

# CITY OF MANISTEE PLANNING COMMISSION

## WORKSESSION AGENDA

Thursday, September 20, 2007  
7:00 p.m.  
Council Chambers, City Hall  
70 Maple Street, Manistee, Michigan

I Call to Order.

II Worksession Items:

1. Condominium Conversions
2. Obsolete Buildings
3. Misc.

III Adjourn.

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All Planning Commission Meetings and Worksessions are open to the Public.

Worksessions are scheduled to allow the Planning Commission the opportunity to discuss in a less formal manner than a regular meeting. No motions or decisions can be made during a worksession.

The Planning Commission does not take public comment during worksessions. The public is not allowed to speak, ask questions, or express opinions on items which are being discussed during the worksession.



PLANNING AND ZONING  
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## MEMORANDUM

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TO: Planning Commissioners  
FROM: Denise Blakeslee   
DATE: September 12, 2007  
RE: September 20, 2007 Worksession

Commissioners, our summer is winding down and we are beginning our monthly Worksessions. Enclosed is an agenda for the September 20, 2007 worksession.

### **Condominium Conversions:**

The Ordinance Re-Write Committee reviewed Condominium Conversions at their meeting in July. The following is an excerpt from the notes of that meeting:

*Discussed memo from Jay Kilpatrick and draft language prepared. Comfortable with the information from Jay but need to establish parking standards for residential in the C-3 District. Will discuss more when Jon Rose is able to attend the meeting.*

*Discussed requiring one parking space for all residential uses, condominiums, and adaptive reuse.*

The Planning Commission as a whole will discuss this proposed language and parking requirements for the downtown will be included in that discussion.

### **Obsolete Buildings:**

Enclosed are copies of the Special Use Permit requirements for Adaptive Re-Use and Mixed Use Development. These are two Special Uses standards that may be applied to the Obsolete - Buildings (including Churches) that are going up for sale in town. The City needs standards that allow these buildings to be reused and prevent them from becoming abandoned and a blight on the community.

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

:djb

MEMORANDUM

TO: Jon Rose, Community Development Director  
City of Manistee

FROM: Lynée Wells, AICP  
Jay Kilpatrick, AICP, PCP

DATE: March 12, 2007

RE: Condominium Conversions

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Please find the attached recommended amendments to the City's Zoning Ordinance related to Condominium Conversions. As per our telephone discussion on February 15, 2007, these amendments address the following items:

1. Provides definitions of a condominium conversion, condominium unit, common elements (including limited and general), and condominium conversion plan.
2. Revises the definition of parcel to eliminate the reference to "unique tax identification number" since condominium conversions on a single parcel may include more than one tax identification number to accommodate taxation of common elements, etc.
3. Requires the applicant to submit a "condominium conversion plan" and follow the review and approval process for a detailed site plan. This process is thorough, yet streamlined. During the conference call, it was suggested that a condominium conversion could follow the subdivision process; however, upon further consideration, this process is not appropriate for a condominium conversion since the applicant is proposing a new ownership structure for an existing building(s). Further, the subdivision process is cumbersome and includes several different levels of approval which are not necessary for existing development converting ownership structures.
4. Includes approval standards for condominium conversions providing the necessary checks and balances to verify that all provisions of the zoning ordinance are met unless deviations have been approved as a Planned Unit Development.
5. Requires review and approval of the master deed and bylaws by the City Attorney.

Jon Rose, City of Manistee Community Development Director  
March 12, 2007  
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6. Amends Section 400, Nonconformities to stipulate that a nonconforming developed or undeveloped parcel may not be converted to a condominium unless in conformance with the zoning ordinance.
7. Amends Section 514, Parking to stipulate that a condominium conversion with a residential use shall provide parking in accordance with the standards for motels, hotels, inns and transient lodging by providing one space per unit.

## CONDOMINIUM CONVERSIONS

Draft #1, March 12, 2007

### 1. Add to Section 204:

COMMON ELEMENTS: The portions of the condominium project other than the condominium units.

CONDOMINIUM UNIT: A condominium unit established in compliance with the Condominium Act which consists of a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the condominium master deed.

CONDOMINIUM ACT: The Michigan Condominium Act, Act 59 of the Public Acts of Michigan of 1978, as amended, or successor legislation.

CONDOMINIUM CONVERSION: A condominium project containing two or more condominium units some or all of which were under single ownership before the filing of a notice of taking reservations under Section 71 of the Condominium Act.

