

# MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, February 2, 2006  
7:00 p.m. -Council Chambers, City Hall, 70 Maple Street,  
Manistee, Michigan

## AGENDA

- I Roll Call
- II Public Hearing
  - 1.
  - 2.
- III Approval of Minutes
  - Planning Commission Meeting (1/5/06)
- IV New Business
  - 1. Sand Products Corporation - Sketch Plan Review for Special Use Permit - Phase 3
  - 2.
  - 3.
  - 4.
- V Unfinished Business
  - 1. By-Law Review
- VI Other Communications
  - 1.
  - 2.
- 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.



PLANNING AND ZONING  
COMMUNITY DEVELOPMENT  
231.398.2805  
FAX 231.723-1546

## MEMORANDUM

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TO: Planning Commissioners  
FROM: Denise Blakeslee   
DATE: January 26, 2006  
RE: February 2, 2006 Meeting

Good Morning!

Enclosed is a copy of the Agenda that has been prepared for the February Meeting. We have two items that we will address. These items are as follows:

1. **Sand Products Corporation - Sketch Plan Review for Special Use Permit - Phase 3.** We have received an Application for a Special Use Permit from Sand Products Corporation. This request would be for the development of Phase 3. The Planning Commission will have the opportunity to discuss the proposed project with the developer and have questions/concerns addressed. The Planning Commission will need to determine if the application that has been submitted is complete or indicate any deficiencies in the application. A copy of the request is enclosed along with a Memo from Jon Rose.
2. **By-Law Review.** We will continue our review of the Draft By Laws, again there is no hurry because the new ordinance will need to be in place before adoption. We have received our copies of Modern Parliamentary Procedure. If anyone wants to borrow one, please call me (first come, first served).

If you are unable to attend please call me at 398-2805. We will see you at the meeting!!

:djb



PLANNING AND ZONING  
COMMUNITY DEVELOPMENT  
231.398.2805  
FAX 231.723-1546

## MEMORANDUM

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TO: Planning Commissioners

FROM: Jon R. Rose   
Community Development Director

DATE: January 26, 2006

RE: Sand Products Corporation - Sketch Plan Review

We will be reviewing a request from Sand Products Corporation to amend their Special Use Permit for a Planned Unit Development. This amendment would allow the development of Phase 3 which would add five additional building sites.

We have enclosed the original application for a PUD along with the meeting minutes granting approval.

Sand Products Corporation has submitted this application to fall under the requirements of the current Zoning Ordinance. We will review their Site Plan and determine what additional information is required and when a Public Hearing can be scheduled.

If needed discussion could continue at the February Worksession.

JRR:djb

## Planning Commission

# SPECIAL USE PERMIT APPLICATION

### Sand Products Corporation

Applicant

660 Woodward Ave. Suite 1111

Address

Detroit, Mi. 48226

City, State, Zip Code

Phone Numbers (Work) Contact Ben Bifoss 231-722-6691

(Home) 231-723-5145

### FOR OFFICE USE ONLY:

Case number 2003-03Date Receive 2-19-03Fee Received \$250.00Receipt Number 2344Hearing Date 3-6-03

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: **To develop a residential Planned Unit Development including 15 single family home sites around the east and north ends of Manmade Lake in a area that would allow 21 units under the PUD provisions of the ordinance.**

## II. PROPERTY INFORMATION:

- A. Address of Property: **No address assigned. Property on Monroe St., Dunes Dr., Pershing St. Tax Roll Parcel Code Number: 51-51- 260-709-01, 711-01, 712-01, 300-01**
- B. List all deed restrictions - cite Liber & Page where found and attach: **Existing City Lease Agreement Liber 618, Page 768. Land will be developed as a "site condominium". Documents not yet prepared but will include substantial common areas including common waterfront access and ownership of undeveloped areas.**
- C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. **The City of Manistee asserts an interest in a platted but unimproved alley right of way that would be developed under the PUD. The applicant has offered 24 feet of frontage property (150% of the 16 feet of the alley frontage) on Manmade Lake just north of the City owned lot in exchange for any remaining City interest in that alley ROW.**
- D. Zoning District: **R-1, single family residential**
- E. Present use of the property: **vacant**

- F. Attach a Site Plan which meets the requirements of the Special Use Permit Ordinance (see attached). **Attached**
- G. Is a Property survey attached? **Yes.**
- H. Estimated completion date of construction (if applicable): **Infrastructure construction; 8/03**

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

- A. State specifically the reason for this Special Use Permit request at this time: **The Special Use Permit would allow a more orderly, better planned and higher quality development than strict compliance with the terms of the ordinance. The PUD would allow development to be more compatible with adjacent land uses and the environment and allow the transfer of 24 feet of Manmade lake frontage property to the City of Manistee.**
- 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? **No**
  - 2. Relationship of the proposed use to the development plans of Manistee County and the City of Manistee. **The proposed use is consistent with City and County planning documents.**
  - 3. Impacts of the adjacent property and neighborhood. Indicate what impacts of the proposed use on the adjacent property are anticipated and what steps will be taken to mitigate any negative impacts. Consider the following:
    - a. Will the proposed use adversely affect the health, safety or enjoyment of property of persons residing or working in the neighborhood? **No, the development will enhance these values.**
    - b. Will proposed use be detrimental to the public welfare or injurious to property in the neighborhood? **No, the development will enhance public welfare by adding a high quality residential area, contribute to the tax base, and increase values of surrounding properties.**

