

# MANISTEE CITY PLANNING COMMISSION

70 Maple Street  
Manistee, MI 49660

## MEETING MINUTES

March 2, 2006

A Meeting of the Manistee City Planning Commission was held on Thursday, March 2, 2006 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

**MEMBERS PRESENT:** Maureen Barry, Ben Bifoss, Tamra Buswinka, Dave Crockett, Greg Ferguson, Ray Fortier, Tony Slawinski and Roger Yoder

**MEMBERS ABSENT:** Sara Bizon

**OTHERS:** Chuck Canestraight (Sand Products Corporation), Richard Raines (8 Cottage Lane), Joe Drolett (322 Lakeshore Drive), Jeannie Lewis (816 Robinson Street), Bob Strohs (332 Lakeshore Drive), Gini Pelton (329 First Avenue), Cyndy Fuller (Harbor Village - 100 Marina Drive), Robert Mikula (Former resident), Mark Sandstedt (503 Seventh Street), Kathy Fenstermacher (302 Fourth Avenue), Scott Pelton (329 First Avenue) Jim Courtright (306 St. Mary's Parkway), Brian Chick (276 First Avenue), Bob Ryan (Harbor Village Resident), Bob Brook (352 Lakeshore Drive), Carol Pasco (610 Spruce Street), Jackie Ryan (28 Cottage Lane), Don Haney (328 Lakeshore Drive), Bob Riker (312 Dunes Drive), Nancy Lyon (280 Lighthouse Circle), Jon Rose (Community Development), Denise Blakeslee (Planning & Zoning) and Others

Meeting was opened at 7:00 p.m. by Chairman Yoder.

Welcome New Planning Commission Members Ben Bifoss and Dave Crockett.

Chairman Yoder asked if there were any members who had a conflict of interest regarding any items on the agenda. Mr. Bifoss declared a conflict of interest regarding the request from Sand Products Corporation and will be abstaining from deliberations and voting on the request.

### PUBLIC HEARING:

#### Sand Products Corporation

Commissioner Bifoss went to sit in the audience.

On February 2, 2006 Sand Products Corporation requested a Sketch Plan Review for an Amendment to their Planned Unit Development at Man Made Lake. At a Meeting on February 16, 2006 the Planning Commission deemed the Site Plan Complete and scheduled a Public Hearing for March 2, 2006.

Sand Products Corporation is requesting an Amendment to their Special Use Permit that would allow the addition of a Phase 3 development. This phase would be located on the Northwest portion of Man-Made Lake. Their proposal is to develop five building sites.

Jon Rose, Community Development Director - Mr. Rose gave a report on the History of Man Made Lake and the duties of the Planning Commission. The report included the following:

- ▶ With the exception of one parcel Sand Products Corporation has owned the property involved in this Planned Unit Development request for decades.
- ▶ The City of Manistee entered into a Lease Agreement with Sand Products Corporation on September 5, 1995 to "*...provide public access to...and around Man Made Lake...*"
- ▶ On February 15, 1996 the Planning Commission approved a proposed site plan for Man Made Lake Access and parking. Manistee Village Partners (Harbor Village) agreed to sell 30 feet of property at the north end of the City for access to Lake Michigan (North Beach Access). The selling price of \$30,000 was donated to the City by Manistee Village Partners (Harbor Village) for the constructing access and parking at Man Made Lake.
- ▶ July 16, 1997 the City of Manistee purchased the Axce Property (Lots 8, 9, and 10, Block Four Kings Addition to the City of Manistee).
- ▶ October 20, 1998 the City of Manistee purchased the Janowiak Property (Lots 3 & 4, Block Four King's Addition to the City of Manistee).
- ▶ In March of 2003 Sand Products Corporation came before the Planning Commission requesting approval for a Planned Unit Development on Man Made Lake.
- ▶ Concurrently the City Council and Sand Products Corporation entered into two agreements to consolidate properties and provide public access. Agreements were signed April 15, 2003.
- ▶ This reconfiguration allowed the addition of one buildings site in Phase 1. The Planning Commission approved this as a minor non-substantive change in May of 2003. The Approved Planned Unit Development included a Phase 1(10 building sites) and Phase 2 (6 building sites). Please note that the Planning Commission did not require the layout of the lots in Phase 2. The developer will need to come back to the Planning Commission in the future for building site approval.
- ▶ Due to a moratorium on sewer extension by the State of Michigan. The Special Use Permit for the Planned Unit Development will not go into effect until the sewer moratorium is lifted.
- ▶ Sand Products Corporation submitted an application on January 25, 2006 requesting an amendment to their Planned Unit Development. This request is for Phase 3 (5 building sites). The developer has shown two site plans using the current and a projected Erosion Hazard Line.

- ▶ On February 2, 2006 Sand Products Corporation requested a Sketch Plan Review for an Amendment to their Planned Unit Development at Man Made Lake. Review of the plan identified some items that had been omitted.
- ▶ On February 16, 2006 the Planning Commission deemed the Site Plan Complete and scheduled a Public Hearing for March 2, 2006.
- ▶ Notices were mailed on Friday, February 17, 2006 to all the owners and occupants of properties within 300 feet of the proposed development. An ad was placed in the Manistee News Advocate on Saturday February 18, 2006.

The duty of the Planning Commission is to review applications for compliance with the Zoning Ordinance. In the case of a Planned Unit Development the Planning Commission has the authority to adjust dimensional requirements to create larger open spaces or other elements benefitting the Community. The Planning Commission cannot deny a request which meets the requirements of the Zoning Ordinance.

