

# MANISTEE CITY PLANNING COMMISSION

70 Maple Street  
P.O. Box 358  
Manistee, Michigan 49660

## MEETING OF DECEMBER 3, 1997

There will be a meeting of the Manistee City Planning Commission to be held on Wednesday, December 3, 1997 at 7:00 P.M. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

## AGENDA

- I. Roll Call
- II. Matters Pertaining to the General Citizenry:
  - A. Public Hearing:
    - 1.
    - 2.
  - B. Site Plan Reviews:
    - 1. Lighthouse Brewing Company
    - 2.
  - C. Questions, Concerns and Consideration of Matters Pertaining to Citizens in Attendance:
    - 1.
    - 2.
- III. Business Session:
  - A. Approval of Minutes from Last Meeting (11/20/97)
  - B. Unfinished Business:
    - 1. Telecommunication Towers
    - 2.
  - C. Other Communications:
    - 1. City Update
    - 2.
  - D. Reports:
    - 1. D.D.A. Update
    - 2. Zoning Board of Appeals
    - 3. Site Plan Review/Historic Overlay Committees
    - 4. Joint City Review/Ordinance Committee
  - E. New Business:
    - 1. **Annual Review of By-Laws**
    - 2. **Election of Officers 1998**
    - 3. **Committee Appointments 1998**
    - 4.
- IV. Work/Study Session:
- V. Adjournment

cc: Planning Commission Members  
City Council  
R. Ben Bilfoss, City Manager  
Jon Rose, Community Development Officer  
Lori Donnan, Administrative Assistant  
Kurt Schindler, County Planner  
Manistee News Advocate  
Manistee Observer  
WMTE Radio  
WXYQ Radio  
Jeff Mikula, Abonmarche  
Julie Beardslee, Assessor

# CITY OF MANISTEE

## MEMORANDUM

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TO: Planning Commission Members  
FROM: Jon Rose   
DATE: November 26, 1997  
RE: December 3, 1997 Planning Commission

The Planning Commission Meeting will hold a meeting on **Wednesday**, December 3, 1997 at 7:00 p.m.

We have received a request for a site-plan review for Lighthouse Brewing Company (enclosed).

Due to the holiday this has been a short work week and we have not had time to prepare the language for Telecommunication Towers to send out prior to the meeting. It is our hope that we will have this information ready for the meeting on Wednesday. Enclosed are two articles on the telecommunication issue for your review.

Enclosed is a copy of a letter that Ben Bifoss sent to Steve Harold regarding Sand Mining. If you have any comments or input please feel free to discuss them at the meeting.

If you have any questions or are unable to attend the meeting, please call us at 723-2558. We will see you at the meeting.

JRR:djm

Enclosures

## SITE PLAN REVIEW

NAME: Lighthouse Brewing Co.  
312 River Street  
Manistee, MI 49660

PROPOSED USE: Brewery  
ZONING DISTRICT: C-4

PARCEL CODE: 51-51-452-704-19

USE IS:  Permitted  
 Special  
 Not Permitted

## BULK REGULATIONS

	REQUIRED BY ZONING	PROPOSED IN PLAN	COMPLIANCE	
			YES	NO
PARCEL SIZE:	2,500 sq. ft.	>2,500 sq. ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STREET FRONTAGE:	25 feet	>25 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SETBACKS				
FRONT YARD	0	0	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SIDE YARD	0	- to be determined	<input type="checkbox"/>	<input type="checkbox"/>
REAR YARD	6 feet	n/a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WATERFRONT	50 feet	26 feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HEIGHT:	30 feet	- to be determined	<input type="checkbox"/>	<input type="checkbox"/>
PARKING:	n/a	n/a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BUILDING AREA:			<input type="checkbox"/>	<input type="checkbox"/>

## SPECIAL DISTRICTS

	APPLIES?		APPROVED?		
	YES	NO	YES	NO	
HISTORIC OVERLAY:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	meeting 12/3/97 4:00 p.m.
HIGH RISK EROSION:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
FLOOD PLAIN:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SOIL EROSION:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

OTHER: Zoning Board of Appeals meeting scheduled for 5:00 p.m. on December 3, 1997 for waterfront set-back variance.

REVIEWED BY:   
Jon R. Rose/Community Development Officer

DATE: November 26, 1997

## Application for Site Plan Review & Land Use Permit

Location of Project: 310-312-314 RIVER ST.