### 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,*  
**Yes, the use is identical to the permitted uses and consistent with local planning documents.**

b. *Is the use consistent with the intent and purpose of the Land Use District,*  
**Yes, the use is low density, single family residential.**

c. *Is the use compatible with adjacent land uses,*  
**Yes, adjacent land uses are medium and low-density single family residential.**

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*  
**Yes, all infrastructure will be constructed to City specifications at the developers expense.**

e. *Does the use comply with all applicable regulations of this Ordinance.*  
**Yes, densities are below those authorized by 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.*  
**As a PUD, some variations from the specific standards for individual lot sizes and dimensions in favor of common areas are included.**

3. Proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc. **See Site Plan**

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

1. Elevations on all buildings, including accessory buildings.  
**No buildings included at this time, lot development only.**

2. An Environmental assessment.  
**N/A**

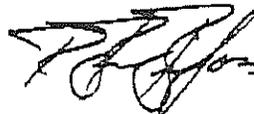
3. Evidence of having received or having an agreement for concurrent approval for any other necessary permits required prior to a construction code permit.  
**Soil Erosion Permits and possibly High Risk Erosion permits will be acquired before commencing infrastructure construction. No other permits required.**

4. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.  
**Necessary permits will be acquired before construction. Any adverse impacts of infrastructure construction will be mitigated as appropriate and exist only during construction phase.**

V. **CERTIFICATION AND AFFIDAVIT:**

The undersigned affirm(s) that he is the owner's representative 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): Ben Bifoss  
February 19, 2003



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

## Supplemental Information; Manmade PUD Application

The PUD application includes 15 residential lots in an area that could accommodate 21 lots under the PUD area provisions of the ordinance. The property can accommodate the creation of 14 single family residential lots under the strict application of the R-1 zoning requirements, however some of those lots would be oddly configured to comply with the strict application of the ordinance and result in a lower quality development. The purpose of the application is to allow the creation of one more lot than allowed under the strict interpretation of the R-1 zoning (still 6 fewer lots than allowed under the PUD provisions), and to allow those lots to be laid out in a fashion that allows the highest and best use of the property.

The north end of Manmade Lake is considered Phase II development. It is included at this time to accommodate the transfer of 24 feet of lakefront property to the City to offset any loss of access that might be attributable to the development of the unimproved alley on the east side of Manmade (whose dedication has been withdrawn). The Phase II area can accommodate 6 residential lots without the Special Use Permit, however the proposed transfer of 24 feet of property to the City would impact that area to the point where only 5 lots could be developed under R-1 zoning requirements. In order to maintain the density of 6 lots and accommodate the 24-foot transfer, this area is included at this time.

Consistent with the Special Use Permit granted for later phased development with the Harbor Village Project, detailed layouts for Phase II would be developed as the market accepts the project. Conditions could include the following;

1. The maximum number of lots in Phase II shall not exceed six.
2. The maximum number of lots in Phase I will be as shown on the site plan.
3. All lots will be restricted to one single-family unit.
4. Each unit shall include not less than 1,400 square feet of building area; nor more than 2,500 square feet of building area on the first floor.
5. The minimum setbacks shall be:
  - a. Front yard: 30 feet from the Dunes Drive, Monroe St., Pershing St. and John St. rights of way; 10 feet from any new private drive or street.
  - b. Side yard: 10 feet.
  - c. Waterfront yard: 50 feet
6. The maximum building height shall be 30 feet.

Private streets within 66-foot rights of way and cul-de-sacs as necessary to accommodate future developments are required at the developers' expense. Plans consistent with the above would be submitted to the City for final approvals before commencing Phase II development.



MANISTEE CITY PLANNING COMMISSION  
70 Maple Street  
Manistee, MI 49660

SPECIAL MEETING MINUTES

April 10, 2003

A Special Meeting of the Manistee City Planning Commission was held on Thursday, April 10, 2003 at 6:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

**MEMBERS PRESENT:** Bob Davis, Greg Ferguson, Ray Fortier, Joyce Jeruzal, David Kelley, Phil Picardat, John Serocki, Tony Slawinski and Roger Yoder

**MEMBERS ABSENT:** None

**OTHERS:** Ben Bifoss (Sand Products Corporation), Jeff Mikula (Abonmarche), Tom Mathews, Tom Voss (15 Cottage Lane), Tim Simonis (1005 Cypress Street), Merlin Norby (Manistee News Advocate), Alan Marshall (City Council), Bob Hornkohl (City Council), Jon Rose (Community Development), and Denise Blakeslee (City Staff) and others

Meeting was open at 6:00 p.m. by Chairman Yoder. The Planning Commission, staff and others left City Hall on a Dial-A-Ride Bus for a Site Inspection of Man Made Lake - Sand Products Corporation proposed Planned Unit Development and Tim Simonis, 1005 Cypress Street - Open Air Uses.

People in attendance during the Site Inspection were shown property markers and proposed driveways at the Man Made Lake Site. The Site Inspection at 1005 Cypress Street showed the proposed area for the Open Air Use.

Members returned to City Hall at 7:15 p.m.

**PUBLIC HEARING:**

None

**CITIZEN QUESTIONS AND CONCERNS:**

Tom Mathews asked if there would be driveways in the existing parking areas at Man Made Lake. Mr. Bifoss said that current driveway and parking area would be developed to local street standards.