Chuck Canestraight, Sand Products Corporation - Mr. Canestraight spoke of the proposed development. His discussion included:

- There is a 66' right-of-way that the City of Manistee owns from Dunes Drive to Lake Michigan north of their property. There is a sheetpile structure that is located on Lake Michigan that is City owned not part of Sand Products Corporation property.
- Spoke of the lower water levels and the change in the berm, the height has increased thru accretion.
- Spoke of the survey line on the site plan and that the property west of the line shows the easement to the City for public access on the Lake Michigan Shoreline. The proposed street is east of the survey line.
- The Site Plan does not show the lots for Phase 1 development but includes all of the property exchanges.
- Spoke of the Lease and how this allowed public use of the property.
- There is a lot of use of the Man Made Lake area in the Phase 2 development area. They are trying to be mindful of that use when laying out the lots in the Phase 3 development.
- The proposed road is private and will be developed and maintained by the owners.

- Layout shows five building sites that meet the requirements of the R-1 Residential Zoning District. The current Zoning Ordinance has a 50ft waterfront set-back while the new Zoning Ordinance has a 100 ft waterfront set-back.
- The entire length of the property in Phase 3 is designated as High Risk Erosion. The placement of the building sites in the first site plan reflects the current erosion line. The second depicts what could be a more favorable erosion line that may be possible in the future. The second depiction would allow for wider view corridors. They have attempted to be mindful to Open Space within their proposal.
- They are asking for less density than they are allowed under the requirements of the R-1 Zoning District. In addition to meeting City requirements they would be limited under the State regulations for High Risk Erosion to 2,500 sq feet in building area and would have to meet specific guidelines.
- They ask that the City consider permitting the development of Phase 3 under the current Zoning Ordinance Standards, using the R-1 set-backs, limiting to five building sites and limited to future line of active erosion.
- The Public use of Man Made Lake and the public easement has been of significant importance to the community. Phase 2 development would be mindful during development.

Mr. Canestraight closed by saying they believe there would be significant work with the Planning Commission at future meetings and worksessions. They will be listening to the concerns of the public.

Richard Raines, 8 Cottage Lane - Mr Raines spoke of the original request for Phase 1 & Phase 2 development. He felt there was a clear message given to save Man Made Lake from development. There were a number of students who showed up with a banner at a meeting to save Man Made Lake. This was a clear message from the youth, the future of our community. Would the amount of revenue from the development of this property make up for the loss of future public use of the property? What part will the Planning Commission play? Man Made Lake should be saved for future public use. The Planning Commission has a stewardship responsibility to preserve this area. People will watch carefully the decision of the Commission. Do not make mistakes of the past. Not only Manistee People use the lake. Please explore all possibilities, look at options to purchase, delay action if possible, look for grants and bond opportunities. Future generations will thank you. Mr. Raines submitted information (attached) with the recording secretary (Save our Lake, Help Save Man-Made Lake!, Save our Beaches).

Joe Drolett - 322 Lakeshore Drive - Mr. Drolett is a non-voting resident and the Supervisor of Delta Township. He said that the Planning Commission has stewardship responsibilities to preserve this area. He enjoys the view of Man Made Lake and the public use of the lake. Lakes rise and dunes are sensitive, this is not a natural dune it was constructed by using snow fencing and the planting of beach grass. The

Planning Commission needs to deal with the technical and emotional issues. He does not agree with statements the developer made on their application. The future property owners would prohibit public use of the lake, they would not allow parties, fishing tournaments or public use of the lake. The dune is growing because of actions by the developer, where would the view corridors be? In all fairness Harbor Village residents pay a lot of taxes and they should not have their views blocked.

Jeannie Lewis, 816 Robinson Street - Mrs. Lewis's husband was a previous City Manager. She spoke of the concerns the community expressed when Harbor Village was developed. The community was promised that development would not effect the use of Fifth Avenue Beach or Man Made Lake.

Bob Strohs, 332 Lakeshore Drive - Mr. Strohs has been a resident for 12 years. He has mixed emotions of the development on the berm. Development would block a portion of his view, but by developing it would essentially make Man Made Lake private. There are parties until 12:00 at night and he handles the noise by shutting his windows and turning on the air conditioner. Man Made Lake is the last clean body of water in the area which allows two additional months of swimming a year in the community. By allowing this development the City would be creating its own "Little New Orleans". He did research at the Library and found articles about the erosion by the beach house in the 1950's and spoke of the efforts of the City to install stones to prevent further erosion. There have been periods as recent as the 1980's early 1990's were erosion and high water was a great concern. The City needs to decide what is more important taxes or saving this last swimming hole in the community. Mr. Strohs submitted a copy of a newspaper article from 3-5-52 to the recording secretary (attached).

Gini Pelton, 329 First Avenue - Ms. Pelton had submitted a letter to the editor expressing her concerns about the development around Man Made Lake. Ms Pelton spoke of how happy there was such a large turnout this evening. Ms. Pelton asked if the Ad Hoc Committee was still active that was formed after the first request from Sand Products Corporation was made? She had heard that the developer had not come up with a cost to sell the property. The timing of asking for these requests during the month of February is unfair to the neighboring property owners who do not live here this time of year. She spoke of her letter that included the loss of the dunes, the division of Fifth Avenue and the Industrial park. This is not a dead issue she wants another public hearing when more people are in town and the weather is nicer.

