

# MANISTEE CITY PLANNING COMMISSION

70 Maple Street  
Manistee, MI 49660

## MEETING MINUTES

August 3, 2006

A Meeting of the Manistee City Planning Commission was held on Thursday, August 3, 2006 at 6:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

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

**MEMBERS ABSENT:** None

**OTHERS:** Chuck Canestraight (San Products Corporation), Mike Hayes (JF News), Mark A. Reenders (Mark A. Reenders Construction, Inc), Sid Scrimger (Fire Chief), Joe Drolett (322 Lakeshore Drive), Richard Knechtges Jr. (1310 Cornell Street), John Kudalski (11848 River Road), Bob Ooten (34 Brookharbor), Bob Strohs (332 Lakeshore Drive), Rosemary Thompson (3868 Canterbury Road), Dan Hahn (234 Fifth Avenue), Carole Lindberg (27 Cottage Lane), Cathy Knechtges (1310 Cornell Street), Dick Lindberg (27 Cottage Lane) Bob Brooks (342 Lakeshore Drive), Ronnie Call (St. Joe, Michigan) Jon Rose (Community Development), Denise Blakeslee (Planning & Zoning) and Others

Meeting was opened at 6:00 p.m. by Chairman Yoder.

The Meeting began with a Site Visit of the Man-Made Lake area. Commissioners convened at 6:00 p.m. in the Lobby at City Hall then left for the Site Visit.

Points of interest noted during the site visit included:

- ▶ Stakes and tape were placed within the building pockets to give a perspective of the possible location of a building.
- ▶ Stakes were placed indicating the center of the proposed road.
- ▶ Stakes showed the southern property line of the development.
- ▶ Private utilities would be located on the building side or under the private road.

After the Site Visit the Planning Commission re-convened in the Council Chambers, City Hall, 70 Maple Street.

Meeting re-convened in the Council Chambers at 7:35 p.m.

**PUBLIC HEARING:**

None

**APPROVAL OF MINUTES:**

Planning Commission Meeting of July 6, 2006

MOTION by Ray Fortier, seconded by Dave Crockett that the minutes of the July 6, 2006 Planning Commission Meeting be approved.

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

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

**NEW BUSINESS:**

None

**UNFINISHED BUSINESS:**

Sand Products Corporation - Planned Unit Development Amendment (Phase 3).

The Planning Commission will continue discussion on the request from Sand Products Corporation for a Planned Unit Development Phase 3 development.

Chuck Canestraight (Sand Products Corporation) - Mr. Canestraight gave an overview of the proposed project for the members of the audience. Included in the overview were:

- ◆ Public access around Man Made Lake that would connect to a sidewalk that would run along side the road and create a loop that would allow circulation around the lake.
- ◆ Showed the building pockets inside the building sites.
- ◆ The proposed cal-de-sac was not designed to the correct standards for the fire department and will need to be changed.
- ◆ Sand Products Corporation had to come back to the Planning Commission for approval of the layout of Phase 2. They ask that the Planning Commission approve Phase 2 as proposed on the site plan.

Chairman Yoder read correspondence received in response to the request (attached)  
Letter from Linda Browne, 326 Lakeshore Drive (petitions - on file at City Hall)  
Letter from Shirley and Nick Baker, Manistee, Michigan  
Letter from Susan A. Lademann, 4 Cottage Lane  
Frank & Becky Balluff, 909 Pinch Hwy, Charlotte, Michigan (Cottage #2)

Jon Rose gave an update on the Man Made Lake Ad Hoc Committee. The Committee has authorized a Memorandum of Understanding with the Grand Traverse Regional Land Conservancy for the acquisition of the Man Made Lake property. This agreement could assist with potential grant funding for purchasing the property. The asking price is 3.15 million dollars and a 20% match would be required.

