

# CITY OF MANISTEE PLANNING COMMISSION

## WORKSESSION AGENDA

Thursday, April 20, 2006 - 6:00 p.m.  
Council Chambers, City Hall  
70 Maple Street, Manistee, Michigan

I Call to Order.

II Worksession Items:

1. Sand Products Corporation - PUD Request
2. S.S. City of Milwaukee - Review Special Use Permit for Scheduling Public Hearing
3. By-Law Review
4. Process for requests under the New Ordinance.
5. Other

III Adjourn.

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All Planning Commission Meetings and Worksessions are open to the Public.

Worksessions are scheduled to allow the Planning Commission the opportunity to discuss in a less formal manner than a regular meeting. No motions or decisions can be made during a worksession.

The Planning Commission does not take public comment during worksessions. The public is not allowed to speak, ask questions, or express opinions on items which are being discussed during the worksession.



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: Denise Blakeslee 

DATE: April 13, 2006

RE: April 20, 2006 Worksession

Commissioners, our next Worksession will be held on Thursday, April 20, 2006 at **6:00 p.m.** in the Council Chambers. We have several items on the agenda as follows:

**Sand Products Corporation - PUD Request.** The Planning Commission will continue their discussion on the request from Sand Products Corporation Phase 3. At the April Meeting the commission received a copy of a letter from Chuck Canestraight that was read into the record. The members also received a copy of the Environmental Assessment Requirements that are now in place under the new ordinance. You were asked to review the document and see if there were items you wanted excluded or added so that we can create a list for Sand Products Corporation.

**S.S. City of Milwaukee - Review Special Use Permit for Scheduling Public Hearing.** The S.S. City of Milwaukee was granted a Special Use Permit in October 2003. The S.S. City of Milwaukee is in the process of selling the portion of their property that the Moonlite Motel is located on. The Planning Commission will need to review the application requesting to amend the original Special Use Permit. If the Planning Commission feels that the application is sufficient they can request that Staff Schedule a Public Hearing.

**By-Law Review.** The City of Manistee is now operating under a new Zoning Ordinance that went into effect on March 27, 2006. The Planning Commission annually reviews their By-Laws and Rules of Procedures at their January Meeting/Worksession. Draft By-Laws have been prepared that reflect the new Ordinance. Because of a change in membership and the submission of so many requests to the Planning Commission they have not had time to continue their review. If time permits we will discuss the Draft By-Laws.

**Process for Requests under the New Zoning Ordinance.** The New Zoning Ordinance went into effect on March 27, 2006. This has resulted in a change in the way that applications are processed for Special Use Permits/Public Hearings. Planning Commission will discuss the process and determine if any changes may be needed.

:djb



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## MEMORANDUM

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TO: Planning Commissioners  
FROM: Denise Blakeslee   
DATE: April 18, 2006  
RE: Correspondence from JF New

Commissioners, enclosed is correspondence we received from JF New. This information was not received in time to be included in your packets. I am forwarding this to you so you have time to review it prior to the Worksession on Thursday.

See you Thursday!

:djb



11181 Marwill Avenue  
West Olive, MI 49460  
Phone: 616-847-1680 ext. 13  
Fax: 616-847-9970

Michael Hayes  
Senior Project Manager  
Coastal Regulatory Specialist  
mhayes@jfnew.com

Corporate Office:  
Walkerton, Indiana

Crete, Illinois

Indianapolis, Indiana

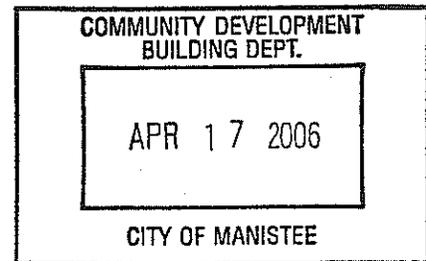
Grand Haven, Michigan

Cincinnati, Ohio

Madison, Wisconsin

Native Plant Nursery:  
Walkerton, Indiana

www.jfnew.com



April 13, 2006

Attn: Roger Yoder, Chairperson  
Manistee City Planning Commission  
Manistee City Hall  
70 Maple Street  
Manistee, MI 49660-0358

Re: Regulatory Clarifications, Man-made Lake Planned Unit Development  
Amendment, Sand Products Corporation

Dear Mr. Yoder:

In response to the Manistee City Planning Commission work session and special meeting that I attended on March 16, 2006, I wish to submit the following comments and support documentation that will address several questions raised during that meeting.

I have attached written correspondence from Penny Holt, MDEQ Shorelands Section, written to me at the request of her supervisor Martin Jannereth, MDEQ Chief of the Shorelands Section. This letter is in response to a letter sent to Mr. Jannereth on February 9, 2006, asking for clarification regarding Planned Unit Developments (PUDs) for properties located in critical dune areas and high risk erosion areas.

Based on materials provided by Jon Rose to Chuck Canestraight, Sand Products, I understood that Ms. Holt had addressed some of my questions in comments made to Mr. Rose on March 17, 2006. Mr. Jannereth had not responded to my original correspondence at this time except to say by email that the MDEQ was still reviewing the letter administratively. To place these important questions into the written record I wrote again to Mr. Jannereth on March 27, 2006, this time requesting a response that would apply directly to the PUD currently under review by the Planning Commission. After two follow-up phone conversations, the last of which included both Ms. Holt and Mr. Jannereth, I received the enclosed letter from Ms. Holt, dated April 6, 2006

This letter clarifies that a state permit is not required to install roads or sewers in this PUD or in other properties in high risk erosion areas regulated under Part 323, Shorelands Protection and Management, of the Natural Resources and Environmental Protection Act.

This letter also clarifies that there is no requirement under Part 323 for the state to review property boundary changes such as those proposed under the current PUD.

I hope that these materials will be helpful to the Planning Commission as you continue your review of the Man Made Lake PUD. I will be available at your next session on Thursday, April 20, to answer any questions you may have regarding this information or the proposed activities

Sincerely,

A handwritten signature in cursive script that reads "Michael Hayes".

Michael Hayes, Coastal Regulatory Specialist

Cc: Jon Rose



STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

STEVEN E. CHESTER  
DIRECTOR

April 6, 2006

APR 11 2006

RECEIVED

Mr. Michael Hayes  
JFNew  
11181 Marwill Avenue  
West Olive, MI 49460

Dear Mr. Hayes:

SUBJECT: High Risk Erosion Areas (HREA)/Critical Dune Area (CDA)  
Review of Planed Unit Developments (PUD)

This letter is in response to both your February 9, 2006, e-mail and letter of March 27, 2006 in which you asked a number of questions regarding the creation of PUD in properties designated as HREA or CDA under Part 323, Shorelands Protection and Management, and/or Part 353, Sand Dune Protection and Management of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. The creation of PUD would be assessed by the DEQ in the same manner as other multi-family developments, such as condominiums or subdivisions.

Parts 323 and 353 provide the DEQ with differing regulatory authority regarding proposals to change property boundaries. Part 323 does not require that property boundary changes be reviewed or approved by the DEQ prior to the changes. However, we strongly recommend that development proposals be submitted to us for review to avoid the creation of non-conforming properties. Proposed property splits, regardless of the size, are reviewed through the application process which requires a site plan showing the parent property boundaries, the proposed boundaries, building envelopes, and septic systems if required.

In your March 27, 2006, letter you cite the difficulty and expense of applying for permits for homes that will be built not by the current developer but by new owners sometime in the future. The DEQ's review under the HREA program does not require exterior or interior house plans or landscaping details; the application requires only basic information, including a site plan showing the building envelope and septic system location. It is our hope that design costs be minimal during this phase of site review.

Under Section 35314.(2) of Part 353, the local government, (or the DEQ if the local government has not assumed authority), is directed to review the proposed subdivision development to assure compliance with the CDA regulations.

As we have discussed, the reason review of the proposed boundary changes are encouraged, or required under Part 353, is to ensure the subdivided properties will meet HREA/CDA requirements thereby avoiding future problems for the sellers/new owners.

Mr. Michael Hayes  
April 6, 2006  
Page 2

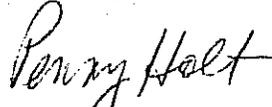
While this may add cost and difficulty initially, there would be no question as to whether the property was buildable at the time of creation, and if site conditions in the future change, the properties would meet the "substandard" criteria under both Parts 323 and 353 and would be eligible for special exception consideration.

As for the City of Manistee's Planning Commission's review of the proposed PUD, the decision to act prior to the DEQ's review is up to them. I continue to recommend that our review be conducted and permit action made prior to the City of Manistee's final decision. It is in the interest of the City, your client, and future buyers of these properties to know they are presently conforming units.

As you requested, this letter also confirms that a permit is not required for the installation of roads or sewers in HREAs. These activities would require a permit if the property was in a CDA.

Please feel free to contact me by e-mail at [holt@michigan.gov](mailto:holt@michigan.gov) or by phone if you have additional questions.

Sincerely,



Penny Holt  
Great Lakes Shorelands Section  
Land and Water Management Division  
517-373-1952



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www.ci.manistee.mi.us

## MEMORANDUM

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TO: Planning Commissioners

FROM: Jon R. Rose   
Community Development Director

DATE: April 11, 2006

RE: S.S. City of Milwaukee - Special Use Permit

Commissioners,

We have received a request from S.S. City of Milwaukee to amend their Special Use Permit. The Planning Commission approved a Special Use Permit for the S.S. City of Milwaukee on October 2, 2003. This Special Use Permit included two parcels #51-51-101-275-01 & 51-51-101-275-02.

The City of Milwaukee is in the process of selling parcel #51-51-101-275-01 and 51-51-174-704-19 to West Coast LLC (The Bay Condominiums). Parcel #51-51-101-275-01 which was included in the original request is where the Moonlite Motel is located. The other is a strip of property between the Moonlite Motel and the Joslin's property was not listed on the original application.

Review of Section 1801.C. Special Use review procedures which reads:

*Special Use review procedures. An application for Special Use Approval shall be processed as follows:*

1. *Planning Commission Work Session. The Zoning Administrator shall forward a copy of the complete application for the Special Use request to the Planning Commission within thirty (30) days of receiving the completed application. At such meeting, the Planning Commission may review the application and question the applicant about the special use. Prior to the public hearing, the Planning Commission shall not render any judgments on the application. If the Planning Commission concurs with the Zoning Administrator that the application is complete, a public hearing shall be scheduled as set forth in this Section."*

My review of the application indicates that the applicant has supplied sufficient information to hold a Public Hearing. If Planning Commission concurs we will scheduled one for May 4, 2006.