Cyndy Fuller, Harbor Village, 100 Marina Drive - Ms. Fuller spoke of when they did boat shows downstate and how many people knew about Man Made Lake. These people spoke of how the depth was between 30 and 150 feet. People think the lake is owned by the City, but the lake is privately owned and the developer has development rights. She asked about the site plan; where are the sanitary, storm and other utilities located? The private road is located in the High Risk Erosion area would the utilities be located in the High Risk Erosion area? She has a concern about the possible location of these utilities; would their location in the High Risk Erosion area present a concern for public health, safety and welfare? Would the Planning Commission approve the request contingent upon receipt of Corp of Engineer and State

permits? The Planning Commission proposed the change to 100 feet for the Waterfront set-back in the new ordinance because it was important. Which ordinance will the Planning Commission use for this request? Is there justification for using the current ordinance? Will the Planning Commission be setting a precedence? While development of the Harbor Village Planned Unit Development it was important to the community to preserve views and access. Harbor Village had restrictions on their development to allow public access to Man Made Lake. The impact on adjoining properties resulted in lower height limitations in the Cottage area to 25 feet and modifications of the side-yard set-backs.

Robert Mikula, former resident - Mr. Mikula spoke of the history of the area when in 1986 the water level was so high that it was over the Fifth Avenue Parking lot almost to Lakeshore Drive. The berm currently exists because sand was pumped there. High water will happen again.

Mark Sandstedt - 503 Seventh Street - Mr. Sandstedt grew up in Manistee and has moved his family back here to live. Mr. Sandstedt feels strongly about tradition and feels that Man Made Lake is a tradition of Manistee. Public perceives Man Made Lake as City Property while Sand Products Corporation is the owner. Sand Products Corporation primary operations are Sand Mining and Shipping not developments. Mr. Sandstedt is not anti-development Manistee must have development to grow and prosper. Why doesn't Sand Products develop their property on Manistee River instead of Man Made Lake? It is hard not to mix facts and emotions, it would be nice to negotiate in good faith so the City could acquire this property that the Citizens hold dear. He does not want to deny anyone their development rights.

Kathy Fenstermacher, 302 Fourth Avenue - Ms. Fenstermacher grew up at 328 Fifth Avenue. She does not envy the Planning Commission their position. The concerns expressed earlier about the Road, Storm, Sewer and waterlines were good points and she hopes the Planning Commission takes that under advisement. The Planning Commission needs to take into consideration the stability of the berm, environmental issues, and endangered species while making their decision.

Scott Pelton, 320 First Avenue - Mr. Pelton has lived at the cal-du-sac at the end of First Avenue for 14 years. Their view was blocked by the development of Harbor Village. They ask that the Planning Commission take action to preserve open space and focus on the future for our children. He understands that this is a huge tax base and thinks that Harbor Village residents pay enough in taxes that their view should be preserved. He previously lived in South Haven and it is now hard pressed to see any of the lake because of development. He would greatly appreciate the preservation of open space.

Jim Courtright - 306 St. Mary's Parkway - Mr. Courtright swims in Man Made Lake every day in the summer. The most desirable area to swim in the North, Northeast and Northwest part of the lake the Southern end is too shallow for swimming and not desirable for public use. He is now retired and has owned his property since 1985. He would hate to not be allowed to swim in Man Made Lake.

Brian Chick, 276 First Avenue - Mr. Chick has lived here for 47 years. He has been swimming in Man Made Lake since the 1960's. He remembers how the lake was formed by the Sand Company removing the sand for sale. There is a marker on the property and you can see how sand has formed around the marker. What impact will houses have on the property with they rip the dune apart? He would like to see Man Made Lake is it is.

Bob Ryan, Harbor Village resident - Mr. Ryan said to look at the map and see how the private road would prevent anyone from accessing Man Made Lake from Lake Michigan. It would be better if the road was public for people to use to park and access the beach. He was impressed with the Open Space and the good job that was done in planning Harbor Village. This planning allows public access where the proposed development would block it off.

Bob Brook, 352 Lakeshore Drive - Mr. Brooks submitted a letter but would like to remind people that Sand Products Corporation mined the sand and hauled it away for profit. The Corps of Engineers used sand from the City and others to replaced the sand they mined. How deep does property go? When the Corp dredged and used sand from public property to rebuild that part of the beach does that not make the rebuilt area public? Sand Products Corporation has used public assets for private use. They installed fences that collect sand from our beach using our assets for their private use.

Carol Pasco, 610 Spruce Street - Ms. Pasco asked how wide was the berm?

Jackie Ryan, 28 Cottage Lane - Ms. Ryan asked if the road was going to be gated or semi private?

Don Haney, 328 Lakeshore Drive - He purchased his property in 1993 when there were only two buildings. There was great apprehension that Harbor Village would cut off access to Man Made Lake. This project would shut of access to Man Made Lake and obstruct views. This development would take away a treasure of the community that has been there for many years.

Bob Strohs, 332 Lakeshore Drive - Mr. Strohs asked if the line of vegetation determines the set-back, could it be determined before or after the snow fences and hand planting had been done? Is not the developer moving the set-back line by their own actions?

Bob Riker, 312 Dunes Drive - Mr. Riker is concerned about the road and stability of the dune. If the water rises will the owners build sea walls to protect their property? How would that effect access? Why are they wanting to develop phase 3 before phase 1 or 2?

Chairman Yoder asked if there were any other public comments. Correspondence had been received and was read into the record (copies attached).

Robert Brook, 352 Lakeshore Drive  
Jim & Leslie Genova, 318 Lakeshore Drive  
Devere & Janet Elgas, 312 Lakeshore Drive  
Frank & Becky Balluf, Cottage #2  
Fred & June Pallottini, 466 Third Street  
Christa Johnson-Ross, 739 Canfield Lake Road  
Neil Dueweke, 320 Lakeshore Drive

Chairman Yoder asked if there was any additional public comment.

