

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, January 2, 2014
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 Planning Commission can take action to approve the January 2, 2014 Agenda.

IV Approval of Minutes

At this time Planning Commission can take action to approve the December 5, 2013 meeting Minutes.

V Public Hearing

PC-2014-01 Renaissance Painting Plus and Property Management LLC – Special Use Permit, Duplex

A request has been received from Renaissance Painting Plus and Property Management LLC for a Duplex at 354 First Street.

At this time the Chair shall open the hearing.

The Applicant shall present any comments and explanation of the case.

City Staff shall present their report

The hearing will be opened for public comments

The hearing will be closed

VI Public Comment on Agenda Related items

VII New Business

PC-2014-01 Renaissance Painting Plus and Property Management LLC – Special Use Permit, Duplex

During the Business portion of the meeting the Planning Commission will deliberate on the request from Renaissance Painting Plus and Property Management LLC for a Special Use Permit to allow the existing building at 354 First Street to be converted into a duplex.

At this time the Planning Commission could take action to adopt a resolution to approve/approve with conditions/deny the request from Renaissance Painting Plus and Property Management LLC

for a Special Use Permit for a Duplex at 354 First Street as submitted with application PC-2014-01

Sub-Committee Appointments

According to the By-Laws of the City of Manistee Planning Commission the Chair will appoint members of the Planning Commission to serve on Sub-Committees of the Planning Commission and one member who shall serve on the Zoning Board of Appeals.

By Law Review

According to the By-Laws of the City of Manistee Planning Commission shall annually review their By-Laws at the regularly scheduled meeting in January.

At this time the Planning Commission could take action to make changes to their By-Laws if necessary.

Master Plan Review

Under Section 125.3845, Sec. 45 (2) "At least every 5 years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the planning commission."

At this time that the Planning Commission could take action to continue their work on rewriting the City of Manistee Master Plan.

VIII Old Business

IX Public Comments and Communications

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

X Correspondence

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

XI Staff/Sub-Committee Reports

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

At this time the Chair will ask if any of the Sub-Committees have anything to report.

XII Members Discussion

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

XIII Adjournment



City of Manistee Planning & Zoning Administrator



MEMORANDUM

231.398.2805

Fax 231.723-1546

dblakeslee@manisteemi.gov

www.manisteemi.gov

TO: Planning Commissioners

FROM: Denise Blakeslee, Planning & Zoning

DATE: December 23, 2013

RE: January 2, 2014 - Planning Commission Meeting

Commissioners, the next meeting of the Planning Commission is Thursday, January 2, 2014 at 7 pm in the Council Chambers. We have the following items on the agenda:

- **Renaissance Painting Plus and Property Management LLC – Special Use Permit, Duplex** – A request has been received from Renaissance Painting Plus and Property Management LLC for a Duplex at 354 First Street. A copy of the request, site plan/staff review, draft resolutions to approve or deny are enclosed for your consideration.
- **Sub-Committee Appointments** - According to the By-Laws of the City of Manistee Planning Commission the Chair will appoint members of the Planning Commission to serve on Sub-Committees of the Planning Commission and one member who shall serve on the Zoning Board of Appeals.
- **By Law Review** - According to the By-Laws of the City of Manistee Planning Commission shall annually review their By-Laws at the regularly scheduled meeting in January.
- **Master Plan Review** - Under Section 125.3845, Sec. 45 (2) “At least every 5 years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the planning commission.”

Please let me know if you are unable to attend the meeting. See you Thursday!

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

December 5, 2013

A meeting of the Manistee City Planning Commission was held on Thursday, December 5, 2013 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 pm by Chair Yoder

Roll Call:

Members Present: Maureen Barry, Bill Dean, Ray Fortier, Marlene McBride, Roger Yoder

Members Absent: David Crockett (excused), Mark Wittlief (excused)

Others: Denise Blakeslee (Planning & Zoning Administrator)

APPROVAL OF AGENDA

Motion by Ray Fortier, seconded by Maureen Barry that the agenda be approved as prepared.

With a Roll Call vote this motion passed 5 to 0.

Yes: Barry, Dean, Fortier, McBride, Yoder

No: None

APPROVAL OF MINUTES

Motion by Ray Fortier, seconded by Bill Dean that the minutes of the November 7, 2013 Planning Commission Meeting be approved as prepared.

With a Roll Call vote this motion passed 5 to 0.

