

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, May 3, 2018
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 May 3, 2018 Agenda.

IV Approval of Minutes

At this time Planning Commission can take action to approve the April 5, 2018 meeting Minutes.

V Public Hearing

PC-2018-02 FiveCAP, Inc. 265 First Street – Special Use Permit for Mixed Use Development that includes Professional Office and Educational Facility to add a modular classroom 24' x 76' to the site

A request has been received from FiveCAP, Inc. to add a modular class room to their facility at 265 First Street. The change in the site plan requires a Special Use Permit for Mixed Use including Professional Office and Educational Facility.

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-2018-03 Thomas Amor Sr., 303 Fifth Street – Special Use Permit for a Duplex

A request has been received from Thomas Amor Sr., 303 Fifth Street for a Special Use Permit for a Duplex. On March 22, 2018 the Zoning Board of Appeals granted two variances to Mr. Amor. as follows:

- Parcel #51-664-703-01 (303 Fifth Street) be granted a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage to permit the applicant a request for a Special Use Permit for a duplex.
- Parcel #51-664-703-07 (parking lot east of 40 Magill Street) be granted a variance that reduces the parcel area requirement from 10,000 sq. ft to 9,811 sq. ft and a reduction in the parcel width requirement from 80 feet to 74 feet (existing frontage).

With the variances granted Mr. Amor can proceed with his request for a Special Use Permit for a Duplex.

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-2018-05 Lakeside Cultivation LLC (David and Nicholas Casebolt), 160 Tenth Street – Marihuana Facility (Marihuana Grower)

A request has been received from Lakeside Cultivation LLC (David and Nicholas Casebolt) for a Special Use Permit for a Marihuana Facility (Marihuana Grower) at 160 Tenth Street.

At this time the Chair shall open the hearing.
The applicant shall present any comments and explanation of the case.
City staff shall present their report
The hearing will be opened for public comments
The hearing will be closed

VI Public Comment on Agenda Related items

VII New Business

PC-218-02 FiveCAP, Inc. 265 First Street – Special Use Permit for Mixed Use Development that includes Professional Office and Educational Facility to add a modular classroom 24' x 76' to the site.

A public hearing was held earlier in response to the request from FiveCAP, Inc. to add a modular class room to their facility at 265 First Street. The change in the site plan requires a Special Use Permit for Mixed Use including Professional Office and Educational Facility.

At this time the Planning Commission could take action to adopt a resolution to approve/approve with conditions/deny the request from FiveCAP, Inc. for a Special Use Permit for Mixed Use Development that includes Professional Office and Educational Facility to add a modular classroom 24' x 76' to the site as submitted with their application and site plan prepared by Dingens Architect Project #37-17C.

PC-2018-03 Thomas Amor Sr., 303 Fifth Street – Special Use Permit for a Duplex

A public hearing was held earlier in response to the request from Thomas Amor Sr., 303 Fifth Street for a Special Use Permit for a Duplex.

At this time the Planning Commission could take action to adopt a resolution to approve/approve with conditions/deny the request from request from Thomas Amor Sr., 303 Fifth Street for a Special Use Permit for a Duplex.

PC-2018-04 Thomas Amor Sr. and Good Shepherd Lutheran Church – Parcel Split and Combination Request

A request has been received from Thomas Amor Sr. and Good Shepherd Lutheran Church for a Parcel Split and Combination. Mr. Amor has purchased the 2,196.65 feet of the parking lot from Good Shepherd Lutheran Church. On March 22, 2018 Mr. Amor received the necessary variances from the Zoning Board of Appeals for a Parcel Split and Combination that will combine the north 2,196.65 feet from the parking lot (51-664-703-07) with 303 Fifth Street (51-664-703-01) as shown on the survey prepared by the Spicer Group Job #124374SG017.

At this time the Planning Commission could make a recommendation to City Council to approve/deny the request from Thomas Amor Sr. and Good Shepherd Lutheran Church for a Parcel Split and Combination that will combine the north 2,196.65 feet from the parking lot (51-664-703-07) with 303 Fifth Street (51-664-703-01) as shown on the survey prepared by the Spicer Group Job #124374SG017.

PC-2018-05 Lakeside Cultivation LLC (David and Nicholas Casebolt), 160 Tenth Street – Marihuana Facility (Marihuana Grower)

A public hearing was held earlier in response to the request from Lakeside Cultivation LLC (David and Nicholas Casebolt) for a Special Use Permit for a Marihuana Facility (Marihuana Grower) at 160 Tenth Street.

At this time the Planning Commission could take action to adopt a resolution to approve/approve with conditions/deny the request from request from Lakeside Cultivation LLC (David and Nicholas Casebolt) for a Special Use Permit for a Marihuana Facility (Marihuana Grower) at 160 Tenth Street.

VIII Old Business

IX Public Comments and Communications

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

X Correspondence

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

XI Staff 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 Director

DATE: April 26, 2018

RE: May 3, 2018 Planning Commission Meeting

Denise Blakeslee
Planning & Zoning Director
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, May 3, 2018. We have the following items on the agenda:

PUBLIC HEARINGS

PC-2018-02 FiveCAP, Inc. 265 First Street – Special Use Permit for Mixed Use Development that includes Professional Office and Educational Facility to add a modular classroom 24' x 76' to the site

PC-2018-03 Thomas Amor Sr., 303 Fifth Street – Special Use Permit for a Duplex

PC-2018-05 Lakeside Cultivation LLC (David and Nicholas Casebolt), 160 Tenth Street – Marihuana Facility (Marihuana Grower)

NEW BUSINESS

PC-2018-02 FiveCAP, Inc. 265 First Street – Special Use Permit for Mixed Use Development that includes Professional Office and Educational Facility to add a modular classroom 24' x 76' to the site

PC-2018-03 Thomas Amor Sr., 303 Fifth Street – Special Use Permit for a Duplex

PC-2018-04 Thomas Amor Sr. and Good Shepherd Lutheran Church – Parcel Split and Combination Request

PC-2018-05 Lakeside Cultivation LLC (David and Nicholas Casebolt), 160 Tenth Street – Marihuana Facility (Marihuana Grower)

If you are unable to attend the meeting, please leave a message at 398.2805.

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

April 5, 2018

A meeting of the Manistee City Planning Commission was held on Thursday, April 5, 2018 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

With both the Chair and Vice Chair absent, Motion by Michael Szymanski, seconded by Bob Slawinski that the Commission appoint Roger Yoder to assume the responsibilities of the Chair for the April, 5, 2018 Meeting. Motion passed unanimously

Meeting was called to order at 7:06 pm by Acting Chair Yoder

ROLL CALL

Members Present: Bob Slawinski, Michael Szymanski, Rochelle Thomas, Roger Yoder

Members Absent: Maureen Barry (excused), Marlene McBride (excused) Mark Wittlieff (excused)

Others: Mark Hoffman (ZBA), Denis Johnson (ZBA), John Perschbacher (ZBA), Roger Zielinski (City Council), Denise Blakeslee (Planning & Zoning Director)

APPROVAL OF AGENDA

Motion by Michael Szymanski, seconded by Rochelle Thomas that the agenda be approved as prepared.

With a Roll Call vote this motion passed 4 to 0.

Yes: Thomas, Slawinski, Szymanski, Yoder
No: None

APPROVAL OF MINUTES

Motion by Bob Slawinski, seconded by Michael Szymanski that the minutes of the March 1, 2018 Planning Commission Meeting be approved as prepared.

With a Roll Call vote this motion passed 4 to 0.

Yes: Thomas, Szymanski, Slawinski, Yoder
No: None

PUBLIC HEARING

None

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

NEW BUSINESS

None

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

None

CORRESPONDENCE

None

STAFF REPORTS

Denise Blakeslee, Planning & Zoning Director – Reviewed a Commercial Land Use Permit that she issued for the Boyer’s Agency, 258 River Street. There will be three public hearing requests on the May 3, 2018 agenda.

MEMBERS DISCUSSION

None

The next regular meeting of the Planning Commission will be held on Thursday, May 3, 2018.

WORKSESSION

Training

Since no agenda items were received for the April meeting, members of the Planning Commission and Zoning Board of Appeals watched a recorded webinar to obtain annual CEU’s for maintaining their Master Citizen Planner Certification.

ADJOURNMENT

Motion by Bob Slawinski, seconded by Michael Szymanski that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 8:25 pm

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Staff Liaison



Memorandum

TO: Planning Commissioners

FROM: Denise Blakeslee, Planning & Zoning Director

DATE: April 26, 2017

RE: FiveCAP, Inc. – 265 First Street

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

Commissioners, we have received a request from FiveCAP, Inc for a Special Use Permit for Mixed Use Development that includes Professional Office and Educational Facility to add a modular classroom 24' x 76' to the site as shown on Site Plan prepared by Dingens Architect Project #37-17C.

The new zoning ordinance was adopted in 2006. The current FiveCAP facility at 265 First Street was developed prior to the adoption of the new ordinance. The following Sections of the ordinance require the application to submit a Special Use permit for the addition of the modular classroom:

SECTION 408 NONCONFORMING SPECIAL USES

Uses that previously existed as permitted uses but which under this ordinance are treated as special uses in the district in which they are located, shall not be considered to be nonconforming. Provided, however, that any subsequent change, expansion or adjustment to such use or its associated site shall be undertaken in compliance with this ordinance.

SECTION 2208 AMENDMENT TO THE SITE PLAN

No changes shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator according to the following procedures:

- C. Minor Changes to a Detailed Site Plan. Minor changes involving changes in the location of buildings and structures, adjustment of utilities, walkways traffic ways, and parking areas and the construction of accessory buildings or additions to primary structures less than seven hundred (700) square feet in area to a Detailed Site Plan can be approved by the Site Plan Review Committee who shall reserve the right to forward it to the Planning Commission for approval. **The proposed building is 1,824 sq. ft. so it is a major change to a detailed site plan.***
- E. Major changes or Amendments to a Detailed Site Plan. Major changes or Amendments to a Detailed Site Plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation of a building, increase in the gross floor area or heights of buildings, a reduction in open space and similar major changes, shall require approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved. **The addition of the new building requires a new special use permit.***

The request meets the zoning requirements and Public Safety/Fire Department, DPW and City Engineer have signed off on the request.

If the commission wishes to approve the request staff requests the following conditions be placed on the permit.

- 1. The Applicant shall request to combine both parcels 51-512-275-12 and 51-512-275-13 into one parcel.***

Draft resolutions to approve with conditions or deny the request are enclosed in your packets.

Site Plan Review
R-2 Medium Density Residential District

Name of Owner: Five Cap				
Address/Parcel Code # 265 First Street/51-512-275-12 and Vacant Parcel 51-512-275-13				
Proposed Use: Mixed Use (Educational Facility/Professional Office)				
> = Greater than < = Less than +/- = More or Less than	Requirements	Proposed	Compliance Yes No	
Commercial				
Minimum Lot Area	10,000 sq. ft.	59,312 sq. ft.		
Minimum Lot Width	80 ft.	81.75 ft.	X	
Maximum Building Height	2 ½ stories, or 35 ft.	<35 ft	X	
Maximum Lot Coverage	40%	<40%	X	
Front Yard Set Back	15 ft.	240' +/-	X	
Side Yard Set Back:	10 (each side)	46.6 ft./46.6 ft.	X	
Rear Yard Set Back:	10 ft.	10 ft.	X	
Parking Requirements:	Utilizing existing parking with shift of 3 spaces by new building	26 + 3 HC = 29 total Bike Rack included in plan		
Signage – No change in signage proposed				
Landscaping Requirements – No new landscaping proposed				
Lighting – No new lighting proposed				
Dumpster - Existing				
Compliance: Detention Basin - Pending sign off by DPW, City Engineer				

City of Manistee
Planning Commission Resolution to Approve a
Special Use Permit, Case Number PC-2018-02
Special Use Permit for Mixed Use Development that includes
Professional Office and Educational Facility
FiveCAP, Inc.

At a regularly scheduled meeting of the City of Manistee Planning Commission held on May 3, 2018, the following resolution was adopted to approve a Special Use Permit for Mixed Use Development that includes Professional Office and Educational Facility to add a modular classroom 24' x 76' to the site as shown on Site Plan prepared by Dingens Architect Project #37-17C

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

WHEREAS, on March 29, 2018 a request was received from FiveCAP, Inc. for a Special Use Permit for Mixed Use Development that includes Professional Office and Educational Facility to add a modular classroom 24' x 76' to the site, and

WHEREAS, a Mixed Use Development that includes Professional Office and Educational Facility is provided for as a Special Use in the R-3 High Density Residential District that is accessed primarily for a key street segment, and

WHEREAS, First Street is a key street segment, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed development on May 3, 2018, 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 1858 Place of Mixed Use of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. The applicant has 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 demonstrated 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.

C. Findings of Fact – Section 1874 Professional Office of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. The minimum parcel area shall be not less than the required minimum parcel area for a single-family dwelling in the R-2 and R-3 Districts and a professional office shall front on and be accessed primarily from a key street segment, as defined herein. **Complies with parcel area, street frontage and First Street is a Key Street Segment**
2. An office building shall be setback not less than 15 feet from any adjoining property zoned or used for residential purposes. **Office space to remain in existing building.**
3. All parking areas that abut property zoned or used for residential purposes shall be effectively screened with landscaping or an approved fencing and all landscaping and buffering shall be provided in accordance with Section 531 of this Ordinance. **Existing fencing (buffer) to remain**
4. Special land use approval shall not be granted for an office building proposed to be located within an existing structure in a residential district if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially. **Office space to remain in existing building.**
5. All exterior lighting shall be in accordance with Section 525 hereof. **No change in lighting proposed.**
6. All dumpster enclosures shall be in accordance with Section 506 of this Zoning Ordinance. **Existing-no change in location**
7. All signs shall be in compliance with the provisions of Article 21 of this Ordinance. – **No change in signage proposed**
8. All parking shall be in accordance with Section 514 of this Ordinance. **Utilizing existing parking 26 regular and 3 handicap spaces for a total of 29 spaces provided for both the office and educational uses.**

D. Findings of Fact – Section 1837 Educational Facility of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. An education facility shall have its primary access directly from a paved, all-season road. **First Street is a paved, all season road**
2. All outdoor play areas shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way. Provided, however, the Planning Commission may permit chain link or wrought iron fences up to six (6) feet in height adjoining a right-of-way upon a finding that such fences are necessary for the safety of pupils of the facility. **Existing fencing in place 6 feet in height.**
3. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing. **LARA Licenses existing facility. Licensing is in good standing.**
4. In the R-2 and R-3 districts, an Educational Facility shall front on and be accessed from a key street segment, as defined herein. **First Street is a Key Street Segment**
5. The Planning Commission may establish standards to limit noise generated by an Educational Facility to no more than 60 decibels at the property line, taking into account the nature of the facility, the surrounding uses and zoning and the probable frequency of objectionable noise levels that may be generated by the use. **There have not been any complaints from adjoining property owners relating to the existing playground/outdoor activities.**
6. All exterior lighting shall be in accordance with Section 525 hereof. **No change in lighting proposed.**
7. All signs shall be in compliance with the provisions of Article 21 of this Ordinance. – **No change in signage proposed**
8. All off-street parking shall be in compliance with Section 514 of this Ordinance.
9. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance. Utilizing existing landscaping
10. An Educational Facility that incorporates any gymnasium, theater, auditorium, or large meeting space meeting the definition of a Large Place of Public Assembly, it shall also comply with the requirements pertaining to Large Places of Public Assembly, Section 1868 herein. **Not applicable. No auditorium planned on site**

BE IT FURTHER RESOLVED that the Special Use Permit for Mixed Use Development that includes Professional Office and Educational Facility shall comply with the following conditions:

1. **The Applicant shall request to combine both parcels 51-512-275-12 and 51-512-275-13 into one parcel.**

CITY OF MANISTEE PLANNING COMMISSION:

AYES:

ABSTAINING:

NAYS:

ABSENT:

MOTION:

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 May 3, 2018.

Marlene McBride, Secretary

Draft Resolution to approve Special Use Permit

City of Manistee
Planning Commission Resolution to Deny a
Special Use Permit, Case Number PC-2018-02
Special Use Permit for Mixed Use Development that includes
Professional Office and Educational Facility
FiveCAP, Inc.

At a regularly scheduled meeting of the City of Manistee Planning Commission held on May 3, 2018, the following resolution was adopted to deny a Special Use Permit for Mixed Use Development that includes Professional Office and Educational Facility to add a modular classroom 24' x 76' to the site as shown on Site Plan prepared by Dingens Architect Project #37-17C

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

WHEREAS, on March 29, 2018 a request was received from FiveCAP, Inc. for a Special Use Permit for Mixed Use Development that includes Professional Office and Educational Facility to add a modular classroom 24' x 76' to the site, and

WHEREAS, a Mixed Use Development that includes Professional Office and Educational Facility is provided for as a Special Use in the R-3 High Density Residential District that is accessed primarily for a key street segment, and

WHEREAS, First Street is a key street segment, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed development on May 3, 2018, 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 1858 Place of Mixed Use of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. The applicant has 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 demonstrated 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.

C. Findings of Fact – Section 1874 Professional Office of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. The minimum parcel area shall be not less than the required minimum parcel area for a single-family dwelling in the R-2 and R-3 Districts and a professional office shall front on and be accessed primarily from a key street segment, as defined herein.
2. An office building shall be setback not less than 15 feet from any adjoining property zoned or used for residential purposes.
3. All parking areas that abut property zoned or used for residential purposes shall be effectively screened with landscaping or an approved fencing and all landscaping and buffering shall be provided in accordance with Section 531 of this Ordinance.
4. Special land use approval shall not be granted for an office building proposed to be located within an existing structure in a residential district if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
5. All exterior lighting shall be in accordance with Section 525 hereof.
6. All dumpster enclosures shall be in accordance with Section 506 of this Zoning Ordinance.
7. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.
8. All parking shall be in accordance with Section 514 of this Ordinance.

D. Findings of Fact – Section 1837 Educational Facility of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. An education facility shall have its primary access directly from a paved, all-season road.