Richard Raines, 8 Cottage Lane - There were many comments this evening and at previous meetings regarding this request. The community has sent a strong message to the Planning Commission, take the proper time to process the request, review the moral, technical and personal issues relating to the request. Consider the amount of people who utilize this area.

Nancy Lyon, 280 Lighthouse Circle - Mrs. Lyon spoke of the impact that they experienced on their property on Portage Lake. They had to install an unsightly sea wall to protect their property from the high water. There is no way to control the water level. People who were to purchase these lots would need to know how fragile that property is before they purchased it. Portage Lake limits the public access to two sites the remainder of the lake is private. Man Made Lake is in the hearts of the community please keep that in that in mind while making your decision.

Chairman Yoder again asked if there were any public comments.

Mr. Rose responded to some of the questions that were asked earlier in the evening.

- ◆ Mr. Rose showed where the City owned property is located around Man Made Lake.
- ◆ The Planning Commission has no control over when an application is filed. They must respond to applications when received.
- ◆ Noticing is mandated by State Law. Public hearings require not less than 5 days notice or more than 15 days notice. The notices for this meeting were mailed out 14 days prior to the meeting, the day after the meeting had been set by the Planning Commission.
- ◆ He is awaiting an opinion from the Attorney as to what Zoning Ordinance would apply to the request with the new ordinance going into effect on March 27, 2006.

- ◆ The Ad Hoc Committee for Man Made Lake has reconvened. Mr. Yoder asked if any members were in attendance. There were several members in attendance by a show of hands.
- ◆ How should the Planning Commission address the outside agency permitting requirements. Mr. Rose said that they would be required prior to construction as a condition of the permit or the Planning Commission could ask for the permits to be in place prior to processing the request.
- ◆ The applicant has not indicated where the utilities would be located on the Site Plan. If the utilities are constructed in the High Risk Erosion area the DEQ might also have requirements where they would be allowed.
- ◆ The developer was asked if the road would be gated or semi-private. He was not able to answer that question at this time just indicated that they intended for the road to be private.
- ◆ Planning Commission shall take action within 60 days following the public hearing (March 2, 2006) on the application, unless the applicant and Planning Commission mutually agree to extend the time.

There being no further discussion the Public Hearing was closed at 8:40 p.m.

#### **APPROVAL OF MINUTES:**

Planning Commission Special Meeting/Worksession of February 16, 2006

Commissioner Bifoss returned to his seat

MOTION by Ray Fortier, seconded by Tony Slawinski that the minutes of the February 16, 2006 Planning Commission Special Meeting/Worksession be approved.

With a roll call vote this motion passed 8 to 0.

Yes: Barry, Buswinka, Ferguson, Fortier, Bifoss, Slawinski, Crockett, Yoder  
No: None

#### **NEW BUSINESS:**

Sand Products Corporation

A Public Hearing was held earlier in the evening in response to a request from Sand Products Corporation for an Amendment to their Special Use Permit that would allow the addition of a Phase 3 development. This phase would be located on the Northwest portion of Man-Made Lake. Their proposal is to develop five building sites.

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Planning Commission Special Meeting/Worksession of February 16, 2006

Commissioner Bifoss returned to his seat

MOTION by Ray Fortier, seconded by Tony Slawinski that the minutes of the February 16, 2006 Planning Commission Special Meeting/Worksession be approved.

With a roll call vote this motion passed 8 to 0.

Yes: Barry, Buswinka, Ferguson, Fortier, Bifoss, Slawinski, Crockett, Yoder  
No: None

#### NEW BUSINESS:

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A Public Hearing was held earlier in the evening in response to a request from Sand Products Corporation for an Amendment to their Special Use Permit that would allow the addition of a Phase 3 development. This phase would be located on the Northwest portion of Man-Made Lake. Their proposal is to develop five building sites.

Motion by Ray Fortier, seconded by Maureen Barry that discussion by the Planning Commission wait until the March 16, 2006 Worksession at 6:00 p.m.

With a roll call vote this motion passed 7 to 0 with Ben Bifoss Abstaining

Yes: Ferguson, Barry, Fortier, Crockett, Buswinka, Yoder, Slawinski

No: None

#### UNFINISHED BUSINESS:

None

#### OTHER COMMUNICATIONS:

The new Zoning Ordinance will go into effect on March 27, 2006. Special Use Permits require that the Planning Commission review the application, deem it complete and set the date of the Public Hearing. Two applicants would like the Planning Commission to review their request.

MOTION by Ray Fortier, seconded by Tamara Buswinka that a Special Meeting be scheduled for the March 16, 2006 Worksession.

With a roll call vote this motion passed 8 to 0.

Yes: Fortier, Buswinka, Bifoss, Yoder, Slawinski, Crockett, Barry, Ferguson

No: None

Dave Crockett will not be able to attend the March Worksession/Special Meeting because he will be out of town. Mr. Crockett will be excused from the March 16, 2006 Worksession Special Meeting.

Ben Bifoss informed the Planning Commission that he is an employee of the Abonmarche Group. He will need to declare a conflict when items are submitted by his employer.

#### CITIZEN QUESTIONS AND CONCERNS:

None

**WORK/STUDY SESSION:**

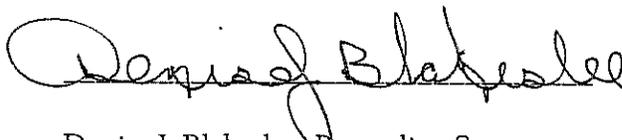
The Planning Commission will hold their next Worksession/Special Meeting at 6:00 p.m. on Thursday, March 16, 2006 in the Council Chambers, City Hall.

