

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, February 2, 2017
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 February 2, 2017 Agenda.

IV Approval of Minutes

At this time Planning Commission can take action to approve the January 5, 2017 meeting Minutes.

V Public Hearing

PC-2017-01 – Joe Hayes, vacant property NE corner of Cypress and Twelfth Street (behind Goodwill) - Special Use Permit for Mini/Self Storage Facility.

A request has been received from Joe Hayes to construct a Mini/Self Storage Facility on the vacant property on the NE corner of Cypress and Twelfth Street (behind Goodwill).

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

PC-2017-02 –Chemical Bank (Owner) / Paul Swidorski (Operator) - vacant property NE corner of Cypress and Twelfth Street (behind Goodwill) - Renewal request for Special Use Permit for Mine, Sand, and Gravel

In 2011 the Planning Commission issued a Special Use Permit to Paul Swidorski (operator) for Mine, Sand and Gravel. The Special Use Permits for Mine, Sand and Gravel expire after five years. Mr. Swidorski is requesting to renew his Special Use Permit for Mine, Sand and Gravel.

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-2017-01 – Joe Hayes, vacant property NE corner of Cypress and Twelfth Street (behind Goodwill).At this time the Chair shall open the hearing - Special Use Permit for Mini/Self Storage Facility.

At this time the Planning Commission could take action to approve/approve with conditions/deny the request from Joe Hayes to construct a Mini/Self Storage Facility on the vacant property on the NE corner of Cypress and Twelfth Street (behind Goodwill).

PC-2017-02 –Chemical Bank (Owner) / Paul Swidorski (Operator) - vacant property NE corner of Cypress and Twelfth Street (behind Goodwill).At this time the Chair shall open the hearing - Renewal request for Special Use Permit for Mine, Sand, and Gravel

At this time the Planning Commission could take action to approve/approve with conditions/deny the request from Paul Swidorski (operator) to renew his Special Use Permit for Mine, Sand and Gravel.

VIII Old Business

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.

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 Reports

At this time the Chair will ask Staff for their 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



Memorandum

To: Planning Commissioners

FROM: Denise Blakeslee, Planning & Zoning Administrator

DATE: January 25, 2017

RE: February 2, 2017 Meeting

Denise Blakeslee
Planning & Zoning
Administrator
70 Maple Street
Manistee, MI 49660
231.398.2805
dblakeslee@manisteemi.gov
www.manisteemi.gov

Commissioners, the next meeting of the Planning Commission will be on Thursday, February 2, 2017. We have the following items on the agenda:

PC-2017-01 – Joe Hayes, vacant property NE corner of Cypress and Twelfth Street (behind Goodwill) - Special Use Permit for Mini/Self Storage Facility. A request has been received from Joe Hayes to construct a Mini/Self Storage Facility on the vacant property on the NE corner of Cypress and Twelfth Street (Behind Goodwill).

PC-2017-02 –Chemical Bank (Owner) / Paul Swidorski (Operator) - vacant property NE corner of Cypress and Twelfth Street (behind Goodwill) - Renewal request for Special Use Permit for Mine, Sand, and Gravel. In 2011 the Planning Commission issued a Special Use Permit to Paul Swidorski (operator) for Mine, Sand and Gravel. The Special Use Permits for Mine, Sand and Gravel expire after five years. Mr. Swidorski is requesting to renew his Special Use Permit for Mine, Sand and Gravel.

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.

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

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

January 5, 2017

A meeting of the Manistee City Planning Commission was held on Thursday, January 5, 2017 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

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

ROLL CALL

Members Present: Maureen Barry, Aaron Bennett, Marlene McBride, Bob Slawinski, Roger Yoder

Members Absent: Ray Fortier, Mark Wittlieff (excused)

Others: Denise Blakeslee (Planning & Zoning Administrator) and others

Commissioners welcomed new member Bob Slawinski to the Planning Commission.

APPROVAL OF AGENDA

Motion by Marlene McBride, seconded by Aaron Bennett that the agenda be approved as prepared.

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

Yes: Bennett, Slawinski, Yoder McBride, Barry
No: None

APPROVAL OF MINUTES

Motion by Aaron Bennett, seconded by Marlene McBride that the minutes of the December 1, 2016 Planning Commission Meeting be approved as prepared.

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

Yes: Yoder, Bennett, Slawinski, McBride, Barry
No: None

PUBLIC HEARING

None

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

NEW BUSINESS

Sub-Committee Appointments

Chair Wittlieff was unable to attend the meeting, Sub-Committee appointments will be moved to the February meeting.

By Law Review

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

No Changes were made to the By-Laws.

Clear Zoning Audit – Zoning Amendments

As part of the Redevelopment Ready Community Certification process a Zoning Audit was prepared by Clear Zoning. Staff reviewed a variety of proposed amendments with the Commission which were sent to the City Attorney for review/input.

There was discussion by the Commissioners and staff. The amendment to the Sign ordinance should be ready by the February meeting.

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

None

CORRESPONDENCE

None

STAFF REPORTS

Denise Blakeslee, Planning & Zoning Administrator – Updated the Commissioners on the RRC Program and presentation.

MEMBERS DISCUSSION

Commissioner McBride thanked Roger Yoder for serving as Chair for so many years.

The next regular meeting of the Planning Commission will be held on Thursday, February 2, 2017

ADJOURNMENT

Motion by Marlene McBride, seconded by Bob Slawinski that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 7:18 pm

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary



Memorandum

To: Planning Commissioners

FROM: Denise Blakeslee, Planning & Zoning Administrator

DATE: January 23, 2017

RE: Joe Hayes - Special Use Permit Mini Storage Facility

Denise Blakeslee
Planning & Zoning
Administrator
70 Maple Street
Manistee, MI 49660
231.398.2805
dblakeslee@manisteemi.gov
www.manisteemi.gov

Commissioners, in 2011 the Planning Commission issued a Special Use Permit to Paul Swidorski (operator) for Mine, Sand and Gravel. The Special Use Permits for Mine, Sand and Gravel expire after five years. Mr. Swidorski is requesting to renew his Special Use Permit for Mine, Sand and Gravel. The property in question is currently owned by Chemical Bank and a purchase offer has been made on the property by Joe Hayes. Mr. Hayes has a request on the February 2, 2017 agenda for a Mini Self Storage Facility.

In your packet you will find:

- A copy of the renewal request
- A copy of the original request
- A memo from the DPW Director/City Engineer
- A draft resolution to approve the request
- A draft resolution to deny the request

This request requires a public hearing that has been noticed in the News Advocate, City Web Page, and City Facebook page. The review by the Fire Department showed there were no issues with their review of the request.

If the Planning Commission were to approve the renewal of the permit staff is recommending the following conditions be placed on the permit.

- The detention pond is designed without an emergency spillway. The City Engineer is requiring the pond to be sized for two 100 year 24 hour storm events or utilize the storm sewer along Cypress St as an emergency outlet. The ditch along the north edge of the project could be used for conveyance and pipe the overflow to Cypress St. A new site plan is to be reviewed and approved by the City Engineer showing the management of stormwater before the Special Use Permit can be issued.
- The plan shows the sidewalk constructed along the right of way. The sidewalk is to be placed one foot inside the outer edge of the right of way.
- Phase 2 sidewalks are to be extended to the east property line.
- Twelfth St will be planned for reconstruction within the next 2-3 years. The developer shall work with the City to have a sidewalk constructed in conjunction with the reconstruction of Twelfth Street. Cost of construction of the sidewalk shall be the Developers, and the payment shall be a condition of the Special Use Permit. Funds for the sidewalk construction shall be either escrowed with the City by Developer, secured through a bond acceptable to the City or payment secured by some other method acceptable to the City.



Planning Commission/Planning & Zoning
 City Hall
 70 Maple Street
 Manistee, MI 49660
 231.398.2805 (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: TBD Cypress - 12th	Parcel # 51-673-001-80	
Applicant Information		
Name of Owner or Lessee: Joe Hayes		
Address: 5150 W. Woodrow Rd., Shelby MI 49455		
Phone #: 616-499-5054	Cell#: same	e-mail: joehayes@maplewoodhomes.com
Name of Agent (if applicable):		
Address:		
Phone #:	Cell#:	e-mail:
Data Required/Project Information		
Land Area: 6A +/-	Zoning Classification: C-1	
Present/proposed Land Use: vacant / self storage facility		
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: 1/9/17
 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: <input type="checkbox"/> \$750.00	Escrow Payment <input type="checkbox"/> \$ _____	Receipt # <u>36201</u>
Date Received: _____	Hearing Date: _____	PC - _____

Applicant:		
Submission Guidelines		
<p>Detailed site plan shall include twelve (12) copies of all required information including any documents rendered in color and a digital PDF of the Site Plan shall be forwarded to the Planning and Zoning Department. Unless specifically waived by the Zoning Administrator the site plan shall be prepared by an Engineer, Architect, Landscape Architect or Surveyor licensed to work in Michigan and shall include and illustrate at a minimum the following information:</p>		
Waived Initials	Included	Detailed Site Plan Requirements
	<input type="checkbox"/>	The site plan shall be prepared by an Engineer, Architect, Landscape Architect or Surveyor licensed to work in Michigan
	<input type="checkbox"/>	A scale drawing of the site and proposed development thereon, including the date, name, address and professional seal of the preparer. In no instance shall the scale of the drawing be greater than one inch equals 20 feet nor less than one inch equals 200 feet. One copy shall be submitted in a photo-reduced form on 17" x 11" paper.
	<input type="checkbox"/>	The scale of the drawing and north arrow
	<input type="checkbox"/>	A vicinity map illustrating the property in relation to the surrounding street system.
	<input type="checkbox"/>	Topography of the site and its relationship to adjoining land illustrated at 2-foot contours and including an area extending 100 feet from the parcel boundary.
	<input type="checkbox"/>	Existing man-made features, including buildings, fences, landscaping, parking, screening and the locations, heights and footprint of each.
	<input type="checkbox"/>	Illustration of all proposed improvements and buildings, fences, landscaping, parking and screening, including location, height, footprint of each.
	<input type="checkbox"/>	Setback lines and their dimensions.
	<input type="checkbox"/>	Percentage of land covered by buildings and impervious surfaces and that reserved for open space.
	<input type="checkbox"/>	Dwelling unit density where pertinent; including a density schedule demonstrating number of each dwelling type, if applicable.
	<input type="checkbox"/>	Project phasing, if applicable.
	<input type="checkbox"/>	Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
	<input type="checkbox"/>	Curb-cuts, driving lanes, parking and loading areas, including the number of parking spaces and parking calculations; vehicular circulation patterns and features, location and size of all parking spaces and the identification of service lanes and parking.
	<input type="checkbox"/>	Curb-cuts and driveways on adjacent properties.
	<input type="checkbox"/>	Location and type of drainage, sanitary sewers, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.
	<input type="checkbox"/>	Existing and proposed water main, sanitary and storm sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.
	<input type="checkbox"/>	Proposed changes to the topography of the site illustrated at no greater than two (2) foot contours.
	<input type="checkbox"/>	Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development.
	<input type="checkbox"/>	Detail on proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination, in accordance with Article 21 .
	<input type="checkbox"/>	A lighting plan in conformance with Section 525 .
	<input type="checkbox"/>	A written and illustrated landscape plan prepared in accord with Section 531 of this Zoning Ordinance.
	<input type="checkbox"/>	If the parcel is a result of a parcel division undertaken after the adoption of this Ordinance, the site plan shall illustrate all structures and buildings, drawn to scale located on the previously undivided property.
	<input type="checkbox"/>	Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.
	<input type="checkbox"/>	Any required approvals, permits, changes or modifications required by any applicable regulatory agency.
	<input type="checkbox"/>	Special Groundwater Protection. [If applicable – requirements will be provided]

Manistee Self Storage

Narrative

By Joe Hayes

1/6/2017

Trent Kidder, and myself have a purchase agreement to buy a piece of land in the city of Manistee. Our intention is to build a self-storage facility, however, the purchase agreement is contingent upon zoning approval for the project.

Owner Information:

I own Maplewood Homes and have been in business since 1996 as a home builder. We have built over 200 new homes in that time and currently employ 17 people.

Trent owns a cherry farm in Shelby and is also my brother-in-law. He is married to my sister, Amy Kidder, who owns a veterinary practice in Whitehall.

We both live in Shelby. Together we built a self-storage facility in Ludington in 2016 and hope to expand into Manistee in 2017. We have the experience and financial ability to do a nice job with the project.

Project Information:

We plan to build 2 buildings, initially, with a total of 12,000 square feet of storage space in a variety of sizes from 5x10 to 10x40. We will have a total of 72 units in these first two buildings. ("Phase I") If we are successful, we would like to build 2 more buildings as a second phase. Both Phase I and Phase II are represented on our site plan.

The buildings will be all-steel, high-quality Trachte buildings with all concrete drives. Our intention is that they will be nicer than anything else currently available. Below is a picture of our Ludington facility which is what we intend to build in Manistee. Please feel free to visit our Ludington facility at 3651 W US-10.



Site Appropriateness:

We feel that the site is well suited to a storage facility for several reasons:

- It is currently zoned C-1, which allows self-storage as a special use
- It is conveniently located with easy access from US-31, but would not require direct ingress or egress from such a busy street
- It is large enough to accommodate storage buildings and is relatively flat at the top of the hill
- We believe the impact to the neighboring residential homes to the west should be minimal. Most clients only occasionally access their units, and there would be no noise, full-time employees, or other ongoing daily activities. We believe self-storage would provide a good transition between the residential homes to the west and busier businesses to the east.
- We feel it would be good for the community because there is not adequate storage in the Manistee area right now. As an example, one of my new home clients had to use a friend's basement while we were building his house.