Yes: Dean, Fortier, Barry, McBride, Yoder

No: None

PUBLIC HEARING

None

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

NEW BUSINESS

Election of Officers 2014 According to the By-Laws of the City of Manistee Planning Commission their annual election of Officers is held at the December Meeting for the following year.

Chair

At this time the meeting was turned over to Denise Blakeslee who asked for nominations for the Position of Chair.

Ray Fortier, seconded by Marlene McBride nominated Roger Yoder for the position of Chair

Nominations were asked for three times; There being no other nominations, nominations were closed.

With a roll call vote, Roger Yoder was elected Chair of the Planning Commission for 2014, 5 to 0.

Nominations were turned back over to Chair Yoder.

Vice-Chair

Chair Yoder asked for nominations for the Position of Vice-Chair.

Maureen Barry, seconded by Marlene McBride nominated Ray Fortier for the position of Vice-Chair

Nominations were asked for three times; There being no other nominations, nominations were closed.

With a roll call vote, Ray Fortier was elected Vice - Chair of the Planning Commission for 2014, 5 to 0.

Secretary

Chair Yoder asked for nominations for the Position of Secretary.

Ray Fortier nominated Marlene McBride for the position of Secretary

Nominations were asked for three times; There being no other nominations, nominations were closed.

With a roll call vote, Marlene McBride was elected Secretary of the Planning Commission for 2014, 5 to 0.

Appointment of a Recording Secretary 2014 Once Elected the Secretary may appoint a Recording Secretary to handle the administrative functions of the office.

Marlene McBride appointed Denise Blakeslee to act as the Recording Secretary for the Planning Commission for the year 2014.

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

None

CORRESPONDENCE

A copy of an e-mail from Gary Patulski was given to Leah DuMouchel, Beckett & Raeder, Inc. who facilitated the City of Manistee Visioning Session on November 21, 2013 and was included in the summary. Each member of the Planning Commission received a copy of the email with their meeting packet. The email read as follows:

Since I am unable to attend the upcoming November meeting regarding Manistee's vision I would like to provide some input.

The vision for Manistee should be: "Take care of the residents, pride will return, people will see and come"

It should come as no surprise that the top priorities for Manistee should be:

1. Local Streets
2. Ending Subsidies to all City Enterprises
3. Tax incentives for Home Improvements
4. Jobs
5. Business Growth
6. Population Growth

I have listed them in order of controllability by the City and which can be most directly impacted by the City.

Manistee's current Strategic Plan is extremely weak and does not contain measurable quantifiable goals or clear responsibility. In Example, the goal for the Industrial Park is to be at 100% capacity. But When? In 2100? What is the goal for 2014, 2015, 2016? Who is responsible if the goal is not met? If you are not going to have measurable goals and clear accountability you don't have a Strategic Plan.

The future projected debt subsidies to the Ramdell Theatre exceeding \$1.6 million must cease immediately. Way too much money has been spent on that facility which the City projects will still not be a breakeven business by 2028! Shame on the City for throwing millions of good money after millions of bad.

Jobs and Business growth really go hand in hand. Manistee must draw larges retail businesses to keep the shopping local and stop residents traveling to Ludington and Traverse City to shop.

No City funds should be spent for ANY new Recreational or Tourist based Capital Projects. The majority of Manistee's tourists are drawn by the Casino not a City facility.

Manistee is a Blue Collar town and it needs to return to its roots. Please call or email me with any questions you may have.

Sincerely,

Gary Patulski 832-334-8290

STAFF/SUB-COMMITTEE REPORTS

Denise Blakeslee, Planning & Zoning Administrator – Each member was given a copy of the Visioning Summary that was emailed this afternoon along with a copy of “New Master Plans will need to be very different from traditional ones” that was downloaded from the MSU Master Citizen Planner News. Ms. Blakeslee received a draft of the survey that is being prepared and noted that a comment section needed to be added to the survey.

Chair Yoder and Ms. Blakeslee discussed the opinion from City Attorney George Saylor that will allow Mark Wittlief to continue to serve on the Planning Commission and City Council.

MEMBERS DISCUSSION

Holiday wishes were exchanged.

The Planning Commission does not have a Worksession scheduled for December.

The next regular meeting of the Planning Commission will be held on Thursday, January 2, 2014

ADJOURNMENT

Motion by Ray Fortier, seconded by Marlene McBride that the meeting be adjourned.

MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 7:30 pm

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary

NOTICE OF PUBLIC HEARING
City of Manistee Planning Commission

The City of Manistee Planning Commission will hold a Public Hearing in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan to consider a request from:

NAME: Renaissance Painting Plus & Property Management LLC
310 Fifth Street
Manistee, MI 49660

LOCATION OF REQUEST: 354 First Street

ACTION REQUESTED: Special Use Permit for Duplex

DATE/TIME OF HEARING: Thursday, January 2, 2014 at 7 pm

Interested parties are welcome to attend the hearing, or written comments with signature can be submitted to: Denise Blakeslee, Planning and Zoning Administrator, City of Manistee, 70 Maple Street, Manistee, MI 49660, (231) 398-2805.

A copy of the application is attached.



Planning Commission/Planning & Zoning
 City Hall
 70 Maple Street, P.O. Box 358,
 Manistee, MI 49660
 231.398.2806 (phone)
 231.723.1546 (fax)

Special Use Permit Application

A Detailed Site Plan is required for all Special Uses

Please Print

Submission of Application		
<p><i>Applications must be submitted 25 days prior to the meeting for review for completeness.</i> Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee \$750.00 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.</p>		
Property Information		
Address: 354 First St.	Parcel # 51-448-724-09	
Applicant Information		
Name of Owner or Lessee: RENAISSANCE PAINTING Plus 3 PROPERTY MANAGEMENT LLC		
Address: 310 Fifth St. Manistee, MI 49660		
Phone #:	Cell#: 231-510-3515	e-mail:
Name of Agent (if applicable):		
Address:		
Phone #:	Cell#:	e-mail:
Data Required/Project Information		
Land Area: 9.660 sq Feet	Zoning Classification: C3 C3	
Present/proposed Land Use: Single Family Home Conversion To Duplex		
Attach a Detailed Narrative for the following		
<input checked="" type="checkbox"/>	A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.	
<input checked="" type="checkbox"/>	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.	
<input checked="" type="checkbox"/>	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.	
<input checked="" type="checkbox"/>	Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing Special Use permit applications as provided in Section 1802 .	

Additional Information

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.

Special Use review procedures. An application for Special Use Approval shall be processed in accordance with **Section 1801.C.**

Issuance of a Special Use permit. Special Use Permits shall be issued in accordance with **Section 1801.D.**

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.

Duration of Approval. The Special Use permit shall become effective upon Planning Commission approval and in accordance with **Section 1801.F.**

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.

Transfers. Transfers shall be handled in accordance with **Section 1801.H.**

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:

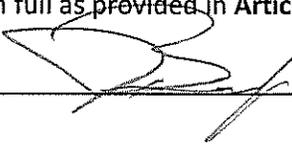
1. If replaced or superseded by a subsequent permitted use or Special Use permit.
2. If the applicant requests the rescinding of the Special Use permit.
3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.
4. If the use is abandoned, moved or vacated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

Violations. Violations shall be handled in accordance with **Section 1801.J.**

Authorization

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:  Date: 12/5/13

Signature: _____ Date: _____

If applicant is Incorporated or a Limited Liability Corporation a copy of the Articles of Incorporation are to be submitted with application.

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: _____

Office Use Only

Fee: \$750.00 \$ _____ Escrow Payment _____ Receipt # 29552

Date Received: 12-9-13 Hearing Date: 1-2-14 PC- 2014-01

Renaissance Painting Plus and

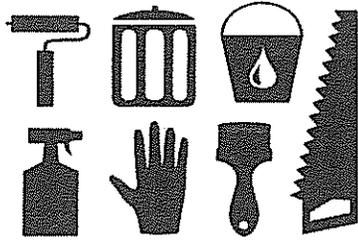
Property Mgt. LLC

December 5,2013

Regarding 354 First St. Manistee MI 49660

- Property contains 2 separate electric meters, water heaters and furnaces
- Separate entrances
- Location is appropriate due to the fact the home has been set up as a duplex for 25 plus years
- There is no expected effect to Emergency Services, Storm/Sewer or Water system, Schools or Traffic due to the fact that there is no change occurring to the existing structure or the surrounding area.
- Structure is located in a Commercial District that includes many other Duplex's and/or Apartment Buildings.
- My business goal is to Purchase these Existing Structures in the City of Manistee, update them to which the LLC and the City of Manistee will benefit from.