**ADJOURNMENT:**

MOTION by Tony Slawinski, seconded by Ray Fortier that the meeting be adjourned. Motion passed unanimously.

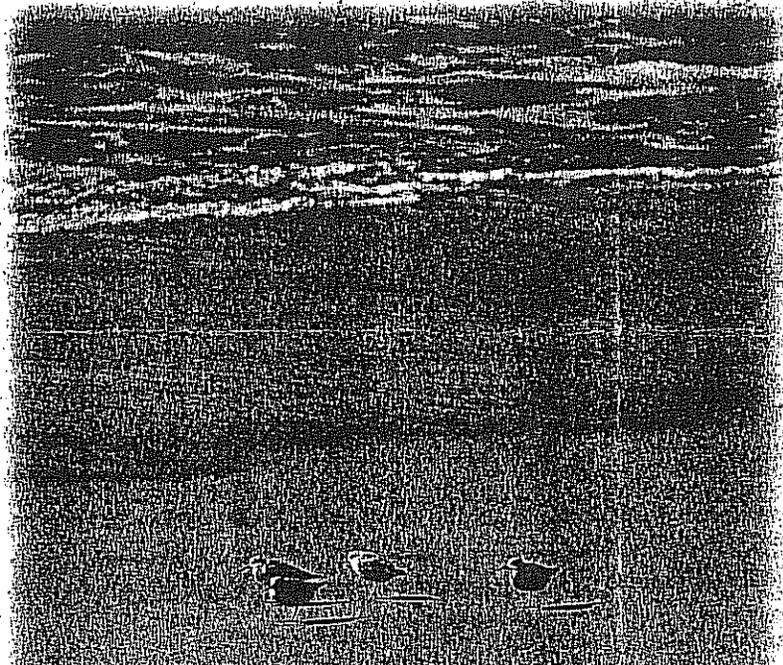
MEETING ADJOURNED AT 8:57 P.M.

MANISTEE PLANNING COMMISSION

A handwritten signature in cursive script that reads "Denise J. Blakeslee". The signature is written in black ink and is positioned above the printed name.

Denise J. Blakeslee, Recording Secretary

# Save Our Lake!



**We are about to lose our lake!**

For several months, Sand Products Corporation has been negotiating a property transaction with the City intended to lead eventually to housing that will terminate the access of city residents to all but a small portion of Man-made Lake.

The compact between Sand Products Corporation and City of Manistee will have major consequences for public access, water and sand pollution, and overcrowded development.

## What Can We Do?

The Tuesday, March 18th (7:30 p.m.) council meeting at City Hall can be your sounding board.

Previously Sand Products offered to sell this land to the City. There are public grants available to the City to help purchase this property, and other revenues can be pursued. It seems that the City government prefers development of this precious resource as opposed to creating a public park which the City Fathers have recently fallaciously stated are in over abundance in our outdoor community. As residents of this city we are blessed. We still have access to our lakes and beaches.

**Let's work together to keep them!**



# HELP SAVE MAN-MADE LAKE!

Are you aware of two extremely important issues?

- the development of Man-Made Lake
- the future development of the dune area between Man-Made Lake and Lake Michigan

Your City Council is considering giving Sand Products, Inc. approval to develop Man-Made Lake as a Planned Unit Development of 15 single-family homes. The Lake Michigan dune on the west side of Man-Made Lake may also be developed in the future. If approved, these actions will significantly reduce your access to Man-Made Lake. No longer will you and your families be able to enjoy the lake as you have in the past. *A family tradition will disappear forever!*

**The City previously declined to purchase this land from Sand Products.**

A group of concerned citizens have received a promise of funding from a well-known private foundation to assist the City of Manistee in purchasing this property from Sand Products to preserve Man-Made Lake in its natural state for continued public recreation. There may be more grants available, but more time is needed to secure them. Ask your City Council to allow time for this plan to succeed.

If you care, you must let your city government know your concerns! It is very important that you attend the **City Planning Commission** meeting scheduled for **Thursday, April 3, 2003, at 7:00 p.m.** and the **City Council** meeting, scheduled for **Tuesday, April 15, 2003, at 7:30 p.m.** (both meetings will be held in the Manistee City Hall). If you cannot attend, at least **Voice Your Opinion!** We have a **Jewel** in our midst. **Don't give it away by not speaking out!**

Call your Councilwoman, Kathy Fenstermacher, at 723-3027

Call your City Manager, Mitch Deisch, at 723-2558

Call your Mayor, Richard Mack, at 723-6830

Calls may also be made to other members of the City Council. A complete listing is given below:

Council Member	District	Address	Phone
Neil Assante	First	525 Ninth Street	231.723.1495
Kathy Fenstermacher	Second	302 Fourth Avenue	231.723.3027
Bob Hornkohl	Third	432 Cedar Street	231.723.6645
Robert Goodspeed	Fourth	301 Cypress Street	231.398.9501
William Shales, Mayor Pro-Tem	Fifth	369 Second Street	231.723.4093
Richard Mack, Mayor	Sixth	376 Twelfth Street	231.723.6830
Alan W. Marshall	Seventh	914 Vine Street	231.723.6065



# Save Our Beaches

## PEOPLE OF MANISTEE

Are you aware of two extremely important issues:

1. The development of Man Made Lake
2. The future development of the dune area between Man Made Lake and Lake Michigan.

Your city council is considering giving Sand Products, Inc. approval to develop Man Made Lake with single family home sites and allowing Sand Products, Inc. to build up the dune for additional development totaling 15 single-family home sites. This action will seriously limit your access to the beaches, leaving only 200 feet of beach for public use on Man Made Lake. No longer will you and your families enjoy the lake as you have in the past. A family tradition will disappear forever.