2. All outdoor play areas shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way. Provided, however, the Planning Commission may permit chain link or wrought iron fences up to six (6) feet in height adjoining a right-of-way upon a finding that such fences are necessary for the safety of pupils of the facility.
3. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
4. In the R-2 and R-3 districts, an Educational Facility shall front on and be accessed from a key street segment, as defined herein.
5. The Planning Commission may establish standards to limit noise generated by an Educational Facility to no more than 60 decibels at the property line, taking into account the nature of the facility, the surrounding uses and zoning and the probable frequency of objectionable noise levels that may be generated by the use.
6. All exterior lighting shall be in accordance with Section 525 hereof.
7. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.
8. All off-street parking shall be in compliance with Section 514 of this Ordinance.
9. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance. Utilizing existing landscaping
10. An Educational Facility that incorporates any gymnasium, theater, auditorium, or large meeting space meeting the definition of a Large Place of Public Assembly, it shall also comply with the requirements pertaining to Large Places of Public Assembly, Section 1868 herein.

BE IT FURTHER RESOLVED, that the Special Use Permit for Mixed Use that includes Professional Office and Educational Facility is hereby denied for the reasons set forth in this resolution.

CITY OF MANISTEE PLANNING COMMISSION:

AYES:

ABSTAINING:

NAYS:

ABSENT:

MOTION:

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 May 3, 2018.

Marlene McBride, Secretary



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 30 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: 265 1st Street Manistee, MI 49660	Parcel # 51-512-275-12 & 13	
Applicant Information		
Name of Owner or Lessee: FiveCap, Inc.		
Address: 302 Main Street Scottville, MI 49454		
Phone #: 231-757-3785	Cell#: N/A	e-mail: FiveCap@FiveCap.org
Name of Agent (if applicable): Foundation Sets, LLC - Kurt Thomas		
Address: 9111 W. Belding Rd. PO Box 146		
Phone #: 616.835.1611	Cell#: 616.835.1611	e-mail: KurtThomas79@gmail.com
Data Required/Project Information		
Land Area:	Zoning Classification: B-2	
Present/proposed Land Use: Child Care Modular		
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 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 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 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: Kurt Z... Date: 3.29.2017

Signature: _____ Date: _____

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

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

Yes No Please indicate if the applicant will be tax exempt, applying and/or eligible for tax abatements, credits or deferments for this proposed project. If Yes, explain:

Office Use Only

Fee: \$750.00 \$ _____ Escrow Payment Receipt # 153501

Date Received: 3/29/18 Hearing Date: 5/3/18 PC - 2018-02

FiveCAP, Inc. Early Head Start Modular Classroom
March 13, 2018

NARRATIVE

FiveCAP, Inc. is a Human Services Agency serving Manistee County since 1965. The agency purchased the property at 265 First Street, Manistee in 1993.

FiveCAP, Inc. is requesting approval to add a modular classroom building onsite for Early Head Start services. The building will serve up to sixteen (16) infants and toddlers ages 0-3. The staff will consist of two (2) Teachers and two (2) Assistant Teachers.

The existing building is 3,750 square feet, divided as follows:

Education uses 2,306 square feet for preschool serving children ages 3-5. Staff consist of one (1) Center Director/Lead Teacher and one (1) Assistant Teacher, both full time. And one (1) Kitchen Aide and one (1) Bus Driver, both part-time.

Professional Office: The purpose of the office is to provide a site locally for Manistee residents to access services and programs offered through FiveCAP, Inc. It also houses the Early Head Start home-based staff. Other regular activities include monthly meetings of four (4) to five (5) parents and children. They are picked up for a socialization. In this area, there are two (2) full-time staff: One (1) County Worker; one (1) Home Visitor Teacher; and one (1) part-time Support Worker; as well as an occasional part-time volunteer.

The location is best suited for the proposed Early Head Start program because of its co-location with Head Start which will help parents with older siblings.

Special Use Standards:

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. *Existing Mixed Use of Professional Office and Educational Facility, adding a 1,728 sq. ft. modular classroom to site.*
 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. *Existing Mixed Use of Professional Office and Educational Facility, adding a 1,728 sq. ft. modular classroom to site.*

3. The development shall consolidate and maximize usable open space, wherever possible. *6,680 sq. ft. playground component of Educational Facility*
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. *Existing Mixed Use of Professional Office and Educational Facility, adding a 1,728 sq. ft. modular classroom to site.*
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.*Existing Mixed Use of Professional Office and Educational Facility, adding a 1,728 sq. ft. modular classroom to site.*
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. *Utilizing existing parking 26 regular and 3 handicap spaces for a total of 29 spaces provided for both the office and educational uses.*
8. A Mixed-Use Development shall not infringe unreasonably on any neighboring uses. *Exiting fencing (buffer) to remain*
9. All signs shall be in compliance with the provisions of Article 21 of this Ordinance. *No change in sign included in request*
10. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance. *Utilizing existing landscaping*

SECTION 1874

PROFESSIONAL OFFICE

- A. Definition. The office of a member of a recognized profession maintained for the conduct of that profession.
- B. Regulations and Conditions. Professional offices proposed within the R-2 and R-3 districts shall be subject to the following requirements.
 1. The minimum parcel area shall be not less than the required minimum parcel area for a single-family dwelling in the R-2 and R-3 Districts and a professional office shall front on and be accessed primarily from a key street segment, as defined herein. *Complies with parcel area, street frontage and First Street is a Key Street Segment*

2. An office building shall be setback not less than 15 feet from any adjoining property zoned or used for residential purposes. *Office space to remain in existing building.*
3. All parking areas that abut property zoned or used for residential purposes shall be effectively screened with landscaping or an approved fencing and all landscaping and buffering shall be provided in accordance with Section 531 of this Ordinance. *Exiting fencing (buffer) to remain*
4. Special land use approval shall not be granted for an office building proposed to be located within an existing structure in a residential district if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially. *Office space to remain in existing building.*
5. All exterior lighting shall be in accordance with Section 525 hereof. *No change in lighting proposed.*
6. All dumpster enclosures shall be in accordance with Section 506 of this Zoning Ordinance. *Existing- no change in location*
7. All signs shall be in compliance with the provisions of Article 21 of this Ordinance. – *No change in signage proposed*
8. All parking shall be in accordance with Section 514 of this Ordinance. *Utilizing existing parking 26 regular and 3 handicap spaces for a total of 29 spaces provided for both the office and educational uses.*

SECTION 1837 EDUCATIONAL FACILITY

- A. Definition. Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge, including a pre-school, an elementary, middle, or high school, college or university, trade school and the like, whether public or private, that meets state requirements, where applicable.
- B. Regulations and Conditions.
 1. An education facility shall have its primary access directly from a paved, all-season road. *First Street is a paved, all season road*
 2. All outdoor play areas shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way. Provided, however, the Planning Commission may permit chain link or wrought iron fences up to six (6) feet in height adjoining a right-of-way upon a finding that such fences are necessary for the safety of pupils of the facility. *A 6' existing fencing in place*
 3. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing. *LARA Licenses existing facility. Licensing is in good standing.*
 4. In the R-2 and R-3 districts, an Educational Facility shall front on and be accessed from a key street segment, as defined herein. *First Street is a Key Street Segment*
 5. The Planning Commission may establish standards to limit noise generated by an Educational Facility to no more than 60 decibels at the property line, taking into account the nature of the facility, the surrounding uses and zoning and the probable frequency of objectionable noise levels that may be generated by the use. *There have not been any complaints from adjoining property owners relating to the existing playground/outdoor activities.*

6. All exterior lighting shall be in accordance with Section 525 hereof. *No change in lighting proposed.*
7. All signs shall be in compliance with the provisions of Article 21 of this Ordinance. – *No change in signage proposed*
8. All off-street parking shall be in compliance with Section 514 of this Ordinance.
9. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance. *Utilizing existing landscaping*
10. An Educational Facility that incorporates any gymnasium, theater, auditorium, or large meeting space meeting the definition of a Large Place of Public Assembly, it shall also comply with the requirements pertaining to Large Places of Public Assembly, Section 1868 herein. *Not applicable. No auditorium planned on site*

NOTE: ZONING INFORMATION IS SHOWN ON THE "APPLICATION FOR SCHOOL SITE PLAN REVIEW."
 1,728 S.F. PROPOSED MODULAR CLASSROOM
 28,250 S.F. TOTAL HARD SURFACE AREA
 59,312 S.F. TOTAL SITE AREA or 1.361 ACRES
 TOTAL HARD SURFACE COVERAGE = 47%
 TOTAL AREA OF SOIL DISTURBANCE BY DRILLED PIERS FOR FOOTINGS = 160 S.F.

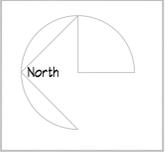
STATE MINIMUM PARKING REQUIREMENTS:
 ELEMENTARY SCHOOL, NO ASSEMBLY SPACES:
 1 SPACE PER EMPLOYEE + 1/2 SPACE PER CLASSROOM
 1 SPACE PER 6 PEOPLE IN AUDITORIUM
 FOR A GIVEN # OF EMPLOYEES: 12
 SPACES FOR CLASSROOMS: 4
 SPACES FOR AUDITORIUM: 0
 REQUIRED SPACES: 16
 PROVIDED SPACES: 29

Notes:
 1. Proposed parking spaces are 9' x 18'.
 2. (29) parking spaces, of which (4) are 9' x 18' accessible.
 3. Dumpster shown is existing location.
 4. Existing parking lot lighting is on building.
 5. Proposed modular building is pre-approved for as a building for Child Care under the Rehabilitation Code.
 6. Approved Plan Number is P-96-286-405, 2 units.
 7. Site is in City of Manistee; Special Use Permit is in process.

OVERFLOW WIER @ 182', REINF. CONC., 6"x48"x48" OVER 6" GRAVEL 1" TO 3"
 1' DEEP EXTENDED DETENTION BASIN 48'x15' @ 484 C.F. W/ 1 IN 4 SLOPE TO 2' FREEBOARD
 30" DIAMETER X 4'-6" DEEP FOOTINGS FOR PRE-APPROVED OPTION FOR 60 PSF FOR 50 PSF GROUND SNOW LOAD FOR NEWAGO COUNTY

FIVECAP CHILD CARE CENTER
 Modular Classroom - Manufactured
 Mr. Kurt Thomas, Foundation Sets, Inc.
 265 First Street
 Manistee, MI

DATE: March 22, 2018



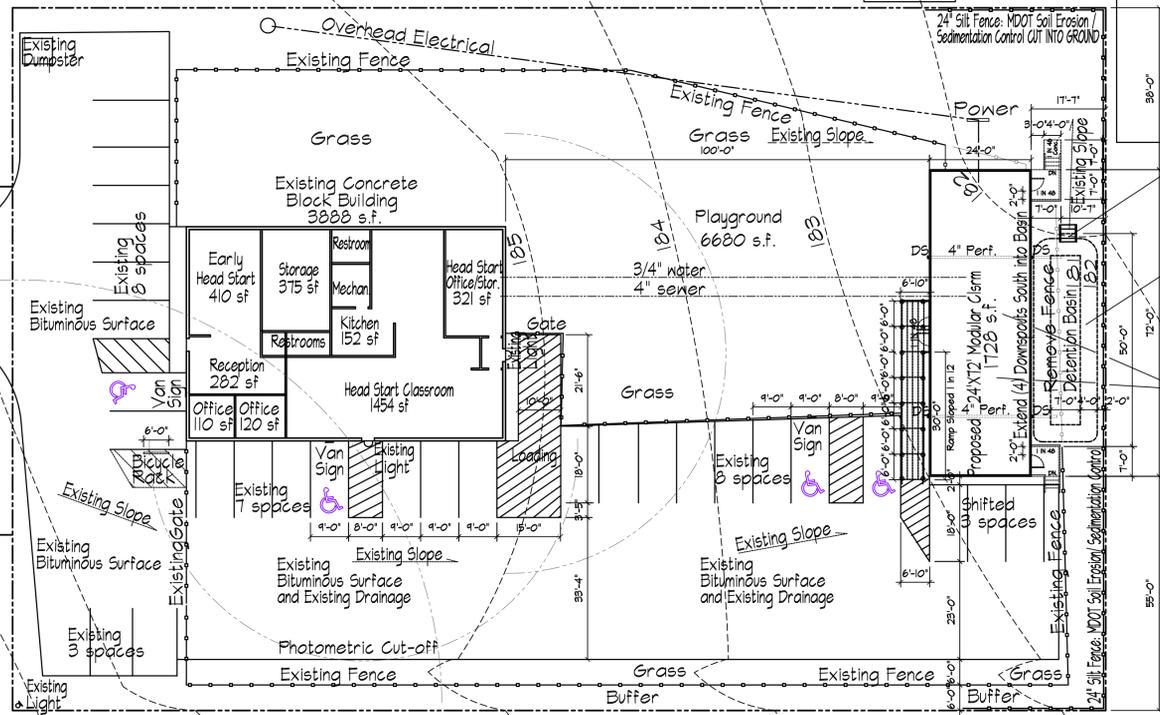
Jed Dingers, AIA
 203 N. State St.
 Corunna, MI 48817
 (984) 749-6004
 (984) 277-5919 Cell

Dingers ARCHITECTS

LIMITED SERVICES

Proposed Site Plan

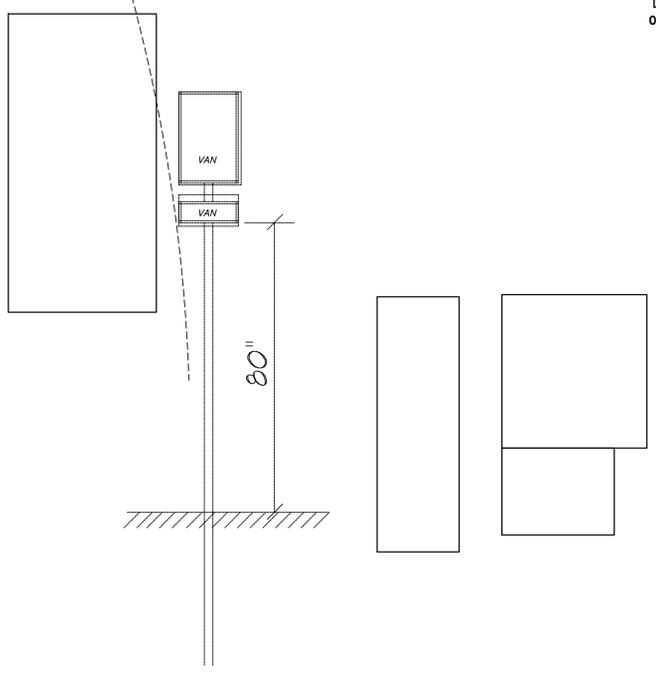
SHEET: #37-17C C-1



Proposed Site Plan
 Scale 1" = 20'-0"



2 VICINITY MAP
 C-1 Scale N.T.S.



3 VAN ACCESSIBLE PARKING SIGNAGE
 C-1 Scale N.T.S.

Sheet Schedule

- C-0 Existing Site Plan/ Topography
- C-1 Proposed Site Plan / Utilities
- S-0 Foundation / Footing Plan