CONDOMINIUM CONVERSION PLAN: The plans, drawings and information prepared for a condominium project as required by Section 66 of the Condominium Act and as required by this ordinance for review and approval of the condominium project.

### 2. Add to Section 208:

GENERAL COMMON ELEMENTS: The common elements other than the limited common elements.

### 3. Add to Section 213:

LIMITED COMMON ELEMENTS: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

### 4. Revise section 217:

PARCEL: An area of land separated from other parcels of land by description on a plat, condominium subdivision plan or by metes and bounds description, recorded in the Manistee County Office of the Register of deeds ~~and with a unique tax identification number~~, and which complies with the dimensional requirements of this Zoning Ordinance.

5. Add the following in Article Five, General Provisions:

**SECTION 533 CONDOMINIUM CONVERSIONS**

- A. Purpose. Lands that are developed and sold as condominiums are not subject to regulation under the Michigan Land Division Act being Act 288 of the Public Acts of 1976, as amended. This section regulates condominium conversions, whether for residential use or non-residential use.
- B. Section 523 A and B shall not apply to parcel divisions resulting from a condominium conversion.
- C. Submittal of a Condominium Conversion Plan. A condominium conversion plan shall be submitted for review and approval in accordance with the site plan review and approval process of Section 2240-2209. Such plan shall include the documents and information required by Section 66 of the Condominium Act, and include the following information to the extent not included in such Act:
1. The information required for a detailed site plan review under Article 22 of this Ordinance.
  2. A narrative describing the overall objectives of the condominium conversion.
  3. Existing building footprint.
  4. Area and volume of each proposed condominium unit, including area of living areas.
  5. Common areas (including general and limited)
  6. Location and dimensions of each building.
  7. The condominium conversion plan shall depict a building envelope around each building so as to demonstrate compliance with the minimum lot area requirement, the minimum lot width requirement, and the minimum building setback requirements of the zone district in which the condominium conversion is located.
  8. Approval or tentative approval of the proposed design and location of the entrance to the condominium from the City Engineer and/or Michigan Department of Transportation, if applicable.
  9. The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
  10. Such other information as the Planning Commission may reasonably request in their review of the proposed condominium conversion. Unless requested by the Planning Commission, the proposed master deed and condominium bylaws need not necessarily be submitted with the application.

D. Standards for Approval. To receive approval, a condominium conversion plan shall satisfy the following requirements:

1. The plan shall satisfy the standards and requirements for detailed site plan approval pursuant to Article 22 of this Ordinance.
2. The proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the proposed project, shall comply with the Condominium Act and other applicable laws, ordinances or regulations.
3. Unless modified pursuant to Section 1870 hereof, the condominium conversion shall comply with all applicable provisions of this Ordinance, including without limitation, density, minimum living area of units, lot coverage, building height, lot area, lot width and yard size requirements with respect to each of the buildings in which the condominium conversion is located.
4. If a condominium conversion is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the City of Manistee.
5. The City may require the condominium conversion to include pedestrian sidewalks at specified locations; street lighting at intersections or otherwise within street rights-of-way; and greenbelts or other landscaping in order to obscure the view of other types of land uses that may be near or adjacent to the condominium, such as commercial or industrial uses, highways, railroads and the like.
6. The condominium conversion shall be connected to public water and public sanitary sewer facilities.

E. Compliance with other City Ordinances: Condominium conversions shall meet the standards of the applicable zoning district, as well as all standards in the City of Manistee Zoning Ordinance, and other applicable local, state or federal laws.

F. Expandable or Convertible Condominium Conversions. Approval of a final condominium conversion plan shall not constitute approval of expandable or convertible portions of a condominium conversion project unless the expandable or convertible areas are specifically reviewed and approved by the Planning Commission in compliance with the procedures, standards and requirements of this section.

G. Review of Condominium Master Deed and Bylaws. An approved condominium conversion plan shall be incorporated by reference in the master deed for the condominium. The Master Deed shall be reviewed by the City Attorney, prior to recording, and it shall be subject to the attorney's approval, consistent with this section and the City's approval of the condominium. A copy of the master deed as recorded with the County Register of Deeds shall be provided to the City promptly

after recording, but in any event, not later than the filing of the application for the first building permit for a building in the project.

6. Add to section 401, B.

B. Condominium Project. A nonconforming developed or undeveloped parcel shall not be converted to a condominium, except in conformance with this Ordinance.