Expected effect on emergency service requirements, schools, storm water systems, sanitary sewer facilities, automobile and truck circulation patterns, and local traffic volumes:

We would not expect any meaningful impact on the above referenced areas of concern. Notes:

- All Steel construction has lowest possible fire risk
- No population changes to affect school system
- Storm water contained on site. Sandy, well-drained soils
- No water or sewer requirements
- Minimal traffic, ingress and egress as clients access their storage units

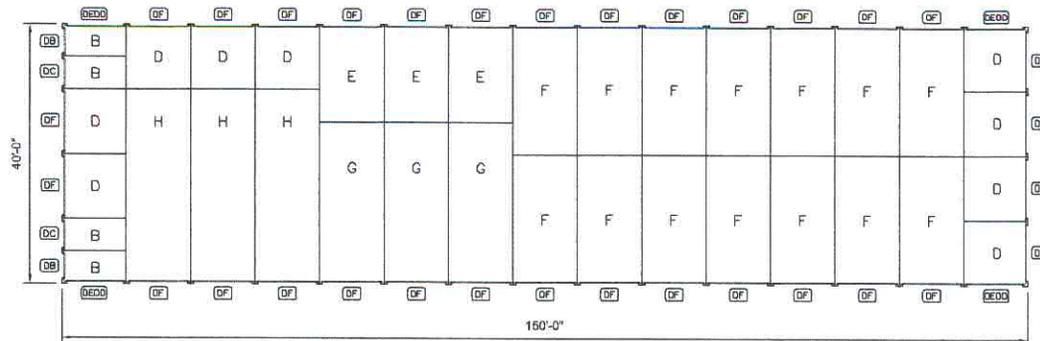
SECTION 1855 MINI/SELF STORAGE FACILITY:

1. The area of the proposed site shall be at least one (1) acre. **Yes 5.79A m/l**
2. The use shall be established and maintained in accordance with all applicable Local, State and Federal laws. **Yes, we will be in compliance with all applicable Local, State and Federal laws.**
3. All storage shall be inside an enclosed building; no outdoor storage shall be permitted. **Yes. (No Outdoor storage.)**
4. Within the R-3 district, mini-storage facilities shall front on and be accessed from a key street segment, as defined herein. **n/a**
5. Each storage unit shall have an individual door to the outdoors and shall be accessible by the owner of the storage items in accordance with hours of operation approved by the Planning Commission. Such hours of operation shall be posted at the entrance to the facility. **Yes (Plans attached)**
6. The storage of perishable, flammable, toxic, or hazardous substances and the use of the facility to store goods or products for commercial or industrial purposes shall be prohibited. **Yes. (Prohibited in our contract – copy attached.)**
7. No activities except for rental of storage units, and pick-up and deposit of storage shall be permitted. Effective March 27, 2006 As Amended thru May 9, 2013 City of Manistee Zoning Ordinance Page 41 Article Eighteen Standards and Requirements for Special Uses **Yes (Self Storage only and no other activities)**
8. Parking shall be provided as needed for the office uses as provided in Section 514 of this Ordinance. **Yes (no office space, no employees, no parking spaces planned)**
9. All parking, maneuvering and drive lane areas shall be provided with a paved surface and all drive aisles shall be twenty-five (25) feet in width. The Planning Commission shall approve the circulation pattern within the site, which shall be clearly marked. **Yes (see site plan)**
10. All exterior lighting shall be in accordance with Section 525 hereof. **Yes (no exterior lights planned)**
11. All signs shall be in compliance with the provisions of Article 21 of this Ordinance. **Yes (no signs planned)**
12. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance. **Yes (see site plan)**

Please feel free to call me ay (616) 499-5054 if you have any questions



Joe Hayes



A & B - 40'-0" x 150'-0" x 8'-4" 1/4:12 PITCH GABLE BUILDING SYSTEM



NOTE:
THIS BUILDING CAN BE INSTALLED ON A FOUNDATION WITH A MAXIMUM SLOPE OF 1% RUNNING THE LENGTH OF THE BUILDING. HOWEVER, THIS REQUIRES THE BUILDING TO BE ERECTED 1/2 OUT OF PLUMB. THEREFORE, THE OWNER MUST NOTIFY THE BUILDING ERECTOR THAT THE FOUNDATION WILL BE POURED ON A SLOPE. IT IS THE RESPONSIBILITY OF THE BUILDING ERECTOR TO ADJUST THE BUILDING AND DOORS ACCORDINGLY.

UNIT MIX

LABEL	UNIT SIZE	# UNITS	%	SQ. FEET
B	5 x 10	4	11.1	200
D	10 x 10	9	25.0	900
E	10 x 15	3	8.3	450
F	10 x 20	14	38.9	2800
G	10 x 25	3	8.3	750
H	10 x 30	3	8.3	900
TOTAL		36	100	6000

DOOR SCHEDULE						
QTY	CODE	TYPE	SIZE	ROUGH OPENING	MANUF.	DESCRIPTION
2	DB	ROLL-UP	3'-8" x 7'-0"	3'-8" x 7'-0"	TRAC-RITE/eq.	ROLL-UP DOOR, 944
2	DC	ROLL-UP	4'-0" x 7'-0"	4'-0" x 7'-0"	TRAC-RITE/eq.	ROLL-UP DOOR, 944
2	DE	ROLL-UP	8'-8" x 7'-0"	8'-8" x 7'-0"	TRAC-RITE/eq.	ROLL-UP DOOR, 944
4	DEDD	ROLL-UP	8'-8" x 7'-0"	8'-8" x 7'-0"	TRAC-RITE/eq.	NON-OPERATIONAL DOOR, 944
30	DF	ROLL-UP	9'-0" x 7'-0"	9'-0" x 7'-0"	TRAC-RITE/eq.	ROLL-UP DOOR, 944

ROLL-UP DOORS MEET ASTM E330

DOOR SIZES MAY VARY DUE TO ENGINEERING ISSUES

"NOTICE"

NO FABRICATION CAN BE SCHEDULED OR BEGUN UNTIL "APPROVED" OR "APPROVED AS NOTED" DOCUMENTS ARE RECEIVED BY TRACHTE BUILDING SYSTEMS. COMPLETE THE FOLLOWING:

- APPROVED - RELEASE FOR FABRICATION
- APPROVED AS NOTED - RELEASE FOR FABRICATION
- NOT APPROVED - REVISE AND RESUBMIT

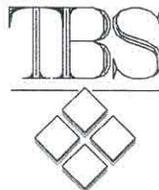
SIGNATURE _____

COMPANY _____

DATE ____/____/____

TRACHTE BUILDING SYSTEMS, Inc.

This drawing and all parts thereof is the exclusive property of Trachte Building Systems, Inc. 314 Wilbur Road, Sun Prairie, Wisconsin (800/356-5824) (Local 608/837-7899) and may not be reproduced in whole or part without written permission.



Revisions:

5/8/12 changed roof	RJ
8/12/15 added another building sloped slab	RJ

Name: Rick	Scale: 1 = 30'	Date: 4/24/12
------------	----------------	---------------

Job Description:

PROPOSED STORAGE SYSTEM FOR:

Joe Hayes
Ludington, MI

Sheet Title

FLOOR PLAN

Plan #

P-42987

SELF-STORAGE SPACE RENTAL AGREEMENT

1. Tenant Information:

Name: _____
Address: _____
City: _____ State: _____
Zip: _____
Home Phone: () _____
Business Phone: () _____
Cell Phone: () _____
Email: _____
SS#: _____
Driver's License #: _____
State: _____

(b) Alternate Contact Information:

Name: _____
Address: _____
City: _____ State: _____
Zip: _____
Home Phone: () _____
Business Phone: () _____
Cell Phone: () _____
Email: _____

**2. (a) Occupant Other Than Tenant
(if approved by Landlord):**

Name: _____
Address: _____
City: _____ State: _____
Zip: _____
Home Phone: () _____
Business Phone: () _____
Cell Phone: () _____
Email: _____

3. Storage Space Information:

Storage Space #: _____
Size: _____
Rent Due Date: _____
Rent: \$ _____ (per month)
Security Deposit: \$ _____
Administrative Fee: \$ _____
Late Fee: \$ _____ (per month)
Returned Check Charge: \$ _____
(per returned check)
Inventory/Sale Preparation Charge \$ _____
Other: \$ _____

4. Term:

The term of this Agreement shall commence on the date the Agreement is executed and shall continue until _____, ____ 20____ (the "Initial Term"). Should Tenant hold over and retain the Storage Space beyond the Initial Term, Landlord may elect to continue this Agreement on a month-to-month basis, or may terminate this Agreement or exercise any other available remedies available to Landlord hereunder or under applicable law.

See reverse side for additional Terms and Conditions.

Landlord hereby agrees to lease, and Tenant hereby agrees to rent, the Storage Space stated above, and located at _____ (the "Premises"), upon all of the terms and conditions set forth in this Agreement. Tenant further agrees to comply with the Rules and Regulations issued from time to time by the Landlord concerning use of the Storage Space and conduct on the Premises.

Tenant acknowledges that Landlord has a statutory lien upon all personal property, whether or not owned by the Tenant, located in the Storage Space or on the Premises ("Lien").

NOTICE: If you fail to make your required payments, you will have to vacate the unit or your property may later be sold at a public sale. Before the sale, you will be notified by first-class mail and by certified mail of the amount due. The notice will be mailed to your last known address. In order to preserve your right to be notified, it is important that you notify us in writing of any change in your mailing address. Also, you should supply us with the name and address of another person who can reach you if you are not at your mailing address, and we will notify that person at the same time and in the same manner as we notify you.

By signing this Agreement, you hereby authorize Landlord to also provide such notice to your Alternate Contact Person and any Occupant of the Storage Space.

Tenant Signature

Name of Landlord ("Landlord")

Date

Manager Signature

Date

ADDITIONAL TERMS AND CONDITIONS

5. Rent:

Tenant shall pay Landlord the monthly Rent stated above. The initial Rent payment shall be paid on the date of execution of this Agreement. Subsequent payments are due on the Rent Due Date stated above for each calendar month. No monthly statements or reminders will be sent by Landlord. Tenant understands that Rent is not pro-rated at the time of move-out and a partial month's unused Rent is not refundable. Tenant understands that Rent must be paid in full each month and that Landlord does not accept partial payments. Rent payments made after the Landlord's normal and/or posted office business hours will be credited to the Tenant's account on the next business day. After the expiration of the Initial Term of this Agreement, the Landlord may change the Rent or any other charge or fee by giving Tenant thirty (30) days advanced written notice at the address listed in this Agreement.

6. Charges and Fees:

Tenant agrees to pay Landlord the Late Fee stated above if Rent is received five (5) or more days after the Rent Due Date. Tenant agrees to pay Landlord the Returned Check Charge stated above, plus all bank charges for any dishonored or returned check. Late Fees will be applied to the Tenant's account each month Tenant's account is delinquent and shall be cumulative. Tenant shall also pay the Inventory/Sale Preparation Charge stated above to cover the costs incurred in exercising Landlord's Lien rights as provided by law. These fees and charges are considered additional Rent due under this Agreement. Payments made by Tenant will always be applied first to the oldest charges on the Tenant's account. Tenant further agrees to pay all fees as authorized by law.

7. Security Deposit:

In no event is Landlord obligated to apply the Security Deposit against Rent, Late Fees, Returned Check Charges or damages for the Tenant's failure to perform under this Agreement; however, Landlord may so apply the Security Deposit at its option. The Landlord's right to take possession of the Storage Space and the contents thereof for nonpayment of Rent or any other reason shall not be affected by reason of the fact that the Landlord holds the Security Deposit. To the extent that the Landlord does not apply the Security Deposit as provided herein, said Security Deposit is to be returned to Tenant timely if, and only if, Tenant: (1) gives written notice of termination of this Agreement ten (10) days prior to the date on which Tenant terminates; and (2) upon termination, Tenant timely vacates the Storage Space in a broom clean and empty condition with Tenant's lock removed and otherwise in a condition satisfactory to Landlord; and (3) Tenant has complied with the terms and conditions of this Agreement and with the Rules and Regulations issued by the Landlord from time to time. Landlord shall not be obliged to keep the Security Deposit as a separate fund.

8. Termination:

This Agreement expires at the end of the Initial Term, unless the Landlord agrees to continue this Agreement on a month-to-month basis. In the event this Agreement becomes a month-to-month Agreement and Tenant wishes to terminate, Tenant must give Landlord at least ten (10) days advanced written notice of terminating this Agreement. Upon vacating, Tenant must leave the Storage Space empty, broom clean, and remove Tenant's lock and otherwise in a condition satisfactory to Landlord. If Tenant fails to empty and clean Storage Space upon vacating, Tenant shall pay the actual cost of emptying and cleaning Storage Space in addition to any other amounts due to Landlord under this Agreement. Rent and other fees and charges will continue to accrue until Tenant's lock is removed from the Storage Space.

9. Care of the Premises:

Tenant, Tenant's agents, employees, invitees and/or guests, shall maintain the Storage Space in good condition, reasonable wear and tear excepted, and Tenant shall not perform any practices which may injure the Storage Space facility or the Premises or be a nuisance or a menace to other tenants and shall keep the Premises surrounding the Storage Space, including the adjoining corridors and/or driveways, clean and free from rubbish, dirt, and other debris at all times. Rubbish shall be removed by Tenant at Tenant's expense. Landlord is not responsible for removal of property of any nature. Use of Landlord's dumpster is strictly prohibited without prior permission from the Landlord. Failure to obtain permission may result in a fee charged to Tenant's account.

Tenant is responsible for the cost to repair any and all damage to the Storage Space, security gate, and any other part of the Premises caused by Tenant, Tenant's agents, employees, invitees and/or guests.

10. Tenant Access; Owner's Right to Access; Denial of Access:

Tenant's access to the Premises and to the Storage Space may be conditioned in any manner deemed reasonably necessary by Landlord. Such measures may include but are not limited to, limiting hours of operation, requiring verification of Tenant's identity and inspecting vehicles that enter the Premises.

Tenant grants Landlord or Landlord's agents access to the Storage Space upon two (2) days advanced written notice to Tenant. In the event of an emergency or nuisance, Landlord shall have the right to enter the Storage Space without notice to Tenant, and take such action as may be necessary or appropriate to preserve the Storage Space and surrounding Premises, to comply with applicable law or to enforce Landlord's rights.

Pursuant to Michigan law, Landlord may deny Tenant access to the Storage Space when Rent is more than five (5) days past due. If the Tenant does not pay the amount necessary to satisfy the Lien and the reasonable expenses incurred by the Landlord within fourteen (14) days after the delivery of written notice thereof, Tenant's property in the Storage Space or on the Premises will be advertised for sale and will be sold at a specified time and place as allowed by law. Prior to advertising the Tenant's property for public sale, the Tenant's lock will be physically removed, an inventory will be taken of the Storage Space's contents and the Storage Space will be sealed with a Landlord's over lock.

11. Use of Storage Space:

Landlord is not engaged in the business of storing goods for hire and no bailment is created under this Agreement. Tenant agrees that Landlord does not exercise care, custody, or control over Tenant's property located in the Storage Space. Unless otherwise approved in writing by the Landlord, Tenant agrees to use the Storage Space only for the storage of property wholly owned by Tenant. In no case may Tenant reside in the Storage Space, or store any flammables, stolen property, perishables, hazardous or toxic materials, explosives, ammunition, anything alive or dead, food of any type, collectibles, heirlooms, jewelry, works of art, property having special or sentimental value to Tenant, guns or any illegal items. Tenant hereby waives any claim for emotional or sentimental attachment to any property in the Storage Space. Tenant agrees not to store property with a total value in excess of \$5,000 without the express written permission of the Landlord. Nothing herein shall constitute any agreement or admission by Landlord that Tenant's stored property has any value. Landlord may enter the Storage Space at any time to remove and dispose of any prohibited items at Tenant's expense.