Discussion by the Commissioners included:

- DEQ Permits - when should they be obtained?
- Cul-de-sac requires approval from the Fire Chief. Fire Chief is to be asked for standards and preferences.
- Storm Water run off - Man Made Lake is small and sensitive.
- Low point of road - would higher water encroach? Would higher water eliminate public access around the lake? City Engineer is to be asked to review road elevations and lake levels.
- Concerns about Inverse Condemnation. City Attorney is to be asked for an opinion.

Mike Hayes, JF New - Mr. Hayes spoke of how the High Risk Erosion areas was last determined by the State in 1993. They are suppose to re-evaluate every 10 years and they have not done a new inventory of the site. There is no way of knowing if the amount of property and height of dune acquired thru accretion may result in the property no longer being a High Risk Erosion area unless a new inventory is done.

MOTION by Greg Ferguson, seconded by Ray Fortier to approve application as it stands.

Discussion on motion included should conditions be placed on the motion? The maker of the motion did not want conditions placed on the motion.

Jon Rose said that the City Attorney advises the Planning Commission not to approve the request until the final easement for Lake Michigan has been recorded.

With a roll call vote this motion was defeated 7 to 1.

Yes: Ferguson

No: Fortier, Buswinka, Haines, Yoder, Slawinski, Crockett, Barry

The Planning Commission will continue their deliberation on the request from Sand Products Corporation for a Planned Unit Development Amendment Phase 3 at their September 7, 2006 meeting.

Commissioner Buswinka recommended some conditions if the Planning Commission were to consider approval of the request including:

- The applicant receive MDEQ Permit Approval
- Limit height to 20 feet
- Open Space must be placed in a restrictive covenant that it shall remain open space and no future development would be allowed.
- Public Access would be put into a legal agreement.
- Colors of building would be specified so that it is harmonious with the environment.
- Exterior lights for buildings would be limited to one light per building and illumination levels would be kept at a minimum.
- Landscaping would be required to remain natural
- No gating of the private drive
- Developer employ the most current and sophisticated engineering techniques in the development of the site, homes and installation of utilities as to prevent issues jeopardizing the public health safety and welfare.
- In the event that the dune were to ever breach in the future Sand Products Corporation would be responsible for the cost of remediation.

Chairman Yoder called for a five minute recess.

Commissioner Bifoss entered the meeting. Mr. Bifoss is abstaining from any deliberation on the request from Sand Products Corporation due to a conflict of interest.

Mark A. Reenders Construction, Inc. - Special Use Permit/PUD, 500 Ford Street (former Washington School property).

Mr. Reenders submitted an amended Site Plan for the Commissioners to review that was mailed to the Commission in their packets last week. This evening Mr. Reenders submitted another Site Plan for review that addressed concerns from the Fire Chief. One of the changes from the Plan submitted at the July meeting was a decrease in density from 33 units to 30 units.

Mark A. Reenders (Mark A. Reenders Construction, Inc.) - spoke of the new plan and how the buildings were moved forward to address the concerns from the Fire Chief. Mr. Reenders commented on the density concerns and said that the Planning Commission would need to approve his PUD because they approved the PUD for Bay Condominiums for 40 units.

Sid Scrimger, Fire Chief - said that the change in the plan would provide the access necessary for the fire department in the case of an emergency while allowing parking on Ford Street.

Jon Rose, Community Development Director - Mr. Rose said that the Bay Condominiums is located in the Waterfront Zoning District which allows 17 units per acre. Mr. Reenders project is located in the R-2 Zoning District which allows 8 units per acre. This parcel is less than 5 acres and is only allowed 24 units under the Master Plan.

Chairman Yoder read a Memo from Jon Rose dated July 27, 2006 which noted the density issue. Mr. Reenders was forwarded a copy of the Memo the same time it was sent to the Commissioners. (attached).

MOTION by Ben Bifoss, seconded by Ray Fortier that since the Planning Commission does not have the legal ability to approve the site plan the application be denied.

Discussion by the members included:

The site plan is not consistent with the adopted Master Plan and they would be jeopardizing the validity of the Master Plan and Zoning Ordinance by approving the request.