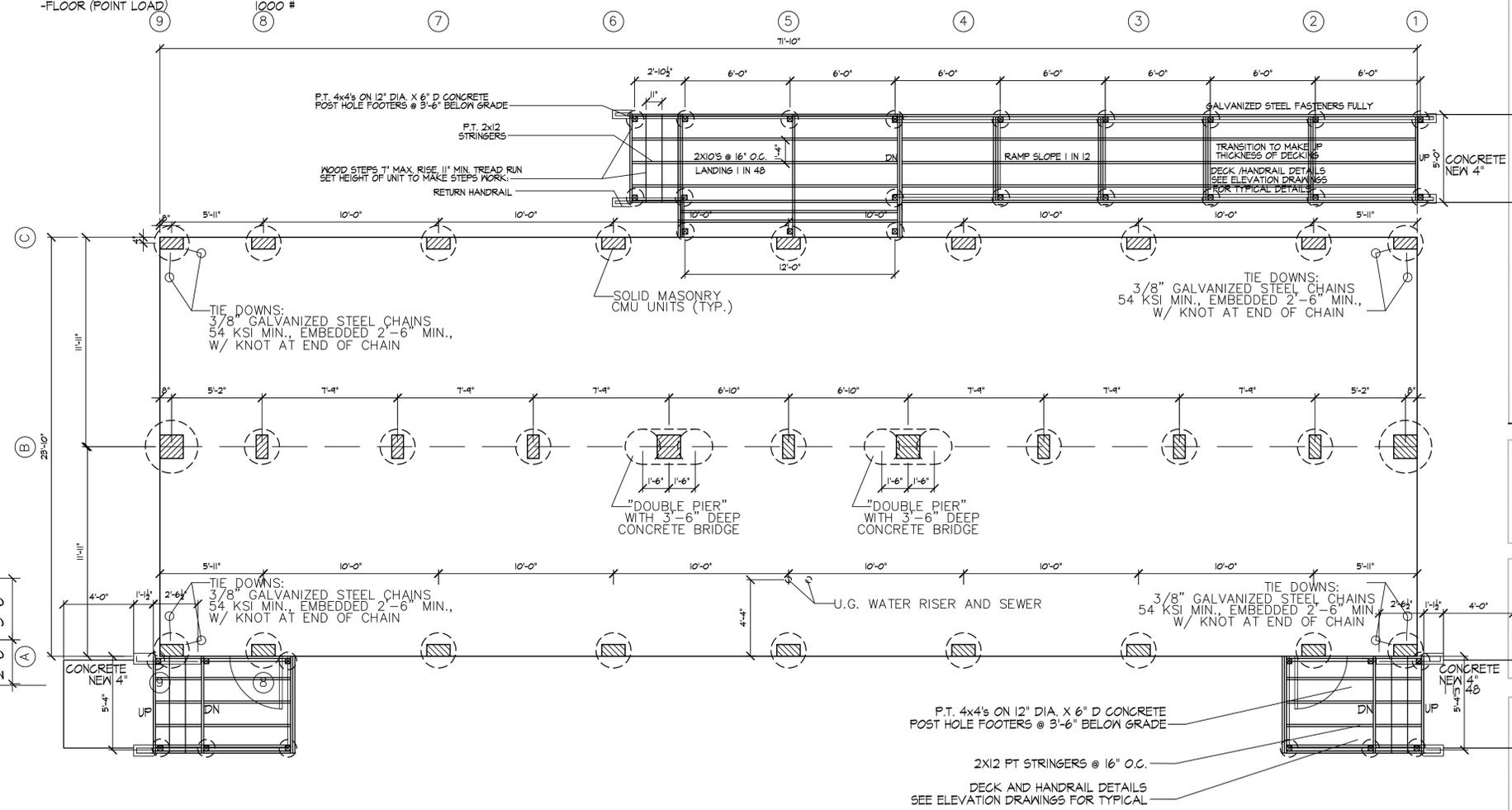
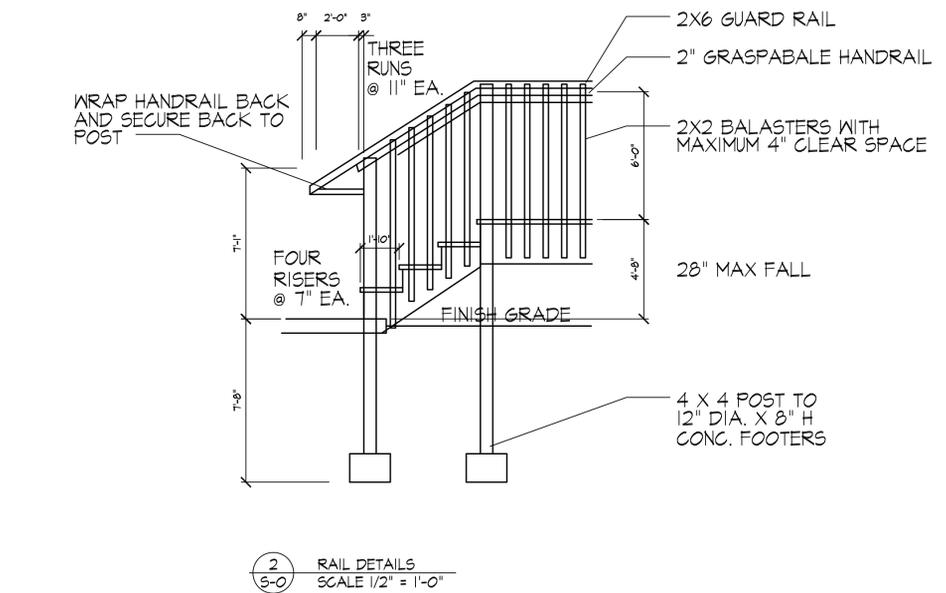
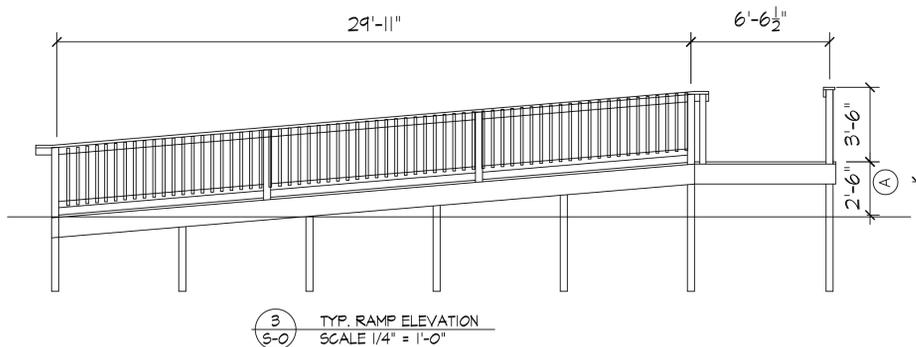
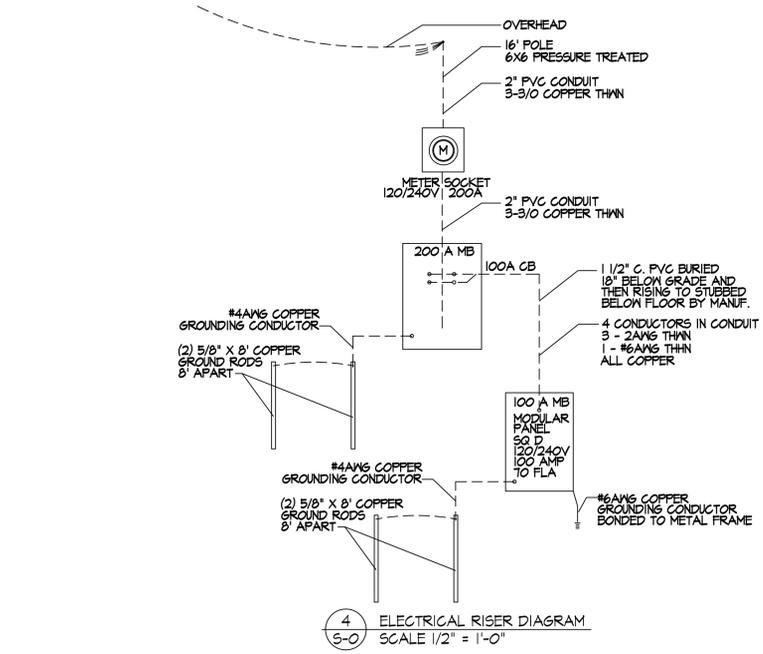
Note: See also Approved Premanufactured plans for this relocated modular unit.
 P-96-286-405

Project Numbers:
 Architect: #37-17C

ENGINEERING DATA:
 ALLOWABLE SOIL BEARING PRESSURE 5000 PSF
 LATERAL SOIL PRESSURE 2000 PSF
 ALLOWABLE STRESSES -CONCRETE F'C 3000 PSI
 -REINFORCING F_y 60,000 KSI
 -STRUCTURAL STEEL F_y 36,000 KSI
 LIVE LOADS
 -WIND (EXPOSURE C) 90 MPH
 -SNOW (GROUND AND ROOF) 40 PSF
 -FLOOR (STAIRS AND EXITS) 100 PSF
 -FLOOR (CLASSROOMS) 40 PSF
 -FLOOR (CORRIDORS, FIRST FLOOR) 100 PSF
 -FLOOR (POINT LOAD) 1000 #

PIER MARK	DIAMETER	AREA	LOAD	PRESSURE	ALLOWED	DEPTH
A-1, C-1, A-9, C-9	2'-0"	3.14 S.F.	3.2 KIPS	1019 PSF	8.0 KIPS	4'-0"
C-2 TO C-8, A-2 TO A-8	2'-0"	3.14 S.F.	6.0 KIPS	1911 PSF	8.0 KIPS	4'-0"
B-1 AND B-9	3'-0"	7.07 S.F.	11.0 KIPS	1556 PSF	18.0 KIPS	4'-0"
B- SINGLE PIERS (7 TOTAL)	2'-0"	3.14 S.F.	6.0 KIPS	1911 PSF	8.0 KIPS	4'-0"
B- DOUBLE PIER	(2) 2'-0"	8.41 S.F.	16.8 KIPS	1998 PSF	20.0 KIPS	4'-0"

PROJECT NOTES:
 1. "APPLICATION FOR SCHOOL BUILDING PROJECTS AND PLAN EXAMINATION" IS FILED.
 2. SOIL BORINGS & GEOTECHNICAL EVALUATIONS HAVE RECOMMENDED SOIL BEARING PRESSURE OF 5000 psf @ 4'-0" DEPTH, PER BORINGS AND ANALYSIS dated 11 / 15 / 17.
 3. "MICHIGAN BUILDING CODE - 2004" HAS BEEN CONFORMED WITH.
 4. USE GROUP E - BUILDING TYPE B5.
 5. PREMANUFACTURER'S # P-96-286-431 HAS NUMEROUS DETAILS ON ATTACHED PLANS.
 6. SEE ALSO FOOTING PLAN AND DETAILS ON PREMANUFACTURER'S SHEET NO. 3.
 7. SEE ALSO FRAMING PLAN AND DETAILS ON PREMANUFACTURER'S SHEET NO. 3.
 8. SEE ALSO SITE PAVING AND UTILITY INFORMATION ON SITE AND CIVIL SHEET C-1.
 9. 14 STUDENTS WITH 1 TOILET / 1 LAV PER 50 STUDENTS REQUIRES 2 RESTROOMS/BUILDING.



FIVECAP CHILD CARE CENTER
 Modular Classroom - Manufactured
 Mr. Kurt Thomas Foundation Sets, Inc.
 276 First Street and Hancock Manistee, MI

DATE: February 7, 2018



Jed Dingers, AIA
 1104 E. King St.
 Corunna, MI 48817
 (989) 745-6004
 (989) 277-5919 Cell

Dingers ARCHITECTS

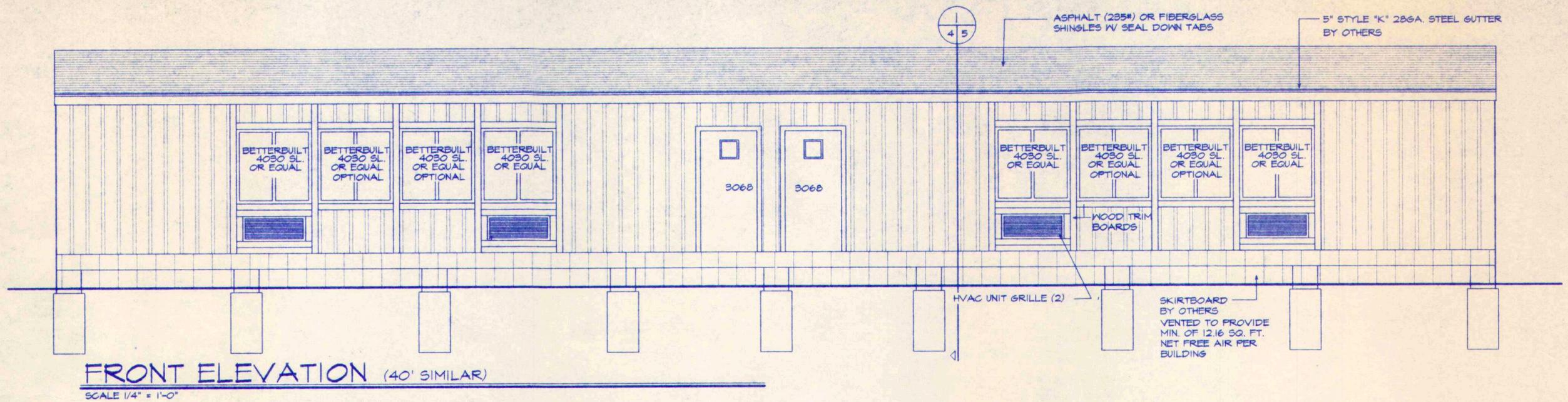
LIMITED SERVICES

FOUNDATIONS

FOUNDATION / FOOTING PLAN

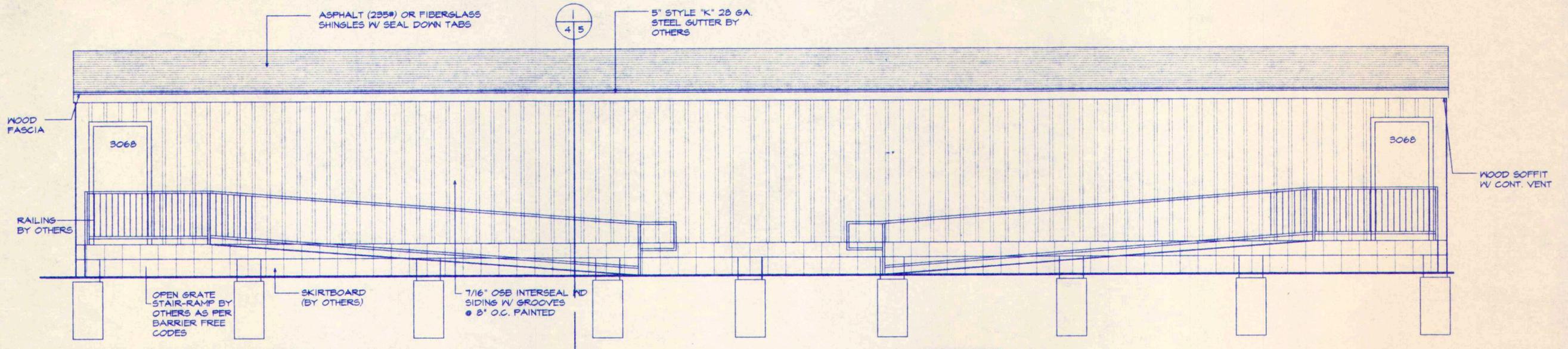
SHEET: #37-17C S=0

P-96-286-431
 Project Numbers:
 Architect: #37-17C



FRONT ELEVATION (40' SIMILAR)

SCALE 1/4" = 1'-0"

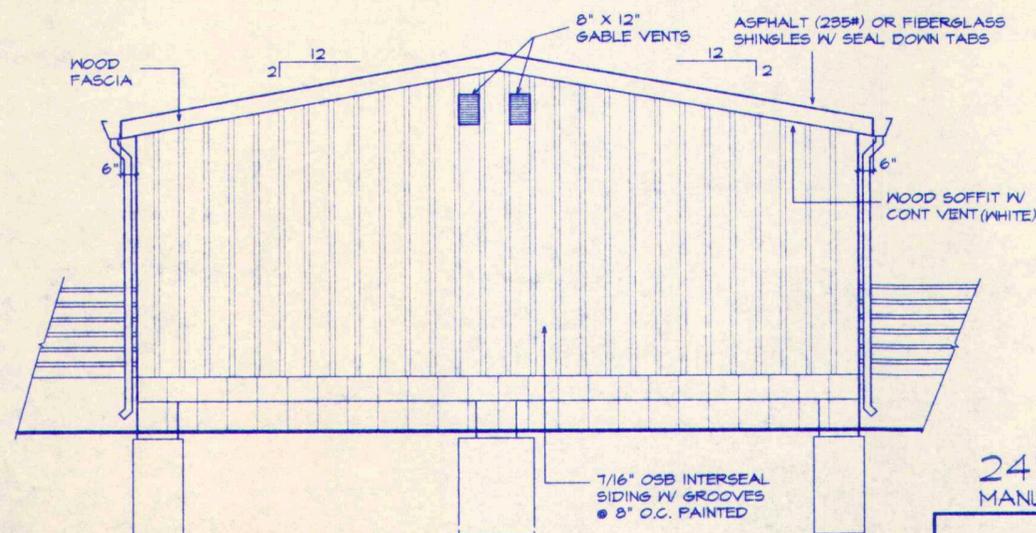


BACK ELEVATION (40' SIMILAR)

SCALE 1/4" = 1'-0"

LINTEL SCHEDULE

ALL DOORS TYP. 2 - 2X6 #2 SYP MIN
 ALL WINDOWS TYP. 2 - 2X6 #2 SYP MIN



SIDE ELEVATION (LEFT & RIGHT SIMILAR)

SCALE 1/4" = 1'-0"

NOTES:

- ELEVATIONS HAVE OPTIONAL 8'-6" SIDEWALLS W/ 1/2":12 ROOF SLOPE AND 9'-0" SIDEWALLS W/ 1:12 ROOF SLOPE
- 16" & 12" EAVE OVERHANGS ARE OPTIONAL
- RAMP & STEPS FURNISHED & INSTALLED PER CODE (BY OTHERS)
- BUILDINGS & FACILITIES MEETING BARRIER FREE DESIGN SHALL BE CLEARLY IDENTIFIED W/ SYMBOL OF COMPLIANCE.
- ALL SIGNAGE PROVIDING EMERGENCY INFORMATION ROOM IDENTIFICATION & CIRCULATION SHALL MEET SECTIONS 4.28 OF BARRIER FREE DESIGN REQUIREMENTS

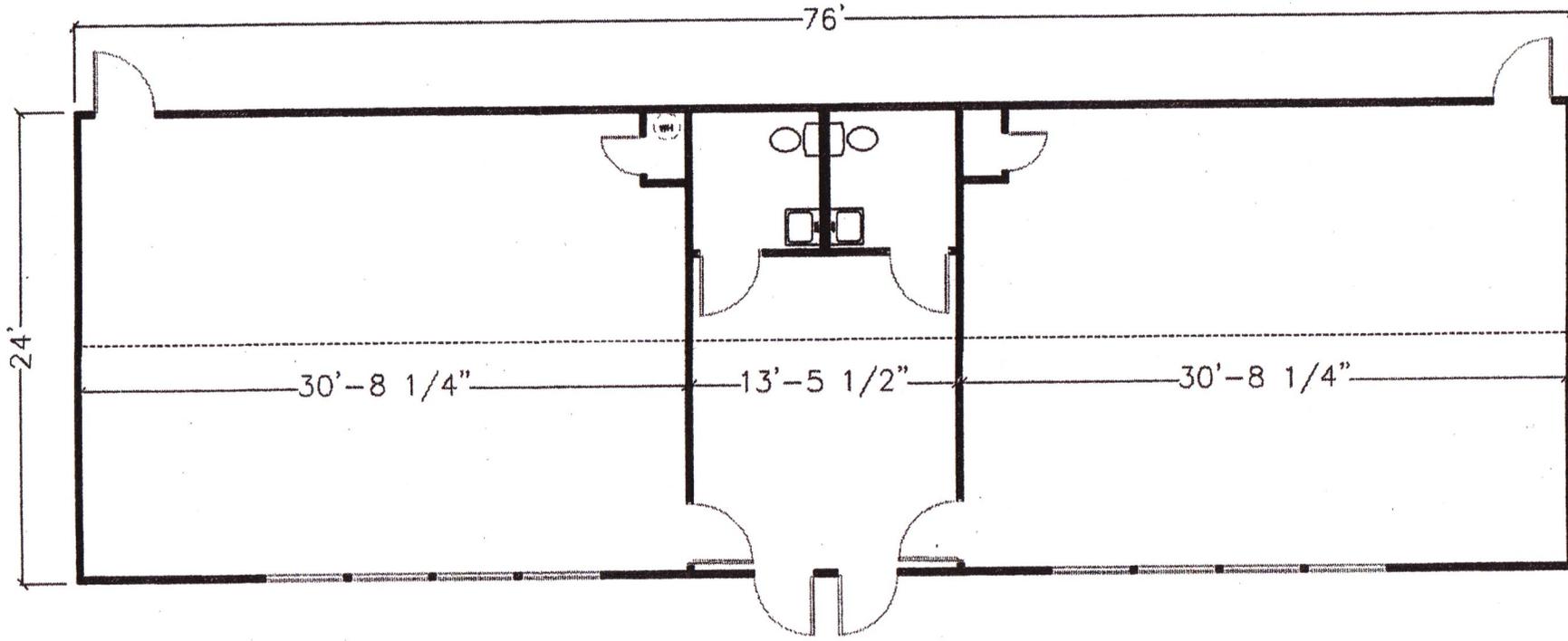
NOTES:

- DIMENSIONING TAKEN TO STUD LINE UNLESS NOTED OTHERWISE
- STUDS ARE 3 1/2" UNLESS NOTED OTHERWISE
- GE HEATING & AC
- OSB INTERSEAL EXT. & PAINTED - TAN TONE BEIGE - DEVCOE
- ACOUSTIC TILE CEILING ON MTL. SUSPENSION SYSTEM.
- RESTROOM - BARRIER FREE DESIGN WITH TILE IN RESTROOM AREA TO INCLUDE: VA TILE, GRAB BARS, TOILET PAPER HOLDER, PAPER TOWEL DISPENSER, AS STANDARD EQUIPMENT. (BY OTHERS)
- (2) CHALKBOARDS
- (2) TACKBOARDS
- COAT RACKS
- TEACHERS CLOSET
- WATER CLOSET GRAB BARS SHALL BE MOUNTED WITH THE TOP EDGE AT 33" TO 36" ABOVE THE FLOOR. SECTION 4.24.2.2.
- FLUSH CONTROL FOR BARRIER FREE WATER CLOSET SHALL BE MOUNTED AT NO HIGHER THAN 44". SECTION 4.17.5.
- ALL DOORS SHALL HAVE HANDLES, PULLS LATCHES AND OPERATING DEVICES WHICH DO NOT REQUIRE TIGHT GRASPINGS, TIGHT PINCHING, OF TWISTING OF THE WRIST TO OPERATE. TYPICAL DOOR KNOBS ARE INCAPABLE OF COMPLYING WITH THESE PROVISIONS. SECTION 4.13.9.4
- PRIMARY LOCKING AND LATCHING DEVICES ON A DOOR SHALL BE MOUNTED NO HIGHER THAN 48", AND SECONDARY LOCKING DEVICES NO HIGHER THAN 48". SECTION 4.2.4.2.

