

# MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday April 7, 2005  
7:00 p.m. - Manistee Middle School - Library, 550 Maple Street

## AGENDA

- I Roll Call
- II Public Hearing
  - 1.
  - 2.
- III Approval of Minutes
  - Planning Commission Meeting (3/3/05)
- IV New Business
  - 1.
  - 2.
  - 3.
- V Unfinished Business
  - None
- VI Other Communications
  - 1. Hunting - Development Plan
  - 2.
  - 3.
- VII Citizen Questions, Concerns and Consideration  
(Public Comment Procedures on the Reverse Side)
- VIII Work/Study Session
  - 1. Review of Draft - Specific Standards and Requirements for Special Uses.
  - 2.
- IX. Adjournment

# MEMO

TO: Planning Commissioners

FROM: Denise J. Blakeslee 

DATE: April 1, 2004

RE: Hunting - Development Plan

Mr. Koszak, Moore & Bruggink, Inc. dropped off an updated Proposed PUD Plan and a Special Use Permit Application. The Plan includes the addition of a sidewalk along a portion of Cherry Street and a change in the placement of the single family housing (no longer face Merkey Road).

Mr. Koszak also included a Special Use Permit Application for your review.

:djb

# MOORE & BRUGGINK, INC.

Consulting Engineers

2020 Monroe Avenue, N.W.

Grand Rapids, Michigan 49505-6298

March 31, 2005

Re: Merkey & Cherry Road Development  
Project No. 980036.1

Mr. Jon Rose, Community Development Director  
City of Manistee  
70 Maple Street  
Manistee, Michigan 49660

Dear Mr. Rose:

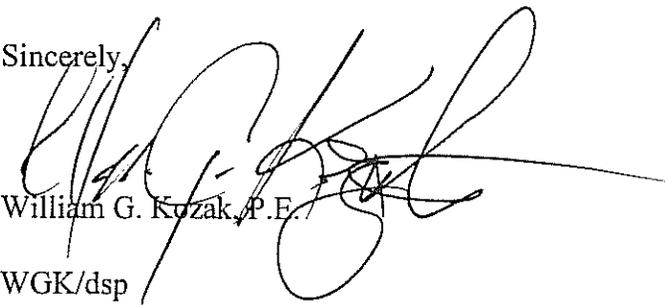
We are writing to submit a Special Use Permit Application to the City of Manistee for the proposed **Condominium and Commercial Development** at the northwest corner of Merkey Road & Cherry Road.

Enclosed is the following.

1. Check in the amount of \$250.00 for the base fee for the Special Use Permit. We understand that additional costs may be required as part of this process, and agree to any such reasonable costs.
2. Eleven 11 x 17 copies of the proposed Special Use Site Plan.
3. Eleven copies of the Special Use Permit Application and Supplemental Information.

Thank you for your review and consideration of this application. If there is any additional information you may require, or additional copies of the plan, please contact me at your convenience. Please keep us informed as to the schedule for review and approval.

Sincerely,

  
William G. Kuzak, P.E.

WGK/dsp

cc: Mr. Allen Hunting, Jr.



Planning Commission

SPECIAL USE PERMIT APPLICATION

HHH Investing Co.
Applicant
2820 Pioneer Club Road
Address
Grand Rapids, MI 49506
City, State, Zip Code
Phone Numbers (Work) (616)956-6026
(Home)

FOR OFFICE USE ONLY:

Case number
Date Received
Fee Received
Receipt Number
Hearing Date
Action Taken
Expiration Date of Permit

FEE FOR SPECIAL USE PERMIT \$250.00

I. ACTION REQUESTED:

A Special Use Permit is hereby requested for the following purpose: To allow for the construction of 65 ranch style condominiums, 71 row house condominiums, 50 site condominium lots for a total of 186 residential single family units, and 3 commercial units.