A group of concerned citizens is trying to secure funding to assist the City in purchasing this property from Sand Products, Inc. to preserve Man Made Lake in its natural state for continued public recreation. Ask your City Council to allow time for this plan to succeed.

We have a "Jewel" in our midst. Don't give it away by not speaking out.

If you care, you must let your City Council know. It is very important that you attend the City Planning Commission meeting, Thursday, April 3, 2003, at 7:00 p.m., in Council Chambers, City Hall. Voice your opinion.

Over development of our beautiful beach front community will alter the concept we all enjoy. Harbor Village will no longer appear to be quality, but instead, simply quantity.

Call Councilwoman Kathy Fenstermacher at 723-6474.  
Call City Manager Mitch Deisch at 723-2558.  
Call David Palsrock, State Representative, at 723-6474.

Save our Beaches

For additional information contact D. Raines at 398-9125.



3-5-52

as shown above.

It has resulted to the paved road leading to the beach's picnic area.

Being by the waves, together with the deposit of stones has transformed it into a lakeshore rock garden.

What remains of the Fifth ave. beach, by depositing chunks of rock and stone to stop the "washing away"

# VALUATIONS SET

## Off at Dikes Hold

For more than eight hours the river had held almost steady, just above 20 20 feet. The Weather Bureau, which earlier had predicted a crest of 31½ feet, said it now might reach 30½ feet.

There were premature reports that the crest had been reached at 30 20 feet, but the Weather Bureau denied it.

"We'll have cresting conditions all day," a forecaster said.

"It looks like it's going to end

## Early Primary To Be Okayed

LANSING (UPI)—Governor Williams said late yesterday that he will sign the legislative act advancing Michigan's 1952 primary election date to Aug. 5 when the bill reaches his desk.

The measure moves up the primary nearly a full month from the normal date of Sept. 9 to allow more time for distribution and return of ballots for servicemen and women overseas.

Williams said he will approve the Aug. 5 primary "with regret," however.

## INCREASE IS APPROVED BY SUPERVISORS

Equalized Total is Up  
\$177,820 Over Last  
Year's Figure

The equalized valuation for Manistee county, which is the basis for taxation during the year, was set this morning by the Board of Supervisors and it

ALBERT BROWN

ROBERT C. BROOK, M.Div., Ed.D., Ph.D.  
Licensed Psychologist

517-881-5566

February 23, 2006

Ms. Denise J. Blakeslee  
Planning and Zoning  
70 Maple Street, P.O. Box 358  
Manistee, Michigan 49660.

Re. Sand Products Corp. Special Use Permit Application PC2006-01

Dear Ms. Blakeslee and Members of the Planning Commission,

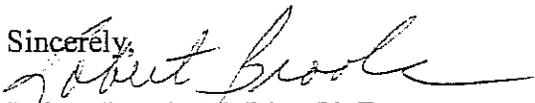
I own property at 352 Lakeshore Drive.

I disagree with the applicant and the statements in section III-B-3 a & b. I believe the public's health and welfare are potentially at risk. I request that the Planning Commission make no decision on the Special Request Permit until all other Public Agencies have reviewed all the issues associated with the application for special use of the sand dune. Please do not take the lead. Let other Agencies make their evaluations first. If the city agrees to the special permit the developer may be able to use the city's agreement as leverage in discussions with other interested parties. There is no advantage to the City of Manistee to expose itself to manipulative dealings from a developer. There is no reason for the city to expose itself to future litigation.

I believe the DEQ and other State and Federal Agencies may have an interest in carefully reviewing the proposed construction on the sand dune property. The sand dune property is known to be unstable. Lake Michigan had broken through to Manmade lake and was open for several years. A significant portion of the property under consideration was made from sand fill from the development of Harbor Village and from the dredging of the Manistee River channel. Sand fills along any major body of water is notorious for shifting. If (when) the shifting occurs and the lake levels increase we risk polluting Lake Michigan from broken sewer lines and broken paving materials from the access road and the properties may become uninhabitable.

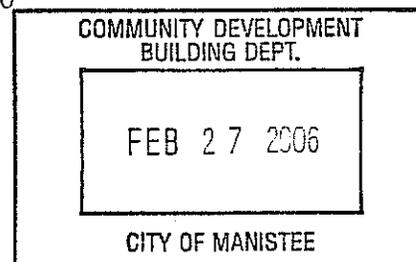
Please take a wait and see position.

Sincerely,



Robert Brook, M. Div., Ph.D.

cc. Ms. Robyn Schmidt MDEQ, 120 West Chapin St. Cadillac Mi.49601  
Mr. Charles Simon, Army Corp Engineers P.O. Box 1027 Detroit, Mi. 48231  
Ms. Cindy Fuller, City Council 70 Maple St. Manistee Mi. 49660  
Mr. David Palsrok State Representative (Faxed 517-373-9461)



February 23, 2006

City of Manistee  
ATTN: Jon Rose  
P.O. Box 358  
Manistee, MI 49660-0358

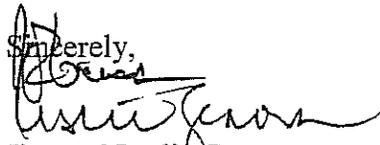
To The City of Manistee Planning Commission:

We just received a letter in the mail from your office about a public hearing for a special permit by the Sand Products Corporation. We will not be able to attend the hearing, due to the birth of our grandchild in Iowa, so we are putting our voice in this letter.