Tenant shall use electrical outlets for lighting purposes only and shall not engage in any activity that interferes with the use of the Premises by other Tenants or the Landlord. Tenant understands that the Storage Space is not heated or cooled, unless Tenant is renting a Storage Space specifically designated as such by Landlord. The use of any heating or cooling device in the Storage Space is prohibited without the express written consent of the Landlord.

12. Hazardous or Toxic Materials Prohibited:

Tenant is strictly prohibited from storing or using within the Storage Space or on the Premises any materials classified as hazardous or toxic under any local, state or federal law or regulation, and from engaging in any activity which produces such materials. Tenant's obligations of indemnity under this Agreement specifically include any costs, expenses, fines or penalties imposed against the Landlord arising out of the storage, use or creation of any hazardous material by Tenant, Tenant's agents, employees, invitees and/or guests. Landlord may enter the Storage Space at any time to remove and dispose of any prohibited items at Tenant's expense.

13. Locks:

Tenant agrees to use, and Tenant shall provide at its expense, a lock for the Storage Space of the type specified by Landlord. Tenant agrees to keep the Storage Space locked when Tenant is not present at the Premises. If Landlord does not specify a type of lock, Tenant shall provide, at Tenant's sole expense, a lock for the space which Tenant deems sufficient to secure the Storage Space. Landlord may, but is not required to, lock Tenant's Storage Space if it is found to be unlocked. Tenant may use only one (1) lock per Storage Space door and Landlord may remove any additional locks placed on the Storage Space by Tenant. Locks placed by Landlord on a Storage Space for any reason will only be removed during the Landlord's normal office business hours.

14. Insurance:

Tenant, at Tenant's expense, shall maintain an insurance policy in adequate amounts to properly insure all property stored in the Storage Space. Failure to carry such insurance is a breach of this Agreement. Tenant assumes all risk of loss to such property.

15. Release of Landlord's Liability for Property Damage:

All personal property stored within or upon the Storage Space by Tenant shall be at Tenant's sole risk. Landlord, Landlord's agents and employees shall not be liable to Tenant, and are hereby released from liability, for any loss or damage to Tenant's personal property stored in the Storage Space or on the Premises arising from any cause whatsoever including, but not limited to, burglary, mysterious disappearance, fire, water damage, rodents, insects, Acts of God, or the acts, omissions or negligence of the Landlord, Landlord's agents, or employees.

16. Release of Landlord's Liability for Bodily Injury:

Landlord, Landlord's agents and employees shall not be liable to Tenant, Tenant's agents, employees, invitees and/or guests, and are hereby released from liability, for any injury or death to Tenant, Tenant's agents, employees, invitees and/or guests as a result of Tenant's use of Storage Space or the Premises, even if such injury is caused by the acts, omissions or negligence of the Landlord, Landlord's agents or employees.

17. Indemnification:

Tenant agrees to indemnify, hold harmless and defend Landlord and Landlord's agents and employees from all claims, demands, actions or causes of action (including actual attorney's fees and costs) that are hereinafter asserted against the Landlord or Landlord's agents or employees and arising out of Tenant's use of the Storage Space and/or the Premises, including claims for Landlord's negligence, except that Tenant shall not be liable for claims arising out of Landlord's sole negligence.

18. Property Left on Premises:

Landlord may dispose of any property left in the Storage Space or on the Premises by Tenant after this Agreement expires or is terminated. Tenant shall be responsible for all costs incurred by Landlord in disposing of such property.

19. Relocation:

Landlord reserves the right to relocate Tenant, without expense to Tenant, to any other Storage Space on the Premises which is of a comparable size.

20. Sublease:

Tenant shall not assign this Agreement or sublet the Storage Space without the express written approval of the Landlord.

21. Severability:

If any provision of this Agreement shall be held to be invalid, this Agreement shall be considered to be amended to exclude any such invalid provision and the balance of the Agreement shall be read independently of the invalid provision and shall remain in full force and effect.

22. Governing Law:

This Agreement shall be subject to and governed by the laws of the State of Michigan.

23. Waiver:

The failure of the Landlord to enforce any covenant or other provision of this Agreement shall not constitute a waiver of the Landlord's right to do so thereafter, nor shall it give rise to any cause of action or defense on the part of the Tenant.

24. Survival of Covenants:

The payment, indemnity and release of liability provisions hereof shall survive the expiration or termination of this Agreement.

25. Rules and Regulations:

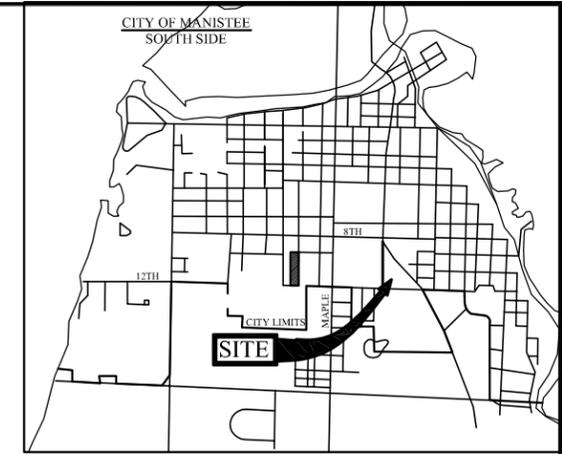
Landlord shall have the right to establish or change the hours of operation for the facility and to issue Rules and Regulations for proper conduct and good order on the Premises. Tenant agrees to comply with all such Rules and Regulations as now in effect, or as may be amended from time to time by Landlord.

26. Entire Agreement:

This Agreement contains all of the understandings and agreements between the Landlord and Tenant with respect to the lease or rental of the Storage Space and supersedes and replaces any prior oral or written agreements with respect thereto. The terms of this Agreement may be modified, amended or supplemented only in a writing which has been signed by both Landlord and Tenant.

Manistee Self Storage Mini Storage Warehouse Site Plan

1/09/17



Zoning: C-1 Regional Commercial District

Proposed Uses: Mini/Self Storage Facility

Phasing: Applicant desires to construct Phase I - in the winter/spring 2017. Phase I consists of the two center buildings (#2 & #3). Phase II construction will take place in the future.

Project Details:

The proposed mini self storage buildings are to be 40' wide with a varying length to fit the topography of the property. Building #2 is 140' long, while Building #3 is 160' long. Each storage unit will have overhead doors.

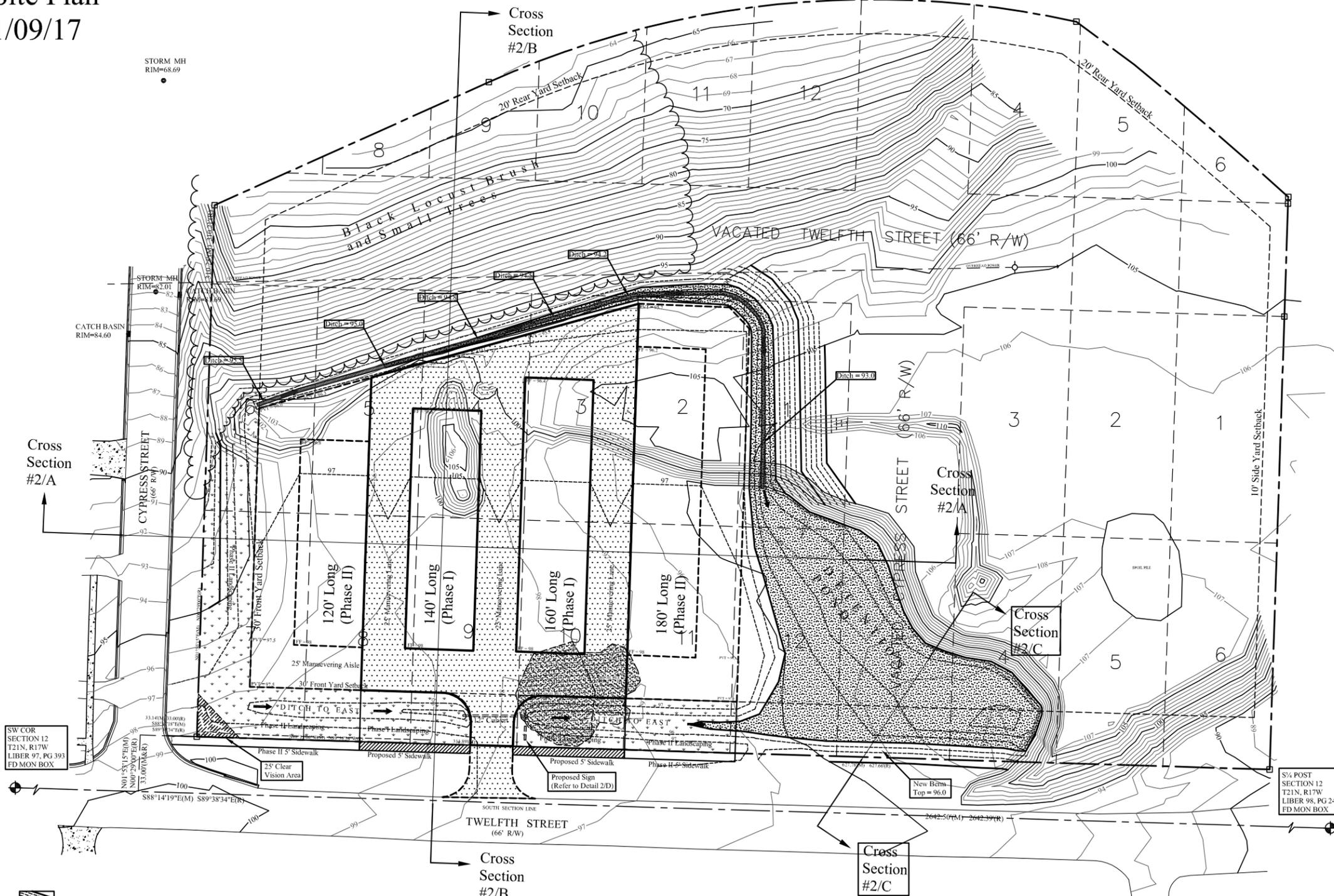
- * The proposed buildings will not be heated nor will they be wired for electricity.
- * No office will be provided.
- * No dumpster will be provided.
- * No lights, fencing or gates are proposed.
- * The Maneuvering Lanes are to have 3" HMA/6" Gravel or 6" Poured Concrete.
- * A Valley Gutter or Concrete Curb is to be installed along the west edge of the Maneuvering Lane to control runoff in that direction.
- * The Buildings are designed with a 1% slope toward the north. Drainage between buildings will be in a 3" gutter/swale formed in the pavement of the maneuvering lane and draining to the north.
- * There will be a perimeter ditch (2' flat bottom) that is present on the north side of the parking area that drains to the east - then south into an area which has been sand-mined that forms a natural low area.

* Required Front Yard: The required front yard shall consist of a landscaped lawn between the property line to the start of the 25' wide maneuvering lane.

* Sidewalk: 5' wide sidewalks are proposed to be installed along 12th Street as shown. Initially, only sidewalks are proposed in front of the Phase I Buildings - but will be expanded when Phase II occurs.

* No sidewalks are proposed along Cypress Street.

Soil Erosion & Sedimentation Notes:
Total Disturbance is less than 1.0 acres and the site is not within 500' of a lake, river or stream. No permit is required. However, all stormwater drainage is self contained.



SW COR SECTION 12 T21N, R17W LIBER 97, PG 393 FD MON BOX

S 1/4 POST SECTION 12 T21N, R17W LIBER 98, PG 242 FD MON BOX

LEGEND

- M=MEASURED
- R=RECORDED
- ⊕=POWER POLE
- =GUY
- =FD NORDLUND CONC MONUMENT
- ▭=CONCRETE

Proposed Contours
Existing Contours
Proposed Detention Pond
25' parking, maneuvering and drive lane. (paved surface)
Lawn Area between 30' Front Yard Setback and Property Line and from Property Line to Road is to be maintained as a landscaped lawn. (Note: the landscaping is divided into two phases.)

DESCRIPTION:
THE AMENDED E.N. SALLINGS ADDITION, LOT 1, PER THE VACATION ORDER RECORDED IN LIBER 730, PAGE 299. The parcel contains 5.76 acres.

Property Tax ID Number: 51-673-001-00
Parcel Address: Not Available (Northeast corner of 12th and Cypress)

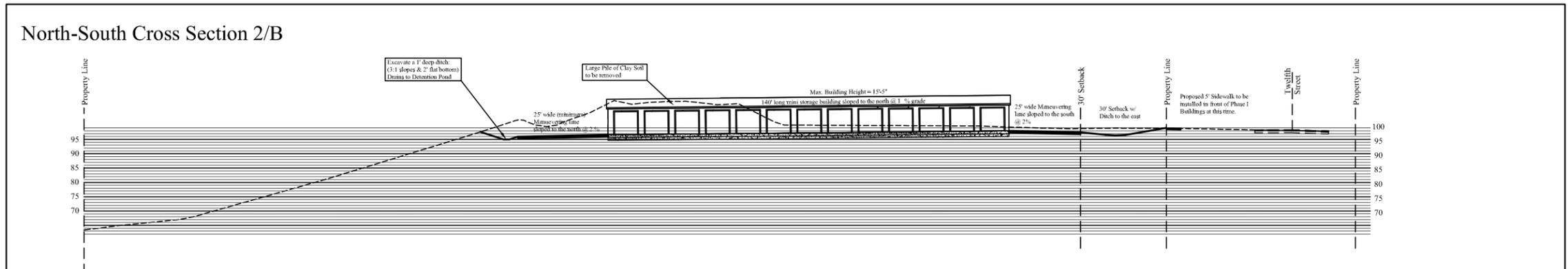
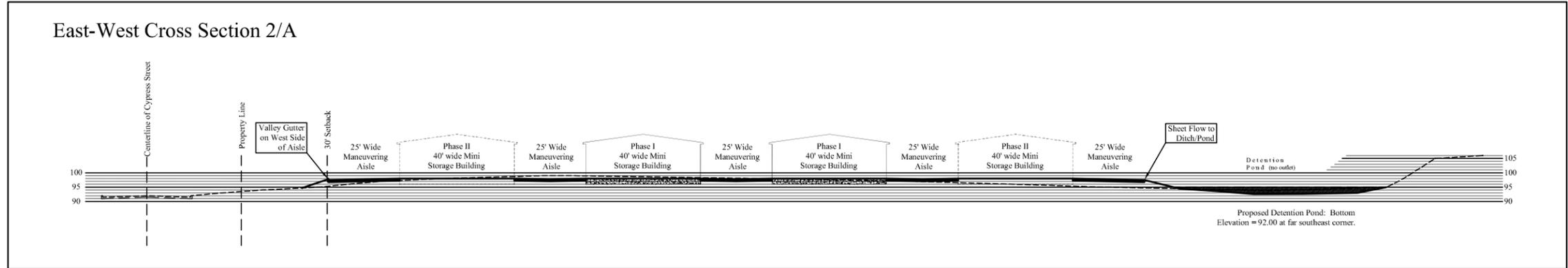
Parcel Size: 250,906 sf (5.76 acres)
Building Area: 12,000 sf Phase I (24,000 sf Phase II) (Total = 9.6 %)
Maneuvering Aisles: 20,873 sf Phase I (34,833 sf Phase II) (Total = 13.9 %)