II. PROPERTY INFORMATION:

- A. Address of Property: Northwest corner, Merkey & Cherry Roads
Tax Roll Parcel Code Number: 51-51-314-255-01
B. List all deed restrictions - cite Liber & Page where found and attach: N/A
C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. HHH Investing Co.
D. Zoning District: R-1
E. Present use of the property: Vacant
F. Attach a Site Plan which meets the requirements of the Special Use Permit Ordinance (see attached).
G. Is a Property survey attached? [X] Yes [ ] No. (Included on plan)
H. Estimated completion date of construction (if applicable): Five to eight years

**III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:**

- A. State specifically the reason for this Special Use Permit request at this time \_\_\_\_\_  
Request is for approval of PUD (Planned Unit Development) that allows  
for flexibility in development design.
- B. Statement of support for the request. Please justify your request for a Special Use Permit below. The justification should address the following concerns: (Attach additional sheets if necessary)
1. The relationship of the Special Use Permit conditions (Article 86, Section 8610 and if applicable, Article 16) to the particular Special Use proposed. Do they pose any unusual problems for compliance?
  2. Relationship of the proposed use to the development plans of Manistee County and the City of Manistee.
  3. Impacts of the adjacent property and neighborhood. Indicate what impacts of the proposed use on the adjacent property are anticipated and what steps will be taken to mitigate any negative impacts. Consider the following:
    - a. Will the proposed use adversely affect the health, safety or enjoyment of property of persons residing or working in the neighborhood?
    - b. Will proposed use be detrimental to the public welfare or injurious to property in the neighborhood?

**IV. INFORMATION REQUIRED IN APPLICATION:**

- A. An Application for Special Use shall include:
1. A detailed Site Plan, as spelled out in Section 9406 of this ordinance, a copy of which is attached.
  2. A specific statement and supporting information regarding the required findings for the Special Use Permit, as stated in Section 8609 (as follows).
    - a. *Is the use reasonable and designed to protect the health, safety and welfare of the community,*
    - b. *Is the use consistent with the intent and purpose of the Land Use District,*
    - c. *Is the use compatible with adjacent land uses,*
    - d. *Is the use designed to insure that public services and facilities are capable of accommodating increased loads caused by the land use or activity, and*
    - e. *Does the use comply with all applicable regulations of this Ordinance.*
    - f. *Does the use comply with all specific standards found in the respective Land Use District, Section 1601 et. seq., and Section 101 et. seq. of this Ordinance.*

3. Proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc.

B. In Addition, the applicant may be required to furnish:

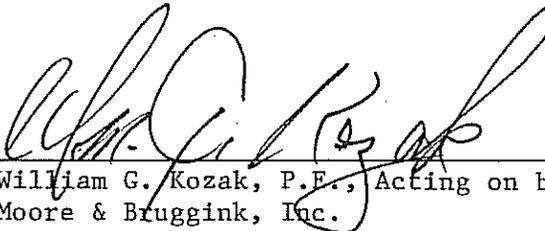
1. Elevations on all buildings, including accessory buildings.
2. An Environmental assessment.
3. Evidence of having received or having an agreement for concurrent approval for any other necessary permits required prior to a construction code permit.
4. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.

**V. CERTIFICATION AND AFFIDAVIT:**

The undersigned affirm(s) that he/she/they is/are the  owner,  leasee,  owner's representative,  contractor involved in the application; and that the information included in this application is correct. Further, if the request is approved, the applicant will comply with all of the requirements of the City of Manistee Zoning Ordinance and certifies that measures proposed to mitigate adverse impacts will be completed in a timely fashion.

The undersigned, by signing the Application, agrees to pay any and all fees incurred by the City or the Planning Commission, associated with the Application or the processing of the Application, in addition to the minimum \$250.00 base fee, including but not limited to: fees and costs of special consultants, engineers, planners, attorneys, air & water quality technicians and consultants, economists and/or financial analysis. The Application shall not be deemed complete nor will it be processed without such costs being fully paid for or provided for in advance.

Signature (s) of Applicant (s):



William G. Kozak, P.E., Acting on behalf of HHH Investing  
Moore & Bruggink, Inc.

2020 Monroe Avenue N.W.  
Grand Rapids, MI 49505

(616) 363-9801

Dated March 31, 2005

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

4/04

Section III. Statement of Justification for Requested Action

B.1 Relationship of the Special Use Permit Conditions to the Special Use proposed. *(The items below related directly to the conditions, limitations and requirements listed in Article 86, Section 8610).*

1. The requested approval of the special land use for the proposed PUD plan will allow for the construction of a new residential community of 186 units and 3 commercial spaces which is reasonable and designed to protect the natural resources and the health, safety and welfare of the public.