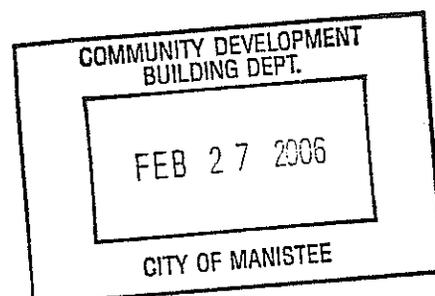
When we first looked at the condominium that we purchased our biggest concern was the possibility of development of Manmade Lake. We were assured that that would not happen in our lifetime. Our condominium is very nice but the view is what sold us on the property. With that said, in the application in section III, 3a and 3b the Sand Products answers to these questions are the farthest from the truth. Our property value will be dramatically reduced and our enjoyment with the view will become non existent. The public uses Manmade Lake from early in the morning until after dark every day during the warm weather so it is just not the adjacent properties impacted but the general public of the city.

On the site plan it shows that Sand Products is planning to put a road on the Lake Michigan side of the berm. I cannot believe that the city would permit this. It will ruin the beauty of the natural setting that now exists. We also see a threat of erosion for the infrastructure and for the contamination of Lake Michigan and Manmade Lake.

We strongly disapprove of accepting Phase III of this development and feel it is in the best interest to the city and adjacent residence that this phase of development not be approved and the special permit be denied.

Sincerely,  


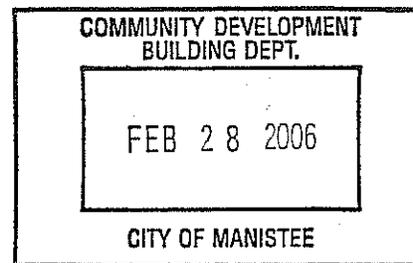
Jim and Leslie Genova  
318 Lakeshore Dr.  
Manistee, MI 49660



Devere and Janet Elgas  
312 Lakeshore  
Manistee, Mi

7747 Zeeb Rd.  
Dexter, Mi 48130

February 25, 2006



Attn: Jon Rose, Community Development  
City of Manistee  
Planning Commission

We are writing in response to a letter dated February 17, 2006 notifying us that a meeting of the Manistee Planning Commission would be held on Thursday, March 2, 2006 at 7:00p.m. regarding a proposed new building request by Sands Products (the Company) of Grosse Pointe Farms, MI. Due to the extremely short notice provided by the city of Manistee (the City), we are unable to attend this meeting. However, we want this properly executed letter to be part of the official notes and transcript of this meeting.

In simple terms, we are vehemently opposed to any development by the Company or the City around Man Made Lake, especially between that lake and Lake Michigan.

I would like to begin with some serious concerns we have regarding the meeting and the property that the company is requesting to develop.

***Concerns regarding the meeting:***

1. Although the letter of notice was dated February 17, 2006 we did not receive the letter until February 22, 2006. This provided a notice of only 8 days, a totally inadequate amount of time to attempt to work out the details necessary to attend the meeting.

***Question:*** Did the City and the Company do this intentionally to ensure that some of the most interested property owners would not be able to attend and oppose this proposal?

2. The timing of the meeting. Since most of the property owners living in Harbor Village are summer residents few if any will be available to attend this meeting. This meeting should have been scheduled during the summer months so these property owners could attend.

***Question:*** Did the City and the Company intentionally select March to ensure that some of the most interested property owners would not be able to attend and oppose this proposal?

***Concerns regarding the property (based on limited time to research)***

1. Some or all of the land involved in this proposal was until recently owned by the City. Based on the recommendations of a former City employee (City Manager or City Planner) the City gave the Company property on Lake Michigan in exchange for

a few hundred feet of property on Man Made Lake. A few months later the city employee that made the recommendation resigned his city position and went to work for the Company. When the City rejected the Company's first proposal to develop this property, the Company released the former city employee.

**Question:** Was this former City employee, the Company and the City representatives who approved the property exchange involved some form of conflict of interests?

2. For the City to consider allowing anyone (a developer or individual) to make changes to the Lake Michigan shoreline and the sand dunes between Lake Michigan and Man Made Lake, would violate the basic duty that all city officials have to represent the best interest of all the citizens and property owners of Manistee, not just those of the rich and powerful.

While we could go on with more concerns and questions it seems two pages is enough at this point in time. Once again, we oppose the request to develop this property. Not only will it have a serious negative impact on the ability of everyone who lives or visits Manistee to enjoy Lake Michigan and Man Made Lake, it most certainly will negatively impact most if not all the property owners in Harbor Village. Our enjoyment of the Lakes and the value of our property will be negatively affected. We would appreciate it if you would send us a map showing the exact location of this new request and minutes from the meeting.

Respectfully,

*Janet M. Elgas*  
*Devere Elgas*

Janet Elgas

Devere Elgas

# Frank & Becky Balluff

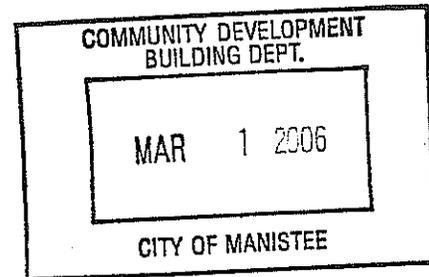
909 Pinch Hwy  
Charlotte, MI 48813

T 517 543-7826

frankoball@mac.com  
Home URL

February 27, 2006

Jon Rose  
Community Development  
City of Manistee  
P.O. Box 358  
Manistee, Mi. 49660



Dear Jon,

The purpose of this letter is to voice our strong opposition to the project that Sand Products is proposing in the Man Made Lake area.