24' X 76' TEMPORARY CLASSROOMS

MANUFACTURED BY: THOMAS CONSTRUCTION & MANUFACTURING BELDING INC. BELDING, MICHIGAN

SERIAL NUMBER: No. 96-	THOMAS CONSTRUCTION & MANUFACTURING BELDING INC. 701 REED ROAD BELDING, MICHIGAN 48809 PHONE 616-794-3455	FLOOR PLAN & ELEVATIONS RELOCATABLE CLASSROOMS 24' X 76' TEMPORARY CLASSROOMS	W.L. PERRY ASSOCIATES, LTD. ARCHITECTURE ENGINEERING 5025 PLAINFIELD NE GRAND RAPIDS, MICHIGAN 49505 PHONE 616-361-7211	DATE: 03/05/96	96-063	SHEET NO. 5
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THOMAS CONSTRUCTION &
 MANUFACTURING BELDING INC.
 701 REED ST.
 BELDING, MICHIGAN 48809
 PHONE 1-616-794-3455

24' X 76' (96063)
 CLASSROOM
 P-96-286-431

DATE:
 03/26/01



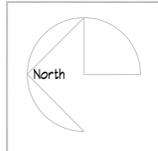
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FIVECAP CHILD CARE CENTER
 Modular Classroom - Manufactured
 Mr. Kurt Thomas, Foundation Sets, Inc.
 265 First Street
 Manistee, MI

DATE: APRIL 16, 2018



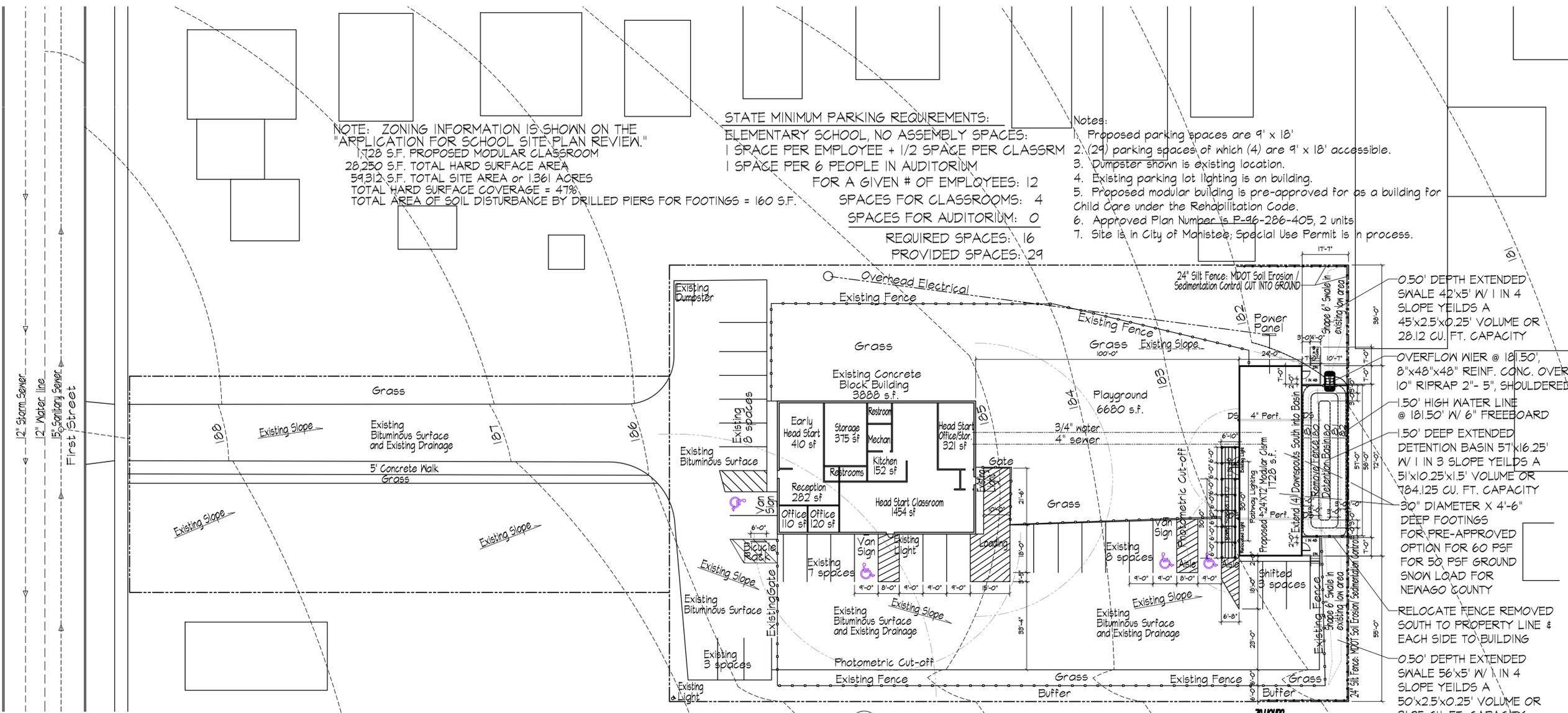
Jed Dingers, AIA
 203 N. State St.
 Conoma, MI 49811
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 (989) 277-5919 Cell

Dingers ARCHITECTS

LIMITED SERVICES

Proposed Site Plan and Calculations

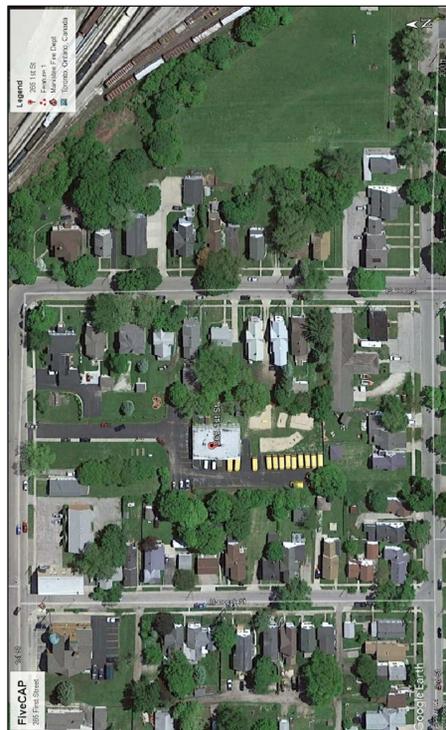
SHEET: #37-17C C-1



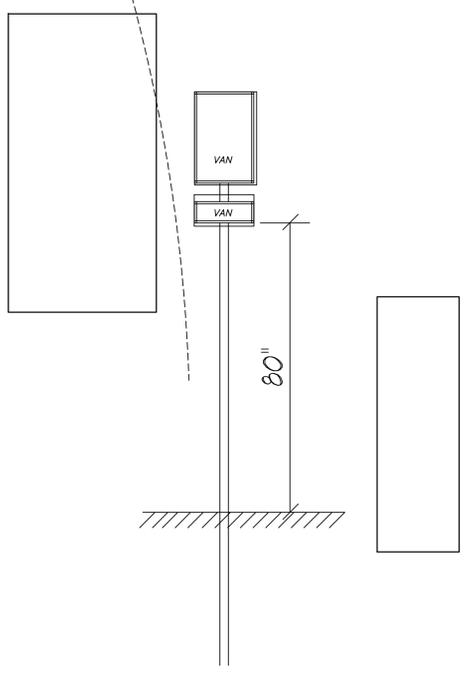
Proposed Site Plan
 Scale = 20'-0"



EXTENDED DETENTION BASIN 784.125 CU. FT.
 EXTENDED SWALE EAST 28.125 CU. FT.
 EXTENDED SWALE WEST 31.250 CU. FT.
 EXTENDED STORAGE 843.50 CU. FT.



2 VICINITY MAP
 C-1 Scale N.T.S.



3 VAN ACCESSIBLE PARKING SIGNAGE
 C-1 Scale N.T.S.

Calculations for Stormwater Runoff Volume Control

SITE NAME: Manistee Five Cap Modular Classroom 4/16/2018
 100% of soil indicated Marlette fine sandy loam TR 138
 Total Site Disturbed Area: 0.0093 acres Jed Dingers
 Manistee County Guidelines for Stormwater Management 3/12/07: Criteria, CN supported
 100-Year, 24-Hour Rainfall: 5.15 in
 See Rainfall Tab for regional rainfall value or site specific rainfall event may be substituted
 Pre-Development Conditions: 100% of soil indicated as Marlette fine sandy loam type

Cover Type	Soil Type	Area (sf)	Area (ac)	CN (from TR-55)	S	Q Runoff (in)	Runoff Volume ² (ft ³)
Open Area, New Walk, East	C/D	16	0.0003731	84	1.9	4.337077996	5.782770691
Open Area, New Pond & Swales	C/D	2697	0.0418405	84	1.9	4.337077996	757.9043798
Open Area, New Ramps & Stairs	C/D	371	0.00851699	84	1.9	4.337077996	134.0879947
Open Area, New Modular Classroom	C/D	1798	0.0412784	84	1.9	4.337077996	648.8388531
TOTAL:	C/D	4282	0.10	N/A	N/A	N/A	1,548

Post-Development Conditions:

Cover Type	Soil Type	Area (sf)	Area (ac)	CN*	S	Q Runoff (in)	Runoff Volume ² (ft ³)
New Walk, East of Pond	C/D	16	0.0003731	93	0.2	5.911699152	7.882265336
New Pond & Swales	C/D	2697	0.0418405	93	2.5	3.916811814	684.4723302
Open Area, New Ramps & Stairs	C/D	371	0.00851699	93	0.2	5.911699152	182.7700321
New Modular Classroom Roof	C/D	1798	0.0412784	93	0.2	5.911699152	885.7695896
TOTAL:	C/D	4282	0.10	N/A	N/A	N/A	1,761

Runoff Volume Increase (ft³): 213 Rational C Coefficient Method 260

Runoff Volume Increase = (Post-Dev. Runoff Volume) MINUS (Pre-Dev. Runoff Volume)

1. Runoff (in) = Q = (P - Ia)² / (P - Ia) + S Where: P = 100-Year, 24-Hour Rainfall (in)
 Ia = 0.25 therefore: S = 1000 / CN - 10
 Runoff (in) = Q = (P - 0.25)² / (P + 0.85) CN = Curve Numbers from TR 55 Chap 2
 Q = Runoff (in)
 Area = Area of specific land cover (ft²)

2. Runoff Volume (ft³) = Q x 1/12 x Area
 *Runoff Volume is calculated separately for each pervious & impervious area (w/out using a weighted CN or C)
 From USDA Soil Survey: Marlette Fine Sandy Loam Soil Name = 138 Naton. Unit = 2e6g
 Manistee County, Michigan (MI155) Hydrologic Soil Group for CN = C/D

Pond and Swales Volume: 843.5 cf retained See calculations in notes on Sheet C-1

Volume Total: 843.5 cf Meets new Runoff Volume Increase by: 89%
 Meets min. required Rational Method by: 324%

4 DEVELOPMENT / DISTURBED AREA STORMWATER CALCULATIONS
 C-1 Scale N.T.S.

Calculations for Stormwater Runoff Volume Control

SITE NAME: Manistee Five Cap Modular Classroom 4/16/2018
 100% of soil indicated Marlette fine sandy loam TR 138
 Total Overall Contributing Basin Area: 0.1458 acres Jed Dingers
 Manistee County Guidelines for Stormwater Management 3/12/07: Criteria, CN supported
 100-Year, 24-Hour Rainfall: 5.15 in
 See Rainfall Tab for regional rainfall value or site specific rainfall event may be substituted
 Pre-Development Conditions: 100% of soil indicated as Marlette fine sandy loam type

Cover Type	Soil Type	Area (sf)	Area (ac)	CN (from TR-55)	S	Q Runoff (in)	Runoff Volume ² (ft ³)
Overall Contributing Area, Avg. C	C/D	57599	1.32022468	90	1.1	4.89269197	2924.12727
Open Area, New Walk, East	C/D	16	0.0003731	84	1.9	4.337077996	5.782770691
Open Area, New Pond & Swales	C/D	2697	0.0418405	84	1.9	4.337077996	757.9043798
Open Area, New Ramps & Stairs	C/D	371	0.00851699	84	1.9	4.337077996	134.0879947
Open Area, New Modular Classroom	C/D	1798	0.0412784	84	1.9	4.337077996	648.8388531
TOTAL:	C/D	61791	1.42	N/A	N/A	N/A	25,472

Post-Development Conditions:

Cover Type	Soil Type	Area (sf)	Area (ac)	CN*	S	Q Runoff (in)	Runoff Volume ² (ft ³)
Overall Contributing Area, Avg. C	C/D	57599	1.32022468	90	1.1	4.89269197	2924.12727
New Walk, East of Pond	C/D	16	0.0003731	93	0.2	5.911699152	7.882265336
New Pond & Swales	C/D	2697	0.0418405	93	2.5	3.916811814	684.4723302
Open Area, New Ramps & Stairs	C/D	371	0.00851699	93	0.2	5.911699152	182.7700321
New Modular Classroom Roof	C/D	1798	0.0412784	93	0.2	5.911699152	885.7695896
TOTAL:	C/D	61791	1.42	N/A	N/A	N/A	25,685

Runoff Volume Increase (ft³): 213 Rational C Coefficient Method 260

Runoff Volume Increase = (Post-Dev. Runoff Volume) MINUS (Pre-Dev. Runoff Volume)

1. Runoff (in) = Q = (P - Ia)² / (P - Ia) + S Where: P = 100-Year, 24-Hour Rainfall (in)
 Ia = 0.25 therefore: S = 1000 / CN - 10
 Runoff (in) = Q = (P - 0.25)² / (P + 0.85) CN = Curve Numbers from TR 55 Chap 2
 Q = Runoff (in)
 Area = Area of specific land cover (ft²)

2. Runoff Volume (ft³) = Q x 1/12 x Area
 *Runoff Volume is calculated separately for each pervious & impervious area (w/out using a weighted CN or C)
 From USDA Soil Survey: Marlette Fine Sandy Loam Soil Name = 138 Naton. Unit = 2e6g
 Manistee County, Michigan (MI155) Hydrologic Soil Group for CN = C/D

Pond and Swales Volume: 843.5 cf retained See calculations in notes on Sheet C-1

Volume Total: 843.5 cf Meets new Runoff Volume Increase by: 89%
 Meets min. required Rational Method by: 324%

5 OVERALL CONTRIBUTING BASIN STORMWATER CALCULATIONS
 C-1 Scale N.T.S.

Sheet Schedule

- C-0 Existing Site Plan / Topography
- C-1 Proposed Site Plan / Utilities
- S-0 Foundation / Footing Plan

Note: See also Approved Premanufactured plans for this relocated modular unit.
 P-96-286-405

Project Numbers:
 Architect: #37-17C



Memorandum

TO: Planning Commissioners

FROM: Denise Blakeslee, Planning & Zoning Director

DATE: April 3, 2017

RE: Thomas Amor Sr. – 303 Fifth Street

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

Commissioners, we have received a request from Thomas Amor Sr. for a Special Use Permit for a Duplex. Mr. Amor purchased the house at 303 Fifth Street in 2015 and renovated it into a Duplex. When the new zoning ordinance was adopted in 2006 the frontage and parcel area requirements for a duplex were increased to 80 feet of frontage and 10,000 square feet of parcel area. The property that Mr. Amor purchased did not meet the requirements.

In December 2015 Mr. Amor applied for and was denied the variances needed to apply for a Special Use Permit for a Duplex.

Since that time Mr. Amor purchased the north 2,196.65 feet of the parking lot from Good Shepherd Lutheran Church and obtained the necessary variances from the Zoning Board of Appeals on March 22, 2018 to request a Special Use Permit for a duplex. A copy of the staff memo and meeting minutes from the Zoning Board of Appeals are attached along with the request for a Parcel Split and Combination.

If the commission wishes to approve the request staff requests the following condition be placed on the permit.

- 1. The Parcel Split and Combination request be approved by City Council before the Special Use Permit is issued.***

Draft resolutions to approve with conditions or deny the request are enclosed in your packets.



Memorandum

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

TO: ZBA Members

FROM: Denise Blakeslee, Planning & Zoning Director

DATE: February 16, 2018

RE: ZBA Meeting March 22, 2018

Members, we have scheduled a meeting for Thursday, March 22, 2018 in response to a request from Thomas E. Amor. On December 10, 2015 the ZBA denied Mr. Amor's request for a variance to allow a duplex on a parcel with 57.5 feet of parcel width and 7,656 square feet of parcel area.

Mr. Amor recently purchased 2,196.65 square feet of property from the parking lot owned by Good Shepard Lutheran Church East of 40 Magill Street to combine with his property at 303 Fifth Street to increase the parcel area to 10,005.39 square feet that would meet the 10,000 square feet of parcel area requirement for a duplex. The property would then need a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage that would allow Mr. Amor to make an application for a Special Use Permit for a duplex.

By removing the 2,196.65 square feet of property from the parking lot, a second variance would need to be granted that reduces the parcel area requirement from 10,000 sq. ft to 9,811 sq. ft and a reduction in the parcel width requirement from 80 feet to 74 feet.