RENAISSANCE PAINTING PLUS & PROPERTY MANAGEMENT LLC



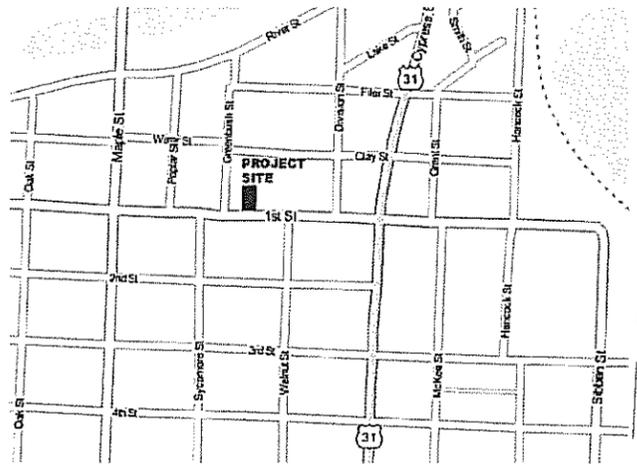
December 5th, 2013

To whom it may concern, we the owners of Renaissance Painting Plus & Property Management LLC want to upgrade our home at 354 1st street and we would also like to petition the city for our duplex permit. This has been a duplex since the 1940's and we would love to get it back to the duplex it is set up to be. We would greatly appreciate if you neighbors as a community would help us to do this to our house. We are trying to upgrade this house for not only us but the community around it, this house has sat empty for sometime. If we could get everyone signature it would mean a great deal to us. Thank you for your time and patience with us.

Name	Address	Signature
1. <u>Barbara Patterson</u>	<u>357 First St.</u>	<u>Barbara Patterson</u>
2. <u>John Veach</u>	<u>384 First St</u>	<u>John Veach</u>
3. <u>Amy Gasior</u>	<u>362 1st St</u>	<u>Amy Gasior</u>
4. <u>Richard Morris</u>	<u>357 1st St</u>	<u>Richard Morris</u>
5. <u>Jean Smith</u>	<u>353 1st St.</u>	<u>Jean Smith</u>
6. <u>Melissa Willard</u>	<u>332 1st St</u>	<u>Melissa Willard</u>
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____