Our attorney has determined that the Planning Commission must take action on this request before this property can be included in a Planned Unit Development for West Coast LLC. The Public Hearings can be held on the same night.

JRR:djb

JON ROSE

**COPY**



281 First Street • Manistee, Michigan 49660-1755

**FIRE DEPARTMENT**

Phone 231-723-1549

FAX 231-723-3519

E-Mail [city-fire@manistee.com](mailto:city-fire@manistee.com)

April 10, 2006

Ms. Linda Spencer  
S.S. City of Milwaukee  
111 Arthur Street  
Manistee, MI 49660

Dear Ms. Spencer,

I have received and reviewed your request to close the port side access to the City of Milwaukee. After reviewing the requirements of the fire prevention code and discussing this issue with the building inspection department, my comments would be as follows:

- There is no reason not to have the handicap access or the primary access at the stern of the ship.
- In order to have occupancy greater than 50, you must provide a second means of egress. The second means of egress must be remote from the primary.
- Either the port or starboard access door would allow you to meet the requirements of a second means of egress. There is no need to maintain both exits.
- Remember that without a port side exit, the starboard exit must remain usable if the City of Milwaukee is to have an occupant load greater than 50 (this is for the entire vessel).
- As you develop plans for shipboard access and egress, you will need to assure that you have sufficient overall width to accommodate your intended occupant load.
- You will need to make sure you have appropriate signage so occupants cannot mistake the previous port side door for an exit. I would suggest posting a "Not An Exit" sign.

Please feel free to contact me if you have any further questions.

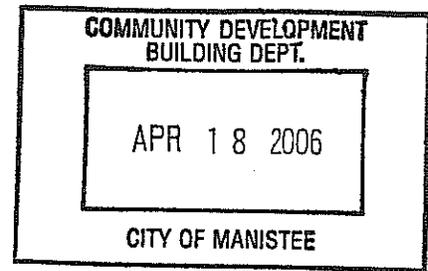
Respectfully,

Sid Scrimger, Fire Chief  
[sscrimger@charterinternet.com](mailto:sscrimger@charterinternet.com)

cc: Jon Rose

SS:cw

April 11, 2006  
Planning Commission  
City of Manistee  
P.O. Box 358  
Manistee, MI 49660



Dear Members of the Planning Commission,

We are writing to you regarding the recent proposal from Sand Company to build residences on the shoreline property between Lake Michigan and Man-Made Lake, specifically "phase III" of the development.

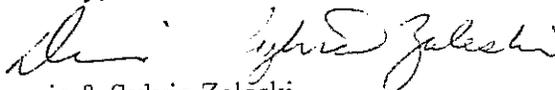
As property owners in Manistee for the past 10 years, we have seen ongoing changes in the landscape of the sandy shoreline that separates Man-made Lake from Lake Michigan. We are acutely aware of the fragile and changing nature of that property and it's unsuitability for building. Certainly if you look at photographs done by local photographer, Jerry Lewis Photographers, Inc., you will see evidence of when the shoreline did not exist and man-made lake was open to Lake Michigan. A copy of a photo illustrating this has been enclosed for review.

Early in the past decade we witnessed record high water levels of Lake Michigan which caused erosion, with washing away of the sand and narrowing of the shoreline barrier between Man-Made Lake and Lake Michigan.

In the more recent years the sand has reaccumulated on this burem because of specific attempts to halt erosion. Sand has collected due to placement of snow fences and planting of beach grass along this shoreline, as well as to dumping of tons of sand along the shoreline as it was dredged up from the river mouth. All of this attests to the fragile and changing nature of that shoreline. It would be a travesty to build upon this area having very recent historical proof of the instability of the sand dune/shoreline.

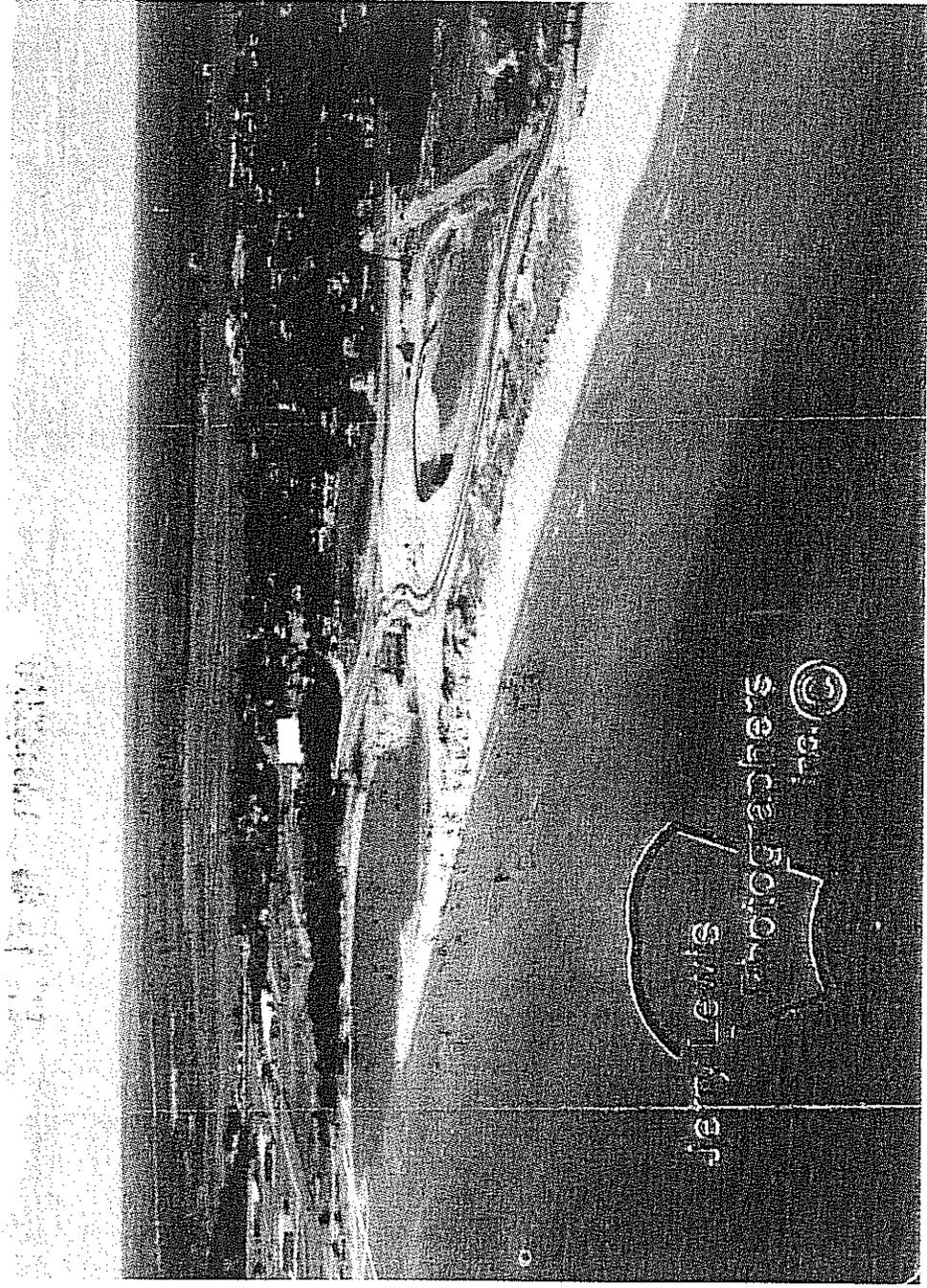
I hope your commission will take into serious consideration what history has shown us about the shoreline and prohibit building along this shoreline. If you would like to discuss our concerns further, please feel free to contact us at our home number 810-2275344 or cell phone 810-488-2857.

Sincerely,

  
Dennis & Sylvia Zaleski  
11163 Bertha Ct.  
Brighton, MI 48114  
BrookHarbor #84  
Manistee, MI 49660

CC: Manistee City Council Members

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S. E. J. C. B. O. I. O. R. G.  
J. E. W. I. S.