7. Revise section 514, F.

F. For all permitted uses and special land uses in the C-3 District, except hotels, motels, and residential use condominium conversions, the parking provisions of this Section shall not apply.

**SECTION 514      VEHICULAR PARKING SPACE, ACCESS AND LIGHTING**

A. For each principal building or establishment hereafter erected or altered and located in any Zoning District, including buildings and structures used principally as places of public assembly, there shall be provided and maintained suitable space off the public right-of-way which is adequate for the parking or loading of motor vehicles in the proportions shown below. The parking spaces called for hereunder shall be considered minimum requirements under this Ordinance. Where more than one use exists or is proposed on a parcel, the minimum shall be the sum of the required parking for each use, except where it is demonstrated to the Commission that such provisions would be excessive, in which case shared parking may be permitted.

<u>Use</u>	<u>Number of Parking Spaces Per Unit of Measure</u>
1. Dwellings	Two (2) spaces for each dwelling unit for single family, duplex units and mobile homes, 2 per dwelling unit for multiple family
2. Hotels, Motels, Inns and Transient Lodging Places	One (1) space for each unit.
3. Hospitals, Nursing and Personal Care Facilities	One (1) space for each four beds, and one (1) space for each employee.
4. Places of public assembly	One (1) space for each four seats of legal capacity.
5. Medical clinics and medical and dental offices	Three and one half (3.5) spaces for each 1,000 square feet of office space.
6. Offices, other than medical or dental clinics	One (1) space for each 250 square feet of office space.
7. Eating and drinking establishments	One (1) space for each three seats of legal seating capacity.
8. Retail establishments	One (1) space for each 450 square feet of floor area dedicated to retail activity, exclusive of storage areas.
9. Industrial and warehouse uses	The greater of one (1) space for each 1,000 square feet of floor area, or one space for each employee in the largest shift.

B. In the case of uses or businesses not addressed in paragraph A hereof the required parking shall be determined by the Zoning Administrator, subject to Planning Commission concurrence. The latest edition of the Institute of Traffic Engineers'

Parking Generation shall be consulted in determining a parking requirement for any such use or business.

C. The minimum dimensional standards for parking spaces and aisles shall be as follows.

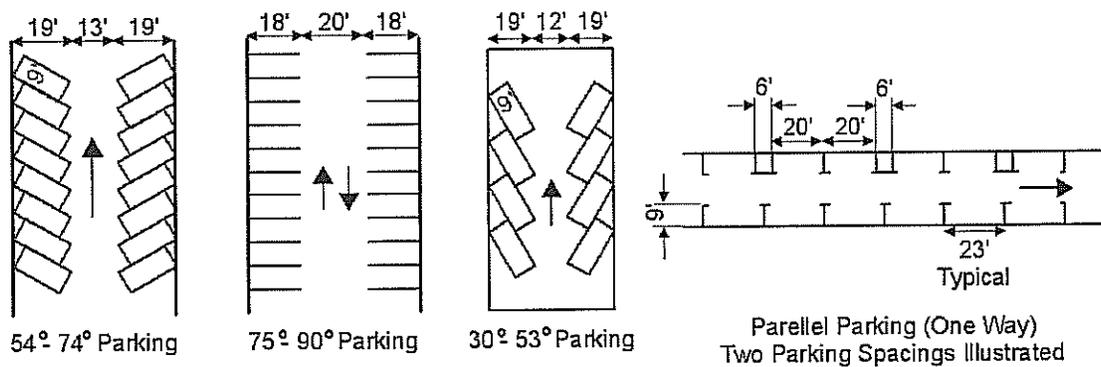
**Minimum Parking Space and Maneuvering Lane Standards**

Parking Pattern	Lane Width		Parking Space		Total Width of Two Tiers Plus Lane	
	One-way (ft)	Two-way (ft)	Width <sup>(1)</sup> (ft)	Length <sup>(2)</sup> (ft)	One-way (ft)	Two-way (ft)
Parallel	11	18	9	23	40	36
30°-53°	12	18	9	19	50	56
54°-74°	13	19	9	19	51	57
75°-90°	15	20	9	18	51	56

(1) Measured Perpendicular to the space centerline.

(2) Measured along the space centerline.