1/09/17 Revise per Manistee Initial Review

REV.	DESCRIPTION	BY	DATE
	NORDLUND & ASSOCIATES, INC. Providing Complete Engineering & Surveying Services Since 1972 <small>Ludington, MI 49431 (231) 843-3485 Manistee, MI 49660 (231) 723-6460</small>		
CLIENT:	Ludington Storage, LLC 5150 W. Woodrow Rd Shelby, Michigan	DRAWN BY: TLG	CHECKED BY: JTN jr
DESCRIPTION:	Site Plan for four (4) Mini Storage Buildings in the City of Manistee, Michigan	SCALE: 1" = 30'	DATE: 12-22-16
	JOB NUMBER 1319-3	SHEET 1 of 2	

Manistee Self Storage Mini Storage Warehouse Site Plan 1/09/17



Phase I & Phase II Development for Stormwater Detention Calculations

Project Area: 92,690 sf @ 4.75"/24 hrs
 Hard Surface: 58,970 sf @ 0.90
 Landscaping/Natural 33,720 @ 0.10
 Composite "C" = 0.61

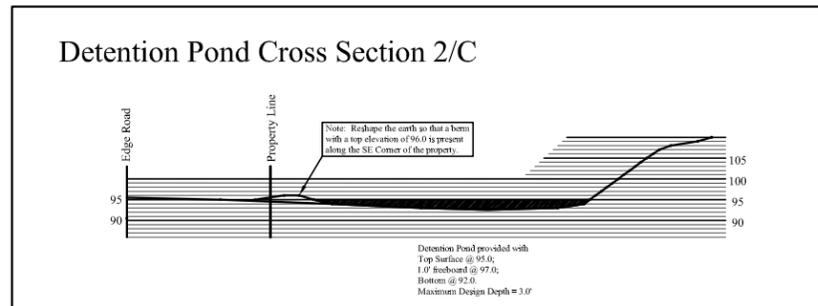
Stormwater Volume = $0.61 \times 92,690 \times 4.75/12 = 22,381$ cf

Volume provided by extending ditches to the low area in the 12th Street Sand Mining Pit.
 Top of Water Surface = 95.00. Top of Freeboard in perimeter ditch ~96.50.

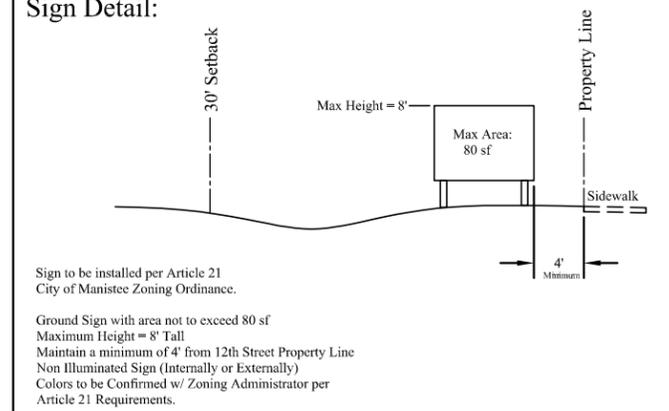
Volume Calculations:

Elevation 92.0 - Area = 283 sf
 Elevation 93.0 - Area = 6,165 sf > 3,224 cf
 Elevation 94.0 - Area = 11,328 sf > 8,747 cf
 Elevation 95.0 - Area = 17,083 sf > 14,206 cf
 Total Area = 26,177 cf

Note: The Detention Pond does not have an outlet. Stormwater is intended to soak into the sandy soil.



Detail 2/D Sign Detail:



Sign to be installed per Article 21 City of Manistee Zoning Ordinance.

Ground Sign with area not to exceed 80 sf
 Maximum Height = 8' Tall
 Maintain a minimum of 4' from 12th Street Property Line
 Non Illuminated Sign (Internally or Externally)
 Colors to be Confirmed w/ Zoning Administrator per Article 21 Requirements.

1/09/17 Revise per Manistee Initial Review

REV.	DESCRIPTION	BY	DATE
	NORDLUND & ASSOCIATES, INC. Providing Complete Engineering & Surveying Services Since 1972 Ludington, MI 49431 (231) 843-3485 Manistee, MI 49660 (231) 723-6460		
CLIENT: Ludington Storage, LLC 5150 W. Woodrow Rd Shelby, Michigan		DRAWN BY: TLG	CHECKED BY: JTN jr
DESCRIPTION: Site Plan for four (4) Mini Storage Buildings in the City of Manistee, Michigan		SCALE: 1" = 30'	DATE: 12-22-16
		JOB NUMBER: 1319-3	SHEET: 2 of 2

City of Manistee
Planning Commission Resolution to Approve a
Special Use Permit, Case Number PC-2017-01
Mini/Self Storage Facility
Joe Hayes

At a regularly scheduled meeting of the City of Manistee Planning Commission held on February 2, 2017, the following resolution was adopted to approve a Special Use Permit for a Mini/Self Storage Facility as shown on Site Plan prepared by Nordlund and Associates, Inc., Job Number 1319-3, Dated January 9, 2017.

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

WHEREAS, on January 9, 2017 a request was received from Joe Hayes for a Special Use Permit for a Mini/Self Storage Facility, and

WHEREAS, a Mini/Self Storage Facility is provided for as a Special Use in the C-1 Regional Commercial District, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed development on February 2, 2017, 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 1855 Mini/Self Storage Facility of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. The area of the proposed site shall be at least one (1) acre.
2. The use shall be established and maintained in accordance with all applicable Local, State and Federal laws.
3. All storage shall be inside an enclosed building; no outdoor storage shall be permitted.
4. Within the R-3 district, mini-storage facilities shall front on and be accessed from a key street segment, as defined herein. *N/A*
5. Each storage unit shall have an individual door to the outdoors and shall be accessible by the owner of the storage items in accordance with hours of operation approved by the Planning Commission. Such hours of operation shall be posted at the entrance to the facility.
6. The storage of perishable, flammable, toxic, or hazardous substances and the use of the facility to store goods or products for commercial or industrial purposes shall be prohibited.
7. No activities except for rental of storage units, and pick-up and deposit of storage shall be permitted.
8. Parking shall be provided as needed for the office uses as provided in Section 514 of this Ordinance.
9. All parking, maneuvering and drive lane areas shall be provided with a paved surface and all drive aisles shall be twenty-five (25) feet in width. The Planning Commission shall approve the circulation pattern within the site, which shall be clearly marked.
10. All exterior lighting shall be in accordance with Section 525 hereof.
11. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.
12. 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 Mini Self Storage Facility shall comply with the following conditions:

- The detention pond is designed without an emergency spillway. The City Engineer is requiring the pond to be sized for two 100 year 24 hour storm events or utilize the storm sewer along Cypress St as an emergency outlet. The ditch along the north edge of the project could be used for conveyance and pipe the overflow to Cypress St. A new site plan is to be reviewed and approved by the City Engineer showing the management of stormwater before the Special Use Permit can be issued.
- The plan shows the sidewalk constructed along the right of way. The sidewalk is to be placed one foot inside the outer edge of the right of way.
- Phase 2 sidewalks are to be extended to the east property line.
- Twelfth St will is planned for reconstruction within the next 2-3 years. The developer shall work with the City to have a sidewalk constructed in conjunction with the reconstruction of Twelfth Street. Cost of construction of the sidewalk shall be the Developers, and the payment shall be a condition of the Special Use Permit. Funds for the sidewalk construction shall be either escrowed with the City by Developer, secured through a bond acceptable to the City or payment secured by some other method acceptable to the City.

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 February 2, 2017.

Marlene McBride, Secretary

Draft Resolution to approve SUP request

City of Manistee
Planning Commission Resolution to Deny a
Special Use Permit, Case Number PC-2017-01
Mini/Self Storage Facility
Joe Hayes

At a regularly scheduled meeting of the City of Manistee Planning Commission held on February 2, 2017, the following resolution was adopted to deny a Special Use Permit for a Mini/Self Storage Facility as shown on Site Plan prepared by Nordlund and Associates, Inc., Job Number 1319-3, Dated January 9, 2017.

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

WHEREAS, on January 9, 2017 a request was received from Joe Hayes for a Special Use Permit for a Mini/Self Storage Facility, and

WHEREAS, a Mini/Self Storage Facility is provided for as a Special Use in the C-1 Regional Commercial District, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed development on February 2, 2017, 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 1855 Mini/Self Storage Facility of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. The area of the proposed site shall be at least one (1) acre.
2. The use shall be established and maintained in accordance with all applicable Local, State and Federal laws.
3. All storage shall be inside an enclosed building; no outdoor storage shall be permitted.
4. Within the R-3 district, mini-storage facilities shall front on and be accessed from a key street segment, as defined herein.
5. Each storage unit shall have an individual door to the outdoors and shall be accessible by the owner of the storage items in accordance with hours of operation approved by the Planning Commission. Such hours of operation shall be posted at the entrance to the facility.
6. The storage of perishable, flammable, toxic, or hazardous substances and the use of the facility to store goods or products for commercial or industrial purposes shall be prohibited.
7. No activities except for rental of storage units, and pick-up and deposit of storage shall be permitted.
8. Parking shall be provided as needed for the office uses as provided in Section 514 of this Ordinance.
9. All parking, maneuvering and drive lane areas shall be provided with a paved surface and all drive aisles shall be twenty-five (25) feet in width. The Planning Commission shall approve the circulation pattern within the site, which shall be clearly marked.
10. All exterior lighting shall be in accordance with Section 525 hereof.
11. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.
12. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

BE IT FURTHER RESOLVED that the request to renew the request a Special Use Permit for a Mini/Self Storage Facility as shown on Site Plan prepared by Nordlund and Associates, Inc., Job Number 1319-3, Dated January 9, 2017. Be denied for the following reasons:

- 1.

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 February 2, 2017.

Marlene McBride, Secretary

Draft Resolution to deny SUP request



Memorandum

To: Planning Commissioners

FROM: Denise Blakeslee, Planning & Zoning Administrator

DATE: January 23, 2017

RE: Paul Swidorski, Swidorski Bros. Excavating, LLC
Renewal of Mine, Sand and Gravel Special Use Permit

Denise Blakeslee
Planning & Zoning
Administrator
70 Maple Street
Manistee, MI 49660
231.398.2805
dblakeslee@manisteemi.gov
www.manisteemi.gov

Commissioners, in 2011 the Planning Commission issued a Special Use Permit to Paul Swidorski (operator) for Mine, Sand and Gravel. The Special Use Permits for Mine, Sand and Gravel expire after five years. Mr. Swidorski is requesting to renew his Special Use Permit for Mine, Sand and Gravel. The property in question is currently owned by Chemical Bank and a purchase offer has been made on the property by Joe Hayes. Mr. Hayes has a request on the February 2, 2017 agenda for a Mini Self Storage Facility.

In your packet you will find:

- A copy of the renewal request
- A copy of the original request
- A memo from the DPW Director/City Engineer
- A draft resolution to approve with conditions
- A draft resolution to deny the request

This request requires a public hearing that has been noticed in the News Advocate, City Web Page, City Facebook page. The review by the Fire Department showed there were no issues with their review of the request.

If the Planning Commission were to approve the renewal of the permit staff is recommending the following conditions be placed on the permit.

- This permit shall be conditioned on the issuance of any required soil erosion permit. A copy of the permit is to be provided to the City.
- The applicant is required to grade the Twelfth and Cypress Street rights-of-way adjacent to the applicant's property as shown on the site plan to an elevation approved by the City Engineer that will provide for the installation of a sidewalk.
- The applicant shall meet the requirements of Section 1865.B.3.a.1) as it relates to adjoining Parcel #51-661-001-00 (Address: 282 Twelfth Street).

- In the event the applicant receives approval from the owner of Parcel #51-661-001-00 to excavate a portion of that parcel, the applicant will need to amend the Special Use Permit.
- A snow fence shall be erected around the excavation area prior to excavation.
- Hours of operation shall be limited to: 7:00 am to 7:00 pm Monday – Saturday.
- A minimum performance guarantee of \$3,000.00 plus a minimum \$2,000.00 per excavated acre shall be filed with the City Treasurer before the Special Use Permit will be issued.
- As the site is currently being operated, trucks are sometimes loaded while parked along Twelfth St. The loading/offloading of equipment and materials is required to be on site and not on the roadway.
- Appropriate measures are to be taken so that trucks egressing the current site are not depositing soils along the adjacent roadways. The applicant is to provide a coarse aggregate loading pad (or other SSEC Best Management Practice) to reduce “tracking” of soils onto the City Street system.
- The “loading Driveway” indicated on the plans lacks details. The applicant is to supply a detailed plan to meet the standards of the DPW Director and City Attorney before the Special Use Permit will be issued.
- Should mining continue once Twelfth St is reconstructed (planned for 2-3 years from now), the approach used by mining equipment on to the roadway shall be constructed to commercial driveway standards including HMA (over an aggregate base) or concrete to reduce degradation of the new roadway.
- The documents submitted are not clear on the proposed extents of the mining operation. It appears that the intent is to mine sand for the site preparation of Phase 1 and 2 of the self-storage project. If this is not the intent the applicant is to provide actual limits of mining extents and proposed finish grades.
- The Special Use Permit shall be issued for a period of five years and shall expire on February 2, 2022.