Included in the purchase of the property from the Church, Mr. Amor has conveyed an easement allowing the church to continue to use the property he purchased.

Two variances are needed:

- Parcel #51-664-703-01 (303 Fifth Street) be granted a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage to permit the applicant a request for a Special Use Permit for a duplex.
- Parcel #51-664-703-07 (parking lot east of 40 Magill Street) be granted a variance that reduces the parcel area requirement from 10,000 sq. ft to 9,811 sq. ft and a reduction in the parcel width requirement from 80 feet to 74 feet (existing frontage).



MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

MEETING MINUTES

March 22, 2018

A meeting of the Manistee City Zoning Board of Appeals was held on March 22, 2018 at 5:30 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Duane Jones, Mark Hoffman, Denis Johnson (Alternate), Marlene McBride, John Perschbacher, Glenn Zaring

MEMBER ABSENT: None

OTHERS: Thomas E. Amor (303 Fifth Street), Gini Pelton (329 Frist Avenue), and Denise Blakeslee (Planning and Zoning Director)

The meeting was called to order at 5:30 p.m. by Chairman Perschbacher. The Board welcomed new members Duane Jones and Denis Johnson (alternate).

APPROVAL OF AGENDA:

MOTION by Duane Jones, seconded by Glenn Zaring to approve the Agenda with the addition of Elect a Vice Chair for the remainder of the 2018 term added under new business.

With a voice vote this MOTION PASSED UNANIMOUSLY

APPROVAL OF MINUTES:

MOTION by Mark Hoffman, seconded by Marlene McBride to approve the January 25, 2018 Zoning Board of Appeals Meeting Minutes.

With a voice vote this MOTION PASSED UNANIMOUSLY

PUBLIC HEARING:

Chair Perschbacher opened the Public Hearing at 5:30 pm

ZBA-2018-01 Thomas E. Amor – Variance to Section 903.A Parcel Area and 903.B Parcel width (Dimensional Standards).

Denise Blakeslee Planning & Zoning Director explained the request to the members. In the R-2 zoning district parcels were a duplex is located requires 80 feet of parcel width and 10,000 square feet of parcel

area. The requested variances would allow the reduction in the parcel width requirement (80 feet) and parcel area requirement (10,000 square feet) to allow a portion of the parking lot to be split and combined with 303 Fifth Street to permit the applicant to request a Special Use Permit for a duplex.

The variance would permit the north 2,196.65 square feet of Parcel #51-664-703-07 of the parking lot owned by Good Shepherd Lutheran Church (east of 40 Magill Street) to be split and combined with Parcel #51-664-703-01 (303 Fifth Street) owned by Mr. Amor. This would create a parcel 10,005.39 square feet in area with 57.50 feet of frontage along Fifth Street. The applicant will need a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage for a duplex

The parking lot would be reduced to 9,811 sq. ft in area with approximately 74 feet of frontage along Magill Street, which results in the need for a variance that reduces the parcel area requirements for a parking facility from 10,000 square feet in are to 9,811 square feet and reduces the parcel width requirement from 80 feet of frontage to 74 feet of frontage.

She spoke of the noticing requirements for Public Hearings; the property is located in the R-2 Medium Density Residential Zoning District; Both a Duplex and Parking Facility requires 80 feet of frontage and 10,000 sq. ft. of area. Two variances are required:

- Parcel #51-664-703-01 (303 Fifth Street) be granted a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage to permit the applicant a request for a Special Use Permit for a duplex.
- Parcel #51-664-703-07 (parking lot east of 40 Magill Street) be granted a variance that reduces the parcel area requirement from 10,000 sq. ft to 9,811 sq. ft and a reduction in the parcel width requirement from 80 feet to 74 feet (existing frontage).

On December 10, 2015 the ZBA denied Mr. Amor's request for a variance to allow a duplex on a parcel with 57.5 feet of parcel width and 7,656 square feet of parcel area. Photos from the 2015 request that showed the updates to the property were shown.

The zoning ordinance was changed in 2006 that increased the parcel size requirements for duplex's and commercial uses in the R-2 Medium Density Residential Zoning District. In 2010 the ordinance was amended that requires a Special Use Permit for a duplex. Since 2003 rentals are required to be registered and inspected.

The average size lot in the R-2 Zoning District is 60 feet in width and 6,000 square feet in parcel area. Duplex's require four off street parking spaces.

Thomas E. Amor (303 Fifth Street) – Mr. Amor bought the home that had two entrances and two kitchens, he gutted the building and improved the property and created two one bedroom units. He improved the space as if he were to live there. He spoke of the need for housing and a meeting held by the League of Woman's Voters that discussed the housing needs in the county. There is not enough housing for new workers and not enough good housing stock. He purchased the property from the church to achieve the

area requirement needed for a duplex, only the lot width requirement remains. He has two parking spaces in the garage and plans to add a parking pad to the east of the garage for two vehicles. He did not purchase a portion of the parking lot for parking, just to achieve the parcel area requirement. He presented a document with six signatures from the neighborhood in support of the request.

Chair Perschbacher opened the hearing for public comments.

Gini Pelton (329 Frist Avenue) – Ms. Pelton is a local relator and has worked in the rental business since 1993. This is one of the nicest rentals in the community and there is a need for good rentals. Very few have garages available to the tenant and there is a rental crisis in the community and no place for people to rent. She supports the request.

Chair Perschbacher asked if any correspondence had been received in response to the request. No correspondence was received in response to the request.

There were no more additional comments; the Public Hearing was closed at 5:53 pm

BUSINESS SESSION:

ZBA-2018-01 Thomas E. Amor – Variance to Section 903.A Parcel Area and 903.B Parcel width (Dimensional Standards).

A public hearing was held earlier in response to the request from the request from Thomas E. Amor for variance that would allow the reduction in the parcel width requirement (80 feet) and parcel area requirement (10,000 square feet) to allow a portion of the parking lot to be split and combined with 303 Fifth Street to permit the applicant to request a Special Use Permit for a duplex.

The Zoning Board of Appeals reviewed the request and the requirements of Section 2507.C of the City of Manistee Zoning Ordinance. This portion of the Ordinance is used as the finding of facts by the Zoning Board of Appeals and their responses to the conditions are as follows:

The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **all of the Basic Conditions** and **any one (1) of the Specific Conditions** set forth herein can be satisfied.

Parcel #51-664-703-07 (parking lot east of 40 Magill Street) be granted a variance that reduces the parcel area requirement from 10,000 sq. ft to 9,811 sq. ft and a reduction in the parcel width requirement from 80 feet to 74 feet.

1. The requested variance is not contrary to the public interest or to the intent and purpose of this Ordinance.
Yes McBride, Jones, Hoffman, Zaring, Perschbacher
No None

2. The requested variance does not establish a use that is not permitted by right or by a special use permit in the zoning district.
 - Yes Hoffman, Jones, Zaring, McBride, Perschbacher
 - No None
3. The requested variance does not create an adverse effect upon properties in the immediate vicinity or in the district.
 - Yes Jones, Hoffman, Zaring, McBride, Perschbacher
 - No None
4. The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.
 - Yes Hoffman, Zaring, McBride, Jones, Perschbacher
 - No None
5. The requested variance is for property under the control of the applicant
 - Yes Zaring, McBride, Jones, Hoffman, Perschbacher
 - No None
6. The requested variance was not self-created by the applicant or property owner.
 - Yes Zaring, Jones, McBride, Hoffman, Perschbacher
 - No None
7. There is not an alternative that would allow the improvement to the property without the requested variance.
 - Yes Jones, McBride, Hoffman, Zaring, Perschbacher
 - No None
8. The requested variance is the minimum amount necessary to still permit the reasonable use of the land.
 - Yes McBride, Jones, Hoffman, Zaring, Perschbacher
 - No None

Special Conditions. When **all** of the foregoing basic conditions can be satisfied, a variance may be granted when any **one** (1) of the following special conditions can be clearly demonstrated:

2. Is there an exceptional or extraordinary circumstance or physical condition (narrowness, shallowness, shape or topography) of the property or to the proposed use that does not apply to other properties or uses in the same zoning district?
 - Yes Jones, Hoffman, Zaring, McBride, Perschbacher
 - No None

Parcel #51-664-703-01 (303 Fifth Street) be granted a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage to permit the applicant a request for a Special Use Permit for a duplex.

1. The requested variance is not contrary to the public interest or to the intent and purpose of this Ordinance.
 - Yes McBride, Jones, Hoffman, Zaring, Perschbacher
 - No None

2. The requested variance does not establish a use that is not permitted by right or by a special use permit in the zoning district.
 - Yes Hoffman, Jones, Zaring, McBride, Perschbacher
 - No None
3. The requested variance does not create an adverse effect upon properties in the immediate vicinity or in the district.
 - Yes Jones, Hoffman, Zaring, McBride, Perschbacher
 - No None
4. The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.
 - Yes Hoffman, Zaring, McBride, Jones, Perschbacher
 - No None
5. The requested variance is for property under the control of the applicant
 - Yes Zaring, McBride, Jones, Hoffman, Perschbacher
 - No None
6. The requested variance was not self-created by the applicant or property owner.
 - Yes Zaring, Jones, McBride, Hoffman, Perschbacher
 - No None
7. There is not an alternative that would allow the improvement to the property without the requested variance.
 - Yes Jones, McBride, Hoffman, Zaring, Perschbacher
 - No None
8. The requested variance is the minimum amount necessary to still permit the reasonable use of the land.
 - Yes McBride, Jones, Hoffman, Zaring, Perschbacher
 - No None

Special Conditions. When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

2. Is there an exceptional or extraordinary circumstance or physical condition (narrowness, shallowness, shape or topography) of the property or to the proposed use that does not apply to other properties or uses in the same zoning district?
 - Yes Jones, Hoffman, Zaring, McBride, Perschbacher
 - No None

MOTION by Mark Hoffman, seconded by Glenn Zaring to approve two variance requests from Thomas E. Amor that would permit the north 2,196.65 square feet of Parcel #51-664-703-07 of the parking lot owned by Good Shepherd Lutheran Church (east of 40 Magill Street) to be split and combined with Parcel #51-664-703-01 (303 Fifth Street) as follows:

- Parcel #51-664-703-01 (303 Fifth Street) be granted a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage to permit the applicant a request for a Special Use Permit for a duplex.

- Parcel #51-664-703-07 (parking lot east of 40 Magill Street) be granted a variance that reduces the parcel area requirement from 10,000 sq. ft to 9,811 sq. ft and a reduction in the parcel width requirement from 80 feet to 74 feet.

With a voice vote this MOTION PASSED UNANIMOUSLY

Elect Vice Chair

Vice Chair Bill Kracht resigned from the Zoning Board of Appeals. Under Section 2.1 Selection of the By-Laws vacancies in an office of the Appeals Board shall be filled at the next meeting of the Appeals Board. The membership shall elect one of its members to fill the vacancy until the next annual election. Chair John Perschbacher asked for nominations for the Position of Vice-Chair.

Mark Hoffman nominated Duane Jones for the position of Vice-Chair

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

With a roll call vote, Duane Jones was elected Vice - Chair of the Zoning Board of Appeals for the remainder of the 2018 term.

OLD BUSINESS:

None

OTHER BUSINESS OF THE APPEALS BOARD:

Members were given information on Citizen Planner Certification and training.

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:

None

ADJOURNMENT:

MOTION by Mark Hoffman, seconded by Duane Jones that the meeting be adjourned.

Meeting adjourned at 6:27 p.m.

Respectfully Submitted

Denise J. Blakeslee, Recording Secretary

Variance Request

303 Fifth Street / Manistee

We the undersigned verify that we have no problems or reservations in reference to having two family, one bedroom each apartments at this home. We have seen photos of the upgrades completed at the building and believe they are a substantial improvement and an asset to the neighborhood.

DATE	NAME	ADDRESS	SIGNATURE
3-20-18	Vince Hauer	298 5th st	Vince Hauer
3-20-18	Philip Pilarski	310 Fifth st	Philip Pilarski
3-20	Peggy Welch	314 Fifth	Peggy Welch
3-20	Benjamin Raines	296 5th st.	Benjamin Raines
3-20	Donna CRAIG	288 5th st	Donna Craig
3-20	Archie Cooper	287 5th st	Archie Cooper

City of Manistee
Planning Commission Resolution to Approve a
Special Use Permit, Case Number PC-2018-03
Special Use Permit for a Duplex
Thomas Amor Sr.

At a regularly scheduled meeting of the City of Manistee Planning Commission held on May 3, 2018, the following resolution was adopted to approve a Special Use Permit for a Duplex.

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

WHEREAS, On March 22, 2018 Thomas Amor Sr. received two variances from the Zoning Board of Appeals,

WHEREAS, Parcel #51-664-703-01 (303 Fifth Street) was granted a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage to permit the applicant a request for a Special Use Permit for a duplex, and

WHEREAS, Parcel #51-664-703-07 (parking lot east of 40 Magill Street) be granted a variance that reduces the parcel area requirement from 10,000 sq. ft to 9,811 sq. ft and a reduction in the parcel width requirement from 80 feet to 74 feet (existing frontage), and

WHEREAS, on April 2, 2018 a request was received from Thomas Amor Sr. for a Special Use Permit for a Duplex, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the request on May 3, 2018, and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

A. RESOLVED, that the Planning Commission has reached the following determination regarding Special Use Permit Standards (Section 1802.A):

1. The Special Use is consistent with the adopted City of Manistee Master Plan.
2. The Special Use is designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed.
3. The Special Use is not hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
4. The Special Use is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage

facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.

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

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

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

BE IT FURTHER RESOLVED that the Special Use Permit for Mixed Use Development that includes Professional Office and Educational Facility shall comply with the following conditions:

- 1. *The Parcel Split and Combination request be approved by City Council before the Special Use Permit is issued.***

CITY OF MANISTEE PLANNING COMMISSION:

AYES:

ABSTAINING:

NAYS:

ABSENT:

MOTION:

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 May 3, 2018.

Marlene McBride, Secretary

City of Manistee
Planning Commission Resolution to Deny a
Special Use Permit, Case Number PC-2018-03
Special Use Permit for a Duplex
Thomas Amor Sr.

At a regularly scheduled meeting of the City of Manistee Planning Commission held on May 3, 2018, the following resolution was adopted to deny a Special Use Permit for a Duplex.

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

WHEREAS, On March 22, 2018 Thomas Amor Sr. received two variances from the Zoning Board of Appeals,

WHEREAS, Parcel #51-664-703-01 (303 Fifth Street) was granted a variance that reduces the parcel width requirement of 80 feet of frontage to 57.50 feet of frontage to permit the applicant a request for a Special Use Permit for a duplex, and

WHEREAS, Parcel #51-664-703-07 (parking lot east of 40 Magill Street) be granted a variance that reduces the parcel area requirement from 10,000 sq. ft to 9,811 sq. ft and a reduction in the parcel width requirement from 80 feet to 74 feet (existing frontage), and

WHEREAS, on April 2, 2018 a request was received from Thomas Amor Sr. for a Special Use Permit for a Duplex, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the request on May 3, 2018, and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

A. RESOLVED, that the Planning Commission has reached the following determination regarding Special Use Permit Standards (Section 1802.A):

1. The Special Use is consistent with the adopted City of Manistee Master Plan.
2. The Special Use is designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed.
3. The Special Use is not hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.

4. The Special Use is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.
5. The Special Use does not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
6. The Special Use does not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare, or odors.
7. The Special Use meets the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

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

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

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

CITY OF MANISTEE PLANNING COMMISSION:

AYES:

ABSTAINING:

NAYS:

ABSENT:

MOTION:

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 May 3, 2018.

Marlene McBride, Secretary



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 30 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: 303 5TH ST.		Parcel # 51-51-664-703.01	
Applicant Information			
Name of Owner or Lessee: THOMAS E. AMOR			
Address: 12943 HOPKINS FOREST DR V			
Phone #: 723-8361	Cell#: 231-342-1133	e-mail: tom@imageproled.com	
Name of Agent (if applicable):			
Address:			
Phone #:	Cell#:	e-mail:	
Data Required/Project Information			
Land Area: 10,005.39		Zoning Classification: R-2	
Present/proposed Land Use: DUPLEX			
Attach a Detailed Narrative for the following			
<input checked="" type="checkbox"/>	A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.		
<input checked="" type="checkbox"/>	Applicant's statement of the expected effect of the special use on emergency service requirements, schools, storm water systems, sanitary sewer facilities, automobile and truck circulation patterns, and local traffic volumes.		
<input checked="" type="checkbox"/>	Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this ordinance, by the City Zoning Administrator or the Planning Commission; including, but not limited to, measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties; elevations on all buildings, including accessory buildings; and, an environmental assessment.		
<input checked="" type="checkbox"/>	Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing Special Use permit applications as provided in Section 1802.		

Additional Information

Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed Special Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, a traffic impact analysis as required by **Section 2203, E, 2**, an environmental assessment as required by **Section 2203, E, 1**, a market study as required by **Section 2203, E, 3**, or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment.

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

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

Appeals. No decision or condition related to a Special Use application shall be appealed to the Zoning Board of Appeals. An appeal of a Special Use decision or condition may be taken to Circuit Court.

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

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

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

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

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

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

Authorization

CERTIFICATION AND AFFIDAVIT:

The undersigned affirm(s) that he/she/they is/are the owner, leasee, owner's representative, contractor involved in the application; and that the information included in this application is correct. Further, if the request is approved, the applicant will comply with all of the requirements of the City of Manistee Zoning Ordinance and certifies that measures proposed to mitigate adverse impacts will be completed in a timely fashion. The undersigned, by signing the Application, agrees to pay any and all fees and escrow payments in full as provided in **Article 27**.