The development proposes paved, private streets with sidewalk, and public water and sewer. Stormwater will be collected in catch basins and piped to a stormwater retention pond. All driveways will be directed to internal streets and will eliminate any potential traffic conflicts on Cherry & Merkey Roads, thus protecting the health, safety and welfare of the public.

2. The proposed 186 single family condominium units is consistent with existing and proposed land uses to the north, west, and east.

The proposal to construct the commercial portion of this development may require additional consideration.

3. The proposal to construct 186 single family condominium units, if granted, would be valid approval of a proposed use consistent with a growing urban community. The proposal to construct the commercial portion of this development may require additional consideration.
4. The conditions, limitations, and requirements related to the proposed residential and commercial units should include the proposed infrastructure improvements as outlined herein.

5. The proposed construction of 186 single family condominium units is consistent with ordinance, generally and specifically for the Land Use District. The proposal to construct the commercial portion of this development may require additional consideration.
  6. The proposed 186 single family condominium units and commercial development is designed to insure compatibility with adjacent uses of land and the natural environment.
  7. The proposed 186 single family condominium units and commercial development is designed to insure that public services and facilities affected by the proposed land use is capable of accommodating increase service and facility loads.
- B.2 The proposed use of the property for single family condominium units is consistent with the Development Plans of Manistee County and the City of Manistee. The proposal to construct the commercial portion of this development may require additional consideration.
- B.3 Impacts of the adjacent property and neighborhood. The proposed use will not adversely affect the health, safety, or enjoyment of property of persons residing or working in the neighborhood. In addition, the proposed use will not be detrimental to the public welfare or injurious to property in the neighborhood. The preceding statements have been made because the development has been designed to minimize traffic conflicts, provide public utilities, and has anticipated not only on-site, but off-site stormwater management needs.

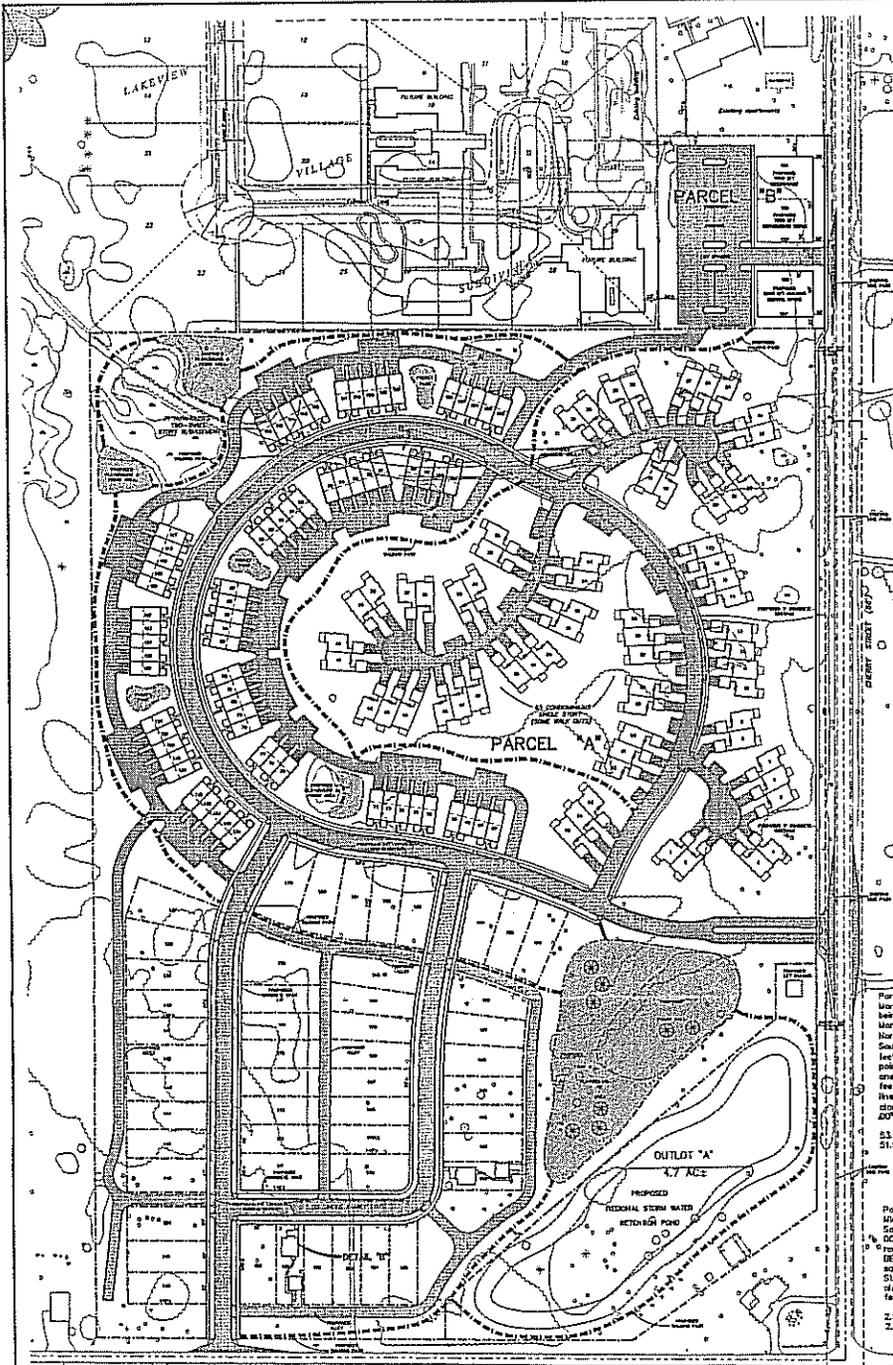
#### Section IV. Information Required in Application