Planning Commission/Planning & Zoning
 City Hall
 70 Maple Street
 Manistee, MI 49660
 231.398.2805 (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: Amended E.N. Sallings Addition Lot 1		Parcel # 51-673-001-00
Applicant Information		
Name of Owner or Lessee: Chemical Bank		
Address: 333 E. Main Street, Midland, MI 48642		
Phone #: 989-631-9200	Cell#:	e-mail:
Name of Agent (if applicable): Paul Swidorski		
Address: 4786 Red Apple Road, Manistee, MI 49660		
Phone #: 231-723-7244	Cell#:	e-mail: swidbros@hotmail.com
Data Required/Project Information		
Land Area: 5 acres		Zoning Classification: C-1 commercial
Present/proposed Land Use: vacant/vacant		
Attach a Detailed Narrative for the following		
1	<input type="checkbox"/>	A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.
2	<input 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.
3	<input 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.
4	<input 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:

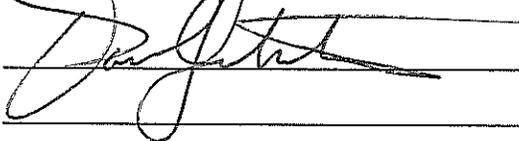
1. If replaced or superseded by a subsequent permitted use or Special Use permit.
2. If the applicant requests the rescinding of the Special Use permit.
3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.
4. If the use is abandoned, moved or vacated 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: 11/30/16

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 deferrals for this proposed project. If Yes, explain:

Office Use Only

Fee: <input type="checkbox"/> \$750.00 <input type="checkbox"/> \$ _____ Escrow Payment	Receipt # <u>36017</u>
Date Received: _____	Hearing Date: _____
	PC - _____

Swidorski Bros. Excavating LLC

4786 Red Apple Road
Manistee, MI 49660
Phone/Fax: 231-723-7244
swidbros@hotmail.com

November 30, 2016

City of Manistee
Planning Commission/Planning & Zoning
70 Maple Street
Manistee, MI 49660

Re: Special Use Permit Renewal – Parcel #51-673-001-00

1. Applicant seeks permit renewal to remove sand to make property more attractive for future development.
2. None.
3. Soil erosion will be minimized by employing recognized control measures as per soil erosion permit.

Thanks,

Paul Swidorski
Swidorski Bros. Excavating LLC



**CHEMICAL
BANK**
Member FDIC

SPECIAL ASSETS | 333 EAST MAIN STREET | PO BOX 231 | MIDLAND, MI 48640-0231
T: 989.633-7649 | F: 989.633-0417 | W: ChemicalBankMI.com

November 29, 2016

To Whom It May Concern:

Chemical Bank is authorizing Paul Swidorski of Swidorski Bros. Excavating LLC or his agent to renew the SESC & Special Use permits for excavation at our parcel # 51-51-673-001-00. Please feel free to contact us if you have any questions.

Thank you,

Sandy Loomis
VP Manager - ORE
Director - CFC Title Services
Chemical Bank
sandra.loomis@ChemicalBank.com

1315 Washington Ave | PO Box 231
Midland, MI | 48640
T: 989.633.3568 C: 989.671.7289 | VoIP: 51768
W: ChemicalBank.com
NMLS # 645477

**CHEMICAL
BANK**

Creating Community Chemistry.

Original Request
Approved by the
Planning Commission
December 1, 2011



Planning Commission

SPECIAL USE PERMIT APPLICATION

Gina Ruggiero
 Applicant
1438 North Lathrop Ave
 Address
River Forest, IL 60305
 City, State, Zip Code
 Phone Numbers (Work) 708-366-4622
 (Home) _____

FOR OFFICE USE ONLY:

Case number PC 2011-10
 Date Received _____
 Fee Received \$750.00
 Receipt Number 24751
 Hearing Date 12-1-11
 Action Taken _____
 Expiration Date of Permit _____

MINIMUM FEE FOR SPECIAL USE PERMIT
\$750.00

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): Gina Ruggiero, c/o Paul Swidorski
 - b. Legal description, property parcel number, and street address of the subject parcel of land: Lot 1, Amaded Plat of E.N. Salling's Addition, 51-51-673-001-00
 - c. Area of the subject parcel of land stated in acres, or if less than one (1) acre, in square feet 5+
 - d. Present zoning classification of the parcel: P. C-1 Commercial
 - e. Present and proposed land use: VACANT, VACANT

- f. A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate. *Applicant seeks permit only to remove sand to make property more attractive for future development.*
 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. *NONE*
 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. *Soil erosion will be minimized by employing recognized control measures as per soil erosion permit*
 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 *Applicant will comply with all relevant provisions of Section 1856.B. Proposed use is consistent with Section 1802.*
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 1801.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.

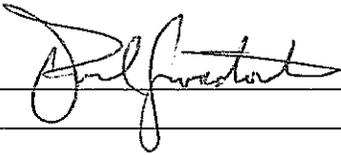
J. Violations. Violations shall be handled in accordance with Section 1801.J.

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 9/24/11

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: _____

Swidorski Bros. Excavating LLC

4786 Red Apple Road
Manistee, MI 49660
Phone/Fax: 231-723-7244

October 10, 2011

City of Manistee
Attn: Jon Rose, Community Development Director
70 Maple Street
P.O. Box 358
Manistee, MI 49660

Re: Sand Mining Application—Ruggiero Property 12th Street, Manistee City

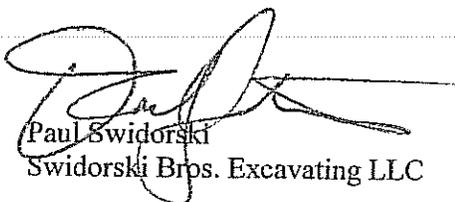
Dear Jon,

As per our meetings in regards to sand mining at Ruggiero Property (12th Street, City of Manistee) the following narrative should address your concerns:

The total size of affected area over an extended period of time should be approximately 4 acres. All topsoil that is stripped will be located on site and stockpiled on area not being mined, as our plan is to open and close one acre at a time using stockpiled topsoil to cover one acre area when closing same. Re-vegetation/stabilization of one acre area will be done through seeding and mulching as required as per our Soil Erosion Permit. As we are only mining the sand from the site, I cannot speak to future use of the affected parcel other than I would believe it to be commercial in use and a plan developed at that time would detail re-use of site. Also as per plan, we would revisit permit per Goodwill owner's permission and your permission for any grading that would occur within property boundary setbacks.

If you should have any questions, please feel free to call me at anytime.

Sincerely,


Paul Swidorski
Swidorski Bros. Excavating LLC

ABONMARCHÉ
Confidence by Design

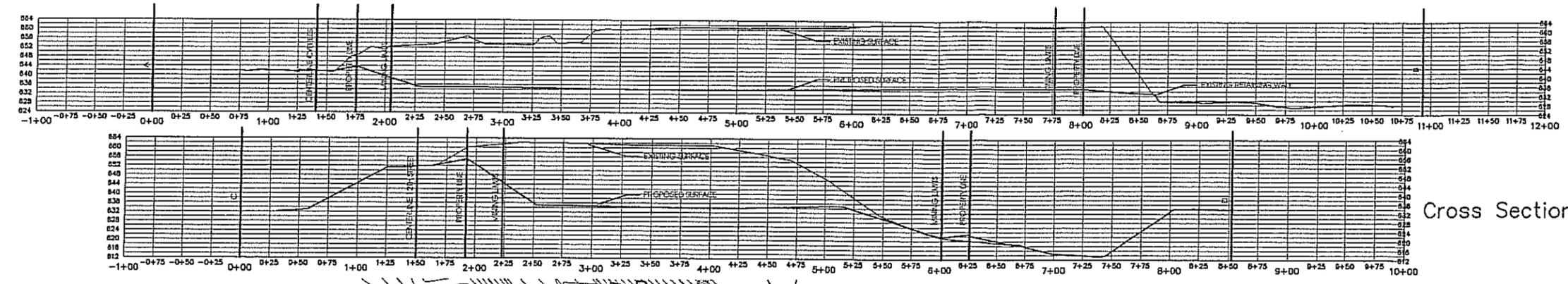
ENGINEERING
ARCHITECTURE
MARINA/WATERFRONT
SURVEYING
LANDSCAPE ARCHITECTURE
PLANNING

341 First Street
Manitowish, WI 54740
T 231.723.1198
F 231.723.1194
www.abonmarche.com

BENTON HARBOR, MI
SOUTH HAVEN, MI
SOUTH BEND, IN
FORT WAYNE, IN

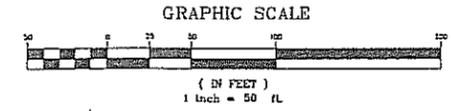
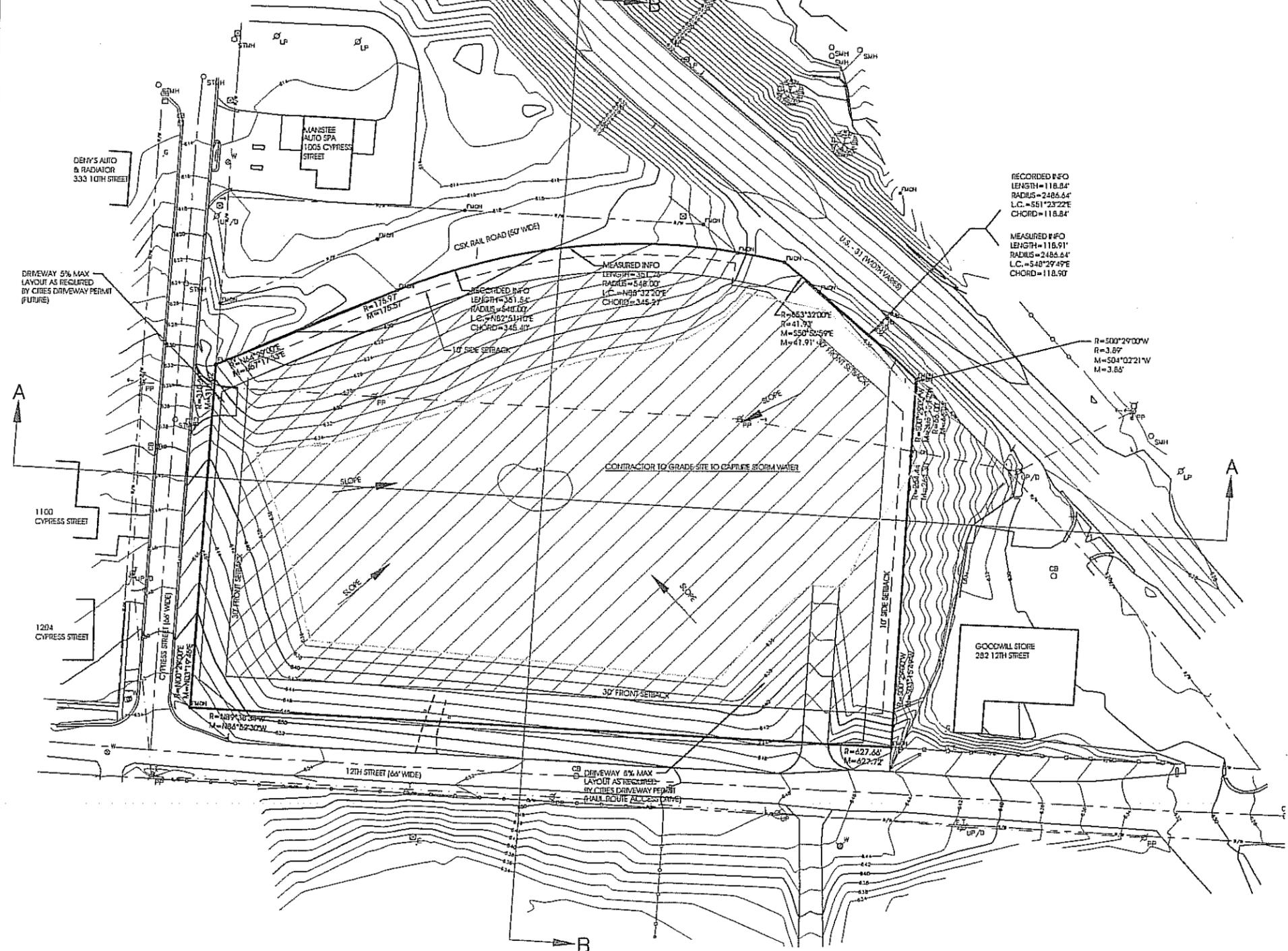
Cross Section A-A

Cross Section B-B



HATCH LEGEND

- PROPOSED GRADING AREA
- OPTIONAL GRADING WITH GOODMALL'S PERMISSION
- PROPOSED GRADING AREA



PROPOSED CONDITIONS
SITE PLAN

ANGELO RUGGIERO
321 N. CLARK STREET
CHICAGO, IL 60610

PROJECT: _____

DRAWN BY: PGB/MGJ

DESIGNED BY: PGB/MGJ

FAI REVIEW: JWM

QA/QC REVIEW: CBS

DATE: MARCH 9, 2011

SCALE: _____

SIGNATURE: _____

DATE: _____

NOTE: HARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED. SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZE.

SCALE:
HORIZ: 1" = 50'
VERT: 1" = 2'

ACT JOB #
11-0098

CERTIFICATE OF SURVEY

I, PATRICK G. BENTLEY, LICENSED PROFESSIONAL SURVEYOR NO. 34057 IN MICHIGAN, CERTIFY THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF A BOUNDARY SURVEY PERFORMED UNDER MY DIRECTION FOR THE FOLLOWING DESCRIBED PARCEL OF LAND.

FROM DEED RECORDED IN USER #13, PAGE 541:
LOTS ONE (1) AND TWELVE (12), BLOCK SEVEN; LOTS TWO (2) TO ELEVEN (11), INCL. BLOCK SEVEN (7); LOTS ONE (1) TO SIX (6) INCL. BLOCK EIGHT (8); LOTS FOUR (4), FIVE (5), AND SIX (6), EXC. THAT PART SOUTH OF RR TRACKS, BLOCK FIVE (5); THAT PART OF LOTS FOUR (4), FIVE (5), AND SIX (6) LYING SOUTH OF RR TRACKS EXC. PART NORTHEASTERLY OF LINE 80 FEET SOUTHWESTERLY OF CENTERLINE US 31, BLOCK FIVE (5); THAT PART OF LOTS SEVEN (7) TO ELEVEN (11) INCL. LYING SOUTH OF P&RR, BLOCK SIX (6); THAT PART OF LOT TWELVE (12) LYING SOUTH OF RR TRACKS, BLOCK SIX (6); E.H. SALLINGS ADDITION, CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, INCLUDING ALL OF OLGA STREET AND ELEVENTH STREET.

NOW KNOWN AS LOT 1, AMENDED PLAT OF BLOCKS 7 AND 8 AND LOTS 7 THRU 12, BLOCK 8, LOTS 4 THRU 6, BLOCK 5; ALSO THE VACATED PORTIONS OF 11TH STREET AND OLGA STREET, E.H. SALLINGS ADDITION TO THE CITY OF MANISTEE.

PATRICK G. BENTLEY
LICENSED PROFESSIONAL SURVEYOR No. 47944
ABONMARCHÉ CONSULTANTS, P.C.

DATE OF CERTIFICATE

THIS SURVEY WAS BASED ON THE INCLUDED LEGAL DESCRIPTION AS IT APPEARS ON A DEED OR TITLE INSURANCE POLICY PROVIDED TO US BY THE PERSON TO WHOM THE SURVEY IS CERTIFIED, AND SHOULD BE COMPARED WITH THE ABSTRACT OF TITLE OR TITLE INSURANCE POLICY FOR ACCURACY, EASEMENTS OR EXCEPTIONS. ANY WRITTEN OR UNWRITTEN RIGHTS OF ADJOINERS ARE UNKNOWN UNLESS SPECIFICALLY NOTED. THE SURVEYOR'S LIABILITY FOR ANY AND ALL CLAIMS, INCLUDING BUT NOT LIMITED TO THOSE ARISING OUT OF THE SURVEYOR'S PROFESSIONAL SERVICES, NEGLIGENCE, GROSS MISCONDUCT, WARRANTIES OR MISREPRESENTATIONS SHALL BE DEEMED LIMITED TO AN AMOUNT NO GREATER THAN THE SERVICE FEE.