Signature:  Date: 3-26-18

Signature: _____ Date: _____

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

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

Yes No Please indicate if the applicant will be tax exempt, applying and/or eligible for tax abatements, credits or deferments for this proposed project. If Yes, explain:

Office Use Only

Fee: \$750.00 \$ _____ Escrow Payment Receipt # 153747

Date Received: 4-1-18 Hearing Date: 5-3-18 PC - 2018-03

Applicant: Tom Amer Sr, 303 Fifth Street

Submission Guidelines

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:

Waived Initials	Included	Detailed Site Plan Requirements
	<input checked="" type="checkbox"/>	The site plan shall be prepared by an Engineer, Architect, Landscape Architect or Surveyor licensed to work in Michigan
	<input checked="" 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 checked="" type="checkbox"/>	The scale of the drawing and north arrow
	<input checked="" type="checkbox"/>	A vicinity map illustrating the property in relation to the surrounding street system.
UB	<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 checked="" type="checkbox"/>	Illustration of all proposed improvements and buildings, fences, landscaping, parking and screening, including location, height, footprint of each.
	<input checked="" 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.
UB	<input type="checkbox"/>	Dwelling unit density where pertinent; including a density schedule demonstrating number of each dwelling type, if applicable.
UB	<input type="checkbox"/>	Project phasing, if applicable.
	<input checked="" 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 checked="" 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.
UB	<input type="checkbox"/>	Curb-cuts and driveways on adjacent properties.
UB	<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.
UB	<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.
UB	<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.
UB	<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.
UB	<input type="checkbox"/>	A lighting plan in conformance with Section 525.
UB	<input type="checkbox"/>	A written and illustrated landscape plan prepared in accord with Section 531 of this Zoning Ordinance.
UB	<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 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 requested by the Zoning Administrator or the Planning Commission.
	<input checked="" type="checkbox"/>	Any required approvals, permits, changes or modifications required by any applicable regulatory agency.
UB	<input type="checkbox"/>	Special Groundwater Protection. [If applicable – requirements will be provided]

Detailed Narrative of Request

I have completely remodeled the house as a two family, one bedroom each, apartment house. When purchasing the house it had a kitchen and bathroom upstairs and one down so I proceeded as existing. We totally gutted the building, walls to the studs, all new Pella windows, new doors, new furnaces, new electrical, total insulation, high efficiency appliances, new everything. I tried to do everything like I was going to live in them. New porches, painted all trim work and garage. When applying for address change I found out that it was not registered as a duplex.

I have purchased enough property from the Good Shepard Church to make the area 10,005.39 sqft which now meets the requirements of the ordinance. At the City Zoning Board of Appeals meeting on March 22, 2018 appeal was granted with all members voting aye to all questions asked by the Chairman.

Basic Conditions

1. The Special Use request is not contrary to public interest or to the intent and purpose of this ordinance.
 - a. This totally remodeled facility is a visual and functional asset to the neighborhood and the community as a whole. It offers a much needed, top quality home for two couples or two single people. It has a two car garage and two car parking in addition to the church parking area.
2. Request does not establish a use abnormal to the neighborhood. Zoning allows duplex dwellings with Special Use Permit. There is a duplex just two doors away at 295 Fifth St. along with another one two doors east.
3. The improvement and requested Special Use does not create an adverse effect upon properties in the immediate vicinity. The improvements are a vast improvement to the property and the neighborhood. I have signatures of approval from the immediate neighbors.
4. I don't believe this would necessitate a change in the ordinance. A multiple family dwelling is allowed now as a Special Use.
5. The requested Special Use is for the property under my control.
6. I did not believe I was doing anything wrong as there was a kitchen, bathroom and separate entrance for the upstairs. I thought it was already considered a duplex.
7. There is not an alternative that would allow the improvement to the property without the requested Special Use. We have approval for the land split with the church.

Special Conditions

The practical difficulty with the property that prevents full compliance with the ordinance is the size of the lot not meeting the width target. The average lot width in R-2 is 60 foot. We have 57.5 foot. I have bought enough property in the Good Shepard Church to now meet the lot sqftage requirement of 10,005.32. The church property is now at 9811 sqft plus I gave the church an easement to use my part of the parking lot. Their frontage on McGill Street remains the same at 79 feet. The house was built prior to the city being incorporated.

The improvement to the property and neighborhood should more than offset the variance to a ridged interpretation of the ordinance.

The exceptional or extraordinary circumstance is that the lot and house was built prior to the city being incorporated when lot widths were smaller than the ordinance now allows.

There two other duplexes on the bock with one being just two doors away in the same district.

On Wednesday January 17th 2018 an area wide meeting was held to discuss the state of area housing. Lisa Leedy, director of the AES says that the area needs more housing to help Manistee grow. All experts say housing is one of the biggest barriers to economic development in northern Michigan and especially Manistee. Addressing housing is one of biggest priorities we need to tackle. Household size is decreasing while the demand for one and two bedroom units is increasing. They aren't just talking about new housing, they are talking about rehabbing existing housing too.

This rehab I have done is a premier investment in area rental property.

Effect on Area Services

I do not believe there will be any adverse effect on emergency service requirements, schools, storm water systems, sanitary sewer facilities, automobile and truck circulation patters, and local traffic volumes.

Percent of Land Covered by Buildings

10 % of land is covered by the house and garage.

Home square footage: / Garage square footage: / Open space:

Additional Parking Spaces

We will be adding dedicated parking spaces adjacent to garage with size of 22' x 22'



MCKEE ST

FIFTH ST

US-31

Church

59

511



MCKEE ST

511



295 - Duplex
723-3074 - 723-7798

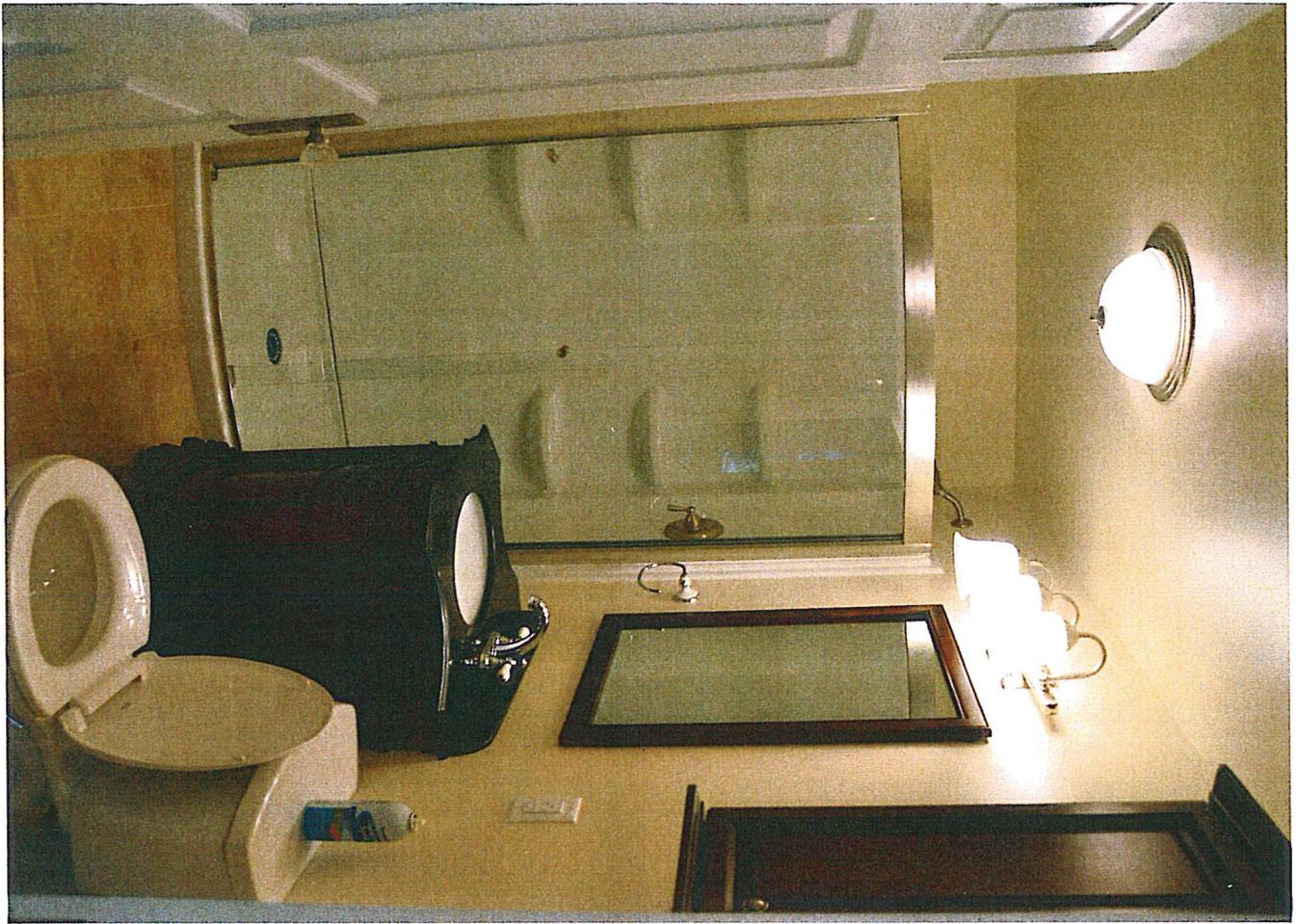


















(R) - RECORDED
 (M) - MEASURED
 ⊙ - FOUND SURVEY CORNER
 ○ - SET 1/2" ∅ REBAR W/ CAP No. 47944

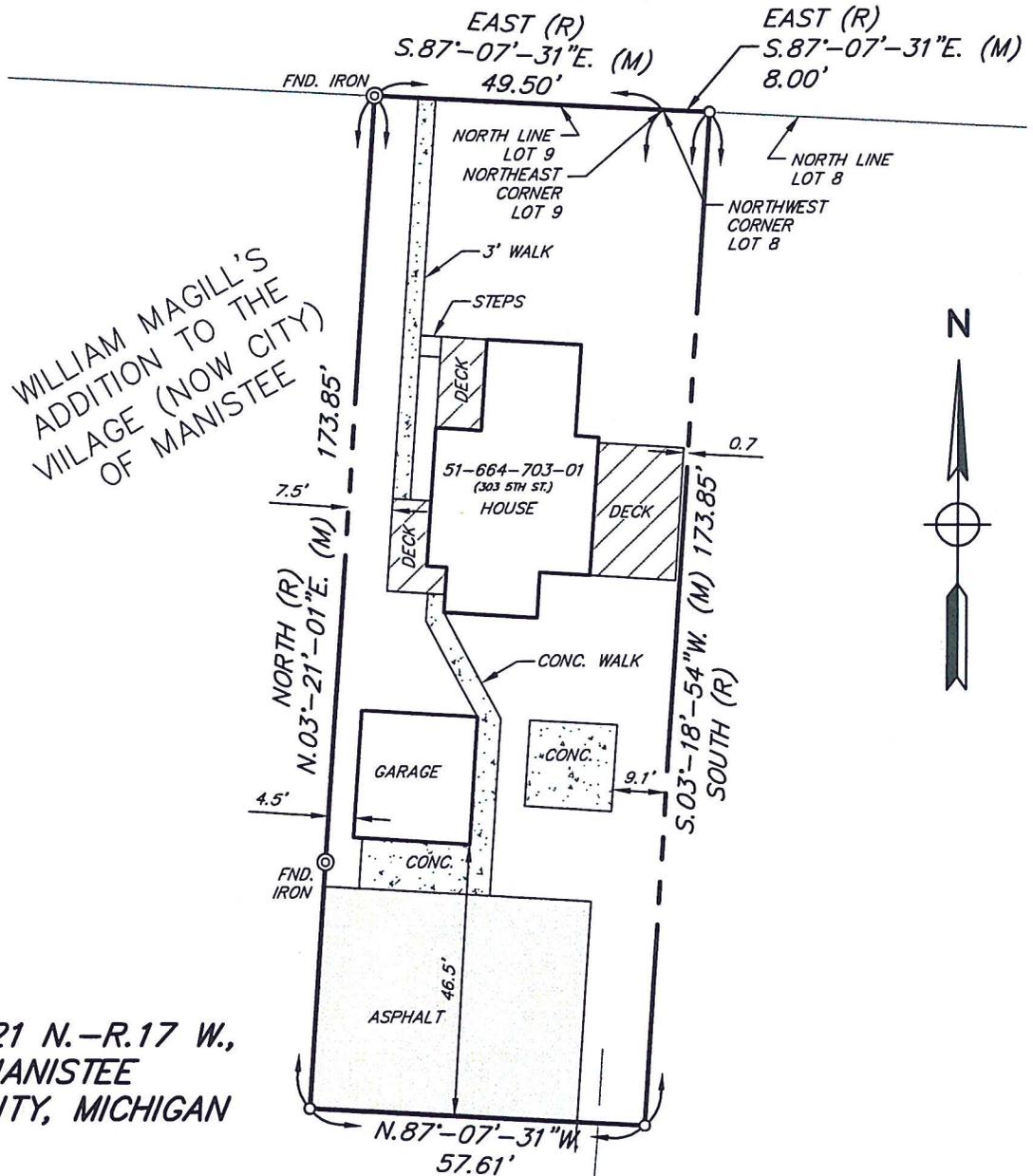


Spicer Group
 302 River Street
 Manistee, MI 49660
 TEL (231) 794-5620

SCALE: 1" = 30'

DWG. NO.: JA-4853

5TH STREET



WILLIAM MAGILL'S
 ADDITION TO THE
 VILLAGE (NOW CITY)
 OF MANISTEE



SECTION 12, T.21 N.-R.17 W.,
 CITY OF MANISTEE
 MANISTEE COUNTY, MICHIGAN

SURVEY FOR: *Thomas Amor*
 12493 Hopkins Forest Drive
 Bear Lake, MI 49614

DATE: *March 16, 2017*

SURVEY OF:

COMBINED PARCEL

Part of Lots 8 and 9, William Magill's Addition to the Village (now City) of Manistee, according to the recorded plat thereof, Manistee County Records, Section 12, T.21 N.-R.17 W., City of Manistee, Manistee County, Michigan, described as follows: Commencing at the Northwest Corner of Lot 8; thence S.87°-07'-31"E., on the North line of said Lot 8, 8.00 feet; thence S.03°-18'-54"W., parallel with the West line of said Lot 8, 173.85 feet; thence N.87°-07'-31"W., parallel with the North line of said Lot 8, 57.61 feet; thence N.03°-21'-01"E., 173.85 feet to the North line of Lot 9; thence S.87°-07'-31"E., on said North line, 49.50 feet to the point of beginning, containing 10,005.39 sq. ft. of land, more or less. Subject to any easements of record, if any.

I hereby certify that I have surveyed the parcel of land hereon shown and described.



By: *Patrick Bentley*

Date: *3-29-18*

Patrick G. Bentley
 Professional Surveyor No. 47944

DRAWN BY: MLU
 CHECKED BY: PGB

PLOT DATE: 03-29-18
 SHEET 1 OF 1

JOB#: 124374SG017
 DWG#: JA-4853



Memorandum

TO: Planning Commissioners
FROM: Denise Blakeslee, Planning & Zoning Director
DATE: April 27, 2017
RE: Lakeside Cultivation, LLC -160 Tenth Street

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

Commissioners, we have received a request from Lakeside Cultivation, LLC -160 Tenth Street for a Special Use Permit for Marihuana Facility (Marihuana Grower) as shown on Site Plan prepared by Lake Michigan Surveying, LLC, File No. 2018030. There is no change to the site except for the addition of a fence and designating the parking spaces (striping). The proposed nine parking spaces meet the requirements of the ordinance. The City Engineer, DPW Director and Public Safety/Fire Department have reviewed the request and there are the following findings:

The City Engineer has reviewed the proposed odor control measures as required under Section 1851.B.2.a which reads:

- a. *Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana production or marihuana processing.*
- 1) *The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.*
 - 2) *The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter (s) shall be rated for the applicable CFM.*
 - 3) *The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.*
 - 4) *Negative air pressure shall be maintained inside the building.*
 - 5) *Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.*
 - 6) *An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.*

In response to staff's inquiry regarding the standard a letter from Boardwell Mechanical Services, Inc. was submitted stating how to address the issue. This letter detailing the proposed system was reviewed by the City Engineers office and a response was sent to the designer on April 26, 2018.

Marihuana Facility was added to the Zoning Ordinance on March 2, 2018. This is the first request that we have received since it was added to the Ordinance. The process that the City has established for Marihuana Facilities is:

1. Applicant must receive a Special Use Permit from the Planning Commission, then
2. The applicant can apply for a Marihuana License from the City Clerk, then
3. The applicant can apply for the license from the State of Michigan.

When working on the Resolution to approve staff noted that Section 1851.1.b reads:

- b. At the time of application for a special use permit the marihuana facility must be licensed by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.

After discussing the matter with the City Attorney it was determined that if the Commission wishes to approve the permit the following condition should be included:

- ***The Special Use Permit will be void in the event that the applicant is unable to be licensed by the State of Michigan***

When the project was reviewed by Public Safety/Fire recommends that the following conditions be placed if the Commission wishes to approve the permit:

- ***The gas meter needs protection from cars by the installation of poles (bollards).***
- ***The shrubbery and wood between the tracks and the building needs to be cleaned up.***
- ***A knox box will need to be installed.***
- ***The Fire Department reserves the right to inspect and approve the building and its components.***
- ***The Fire Department needs access to the back of the building by either a drive, off the alley, to the back of the building with a gate, or a similar setup coming off the front. The drive would need to be maintained and accessible. The key for the gate could be in the knox box.***
- ***Cameras are to be on all four sides of the building to cover all of the grounds. This may require more than one camera per side as there is a lot of area.***
- ***Exterior lighting is to be installed on all four sides of the building. All should be activated by dusk, not by motion. Lighting is to comply with Section 525 of the Zoning Ordinance.***
- ***A security system is to be installed. Public Safety will review the proposed system prior to installation and inspect the system after installation.***

Staff also recommends that the following conditions included:

- ***The odor control system will be installed and shall include an activated carbon canister type system for exhaust air leaving the building. The City Engineer will have final review and approval of the system to ensure the proposed system filters are sized properly for the proposed air flow rates. However, upon operation, the owner will have to verify odors are not leaving the site and will be responsible to upgrade the system, if determined necessary, to reduce odors to an acceptable level.***
- ***Any concerns or outstanding items relating to the request by the City Engineer, DPW Director or Public Safety shall be address before the Special Use Permit can be issued and an updated set of plans be provided for the files.***

The applicant was notified of the conditions on April 27, 2018. They may be able to address some of these itmes before the meeting. In that event, those conditions would be removed from the resolution.

Draft resolutions to approve with conditions or deny the request are enclosed in your packets.

