

MANISTEE CITY PLANNING COMMISSION

Worksession/Special Meeting of Thursday, May 18, 2006
6:00 p.m. -Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I Roll Call

WORKSESSION (6:00 p.m. till 7:30 p.m.)

The Planning Commission will convene at 6:00 p.m. in the City Hall Lobby . The first order of business will be a Site Visit of the Sand Products Corporation PUD Application request at Man Made Lake.

Once the Site Visit is completed the Planning Commission will re-convene in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

II Worksession

1. Sand Products Corporation, PUD Amendment
 - A. Site Visit
 - B. Reconvene after Site Visit in Council Chambers for discussion by Planning Commissioners
2. West Coast LLC/The Bay Condominiums - PUD Request

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. Unless specifically invited by the Chair the public is not allowed to speak, ask questions, or express opinions on items which are being discussed during the worksession.

SPECIAL MEETING

III Public Hearing (None)

IV Approval of Minutes - Planning Commission Meeting (5/4/06)

V Old Business

1. S.S. City of Milwaukee, Special Use Permit Revision
2. Other

VI Unfinished Business

VII Other Communications

VIII Citizen Questions, Concerns and Consideration (Public Comment Procedures on the Reverse Side)

IX. Adjournment

Public Comment Procedures

The City of Manistee Planning Commission welcomes public comment in support of its decision-making process. To assure an orderly, fair and balanced process, the Planning Commission asks that participants at all public hearings and during the Public Comment portion of the meeting observe the following rule of procedure:

1. The Chairperson will recognize each speaker. When a speaker has the floor, he/she is not to be interrupted unless time has expired. Persons speaking without being recognized shall be out of order.
2. Each speaker shall state their name and address for the record and may present written comments for the record.
3. Speakers shall address all comments and questions to the Planning Commission.
4. Unless waived by the Planning Commission for a specific meeting or a specific speaker, public comment shall be limited to five (5) minutes per speaker, one time only. If a group of people wish to be heard on one subject, a spokesperson may be designated who may request that more than five (5) minutes be permitted for the collective comments of the group as presented by that speaker.
5. The Chairperson may request that repetitive comments be limited or abbreviated in the interest of saving time and allowing others to speak.
6. The Chairperson may establish additional rules of procedure for particular hearings as he/she determines appropriate.
7. Normal civil discourse and decorum is expected at all times. Applause, shouting, outbursts, demonstrations, name-calling or other provocative speech or behavior is not helpful to the decision-making process and may result in removal from the hearing or an adjournment.

Thank you for your interest in the work of the City of Manistee Planning Commission and for your cooperation with these rules of procedure.



PLANNING AND ZONING
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MEMORANDUM

TO: Planning Commissioners
FROM: Denise Blakeslee 
DATE: May 11, 2006
RE: May 18, 2006 Worksession/Special Meeting.

Commissioners, the next Worksession/Special Meeting for the Planning Commission will be on Thursday, May 18, 2006. We will begin with the worksession followed by the Special Meeting. The Planning Commission will convene at 6:00 p.m. in the Lobby at City Hall. The Commission will then make a Site Visit of the Sand Products property. Please note after reconvening at City Hall we will discuss the request. Included in your packets are correspondence from the applicants.

The following items are on the Worksession Agenda:

Sand Products Corporation, PUD Amendment - The Planning Commission will make a site visit of the area then reconvene at City Hall for discussion on their request to add a Phase 3 to their Planned Unit Development.

West Coast LLC/The Bay Condominiums - PUD Request - The Planning Commission will continue discussion on the request from The Bay Condominiums for a Planned Unit Development at the former Joslin's site on Arthur Street.

Special Meeting:

S.S. City of Milwaukee - Special Use Permit Revision - The Planning Commission scheduled a Special Meeting after the worksession to continue review of the request from the S.S. City of Milwaukee to revise their Special Use Permit. This revision would remove the Moonlite Motel Property from their permit.