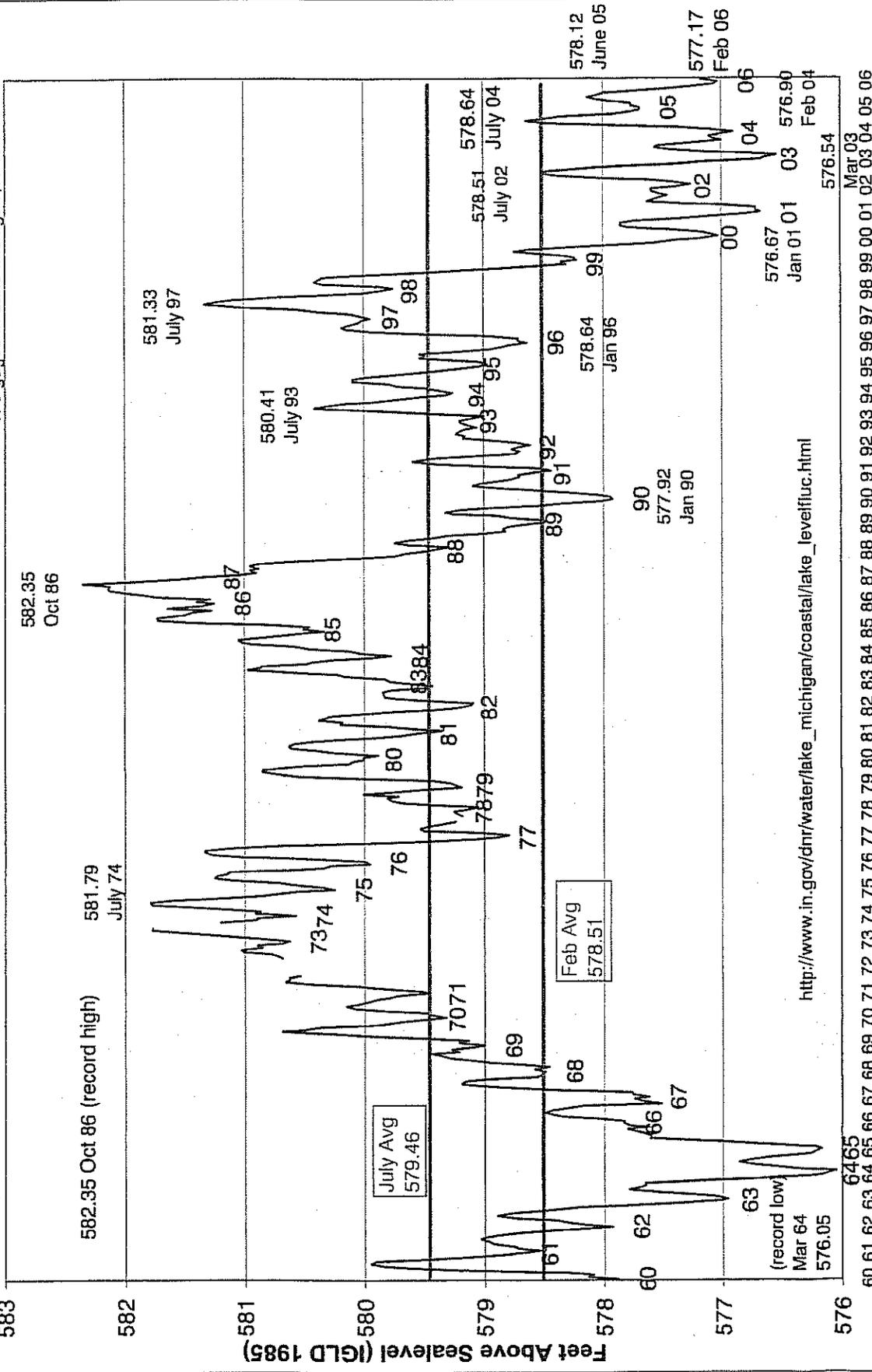


# LAKE MICHIGAN LAKE LEVELS 1960 - 2006

Note: All of these numbers are the average of 6 gages in Lake Michigan /Huron

Monthly Averages Plotted

Corps of Engineers Monthly Report for "Michigan - Huron"



[http://www.in.gov/dnr/water/lake\\_michigan/coastal/lake\\_levelfluc.html](http://www.in.gov/dnr/water/lake_michigan/coastal/lake_levelfluc.html)

<http://www.lre.usace.army.mil/index.cfm>

July / Feb Averages = 1918 - 2002

## YEARS - (January)

January 1960 to February 2006

*Handwritten signature and date: 1/10/06*

Release Date: January 25, 2002

Last Update: November 23, 2005

www.michigan.gov  
(To Print: use your browser's print function)  
Contact: Penny Holt 517-373-1952

The Sand Dunes Program

Michigan's sand dunes are a unique natural resource of global significance. Collectively, they represent the largest assemblage of fresh water dunes in the world and support numerous threatened and endangered species. Michigan's dunes are home to five federally listed threatened and endangered species. The combination of topographic relief, vegetation and climatic conditions are a phenomena unique to the State of Michigan. The dunes support a wide diversity of habitats - from cool forests of maple and hemlock, to the harsh environment of the open dunes, to quiet interdunal ponds teeming with life.

Concern for the impacts of sand mining on the dunes led to the passage of the Sand Dune Protection and Management Act in 1976. This statute regulated the sand mining industry in Michigan's designated sand dune areas, by requiring plans for sand removal and stabilization after the mining operation was complete. Several years after the act passed, it became apparent that other development pressures threatened the future of Michigan's dunes. As the dunes became increasingly popular sites for recreation, home building and condominium development, the potential for widespread damage and destruction of these fragile natural resources was realized.

To address these concerns, the sand dune act was amended in 1989 to regulate development, silvicultural and recreational activities. The act requires a permit for any of these activities, including contour changes, in areas identified as critical dunes. (All state environmental regulations were consolidated under one statute in 1994; the sand dune regulations are found under Part 353, Sand Dune Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451 as amended.) Critical dune areas represent the highest and most spectacular dunes extending along much of Lake Michigan's shoreline and the shores of Lake Superior, totaling about 80,000 acres in size. Uses are prohibited on slopes measuring greater than 33 percent without a variance, and structures are prohibited on the first lakeward facing slope of a critical dune area. Environmental impact assessments are required for special use projects (subdivisions, site condominiums, etc.).

Local units of government have the opportunity to assume permitting authority under the act by adopting or amending a zoning ordinance. The local ordinance must provide the same or a greater level of protection for critical dune areas as the state regulations, and must be approved by the Department of Environmental Quality (DEQ). Presently, Emmet County, St. James Township, Peaine Township, Benona Township, the City of Bridgman and Pere Marquette Township have approved ordinances and are responsible for permit issuance under the act. The DEQ retains final review authority for special use projects.

For those jurisdictions that have local permitting authority, application for uses in critical dune areas is made with the local unit. In all other areas, permit applications are submitted to the DEQ in Lansing. Once a permit application is filed, field staff conducts an on-site inspection of the proposed use. If the proposal does not meet the standards in the act, staff will work with the applicant to determine if there are alternatives on the site which would enable development of the property while meeting the standards in the act. Variance requests are considered by a panel of staff reviewers in Lansing.

The act has been successful in protecting the most fragile areas of Michigan's dunes through protecting steep, erosive slopes, using alternative construction techniques to reduce the impacts of development on dunes and protecting dune vegetation, which is essential to dune preservation and stability.

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### Sand Dune Legislation

Coastal dunes are in danger of being destroyed by overuse, misuse, and unwise development. They are popular sites for home building, off road vehicle use and other intensive recreational uses, as well as sand mining and other commercial activities. Such activities, when allowed to continue in an uncontrolled and improper way, may result in dune destruction. Recognizing this threat, the people of Michigan enacted legislation in 1989 to more adequately ensure protection of the dunes. The Sand Dunes Protection and Management Program, being part of 353 of the Natural Resources and Environmental Protection Act, 1994 PA 451, forms the basis for protecting sand dunes from indiscriminate development. Part 353 establishes protective standards on dunes considered to be the most sensitive. Such areas are now legally defined as critical dunes and include approximately 70,000 acres along the shorelines of Lakes Michigan and Superior. Critical dunes are designated by the acts and are identified in the Atlas of Critical Dunes, dated February 1989, developed by the Land and Water Management Division, Department of Environmental Quality (DEQ).

Passage of Part 353 came after years of effort by Governor James J. Blanchard, a number of legislators, representatives of local governments, environmental groups, the Natural Resources Commission, and the DEQ. Part 353 originally amended the Sand Dunes Protection and Management Act, 1976 PA 222, by expanding regulated uses to include commercial, residential, and industrial developments, in addition to the mining industry already regulated by the existing act. The standards in the acts are intended to ensure that the dunes are protected when new uses and developments are proposed that significantly alter the physical characteristics of a critical dune area. The standards, among other things, require new uses to be set back behind the crest of a critical dune, limit the amount of grading and vegetation removal allowed, and prohibit construction on steep slopes.

