

# MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, January 4, 2007  
7:00 p.m. -Council Chambers, City Hall, 70 Maple Street,  
Manistee, Michigan

## AGENDA

### I Call to Order

### II Roll Call

### III Approval of Agenda

At this time the Planing Commission can take action to approve the January 4, 2007 Agenda.

### IV Approval of Minutes

At this time Planning Commission can take action to approve the December 7, 2006 meeting Minutes.

### V Public Hearing

### VI New Business

Dennis P. McCarthy, Blarney Castle Oil Co., - Planning Commission review of application to schedule a Public Hearing. - A request has been received from Dennis P. McCarthy, Blarney Castle Oil Co. for a Special Use Permit for an Automobile Repair Facility at the building at 145 Harrison Street located in the C-2 Zoning District.

At this time the Planning Commission can make recommendation to Staff to Schedule a Public Hearing for the February 1, 2007 meeting if they feel they have sufficient information.

Committee Appointments - At the January Meeting each year Committee Appointments are made by the Chair

At this time Chair Yoder will make Committee Appointments

By-Law Review - As required by the By-Laws, during the January Meeting the Planning Commission reviews their By-Laws.

At this time the Planning Commission will review their By-Laws

Master Plan Review - Each January the Planning Commission reviews the Master Plan.

At this time the Planning Commission will discuss the Master Plan.

## VII Old Business

Appoint Recording Secretary 2007 - Maureen Barry was absent at the December Meeting when she was appointed Secretary for 2007.

At this time Secretary Barry can appoint a Recording Secretary for 2007.

## VIII Public Comments and Communications concerning Items not on the Agenda

At this time the Chair will ask if there are any public comments.

## IX Correspondence

At this time the Chair will ask if any correspondence has been received to be read into the record.

## X Staff Reports

At this time the Chair will ask Staff for their report.

## XI Members Discussion

At this time the Chair will ask members of the Planning Commission if they have any items they want to discuss.

## XII Adjournment



PLANNING AND ZONING  
COMMUNITY DEVELOPMENT  
231.398.2805  
FAX 231.723-1546  
www.ci.manistee.mi.us

## MEMORANDUM

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TO: Planning Commissioners  
FROM: Denise Blakeslee   
DATE: December 19, 2006  
RE: January 4, 2007 Meeting

Commissioners, enclosed is your packet for the January 4, 2007 Meeting. I will be out of the office until January 2, 2007 and would like to wish everyone a safe and happy holiday.

Attached is a copy of the new agenda. The new agenda provides information on each item as part of the agenda. This memo includes the agenda items along with italicized comments from staff relating to each item. This format will eliminate the need to prepare individual memos for small items.

**Dennis P. McCarthy, Blarney Castle Oil Co., - Planning Commission review of application to schedule a Public Hearing.** A request has been received from Dennis P. McCarthy, Blarney Castle Oil Co. for a Special Use Permit for an Automobile Repair Facility at the building at 145 Harrison Street located in the C-2 Zoning District.

*The Planning Commission is to review the request and if they feel the application is complete they can direct staff to schedule a Public Hearing for the February 1, 2007 meeting. See enclosed request and Memo from Jon Rose.*

**Committee Appointments** - At the January Meeting each year Committee Appointments are made by the Chair

*Some restructuring of the Sub-Committee's has been made and the information is enclosed for your review. We may want to discuss/schedule meeting dates/times for committees to meet also (bring your calendars).*

**By-Law Review** - As required by the By-Laws, during the January Meeting the Planning Commission reviews their By-Laws

*With the adoption of the By-Laws at the December Meeting this will be a formality unless a member wants to recommend any changes.*

**Master Plan Review** - Each January the Planning Commission reviews the Master Plan

*This may be a good time for the Master Plan Review Committee to schedule a meeting and report back to the Planning Commission at either the January Worksession or February Meeting.*

**Appoint Recording Secretary 2007** - Maureen Barry was absent at the December Meeting when she was appointed Secretary for 2007. At this time Secretary Barry can appoint a Recording Secretary for 2007.