- A.1 Eleven copies of the site plan are included.
- A.2 Specific Statement and Supporting Information
  - a. The proposed use is reasonable and design to protect the health, safety, and welfare of the community.

- b. The proposed use is consistent with the intent and purpose of the Land Use District.
- c. The proposed use is compatible with adjacent land uses.
- d. The proposed use is design to insure that public services and facilities are capable of accommodating increased loads.
- e. The proposed use complies with all applicable regulations of the Ordinance.
- f. The proposed use complies with all specific standards.

A.3 Proposed location of Open Spaces, etc.

The proposed 186 single family condominium units will have a Master Deed and by laws which will address the minimum front, rear, and sideyard setbacks as required by the Ordinance, and also address minimum architectural standards, landscaping, etc.



SCALE: 1" = 100'

GENERAL DEVELOPMENT NOTES

1. ALL RESIDENTIAL UNITS ARE TO BE SERVED BY PUBLIC SANITARY SEWER AND WATERMAIN.
2. ALL COMMERCIAL UNITS ARE TO BE SERVED BY PUBLIC SANITARY SEWER AND WATERMAIN.
3. ALL STREETS AND ALLEYS ARE PRIVATE AND WILL BE MAINTAINED BY THE CONDOMINIUM ASSOCIATION.
4. ALL RESIDENTIAL UNITS ARE CONDOMINIUMS, AND ALL LOTS ARE SITE CONDOMINIUMS.
5. THE PROPOSED SANITARY SEWER FORCE MAIN AND LIFT STATION WILL BE PUBLIC.
6. ALL PUBLIC UTILITIES ARE TO BE IN PUBLIC EASEMENTS.
7. OUTLOT "A" WILL BE DEDED TO THE CITY OF MANISTEE FOR THE PURPOSE OF A REGIONAL STORM WATER RETENTION POND AND FOR PUBLIC UTILITY INFRASTRUCTURE.
8. THE CONDOMINIUM WILL PROVIDE STREET LIGHTING AND STREET TREES.
9. THE CONDOMINIUM WILL CONSTRUCT AND MAINTAIN ALL PARK AND PATH AREAS SHOWN ON THE PLAN.
10. 24" CONCRETE CURB & GUTTER SHALL BE PLACED ON ALL RADII AND TURN ARROWS.