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T 231.723.1198
F 231.723.1194
www.abonmarche.com

BENTON HARBOR, MI
SOUTH HAVEN, MI
SOUTH BEND, IN
FOOT WAYNE, OH

EXISTING CONDITIONS
SITE PLAN

ANGELO RUGGIERO
321 N. CLARK STREET
CHICAGO, IL 60610

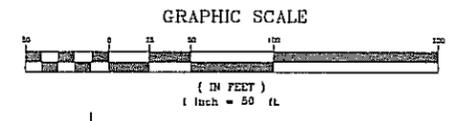
PROJECT:
SHEET TITLE:
DRAWN BY:
PG8/MGJ
DESIGNED BY:
PG8/MGJ
PM REVIEW:
JWM
QA/QC REVIEW:
CRS
DATE:
MARCH 9, 2011
SEAL:

SIGNATURE:
DATE:

HARD COPY IS INTENDED TO BE
14" x 24" MESH PLOTTED.
SCALING SHOULD BE
GRAPHIC QUALITY MAY NOT BE
ACCURATE FOR ANY OTHER SIZE.

SCALE:
HORIZ: 1" = 50'
VERT: N/A
ACI JOB #
11-0098

SHEET NO.
1 of 2



- NOTE:
- ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) AND WERE OBTAINED BY GPS OBSERVATION.
 - BEARINGS ARE BASED ON WGS 84, MICHIGAN STATE PLANE ZONE 2113 - CENTRAL ZONE AND WERE OBTAINED BY GPS OBSERVATION.
 - SWIDORSKI BROTHERS EXCAVATING (231-723-7244 - 4786 RED APPLE ROAD) WILL BE RESPONSIBLE FOR COORDINATING REMOVAL OF MATERIAL ON SITE.
 - UTILITY COORDINATION BY OTHERS.
 - OWNER TO WORK WITH CITY/COUNTY SOIL EROSION OFFICER TO ENSURE POSITIVE DRAIN FLOW PATTERNS WITH NO NEGATIVE IMPACTS TO ADJACENT PROPERTY OWNERS.
 - OWNER TO PLACE SILT FENCE AS DIRECTED BY CITY ENGINEER.
 - PER SECTION 185.6, 3.d.1 OF THE CITY ORDINANCE THE MINIMUM SET BACKS SHALL BE A MINIMUM OF 25 FEET FROM PROPERTY LINE.

HATCH LEGEND

- PROPOSED BRUSH AREA
- OPTIONAL GRADING WITH GOODWALL'S PERMISSION
- PROPOSED GRADING AREA

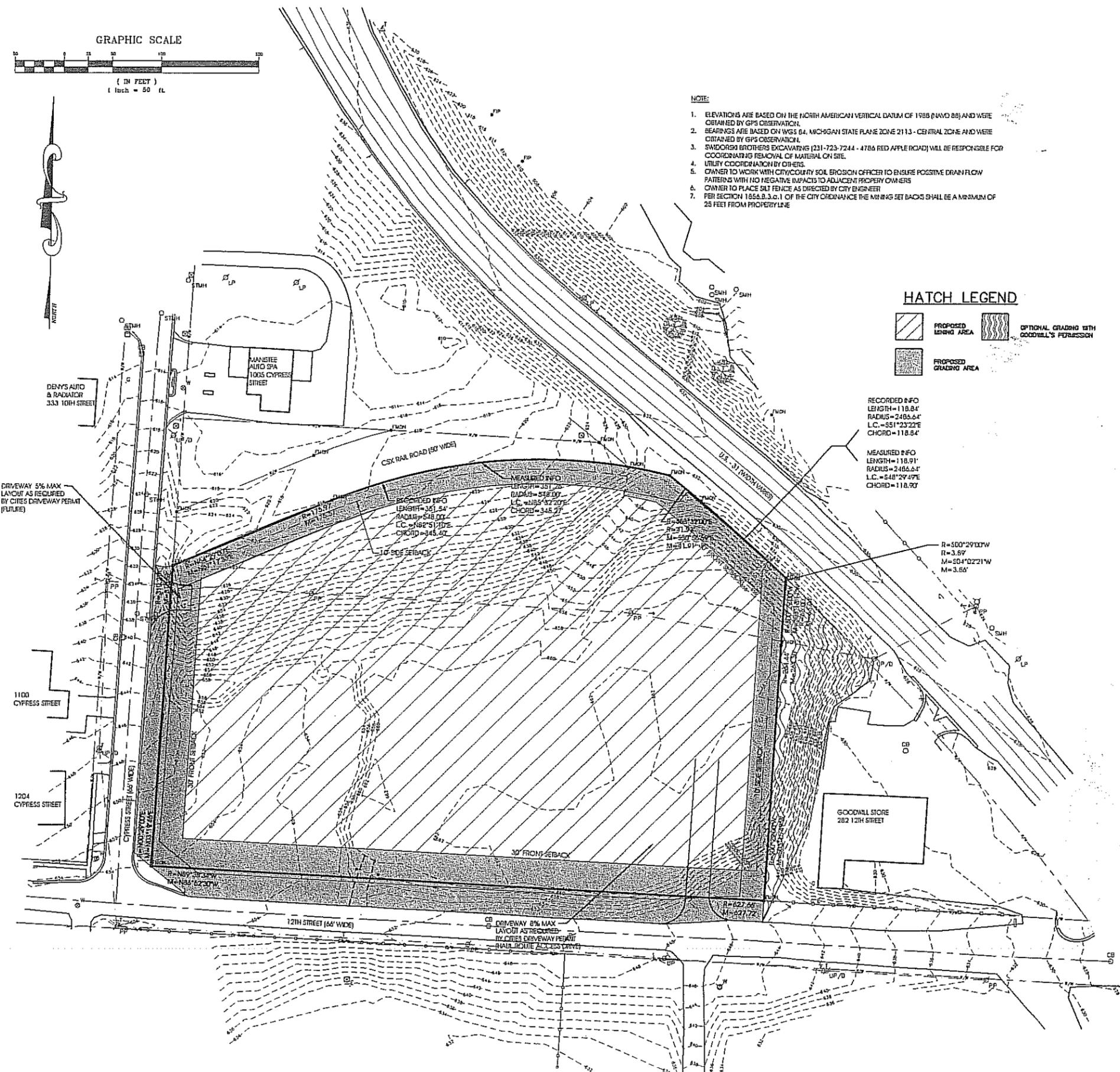
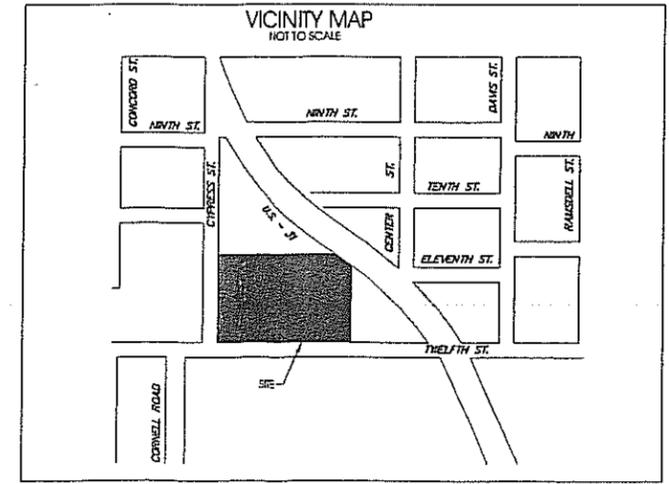
RECORDED INFO
LENGTH = 118.84'
RADIUS = 2486.64'
L.C. = S51°23'22"E
CHORD = 118.84'

MEASURED INFO
LENGTH = 118.91'
RADIUS = 2486.64'
L.C. = S48°29'49"E
CHORD = 118.93'

R=500'29'00"W
I=3.89'
M=50.4'02'21"W
M=3.66'

LEGEND

- TREE
- ELECTRICAL LOCATION
- GUY WIRE
- POWER POLE
- TELEPHONE LOCATION
- GAS LOCATION
- WATER LOCATION
- SANITARY MANHOLE
- STORM MANHOLE
- TELEPHONE PEDESTAL
- STREET SIGN
- CABLE TV
- FIRE HYDRANT
- CATCH BASIN
- WATER VALVE
- RECORDED MEASUREMENT
- TELEPHONE POLE
- WATER CURB STOP
- UTILITY POLE
- TRAFFIC SIGN
- BORING LOCATION
- GAS VALVE
- WATER METER
- GUARD POST
- LIFT STATION
- LIGHT POLE
- SIGNAL
- ELECTRIC MANHOLE
- HANDICAP
- CURB CATCH BASIN
- FOUND CONCRETE MONUMENT
- FIELD MEASUREMENT



Ruggiero/Swidorski
Item #8

SUP
Page 1 of 5



2011R006805

USE PERMIT

PENNY A. PEPERA - REGISTER OF DEEDS
MANISTEE COUNTY, MICHIGAN
RECORDED ON
12/27/2011 02:05:08PM

REC FEE: 26.00
PAGES: 5

SPECIAL USE PERMIT
CITY OF MANISTEE
70 Maple Street, P.O. Box 358
Manistee, Michigan 49660

This SPECIAL USE PERMIT, herein after referred to as the permit, is granted pursuant to the authority granted in Article 18: Standards and Requirements for Special Uses, of the Manistee City Zoning Ordinance, effective March 27, 2006.

Name of Operator/Permit Holder: Paul Swidorski
Swidorski Bros. Excavating LLC
Mailing Address: 4786 Red Apple Road
Manistee, MI 49660

Description of Property affected by Special Use Permit: Parcel #51-673-001-00

FROM DEED RECORDED IN LIBER 613, PAGE 561:
LOTS ONE (1) AND TWELVE (12), BLOCK SEVEN; LOTS TWO (2) TO ELEVEN (11), INCL., BLOCK SEVEN (7); LOTS ONE (1) TO SIX (6) INCL., BLOCK EIGHT (8); LOTS FOUR (4), FIVE (5), AND SIX (6), EXC. THAT PART SOUTH OF RR TRACKS, BLOCK FIVE (5); THAT PART OF LOTS FOUR (4), FIVE (5), AND SIX (6) LYING SOUTH OF RR TRACKS EXC. PART NORTHEASTERLY OF LINE 60 FEET SOUTHWESTERLY OF CENTERLINE US 31, BLOCK FIVE (5); THAT PART OF LOTS SEVEN (7) TO ELEVEN (11) INCL. LYING SOUTH OF PMRR, BLOCK SIX (6); THAT PART OF LOT TWELVE (12) LYING SOUTH OF RR TRACKS, BLOCK SIX (6); E.N. SALLINGS ADDITION, CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, INCLUDING ALL OF OLGA STREET AND ELEVENTH STREET.

NOW KNOWN AS LOT 1, AMENDED PLAT OF BLOCKS 7 AND 8 AND LOTS 7 THRU 12, BLOCK 6, LOTS 4 THRU 6, BLOCK 5; ALSO THE VACATED PORTIONS OF 11TH STREET AND OLGA STREET, E.N. SALLINGS ADDITION TO THE CITY OF MANISTEE.

Description of Special Use Granted, as Permitted in Article #18 Section #1856 Mine, Sand and Gravel

Special Use Permit Application #PC-2011-10
Approved by the Planning Commission on December 1, 2011
As described in Attachment A - Resolution to Approve

RECEIVED
DEC 27 2011
MANISTEE COUNTY
REGISTER OF DEEDS

PERMIT CONDITIONS AND REQUIREMENTS:

This permit is issued, subject to the following conditions and/or requirements as contained in Article 18, Section 1802:

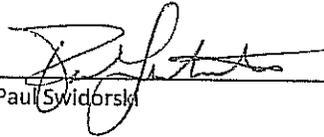
- This permit shall be conditioned on the issuance of any required soil erosion permit.
- The applicant is required to grade the Twelfth and Cypress Street rights-of-way adjacent to the applicant's property as shown on the site plan to an elevation approved by the City Engineer that will provide for the installation of a sidewalk.
- The applicant shall meet the requirements of Section 1856.B.3.a.1) as it relates to adjoining Parcel #51-661-001-00 (Address: 282 Twelfth Street).

ACKNOWLEDGMENT & RECEIPT OF PERMIT

I the undersign do hereby certify that I am the person listed above as the special use permit holders of their authorized legal representative. I do further certify that I have read, understand and agree to comply with all of the requirements and conditions of this permit, as listed above and in the Manistee City Zoning Ordinance.

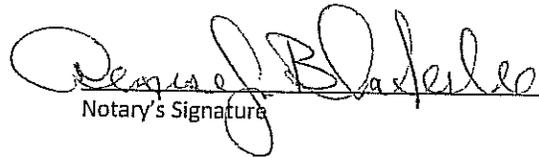
Swidorski Bros. Excavating LLC

STATE OF MICHIGAN)
) SS.
COUNTY OF MANISTEE)


Paul Swidorski
12/7/11
Dated

On December 7, 2011, before me, a Notary Public in and for said County, personally appeared Paul Swidorski, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be his/her free act and deed.

Notary's Stamp
DENISE J. BLAKELEE
NOTARY PUBLIC, STATE OF MI
COUNTY OF MANISTEE
MY COMMISSION EXPIRES Apr 2, 2013
ACTING IN COUNTY OF manistee
(Notary's name, county, acting in County,
and Date Commission expires)


Notary's Signature

Prepared by:
JON R. ROSE, COMMUNITY DEVELOPMENT DIRECTOR
CITY OF MANISTEE
70 Maple Street, P.O. Box 358
Manistee, MI 49660
231.398-2805

City of Manistee
Planning Commission Resolution to Approve a
Special Use Permit, Case Number PC-2011-10
Gina Ruggiero, Owner
Paul Swidorski, Swidorski Bros. Excavating, LLC, Operator

At a regularly scheduled meeting of the City of Manistee Planning Commission held on December 1, 2011, the following resolution was adopted to approve a Mine, Sand and Gravel Special Use Permit request from Gina Ruggiero, Owner/Paul Swidorski, Swidorski Bros. Excavating, LLC, Operator as submitted with application and Site Plan prepared by Abonmarche, ACI Job #110098 Dated March 9, 2011.

Planning Commissioner Ray Fortier moved, supported by Planning Commissioner Marlene Mc Bride, the adoption of the following resolution.