City of Manistee
Planning Commission Resolution to Approve a
Special Use Permit, Case Number PC-2018-05
Special Use Permit for Marihuana Facilities (Marihuana Grower)
Lakeside Cultivation LLC
David and Nicholas Casebolt

At a regularly scheduled meeting of the City of Manistee Planning Commission held on May 3, 2018, the following resolution was adopted to approve a Special Use Permit for Marihuana Facilities (Marihuana Grower)

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

WHEREAS, on April 2, 2018 a request was received from Lakeside Cultivation LLC (David and Nicholas Casebolt) for a Special Use Permit for Marihuana Facilities (Marihuana Grower), and

WHEREAS, Marihuana Facilities are permitted as a Special Use in the General Industrial District, and

WHEREAS, 160 Tenth Street is located in the General Industrial District, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the request on May 3, 2018, 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 1851 Marihuana Facilities of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. A marihuana grower, marihuana processor, marihuana secure transporter, and marihuana safety compliance facility, in accordance with the provisions of state law, may be permitted through the issuance of a special use permit pursuant to Article 18 Standards and Requirements for Special Uses provided that:
 - a. In the P-D District such uses shall be permitted only as part of a mixed use building or development in which no more than forty-nine percent (49%) of the combined floor area of a building or buildings within the development are utilized and shall be further regulated by the provisions of Section 1858. ***n/a property located in the General Industrial District***
 - b. At the time of application for a special use permit the marihuana facility must be licensed by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.
 - c. The use or facility must be at all times in compliance with Chapter 866 Medical Marihuana Facilities all other applicable laws and ordinances of the City of Manistee.
 - d. A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.
2. Marihuana Growers and Marihuana Processors. Marihuana growers and marihuana processors shall be subject to the following standards:
 - a. Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana production or marihuana processing.
 - 1) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - 2) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter (s) shall be rated for the applicable CFM.

- 3) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - 4) Negative air pressure shall be maintained inside the building.
 - 5) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - 6) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- b. All off-street parking shall be in compliance with Section 514 of this Ordinance.
 - c. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.
 - d. All exterior lighting shall be in accordance with Section 525 hereof.

BE IT FURTHER RESOLVED that the Special Use Permit for Marihuana Facility (Marihuana Grower) complies with the following conditions:

- ***The Special Use Permit will be void in the event that the applicant is unable to be licensed by the State of Michigan***
- ***The gas meter needs protection from cars by the installation of poles (bollards).***
- ***The shrubbery and wood between the tracks and the building needs to be cleaned up.***
- ***A knox box will need to be installed.***
- ***The Fire Department reserves the right to inspect and approve the building and its components.***
- ***The Fire Department needs access to the back of the building by either a drive, off the alley, to the back of the building with a gate, or a similar setup coming off the front. The drive would need to be maintained and accessible. The key for the gate could be in the knox box.***
- ***Cameras are to be on all four sides of the building to cover all of the grounds. This may require more than one camera per side as there is a lot of area.***
- ***Exterior lighting is to be installed on all four sides of the building. All should be activated by dusk, not by motion. Lighting is to comply with Section 525 of the Zoning Ordinance.***
- ***A security system is to be installed. Public Safety will review the proposed system prior to installation and inspect the system after installation.***
- ***The odor control system will be installed and shall include an activated carbon canister type system for exhaust air leaving the building. The City Engineer will have final review and approval of the system to ensure the proposed system filters are sized properly for the proposed air flow rates. However, upon operation, the owner will have to verify odors are not leaving the site and will be responsible to upgrade the system, if determined necessary, to reduce odors to an acceptable level.***
- ***Any concerns or outstanding items relating to the request by the City Engineer, DPW Director or Public Safety shall be address before the Special Use Permit can be issued and an updated set of plans be provided for the files.***

CITY OF MANISTEE PLANNING COMMISSION:

AYES:

ABSTAINING:

NAYS:

ABSENT:

MOTION:

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 May 3, 2018.

Marlene McBride, Secretary

Draft Resolution to approve Special Use Permit

City of Manistee
Planning Commission Resolution to Deny a
Special Use Permit, Case Number PC-2018-05
Special Use Permit for Marihuana Facilities (Marihuana Grower)
Lakeside Cultivation LLC
David and Nicholas Casebolt

At a regularly scheduled meeting of the City of Manistee Planning Commission held on May 3, 2018, the following resolution was adopted to deny a Special Use Permit for Marihuana Facilities (Marihuana Grower).

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

WHEREAS, on April 2, 2018 a request was received from Lakeside Cultivation LLC (David and Nicholas Casebolt) for a Special Use Permit for Marihuana Facilities (Marihuana Grower), and

WHEREAS, Marihuana Facilities are permitted as a Special Use in the General Industrial District, and

WHEREAS, 160 Tenth Street is located in the General Industrial District, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the request on May 3, 2018, 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 1851 Marihuana Facilities of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. A marihuana grower, marihuana processor, marihuana secure transporter, and marihuana safety compliance facility, in accordance with the provisions of state law, may be permitted through the issuance of a special use permit pursuant to Article 18 Standards and Requirements for Special Uses provided that:
 - a. In the P-D District such uses shall be permitted only as part of a mixed use building or development in which no more than forty-nine percent (49%) of the combined floor area of a building or buildings within the development are utilized and shall be further regulated by the provisions of Section 1858. ***n/a property located in the General Industrial District***
 - b. At the time of application for a special use permit the marihuana facility must be licensed by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.
 - c. The use or facility must be at all times in compliance with Chapter 866 Medical Marihuana Facilities all other applicable laws and ordinances of the City of Manistee.
 - d. A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana , may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.
2. Marihuana Growers and Marihuana Processors. Marihuana growers and marihuana processors shall be subject to the following standards:
 - a. Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana production or marihuana processing.
 - 1) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.

- 2) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter (s) shall be rated for the applicable CFM.
 - 3) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - 4) Negative air pressure shall be maintained inside the building.
 - 5) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - 6) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- b. All off-street parking shall be in compliance with Section 514 of this Ordinance.
 - c. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.
 - d. All exterior lighting shall be in accordance with Section 525 hereof.

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

CITY OF MANISTEE PLANNING COMMISSION:

AYES:

ABSTAINING:

NAYS:

ABSENT:

MOTION:

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 May 3, 2018.

Marlene McBride, Secretary

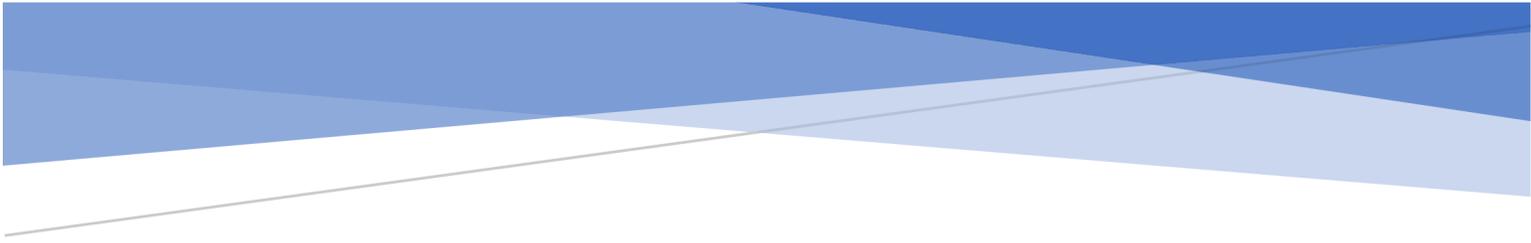


Planning Commission/Planning & Zoning
 City Hall
 70 Maple Street
 Manistee, MI 49660
 231.398.2805 (phone)
 231.723.1546 (fax)

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 30 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: 1100 Tenth Street Manistee, MI 49660	Parcel # 51-712-475-10	
Applicant Information		
Name of Owner or Lessee: David Casebolt & Nicolas Casebolt		
Address: 4837 Williams St., Montague, MI 49437		
Phone #: 231-740-9740	Cell#:	e-mail: montague3636@gmail.com
Name of Agent (if applicable):		
Address:		
Phone #:	Cell#:	e-mail:
Data Required/Project Information		
Land Area: .54 acres +/-	Zoning Classification: General Industrial	
Present/proposed Land Use: Contractors Facility		
Attach a Detailed Narrative for the following		
<input type="checkbox"/>	A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.	
<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.	
<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.	
<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.	



SPECIAL USE PERMIT APPLICATION

Marihuana Grower
Lakeside Cultivation LLC
160 10th St. Manistee, MI 49660
Lakeside Cultivation LLC ID: 802177496

Abstract

This application is to obtain a special use permit for a Michigan Marihuana Grower facility, Lakeside Cultivation LLC, located in the General Industrial zoning of Manistee Michigan.

Nicolas Casebolt
02/24/1990
4837 Williams St.
Montague, MI 49437
Montague3636@gmail.com
(231)740-9740

David Casebolt
03/29/1964
1583 Anchor Ct.
Whitehall, MI 49461
djcasebolt@outlook.com
(231)670-1358

The Michigan Medical Marihuana Grower permit will adopt the reasonable restrictions to protect the safety and public health of the entire community of Manistee. Character of the neighborhood surrounding will not be adversely affected in any way from our facility. This marihuana facility, Lakeside Cultivation LLC, will maintain its single location and will be licensed under all operations of the Medical Marihuana Facilities Licensing Act. Being authorized under this special use permit will entitle Lakeside Cultivation LLC to cultivate, dry, cure, trim, and package the marihuana for sale to a processor or provisioning center. Compliance of this facility will be under the Michigan Medical Marihuana Act and understands the non-exemption at federal level.

The location of 160 Tenth Street, Manistee, MI 49660 will be appropriate for a Michigan Medical Marihuana Grower facility. This location is in the G-I General Industrial area of Manistee. The building is constructed of steel with a metal roof with 5,600 square feet suitable for a Marihuana Grower facility. This facility is conveniently located near Lake Manistee and is not immersed within the city or near open public locations. The closest public store front, Precision Appliance Service, is on High Street, which is still 528 feet or more from 160 Tenth street. Our facility is conveniently located on the corner of a side road that does not get a lot of traffic. Although there is a railroad that runs behind this facility, there is no stops near this location. The closest schools are Casman Academy, Lincoln School, and Manistee Catholic Central. None of these schools are within 1500 feet of the facility. Lincoln School and Casman Academy being the closest education buildings, are both 1,584 feet or more from the facility. Then Manistee Catholic Central is over 2500 feet from our location. Being that there are only a

few homes sharing the block on 10th street, this reflects very little public traffic activity near our location. This location also has both sewer and water as a public Manistee utility.

Lakeside Cultivation LLC projections for the operation will have no adverse effects upon the community or environment. Being that this building is already full developed, there is no need to currently change the structure of the facility. The previous equipped layout at this location will not change in respects to its boundaries and zoning. There will be no intentional soil erosion put in place by our doing, there is no reason to alter the environmental surroundings of this building at this time. Lake Manistee being near the building, shoreline protection will be closely watched and monitored from our location. The railroad track running next to our location is closer to the lakes shoreline and will be influenced by it before our location must consider conservation methods. No lawn fertilizers or weed killers will be used on our property in case of run off to help prevent any contaminants within the lake and surrounding environment. This will help provide continual protection to the Manistee Lake's water quality, and shoreline. Due to required filtration within our facility, there will be no harmful particulates acquiring within the surrounding community. All operations within our facility will be contained and will be limited to the inside of the building. Being that everything will be behind doors, there is no adverse impacts on surrounding properties. There will be no negative effects from our building, located in the General Industrial District, onto adjacent residential areas. Filtration will be secure and consistent to maintain appropriate levels. There will be a secured fence surrounding the building for privacy and security purposes as well. The elevation of the building is also staying the same and no additional accessory buildings will be needed currently.

The land being used and the activities carried out at this location are all consistent with the current Manistee Zoning Ordinance. The grower facility will be confined to the existing designed building. The operations within the facility will not change the character of the area nor the surrounding environment. The building will continue to operate within the General Industrial District and will not disturb the future or current community in any way. The building is equipped with regular public facilities and services. The economic welfare of the community will not be negatively affected in any way by the addition of this marihuana grower facility. There will be no public cost to the community, all funding and equipping will be done by private investors. This facilities operation will not produce any detriments to the community or society. The facility is closed to the public and will not cause any excessive traffic volumes. The noise, vibration, smoke, fumes, and odors will all be contained within the building and will be constantly monitored. Everything within the facility is filtered with the most up to date systems so that no emissions arise within the building nor in the community.

At this time, we would enter into Phase 1 of the Medical Marihuana Grower, entitling us to a 500 plant grow. This can be comfortably confined within the remaining structure and will not require any additional room. After six months to a year of operation under Phase 1, we will progress into Phase 2 of growing. Phase 2 will allow us to grow up to 1500 plants and can also be controlled within the current structure.

Within the confines of our building, the cultivation method to be used will be seed in soil. The growing medium will stay consistent with soil in pots in correspondence to the plants growth. We will treat the grow facility the same as a hospital, cleanliness will be of the utmost importance. In doing so, we will not have the need to use any treatment chemicals that would

contaminate the product or pose as detrimental to the environment and consumer. Additives will be used as needed. The additives used at Lakeside Cultivation LLC will be only of the highest standards, they will be regularly tested for purity. Testing of our product will be done per a Safety Compliance Facility laboratory. The range of quality assurance tests will be done on our product at regular to make sure Lakeside Cultivation LLC is running at its highest potential. There will be a designated locked storage area for all grow additives and potential chemicals.

Being that our company is continually updated with all the regulations, there will be no reason for any additional production run offs or detriments from this facility. Overall Lakeside Cultivation LLC and its location will be unnoticed by the community as a marihuana grower facility and will rather be a perfect fit for a location of the special use permit. Use of the Michigan Medical Marijuana grow permit will fit perfectly into everything Lakeside Cultivation LLC stands for. We will maintain the character represented in the community and hold ourselves to the highest standards.

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**.

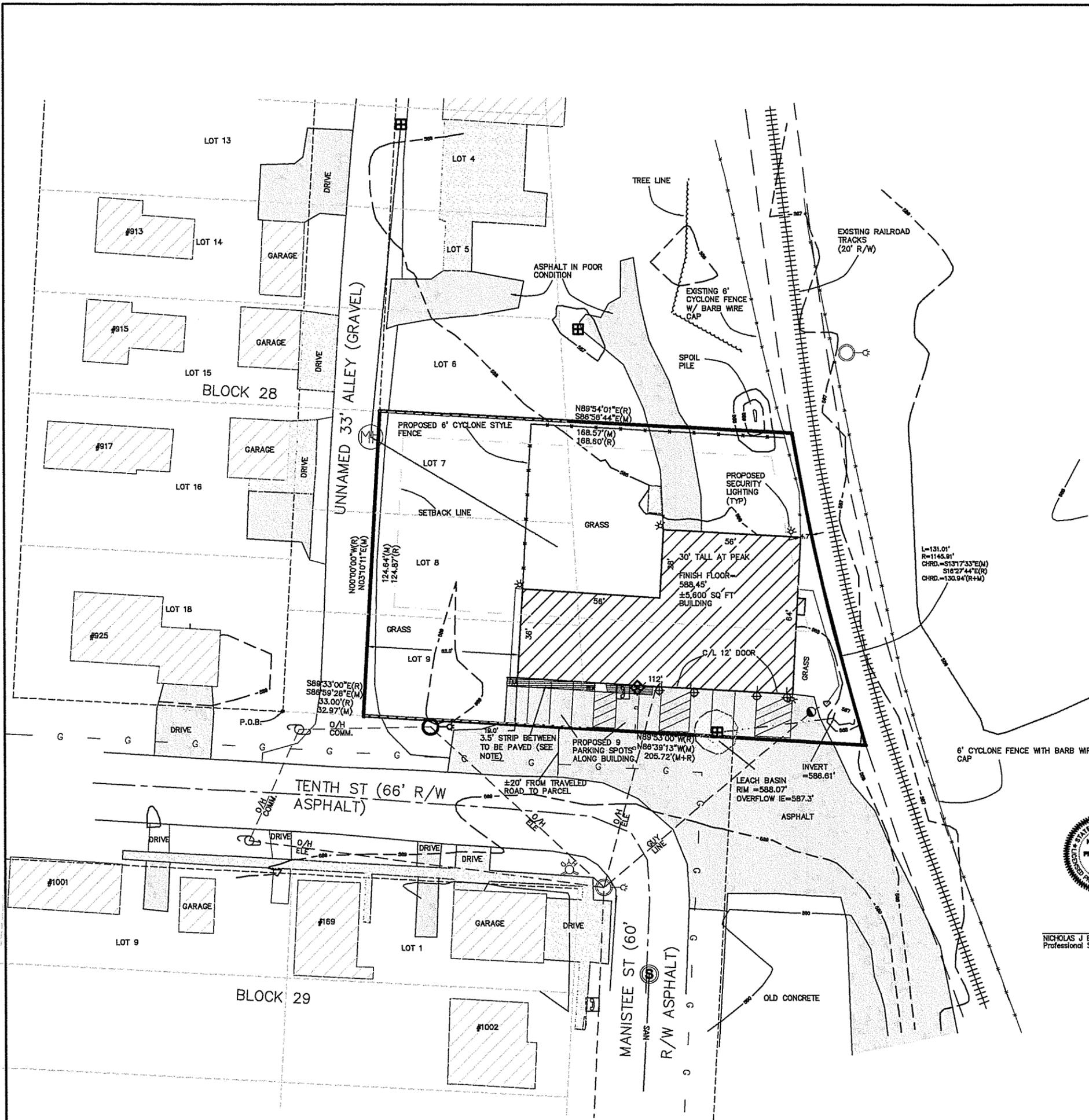
Signature: _____ Date: 3-19-18
 Signature: David Caselroff Date: 3-19-18

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 checked="" type="checkbox"/> \$750.00 <input type="checkbox"/> \$ _____	Escrow Payment	Receipt # <u>153746</u>
Date Received: <u>4-2-18</u>	Hearing Date: <u>5-3-18</u>	PC - <u>2018.05</u>



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

Part of Government Lot 4, Section 12, Town 21 North, Range 17 West and part of Lot 7, 8, and 9, Block 28, Map of the Freeland, City of Manistee, Manistee County, Michigan, bounded as follows: Commencing at the Southwest corner of said Lot 9; thence south 89 degrees 53 minutes 00 seconds East 33.00 feet along the South line of said Lot to the point of beginning; thence North 124.87 feet to the North line of said Lot 7; thence North 89 degrees 54 minutes 01 seconds East 168.60 feet along the North line of said Lot 7, extended to the Westerly railroad right of way; thence along said right of way along a curve to the left whose radius is 1145.91 feet a distance of 131.01 feet (chord bears South 16 degrees 27 minutes 44 seconds East 130.94 feet) to the South line of said Lot 9 extended; thence North 89 degrees 53 minutes 00 seconds West 205.72 feet to the point of beginning.
Parcel No.: 51-51-712-475-10

SUBJECT TO ALL AGREEMENTS, COVENANTS, EASEMENTS, RIGHTS-OF-WAY, RESERVATIONS AND RESTRICTIONS OF RECORD, IF ANY.