Site Plan Review/Staff Report
C-3 Central Business District

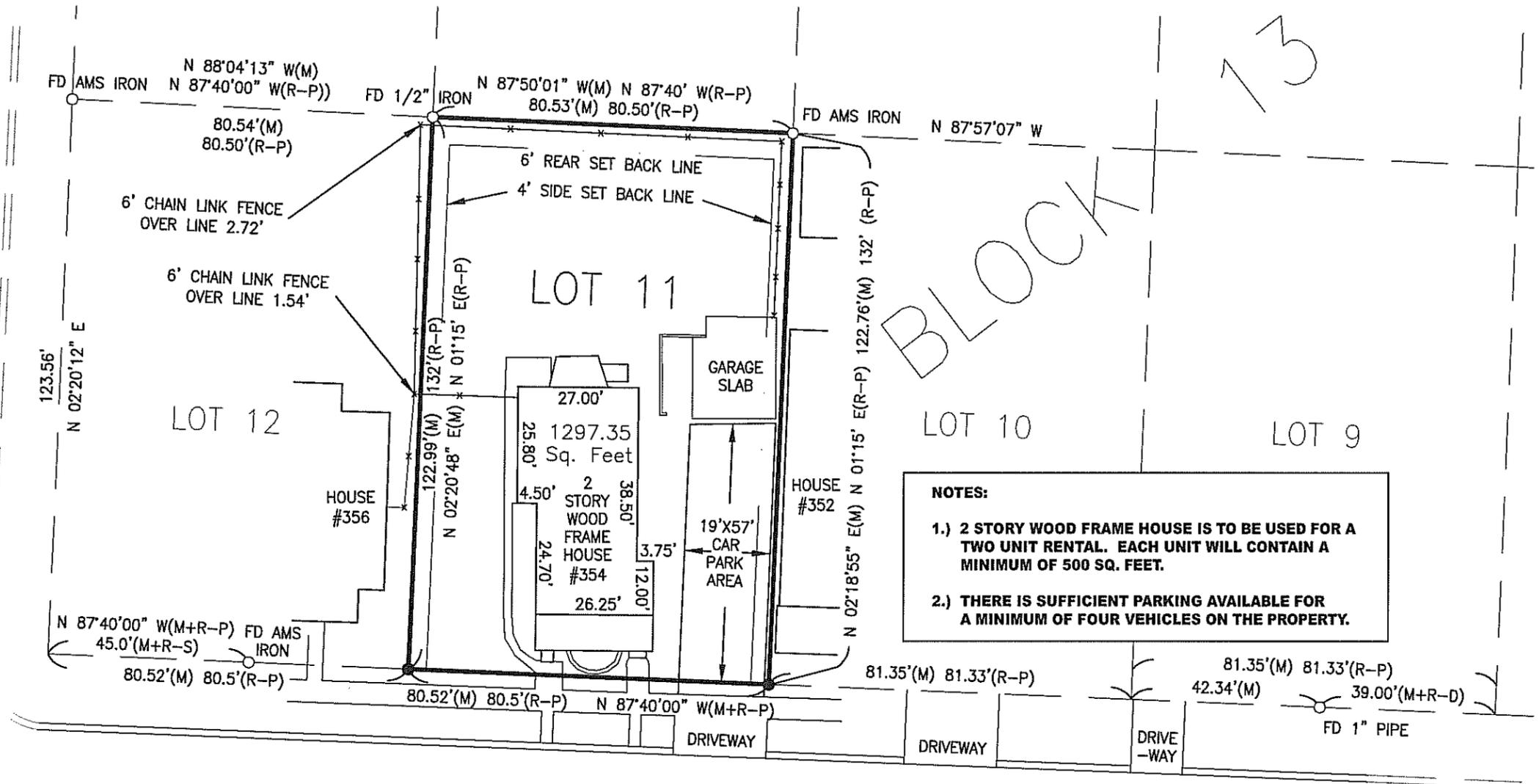
Name of Owner: <i>Renaissance Painting Plus & Property Management LLC</i>				
Address/Parcel Code # <i>354 First Street #51-448-724-09</i>				
Proposed Use: <i>Duplex</i>				
> = Greater than < = Less than +/- = More or Less than	Requirements	Proposed	Compliance Yes No	
Minimum Lot Area	2,500 sq. ft.	<i>9,660 sq. ft.</i>	<i>X</i>	
Minimum Lot Width	25 ft.	<i>80.50 ft.</i>	<i>X</i>	
Maximum Building Height	4 stories, or 50 ft.	<i>2 stories, < 50ft</i>	<i>X</i>	
Maximum Lot Coverage	100%	<i>< 100%</i>	<i>X</i>	
Minimum Living Area	500 sq. ft.	<i>Each unit will have more than 500 sq. ft. of living area</i>	<i>X</i>	
Front Yard Set Back	0 ft.	<i>>0</i>	<i>X</i>	
*Side Yard Set Back:	0 or 4 ft. (each side)	<i>>4</i>	<i>X</i>	
Rear Yard Set Back:	6 ft.	<i>>6</i>	<i>X</i>	
Waterfront	20 ft.	<i>n/a</i>	<i>X</i>	
Parking Requirements:	0	<i>4</i>	<i>X</i>	
Signage – subject to Article 21:			<i>n/a</i>	
Landscaping Requirements – subject to Section 531:			<i>existing</i>	
Outdoor Lighting Requirements – subject to Section 525:			<i>existing</i>	
U.S. 31 Corridor Overlay District Requirements – subject to Article 19:			<i>n/a</i>	
*Side Yard Set Back: Where a building is not proposed to be sited on the side lot line, a minimum yard of four (4) feet shall be provided. <i>Existing structure complies</i>				
Number of Units: Not more than three units per each fifteen hundred (1,500) square feet of building envelope. <i>Existing parcel/structure complies</i>				
Buffering: When a proposed commercial use is contiguous to a parcel in the R-1, R-2 or R-3 districts, the Planning Commission may require an additional buffer consisting of a ten (10) foot side and/or rear setback, a four (4) foot high landscaped berm or solid fence up to six (6) feet in height, or any combination thereof. <i>n/a</i>				
Notes: <i>Existing Structure complies with requirements of Ordinance. Applicant has provided area for four off street parking spaces; off street parking is not required under Section 514.F "For all permitted uses and special uses in the C-3 District the parking provisions of this section shall not apply, except to hotels, motels, and residential use condominiums"</i>				
<i>Spoke with applicant, if there are any changes to existing outdoor lighting, new lighting will comply with requirements of Section 525.</i>				
Compliance: <i>Request complies with the requirements for a Duplex in the C-3 Central Business District</i>				
Zoning Review by: <i>Denise J. Blakeslee, Planning & Zoning Administrator</i>				