*Maureen was in the office on December 8, 2007 and appointed Denise Blakeslee as Recording Secretary for 2007. The appointment during the January Meeting is so that the appointment will be a part of the official meeting minutes.*

Beginning with January 2007 all of the Meeting Agendas as well as the Meeting Minutes will be posted on the City's Web Page.

If you are unable to attend the meeting please call me at 398-2805. See you next year!

:djb

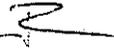


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## MEMORANDUM

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TO: Planning Commissioners

FROM: Jon R. Rose   
Community Development Director

DATE: December 19, 2006

RE: Dennis P. McCarthy, Blarney Castle Oil Co. - Request for a Special Use Permit.

Commissioners, A request has been received from Dennis P. McCarthy, Blarney Castle Oil Co. for a Special Use Permit for an Automobile Repair Facility at the building at 145 Harrison Street located in the C-2 Zoning District.

I have waived the requirement for a Site Plan because there are no changes to the building and I have determined that there is sufficient parking for the proposed use.

If the Planning Commission feels that the application is complete a Public Hearing could be scheduled for the February 1, 2007 meeting.

If you have any questions regarding this issue please call me at 398-2805.

JRR:djb

COMMITMENT FOR TITLE INSURANCE  
NUMBER CT 2246  
**CHICAGO TITLE INSURANCE COMPANY**

ISSUED BY:

MANISTEE ABSTRACT & TITLE CO.  
63 Maple Street  
Manistee, Michigan 49660

FORM OF POLICY TO BE ISSUED

ALTA OWNERS POLICY  
FORM B — 1970 (AMENDED 10-17-70)  
(AMENDED 10-17-84)  
\$ 35,000.00

ALTA LOAN POLICY  
FORM B — 1970 (AMENDED 10-17-70)  
WITHOUT EXCEPTIONS  
(AMENDED 10-17-84)  
\$

ALTA LOAN POLICY  
FORM B — 1970 (AMENDED 10-17-70)  
WITH EXCEPTIONS  
(AMENDED 10-17-84)  
\$

PARTY TO BE INSURED

Blarney Castle Inc.

DESCRIPTION OF REAL ESTATE

Situated in City of Manistee,  
described as:

Manistee

County, Michigan

Lot One (1), Block Seven (7) of Engelmann's Addition to the City of Manistee,  
according to the plat thereof as recorded in Liber 2-A of Plats, 19, Manistee  
County Records.

OWNER, ENCUMBRANCES, EXCEPTIONS TO TITLE, UNPAID TAXES AND REQUIREMENTS  
FOR ISSUANCE OF POLICY



# BLARNEY CASTLE OIL & PROPANE

2685 Holton Road  
North Muskegon, MI 49445  
(231) 744-1601

12218 West Street • P.O. Box 246  
Bear Lake, MI 49614  
(231) 864-3111

P.O. Box 275  
Scottville, MI 49454-0275  
(231) 757-2676

P.O. Box 693  
10827 Carter Road  
Traverse City, MI 49685  
(231) 947-5085

300 W. Mitchell Street  
Petoskey, MI 49770-2328  
(231) 347-8134

9021 South Road  
Cadillac, MI 49601-0448  
(231) 775-5514

6416 Riggsville Road  
Cheboygan, MI 49721  
(231) 627-7109

P.O. Box 38  
7245 S. Rapid City Road  
Rapid City, MI 49676  
(231) 331-6588

December 19, 2006

City of Manistee  
Planning Commission  
Manistee, MI 49660

To Whom it May Concern:

Please find enclosed a special use permit application for our property located at 145 Harrison St., Manistee, MI 49660. We are asking for a special use permit at this location for a car repair facility. Over the last 40+ years, this site was used as a car repair facility, and gasoline station. Most recently a used car business was operated at this location.