DEVELOPMENT INFORMATION

OVERALL PROJECT AREA = 2,455,652 SFT (INCL. R.O.W.)  
 RANCH STYLE CONDOMINIUMS FOOTPRINT = 121620 SFT COVERAGE  
 RANCH HOUSE CONDOMINIUMS FOOTPRINT = 28832 SFT COVERAGE  
 SINGLE FAMILY HOME SITE CONDOMINIUMS FOOTPRINT = 522314 SFT COVERAGE  
 COMMERCIAL SUITES FOOTPRINT = 23000 SFT COVERAGE  
 TOTAL BUILDING FOOTPRINT COVERAGE = 325,826 SFT  
 TOTAL ROAD/DRIVE/ALLEY COVERAGE = 457,483 SFT  
 TOTAL SIDEWALK/WALKING PATH COVERAGE = 113,073

DEVELOPMENT DENSITY  
 325,826 ÷ 2,455,652 = 0.319 x 100 = 31.9%  
 2,455,652

OPEN SPACE  
 100% - 31.9% = 68.1%

GREEN SPACE  
 325,826 ÷ 457,483 = 71.0%  
 325,826 ÷ 113,073 = 0.330 x 100 = 33.0%

TOTAL = 36.5% + 61.6% GREEN

RANCH STYLE CONDOMINIUMS = 85 UNITS  
 RANCH HOUSE CONDOMINIUMS = 71 UNITS  
 SINGLE FAMILY HOME SITE CONDOMINIUMS = 50 UNITS  
 COMMERCIAL SUITES = 3 UNITS  
 TOTAL UNITS PROPOSED = 109

DEVELOPMENT DENSITY  
 109 UNITS  
 56.7 AC (2,455,652 SFT) = 1.95 UNITS/AC

RESIDENTIAL PARCEL "A"  
PROPERTY DESCRIPTION

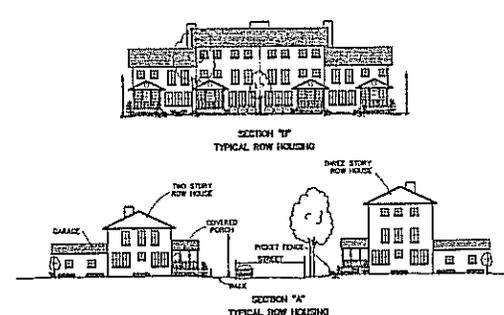
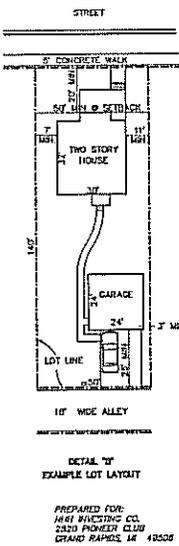
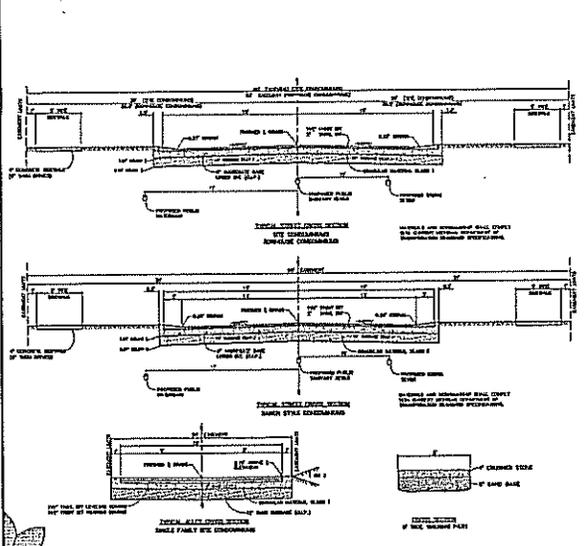
Part of the North one-half of Section 14, Town 21 North, Range 17 West, City of Manistee, Manistee County, Michigan, described as: BEGINNING at the West line of said Section 14 (also being the West line of Lakeside Village Subdivision, as recorded in Liber 3 of Plats, Page 23, Manistee County Records) at a point being South 00°25'00" West 803.19 feet from the Northwest corner of said section; thence South 89°42'00" East 1333.23 feet along the South line of said plot and the extension thereof; thence South 00°27'30" West 1517.88 feet along the centerline of Cherry Street (a 66.00 foot wide public right of way) to a point which is North 02°07'00" West 302.00 feet from the intersection of the East-West one-quarter line and the centerline of Cherry Street; thence South 25°24'33" West 510.40 feet to a point which is North 89°12'58" West 425.00 feet along the East-West one-quarter line from the centerline of said Cherry Street; thence North 89°12'58" West 802.00 feet along the East-West one-quarter line to the West one-quarter corner; thence North 00°27'30" East 1808.83 feet along the West line of said section to the place of beginning.