Parcel Code #: 51-51-452-704-19

Name & Address of Applicant: JIM & JODI PICARDAT  
471 4TH ST MANISTEE MI 49660

Phone Numbers: Work 398-2739 Home 398-0255

Name & Address of Owner if different: \_\_\_\_\_

Phone Numbers: Work \_\_\_\_\_ Home \_\_\_\_\_

Brief description of work to be done: PROVIDE A 12' X 70' WIDE EXTERIOR WOOD DECK TO BE LOCATED WITHIN THE 50' WATERFRONT SET BACK AND SKD.

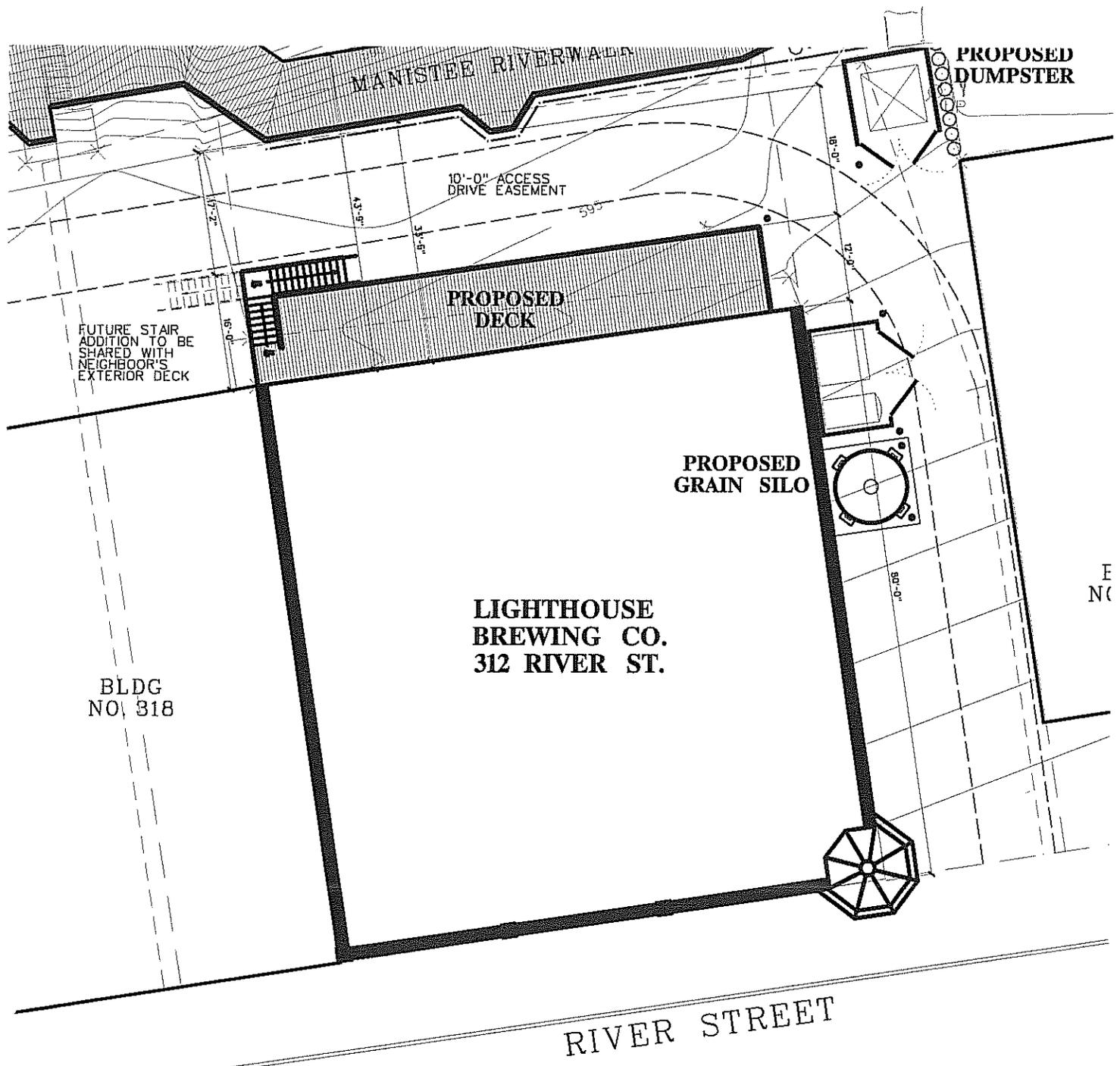
Site Plan Reviews need to go before the City of Manistee Planning Commission. They must be received 10 days prior to the meeting. Regularly scheduled meetings are the first Thursday of the Month at 7:00 p.m. in the Council Chambers, City Hall.