VICINITY MAP

CITY OF MANISTEE ZONING
 C-3 CENTRAL BUSINESS DISTRICT
 0' FRONT LINE SET BACK
 4' SIDE LINE SET BACK
 6' REAR LINE SET BACK
 MAXIMUM LOT COVERAGE 100%

GREENBUSH STREET (66' R/W)
 (RECORDED WEST DIVISION)



NOTES:
 1.) 2 STORY WOOD FRAME HOUSE IS TO BE USED FOR A TWO UNIT RENTAL. EACH UNIT WILL CONTAIN A MINIMUM OF 500 SQ. FEET.
 2.) THERE IS SUFFICIENT PARKING AVAILABLE FOR A MINIMUM OF FOUR VEHICLES ON THE PROPERTY.

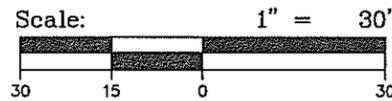
1ST STREET (66' R/W) (RECORDED SOUTH DIVISION)

DESCRIPTION: A PARCEL OF LAND SITUATED IN THE CITY OF MANISTEE, COUNTY OF MANISTEE, STATE OF MICHIGAN, AND DESCRIBED AS FOLLOWS TO-WIT:

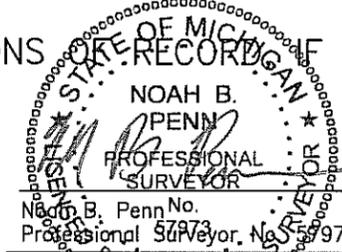
LOT 11, BLOCK 13, "PLAT OF FILER & SMITH'S ADDITION TO THE VILLAGE OF MANISTEE", AS RECORDED.

SUBJECT TO ALL EASEMENTS, COVENANTS, RIGHT-OF-WAYS, RESERVATIONS, AND RESTRICTIONS OF RECORD, IF ANY.

- Legend**
- IRON FOUND
 - IRON SET
 - ⊙ MONUMENT FOUND
 - ⊕ GOVERNMENT CORNER
 - (R-P) RECORD PLAT
 - (R-S) RECORD ANTHONY M. SLAWINKSI (P.S. #13597) "AMS"
 - (R-D) RECORD DESCRIPTION
 - (M) MEASURED



ALTERATION OF ANY PART OF THIS DOCUMENT WITHOUT THE PERMISSION OF POINTS WEST LAND SURVEYING, LLC IS PROHIBITED.



Points West Land Surveying, LLC
 Mailing Address
 P.O. Box 248
 Ludington, MI 49431
 (231) 740-4102
 www.pointswestllc.com

Office Address
 5341 Industrial Drive
 Montague, MI 49437
 (231) 740-4102
 www.pointswestllc.com

BASIS OF BEARING: NORTH LINE OF SOUTH DIVISION STREET (NOW 1ST STREET) RECORD PLAT

CLIENT: RENAISSANCE PAINTING PLUS		
LOCATION: 354 1ST STREET LOT 11, BLOCK 13 PLAT OF FILER AND SMITH'S ADDITION CITY OF MANISTEE, MICHIGAN		
DWN. NBP	DATE 12-9-2013	FILE NO. 13-025
CK. NBP	FLD. BK. X PG. X	SHEET 1 OF 1

City of Manistee
Planning Commission Resolution to Approve a
Special Use Permit, Case Number PC-2014-01
Renaissance Painting Plus & Property Management LLC

At a regularly scheduled meeting of the City of Manistee Planning Commission held on January 2, 2014, the following resolution was adopted to approve a Special Use Permit for a duplex as shown on Site Plan prepared by Noah Penn, Points West Land Surveying, LLC Dated 12-9-13 File No. 13-025.

Planning Commissioner _____ moved, supported by Planning Commissioner _____, the adoption of the following resolution.

WHEREAS, on December 9, 2013 a request was received from Renaissance Painting Plus and Property Management LLC for a Special Use Permit for a Duplex, and

WHEREAS, a Duplex is provided for as a Special Use in the C-3 Central Business District, and

WHEREAS, the parcel at 354 First Street is located in the C-3 Central Business District, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed Special Use Permit on January 2, 2014, and

WHEREAS, the Planning Commission has received written comment, reviewed the site plan, and has completed review of the application, received input from the Applicant and input received at said public hearing.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- A. RESOLVED, that the Planning Commission has reached the following determination regarding Special Use Permit Standards (Section 1802.A):
1. The Special Use is consistent with the adopted City of Manistee Master Plan.
 2. The Special Use is designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed.
 3. The Special Use is not hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
 4. The Special Use is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.
 5. The Special Use does not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.