Map 2.4  
Michigan Townships Containing  
Critical Dune Areas

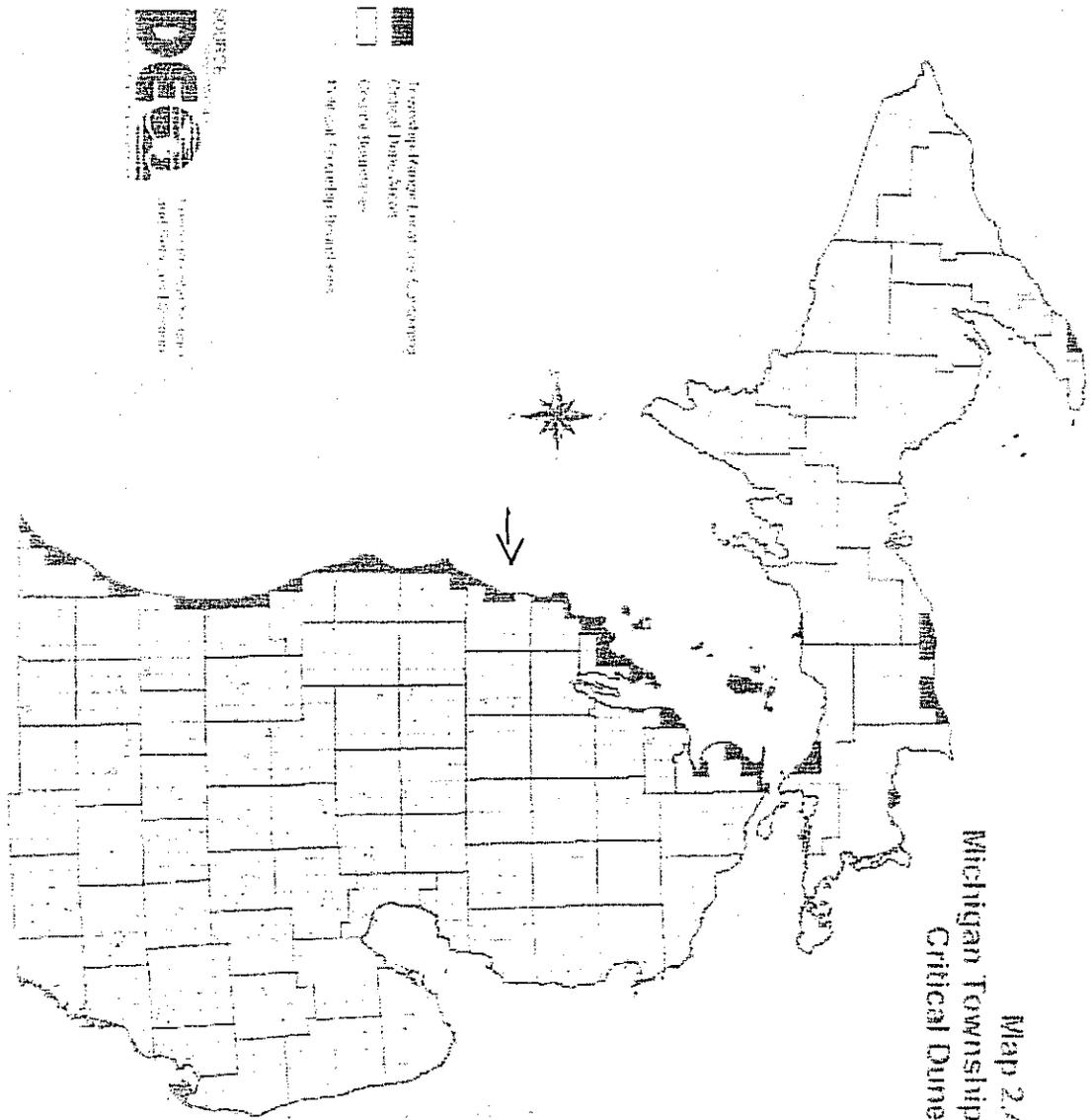
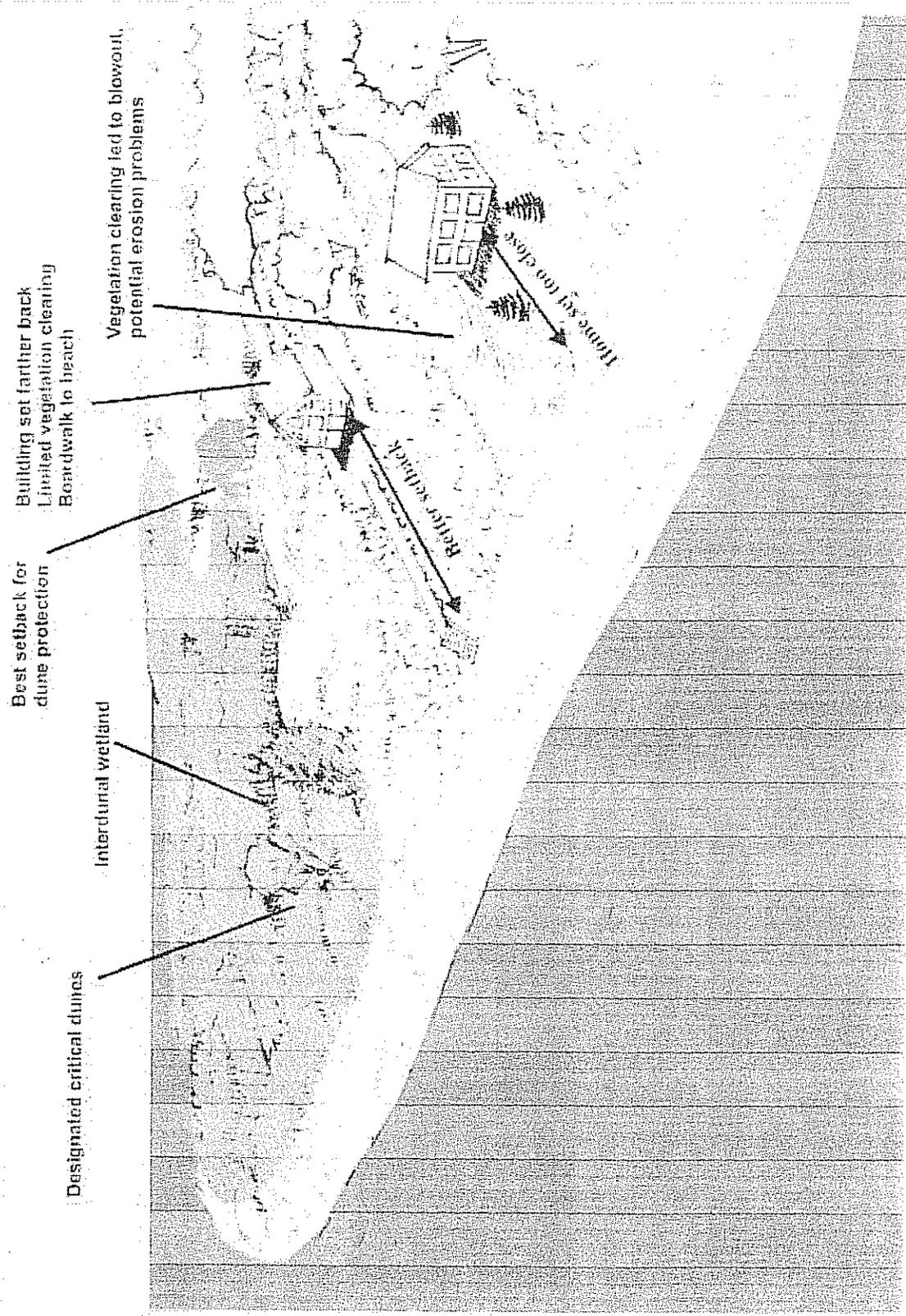
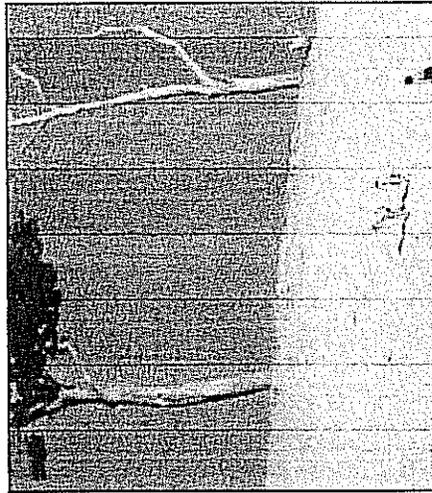


Figure 2.9. Critical Dunes



## SAND DUNES

Michigan's majestic sand dunes along the coasts of Lakes Michigan and Superior are one of the state's most defining natural features. Coveted for their beauty, recreational, and industrial benefits, dunes also serve as a crucial transition zone from Great Lakes to inland areas. Many people believe that because Michigan's dunes are such an awesome natural feature, they are protected from destruction. In fact, only one state law attempts to protect the dunes along our coast and it does not provide protection from destruction for all sand dunes.



Michigan's magnificent sand dunes are one of the state's most defining natural features.  
Photo: D. Kenyon, DNR.

through, to play in. They are home to federally threatened and endangered plant, bird, and insect species. They evoke deep sentiments from most people who believe we should protect them from destruction.

Dunes are continuously moving and changing natural features—not ideal for construction of permanent dwellings. But their beauty and proximity to the shore also make them highly desirable as locations for residential and resort developments. Like all coastal areas in recent years, coastal communities that have sand dunes have experienced tremendous development pressures. As these pressures for development and redevelopment continue to mount, dunes face a greater risk of destruction.

**What are sand dunes?** Michigan's 270 linear miles of sand dunes were created by three primary factors: sand, wind, and Great Lake water level fluctuations.<sup>41</sup> Dunes are prone to movement and erosion more than other geographic areas because of their formulating factors, and because sand is not a particularly stable soil type. Figure 2.9 illustrates how various types of development disturb sand dunes. Precautionary measures, such as elevated boardwalks and adequate setbacks, help minimize dune destruction.

There are different types of dunes, yet they all have distinct zones. For example, the characteristic zones of the type of dunes found along the west side of the state are the: beach, foredune, interdunal wetland (or trough), and the backdune.<sup>42</sup> Beach and foredune zones, as their names imply, are closest to the water. They are also the most ever-changing zones. Consequently, development in these areas is particularly damaging to coastal ecosystem processes and most at risk from damage by storms.<sup>43</sup>



## WHY PROTECT SAND DUNES?

Great Lakes dunes comprise the most extensive freshwater dunes in the world.<sup>46</sup> While it is true that their functions, such as acting as a buffer from storm surges, are a good reason to protect dunes from destruction, it is their ecological and aesthetic uniqueness that lies at the heart of protection efforts. Similar to the rainforest protection campaigns, or save the whale sentiment, most Michigan residents want to protect dunes because of the strong emotional ties associated with them. Simply put, dunes are magnificent to look at, to walk

### **WHAT IS REGULATED?**

There is no federal law pertaining to Great Lake sand dunes, so only state law and optional local regulations can protect these rare and magnificent geologic formations. The Sand Dune Management Act was initially adopted by the state in 1976 to regulate sand mining activities. In 1989, the Act was amended to address dune destruction caused by development. Sand Dune Protection and Management is now contained in Part 353 of NREPA, PA 451 of 1994, as amended. The statute calls for sand dune protection and management in areas that are designated as "Critical Dune Areas" (CDA). Any dunes not designated as CDA may or may not be protected by regulations depending on the presence or absence of local zoning provisions.

Critical dune areas represent some of the most spectacular dune formations in the state, such as Sleeping Bear Dunes. They also represent forested dunes, and other dune formations that do not have the same "high-profile" perception as do towering, shoreline bluffs. Of the nearly 250,000 acres of dunes along Michigan's coast, approximately 70,000 acres are designated as CDA. The remaining 70% of dunes are not regulated unless local governments have implemented protection measures of their own.

The Sand Dune Protection and Management provisions of NREPA require a permit in areas identified as critical dunes for activities including: development, silviculture, and recreational activities. Essentially, anything that causes contour changes or significantly alters the physical characteristic of the dunes in a CDA requires a permit.

**Where are critical dunes?** Perhaps the most pressing concern for local governments which have sand dunes within their jurisdiction is clarification of what areas are or are not regulated. Map 2.4 illustrates townships that have CDA designations in their boundaries. It is important to note that not necessarily all of the shoreline within a highlighted

township is regulated under Part 353. This site specific delineation has created some confusion among property owners, local officials, and even DEQ staff—as distinguishing criteria for CDA designation is not always obvious to the naked eye.

### **WHAT IS NOT REGULATED?**

Any dune that is not designated as CDA, and is not within the jurisdiction of a local shoreline protection ordinance is not protected from the adverse impacts of poor land use plans and development. Additionally, areas that are designated CDA lack oversight of adverse cumulative impacts to a dune system in its entirety. In other words, even within regulated areas that are strictly enforced, a great deal of dune destruction still occurs because Part 353 regulates dune activities on an individual parcel basis—it does not protect the landscape as a whole.

For example, if there is a mile-long stretch of CDA in which each and every parcel measures 25-50 feet wide by 150 feet deep, and each is developed with a single family home, the dune system as a whole is still prone to severe damage by the extreme fragmentation of the resource, and the physical impacts of each of those homes and their driveways.

### **LOCAL ROLE**

After the Sand Dune Management Act was amended in 1989, local governments were encouraged to administer the statute. However, there was, and still is, little local incentive to do this. The largest argument against local administration of Part 353 is that it means local liability if legally challenged. This situation became a reality for Port Sheldon Township, one of the original communities to adopt local administration after the law was originally passed. A sample CDA ordinance is provided in the Appendices.