WHEREAS, on October 10, 2011 a request was received from Gina Ruggiero, Owner and Paul Swidorski, Swidorski Bros. Excavating LLC, Operator for a Special Use Permit for Mine, Sand and Gravel operation, and

WHEREAS, Mine, Sand and Gravel is provided for as a Special Use under Section 1856 of the Zoning Ordinance in the C-1 Regional Commercial Zoning District, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed development on December 1, 2011, and

WHEREAS, the Planning Commission has solicited written comment, reviewed the Site, and has completed review of the Application and Site Plan from the Applicant and the input received at said public hearing.

NOW, THEREFORE, BE IT:

- 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. **RESOLVED**, the application complies with General Site Plan Requirements in accordance with Section 1856.1.a – f. Mine, Sand and Gravel of the City of Manistee Zoning Ordinance.

BE IT FURTHER RESOLVED, that the Special Use Permit for Mine Sand and Gravel shall be issued with the following conditions as well as any other conditions contained in Section 1856.B of the Manistee Zoning Ordinance:

- This permit shall be conditioned on the issuance of any required soil erosion permit.
- The applicant is required to grade the Twelfth and Cypress Street rights-of-way adjacent to the applicant's property as shown on the site plan to an elevation approved by the City Engineer that will provide for the installation of a sidewalk.
- The applicant shall meet the requirements of Section 1865.B.3.a.1) as it relates to adjoining Parcel #51-661-001-00 (Address: 282 Twelfth Street).
- In the event the applicant receives approval from the owner of Parcel #51-661-001-00 to excavate a portion of that parcel, the applicant will need to amend the Special Use Permit.
- A snow fence shall be erected around the excavation area prior to excavation.
- Hours of operation shall be limited to: 7:00 am to 7:00 pm Monday – Saturday.
- A minimum performance guarantee of \$3,000.00 plus a minimum \$2,000.00 per excavated acre shall be filed with the City Treasurer before the Special Use Permit will be issued.
- The Special Use Permit shall be issued for a period of five years and shall expire on December 1, 2016.

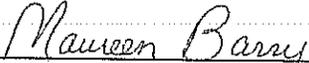
CITY OF MANISTEE PLANNING COMMISSION:

AYES: Eric Gustad, Marlene McBride, Ray Fortier, Maureen Barry, Roger Yoder
ABSTAINING: None
NAYS: Dave Crockett
ABSENT: Linda Albee, Bill Dean, Nathaniel Neider

MOTION: CARRIED

CERTIFICATION:

I, Maureen Barry, 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 December 1, 2011.



Maureen Barry, Secretary

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

December 1, 2011

A meeting of the Manistee City Planning Commission was held on Thursday, December 1, 2011 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

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

Roll Call:

Members Present: Maureen Barry, David Crockett, Ray Fortier, Eric Gustad, Marlene McBride, Roger Yoder

Members Absent: Linda Albee (excused), Bill Dean (excused), Nathaniel Neider (excused)

Others: Richard Wilson (Ruggiero & Swidorski Representative), Cathy & Richard Knechtges (1310 Cornell Street), Mike Gorbach (1100 Cypress Street), Jon R. Rose (Community Development Director), Denise Blakeslee (Planning & Zoning) and others

APPROVAL OF AGENDA

Motion by Ray Fortier, seconded by Dave Crockett that the agenda be approved as prepared.

With a Roll Call vote this motion passed 6 to 0.

Yes: Barry, Crockett, Fortier, Gustad, Mc Bride, Yoder

No: None

APPROVAL OF MINUTES

Motion by Ray Fortier, seconded by Dave Crockett that the minutes of the November 3, 2011 Planning Commission Meeting be approved as prepared.

With a Roll Call vote this motion passed 6 to 0.

Yes: Fortier, Barry, Crockett, Gustad, Mc Bride, Yoder

No: None

PUBLIC HEARING

PC-2011-10 Gina Ruggiero, Vacant property NE Corner Cypress and Twelfth Street (Parcel #51-673-001-00) Special Use Permit – Mine, Sand and Gravel

A request has been received from Gina Ruggiero owner of the property on the North East Corner of Cypress and Twelfth Street Parcel #51-673-001-00 for a Special Use Permit for Mine, Sand and Gravel. The operator will be Paul Swidorski, Swidorski Bros. Excavating, LLC, 4786 Red Apple Road, Manistee, Michigan.

Chairman Yoder opened the Public Hearing at 7:04 pm

Richard Wilson, Representative for Gina Ruggiero and Paul Swidorski – Mr. Wilson is representing Gina Ruggiero and Paul Swidorski. Mr. Wilson stated that his Law Office is also the Law Office of the City Attorney; and wanted that stated in the event that there is a conflict.

The property is owned by Gina Ruggiero and was the home of the former WMTE Radio Tower. The tower has been removed; the property is topographically challenged with frontage on Twelfth Street, Cypress Street and US 31; access is difficult; they are trying to make the property commercially viable by removing the sand and leveling the property for future development. City Staff had discovered a few issues with the site plan and he was noticed this afternoon, the east property line that abuts the Goodwill Property was included in the application and the required setback was not shown on the plan; they will work with Goodwill to see if they want to remove the hill behind their property under the Special Use Permit. Mr. Swidorski is planning to remove sand one acre at a time starting from the West moving toward the East; Mr. Swidorski will obtain the necessary soil erosion permits when needed. He has reviewed the drafted conditions for approval prepared by staff and will be happy to discuss them with the Commission.

Chairman Yoder opened the hearing for public comments.

Cathy Knechtges, 1310 Cornell Street – Ms. Knechtges lives behind Manistee Catholic Central. They live in a beautiful quiet neighborhood; there is not much noise; the hill cuts down on the noise and lights from US 31 would like to see a buffer left to keep the peaceful quiet neighborhood; she is concerned about commercial development of the property; her neighbor across the street is also concerned.

Richard Knechtges, 1310 Cornell Street – Mr. Knechtges said the property in question is a sand dune not a sand hill; there should be an environmental study done; he express concerns about removing the sand; this is a beautiful sand dune next to a school; if the sand is removed he is worried about sand blowing into the students eyes; the dune provides a snow barrier for US 31; have they considered that there will be more snow maintenance required if the dune is removed; there should be a traffic study, safety study and environmental study before a

decision is made; he believes it is required; have they considered the dust, breathing problems that will be created for people; Twelfth Street is in poor condition; the heavy trucks from the operator will damage the road more; who should pay for repairs?; the owner?; the City?; Cypress Street has homes on it; what impact will that have on these homes; the Commission needs to look at the present; do we want to destroy that? There should be a compromise; allow them to only remove a portion of the hill; consider safety when making a decision.

Mike Gorbach, 1100 Cypress Street – Mr. Gorbach owns the house directly across from the site; he is concerned about the impact on the neighborhood, blowing sand, truck traffic; there are too many unknowns; what exactly is going to happen; does not feel the Commission has enough information to make a decision;

Richard Wilson – Mr. Wilson said that the property in question is not a protected sand dune under the State statute; they are removing sand; this is not a gravel operation where there would be grinders on site; compared the proposed operation to the Seng operation to the South of MCC; Mr. Swidorski has a good operation; this is a small parcel; Mr. Swidorski will be removing sand as he needs it for jobs; there will not be permanent activity at the site; sand will be removed one acre at a time, the area will be reclaimed, then he will move to the next acre; the trucks used will meet both state and local load restrictions; will not use heavy loads; if something extraordinary were to happen the City has ordinances in place; he cited the court case from sand blowing on the Northside during the development; the owner is paying taxes on a property that cannot be developed as it is currently configured; the owner is trying to make the property usable; the owner is older and does not plan to develop the property themselves, it could be marketed for sale; the City has the property zoned Commercial.

Mike Gorbach – Mr. Gorbach has a problem with Mr. Wilson and feels that he is out of bounds.

Mr. Knechtges – Mr. Knechtges stated that he thought Mr. Wilson has a conflict of interest.

Jon Rose, Community Development Director – Mr. Rose stated that Mr. Wilson is representing his client NOT representing the City.

No correspondence was received.

There were no more additional comments; the Public Hearing was closed at 7:25 pm.

Jon Rose, Community Development Director – Mr. Rose reviewed the site plan; explained the Site Development Requirements of the Special Use Permit; spoke of the desire on behalf of the City to have the portion of the property on Twelfth and Cypress Streets contoured to allow easy installation of sidewalks; the request does not include the Goodwill property and the operator will need to maintain the buffer adjacent to that property; if the operator enters into an agreement with Goodwill he would need to Amend the Special Use Permit.

Mr. Rose clarified some concerns from the Commission – the proposed removal of sand would level the site not create a crater for someone to drive or fall into; Twelfth Street is in poor condition; there is an effort to obtain grant funds through the Safe Routes 2 School program (MCC & Manistee Public Schools) to assist with improvements to Twelfth Street and the installation of sidewalks; with the removal of the hill these improvements would be easier; reviewed the existing grades and the proposed grades.

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

NEW BUSINESS

PC-2011-10 Gina Ruggiero, Vacant property NE corner Cypress and Twelfth Street (Parcel #51-673-001-00) Special Use Permit – Mine, Sand and Gravel

A public hearing was held earlier in response to a request from Gina Ruggiero owner of the property on the North East Corner of Cypress and Twelfth Street Parcel #51-673-001-00 for a Special Use Permit for Mine, Sand and Gravel. The operator will be Paul Swidorski, Swidorski Bros. Excavating, LLC, 4786 Red Apple Road, Manistee, Michigan.

Staff prepared a Draft Resolution to approve and Draft Resolution to deny the request which were sent to the Commission with their meeting packets to review prior to the meeting. There were several conditions that were drafted for the commission to consider in the event they decided to approve the request. Three new conditions were added after review of the site plan yesterday and distributed to the commission for their consideration. The Commission and staff reviewed all the proposed conditions.

Commissioner Crockett expressed his desire to postpone deliberation to allow them to look at the site since what was being recommended differed from what was proposed on the Site Plan.

Jon Rose - The site plan showed the contour for Twelfth and Cypress Street has been discussed to remain as submitted which would allow the development of sidewalks. The difference is the contours for the area adjacent to the Goodwill property.

MOTION by Ray Fortier, seconded by Marlene McBride to adopt a resolution to approve with conditions the request from Gina Ruggiero, Owner/Paul Swidorski, Swidorski Bros. Excavating, LLC, Operator for a Special Use Permit for Mine, Sand and Gravel for the property on the North East Corner of Cypress and Twelfth Street Parcel #51-673-001-00.

- This permit shall be conditioned on the issuance of any required soil erosion permit.

- The applicant is required to grade the Twelfth and Cypress Street rights-of-way adjacent to the applicant's property as shown on the site plan to an elevation approved by the City Engineer that will provide for the installation of a sidewalk.
- The applicant shall meet the requirements of Section 1865.B.3.a.1) as it relates to adjoining Parcel #51-661-001-00 (Address: 282 Twelfth Street).
- In the event the applicant receives approval from the owner of Parcel #51-661-001-00 to excavate a portion of that parcel, the applicant will need to amend the Special Use Permit.
- A snow fence shall be erected around the excavation area prior to excavation.
- Hours of operation shall be limited to 7:00 am to 7:00 pm Monday – Saturday.
- A minimum performance guarantee of \$3,000.00 plus a minimum \$2,000.00 per excavated acre shall be filed with the City Treasurer before the Special Use Permit will be issued.
- The Special Use Permit shall be issued for a period of five years and shall expire on December 1, 2016.

With a Roll Call vote this motion passed 5 to 1.

Yes: Gustad, Mc Bride, Fortier, Barry, Yoder

No: Crockett

Election of Officers

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 Jon Rose who asked for nominations for the Position of Chair. Nominations were asked for three times.

Ray Fortier nominated Roger Yoder for the position of Chair

There being no other nominations, nominations were closed.

With a roll voice vote, Roger Yoder was elected Chair of the Planning Commission for 2012 unanimously.

Mr. Rose turned the meeting over to Chairman Yoder.

Vice-Chair

Chairman Yoder asked for nominations for the Position of Vice-Chair. Nominations were asked for three times.

Maureen Barry nominated Ray Fortier for the position of Vice Chair.

There being no other nominations, nominations were closed.

With a roll call vote, Ray Fortier was elected Vice Chair of the Planning Commission for 2012, 6 to 0.

Secretary

Chairman Yoder asked for nominations for the Position of Secretary. Nominations were asked for three times.

Ray Fortier nominated Maureen Barry for the position of Secretary.

There being no other nominations, nominations were closed.

With a roll call vote, Maureen Barry was elected Secretary of the Planning Commission for 2012, 6 to 0.

Appointment of a Recording Secretary 2012

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

Maureen Barry appointed Denise Blakeslee to act as the Recording Secretary for the Planning Commission for the year 2012.

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

None

CORRESPONDENCE

Chairman Yoder asked staff to draft letters on behalf of the Planning Commission for the new Mayor, new City Council Members and thanking the Lions Club for all their work at First Street Beach. The Commission agreed to have the letters sent on behalf of the Planning Commission and looks forward to working with City Council in 2012 and commended the Lions for their work at First Street Beach.

STAFF/SUB-COMMITTEE REPORTS

Jon Rose, Community Development Director - the Council Ordinance Committee has sent back the Zoning Amendment Z11-01 f.k.a. Z10-05 (Waterfront) for Council Consideration at their meeting on the December 6th along with the two recent amendments the Commission has worked on.

MEMBERS DISCUSSION

Commissioner Crockett noted that the Rehabilitation Center has reopened.

Commissioner Gustad thanked the public that attended the meeting.

The next regular meeting of the Planning Commission will be held on Thursday, January 5, 2012

ADJOURNMENT

Motion by Dave Crockett, seconded by Ray Fortier that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 8:27 pm.

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary

MEMO TO: Denise Blakeslee, Planning & Zoning
Administrator

FROM: Jeffrey W. Mikula, Public Works Director

DATE: January 19, 2017

SUBJECT: Manistee Self Storage Sand Mining Review



Public Works
231-723-7132

The documents submitted are not clear on the proposed extents of the mining operation. It appears that the intent is to mine sand for the site preparation of Phase 1 and 2 of the self-storage project. If this is not the intent, please have the applicant provide actual limits of mining extents and proposed finish grades.

We also request a copy of the Sedimentation and Soil Erosion Control Permit.

As the site is currently being operated, trucks are sometimes loaded while parked along Twelfth St. This process should be eliminated and all activity should occur on-site. Trucks egressing the current site and depositing soils along the adjacent roadways. The applicant should propose a coarse aggregate loading pad (or other SSEC Best Management Practice) to reduce “tracking” of soils onto the City Street system. The “loading Driveway” indicated on the plans lacks details.