Should the Master Plan density standards be amended? That would need to be a future discussion by the Master Plan Review Sub-Committee.

With a roll call vote this motion passed 7 to 1 with Tony Slawinski abstaining.

Yes: Yoder, Barry, Crockett, Haines, Buswinka, Fortier, Bifoss  
No: Ferguson

Update 2006 Sub-Committee Appointments. Sub-Committee Appointments are made during the January Meeting every year. Since January 2006 we have three new members on the Planning Commission. Chairman Yoder will update the 2006 Sub-Committee Appointments.

Chairman Yoder made the following Sub-Committee Appointments for 2006:

Historic Overlay/Site Plan Review Committee:

Tamara Buswinka  
Dave Crockett  
Tony Slawinski  
Harlo Haines - Alternate

Joint City Ordinance Review Committee (Executive Committee):

Maureen Barry  
Ray Fortier  
Roger Yoder

Master Plan Review Committee:

Maureen Barry  
Tamara Buswinka  
Dave Crockett

Ordinance Re-Write Committee

Ben Bifoss  
Tamara Buswinka  
Harlo Haines  
Tony Slawinski

Plan Review Committee (Required under new Zoning Ordinance)

Ben Bifoss  
Tamara Buswinka  
Roger Yoder

Subdivision Committee

Maureen Barry  
Harlo Haines  
Roger Yoder

Zoning Board of Appeals

Ray Fortier

Per Greg Ferguson's request he was not appointed to any Sub-Committee's at this time.

**OTHER COMMUNICATIONS:**

None

**CITIZEN QUESTIONS AND CONCERNS:**

Joe Drolett, 322 Lakeshore Drive - expressed concerns about the development of Phase 3 at Man Made Lake.

Richard Knechtges Jr. - 1310 Cornell Street - Mr. Knechtges suggested making Man Made Lake an established Swimming Park for the Physically Disabled and spoke of the tax credits, grants and other opportunities available to purchase the property .

John Kudalski, 11848 River Road - Spoke of how the development of Phase 3 would effect the views of property owners in Phase 1 and Phase 2 as well as adjacent property owners.

Bob Ooten, 34 Brookharbor - Mr. Ooten is a Civil Engineer and he expressed his concerns about the layout of the sanitary sewer and associated costs if it were not a gravity main. Would this effect the proposed road layout?

Bob Strohs, 332 Lakeshore Drive - Mr. Strohs asked the Commission to consider the lake level report he prepared while making their decision.

Rosemary Thompson, 3868 Canterbury Road - Asked about the proposed public access and expressed concerns about the proposed development.

Dan Hahn, 234 Fifth Avenue - Mr. Hahn spoke in favor of the Mark A. Reenders request.

Carole Lindberg, 27 Cottage Lane - Asked how many parking spaces are currently available to the public around Man Made Lake and how many are proposed under the plan? Spoke of the topography of the site and asked about a map and spoke of erosion.

Cathy Knechtges, 1310 Cornell Street - Expressed disappointment that approval had already been given for Phase 1 & Phase 2 at Man Made Lake. Would like to see area remain as it presently is.

Dick Lindberg, 27 Cottage Lane - Asked why the Fire Chief was not involved in the review of the Site Plan for Man Made Lake area. Spoke of the road elevations and concerns about the proposed development.

Chuck Canestraight, Sand Products Corporation - Mr. Canestraight wanted to clarify that the berm is not a critical dune, spoke of the DEQ High Risk Erosion approval process, spoke of agreements that are in place, spoke of sophisticated engineering practices that can be used for sewer lines. Sand Products Corporation has afforded public use of their property for these past years. Property sales should be between City Council and Sand Products not a consideration of the Planning Commission.

Bob Brooks, 352 Lakeshore Drive - Mr. Brooks spoke of the proposed development at Man Made Lake and asked the Planning Commission if they have the best possible project to make a decision.

Ronnie Call, St. Joe, Michigan - Ms. Call grew up in Manistee and spoke of the history of the Man Made Lake area, concerns about Lake Michigan currents and erosion.