## CASE STUDY

### Port Sheldon Township Example

For years, southwest Michigan's Port Sheldon Township was one of the few local governments to administer Part 353 of NREPA. But in June 2001 township officials repealed the CDA ordinance in response to a takings lawsuit. This unfortunate situation forced the community to explore alternative dune protection options that would help preserve the resource and reduce the chances of the repeating their litigation ordeal. Some communities may have viewed a lawsuit as a dead-end for the program, but Port Sheldon chose to try another route rather than forgo local sand dune protection. The new zoning was adopted unanimously in January 2003.

### New zoning classification moves forward

By John Charles Ribbons, *Holland Sentinel* Staff Writer  
Web posted Thursday, December 5, 2002

**Port Sheldon Township's** new zoning classification designed to protect the sensitive Lake Michigan shore area is one step from completion.

At a meeting Wednesday, the township planning commission unanimously recommended a map showing the exact locations for the new zoning. A large map is on its way to the township board for final approval. The text of the new zoning, called Lakeshore Residential (LSR), was adopted by the board earlier this year.

Larry Nix, township planning consultant, said the actions on the new zoning illustrate how the public hearing process is alive and well in the township. "We listened to what the public wanted," he said.

The original plan was to rezone the entire Lake Michigan shore area, and east to Lakeshore Drive. Some property owners with tiny lakefront lots objected and asked to have their land removed from the proposed zone. And that's just what Nix and the commission did, removing about 30 percent of the parcels from the targeted area.

The commission also chose not to rezone those areas to avoid creating a bunch of new, non-conforming lots, Nix said. Officials feel the move is necessary to protect the special sand dune area, and prevent the shore from getting chopped up into small half-acre lots.

The new zoning is a replacement for Critical Dune rules the township repealed in June 2001 in reaction to litigation. The Lakeshore Residential zone has a minimum lot size of 40,000 square feet, just shy of one acre -- 43,560 square feet. "It lays out nice," said Chairman Ken Souter. Wayne Oosterink, zoning administrator, agreed. "It protects the vital, beautiful areas," he said.

Reprinted with permission of the *Holland Sentinel*.

### Regulatory Takings and Sand Dune Protection.

The provisions of Part 353 require a permit for new construction, additions to existing structures, sand removal, driveways and parking areas, contour changes, vegetation removal, and industrial and commercial projects. In most instances, projects can be designed to conform to dune protection requirements. In some cases, these requirements cannot be met. Coastal properties in particular tend to be divided by frontage measured in feet, as opposed to acreage. Many older platted subdivisions may contain lots that measure no more than 25' by 50'. Consequently, some lots may be too small to accommodate placement of a structure that will not destroy the dune. When that situation arises, the potential for a "regulatory takings," may exist.

### ALTERNATIVE APPROACHES TO SAND DUNE PROTECTION

Avoiding a nasty lawsuit and still protecting Michigan's dunes for future generations may be a goal that is easier for local governments to attain utilizing alternative approaches. As with all other natural features regulated under NREPA, there is

always the option to protect resources under the Planning and Zoning Enabling Acts. Sand dune protection under Part 353 may not be the most appealing path to take for a local government. Not only because of the threat of a takings charge, but because Part 353 does not address all dunes.

There are a number of tools that can be implemented locally that potentially provide greater resource protection, do not preclude development, and a greatly reduce, if not eliminate threat of legal liability to communities that exists under provisions of Part 353. One such mechanism is land division oversight.

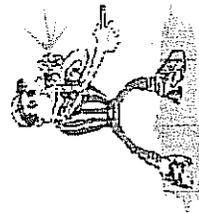
As mentioned above, parcelization and land division is very damaging to dune systems because it fragments the ecosystem. Local governments receive authority and are required to review any land division request on parcels less than 40 acres under the Land Division Act, PA 288, 1967. Therefore, local governments can protect dune resources through land division controls. *For more information about implementing land division controls, refer to the land division section in Part III.*

Another mechanism for protecting dunes locally is to implement special overlay zones in coastal areas. Overlays add an extra layer of land use considerations in areas that are of special environmental, historical, or cultural concern. An overlay to protect sand dunes would include:

- A. Prohibition of off-road vehicles.
- B. Requiring special use permits and associated site plan review for development or redevelopment.
- C. Requiring specified setbacks from the ordinary high waterline.
- D. Use of planned unit or cluster development sited in well-protected, vegetated areas behind the foredune. PUD's and clustering also reduce costs and impacts of development through shared driveways, parking spaces, and more compact utilities.
- E. Impervious surface restrictions.
- F. Design standards that allow for raised structures, which reduces problems associated with unstable sand.
- G. Requirements for use of native vegetation.<sup>44</sup>

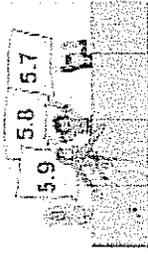
**NREPA: Local governments can**

- ✓ Assume administration of Part 353 locally, with DEQ approval



**Planning & Zoning Enabling Acts: Local governments can**

- ✓ Adopt overlay zoning ordinances
- ✓ Implement land division and subdivision control guidelines
- ✓ Require setbacks from crest of the foredune
- ✓ Institute site plan review for all development in near shore areas that limit imperviousness, allow for raised structures, and prohibits vegetation removal



### **Redevelopment**

Most coastal areas with dunes have been developed, or else are protected as state or federal park properties. Consequently, many development issues faced by local governments with dunes in their jurisdictions pertain to redevelopment. Local governments have it within their power to fit, or retrofit as the case may be, various tools to help alleviate the ecological damage caused by multiple driveways, landscaping practices, and infrastructure demands associated with each parcel. This basically involves approving those projects which have the least negative impacts on the dunes and/or prohibiting those projects or parts of projects that would negatively impact the dunes. This requires great care through the site plan review process and ordinance standards that are sensitive to the natural characteristics of dunes. Sample ordinance language for each of these techniques is found in the Appendices.



Dune protection measures on a parcel-by-parcel basis generally do not protect the integrity of the resource as a whole. Local governments can help address this dilemma with appropriate planning and zoning.

Photo: MI Department of Environment Quality.

### **Case Study**

#### **How Chocolay Township Started Protecting Their Dunes**

Prompted by some environmentally destructive development projects along their 6 mile stretch of coastline, the Upper Peninsula's Chocolay Charter Township adopted the "Lake Superior Shoreline/Dune Protection Overlay District" in the summer of 2001. A year later, Township Planning and Research Director Doug Riley said, "It's working extremely well."

When the planning commission began considering the idea in early 2000 they were leery of property owners' response to new coastal regulation. Once the Township board and the planning commission agreed upon the goals of the ordinance, they immediately solicited property owner input. The property owners literally applauded the planning commission and thanked (the P.C.) for getting their input," Riley said.

The township set out to create local regulations through authority found in the Zoning Enabling Acts—not under Part 353 of NREPA. Implementing policy through this mechanism allowed the township to address local problems, and eliminates the potential for a "takings" judgment against the community.

Riley said that what he and other township residents found most surprising was that the dunes were not regulated. "People with (construction) project plans would ask us if they needed a permit, and were shocked when we, or the DEQ, said 'No.'"

During the initial meeting, in which all 350 property owners were personally invited and approximately 75 attended, Department of Environmental Quality field staff and representatives of the Conservation District helped guide education efforts about the dunes, and dispelled myths about what is regulated and what is not. According to Riley, once people realized the dunes were not protected, they agreed that something should be done. The common concern was over how what one neighbor did could adversely impact the neighboring property and that there should be some type of review prior to significant changes being made to the dune.

Township officials listened to property owners' concerns before drafting final ordinance language. Their goal was to keep the ordinance and the application process as simple as possible to avoid the perception of "too much bureaucracy". Working with property owners helped the township identify the most important features to include in the ordinance so the integrity of the dunes could be protected. The result: a one page ordinance with language that protects mature trees and stabilizing vegetation, implements buffer strips, requires planting dune grass plugs in affected areas, and provides assistance to property owners with development plans.

The key provision of the ordinance is the "Conditional Uses" section. Not only does this section provide clear guidance to applicants, it also requires the township to notify all property owners within 300 feet of the proposed project area and allows those owners to comment on the proposal. With parcels in Chocolay ranging in area from 800 sq. ft. to 20+ acres, Riley has been particularly pleased by how well their overlay ordinance works in the highly developed areas along the coast.

Once the formal language of the ordinance was ready for consideration, a public hearing was held to maintain the community participation that had been essential during the planning process. In total, the ordinance took about a year and a half from the first public meeting to implementation. But Chocolay's efforts have not stopped there. The township recently produced a brochure for property owners that contains information about the ordinance, environmental educational material, and additional resources.

*A copy of the overlay district language can be found in the Appendices. Doug Riley can be reached at the Chocolay Township offices: 906-249-1448.*

## FOOTNOTES:

- <sup>1</sup> USFWS in Eastman, John. The Book of Swamp and Bog, Stackpole Books, 1995.
- <sup>2</sup> U.S. Environmental Protection Agency. "Functions and Values of Wetlands," Office of Water/Office of Wetlands, Oceans and Watersheds, (EPA843-f01-002c), March, 2002.
- <sup>3</sup> *Ibid.*
- <sup>4</sup> *Ibid.*
- <sup>5</sup> Tiner, R.W., and H.C. Bergquist, G.P. DeAlessio, and M.J. Starr, "Geographically Isolated Wetlands: A Preliminary Assessment of their Characteristics and Status in Selected Areas of the United States," USFWS, Northwest Region, Hadley, MA, 2002
- <sup>6</sup> R 281.925 [Mitigation] Administrative Rules of PA 203, 1979, § (a) and (b), Effective July 7, 1988.
- <sup>7</sup> R 281.925 [Mitigation] of the Michigan Administrative Code § (5), Effective April 27, 2000.
- <sup>8</sup> Michigan Department of Transportation, Environmental Section, Project Planning Division, Bureau of Transportation Planning; Phone interview with Mike Pennington, 4 February 2003.
- <sup>9</sup> *Ibid.*
- <sup>10</sup> Michigan Department of Natural Resources, *Environmental Areas, Great Lakes Shorelands Management*, 1979.
- <sup>11</sup> *Ibid.*
- <sup>12</sup> Schueler, Thomas R. and Heather Holland, *The Practice of Watershed Protection*, Article 52, Center for Watershed Protection, 2000.
- <sup>13</sup> Schueler, Thomas R. and Heather Holland, *The Practice of Watershed Protection*, Article 53, Center for Watershed Protection, 2000.
- <sup>14</sup> Field, Libby Y. and Bernard Engel, "Best Management Practices for Soil Erosion", Agricultural and Biological Engineering Department, Purdue University, 2002.
- <sup>15</sup> Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act 1994 PA 451, as amended: Section 324.9101 (14).
- <sup>16</sup> John Warbach, Planning and Zoning Center, Inc.
- <sup>17</sup> Field, Libby Y. and Bernard Engel, "Best Management Practices for Soil Erosion", Agricultural and Biological Engineering Department, Purdue University, 2002.