Tom Voss, 15 Cottage Lane. Mr. Voss asked if the new street would continue to be a one way street or would it become a two way street? Mr. Bifoss said that would be up to the City to decide if the street would be one way or two way. He did not have a preference either way.

Jeff Mikula, Abonmarche. Mr. Mikula said that the City requires that after three houses are constructed where a street is platted but not developed the City requires that the Street be developed to local street standards.

#### **APPROVAL OF MINUTES:**

##### Planning Commission Meeting Minutes. April 3, 2003

MOTION by Ray Fortier, seconded by Joyce Jeruzal that the minutes of the Meeting of the Planning Commission Meeting held on April 3, 2003 be approved. Motion approved unanimously.

#### **NEW BUSINESS:**

None

#### **UNFINISHED BUSINESS:**

##### Sand Products Corporation/Man Made Lake Area - Planned Unit Development

A Public Hearing was held on April 3, 2003 for public input regarding the proposed Planned Unit Development around the Man Made Lake Area. Members of the Planning Commission wanted the opportunity to have a site inspection of the site before deliberating on the request for a Planned Unit Development.

At the meeting of April 3, 2003 Planning Commission Members discussed view corridors and how that could be addressed under the PUD, the option of placing the buildings closer on one side which would result in a larger set-back between buildings on the other side.

The number of curb cuts on Monroe Street and the possibility of requiring a service Drive. Should sidewalks be required to Dunes Drive.

Concerns about the possibility the area was an Indian Burial Site. Should we request an Archeological Survey be done on the property.

Jon Rose spoke about the Planning Commission concerns about sidewalks, curb cuts and access. The PUD is a better development for Sand Products Corporation and the City than if the property were developed without a PUD. Other items Mr. Rose discussed included the density requirements for the Cottages in Harbor Village and Historic Overlay Approval. Both Harbor Village and Lighthouse Landings had to be reviewed by the Historic Overlay Review Committee as a condition of the PUD.

Should the Planning Commission could define the footprint of where the home can be constructed for view corridors but not what size home can be built if it fits in the footprint.

Members of the Planning Commission wanted the opportunity to have an on site visit of the property to discuss service drives, curb cuts and sidewalks.

During the site inspection of the property Mr. Bifoss had a topographical survey of the area which included proposed curb cuts for driveways. The plan showed three curb cuts on Monroe Street. The curb cuts for lots 12 and 13 would be "right turn only" when exiting the property because of the island which divides Monroe Street. The other curb cut was placed at the crest of the hill to allow a clear line of vision for entering/exiting the drive.

MOTION by Bob Davis seconded by Ray Fortier that the request from Sand Products Corporation for a Special Use Permit for a Planned Unit Development be approved with the following conditions.

1. Three curb cuts will be allowed on Monroe Street as per the plan that was shown to the Planning Commission during the Site Inspection.
2. The existing sidewalk on Monroe Street be continued to Dunes Drive.
3. Set backs be established between buildings to allow wider view corridors.
4. Historical Overlay Approval be required for buildings.

Discussion on the motion and conditions followed.

Should the sidewalk be required to go all the way to Dunes Drive or should it stop at Pershing Street?

Mr. Bifoss was opposed to the requirement that the building designs would require Historic Overlay Approval. The Harbor Village Development and Lighthouse Landings Development were built as condominiums. This development is for single family homes similar to Harbor Drive and Dunes Drive. Mr. Bifoss would prefer that the Planning Commission review and approve the Architectural Document requirements for the project than require Historic Overlay Approval.

Voting on the Motion as follows:

Yes: John Serocki

No: Bob Davis, Greg Ferguson, Ray Fortier, Joyce Jeruzal, David Kelley, Phil Picardat, Tony Slawinski and Roger Yoder.

Motion Denied

MOTION by Bob Davis, seconded by Ray Fortier that the request from Sand Products Corporation for a Special Use Permit for a Planned Unit Development be approved with the following conditions.

1. Three curb cuts will be allowed on Monroe Street as per the plan that was shown to the Planning Commission during the Site Inspection.
2. The existing sidewalk on Monroe Street be continued to Pershing Street.

3. Set backs be established between buildings to allow wider view corridors.
4. Planning Commission review and approve Architectural Documents for Building Sites.

Voting as follows:

Yes: Bob Davis, Greg Ferguson, Ray Fortier, Joyce Jeruzal, David Kelley, Phil Picardat, Tony Slawinski and Roger Yoder  
No: John Serocki

Motion Approved

Tom Voss was not familiar with the Historic Overlay Review Committee and asked what their duties were. Mr. Rose explained that the Historic Overlay Review Committee is a subcommittee of the Planning Commission and they review the buildings in the Historic Overlay District (Central Business District). Both Harbor Village and Lighthouse Landings PUD were required to have Historic Overlay Review Approval for their developments.

#### Tim Simonis, 1005 Cypress Street - Open Air Use

A request has been received from Tim Simonis, 1005 Cypress Street (Manistee Majic Car Wash) to be added to the Agenda of the April 3, 2003 meeting. Due to the late hour and with the Planning Commission already scheduling a Special Meeting Mr. Simonis was told they would add this item to the Agenda of the Special Meeting of April 10, 2003. Mr. Simonis would like to conduct an open air use by selling Yard decorations in a fenced in area adjacent to the car wash. Under the C-1 Commercial District approval is require by Planning Commission for an Open Air Use.

The Planning Commission did a Site Inspection at this location earlier this evening. During the Site Inspection Mr. Simonis said that they intended to paint some of the concrete yard decorations by first spraying them then hand painting.