#### WORK/STUDY SESSION:

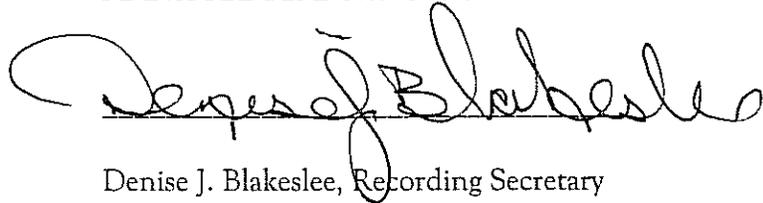
No Worksession is scheduled for August. The next Meeting of the Planning Commission will be on Thursday, September 7, 2006.

ADJOURNMENT:

MOTION by Tony Slawinski, seconded by Maureen Barry that the meeting be adjourned. Motion passed unanimously.

MEETING ADJOURNED AT 9:47 P.M.

MANISTEE PLANNING COMMISSION

A handwritten signature in cursive script, reading "Denise J. Blakeslee". The signature is written in black ink and is positioned above a horizontal line.

Denise J. Blakeslee, Recording Secretary



PLANNING AND ZONING  
COMMUNITY DEVELOPMENT  
231.398.2805  
FAX 231.723-1546  
www.ci.manistee.mi.us

## MEMORANDUM

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TO: Planning Commissioners

FROM: Jon R. Rose   
Community Development Director

DATE: July 27, 2006

RE: Mark A. Reenders Construction, Inc.

Commissioners, we have received a new site plan from Mark A. Reenders Construction, Inc. for the former Washington School property. Fire Chief Sid Scrimger's review memo is attached.

Preliminary review of the site plan shows the following:

- ▶ While the number of units has been reduced from 33 to 30 the Master Plan calls for no more than 24 units for a parcel of this size (less than 5 acres)
- ▶ The Fire Chief's memo indicates that while they have moved the units closer to Ford Street to meet the requirements for aerial access, they have effectively eliminated any parking on the east side of Ford Street because it would be required to be posted as a Fire Lane.

I would like to remind the Planning Commission that the deadline for a decision on this request is August 29, 2006. The next scheduled Planning Commission meeting is not until September 7, 2006.

In the event that the Planning Commission is not ready to make a decision either a Special Meeting needs to be scheduled or another extension is needed.

JRR:djb



July 26, 2006

Mr. Roger Yoder, Chairman  
Planning Commission  
70 Maple Street  
Manistee, MI 49660

Dear Mr. Yoder and Commission Members,

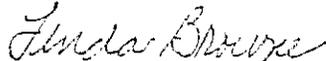
There is great concern over the development around Man Made Lake. Individuals do not want access limited which would happen if Phase 3 of the Sand Products Corporation proposal is approved. Phases 1 and 2 tremendously restrict and Phase 3 would virtually compress those using the lake for recreation into a very small beach area.

Please accept the following copies of a recently circulated petition which well over 400 of your friends and neighbors have signed. This sample of concerned citizens only touches the surface of the number of people opposed to the development of Man Made Lake. Signatures continue to be gathered.

Eighty-five percent of the signatures are from the City of Manistee and 90% are from Manistee County. Even visitors to our city know the value of Man Made and want it protected.

Please do not approve the berm area between Manmade Lake and Lake Michigan for a road and homes.

Thank you,



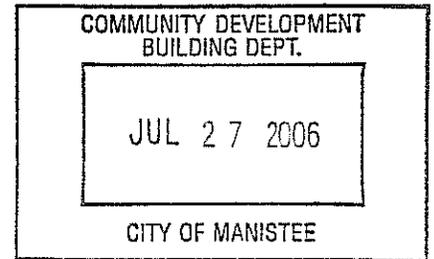
Linda Browne  
326 Lakeshore Dr.  
Manistee, MI 49660  
231-723-8014  
Member of Citizens to Save Manmade Lake

cc  
City Council  
Mayor's ad hoc Committee



July 26, 2006

Letter to the Editor  
Manistee News Advocate



**RE: Save Man Made Lake**

We have recently moved to Manistee after purchasing our retirement home 4 years ago. While still living in Connecticut, we received the Manistee News Advocate.