## **S.S. City of Milwaukee**

### Signage

The existing pole sign is located at the entrance of the property will remain and all other signage will meet current code requirements.

### Landscaping

As a non profit organization we depend on the generosity of our members and supporters donations to help us with our landscaping needs. We have placed piling clusters around the perimeter of the stern to better designate the parking area and to provide a more nautical look. In addition to the existing trees shown on the site plan we will be seeding non parking areas adjacent to the ship and the handicapped access. We hope to remove some plants from the Moonlite property to replant on the ships property and we will be planting seasonal flowers in planters and adjacent to walkways. We understand the need to provide a pleasing environment for our customers and the public passing our property. We will make upgrades as our budget, volunteer help and donations allow.

### Lighting

We will be making no changes to our current lighting.

# **S.S. City of Milwaukee**

## **National Historic Landmark**

99 Arthur St. (US 31), Manistee, MI 49660 • 231 723-3587 • FAX 231 723-3589  
www.carferry.com

April 6, 2006

To: City of Manistee

Re: SPECIAL USE PERMIT APPLICATION

The following application is a revision of our original application approved in September of 2003. The only change being closing the Moonlite Motel and sale of the property on which it is located. (Parcel Nos. 101-275-01 and 174-704-19)

Operating the Moonlite Motel was found to be uneconomical so it was closed on March 1, 2006. The portion of our property that it occupies, has been offered for sale. Operation of the S.S. City of Milwaukee, Marina and RV Park will not be affected. The location, size and facilities at this site are well suited to meet our needs for preservation and interpretation of maritime history without the motel property. The potential buyer has plans to build condos on the motel property.

The SS City of Milwaukee is moored on the remaining parcel (101-275-02) as indicated in plans included in the original application and also on the enclosed site plan drawing.

Thank you for your consideration.

# S.S. City of Milwaukee

1

## National Historic Landmark

99 Arthur St. (US 31), Manistee, MI 49660 • 231 723-3587 • FAX 231 723-3589  
www.carferry.com

April 3, 2006

### Special Use Permit. Sect. B.1. f.

#### Site Use for the S.S. City of Milwaukee located at 99 Arthur Street

The S.S. City of Milwaukee is a National Historic Landmark train ferry (carferry) now located in Manistee, Michigan, at 99 Arthur Street. On July 23, 2003, we purchased the Moonlite Motel & Marina property, the boat's present location. Development work proposed at that time was completed. The SS City of Milwaukee has been at this location since May 2004, when it was moved here from 9<sup>th</sup> Street. As an historic attraction, the number of visitors have been 3,000 and 6,000, respectively, the last two years. A marketing study conducted by MSU in 1999 estimated visitation could reach 20-30,000.

The Society has as primary objectives: preservation and restoration of the S.S. City of Milwaukee, education, and interpretation of railroad/maritime history on the Great Lakes. Our current programs include guided tours of the boat from engine room to pilothouse, overnight stays with breakfast in a 1930 setting, Ghost Ship and group special events. Many school groups, camp youth and scout groups tour, volunteer and overnight on the boat as part of educational programs. The Society is self supporting, relying on income from visitors, grants and donations. Meeting the preservation and restoration needs and our education and interpretation objectives requires good public awareness and visitation.

The highway location provides visibility and easy access for motorists as well as easy boat access. The area around this site includes restaurants, motels and businesses that benefit from the presence of this historic attraction as a destination tourist spot.

#### Interpretation

While the S.S. City of Milwaukee is itself a floating museum, the Society for the Preservation of the S.S. City of Milwaukee has collected a significant number of maritime artifacts and records that are exhibited and stored on site. We also have items on loan to other museums and the National Park Service at Sleeping Bear.

The boat is moored in its natural configuration with the stern to the shore. There are two ramps for public access and egress including handicap access to car deck where historic exhibits and tours are presented. Railroad cars on board (we own five) are used for educational interpretation, Gift Shop and a Museum exhibit.

Currently an air compressor is used to permit operating some of the 30 or so steam engines on board. A small package boiler may be installed in the future for this purpose.

### Preservation and Restoration

Continual maintenance and preservation work is required to preserve this boat, the last remaining example of the peak of train ferry service across the Great Lakes. Future grants are needed in order to fund this effort and provide the broadest possible public exposure. Volunteers are our greatest asset. Their dedication, labor and accomplishments are what has saved this ship and what will make it succeed in the future.

The skilled workers that built and sailed the carferries in this era are fading into the past. Maintenance requires preservation of some of their skills. Training, demonstration and interpretation are important to our programs now and in the future. For example, the S.S. City of Milwaukee is all riveted construction. It is one of the last ships remaining that was built this way. The woodworking used inside is not seen in today's ships. Triple expansion steam engines were the power plant of choice from the late 1800's through the 1930's. This ship can provide a training ground for preserving these past craft and operating skills. Students from the Great Lakes Maritime Academy learn about the old steamship operations.

Long range plans include restoring the ships boilers and steam engines to operating condition so that the ship can sail to other Lake Michigan ports as a special event exhibit. This would allow training of mariners in the operation of antique steam equipment. Sailors who worked on these boats are still available and able to contribute to these efforts.

### Lodging

Lodging infrastructure (desk, telephones, reservations, laundry and housekeeping) from the motel will be used for on-board overnight bed and breakfast program. Lodging can be attractive to individuals and groups where we offer a heritage experience. Overnight educational outings by school groups, scouts and youth camp groups have been very popular. We plan to continue and focus on these special events. Handicap access on board is limited for overnight because of historic preservation and Coast Guard requirements.

### Dining

The boat has three dining rooms; the crew mess, officer's mess and the passenger dining room. Our overnight bed and breakfast program also serves breakfast on the deck, weather permitting. Groups of 300 can be accommodated on the deck. Catered meals for special events such as weddings and parties are served on board.

### Marina

The existing marina facilities at the site are mostly seasonal but some are for transient use so that the carferry attraction can be visited by boat. Vacationers traveling Lake Michigan by boat have the ability to tie up at the S.S. City of Milwaukee while they visit it and other Manistee attractions. One slip is available for the Water Bug water taxi and tour boat that operates in Manistee. Future marina expansion may include 50' slips so large tour boats visiting Manistee will be able to anchor at the S.S. City of Milwaukee

instead of an industrial dock. The site currently has regular bus and shuttle service to downtown and the casino for mariners.

RV Parking

The existing trailer park is being reduced in size to provide more auto and bus parking space for visitors as needed. The location on US 31, a major highway, is important for highway travelers.

Special Use Permit, Sect. B. 1. g.

Closing of the motel will reduce utility consumption, sanitary sewer flow and traffic in and out of our drive. However, if visitation to the ship increases, as expected, traffic may increase. Terms of any motel property sale will include a 26' fire lane easement to permit fire truck access to the forward ship areas. A fire hydrant that we installed in 2004 is on the property we will continue to own.

Special Use Permit, Sect. B. 1. h.

The shoreline is protected from erosion with seawall. This will be maintained and repaired as needed. Sale of the motel property will include easements for mooring bollards to which the ship is tied, including maintenance access to these if needed.

Elevation of all buildings is 12' or less.

There should be no environmental impact resulting from closing the motel and sale of its property. The remaining property will remain unchanged except for placement of a handicap access ramp and gangway at the stern entrance to the SS City of Milwaukee. No excavating is needed for installing this.

Special Use Permit, Sect. B. 1. i.

The undersigned owner's representative affirms 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.

Signature of Applicant: Deane C. Nugent

Date: 4/6/06



# SPECIAL USE PERMIT APPLICATION

S.S. City of Milwaukee  
 Applicant  
99 Arthur St  
 Address  
Manistee, MI 49660  
 City, State, Zip Code  
 Phone Numbers (Work) 231 723-3597  
 (Home) \_\_\_\_\_

FOR OFFICE USE ONLY:

Case number PC-2006-05  
 Date Received 4-11-06  
 Fee Received \$250.00  
 Receipt Number \_\_\_\_\_  
 Hearing Date \_\_\_\_\_  
 Action Taken \_\_\_\_\_  
 Expiration Date of Permit \_\_\_\_\_

BASE FEE FOR SPECIAL USE PERMIT  
 \$250.00

A Special Use application shall be submitted and processed according to the following procedures:

A. **Submission of Application.** Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee and any applicant escrow payments as required by Section 2701 and in accordance with the schedule of fees adopted by the City Council to cover the costs of processing the application. An application shall be submitted to the Zoning Administrator on a Special Use application form. A Special Use application shall be placed on the agenda of the Planning Commission by the Zoning Administrator within thirty (30) days of the submission of a complete application prepared in accordance with this Zoning Ordinance. An application, which is incomplete or otherwise not in compliance with this Ordinance, shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees and escrow payments paid in full.

B. **Data Required.** Twelve (12) copies of an application for a Special Use permit shall be presented to the Zoning Administrator and accompanied by the following documents and information.

1. A complete Special Use permit application including the following information:

- a. Name and address of applicant and owner(s): S.S. City of Milwaukee
- b. Legal description, property parcel number, and street address of the subject parcel of land: Parcel No. 101-275-02
- c. Area of the subject parcel of land stated in acres, or if less than one (1) acre, in square feet 2.20 Acre
- d. Present zoning classification of the parcel: WF
- e. Present and proposed land use: National Historic Landmark Ship Museum, Marine 27 Park

- f. A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.  
 Attached
  - g. Applicant's statement of the expected effect of the special use on emergency service requirements, schools, storm water systems, sanitary sewer facilities, automobile and truck circulation patterns, and local traffic volumes.  
 Attached
  - h. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this ordinance, by the City Zoning Administrator or the Planning Commission; including, but not limited to, measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties; elevations on all buildings, including accessory buildings; and, an environmental assessment.  
 Attached
  - i. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in this Article and other standards imposed by this Ordinance affecting the special use under consideration.  
 Attached
2. A complete Site Plan containing all the applicable data required by Article 22, Site Plans.
  3. Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing Special Use permit applications as provided in Section 1802.
  4. Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed Special Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, a traffic impact analysis as required by Section 2203, E, 2, an environmental assessment as required by Section 2203, E, 1, a market study as required by Section 2203, E, 3, or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment.
  5. The Zoning Administrator may, with the approval of the Planning Commission, waive the submission of materials outlined in this Section if such materials are determined to be not applicable to the proposed Special Use or relevant to the consideration of the Planning Commission.
- C. **Special Use review procedures.** An application for Special Use Approval shall be processed in accordance with Section 1801.C.
- D. **Issuance of a Special Use permit.** Special Use Permits shall be issued in accordance with Section 1801.D.
- E. **Appeals.** No decision or condition related to a Special Use application shall be appealed to the Zoning Board of Appeals. An appeal of a Special Use decision or condition may be taken to Circuit Court.
- F. **Duration of Approval.** The Special Use permit shall become effective upon Planning Commission approval and in accordance with Section 1801.F.