Mr. Simonis said that by not having to purchase property and already having an attendant on duty this would not have the expenses of an operation that only sold yard decorations. This would supplement his existing business. Mr. Simonis intends to sell concrete yard decorations but they could be made of other materials also. The business would start up in the spring and run through the Christmas season. Mr. Simonis intends to gravel the parking area and use decorative red mulch as ground cover in the display area. A four foot black chain link fence would be installed around the display area.

John Serocki asked when Mr. Simonis intended to asphalt the area. Mr. Simonis said that he intended to asphalt the area next year if the business were successful.

Bob Davis expressed his concern over the spray painting and any environmental impacts that could arise? With the close proximity to the car wash would the paint have an impact on the sewer? Mr. Davis asked what portion of the business would painting. Mr. Simonis said that approximately 20% - 25%



## SAND PRODUCTS CORPORATION

MINERS AND SHIPPERS

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

January 24, 2006

RE: Special Use Permit Application

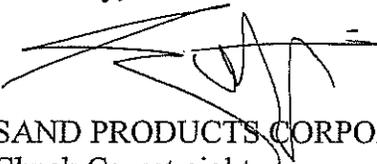
Dear Mr. Rose,

Please find attached Special Use Permit Application with accompanying Site Plans for Phase 3, the third and final phase of our Manmade Lake project. I am confident that this application represents a request that depicts our rightful use and fits well within the spirit of the Agreements executed between Sand Products Corporation and the City of Manistee.

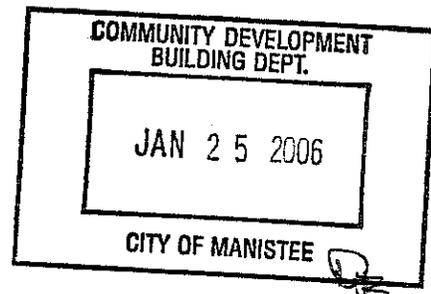
Our team is eager to meet with you and the planning commission to discuss the numerous opportunities that exist to blend all three phases of this project with uses that are mindful of the needs and desires of Manistee citizens.

I respectfully request a place on your February 2, 2006 Planning Meeting Agenda to address the nature of our application's completeness as well as any concerns the commission might have and perhaps also to provide more details on this or any phase of the Manmade Lake project.

Sincerely,



SAND PRODUCTS CORPORATION  
Chuck Canestraight  
President



# SPECIAL USE PERMIT APPLICATION

### Sand Products Corporation

Applicant

63 Kercheval, Suite 200

Address

Grosse Pointe Farms, Michigan 48236

City, State, Zip Code

Phone Numbers (Contact) **Chuck Canestraight**  
(Work) 313-820-4183

### FOR OFFICE USE ONLY:

Case number PC-2006-01

Date Received 1-25-06

Fee Received \$250.00

Receipt Number 10163

Hearing Date \_\_\_\_\_

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: **To develop a Residential Planned Unit Development including 5 single family home sites around the West end of Manmade Lake in an area that would allow these units under the PUD provisions of the ordinance.**

## II. PROPERTY INFORMATION:

- A. Address of Property: **No address assigned. Property on Monroe St., Dunes Dr., Pershing St.**  
Tax Roll Parcel Code Number: **51-51- 260-707-01, 707-09, 709-01, 711-01, 712-01, 102-150-01 and 202-300-01**
- B. List all deed restrictions - cite Liber & Page where found and attach: **Existing City Lease Agreement Liber 618, page 768. Land will be developed as a "site condominium". Documents not yet prepared but will include substantial common areas including common waterfront access, visual corridors, and ownership of undeveloped area.**
- C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. **Sand Products Corporation**
- D. Zoning District: **R-2, (special) Residential district**
- E. Present use of the property: **Vacant**
- F. Attach a Site Plan that 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 **The special use permit would allow a more orderly, better planned and higher quality development than strict compliance with terms of the ordinance. The PUD would allow development to be more compatible with adjacent land uses and the environment and allow opportunities for view corridors, public access and access road to be privately owned and maintained.**
- 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? **No**
  2. Relationship of the proposed use to the development plans of Manistee County and the City of Manistee. **The proposed use is consistent with City and County Planning documents.**
  3. Impacts of the adjacent property and neighborhood. Indicate what impacts of the proposed use on the adjacent property are anticipated and what steps will be taken to mitigate any negative impacts. Consider the following:
    - a. Will the proposed use adversely affect the health, safety or enjoyment of property of persons residing or working in the neighborhood? **No, the development will enhance these values.**
    - b. Will proposed use be detrimental to the public welfare or injurious to property in the neighborhood? **No, the development will enhance public welfare by adding a high quality residential area, contribute to the tax base, increase values of surrounding properties, and maintain view corridors to Lake Michigan.**

### 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?* **Yes, the use is identical to the permitted uses and consistent with local planning documents.**
    - b. *Is the use consistent with the intent and purpose of the Land Use District?* **Yes, the use is low density, single family residential.**

- c. *Is the use compatible with adjacent land uses? **Yes, adjacent land uses are medium and low-density single family residential.***
- 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. **Yes, all infrastructure will be constructed to City specifications at the developers expense.***
- e. *Does the use comply with all applicable regulations of this Ordinance? **Yes, densities are below those authorized by 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. **Yes, in addition the PUD creates an opportunity for the access roadway to remain privately owned and maintained relieving the city of the financial burden.***

3. Proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc. **See Site Plan**

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

- 1. Elevations on all buildings, including accessory buildings. **No buildings included at this time, lot development only.**
- 2. An Environmental assessment. **N/A**
- 3. Evidence of having received or having an agreement for concurrent approval for any other necessary permits required prior to a construction code permit. **Soil Erosion Permits and High Risk Erosion permits will be acquired before commencing construction. No other permits required.**
- 4. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties. **Necessary permits will be acquired before construction. Any adverse impacts of infrastructure construction will be mitigated as appropriate and exist only during construction phase.**

**V. CERTIFICATION AND AFFIDAVIT:**

The undersigned affirm(s) that he/she/they is/are the  owner,  leasee,  owner's representative, or  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.