Our prospective tenant, Tyrone Collins, is the current owner of the Ludington Car Care Center at 215 North Jebavy Drive in Ludington.

The anticipated impact on the special use requirements should be similar to those businesses in the area. There should be little or no impact on adjacent properties as this site will be used for the same use that is has in the past.

Please let me know if you have any questions.

Thank you for your consideration.

Sincerely,

Dennis M. McCarthy  
Blarney Castle Oil Co.  
231-864-3488 ext. 110



### Planning Commission

## SPECIAL USE PERMIT APPLICATION

Dennis P. McCarthy, Blarney Castle 011 Co.  
 Applicant PO Box 246  
 Address Bear Lake, MI 49614  
 City, State, Zip Code  
 Phone Numbers (Work) 231-864-3488 ext. 110  
 (Home) 231-889-4494

#### FOR OFFICE USE ONLY:

Case number \_\_\_\_\_  
 Date Received \_\_\_\_\_  
 Fee Received \_\_\_\_\_  
 Receipt Number \_\_\_\_\_  
 Hearing Date \_\_\_\_\_  
 Action Taken \_\_\_\_\_  
 Expiration Date of Permit \_\_\_\_\_

**BASE FEE FOR SPECIAL USE PERMIT**  
~~325.00~~

A Special Use application shall be submitted and processed according to the following procedures:

A. **Submission of Application.** Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee and any applicant escrow payments as required by Section 2701 and in accordance with the schedule of fees adopted by the City Council to cover the costs of processing the application. An application shall be submitted to the Zoning Administrator on a Special Use application form. A Special Use application shall be placed on the agenda of the Planning Commission by the Zoning Administrator within thirty (30) days of the submission of a complete application prepared in accordance with this Zoning Ordinance. An application, which is incomplete or otherwise not in compliance with this Ordinance, shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees and escrow payments paid in full.

B. **Data Required.** Twelve (12) copies of an application for a Special Use permit shall be presented to the Zoning Administrator and accompanied by the following documents and information.

1. A complete Special Use permit application including the following information:
  - a. Name and address of applicant and owner(s): Dennis P. McCarthy (owner), Tyrone Collins (tenant)  
PO Box 246, Bear Lake, MI 49614
  - b. Legal description, property parcel number, and street address of the subject parcel of land: See Attached
  - c. Area of the subject parcel of land stated in acres, or if less than one (1) acre, in square feet \_\_\_\_\_
  - d. Present zoning classification of the parcel: C-2
  - e. Present and proposed land use: Car Repair Facility. Historically used as a car repair facility

- f. A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.  
 Attached
- g. Applicant's statement of the expected effect of the special use on emergency service requirements, schools, storm water systems, sanitary sewer facilities, automobile and truck circulation patterns, and local traffic volumes.  
 Attached
- h. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this ordinance, by the City Zoning Administrator or the Planning Commission; including, but not limited to, measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties; elevations on all buildings, including accessory buildings; and, an environmental assessment.  
 Attached
- i. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in this Article and other standards imposed by this Ordinance affecting the special use under consideration.  
 Attached

- Waived*
- 2. A complete Site Plan containing all the applicable data required by Article 22, Site Plans.
  - 3. Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing Special Use permit applications as provided in Section 1802.
  - 4. Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed Special Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, a traffic impact analysis as required by Section 2203, E, 2, an environmental assessment as required by Section 2203, E, 1, a market study as required by Section 2203, E, 3, or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment.
  - 5. The Zoning Administrator may, with the approval of the Planning Commission, waive the submission of materials outlined in this Section if such materials are determined to be not applicable to the proposed Special Use or relevant to the consideration of the Planning Commission.

- C. **Special Use review procedures.** An application for Special Use Approval shall be processed in accordance with Section 1801.C.
- D. **Issuance of a Special Use permit.** Special Use Permits shall be issued in accordance with Section 1801.D.
- E. **Appeals.** No decision or condition related to a Special Use application shall be appealed to the Zoning Board of Appeals. An appeal of a Special Use decision or condition may be taken to Circuit Court.
- F. **Duration of Approval.** The Special Use permit shall become effective upon Planning Commission approval and in accordance with Section 1801.F.