If you have any questions, please call me at 398-2805. See you Thursday!!

:djb



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Crete, Illinois	Indianapolis, Indiana
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11181 Marwill Avenue	Phone: 616-847-1680
West Olive, MI 49460	Fax: 616-847-9970

To: <u>Denise Blakeslee</u>	From: <u>Mike Hayes</u>
Company: <u>Manistee Planning & Zoning</u>	Date: <u>May 10, 2006</u>
Fax: <u>(231) 723-5410</u>	Pages: <u>7</u>
Phone:	cc:
Subject: <u>Environmental Assessment and Permit Checklist</u>	
<u>Sand Products, Man-made Lake PUD</u>	

The following is an Environmental Assessment and Permit Checklist for Phase 3 of the Man Made Lake PUD. Please share this information with the Planning Commission for the upcoming work session.



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
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May 10, 2006

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

Re: Environmental Assessment, Phase 3, Man-made Lake Planned Unit
Development, Sand Products Corporation

Dear Mr. Yoder:

In response to the Manistee City Planning Commission work session held
on April 20, 2006, I wish to submit an Environmental Assessment and
Permit Checklist for this project.

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,

Michael Hayes, Coastal Regulatory Specialist

Enclosure: Environmental Assessment, Permit Checklist

Cc: Jon Rose

ENVIRONMENTAL ASSESSMENT

Man Made Lake Planned Unit Development (PUD) Sand Products Corporation

1. A description of current site conditions.

Phase 3 of the Man Made Lake is a 6.74-acre site bounded by Harbor Village on the south, Lake Michigan on the west and Phase 1 and Phase 2 of the Man Made Lake PUD on the east and north respectively. The eastern portion of this phase of the project includes the shoreline of Man Made Lake.

There are no structures on the property.

a) Flora and fauna.

The site supports plant species typical of a primary dune. Beach grass (*Ammophila breviligulata*) is the dominant species by a significant margin, and is established as an almost pure monoculture throughout the area of proposed activities. A minor number of individual plants of the species wormwood (*Artemisia campestris*) and Gillman's goldenrod (*Solidago simplex*) may be found in this area.

Along the border of Man Made Lake, species diversity increases somewhat, and includes eastern cottonwood (*Populus deltoids*), black locust (*Robinia pseudoacacia*), box elder (*Acer negundo*), spotted knapweed (*Centaurea maculosa*), and beach pea (*Lathyrus japonicus*). Willow and rush species may be found along the shoreline edge toward the north and south ends of the project area.

There are no threatened or endangered plant species within the subject property for Phase 3. Pitcher's thistle (*Cirsium pitcheri*), which has a status as threatened under State and federal law, is known to occur in the general area but site reviews have demonstrated the species is absent here.

b) General topography and drainage patterns.

The site is characterized by the presence of a linear berm running roughly north to south between the shorelines of Lake Michigan and Man Made Lake (see site plan for existing topography). The top of the berm is at an elevation of 596.0, approximately 18 ½ feet above the water elevation of both lakes. The topography indicates a drainage pattern that would flow east and west from this ridge although the soil is highly permeable and there is no indication of surface runoff. The lake elevation of Man Made Lake is influenced by the groundwater elevation. There is a fringe of wetland along the western shoreline of Man Made Lake. This property is designated as a high risk erosion area.

c) Adjacent waterways.

This site is adjacent to Lake Michigan and Man Made Lake (see site plan).

d) Existing wells

There are no existing wells on the property.

2) Waived by Planning Commission

3) Waived by Planning Commission

4) Impact on coastal areas or the flood plain, or riparian work along adjacent waterways.

All proposed activities are above and outside the ordinary high water mark of Lake Michigan and Man Made Lake. The proposed activities are also above the 100-year flood plain elevation and outside of the wetland fringe of Man Made Lake.