A detailed Site Plan, as spelled out in Section 9406 of this ordinance, is needed with the application. Specifications on the back of this sheet.

Once completed the form should be returned to: Jon Rose  
Community Development Officer  
City of Manistee  
P.O. Box 358, 70 Maple Street  
Manistee, MI 49660

For Questions call Jon Rose, (616) 723-2558.

Fee: Land Use Permit/Site Plan Review \$ \_\_\_\_\_



FUTURE STAIR  
ADDITION TO BE  
SHARED WITH  
NEIGHBOR'S  
EXTERIOR DECK

MANISTEE RIVERWALK

10'-0" ACCESS  
DRIVE EASEMENT

PROPOSED  
DUMPSTER

PROPOSED  
DECK

PROPOSED  
GRAIN SILO

LIGHTHOUSE  
BREWING CO.  
312 RIVER ST.

E  
N

BLDG  
NO. 318

RIVER STREET

MANISTEE RIVER

123.97

MANISTEE RIVERWALK

PROPOSED DUMPSTER

10'-0" ACCESS DRIVE EASEMENT

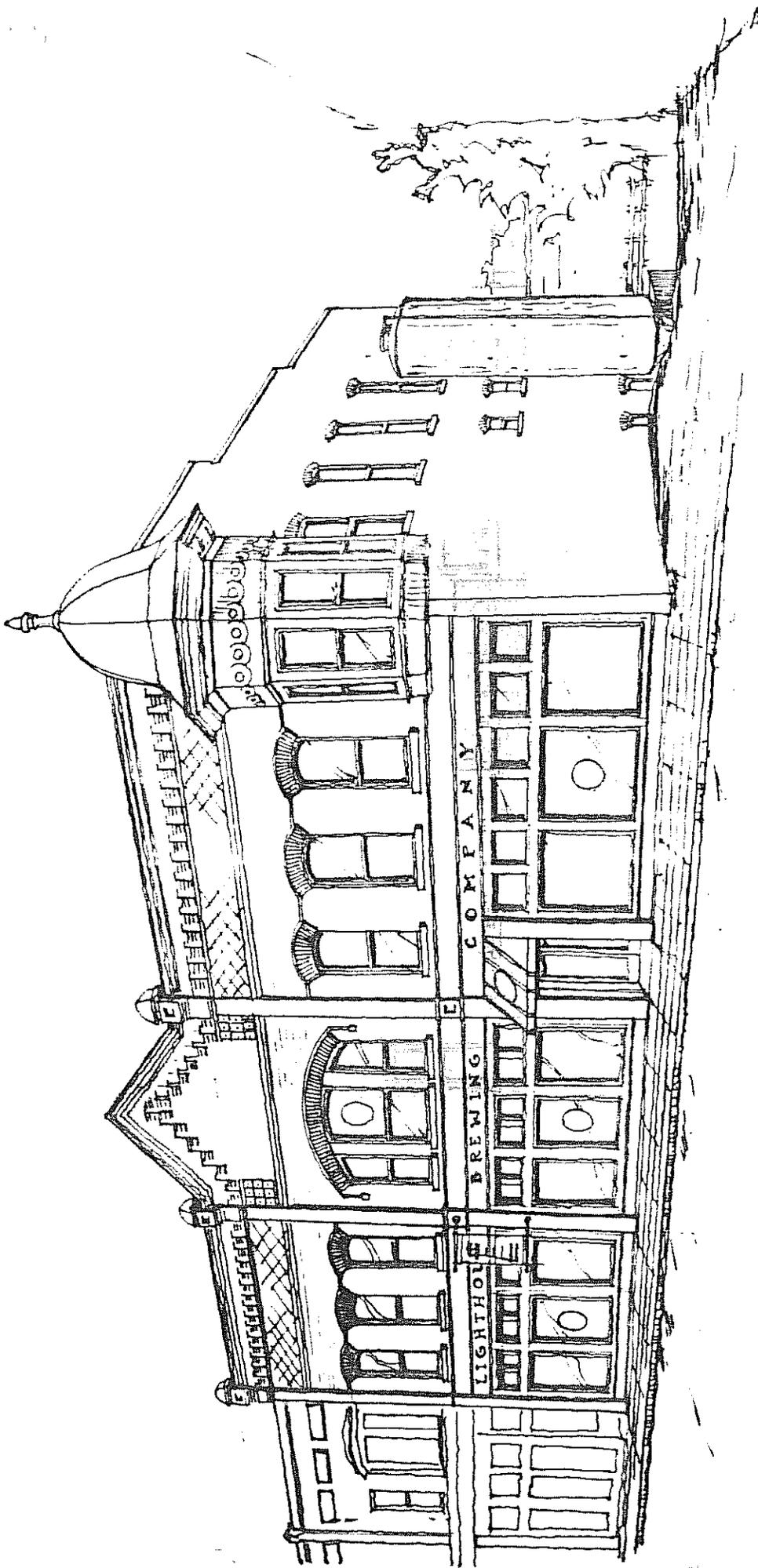
PROPOSED DECK

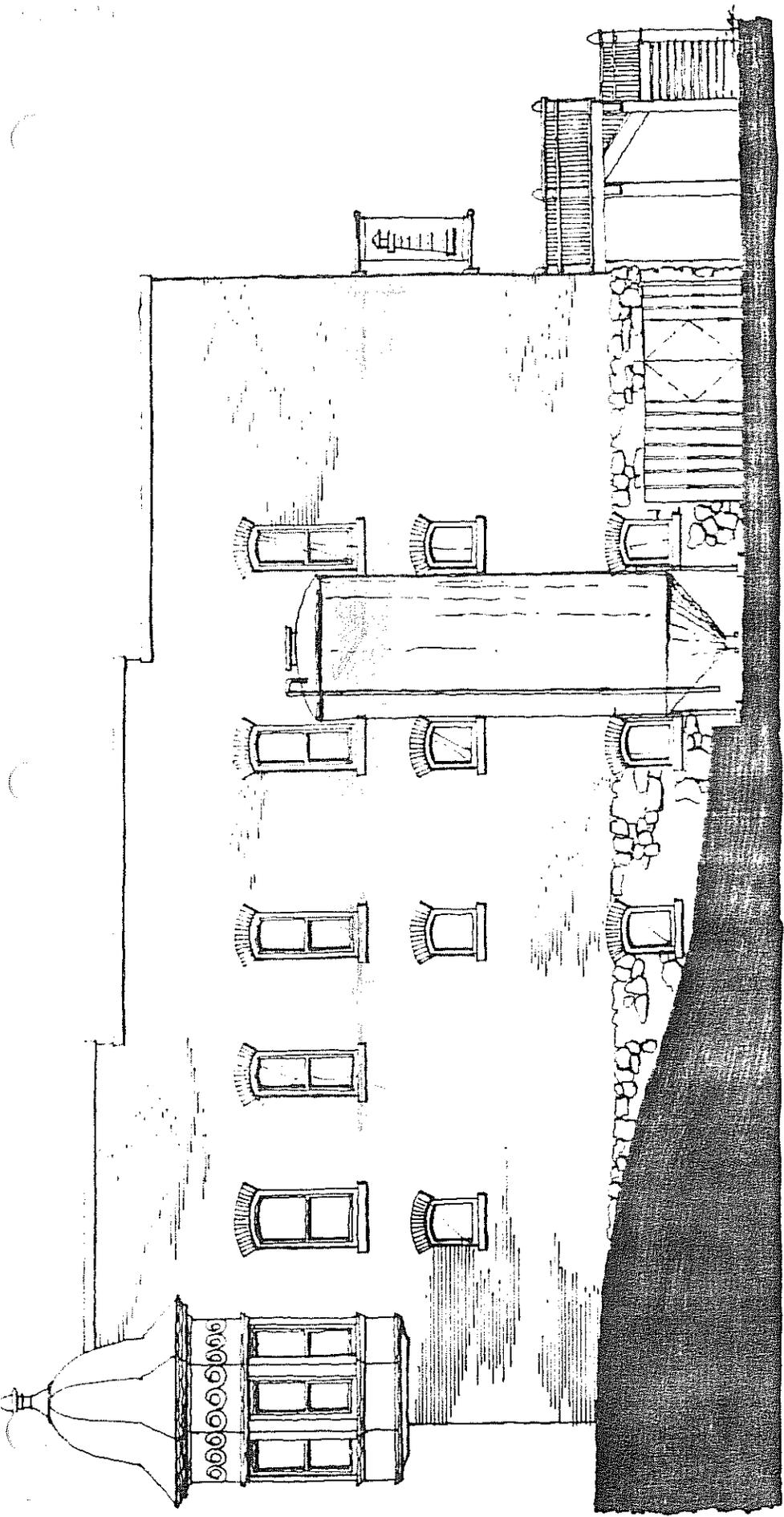
FUTURE STAIR ADDITION TO BE SHARED WITH NEIGHBOR'S EXTERIOR DECK

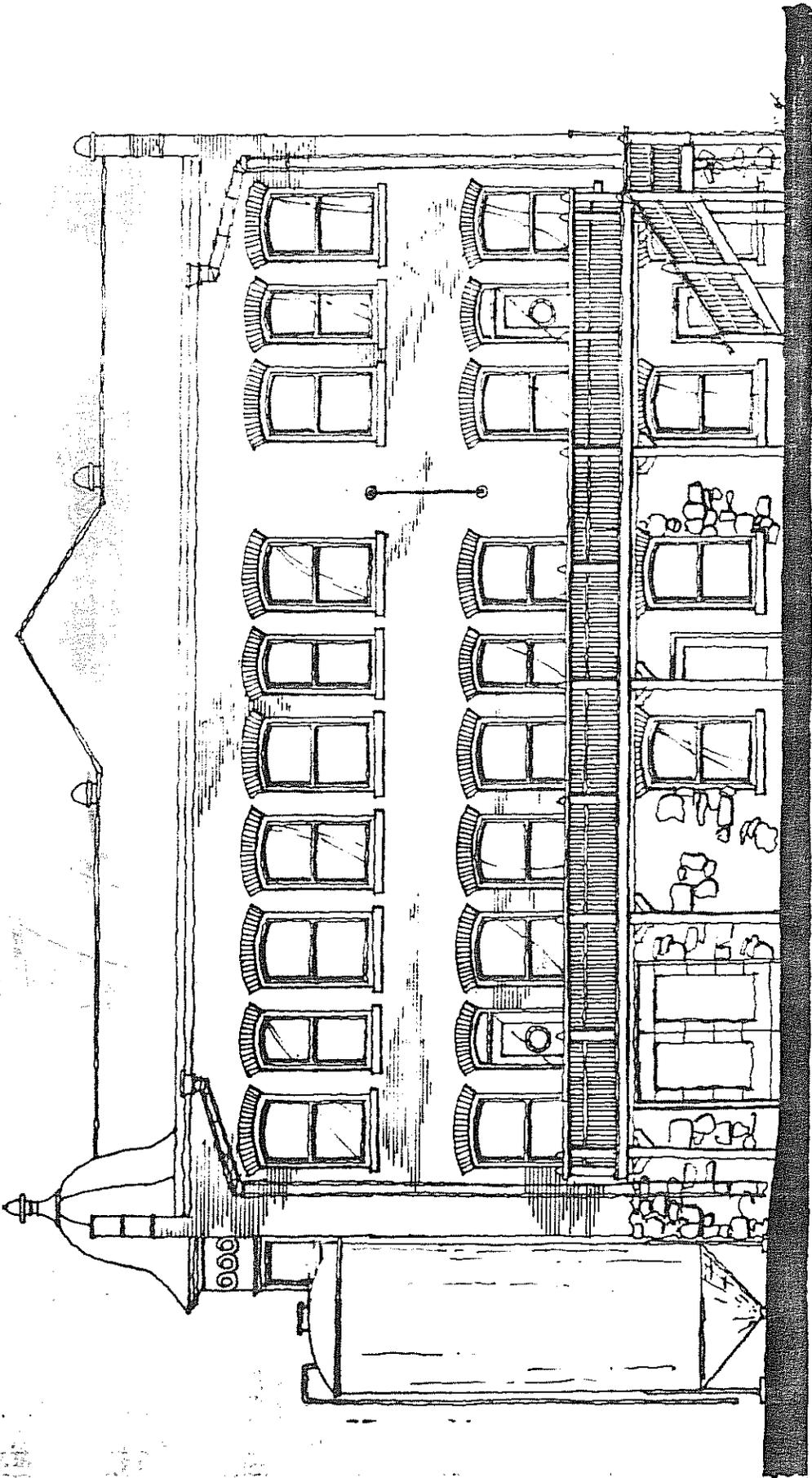
LIGHTHOUSE BREWING CO.  
312 RIVER ST.