**Figure 514**



**Parking Area Dimensions  
(for standard-size vehicles)**

- D. The approval of the City Engineer shall be obtained for the location of exits and entrances to parking areas and for the design and construction thereof.
- E. Off-street parking areas for all uses requiring City approval shall be paved with concrete or bituminous material with approved curbing and painted parking lines. Parking areas with ten (10) or more spaces shall include landscaped planting islands and perimeter buffers in accordance with Section 531, in all instances where sufficient space is available.
- F. For all permitted uses and special uses in the C-3 District, except hotels and motels, the parking provisions of this Section shall not apply.

- G. Parking areas required under this Section, and city-owned parking lots, shall not be used for the storage of, camping within, or continuous parking or storage of recreational vehicles, trailers, motor vehicles and junk for more than a twenty-four (24) hour period.
- A. Within the C-1, C-2 and C-3 Districts, the Planning Commission may approve shared parking arrangements among various uses when it can be demonstrated that parking in sufficient quantities for all such uses as set forth in this Section shall be available at all times.

## SECTION 1807     ADAPTIVE REUSE

A. **Definition.** The development of a new use for an older building or for a building originally designed for a special or specific purpose. Adaptive Use is the redevelopment, including expansion, of an older building into apartments or condominiums, which may include some or all of the ground floor, on-street frontage committed to retail, office and service uses.

B. **Regulations and Conditions:** A building originally designed and constructed for another purpose may be reused for multiple family dwellings, in accord with the following standards and conditions.

1. The exterior of the building shall be designed consistent with the design standards of Article 20, Historic Overlay, if located within said district. Buildings located in the C-3 District, but outside the Historic Overlay, shall be consistent in scale and exterior materials with nearby existing buildings.
2. Within the C-3 district, the street level of buildings proposed for adaptive reuse will normally be dedicated to retail, office or service uses. Such uses shall be compatible with neighboring uses and offer services to the residents of the immediate neighborhood and/or the general public. Dwelling units should not be located on the street level or basement except in those locations where resident privacy can be provided by building design, courtyards, topography or similar design; such as daylight or walkout dwelling units along the riverfront or into a secured and private side or rear yard. Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, service or offices uses will be generally compatible with residential uses in the building.
3. At least fifty percent (50%) of the exterior wall facing the street for retail space on the ground floor shall consist of glass display windows.
4. Parking shall be provided at the rear or side of the building or within an enclosed building and shall be appropriately buffered or screened. Parking shall be provided within two hundred (200) feet of the building. Two (2) spaces shall be provided per dwelling.
5. The number of dwellings permitted in an adaptive reuse building shall not exceed one dwelling for each 1,500 square feet of building envelope, as defined herein.
6. All dwellings shall provide a minimum of five hundred (500) square feet of living space.
7. Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.
8. Signage shall comply with the requirements of Article 21.

## SECTION 1858 MIXED-USE DEVELOPMENT

- A. **Definition.** A development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.
- B. **Regulations and Conditions.**
1. The applicant shall demonstrate how the proposed mixing of uses will reduce traffic generation and provide a substantial amenity for the City of Manistee.
  2. The mixing of uses will be compatible with adjacent land uses, the natural environment, and the capacities of affected public services and facilities, and such use shall be consistent with the public health, safety and welfare of City of Manistee residents. The mixing of uses shall be consistent with the policies set forth in the City of Manistee Comprehensive Plan.
  3. The development shall consolidate and maximize usable open space, wherever possible.
  4. The applicant shall demonstrate that the proposed mixing of uses will not constitute a nuisance to future inhabitants or users of the development, or the City in general.
  5. Off-street parking facilities for such mixed uses may be provided collectively, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use, unless the Planning Commission finds that such requirements are may be modified due to varying hours of operation or other factors.
  6. A proposed Mixed-Use Development shall be designed in such a manner that will lead to compatible, efficient, and attractive uses of property in the City of Manistee, and shall:
    - a. Encourage unique retail, office and residential use alternatives.
    - b. Continue and augment the City's traditional neighborhood patterns.
    - c. Establish neighborhood places that will define and strengthen the community character and supplement the identity of the City.
    - d. Provide for the redevelopment of underutilized sites.
    - e. Facilitate pedestrian oriented development using design options such as sidewalk cafes, rear parking, residential condominiums above small-scale service uses, and enhanced landscape open spaces, squares, and parks.
  7. Vehicular and pedestrian circulation within the development and access to the development shall be safe, convenient, non-congested and well defined. Shared access to parking areas will be required, where appropriate.
  8. A Mixed-Use Development shall not infringe unreasonably on any neighboring uses.
  9. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
  10. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.