Activities will occur within 500 feet of Lake Michigan and Man Made Lake and will require a permit from the county. This permit will require soil erosion control techniques to be followed during construction. To control erosion and prevent sediment from entering the adjacent water bodies, silt fence will be installed between the lakes and any grading or excavation in accordance with such a permit. The site will be revegetated and stabilized following any soil change. Additional precautions may be required depending on the specific layout of the site plan that is approved.

5) A description of the existing soils.

Soils in this area are listed by the Natural Resources Conservation Service soil survey as dune land-quartzipsamments complex. Sand Products Corporation is currently retaining an engineering firm to evaluate the soil conditions further, including their load bearing capacity, and will provide this information as soon as it is available.

6) A description of any historical or archeological significance associated with the site.

This site has no known historical or archeological significance.

7) Waived by Planning Commission

8) Waived by Planning Commission

9) A description of any stormwater or process water discharges from the site.

No point discharge of storm water is proposed for this site. Surface runoff from impermeable surfaces of homes and driveways will be absorbed by the highly permeable soils adjacent to them. Existing and anticipated grades are moderate and storm events should not create an erosive discharge. Depending on the characteristics of the site plan as approved, additional grading may be performed to improve stormwater detention and to confine runoff.

10) Federal, State, or local Environmental Assessments.

No regulatory authority has performed an environmental assessment of the subject area at this time.

11) Waived by Planning Commission

12) A description of the anticipated traffic

The PUD provides for 5 single-family homes with an average of 2 cars per home and an average of 5 trips per day. Visitors and deliveries will increase this activity somewhat. The proposed density for Phase 3 is well below the density limit for this zoning district and much less than adjacent uses with similar infrastructure.

13) A description of plans for site restoration after construction.

The immediate areas adjacent to construction will be regraded to blend with the existing topography. The site will be vegetated and stabilized with vegetation, primarily native beach grass.

14) A description of methods to handle sanitary waste.

During construction sanitary waste will be handled within portable units of a number and location to be determined by the general contractor. Homes will be serviced by public sewer as proposed in accordance with a plan prepared by a licensed engineer.

15) A description of how potable water will be provided.

Homes will be serviced by public water as proposed in accordance with a plan prepared by a licensed engineer.

16) A description of any additional items as needed to relay the potential environmental impacts of the proposed project.

No additional items have been identified at this time.

Environmental Permits Checklist

Business Name: Sand Products Corp.
Mailing Address: 63 Kercheval, Suite 200, Grosse Pointe Farms, MI 48236
Street Address: same
Telephone: (313) 820-4183 Fax: (517) 706-0631 Type of Business: Aggregate Sales
Facility Contact (Owner or Manager): Chuck Cavestraght
Date 5/10/06, 20__ Signature: Richard Hayes, as agent

NOTE: For assistance with permits and approvals from the Michigan Department of Environmental Quality, including permit coordination among MDNR and DEQ divisions, contact the Permit Coordinator, (517)335-4235.

This checklist (prepared March 2000) is designed to assist businesses in their efforts to identify and comply with state and county environmental permit requirements. Please submit the completed form to the zoning administrator at the time that site plans are submitted.

Circle (Y/N) the items that may pertain to your project or facility, then contact the office(s) listed to determine specific requirements. Return a copy of this Checklist to the municipality as part of your site plan. (If the municipality requires the permits as part of the site plan you will need to have these permits before submitting the site plan. If permits are not needed first, then still submit this form, then an updated copy should be submitted prior to occupancy.)