53.8323 acres including right of way  
 51.9742 acres excluding right of way

COMMERCIAL PARCEL "B"  
PROPERTY DESCRIPTION

Part of Section 14, Town 21 North, Range 17 West, City of Manistee, Manistee County, Michigan, described as: BEGINNING at the Northwest corner of said Section 14; thence South 02°42'41" East 1006.17 feet along the North line of said section; thence South 89°42'33" West 482.00 feet along the East line of Lakeside Village Subdivision, as recorded in Liber 3 of Plats, Page 23, Manistee County Records, to the IRREGULAR PLACE OF BEGINNING; thence South 89°42'41" East 378.53 feet parallel with the North line of said section; thence South 00°27'30" West 338.42 feet along the centerline of Cherry Street (a 66.00 foot wide public right of way); thence North 89°42'00" West 323.93 feet along the extension of the South line of said plot; thence North 00°27'33" East 333.33 feet along the East line of said plot to the place of beginning.

2.5480 acres including right of way  
 2.2898 acres excluding right of way



PLAN ISSUED	FIELD SURVEY #1
	DESIGNED BY
	CHECKED BY
	DATE
	PROJECT NO.
<p>PROPOSED P.U.D. PLAN          FOR          HUNTING - MANISTEE          CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN</p> <p><b>MOORE &amp; BRUGGINK, INC.</b>          Consulting Engineers          2819 Monroe Avenue, N.W.          Grand Rapids, Michigan 49505-6278          Phone: (616) 361-5931</p>	
1 of 1	

# SITE PLAN REVIEW- NW MERKEY & CHERRY ROAD

## PROJECT OVERVIEW

HHH Investing Company of Grand Rapids submitted a Special Use Permit Application to allow for the construction of a mixed use development consisting of site condominiums (single family, attached townhouses and ranches) as well as a commercial component.

The proposed development is submitted as a Planned Unit Development.

- 56.4 acre site
- Site located on North West corner of Merkey and Cherry Roads
- Zoned R-1
- Future Land Use classification *Low Density Residential (LDR)*
- Phased development- built as demand arises
- A total of 190 units proposed- 136 attached condominiums, 51 single family homes, 3 commercial suites
- Water and sewer will be installed in phases as needed and dedicated to the City
- Streets, sidewalks and walking paths will be privately owned

## ACTION SEEKING

- Seeking approval of the Planned Unit Development (Special Use Permit)

## COMPLIANCE WITH THE ZONING ORDINANCE: TABLE OF COMPARISON

	Master Plan Recommendation	Zoning Ordinance Requirement	Provided
<b>SETBACKS</b>			
<b>Rear</b>		10	
<b>Front</b>		30	Ranch: 10ft Townhouse: 5 ft Detached: 20ft
<b>Side</b>	Equal or exceed the height of the structure	10	Detached: 7 & 11 ft
<b>Detached Garage</b>			3 ft.
<b>PARCEL AREA</b>	12,000 - 21,000 sq. ft.	18,000 sq. ft.	
<b>DENSITY</b>	2 - 3.5 lots per acre	4 lots per acre or less	3.37 units per acre
<b>PARCEL WIDTH</b>	100 feet	100 to 200 feet	
<b>DWELLING SIZE</b>		greater than 1,300 square feet building area per floor	
<b>USABLE GREEN SPACE</b>			62.4%

March 17, 2005

prepared by Tamara Buswinka

# SITE PLAN REVIEW- NW MERKEY & CHERRY ROAD

## PROVIDING

- **Housing types:** Ranch, Townhouses, Detached
- **Sidewalks:** Required; installed by homeowner
- **Trees:** Required; installed by homeowner
- **Curbs:** Concrete Curb gutters will *only* be placed on all radius and turn arounds.
- Open Space
- Alleys
- Walking paths
- Pocket parks
- Preservation of unregulated wetland
- Viewshed along Cherry will look more rural despite the density of the development