The undersigned, by signing the Application, agrees to pay any and all fees incurred by the City or the Planning Commission, associated with the Application or the processing of the Application, in addition to the minimum \$250.00 base fee, including but not limited to: fees and costs of special consultants, engineers, planners, attorneys, air & water quality technicians and consultants, economists and/or financial analysis. The Application shall not be deemed complete nor will it be processed without such costs being fully paid for or provided for in advance.

Signature (s) of Applicant (s):

  
Sand Products Corporation ~~Chuck Canestraight~~, President

Dated JANUARY 24, 2006

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

### Supplemental Information; Manmade PUD Application

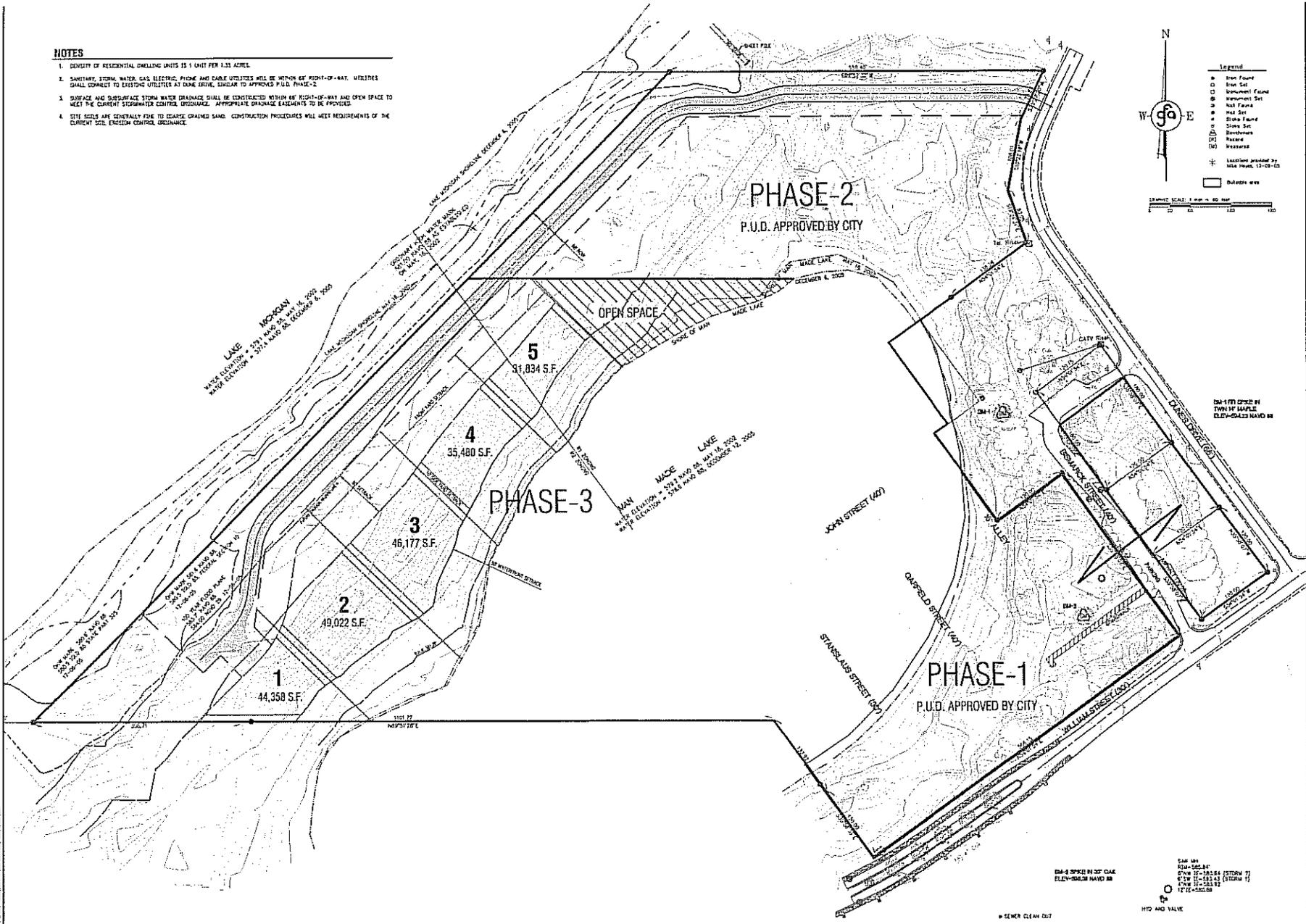
The PUD application for Phase III Development includes 5 residential lots in accordance with the Phase I & II PUD portion, which includes nine single-family building sites in Phase I and six additional sites in Phase II. Phase III has been laid out in two depictions to comply with the MDEQ High Risk Erosion Standards as well as the City of Manistee Zoning Ordinance. The "Phase 3 Site Plan - Current Conditions" depiction details the proposed lots with the appropriate setback from the current Erosion Hazard Line. As the position of the Erosion Hazard Line is a "point in time" assessment, and it is our desire to utilize our Lake Michigan frontage to its fullest potential, the second depiction "Phase 3 Site Plan - Future Conditions" was designed to present the 5 residential lots as they would layout should the Erosion Hazard Line migrate to a more favorable position, or should the setbacks required by MDEQ be modified in a favorable way. Approval of this PUD would provide for the preservation of view corridors to Lake Michigan in both depictions, provide the rationale for considering greater public access to Manmade Lake and reduce public/private conflict along the Lake Michigan Beach with the roadway serving as a buffer. The roadway would be privately owned and maintained.