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

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

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

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

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

**CERTIFICATION AND AFFIDAVIT:**

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

The undersigned, by signing the Application, agrees to pay any and all fees and escrow payments in full as provided in Article 27.

Signature (s) of Applicant (s):

*Dennis C. Ferguson*  
\_\_\_\_\_  
\_\_\_\_\_

Dated 4/6/06

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

## Site Plan Information required in Application:

- A Detailed Site Plan. A detailed site plan shall be required for all uses other than those that may submit a basic site plan. Detailed site plan shall include twelve (12) copies of all required information and twenty-five (25) copies of any documents rendered in color. It shall be prepared by an Engineer, Architect, Landscape Architect or Planner licensed to work in Michigan and shall include and illustrate at a minimum the following information:
1. A scale drawing of the site and proposed development thereon, including the date, name, address and professional seal of the preparer. In no instance shall the scale of the drawing be greater than one inch equals 20 feet nor less than one inch equals 200 feet. One copy shall be submitted in a photo-reduced form on 17" x 11" paper.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
  2. The scale of the drawing and north arrow.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
  3. A vicinity map illustrating the property in relation to the surrounding street system.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
  4. Topography of the site and its relationship to adjoining land illustrated at 2-foot contours and including an area extending 100 feet from the parcel boundary.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
  5. Existing man-made features, including buildings, fences, landscaping, parking, screening and the locations, heights and footprint of each.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
  6. Illustration of all proposed improvements and buildings, fences, landscaping, parking and screening, including location, height, footprint of each. *None Planned*  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
  7. Setback lines and their dimensions.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
  8. Percentage of land covered by buildings and impervious surfaces and that reserved for open space.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]

9. Dwelling unit density where pertinent; including a density schedule demonstrating number of each dwelling type, if applicable.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
10. Project phasing, if applicable. *N/A*  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
11. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
12. Curb-cuts, driving lanes, parking and loading areas, including the number of parking spaces and parking calculations; vehicular circulation patterns and features, location and size of all parking spaces and the identification of service lanes and parking.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
13. Curb-cuts and driveways on adjacent properties.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
14. Location and type of drainage, sanitary sewers, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
15. Existing and proposed water main, sanitary and storm sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.  
 Included  
 Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
16. Proposed changes to the topography of the site illustrated at no greater than two (2) foot contours.  
 Included  
 Waived by *R* [Planning Commission reserves the right to require the information at a later date]
17. Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development.  
 Included  
 Waived by *R* [Planning Commission reserves the right to require the information at a later date]

18. Detail on proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination, in accordance with Article 21.
- Included
- Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
19. A lighting plan in conformance with Section 525.
- Included
- Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
20. A written and illustrated landscape plan prepared in accord with Section 531 of this Zoning Ordinance.
- Included
- Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
21. If the parcel is a result of a parcel division undertaken after the adoption of this Ordinance, the site plan shall illustrate all structures and buildings, drawn to scale located on the previously undivided property.
- Included
- Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
22. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.
- Included
- Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
23. Any required approvals, permits, changes or modifications required by any applicable regulatory agency.
- Included
- Waived by \_\_\_\_\_ [Planning Commission reserves the right to require the information at a later date]
24. Special Groundwater Protection shall be subject to Section 2203.D.24
- Included
- Waived by R [Planning Commission reserves the right to require the information at a later date]

The Zoning Administrator may, with the approval of the Planning Commission, waive the submission of materials outlined in this Section if such materials are determined to be not applicable to the proposed Special Use or relevant to the consideration of the Planning Commission.

(Printed March 2006)

# SS City of Milwaukee National Historic Landmark Special Use Permit Application April, 2006

Existing/Proposed Property Uses:

- \* Marina & RV Park
- \* Museum - including Assembly on the SS City of Milwaukee

## Use #1 SS City of Milwaukee

Use Group requiring maximum parking:  
Assembly, with food/beverages consumption:

100 Guests/8 Workers:  
100 guests @ 1 parking space/3 guests: (Section 514)

33 parking spaces  
8 parking spaces for Workers  
41 parking spaces required for SS City of Milwaukee

## Use #2 RV Campground

Assume 1.0 space per RV Site: (No Req't in Zoning)  
Note: Parking space to be located immediately adjacent to RV Camp Site  
20 Parking Spaces are Provided in RV Campground

## Use #3 Marina

18 Independent Marina Slips @ 0.33 Parking Spaces/Slip  
6 Parking Spaces required for Marina Use:

Total Parking Spaces Required: 47  
Total Parking Spaces Provided per Plan: 49

## Development Summary:

Current Site Zoning: Western District (WF)  
Existing/Proposed Use: Marina \* RV Campground \* Museum with occasional Catered Eating & Drinking - Assembly Use (limited to no more than 100 guests)

### District Regulations

Minimum Building Setbacks:  
Front Yard: 15'  
Side Yard: 10'  
Deck Yard: 10'  
Waterfront: 20'

Maximum Lot Coverage Allowed: 60%

Total Site Area: (Refer to detail @ Right) 1.93 acres

En. Enclosed Building Area: 1333 sf => 1.4%  
En. Open-Walled Building Area: 770 sf => 0.9%  
Total Lot Coverage: 1833 sf 23.3%

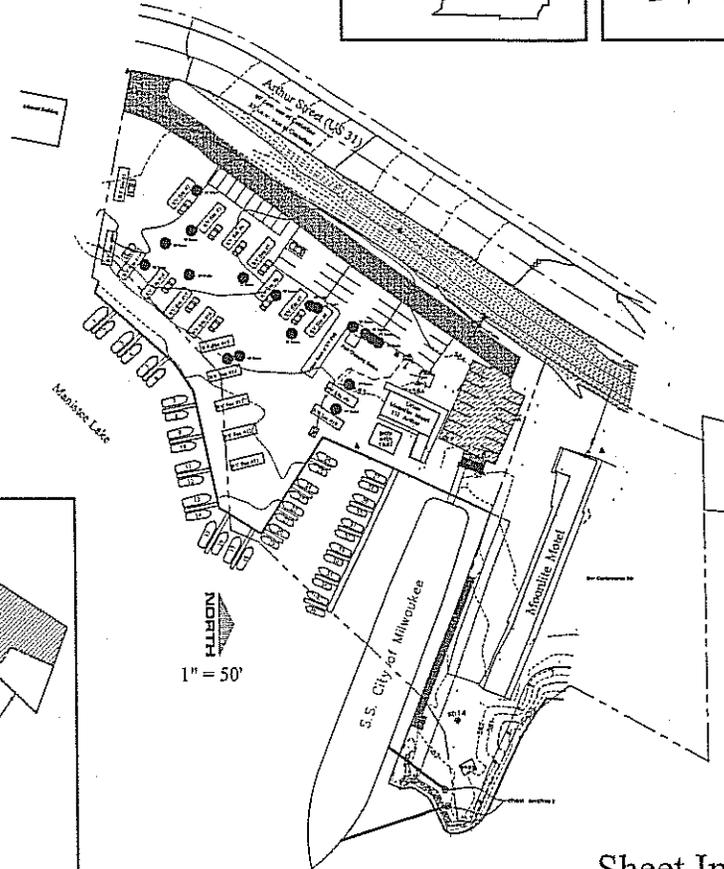
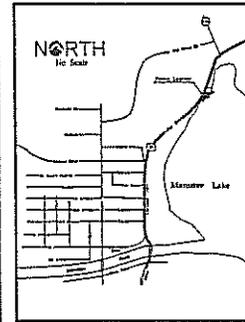
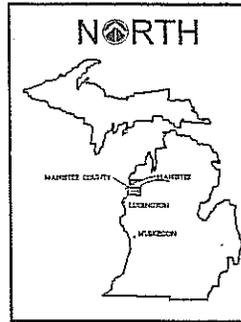
Proposed Paved Parking Lot Surface: 4126 sf => 5.0%  
Existing Paved Driveway: 9250 sf => 11.3%  
Guest Overline Parking Area: 8014 sf => 9.8%  
Total Lot Coverage: 21390 sf 26.1%

### Discussion of Density:

SS City of Milwaukee: 12 Units Hotel/Motel\* 100 Guest Reception Hall with Catered Eating and Drinking \* Museum  
Maximum number of guests: 100  
Estimated Number of Workers: 8

RV Campground:  
20 units - all with parking located adjacent to the RV Campground

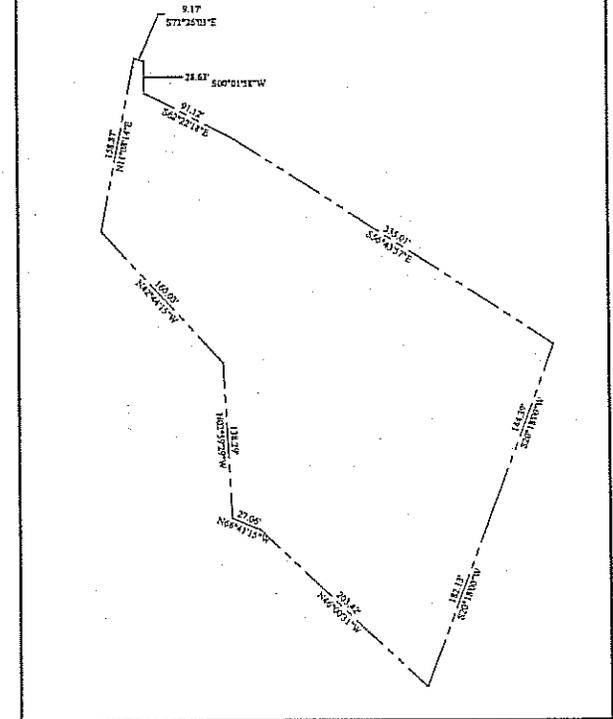
Marina: 34 Total Slips Provided - but 20 slips are rented in conjunction with the RV Campground. Actual number of slips requiring independent parking: 18