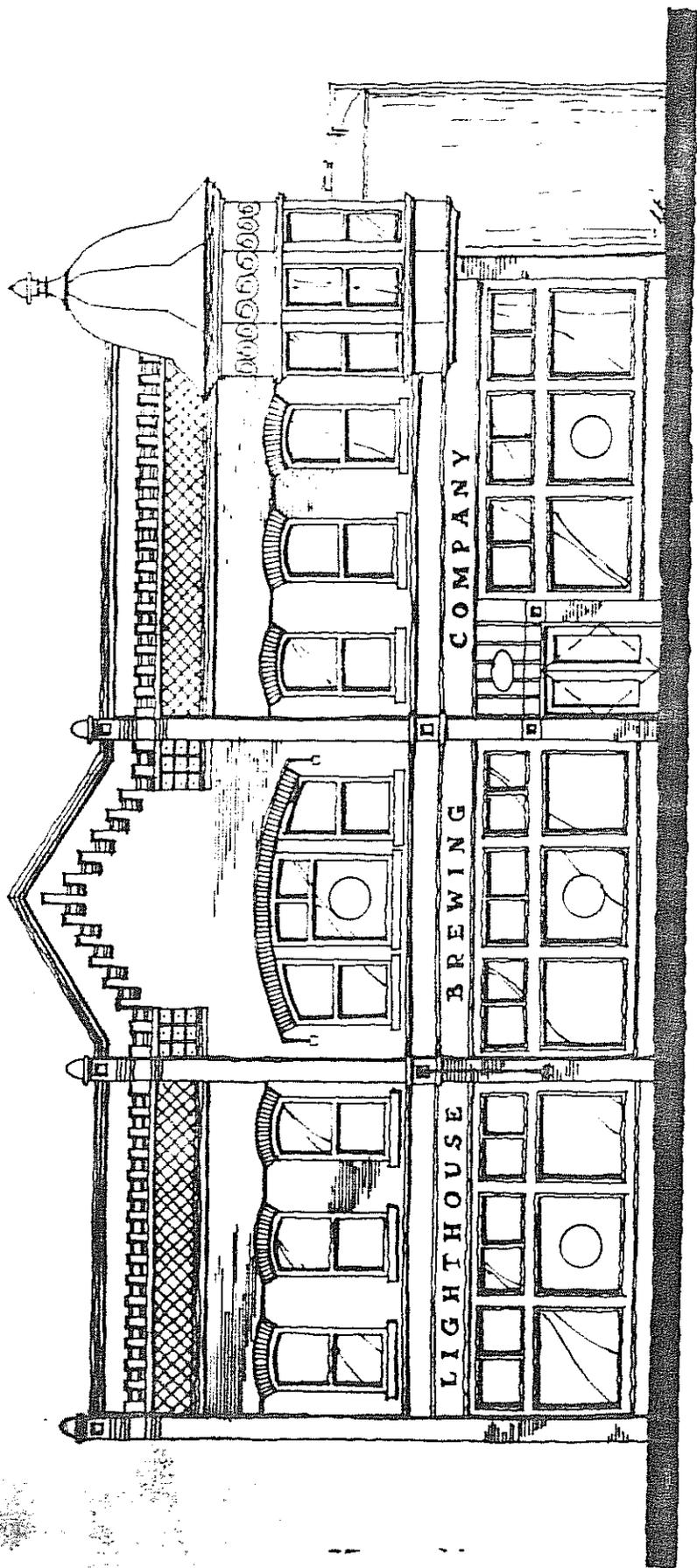
BLDG NO. 318

RIVER STREET









Handwritten notes and a sketch of a roof structure, possibly a gable or dome, with some illegible text.



70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

616-723-2558  
FAX 616-723-1546

November 18, 1997

Steve Harold  
Manistee County Historical Museum  
425 River Street  
Manistee, Michigan 49660

SUBJECT: Sand Mining

Dear Steve:

A suggestion has been brought to my attention which I forward for your review and comment. Sand mining was a big part of Manistee's history. There remains an abutment in the river on the north side of the channel, contiguous to Sand Products property. I believe freighters used to tie to that piling to be loaded by the conveyors from the north side dunes.