We own Cottage #2 on Cottage Lane in Harbor Village. The main reasons we decided on purchasing a second home (eventually our primary residence) in the Manistee area was because we felt that the City of Manistee has done an excellent job planning and maintaining the community.

From what we have seen of the Sand Products proposed development it is contrary to everything that makes Manistee unique from other vacation spots along lake Michigan, Specifically, the plan to develop building sites along the Northwest side of Man Made Lake. It appears that this has been in the works for a while and not a coincidence that the sand that was dredged from the channel was placed in this area with this in mind.

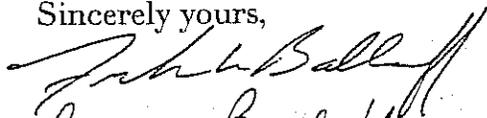
In the five years that we have been spending time in Manistee, we have seen countless families enjoying the beach and dunes around Man Made Lake. They are not only tourists and second home owners but also permanent residents from the Manistee area.

The City of Manistee has done an outstanding job planning and controlling growth in the area. It would be a shame to see that change.

We believe that all would agree that the Man Made Lake area is a major attraction in Manistee for tourists, part time and full time residents. We are urging the City to do everything in their power to prevent this project from proceeding and at the very least not allowing units to be jammed into the narrow strip of dunes between Man Made Lake and Lake Michigan.

Please keep Manistee the beautiful well planned and unique City that it is.

Sincerely yours,


Frank & Becky Balluff

Fred and June Pallottini  
466 Third Street  
Manistee, MI 49660  
231-723-1174 jhpallott@aol.com

March 2, 2006

John Rose, Director of Development  
City of Manistee  
Manistee, MI 49660

Fax: 231-723-1546

Dear Mr. Rose and Planning Commission Members:

It has come to our attention that there are plans underway to develop the area around the small lake and along Lake Michigan shoreline located on the north side of the Manistee River.

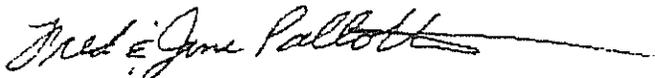
We are writing to add our voices to the many folks who are protesting this project. If the City of Manistee is to continue to be a place of quality it is imperative that open space be left for everyone's enjoyment. It is also critical that land that is declared a high-risk erosion area be safeguarded.

We urge you to deny the request pending before you to further develop that area and encourage Sand Products to work with the people of Manistee. They have done considerable development and were granted a good deal of latitude in moving a sand dune and cut into a major waterway.

Thank you for allowing us to express our concerns.

Sincerely yours,

Fred and June Pallottini



Christa M. Johnson Ross, DC  
739 Canfield Lake Rd  
Manistee MI 49660

March 2, 2006

Jon Rose  
Manistee Community Development Director  
70 Maple St.  
Manistee MI 49660

Dear Mr. Jon Rose,

I would like you to add my comments to your public hearing for the Phase III SUP/Sand Products Corp. application. Having recently completed the Citizen Planning Training and follow up training sessions, I feel as if the more conservative design utilizing smaller sized lots is more appropriate than the larger, wider lot design. The currently desired designs avoid sprawling land consumption. Many people are looking to purchase homes in a close neighborhood design with larger common areas. The more conservative design also mimics the majority of the neighborhoods on the north side which include many 30 and 60 foot wide lots. The larger lot design may be compatible with homes on Dunes drive, but do not represent the historical character of Manistee. Do we want to have a solid row of homes on Lake Michigan? Do we want to be just like any other town on the great lakes whose land consumption is not well planned? Also, we are in transition between two zoning ordinances. I believe the time put forth on the new one was well spent and the 100 foot set backs should be required. I would also like you to consider the possible 'agreements' that involve not contesting state or federal permits. It should be known that the citizens of Manistee could still contest these permits if the City does not. What if the homes were built and the birm washed out. Should an escrow account be considered for clean up? The Sand Products Corp has been generous, allowing the public to use Man Made Lake. This generosity will be sure to add to the controversy of this project. Thank you for your consideration.

Sincerely,

  
Christa M. Johnson Ross, DC

## FAX COVER SHEET

TO	Jon Rose/Denise Blakeslee
COMPANY	City of Manistee
FAXNUMBER	12317231546
FROM	neil dueweke
DATE	2006-02-23 01:27:10 GMT
RE	Sand Company Amendment Request-ManMade Lake

### COVER MESSAGE

Mr. Rose and Ms. Blakeslee,

I want to express my extreme displeasure with the amendment request as outline in the Sand Company Corp. request for adding single family residences so near Lake Michigan.

I disagree completely with the Sand Company's justification as stated in Section III of the Special Use Permit Application. My property value as well as those surrounding me at 320 Lakeshore will be adversely affected. A lake view replaced by looking at a residential street and backyard of a house will of course be worth less. The view corridor WILL NOT BE MAINTAINED if this development is approved.

Finally, what is the environmental impact of adding these structures so close to Lake Michigan? Just a couple of years ago when the water level was high, the area near where the proposed sites are planned was being lapped with water. Adding a road so close to the Lake also is ridiculous to even contemplate.

I'm sorry I can't be there at the March 2nd hearing. However, I hope this fax and follow-up letter along with I'm sure several of my neighbors will express our views on this matter.

Regards,

Neil Dueweke  
320 Lakeshore Dr.  
Manistee, MI 49660

5576 St. Andrew Dr.  
Clarkston, MI 48348  
248.620.7905