G. **Amendments.** Amendments to Special Use permits shall be handled in the same manner as the initial Special Use permit application. Minor non-substantive changes to a site plan in accordance with Section 2208 may be made to an existing Special Use permit with the approval of the Zoning Administrator.

H. **Transfers.** Transfers shall be handled in accordance with Section 1901.H.

I. **Expiration.** A Special Use permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The Special Use permit will expire on the occurrence of one or more of the following conditions:

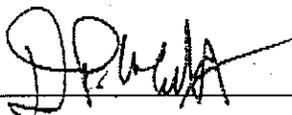
- 1. If replaced or superseded by a subsequent permitted use or Special Use permit.
- 2. If the applicant requests the rescinding of the Special Use permit.
- 3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.
- 4. If the use is abandoned, moved or vacated for a period of one year.

J. **Violations.** Violations shall be handled in accordance with Section 1901.J.

**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.

The undersigned, by signing the Application, agrees to pay any and all fees and escrow payments in full as provided in Article 27.

Signature (s) of Applicant (s): 

Dated 12/18/06

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

yes  no Please indicate if the applicant will be tax exempt, applying and/or eligible for tax abatements, credits, or deferments for this proposed project.

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MANISTEE CITY PLANNING COMMISSION  
COMMITTEE APPOINTMENTS 2007**

COMMITTEE	2007 APPOINTEES
<p><b>EXECUTIVE COMMITTEE</b> (Chair, Vice Chair, Secretary) Members of the Executive Committee review Zoning Ordinance Amendments with City Council Ordinance Review Committee</p>	<p>Maureen Barry - Secretary Ray Fortier - Vice Chair Roger Yoder - Chair</p>
<p><b>HISTORIC OVERLAY COMMITTEE</b></p> <p>5 member committee including DDA Representative and Museum Representative to oversee building modifications in the Historic Overlay District (Downtown).</p> <p><i>This Committee will disband once the Historic District Ordinance is adopted by City Council.</i></p>	<p>(3 members - 1 alternate)</p> <p>Meet as needed 4:00 p.m. at the Manistee County Historical Museum, 425 River Street</p>
<p><b>MASTER PLAN REVIEW COMMITTEE</b></p> <p>Members of this committee will be responsible to keep current with new trends/changes that are going on in the community that could impact the Master Plan. An example would be the "Hotel Chippewa Fire". The resulting vacant property would not necessary require a change in the plan, but should be noted for review during the annual review (January Meeting).</p>	<p>(4 members)</p> <p>No scheduled time for meetings. Should meet at least quarterly.</p>
<p><b>ORDINANCE RE-WRITE COMMITTEE</b></p> <p>Members of this committee will assist in reviewing the Zoning Ordinance for areas that need to be changed and/or updated. They also monitor ZBA Requests to see if a change in the ordinance is necessary (if multiple requests are received for the same issue).</p>	<p>(4 members)</p> <p>Currently Meeting as needed 8:00 a.m. on Mondays at City Hall.</p>
<p><b>SITE PLAN REVIEW/ SUBDIVISION COMMITTEE</b></p> <p>Site Plan Review Committee - Available for optional Plan Review of Special uses and uses by Right. Committee Review required for Planned Unit Developments.</p> <p>Subdivision Committee - This committee is required under section 1242.03 of the Code of Ordinances.</p>	<p>(4 members)</p> <p>No Scheduled time for meetings. Will meet with developer as needed.</p>
<p><b>ZONING BOARD OF APPEALS</b></p> <p>One member of the Planning Commission also serves on the Zoning Board of Appeals</p>	<p>(1 member)</p> <p>Meet as needed 5:30 p.m. at City Hall</p>