The suggestion was that a historical marker be created and located on those pilings that tells the story of sand mining in Manistee. Your thoughts on the merit of the suggestion as well as possible steps and costs of implementation would be appreciated. Thank you.

Sincerely,

CITY OF MANISTEE

R. Ben Bifoss, City Manager

RBB:cl

cc. Jon Rose, Planning Commission

# Better telecom service is fine, but be judicious with towers

12-3-97

KEITH SCHNEIDER

The signature landmarks of Michigan's North Woods are not only the sparkling inland lakes, the towering sand dunes and the clean rivers. They also are the timber-cloaked hills that give depth to a natural geography which in turn is the foundation of a thriving, resource-based economy.

Soon, however, northern Michigan's most prominent summits are likely to be decorated by more than just trees. NPI Wireless Inc., a subsidiary of Noverr Publishing of Traverse City, has proposed building 60 towers, each 200 to 250 feet tall, as part of a \$35-million wireless phone network the company wants to install in 13 northwest Michigan counties.

NPI is just the first of a stream of wireless phone companies that are likely to build towers in the region's growing market. As such, communications towers represent one of the more significant land-use issues confronting northern Michigan. The problem is that counties and townships have been blocked by a new federal law from exerting their full authority to oversee tower construction.

The communications towers are designed to carry an array of antennas and receivers for so-called personal communications services, the new wireless technology that proponents say is so superior it will displace existing cellular phones. At least that is what Washington and the wireless industry are counting on.

In 1996, the White House and Congress teamed up with the wireless industry to pass the Telecommunications Act. Ballyhooed as the definitive way for government to promote innovation, competition and investment, the law set the stage for federal auctions of new areas of the radio spectrum.

But on the way to passage, wireless industry lobbyists quickly went to work to block the grass roots opposition that they were sure would develop over the unsightly towers. The lobbyists convinced Congress to write rules that drastically limit the traditional authority of local governments to oversee uses of land.

The Telecommunications Act contains provisions that make it illegal for communities to reject new towers. U.S. district judges in six states have ruled against local governments seeking to deny permits for the towers. The law also makes it difficult, and in some cases impossible, for communities to restrict the size, location, appearance or number of towers under their zoning ordinances.

There is one loophole for communities. Congress directed them to speed review of new tower applications. This provision, however, was ambiguous enough to invite a successful challenge. In 1996, a federal district judge in Washington state ruled that it was legal for the city of Medina to institute a temporary moratorium, so planners would have time to update the zoning ordinance.

In northern Michigan, local governments are taking advantage. Benzie County approved a moratorium in June, joining roughly 300 communities around the country in doing so. Emmet County has indicated it will soon pass a moratorium. The industry has appealed the practice to the Federal Communications Commission, which

is expected to issue a ruling this summer.

There are manifest reasons for local governments to want more time. The technology involved uses an extremely high frequency portion of the radio spectrum. As a result, signals don't travel very far and the antennas generally must be within a few miles of each other. That means 120,000 new antennas will be needed in America.

Downstate, most equipment will be hung on existing communications towers, or attached to tall buildings and church steeples. In Livonia, such antennas were hung on the light poles at a high school football field.

In northern Michigan, where there are far fewer tall structures, hundreds of new communications towers may be needed. They could eventually be sticking out of the region's rolling hills like the stingers of giant hornets.

The social and environmental costs of this wireless development are likely to be extensive. Forest and fields will be cleared, and miles of new access roads will be cut to make way for the towers. New roads will give four-wheel drive vehicles even more routes to natural areas once reachable only on foot. The towers, painted red and white and draped in bright strobes and red warning lights, also are a visual intrusion.

Local governments are rushing to prepare new zoning provisions. Peninsula Township, north of Traverse City, will prohibit towers on its most scenic ridge tops, which overlook Grand Traverse Bay. Benzie County's proposal includes incentives to limit the height of new towers by exempting those under 70 feet from costly and time-consuming local review.

Many of the new zoning plans include other incentives designed to limit the number of towers. One popular provision requires companies to look for space on existing towers or other tall structures before applying for a new tower permit.