## PROPERTY DESCRIPTION

That part of the N 2/3rds of Government Lot 3, Section 1, T21N R17W, Commencing at a point where the E Line of Arthur Street intersects the S Line of the N 2/3rds of Said Government Lot 3; thence N 11°08'14"E along said E line 338.84 feet; thence along a 12°27'08" curve to the right along said E line 61.60 feet, said curve having a short chord bearing and distance of N14°58'21"E, 61.25 feet for a P.O.B.; thence along a 12°27'05" curve to the right along said E line 9.17 feet, said curve having a short chord bearing and distance of N16°33'57" E 9.17 feet; thence S89°58'02"E along the extended right-of-way of Arthur Street 28.63 feet; (being 60 feet from the centerline of said street); thence along a 13°13'40" curve to the right along the Ely right-of-way of said street 91.29 feet; said curve having a short chord bearing and distance of N27°37'42"E 91.12 feet; thence N33°16'03"E along said Ely right-of-way 315.01 feet; thence S69°42'00"E to the face of the existing revetment 144.39 feet; thence S69°42'00"E to the shore of Manistee Lake 181.49 feet; thence S43°49'27"W along said shore 27.05 feet; thence S87°00'31"W along said shore 138.29 feet; thence S47°15'45"W along said shore 160.03 feet; thence N78°51'46"W 158.87 feet to the P.O.B.

Property #51-51-101-275-02



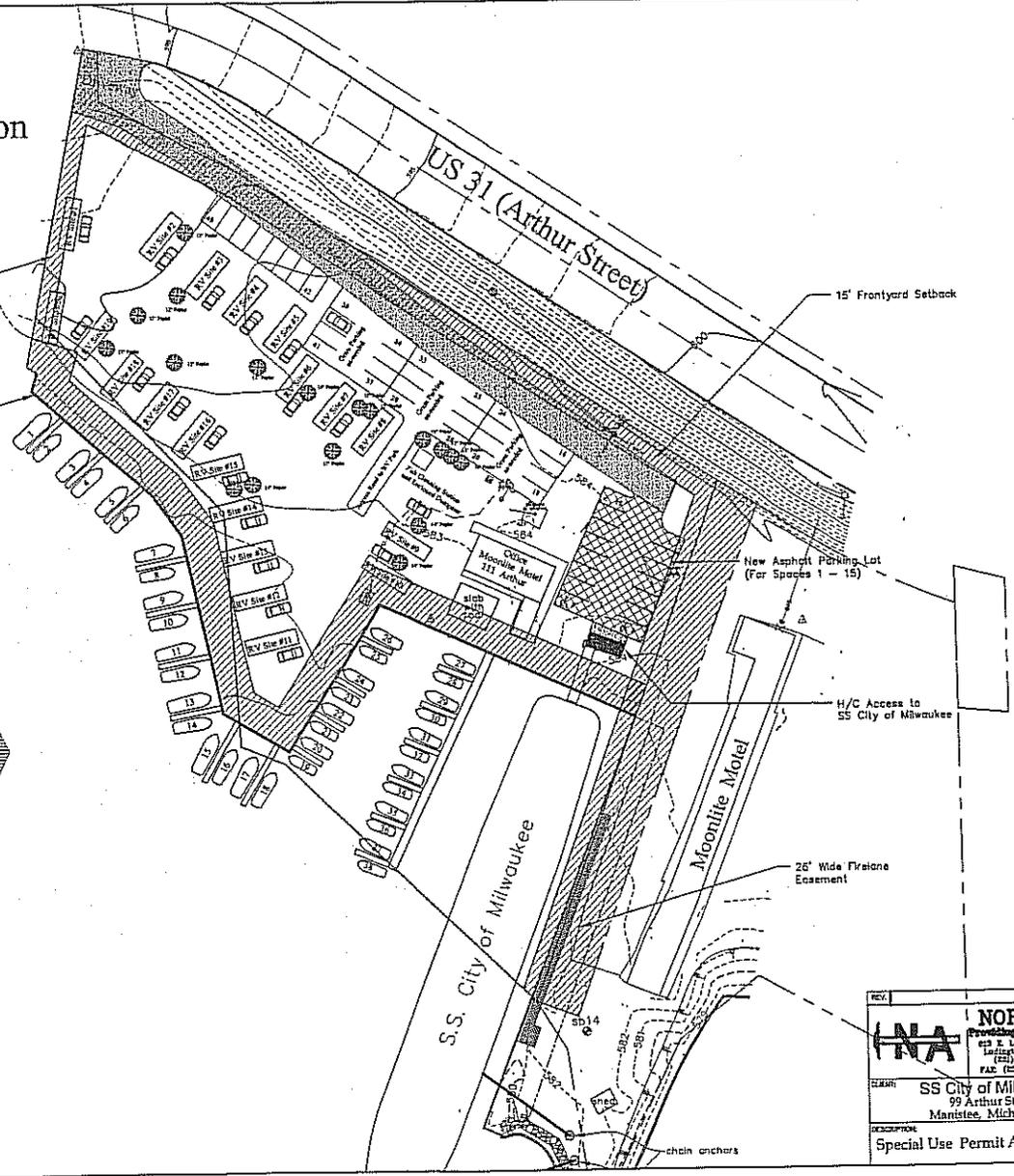
## Sheet Index

1. Legal Description and Site Location Map
2. Existing Use of Property & Improvements

REV.	DESCRIPTION	BY	DATE
<b>NORDLUND &amp; ASSOCIATES, INC.</b> Providing Complete Engineering & Surveying Services since 1978 819 E. Washington Ave.   227 River Street   100 Wood Street Lincoln, MI 48425   Manistee, MI 49850   Beverly, MI 48227 (202) 943-3458   (202) 763-8480   (202) 602-2522 FAX: (202) 843-7876   FAX: (202) 763-8644   FAX: (202) 602-3264			
CLIENT:	SS City of Milwaukee 99 Arthur Street Manistee, Michigan 49860	DRAWN BY: [XN jr]	CHECKED BY: [XN jr]
SCALE:	None	DATE:	April 2006
DESCRIPTION:	Special Use Permit Application	JOB NUMBER:	SHEET
		984 - 5	1 of 2

SS City of Milwaukee  
 National Historic Landmark  
 Special Use Permit Application  
 April, 2006

10' Sideyard Setback  
 20' Waterfront Setback



15' Frontyard Setback

New Asphalt Parking Lot  
 (For Spaces 1 - 15)

H/C Access to  
 SS City of Milwaukee

26' Wide Easement

Note: Survey data from Bay Condominium Site  
 and 2003 Site Plan for the original project  
 for the SS City of Milwaukee.

REV.	DESCRIPTION	BY	DATE
 <b>NORDLUND &amp; ASSOCIATES, INC.</b> Providing Complete Engineering & Surveying Services since 1978 613 E. Ludington Ave. 277 River Street Ludington, MI 49633 Marquette, MI 49855 (269) 843-3428 (269) 752-8450 FAX: (269) 843-7878 FAX: (269) 752-8642 FAX: (269) 852-8324			
DESIGN	SS City of Milwaukee 99 Arthur Street Marquette, Michigan 49660	DRAWN BY JXN Jr	CHECKED BY JXN Jr
DESCRIPTION	Special Use Permit Application	SCALE None	DATE April 2006
		SHEET NO 984 - 5	SHEET 2 of 2



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

## MEMORANDUM

TO: Planning Commissioners  
FROM: Denise Blakeslee   
DATE: April 11, 2006  
RE: Process for request under the New Ordinance

Commissioners,

During our last meeting several concerns were raised regarding how applications are being processed now that the New Zoning Ordinance is in effect. This has created some confusion on when applications should be submitted to allow time for review by staff, meet the requirement that the Planning Commission must deem them complete so that a Public Hearing can be scheduled.

This is a process that we will need to work through and unfortunately with so many applications coming in and our worksessions being filled up with special requests and items that need immediate attention it has been difficult at best. In an effort to avoid frustration we will work through the applications that are being submitted and try to take time to review the new requirements in the ordinance.

I have prepared a chart that lists the requirements that we used under the old ordinance. I then listed the section under the new ordinance and a brief synopsis that we are using under the new ordinance. Two items have not changed (Parcel Splits and Street and Alley Vacation requests).

Commercial Site Plan Review & Land Use Permit Applications	
Old Ordinance: Must be submitted 15 days prior to the meeting and must include a Site Plan.	New Ordinance: <b>Section 2204</b> If a detailed site plan submittal <b>is complete</b> the Zoning Administrator shall record the date of receipt and transmit copies to the PC. A meeting shall be scheduled for review (within 45 days of the receipt of the plans and completed application).

<b>Parcel Splits</b>	
<p>Old Ordinance: Must be submitted 15 days prior to the meeting and must include a Site Plan and legal descriptions of new parcels. Requires City Council approval.</p>	<p>New Ordinance: Using the same guidelines as the previous ordinance</p>
<b>Special Use Permit Applications (Including PUD Requests)</b>	
<p>Old Ordinance: Must be submitted 20 days prior to the (Public Hearing) regularly scheduled meeting. Requires a Public Hearing and City Council Review.</p>	<p>New Ordinance: <b>Section 1801</b> Application is submitted to the Zoning Administrator for review. If Zoning Administrator feels the application is complete then it is forwarded to the Planning Commission to schedule a Public Hearing. No City Council Review.</p>
<b>Street and/or Alley Vacation Requests</b>	
<p>Old Ordinance: Must be submitted 20 days prior to the (Public Hearing) regularly scheduled meeting. Requires a Public Hearing and Council Approval.</p>	<p>New Ordinance: Using the same guidelines as the previous ordinance.</p>
<b>Zoning Amendment Requests</b>	
<p>Old Ordinance: Must be submitted 25 days prior to the (Public Hearing) regularly scheduled meeting. Requires a Public Hearing and City Council Approval.</p>	<p>New Ordinance: <b>Article 28</b></p>

:djv