## MASTER PLAN

A review of the Master Plan yields the following:

- **Page 8-5** The City of Manistee Future Land Use Plan indicates that the area under review is designated to provide for:  
“...large lot residential sites resulting in low density development patterns.”
- **Page 8-5** “The Future Land Use Plan gives the Low Density Residential designation to only a small single area of the City. It is considered a transition zone between rural and higher density residential development patterns.”
- **Page 7-4** “What did people say about commercial and industrial development? ...the primary focus of commercial development should be in/near the core downtown”
- **Page 7-7** “Goal- Provide a range of housing choices and opportunities”
- Submitted plan is more similar to the *High Density Residential (HDR)* future land use classification as found on **page 8-9.**

March 17, 2005

prepared by Tamara Buswinka

# SITE PLAN REVIEW- NW MERKEY & CHERRY ROAD

I offer the following suggestions:

- Sidewalk along Cherry Road
- Avoid front yards facing major streets
- **Steet Layout Issue:**
  - Primary characteristic of Neo-Traditional Developments is that the developments contain courtyards with homes facing the courtyards
  - Take advantage of the open space and face homes toward the green spaces (increase home values)
- If the Commercial element is allowed to remain, allow for the commercial and the residential to share the ingress/egress drive
- Need for larger lots with larger homes- mixed size of homes
- I personally feel the development is too dense and too much a deviation from our Master Plan for the area but I struggle with the incredible amount of amenities the developer is willing to install.
- I also wonder about sewer capacity;
- and the impact it has on our existing neighborhoods (decrease investment in our existing housing stock?).
- Is there anyway a portion of the ranch style condos could be set aside for assisted living (perhaps in connection with a group like Lutheran Homes of Michigan) considering how close the development is to Green Acres

March 17, 2005

*prepared by Tamara Buswinka*

Manistee Planning Commissioners  
70 Maple St.  
Manistee, Mi. 49660  
231-723-2558

Dear Commissioners:

At the March 4<sup>th</sup> regularly schedule planning commission meeting. I had offered to produce a synopsis of my concerns with the specific standards and requirements for special uses. As I shared, there appears to be many variations in similar proposed requirements through out the proposed fifty-seven uses. And as well the lack of minimum and maximum standards used in the evaluation of certain uses.

I would also share that some of the verbiage appears to be "to burdensome" and excessive upon the applicant. As well many standards impose an unrealistic perception that the commission members have vast knowledge of the State and Federal Statutory and Regulatory Authority. And unfortunate the appeals process and or dispute resolution standards are improperly addressed.

A special use that is permitted in any specific zoned district will always start with an application. Determining the completeness of an application and the content needed to insure its completeness is the most important elements in the application. The Municipal Planning Act: Act 285 of 1931, as amended 125.39 sec. 9 reads [The failure of the commission to act within 60 days from and after the date of official submission to the commission shall be deemed approved]. Yet the ambiguity of the proposed special use procedure suggest, there is or may be a much longer window of approval time.

In an effort to convey my concerns within the proposed procedures, standards and requirements. I would reference terms, phrases, words and a complete sentence that may create difficulties in evaluation. These may not be all the potential conflicts.

There appears to be an ever growing and undeterminable *Escrow payment*.

Why a *location is appropriate* maybe or is determined by the imposed zoning.

*Future*: the unrealistic expectation of what is coming next.

Attachment of Condition: the planning commission may recommend and the city council may prescribe condition of approval deemed necessary for the protection of the general welfare, *individual property right*, and to....

The purpose of the ordinance is to protect *public health, safety and general welfare*  
[Reference page 1 of the current ordinance] there is a lot, but not *individually*.

**Public health:** {A condition of well being.} or adequate public sanitation (POTW), Good public drinking, cooking and bathing water, clean parks, squares, grounds or open spaces? *What is the standard to evaluate public health?*

**Safety:** Supreme Court Justice: Stephen Markman {the first responsibility of government is to protect citizens from violent crime predators} seems a bit extreme for zoning? But having acceptable and safe travel ways, protection from radical energy, safety in the ingress and egress of buildings? *What is the standard for evaluating public safety?*

**Welfare:** {health, happiness, or prosperity}, *Prosper* to be successful, esp. financially. The other definition for welfare is the financial or other aid provided esp. by the government, to the people. Something like a well fare state. *What are the standards for evaluating welfare?*

**Key words:** the above phrase is “of the city” not an individual interest.

And insure that the land use or activity authorized shall be *compatible* with adjacent land uses, the *natural environment*, and the *capacity of public services and facilities affected* by the land use.

