 2001, 100 pages, available in PDF format at <http://www.smartgrowth.org/pdf/gettosg.pdf>
4. International City/County Management Association. Getting to Smart Growth II: 100 More Policies for Implementation. ICMA and the Smart Growth Network, 2003, 122 pages, available in PDF format at <http://www.smartgrowth.org/pdf/gettosg2.pdf>
5. Kackar, Adhir and Preuss, Ilana. Creating Great Neighborhoods: Density in Your Community. Local Government Commission and U.E. Environmental Protection Agency, 2003, 42 pages, available in PDF format at <http://www.epa.gov/livability/pdf/density.pdf>
6. Kinsley, Michael and Lovins, L. Hunter. "Paying for Growth, Prospering from Development," Planning and Zoning News, July 1995, p. 11-16.*
7. Moe, Richard. "Restoring Communities and Making them Livable," Planning and Zoning News, November 1998, p. 10-14.*
8. Muro, Mark and Puentes, Robert. Investing in a Better Future: A Review of the Fiscal and Competitive Advantages of Smarter Growth Development Patterns. Brookings Institution, 2004, 41 pages, available in PDF format at http://www.brookings.edu/urban/pubs/200403_smartgrowth.pdf
9. Orfield, Myron. American Metropolitcs: The New Suburban Reality, Brookings Institution Press, 2002, hardcover.*
10. Passmore, Sam. Education and Smart Growth: Reversing School Sprawl for Better Schools and Communities, Funders' Network for Smart Growth and Livable Communities, 2002, 12 pages, available in PDF format at http://www.fundersnetwork.org/usr_doc/education_paper.pdf
11. Porter, Douglas, et al. The Practice of Sustainable Development, ULI, 162 pages, paperback.
12. Wells, Barbara. Smart Growth at the Frontier: Strategies and Resources for Rural Communities. Northeast-Midwest Institute, 2002, 84 pages, available in PDF format at <http://www.nemw.org/RuralSmartGrowth.pdf>