Should mining continue once Twelfth St is reconstructed (planned for 2-3 years from now), the approach used by mining equipment on to the roadway should be constructed to commercial driveway standards including HMA (over an aggregate base) or concrete to reduce degradation of the new roadway.

City of Manistee
Planning Commission Resolution to Approve the
Renewal request for Special Use Permit for Mine, Sand, and Gravel
Case Number PC-2017-02
Chemical Bank, Owner
Paul Swidorski, Swidorski Bros. Excavating, LLC, Operator

At a regularly scheduled meeting of the City of Manistee Planning Commission held on February 2, 2017, the following resolution was adopted to approve the renewal of a Mine, Sand and Gravel Special Use Permit from Chemical Bank, Owner/Paul Swidorski, Swidorski Bros. Excavating, LLC, Operator as submitted with application and Original Site Plan prepared by Abonmarche, ACI Job #110098 Dated March 9, 2011, and area of excavation as required for buildings on Site Plan prepared by Nordlund and Associates, Job Number 1319-3, Dated January 9, 2017 for proposed development for a Mini/Self Storage Facility.

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

WHEREAS, on January 11, 2017 a request was received from Chemical Bank, Owner and Paul Swidorski, Swidorski Bros. Excavating LLC, Operator for renewal of a Special Use Permit for Mine, Sand and Gravel operation, and

WHEREAS, Mine, Sand and Gravel is provided for as a Special Use under Section 1856 of the Zoning Ordinance in the C-1 Regional Commercial Zoning District, and

WHEREAS, a Special Use Permit was issued to Operator Paul Swidorski, Swidorski Bros. Excavating, LLC on December 1, 2011, and

WHEREAS, Special Use Permits for Sand, Mine and Gravel expire after a period of five years, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed development on February 2, 2017, and

WHEREAS, the Planning Commission has solicited written comment and has completed review of the Application and Site Plan from the Applicant and the input received at said public hearing.

NOW, THEREFORE, BE IT:

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. **RESOLVED**, the application complies with General Site Plan Requirements in accordance with Section 1856 Mine, Sand and Gravel of the City of Manistee Zoning Ordinance.
1. General Site Plan Requirements: In addition to the regular application for a Special Use and payment of fees, the application shall be accompanied by a General Site Plan. The plan shall be drawn to a scale of 1" - 100' and said plan shall include the following information:
 - a. Name and address of owner(s) of land which removal will take place.
 - b. Name, address and telephone number of person, firm, or corporation who will be conducting the actual removal operation.
 - c. Location, size and legal description of the total site area to be mined.
 - d. A plan for extraction and reclamation for the total project which shall include:
 - 1) Surface overburden and topsoil stripping and stockpiling plans.
 - 2) Provisions for grading, re-vegetation, and stabilization that will prevent soil erosion, sedimentation and public safety problems.
 - 3) A feasible and detailed plan for the re-use of the reclaimed site, consistent with the intent of the zoning district(s) in which the facility is located.
 - e. Surface water drainage provisions and outlets.
 - f. The location and size of any structures
 - g. Approved soil erosion permits. If such permit has not been issued, a copy of the permit application may be appended to the special use application and any approval shall be conditioned upon issuance of such soil erosion permit.
 2. Reclamation: All extraction areas shall be reclaimed progressively as they are worked out. Reclaimed sites shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All slopes and banks remaining above water level and below water level to a depth of six (6) feet shall be graded to angles which do not exceed one (1) foot in elevation for each three

(3) feet of horizontal surface and they shall be treated to prevent erosion or any other potential deterioration. No more than five (5) acres of the site shall be open at any time.

3. Site Development Requirements:

a. Setbacks in which no part of the mining operation may take place, except for ingress and egress shall be as follows:

- 1) Excavation below the existing grade of adjacent roads or property lines shall not take place within twenty-five (25) feet from any adjacent property line or road right-of-way.
- 2) No machinery will be erected or maintained within one hundred (100) feet of any property or road right-of-way line.

b. Fencing: If fencing is deemed a necessary requirement, the Planning Commission shall specify the type, characteristics, and location of the required fencing.

c. Interior access roads, parking lots, haul road, loading and unloading areas and stockpiled materials shall be maintained so as to limit the nuisance caused by wind-blown dust.

d. Hours of operation shall be established by the Planning Commission as part of the special use approval.

e. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.

4. Failure to maintain all required State or Federal licenses and/or to develop and maintain a surface mining operation in accord with the terms of the Special Use permit may result in the immediate revocation of said Special Use permit and any and all other sanctions and/or penalties available to the City, County, and/or State.

5. Evidence of Continuing Use: When activities on or the use of the mining area, or any portion thereof, have ceased for more than one (1) year or when, by examination of the premises or other means, the Zoning Administrator determines a manifestation of intent to abandon the mining area, the Zoning Administrator shall give the operator written notice of their intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the operator shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, it shall not declare abandonment.

6. Financial Guarantees: A minimum performance guarantee of \$3,000.00 plus a minimum \$2,000.00 per excavated acre shall be filed with the City Treasurer. The performance guarantee shall be in the form of a letter of credit, a certified check, a cash bond or an insurance policy with the City named as an insured party. The bond shall be returned when all conditions stipulated in the Special Use permit have been met and the Special Use permit revoked prior to its release. There shall be no partial release of the bond.

7. Issuance of a Special Use Permit: Permits for surface mining shall be issued to the operator. If an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Planning Commission may release the operator from the duties imposed upon him by this Ordinance, as to the operation, but only if the successor, operator, or property owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Special Use permit may be transferred.

8. Permit Expiration: If approval for a Special Use permit is granted by the Planning Commission it shall extend a specific period of time not to exceed five (5) years. Those permits granted for a period exceeding one (1) year shall be inspected a minimum of once a year by the Zoning Administrator to insure compliance with the permit and Ordinance.

9. Modification of the General Site Plan: The General Site Plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology, or to correct an oversight. The Planning Commission may require the modification of the General Site Plan when:
- a) Modification of the plan is necessary so that it will conform to the existing laws.
 - b) It is found that the previously approved plan is clearly impractical to implement and maintain.
 - c) The approved plan is obviously not accomplishing the intent of the Ordinance

BE IT FURTHER RESOLVED, that the Special Use Permit for Mine Sand and Gravel shall be issued with the following conditions as well as any other conditions contained in Section 1856.B of the Manistee Zoning Ordinance:

- This permit shall be conditioned on the issuance of any required soil erosion permit. A copy of the permit is to be provided to the City.
- The applicant is required to grade the Twelfth and Cypress Street rights-of-way adjacent to the applicant's property as shown on the site plan to an elevation approved by the City Engineer that will provide for the installation of a sidewalk.
- The applicant shall meet the requirements of Section 1865.B.3.a.1) as it relates to adjoining Parcel #51-661-001-00 (Address: 282 Twelfth Street).
- In the event the applicant receives approval from the owner of Parcel #51-661-001-00 to excavate a portion of that parcel, the applicant will need to amend the Special Use Permit.
- A snow fence shall be erected around the excavation area prior to excavation.
- Hours of operation shall be limited to: 7:00 am to 7:00 pm Monday – Saturday.
- A minimum performance guarantee of \$3,000.00 plus a minimum \$2,000.00 per excavated acre shall be filed with the City Treasurer before the Special Use Permit will be issued.
- As the site is currently being operated, trucks are sometimes loaded while parked along Twelfth St. The loading/offloading of equipment and materials is required to be on site and not on the roadway.
- Appropriate measures are to be taken so that trucks egressing the current site are not depositing soils along the adjacent roadways. The applicant is to provide a coarse aggregate loading pad (or other SSEC Best Management Practice) to reduce "tracking" of soils onto the City Street system.
- The "loading Driveway" indicated on the plans lacks details. The applicant is to supply a detailed plan to meet the standards of the DPW Director and City Attorney before the Special Use Permit will be issued.

- Should mining continue once Twelfth St is reconstructed (planned for 2-3 years from now), the approach used by mining equipment on to the roadway shall be constructed to commercial driveway standards including HMA (over an aggregate base) or concrete to reduce degradation of the new roadway.
- The documents submitted are not clear on the proposed extents of the mining operation. It appears that the intent is to mine sand for the site preparation of Phase 1 and 2 of the self-storage project. If this is not the intent the applicant is to provide actual limits of mining extents and proposed finish grades.
- The Special Use Permit shall be issued for a period of five years and shall expire on February 2, 2022.

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 February 2, 2017.

Marlene McBride Secretary

Draft Resolution to approve SUP request

**City of Manistee
Planning Commission Resolution to Deny the
Renewal request for Special Use Permit for Mine, Sand, and Gravel
Case Number PC-2017-02
Chemical Bank, Owner
Paul Swidorski, Swidorski Bros. Excavating, LLC, Operator**

At a regularly scheduled meeting of the City of Manistee Planning Commission held on February 2, 2017, the following resolution was adopted to approve the renewal of a Mine, Sand and Gravel Special Use Permit from Chemical Bank, Owner/Paul Swidorski, Swidorski Bros. Excavating, LLC, Operator as submitted with application and Original Site Plan prepared by Abonmarche, ACI Job #110098 Dated March 9, 2011, and area of excavation as required for buildings on Site Plan prepared by Nordlund and Associates, Job Number 1319-3, Dated January 9, 2017 for proposed development for a Mini/Self Storage Facility.

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

WHEREAS, on January 11, 2017 a request was received from Chemical Bank, Owner and Paul Swidorski, Swidorski Bros. Excavating LLC, Operator for renewal of a Special Use Permit for Mine, Sand and Gravel operation, and

WHEREAS, Mine, Sand and Gravel is provided for as a Special Use under Section 1856 of the Zoning Ordinance in the C-1 Regional Commercial Zoning District, and

WHEREAS, a Special Use Permit was issued to Operator Paul Swidorski, Swidorski Bros. Excavating, LLC on December 1, 2011, and

WHEREAS, Special Use Permits for Sand, Mine and Gravel expire after a period of five years, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed development on February 2, 2017, and

WHEREAS, the Planning Commission has solicited written comment and has completed review of the Application and Site Plan from the Applicant and the input received at said public hearing.

NOW, THEREFORE, BE IT:

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. RESOLVED, the application complies with General Site Plan Requirements in accordance with Section 1856 Mine, Sand and Gravel of the City of Manistee Zoning Ordinance.

1. General Site Plan Requirements: In addition to the regular application for a Special Use and payment of fees, the application shall be accompanied by a General Site Plan. The plan shall be drawn to a scale of 1" - 100' and said plan shall include the following information:
 - a. Name and address of owner(s) of land which removal will take place.
 - b. Name, address and telephone number of person, firm, or corporation who will be conducting the actual removal operation.
 - c. Location, size and legal description of the total site area to be mined.
 - d. A plan for extraction and reclamation for the total project which shall include:
 - 1) Surface overburden and topsoil stripping and stockpiling plans.
 - 2) Provisions for grading, re-vegetation, and stabilization that will prevent soil erosion, sedimentation and public safety problems.
 - 3) A feasible and detailed plan for the re-use of the reclaimed site, consistent with the intent of the zoning district(s) in which the facility is located.
 - e. Surface water drainage provisions and outlets.
 - f. The location and size of any structures
 - g. Approved soil erosion permits. If such permit has not been issued, a copy of the permit application may be appended to the special use application and any approval shall be conditioned upon issuance of such soil erosion permit.
2. Reclamation: All extraction areas shall be reclaimed progressively as they are worked out. Reclaimed sites shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All slopes and banks remaining above water level and below water level to a depth of six (6) feet shall be graded to angles which do not exceed one (1) foot in elevation for each three

(3) feet of horizontal surface and they shall be treated to prevent erosion or any other potential deterioration. No more than five (5) acres of the site shall be open at any time.

3. Site Development Requirements:

a. Setbacks in which no part of the mining operation may take place, except for ingress and egress shall be as follows:

- 1) Excavation below the existing grade of adjacent roads or property lines shall not take place within twenty-five (25) feet from any adjacent property line or road right-of-way.
- 2) No machinery will be erected or maintained within one hundred (100) feet of any property or road right-of-way line.

b. Fencing: If fencing is deemed a necessary requirement, the Planning Commission shall specify the type, characteristics, and location of the required fencing.

c. Interior access roads, parking lots, haul road, loading and unloading areas and stockpiled materials shall be maintained so as to limit the nuisance caused by wind-blown dust.

d. Hours of operation shall be established by the Planning Commission as part of the special use approval.

e. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.

4. Failure to maintain all required State or Federal licenses and/or to develop and maintain a surface mining operation in accord with the terms of the Special Use permit may result in the immediate revocation of said Special Use permit and any and all other sanctions and/or penalties available to the City, County, and/or State.

5. Evidence of Continuing Use: When activities on or the use of the mining area, or any portion thereof, have ceased for more than one (1) year or when, by examination of the premises or other means, the Zoning Administrator determines a manifestation of intent to abandon the mining area, the Zoning Administrator shall give the operator written notice of their intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the operator shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, it shall not declare abandonment.

6. Financial Guarantees: A minimum performance guarantee of \$3,000.00 plus a minimum \$2,000.00 per excavated acre shall be filed with the City Treasurer. The performance guarantee shall be in the form of a letter of credit, a certified check, a cash bond or an insurance policy with the City named as an insured party. The bond shall be returned when all conditions stipulated in the Special Use permit have been met and the Special Use permit revoked prior to its release. There shall be no partial release of the bond.

7. Issuance of a Special Use Permit: Permits for surface mining shall be issued to the operator. If an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Planning Commission may release the operator from the duties imposed upon him by this Ordinance, as to the operation, but only if the successor, operator, or property owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Special Use permit may be transferred.

8. Permit Expiration: If approval for a Special Use permit is granted by the Planning Commission it shall extend a specific period of time not to exceed five (5) years. Those permits granted for a period exceeding one (1) year shall be inspected a minimum of once a year by the Zoning Administrator to insure compliance with the permit and Ordinance.

9. Modification of the General Site Plan: The General Site Plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology, or to correct an oversight. The Planning Commission may require the modification of the General Site Plan when:
- a) Modification of the plan is necessary so that it will conform to the existing laws.
 - b) It is found that the previously approved plan is clearly impractical to implement and maintain.
 - c) The approved plan is obviously not accomplishing the intent of the Ordinance

BE IT FURTHER RESOLVED that the request to renew the request for a Mine, Sand and Gravel Special Use Permit from Chemical Bank, Owner/Paul Swidorski, Swidorski Bros. Excavating, LLC, Operator as submitted with application and Site Plan prepared by Abonmarche, ACI Job #110098 Dated March 9, 2011 (original request), and Site Plan ____ prepared by Nordlund and Associates, Job Number 1319-3, Dated January 9, 2017 which updates the existing conditions and proposed development for a Mini/Self Storage Facility. Be denied for the following reasons:

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 February 2, 2017.

Marlene McBride Secretary