After we moved here we were surprised to learn about Sand Products' intention to fully encircle Man Made Lake with a high density housing development. As a result, we attended the July 6<sup>th</sup> Planning & Zoning meeting at Town Hall. We were amazed that this has received so little coverage in your paper. Many of the people of Manistee we have spoken with had little or no knowledge that this was being proposed.

We are taking the liberty of mailing you a copy of the proposed development so that you can see what we view as some of the potential negatives:

- Beach erosion (Phase II & III) – Lake Michigan is currently at historic lows – it has been up to 4.5 feet higher causing a severe breach back in the last 80's.
- Public access to Man Made Lake would be much more restricted. How would you like swimming in a "fish bowl"?
- This development would eliminate a valuable public resource forever.....one of the last remaining "swimming holes"!!

We are not sure that you are aware of a grassroots petition to prevent this development. To date over 500 concerned citizens have signed this petition. We have even heard that Sand Products might entertain the idea of selling these parcels to the City of Manistee.

We feel that this is a newsworthy story because it could adversely impact the citizens of your entire reading area.

Sincerely,

Shirley & Nick Baker  
Manistee, Michigan  
231-398-0557

cc: Marilyn Barker, Publisher  
David Barber, Managing Editor  
✓ Roger Yoder, Chairman-Planning & Zoning

cc: Mayor Goodspeed  
City Manager, Mitch Deisch



Susan A. Lademann  
4 Cottage Lane  
Manistee, MI 49660

July 31, 2006

Denise J. Blakeslee  
Planning & Zoning  
70 Maple Street  
Manistee, MI 49660

RE: August 3, 2006 Zoning Board Meeting regarding Sand Products and Man-Made Lake

Dear Ms. Blakeslee:

Yes, yet another opposition letter regarding the Zoning Board's decision on Sand Product's Man-Made Lake proposal. Due to a scheduling conflict, I cannot be present Thursday evening to support the citizens in our community that are working so diligently to defeat this proposal. What a shame that the beauty of Man-Made Lake will be forever changed by the unfortunate decisions of a few.

Our home faces Man-Made Lake. When we first came to Manistee over eight years ago, we were taken aback by the beauty of Man-Made and Lake Michigan. I know that my husband and I directly have much to lose by Sand Products developing the area. I fear that the rest of Manistee has no idea what they stand to lose. Some of the citizens of Manistee have no idea what is even being proposed. The lack of support and apathy in this whole matter is rather distressing. I can tell you that as soon as the weather turns warm, Man-Made Lake comes alive. It is the first place people congregate to swim because it is warmer and more protected than the big lake. On a hot summer day there usually is no place to park in the lot and Man Made lake is teeming with activity – from sun up to sometimes the wee hours of the morning. It is good to hear people having fun and enjoying their day. At sunset, visitors to our area drive through and many just stop to take in the view of the sun setting over the lake. Man Made is not strictly used in the summer. In the winter, we've watched people walk around the lake, ice fish, and we have watched the Coast Guard do rescue and training maneuvers by dropping and pulling each other out of the ice. Yes, once Sand Products develops this land, the plan calls for a small window of public access. But, let's face fact. If someone is willing to pay top dollar for one of those lake lots, will they really be happy with all that activity at their back/front door. I think not.

I've spent some time skimming through the City of Manistee's Master Plan. I'd like to paraphrase a few areas. Perhaps there are a few things that we forgot to remember – so I'd like to remind the board as they decide on Phase 3. Please refer to Chapter No. 2 - Existing Land Use – Page 2-8. I read:

**"Water/Wetlands"**

**Within the City there are approximately 181 acres (9% of the total area) of area devoted to open water and wetlands. These include the Manistee River Channel, man made lake to the north of the channel, and several pockets of wetland areas."**

Did the Zoning Board forget about the Manistee Master Plan when the Sand Products issue came up? How devoted can we be to "open water" if they would allow Sand Products to build around Man Made Lake?