6. The Special Use does not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare, or odors.
7. The Special Use meets the intent and purpose of the Zoning Ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

B. Findings of Fact – Section 1829 Duplex of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. In any subdivision or site condominium, the Planning Commission may establish a limit on the number of duplexes within said development.
2. All off-street parking shall be in compliance with Section 514 of this Ordinance.
3. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

BE IT FURTHER RESOLVED that the Special Use Permit for a Duplex at 354 First Street shall comply with the following conditions:

CITY OF MANISTEE PLANNING COMMISSION:

AYES:

ABSTAINING:

NAYS:

ABSENT:

MOTION: CARRIED

CERTIFICATION:

I, Marlene McBride, Secretary of the City of Manistee Planning Commission certify that the foregoing is a true and complete record of action taken by the Planning Commission at their regular meeting of January 2, 2014

Marlene McBride, Secretary

City of Manistee
Planning Commission Resolution to Deny a
Special Use Permit, Case Number PC-2014-01
Renaissance Painting Plus & Property Management LLC

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WHEREAS, the parcel at 354 First Street is located in the C-3 Central Business District, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed Special Use Permit on January 2, 2014, and

WHEREAS, the Planning Commission has received written comment, reviewed the site plan, and has completed review of the application, received input from the Applicant and input received at said public hearing.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- A. RESOLVED, that the Planning Commission has reached the following determination regarding Special Use Permit Standards (Section 1802.A):
1. The Special Use is consistent with the adopted City of Manistee Master Plan.
 2. The Special Use is designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed.
 3. The Special Use is not hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
 4. The Special Use is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.
 5. The Special Use does not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.

6. The Special Use does not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare, or odors.
7. The Special Use meets the intent and purpose of the Zoning Ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

B. Findings of Fact – Section 1829 Duplex of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. In any subdivision or site condominium, the Planning Commission may establish a limit on the number of duplexes within said development.
2. All off-street parking shall be in compliance with Section 514 of this Ordinance.
3. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

BE IT FURTHER RESOLVED, that the Special Use Permit for a Duplex at 354 First Street t is hereby denied for the reasons set forth in this resolution.

CITY OF MANISTEE PLANNING COMMISSION:

AYES:

ABSTAINING:

NAYS:

ABSENT:

MOTION: CARRIED

CERTIFICATION:

I, Marlene McBride, Secretary of the City of Manistee Planning Commission certify that the foregoing is a true and complete record of action taken by the Planning Commission at their regular meeting of January 2, 2014

Marlene McBride, Secretary

**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 110 of 2006, as amended, the Michigan Zoning Enabling Act; Public Act 33 of 2008, as amended being the Michigan Planning Enabling 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 shall be responsible for execution of documents in the name of the Planning Commission, 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.
 - The Secretary may appoint a Recording Secretary to handle the administrative functions of the office. 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 at the first regularly scheduled meeting 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 by December 31st of each year. 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 Removal from Office. The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

- 3.3 Commission Absences. In order to maintain the maximum participation of all appointed Planning Commission members at all scheduled meetings, the following is the attendance guide and Commissioner replacement policy for “excused” or “unexcused” absences:
1. When appointed, each Commissioner should state his/her willingness and intention to attend each scheduled meeting of the Planning Commission.
 2. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the Commissioner from attending the scheduled meeting; the Commission Chair or staff Liaison to the Planning Commission should be notified as soon as possible prior to the time of the scheduled meeting of their inability to attend. The Commissioner upon this notification will receive an “excused absence” for the involved scheduled meeting.
 3. If any Commissioner is absent from three (3) consecutive scheduled meetings without an “excused absence” for any of the three (3) meetings, the Commissioner shall be reported in writing to the City Manager. The City Manager will contact the Commissioner in writing and question his/her continued ability or interest in being on the Commission, giving the member a chance to rectify the attendance issue or submit a resignation.
 4. There will be no limit on the number of consecutive “excused absences” for any Commissioner. However, if the Commissioner is repeatedly absent for at least 50% of the yearly scheduled meetings, that member will also be reported in writing to the City Manager. The City Manager will contact the Commissioner in writing and question the member’s continued ability or interest to be on the Commission. The Commissioner will be considered for appointment nullification when the absences total six in the calendar year.
 5. The appointment nullification action would be initiated by the City Manager and forwarded on to the City Council for official action.
- 3.4 Special Meetings. A special meeting may be called by three 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 provide notice to commission members by writing, telephone, or e-mail.
- 3.5 Quorum. In order for the Commission to conduct business or take any official actions, a quorum consisting of at least four of the seven 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.
- 3.6 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 may 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 may 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 may 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. Applicant's 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.