Consistent with the Special use Permit granted for Phases I and II and for later phased development with the Harbor Village Project, detailed layouts would be developed as the market accepts the project. Conditions could include the following:

1. The maximum number of lots in Phase III shall not exceed five.
2. All lots will be restricted to one single-family unit.
3. Each unit shall include no less than 1,400 square feet of living space, no more than 2,500 square feet of living space on the first floor.
4. The minimum setbacks shall be:
  - a. Front yard: 30 feet from the Dunes Drive ROW, 10 feet from any private drive or street.
  - b. Side yard: 10 feet.
  - c. Waterfront yard: 50 feet
5. The maximum building height shall be 30 feet.
6. Private streets within 66-foot right of way and street endings as necessary to accommodate future development are required at the developer's expense.

**NOTES**

1. DENSITY OF RESIDENTIAL DWELLING UNITS IS 1 UNIT PER 0.33 ACRES.
2. SANITARY, STORM, WATER, GAS, ELECTRIC, PHONE AND CABLE UTILITIES WILL BE WITHIN 6' OF RIGHT-OF-WAY. UTILITIES SHALL CONNECT TO EXISTING UTILITIES AT EXISTING DRIVE, SIMILAR TO APPROVED P.U.D. PHASE-2.
3. SURFACE AND SUBSURFACE STORM WATER DRAINAGE SHALL BE CONSTRUCTED WITHIN 6' OF RIGHT-OF-WAY AND OPEN SPACE TO MEET THE CURRENT STORMWATER CONTROL REQUIREMENTS. APPROPRIATE DRAINAGE EXEMPTIONS TO BE PROVIDED.
4. CITY SHALL USE GENERAL 4" PIPE TO DRAINAGE DRAINED SAND. CONSTRUCTION PROCEDURES WILL MEET REQUIREMENTS OF THE CURRENT SOIL, EROSION CONTROL, URBANICANCE.



**Legend**

- Iron Found
- Iron Set
- Monument Found
- Monument Set
- Nail Found
- Nail Set
- Stone Found
- Stone Set
- Barbed Wire
- Fence
- Well

✦ Locations provided by M&M TRAC, 12-28-03

□ Submittal area

**Graphic Scale** 1" = 60' HORIZ

0 20 40 60 80 100

**gfa Gaudio-Fraser**  
 ARCHITECTS & ENGINEERS  
 1234 N. Main Street  
 Lansing, MI 48906

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**SAND PRODUCTS CORPORATION**  
**MAN-MADE LAKE**  
**PHASE-3 SITE PLAN - FUTURE CONDITIONS**  
 SECTION 2, TOWNSHIP 23 NORTH, RANGE 12 WEST  
 CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN

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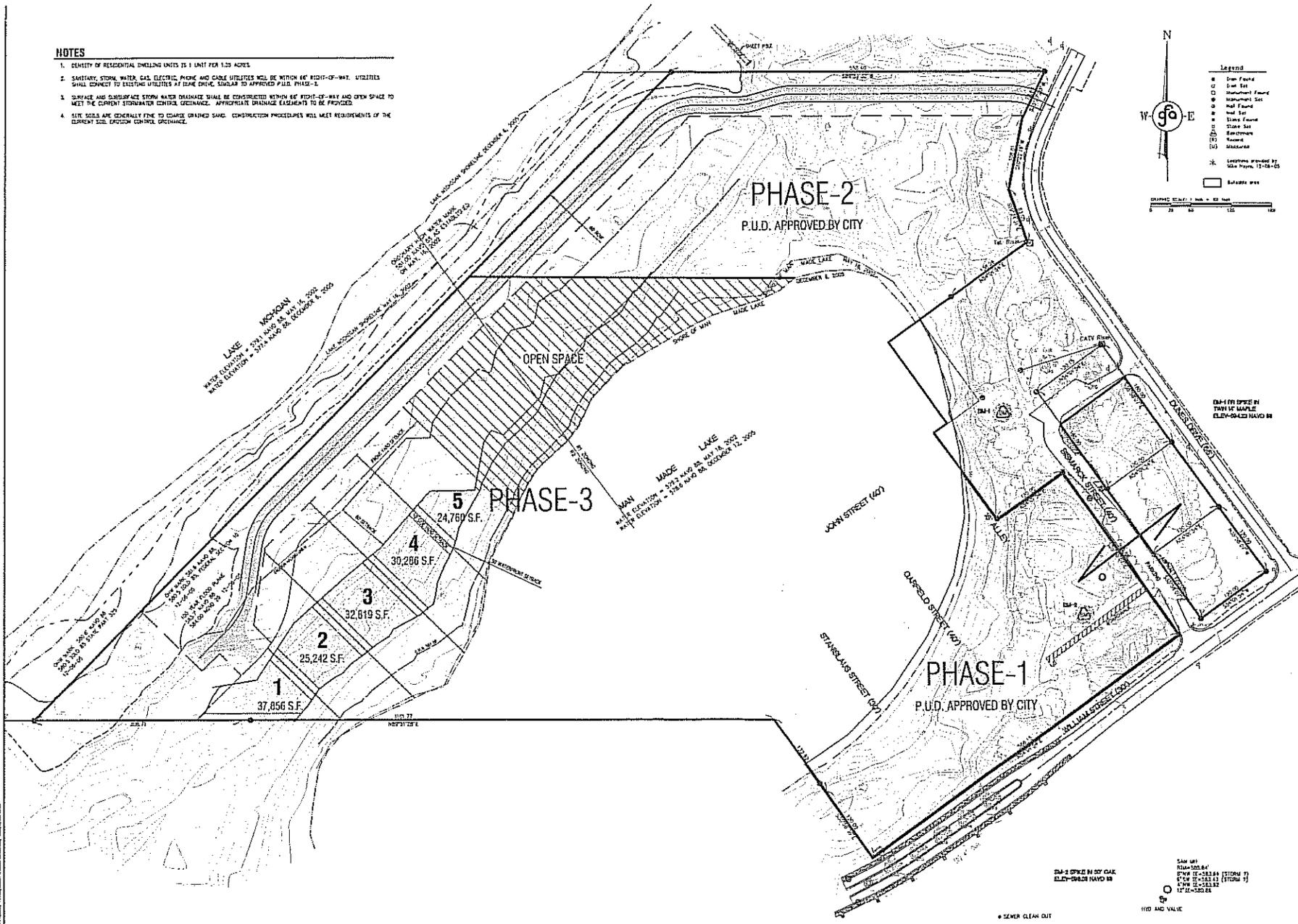
DATE: 02/14/08  
 DRAWN BY: J. J. JONES  
 CHECKED BY: J. J. JONES  
 PROJECT NO.: 0211466B

Sheet 1 of 1

These documents are prepared in accordance with the contractual terms and conditions for this project.

**NOTES**

1. DENSITY OF RESIDENTIAL DWELLING UNITS IS 1 UNIT PER 1.25 ACRES.
2. SANITARY, STORM, WATER, GAS, ELECTRIC, PHONE AND CABLE UTILITIES WILL BE WITHIN 66' RIGHT-OF-WAY. UTILITIES SHALL CONNECT TO EXISTING UTILITIES AT LEASE DRIVE, SIMILAR TO APPROVED P.U.D. PHASE-1.
3. SURFACE AND SUBSURFACE STORM WATER DRAINAGE SHALL BE CONSIDERED WITHIN 66' RIGHT-OF-WAY AND OPEN SPACE TO MEET THE CURRENT STORMWATER CONTROL REQUIREMENTS. APPROPRIATE DRAINAGE ELEMENTS TO BE PROVIDED.
4. SITE SLOPES ARE GENERALLY FINE TO COARSE GRAINED SAND. CONSTRUCTION PROCEDURES WILL MEET REQUIREMENTS OF THE CURRENT SOIL EROSION CONTROL ORDINANCE.



**gfa** Gourdib-Fraser  
 Accepted Development / Temporary

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PH 211468.021  
 JAC 211468.021  
 W & P 211468.021  
 123 N First Street  
 TOWN OF MANISTEE, MI 49829

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**SAND PRODUCTS CORPORATION**  
**MAN-MADE LAKE**  
 PHASE-3 SITE PLAN - CURRENT CONDITIONS  
 SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 WEST  
 CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN

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These documents are prepared in accordance with the contractual terms and conditions for this project.

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DATE: 11/11/21  
 DRAWN BY: JAC  
 CHECKED BY: W & P  
 PROJECT NO: 211468.021

**0211468**  
 SHEET 1 OF 1

CITY OF MANISTEE  
PLANNING COMMISSION  
BY-LAWS AND RULES OF PROCEDURES

1. AUTHORITY

These By-laws and Rules of Procedures are adopted by the Planning Commission of the City of Manistee, County of Manistee, (hereinafter referred to as the Commission) pursuant to Public Act 207 of 1921, as amended, the City and Village Zoning act; the City of Manistee Zoning Ordinance, and the Public Act 267 of 1976, as amended, the Open Meetings Act.

2. OFFICERS

2.1 Selection. At the December meeting, the Planning Commission shall elect a chair, vice-chair and secretary who shall serve for the next twelve (12) months and who shall be eligible for re-election. Vacancies in an office of the Commission shall be filled at the next regular meeting of the Commission. The membership shall elect one of its members to fill the vacancy until the next annual election.

2.2 Duties. The chair shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein.

The vice-chair shall act in the capacity of the chair in the absence of the chair or in the event of a vacancy in the office of chair; in which case, the Commission shall select a successor to the office of vice-chair at the earliest practicable time.

The Secretary, or a Recording Secretary appointed by the Commission, shall be responsible for the preparation of minutes, keeping of pertinent public records, delivering communications, reports, and related items of business of the Commission, issuing notices of public hearings and performing related administrative duties to assure efficient and informed Commission operations. In the event the Secretary is absent, the chair or acting chair shall appoint a temporary secretary for such meeting.