Then there is Chapter No. 8 – Future Land Use. Page 8-1.

**"The form and vitality of any community is defined largely by how its citizens see the way land is used and how that use relates to the daily life. As a result, the way we use the land is linked directly to the quality of life of the City of Manistee."**

Towards the bottom of page 8-1:

"land use policies should encourage infill, and discourage extensions of infrastructure that may compromise other land use goals, such as preserving sensitive lands from development pressures." "Community planning for infrastructure can have positive effects on land use. Failure to plan may be expensive and frustrating for all involved; a good plan can provide many economic and financial advantages; help retain community character; and reduce public safety concerns related to transportation and environmental contamination."

Page 8-3: "Adaptability of Land"

Environmental resources and constraints were also considered in the development of the Future Land Use provisions of the Plan. It was considered important by the City that the land itself be able to accommodate planned uses, while also protecting those natural assets considered important." I guess Man Made isn't important!

And last, page 8-21. Waterfront Overlay Districts.

"Purpose: To provide for the recognition and protection of the City's water resources and to ensure their long term use and access by the public."

I know there is much concern related to the stability of the land in question – especially if the water levels rise. If what we all read about Global Warming is true, my bet is that water levels are likely rise. My husband and I witnessed two summers of nightly bulldozing of the beaches. The first time was when they dredged the channel. The second was about two summers ago. The bulldozer seemed to only run at night and could be seen out in front of our homes – on the land we now know belongs to Sand Products. So much for land stability. What will happen to the water, sewage, and electrical connections if the water levels rise and wash out the areas? Will that cause contamination to Man Made Lake? Who will pay to clean it up? By then Sand Products will be long gone and it will become the City's concern.

I would urge the Zoning Board to review the City's Master Plan and think about all we stand to lose – not only for ourselves but for the future folk we leave behind. My parents have friends that grew up in Manistee. So often I've heard stories that start ... "When I was a kid" ... It will be sad if coming generations cannot say, "Let's go down to Man Made and hang out." Instead they will say, "I remember when I was a kid. We used to go down and spend the day at Man Made Lake. We used to walk around it, swim across it, dive from the driftwood, fish in it, kayak and sail across it, and watch fireworks from it. To bad our forefathers didn't see fit to find a way to save it for us and now it's gone." What a pity that we are kissing away such an important treasure just for money. Please review all the facts and think very hard before you vote on this proposal. I ask that you please vote no and save the little part of Man Made that will be left.

Thank you for your time.

Sue Lademann

Reference: Manistee Website  
Manistee Master Plan

# Frank & Becky Balluff

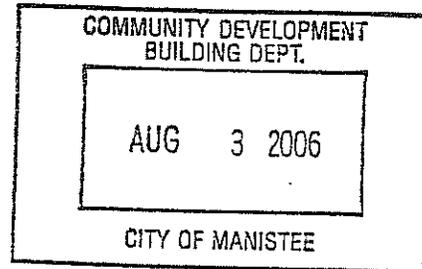
909 Pinch Hwy  
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T 517 543-7826

frankoball@mac.com  
Home URL

August 2, 2006

Planning Commission  
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.

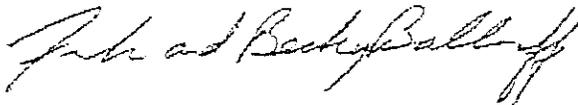
In the five years that we have been spending time in Manistee, we have seen countless families enjoying the beach and dunes around Man Made Lake. They are not only tourists and second home owners but also permanent residents from the Manistee area.

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,

A handwritten signature in cursive script that reads "Frank and Becky Balluff". The signature is written in dark ink and is positioned above the printed name.

Frank & Becky Balluff