**OK**

**Key words:** will not change the *essential character* of....

proposed use shall be able to provide *adequately* for such.....

will not be *detrimental* to the *economic welfare* of the community.

What are the evaluation factors in determining what is detrimental to what evaluation indicators of the economic welfare of the community and it's essential character and if that is even adequate.

1802 F. The Special Use shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to *any person*, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare, or odors.

As *any person* who lives in the townships will tell you. They are offended by the activities that go about in the City of Manistee. As *any person* will tell you the simple man as judge must faithfully and even handedly interpret the words unbiased by the standard for evaluation of excessive noise, vibration, emission, fume or odors. *Even if they think there is a better way. Again what are those evaluation standards.*

**Key phrase:** promote use of land in a *socially and economically desirable* manner.

As planners a request for approval of a land use or activity which is in compliance with the standards stated in the zoning ordinance, the conditions imposed pursuant to the ordinance, other applicable ordinances and the state and federal statutes, **Shall be approved.** (MCL 125.286d. (16)d, (1)) [Michigan Planner, December 2003]

**Key word:** Be designed to *protect natural resources*.....

The only prominent protections of natural resources in zoning are the transfer of development rights or the farmland preservation act. Since there is no agricultural district in the City of Manistee, TDR's are all that are left.

The American Heritage Dictionary defines a natural resource as a material source of wealth, such as timber, fresh water, or a mineral deposit, that occurs in a natural state.

**Stop!!**

At this point I have to suggest that the planning commissioners take the time necessary to study the City and Village Zoning Act, Act 207 of 1921.

The people of the State of Michigan enact:

**125.581 Sec.1. (2)**

The land development regulation and districts authorized by his act shall be made in accordance with a plan (master plan) designed to promote and accomplish the objective of this act.

**125.584a Special Land uses. Sec. 4a**

(1) A city or village may provide in a zoning ordinance for special uses which shall be permitted in a zoning district ext. ext..

(1) b. The requirements and standards upon which a decision on a request for special land use approval shall be based.

(1) c. The procedure and supporting material required for application, review and approval.

**125.584c Discretionary decisions; requirements, standards, and conditions.**

**125.584d Site Plan, Sec. 4d (4)**

Site plan submission, review, and approval *shall be required for special land uses* and planned unit developments

**125.584e improvements; deposit of performance guarantee.**

**Sec. 4e (1)** As used in this section, "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a city or village, and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. *Improvements does not include the entire project which is the subject of zoning approval.*

Table 7-2, table of Land Uses (The New Stuff) illustrates many upon many special land uses.

If an Accessory Bldg. would meet a set a minimum standards why not allow as a use by right verses a SLU.

If a Communication Tower would meet a set a minimum standards in a specific district why not allow as a use by right verses a SLU.

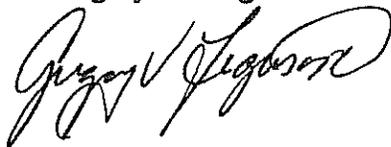
If a Hotel would meet a set a minimum standards in a specific district why not allow as a use by right verses a SLU

If a Home Occupation, Major would meet a set a minimum standards in a specific district why not allow as a use by right verses a SLU

Every Special land use requires the submittal of a site plan for review and a discretionary decision by the planning commission. I can't help, but to go to the existing Zoning ordinance and reevaluate the contrast between permitted and special land uses. And wonder why we choose to deviate from the clarity of the Standard Industrial Classification Code and the format this community has used to express its zoning intent. One could ask them self if a Use by right with minimum standards is more inviting to comply to, than the Special Use gauntlet forced upon the unwilling applicant.

Respectfully

Gregory V. Ferguson

A handwritten signature in black ink, appearing to read "Gregory V. Ferguson". The signature is written in a cursive, flowing style with some loops and flourishes.