3.7 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.

3.8 Voting. An affirmative vote of the majority of those members present 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.

- 3.9 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
 - Public Comment on Agenda related items
 - New Business
 - Old Business
 - Public Comments and Communications
 - 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.

- 3.10 Rules of Order. All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure as adopted by City Council for all Boards and Commissions within the City of Manistee.
- 3.11 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.
- 3.12 Conflict of Interest: Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission.
1. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. A commission member issuing, deliberating, voting or reviewing a case concerning himself.
 - b. A commission member issuing, deliberating, voting or reviewing a case concerning work on land owned by himself.
 - c. A commission member issuing, deliberating, voting or reviewing a case involving a corporation, company, partnership, or other entity in which he is a part owner, or any other relationship where he may stand to have a financial gain or loss.
 - d. A commission member issuing, deliberating, voting or reviewing a case which is an action which results in a pecuniary benefit to himself.
 - e. A commission member issuing, deliberating, voting or reviewing a case concerning his spouse, children, step-child, grandchildren, parents, brother, sister, grandparents, parents in-law, grandparents in-law or member of his household.
 - f. A commission member may consider the possibility of declaring a conflict of interest if his/her home falls within a notification radius used for a Public Hearing. Because the sending of the notice automatically presumes some degree of interest, this fact

- should be recognized by declaring a conflict, particularly if a financial impact is likely.
- g. A commissioner who feels, in his/her judgment that his/her job, scope of duties and/or position may be at risk, pending the outcome of the permitting process.
2. A commission member shall, when he/she has a conflict of interest do the following immediately, upon the first review of the case and determining a conflict exists:
 - a. declare a conflict exists at the beginning of the meeting where the case appears on the agenda, or when the topic brought up so such declaration is recorded in the minutes, and
 - b. refrain from participating in the discussion, site inspection or review of the case, except where specific information has been requested by the commission, and
 - c. refrain from casting a vote on any motion having to do with the case.

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 Committees. The Planning Commission or Chair of the Planning commission may establish and appoint standing and/or ad hoc committees for special purposes or issues, as deemed necessary. No more than three members of the Planning Commission may serve on a standing and/or 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 be conducted in accordance with generally accepted parliamentary procedure as adopted by City Council for all Boards and Commissions within the City of Manistee.

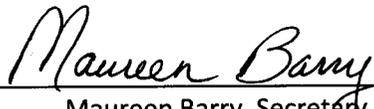
7. ANNUAL REVIEW OF BY-LAWS

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 subject 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.

I HEREBY CERTIFY that the above Bylaws were adopted the 3rd day of January 2013.



Maureen Barry, Secretary

As Amended by the Planning Commission at their regularly scheduled meeting of March 5, 2009.

[Amendments included requirements of the new Michigan Zoning Enabling Act and Michigan Planning Enabling Act.]

[Annotation: As approved by the City Council at their June 2, 2009 Meeting - Council authorized the bylaw amendments for all Boards and Commissions to include the new Board Absences language; directed all boards or commissions to implement and follow these changes as Council has requested; and authorized the Mayor to sign the amended bylaws.]

[Annotation: Section 3.9 Order of Business was amended at the January 6, 2011 Planning Commission Meeting by adding "Public Comment on Agenda related items" after Public Hearings]

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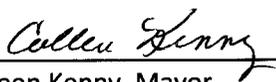
[Annotation: on January 3, 2013 the Planning Commission amended the first sentence of Section 3.5 Quorum as follows: In order for the Commission to conduct business or take any official actions, a quorum consisting of at least ~~five~~ **four** of the ~~nine~~ **seven** members of the Commission shall be present.]

Annotation: on January 3, 2013 the Planning Commission amended the second sentence of Section 6.2 Committees as follows: No more than ~~four~~ **three** members of the Planning Commission may serve on a standing and/or ad hoc committee at any given time.]

Approved by the City of Manistee Council

1/15/13

Date



Colleen Kenny, Mayor