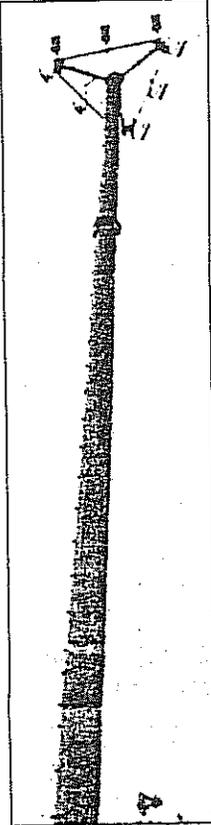
Another exempts from review towers built in existing commercial and industrial zones. Some communities also want owners to put up bonds so the costs will be covered for dismantling the tower when its useful life ends.

In an era when leaders of both parties have declared the end to big government, the Telecommunications Act is an old-fashioned assumption of power at the federal level. There is a lesson here for lawmakers and industry:

By seeking to cut citizens out of important decisions affecting their communities, the communications act aggravated the public and led to pitched local battles. Hurt most by the skirmishes was ... the wireless industry.

In late June, citing a litany of problems, major wireless providers notified the FCC that they were in danger of defaulting on billions of dollars in government loans for their personal communications services licenses. Among the reasons they cited: delays in gaining permission to build new communications towers.

Keith Schneider, an environmental writer and commentator on National Public Radio's "Living on Earth," is executive director of the Michigan Land Use Institute in Benzonia.



File photo by MARY SCHREEDER/  
Detroit Free Press

This cellular phone tower in Warren was built in an industrial park, where neighbors wanted it.

To respond to today's columnists, write a letter to the Editor or to:

Keith Schneider  
c/o Detroit Free Press  
Editorial Page, Room 544  
200 W. Larned

# The Detroit News

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press; or the right of the  
people peaceably to  
assemble, and to petition the  
Government for a redress of  
grievances.*

FIRST AMENDMENT  
TO THE CONSTITUTION

## Troy's Towering Dilemma

**A** proposed telecommunication antenna in Troy's Boulan Park has nearby residents up in arms. Residents maintain that the antenna — meant for the combined use of cellular phone companies and the Michigan Department of Transportation (MDOT) — would be an esthetic eyesore that may prompt losses in property values while threatening their safety and health.

Although it appears that these concerns are exaggerated, it would behoove city authorities to either find another site for the structure or negotiate a deal with the companies that adequately compensates residents for reasonable and demonstrable losses.

The 1996 federal Telecommunications Act made it illegal for communities to prevent wireless service providers from entering a local market. The legislation has produced innumerable battles across the nation between residents and city authorities over the siting of cellular phone antennae and towers. City authorities risk a lawsuit if they fail to grant a company's request for a tower.

Last year, for example, AirTouch sued Orchard Lake for sitting on its cell phone tower application for more than two years in an alleged attempt to stall the project. But if city officials grant the request, as the Troy controversy demonstrates, they risk the wrath of residents confronted with a 200-foot structure in their neighborhood.

In all fairness, Troy authorities have kept resident concerns in mind while selecting a site: They arranged for AT&T, Sprint and MDOT to share the antenna and thereby keep these structures to a minimum. To make the antenna as visually inoffensive as possible, they have obtained a design from companies that extends an existing light pole in a baseball field. The antenna is about 400

feet away from adjoining neighborhoods. The city also used its zoning authority to confine this — as other similar structures — to a commercial district.

But residents are still miffed. They have petitioned the city council — which has final authority in the matter — to stop construction on the grounds that it poses a health hazard. But claims that exposure to electromagnetic emissions increase the risk of cancer have been decisively refuted. And appraisals do not indicate a reduction in property values due to the presence of the antenna.

Yet Boulan Park is public land and uses of the park that enhance the interests of all Troy residents are to be preferred to ones that benefit some while imposing a cost — even a minor one like esthetic diminution — on others. Therefore if the planning commission's quest to find a less obtrusive site fails, the council should explore other ways to address concerns about property values. It could, for example, require the companies and MDOT to contribute money for landscaping the structure out of sight or compensating residents for demonstrable losses in property values in the future.

But residents should not use the political process to block legitimate uses of commercial land in an attempt to obtain for free an environmental good that they would have to pay for in the market — by moving to a more environmentally protected neighborhood, for example. If residents feel their representatives have failed to safeguard their interests, they can always seek to vote new council members into office. Democracy does not always offer perfect or timely solutions — but it is still better than the alternatives.