2.3 Tenure. The officers shall take office immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

3. MEETINGS

3.1 Meeting Notice. Notice of all meetings shall be posted at City Hall on a date established by the Commission. The notice shall include the date, time and place of the meeting. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal

holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meeting act.

3.2 Attendance A member may be removed from office by the appointing City Council for neglect of official duty or misconduct in office after being given a written statement for reasons and an opportunity to be heard thereon. Un-excused absences may be reason for removal and three (3) un-excused absences in a row, and shall be reported in writing to the City Manager.

3.3 Special Meetings. A special meeting may be called by two members of the Planning Commission upon written request to the Secretary or by the Chairperson. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open meeting Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meeting act, and the Secretary or Recording Secretary shall send written notice of a special meeting to commission members not less than 48 hours in advance of the meeting.

3.4 Quorum. In order for the Commission to conduct business or take any official actions, a quorum consisting of at least five of the nine members of the Commission shall be present. When a quorum is not present, no official action, except for the closing of the meeting may take place. The members of the commission may discuss matters of interest, but shall take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place is announced at the meeting.

3.5 Public Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the Acts and Ordinance cited in Section 1. Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure.

1. The Chair of the Planning Commission shall announce that a public hearing will be conducted on a request.
2. The Chair shall read the public hearing announcement as published in the newspaper and give a brief description of the hearing subject and the public notice procedure.
3. The Chair shall announce the following hearing rules:
  - a. The Chair 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.
  - b. Each speaker shall state their name and address for the record and may present written comments for the record.

- c. Speakers shall address all comments and questions to the Planning Commission and comments will be limited to the subject matter of the Public Hearing.
  - d. 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 collective comments of the group as presented by that speaker.
  - e. The Chair may require that repetitive comments be limited or abbreviated in the interest of saving time and allowing others to speak. Everyone shall have an opportunity to speak before someone is allowed to speak a second time.
  - f. The Chair may establish additional rules of procedure for particular hearings as he/she determines appropriate.
  - g. Normal civil discourse and decorum is expected at all times. Applause, shouting, outbursts, demonstrations, name-calling or other provocative speech or behavior may result in removal from the hearing or an adjournment.
4. Once all public comments have been stated, the Chair shall close the hearing. Any voting member of the Planning Commission may initiate a motion to close the hearing.
5. Public Hearings shall be carried out in the following format:
- a. The Chair shall open the hearing.
  - b. The Applicant shall present any comments and explanation of the case. Applicants presentation shall not be subject to the five (5) minute limitation.
  - c. The City staff and any consultants serving the City shall present their reports.
  - d. The hearing will be opened for public comment.
  - e. The public comment period will be closed.
  - f. Deliberation and discussion by the Planning Commission.
  - g. Disposition of the case by the Planning Commission.
- 3.6 Motions. Motions shall be restated by the Chair before a vote is taken. The name of the maker and supporter of each motion shall be recorded.
- 3.7 Voting. An affirmative vote of the majority of the Commission shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last. Any members may be excused from voting only if that person has a bonafide conflict of interest as recognized by the a majority of the remaining members of the Commission. Any members abstaining from a vote shall not participate on the discussion of that item.

- 3.8 Order of Business. A written agenda for all regular meetings shall be prepared as followed.  
The order of business shall be:  
Call to Order.  
Roll Call  
Approval of Agenda  
Approval of Minutes.  
Public Hearings.  
~~New Business~~  
~~Old Business~~  
Public Comments and Communications concerning items not on the agenda.  
Correspondence.  
Staff Reports.  
Members discussion.  
Adjournment.  
A written agenda for special meeting shall be prepared and followed, however the form as enumerated above shall not be necessary.
- 3.9 Rules of Order. All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by *Modern Parliamentary Procedures*.
- 3.10 Agenda Items. For an item to be considered at a regular Planning Commission meeting, it must be submitted to the City Community Development Department no later than the established policy of the City prior to the next scheduled Planning Commission Meeting.

#### 4. MINUTES

- 4.1 Preparation. Commission minutes shall be prepared by the Secretary or Recording Secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, action and resolutions shall be attached to the minutes.

#### 5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- 5.1 All meetings of the Commission shall be open to the public and held in a place available to the general public.
- 5.2 All deliberations and decision of the Commission shall be made at a meeting open to the public.
- 5.3 A person shall be permitted to address a hearing of the Commission under the rules established in subsection 3.5, and to address the Commission concerning non-hearing matters at the time designated for such comments.

- 5.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.
- 5.5 All records, files, publications, correspondences, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

6. COMMITTEES

- 6.1 Executive Committee. The Executive Committee of the Planning Commission shall consist of the Chair, Vice Chair and Secretary. The Executive Committee shall be the Joint Ordinance Review Committee.
- 6.2 Ad Hoc Committees. The Planning Commission or Chair 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.
- 6.3 Rules of Procedure. All Sub-committees are subservient to the Planning Commission and report their recommendations to the Planning Commission for review and action and shall follow accepted parliamentary procedure as governed by *Modern Parliamentary Procedures*.

7. ANNUAL REVIEW OF BY-LAWS

The Commission shall annually review their By-Laws at the regularly scheduled meeting in January.

8. AMENDMENTS

These rules may be amended by the Commission by a concurring vote to subsection 3.7, during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

THESE BY-LAWS AND RULES OF PROCEDURES ARE ADOPTED ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2006

CITY OF MANISTEE PLANNING COMMISSION