NOTES:
-BUILDING TO BE USED AS MARIHUANA GROWING FACILITY, NOT OPEN TO GENERAL PUBLIC
-BUILDING TO REMAIN LOCKED AND ENCLOSED AT ALL TIMES ACCEPT INGRESS AND EGRESS
-BUILDING SHALL HAVE AN ACTIVATED CARBON FILTRATION SYSTEM INSTALLED PER THE REQUIREMENTS PUT FORTH IN SECTION 1851 PART 2, MANISTEE CITY ZONING ORDINANCE.
-EXTERIOR OF BUILDING NOT TO BE MODIFIED BEYOND ADDING SECURITY LIGHTS.
-SECURITY LIGHTS WITH FOCUSING SHIELDS TO BE PLACED AS SHOWN. ALL LIGHTS WILL BE IN CONFORMANCE WITH SECTION 525 MANISTEE CITY ZONING ORDINANCE
-172' OF 6' CYCLONE FENCE TO BE INSTALLED AS SHOWN
-PARKING TO INCLUDE NINE (9) 9'X18' SPACES TO MEET MINIMUM PARKING REQUIREMENTS FOR FOUR EMPLOYEES AND FIVE VISITORS. (SEE NOTE ON DRAWING CONCERNING PROPOSED STRIPING AND ADDITIONAL PAVING) THE STRIPING WILL INCLUDE "NO PARKING" STRIPING IN FRONT OF OVERHEAD DOORS.
-ALL STRIPING TO BE DONE PRIOR TO OCCUPANCY
-PARKING STOPS TO BE PLACED 30' FROM BUILDING
-3.5' STRIP ALONG SOUTH SIDE OF BUILDING TO BE EXCAVATED AND FILLED WITH APPROPRIATE MATERIAL AND THEN PAVED WITH CONCRETE
-ALL TRANSFER OF MARIHUANA TO BE DONE INSIDE OF FACILITY WITH DOORS CLOSED
-ROADS SURROUNDING SITE DO NOT HAVE CURBS
-NO SIGNAGE TO BE DISPLAYED BEYOND BUSINESS ADDRESS
-CURRENT DRAINAGE TO REMAIN
-EASEMENT IN FAVOR OF MANISTEE GAS COMPANY (L.218 PG.447 MANISTEE COUNTY RECORDS) COVERS ENTIRE PARCEL
-ALL ELEVATIONS ARE NAVD '88

ZONED G-1 GENERAL INDUSTRIAL
SETBACKS
FRONT: 45'
SIDE: 10'
REAR: 10'
MAXIMUM LOT COVERAGE: 70%

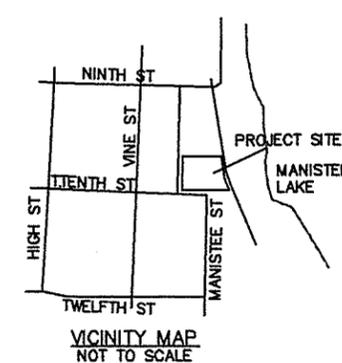
CURRENT IMPERVIOUS SURFACE:
8,463 SQ FT
36% COVERAGE

SITE AREA:
TOTAL:
23,280 SQ FT
0.53 ACRES

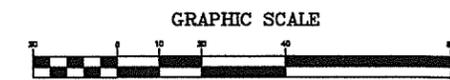
IMPERVIOUS SURFACE PROPOSED:
8,463 SQ FT 204' SQ FT = 8667' SQ FT
PROPOSED:
37% COVERAGE



NICHOLAS J. BATTJES
Professional Surveyor No. 65041



- Legend**
- IRON SET
 - IRON FOUND
 - (R) RECORD
 - (M) MEASURED
 - ▭ CATCH BASIN
 - ⊠ MAIL BOX
 - ⊕ GAS METER
 - ⊙ SOLID
 - ⊖ POWER POLE
 - ⊙ POWER POLE W/GUY WIRE
 - ⊙ TELEPHONE RISER
 - ⊙ STREET LIGHT
 - ⊙ FIRE HYDRANT ASSEMBLY
 - CENTERLINE
 - RIGHT-OF-WAY LINE
 - PROPERTY LINE
 - EXISTING CONTOUR W/ELEV.
 - EXISTING U.S. GAS LINE
 - ▨ EXISTING CONCRETE SURFACE
 - ▨ EXISTING ASPHALT SURFACE
- BASE OF BEARING: MICHIGAN STATE PLANE CENTRAL



Know what's below.
Call before you dig.

DATE OF PLAN: 02-15-18

For protection of underground utilities, the CONTRACTOR shall dial 1-800-482-7171 OR 811 a minimum of three working days, excluding Saturdays, Sundays and Holidays, prior to excavation in the vicinity of utility lines. All "MISS DIG" participating members will thus be routinely notified. This does not relieve the CONTRACTOR of the responsibility of notifying the utility owners who may not be part of the "MISS DIG" alert system.

PROJECT: 160 Tenth St
City of Manistee, MI 49860
Part of Govt. Lot 4, Sec. 12, T.21N., R.17W. and part of Lot 7, 8, & 9 Map of Freeland

CLIENT: Nicholas Casebolt
PURPOSE: SITE PLAN FOR CHANGE OF USE.

LAKE MICHIGAN SURVEYING, LLC

DATE: _____

FILE NO. 2018030
DWG. NAME: freeland_block28.dwg
SCALE: AS NOTED
DWN. NJB CHK. NJB
DATE 03/29/2018

1 OF 1



Memorandum

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

TO: Planning Commissioners

FROM: Denise Blakeslee
Planning & Zoning Director

DATE: April 26, 2017

RE: Thomas Amor Sr. and Good Shepherd Lutheran Church
Parcel Split and Combination Request

Commissioners, Mr. Amor owns the home at 303 Fifth Street and purchased the north 2,196.65 feet of the parking lot from Good Shepherd Lutheran church and obtained the necessary variances from the Zoning Board of Appeals to request a Special Use Permit for a duplex.

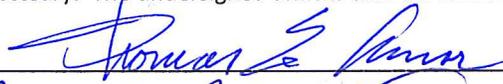
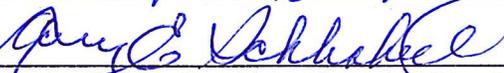
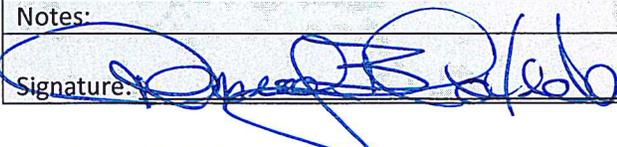
With the variance in place Mr. Amor is requesting a Parcel Split and Combination that will combine the north 2,196.65 feet from the parking lot (51-664-703-07) with 303 Fifth Street (51-664-703-01) as shown on the survey prepared by the Spicer Group Job #124374SG017.



Planning & Zoning, City Hall
 70 Maple Street
 Manistee, MI 49660
 231.398.2805 (phone)
 231.723.1546 (fax)

Parcel Split and/or Combination Request Form

Please Print

Parcel Combination Requirements	
<p>Any Split of a Parcel within the City of Manistee requires review and approval of the Planning Commission and City Council. Even if the Parcel contains platted lots approval is still required. Requests are reviewed for compliance with the Zoning Ordinance. If a request meets all of the requirements of the Zoning Ordinance it will be forwarded to the City Planning Commission. The Planning Commission reviews the request and makes recommendation to the City Council. Notification will be mailed to applicants regarding City Council's determination. Requests must include the fee of \$100.00 for the first split and \$50.00 for each additional split. Incomplete requests will be returned to the applicant. <i>Must be submitted 15 days prior to the Planning Commission meeting to be placed on the agenda. The City does not conduct a title search for the property.</i></p>	
<p>To update their property taxes the property owner should send a copy of the determination to:</p> <p style="text-align: center;">County Equalization Department 415 Third Street Manistee, MI 49660</p>	
<p>If the parcel involves a principal residence or homestead it is up to the applicant to notify the City Assessor at (231) 398-2802 to update their Homestead Exemption.</p>	
Property Information	
Address: 303 Fifth Street	Parcel # 51-664-703-07 & 51-664-703-01
Applicant Information	
Name of Owner: Thomas Amor Sr	Good Shepherd Lutheran Church
Address: 12449 Hopkins Forest DRive, Bear Lake, MI 49614 521 Cypress Street, Manistee, MI	
Phone #:	Cell#: 231.342.1133 e-mail: tom@imageproled.com
Project Information	
<p>Reason for Request: Split and combine parcels as shown on attached survey</p>	
Site Plan Requirements	
<p>The applicant is responsible to provide a survey and legal descriptions of the proposed parcels (unless waived by the Zoning Administrator). If buildings or structures are located on a parcel a site plan showing set-backs is required. Requests are reviewed for compliance with the Zoning Ordinance. The Zoning Administrator reserves the right to require additional information necessary to meet the requirements of the Zoning Ordinance.</p>	
Authorization	
<p>By signing the application the applicant is authorizing City Staff or Planning Commissioners permission to make site inspections as necessary. The undersigned affirms that the information included in this application is correct.</p>	
Signature: <u></u>	Date: <u>3-26-18</u>
Signature: <u></u>	Date: <u>3/28/18</u>
<input checked="" type="checkbox"/> Fee of \$100.00 for the first split and \$50.00 for each additional split enclosed and Site Plan for project attached (permit cannot be issued without site plan)	
Office Use Only	
Fee: \$ 100.00	Receipt # 153747
Notes:	
Signature: <u></u>	Date: <u>4-3-18</u>

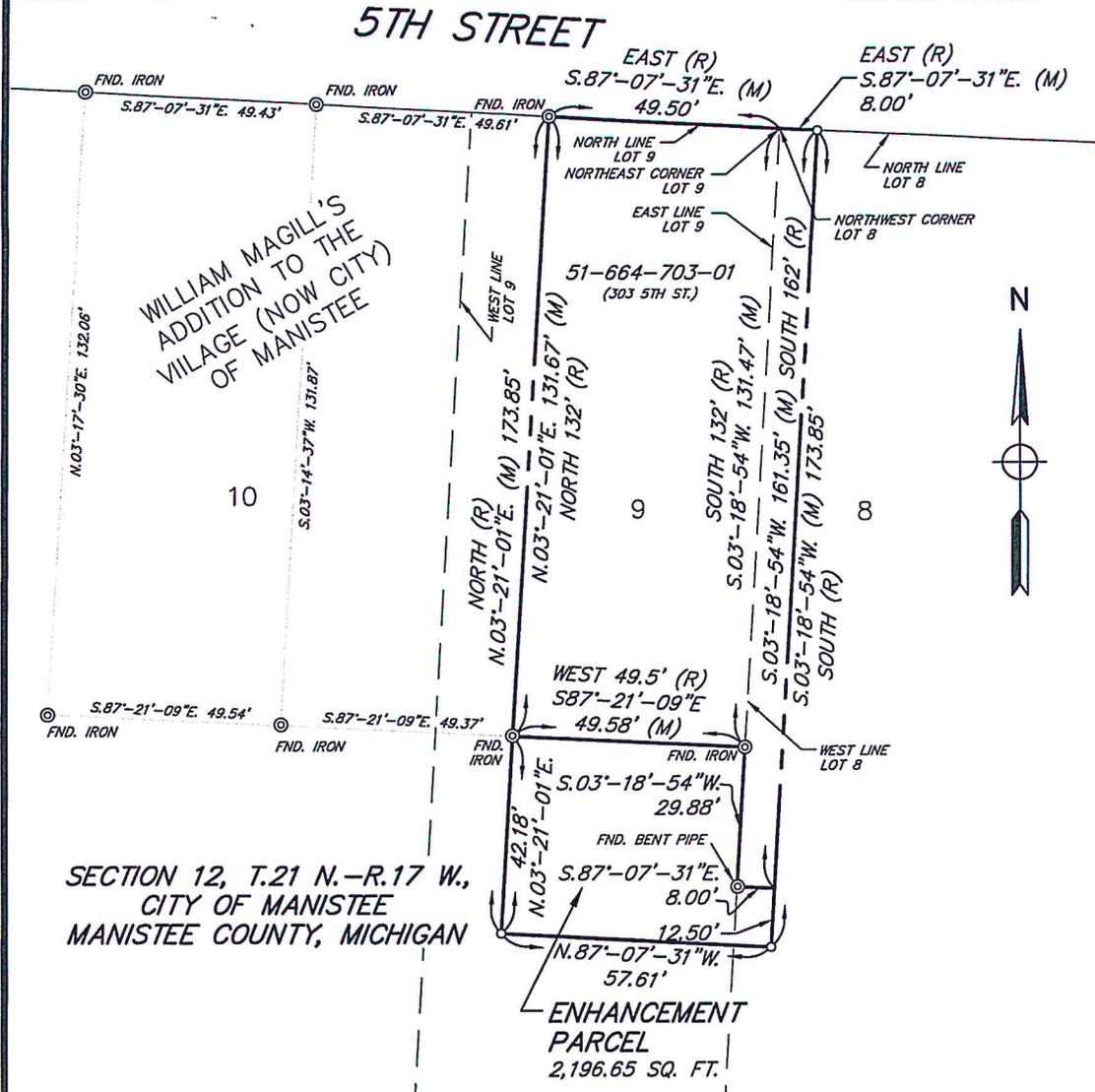
- (R) --RECORDED
- (M) --MEASURED
- ⊙ --FOUND SURVEY CORNER
- --SET 1/2" Ø REBAR W/ CAP No. 47944



Spicer Group
 302 River Street
 Manistee, MI 49660
 TEL (231) 794-5620

SCALE: 1" = 30'

DWG. NO.: JA-4690



SURVEY FOR: *Thomas Amor*
 12493 Hopkins Forest Drive
 Bear Lake, MI 49614

DATE: *March 16, 2017*

SURVEY OF:
 SEE SHEET 2 OF 2



I hereby certify that I have surveyed the parcel of land hereon shown and described.

By: *Patrick Bentley* Date: *1-17-18*
 Patrick G. Bentley
 Professional Surveyor No. 47944

DRAWN BY: MLU
 CHECKED BY: PGB

PLOT DATE: 01-17-18
 SHEET 1 OF 2

JOB#: 124374SG017
 DWG#: JA-4690

(R) -RECORDED
(M) -MEASURED
© -FOUND SURVEY CORNER
o -SET 1/2" Ø REBAR W/ CAP No. 47944



Spicer Group
302 River Street
Manistee, MI 49660
TEL (231) 794-5620

SCALE: 1" = 30'

DWG. NO.: JA-4690

SURVEY FOR: *Thomas Amor*
12493 Hopkins Forest Drive
Bear Lake, MI 49614

DATE: *March 16, 2017*

SURVEY OF:

51-664-703-01 (PER DEED RECORDED IN DOC. #2015R000128)

William Magill's Addition to the City of Manistee, County of Manistee, State of Michigan, Commencing at the Northeast corner of Lot 9; thence South, 132 feet; thence West, 49 1/2 feet; thence North, 132 feet; thence East, 49 1/2 feet to the point of beginning. Also the West 8 feet of the North 162 feet of Lot 8, according to the recorded plat thereof.

ENHANCEMENT PARCEL

Part of Lots 8 and 9, William Magill's Addition to the Village (now City) of Manistee, according to the recorded plat thereof, Manistee County Records, Section 12, T.21 N.-R.17 W., City of Manistee, Manistee County, Michigan, described as follows: Beginning at a point on the West line of Lot 8, which is 131.47 feet, S.03'-18'-54"W., of the Northwest Corner of said Lot 8; thence continuing S.03'-18'-54"W., on said West line, 29.88 feet; thence S.87'-07'-31"E., parallel with the North line of said Lot 8, 8.00 feet; thence S.03'-18'-54"W., parallel with said West line, 12.50 feet; thence N.87'-07'-31"W., parallel with said North line, 57.61 feet; thence N.03'-21'-01"E., 42.18 feet; thence S.87'-21'-09"E., 49.58 feet to the point of beginning, containing 2,196.65 sq. feet of land, more or less. Subject to any easements of record, if any.

COMBINED PARCEL

Part of Lots 8 and 9, William Magill's Addition to the Village (now City) of Manistee, according to the recorded plat thereof, Manistee County Records, Section 12, T.21 N.-R.17 W., City of Manistee, Manistee County, Michigan, described as follows: Commencing at the Northwest Corner of Lot 8; thence S.87'-07'-31"E., on the North line of said Lot 8, 8.00 feet; thence S.03'-18'-54"W., parallel with the West line of said Lot 8, 173.85 feet; thence N.87'-07'-31"W., parallel with the North line of said Lot 8, 57.61 feet; thence N.03'-21'-01"E., 173.85 feet to the North line of Lot 9; thence S.87'-07'-31"E., on said North line, 49.50 feet to the point of beginning, containing 10,005.39 sq. ft. of land, more or less. Subject to any easements of record, if any.



I hereby certify that I have surveyed the parcel of land hereon shown and described.

By: *Patrick G. Bentley*

Date: *1-17-18*

Patrick G. Bentley
Professional Surveyor No. 47944

DRAWN BY: MLU
CHECKED BY: PGB

PLOT DATE: 1-17-18
SHEET 2 OF 2

JOB#: 124374SG017
DWG#: JA-4690

Messiah Lutheran Church remainder description:

Parcel 51-664-703-07

William Magill's Addition to the City of Manistee, Lot 9 except the North 132 feet, also except the South 33 feet;

Also commencing at the Southwest corner of Lot 8 for a Point of Beginning, thence East 10 feet, thence North 102 feet, thence west 10 feet, thence South 102 feet to the POB

Also except part of Lots 8 and 9, William Magill's Addition to the Village (now City) of Manistee, according to the recorded plat thereof, Manistee County Records, Section 12, T.21 N.-R.17 W., City of Manistee, Manistee County, Michigan, described as follows: Beginning at a point on the West line of Lot 8, which is 131.47 feet, S.03°-18'-54"W., of the Northwest Corner of said Lot 8; thence continuing S.03°-18'-54"W., on said West line, 29.88 feet; thence S.87°-07'-31"E., parallel with the North line of said Lot 8, 8.00 feet; thence S.03°-18'-54"W., parallel with said West line, 12.50 feet; thence N.87°-07'-31"W., parallel with said North line, 57.61 feet; thence N.03°-21'-01"E., 42.18 feet; thence S.87°-21'-09"E., 49.58 feet to the point of beginning, containing 2,196.65 sq. feet of land, more or less.

Containing approximately 9,811 square feet with approximately 74 feet of frontage along Magill Street