1. Y N Will the project involve the discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland or other surface water? Contact: MI Department of Envir. Quality, Surface Water Quality Division, Permits Section: 517/373-8088.
2. Y N Will the project involve the direct or indirect discharge of waste, waste effluent, wastewater, pollutants, and/or cooling water into the groundwater or oil the ground? Contact: MI Department of Envir. Quality, Waste Management Division, Groundwater Program Sec: 517/373-8148.
3. Y N Will the project involve construction or alteration of any sewage collection or treatment facility For facilities discharging to surface waters, Contact MI Department of Envir. Quality, Surface Water Quality Division, District Office: 231/775-3960. For facilities discharging to groundwater, Contact: MI Department of Envir. Quality, Waste Management Division, District Office: 231/775-3960.
4. Y N Will the project or facility store or use chemicals, petroleum products, or sale? Depending upon the type substance, secondary containment and a Pollution Incident Prevention Plan (PIP) may be required. Contact: MI Department of Envir. Quality, Waste Management Division, District Office: 231/775-3960.
5. Y N Will the project involve the installation, operation, or removal of an underground or aboveground storage tank containing a petroleum product or a hazardous substance? Contact: MI Department of Envir. Quality, Storage Tank Division: 517/373-8168.
6. Y N Will the project involve liquified petroleum gas storage tanks or container filling locations? Contact: MI Department of Environmental Quality, Storage Tank Division: 517/373-8168.
7. Y N Will the project involve the installation of a compressed natural gas dispensing station with storage? Contact: MI Department of Environmental Quality, Storage Tank Division: 517/373-8168.
8. Y N Will the project involve the generation of hazardous waste? Contact: MI Department of Environmental Quality, Waste Management Division, District Office: 231/775-3960.
9. Y N Will the project involve the on-site treatment, storage, or disposal of hazardous waste? Contact: MI Department Environmental Quality, Waste Mgt. Division, Hazardous Waste Program Section: 517/373-9875.
10. Y N Will the project involve the transport of hazardous waste or non-hazardous liquid industrial waste? Contact: MI Department of Environmental Quality, Waste Management Division, Hazardous Waste Program Section: 517-373-9875.
11. Y N Will the project involve landfilling, transferring, or processing solid non-hazardous wastes on-site? Contact: MI Department of Environmental Quality, Waste Management Division, District office telephone: 231/775-3960.
12. Y N Will the project involve the installation, construction, reconstruction, relocation, or alteration of any process or process equipment (including air pollution control equipment) which has the potential to emit air contaminants? Contact: MI Department of Environmental Quality, Air Quality Division, Permit Section: 517/373-7023.

13. Will the project or facility involve the storage, mixing, or distribution of pesticides or fertilizers in bulk quantities? *Contact MI Department of Agriculture, Pesticide and Plant Pest Management Division: 517/373-1087.*
14. Will the project involve any man-made change in the natural cover or topography of land, including cut and fill activities which may contribute to soil erosion and sedimentation? Will the earth change disturb an area of one acre or more, or occur within 500 feet of a lake or stream? If the answer to both of these questions is yes, a soil erosion and sedimentation control permit is required. *Contact: County Drain Commission (or other responsible office): 231/723-7644.*
15. Will the project involve dredging, filling, or construction in, across, or under (1) a river, stream, creek, ditch, drain, lake, pond, or swamp? (2) wetlands? (3) flood plain (area that may have or ever had either standing or flowing water)? *Contact MI Department Environmental Quality, Permit Consolidation Unit, Land and Water Management Division, 517/373-9244.*
16. Will the project involve any dredging proposed within 500 feet of a lake, river, stream, creek, or ditch? *Contact MI Department Environmental Quality, Permit Consolidation Unit, Land and Water Management Division, 517/373-9244.*
17. Will the project involve an earth change activity within 500 feet of a lake or stream, creek or ditch? *Contact: MI Department Environmental Quality, Land & Water Management Division, Soil Erosion & Sedimentation: 517/373-3178.*
18. Will the project involve construction of a building or land alteration within 400 feet of a designated natural river or tributary? *Contact MI Department of Natural Resources, Forest Management Division, Natural Rivers Program Unit, 517/373-1275.*
19. Will the project involve construction of a building or septic system in a designated great lakes high risk erosion area? *Contact MI Department of Environmental Quality, Land and Water Management Division, Great Lakes Section, 517/373-1950.*
20. Will the project involve dredging, filling, grading, or other alteration of the soil, vegetation or natural drainage, or placement of permanent structures in a designated environmental area? *Contact: MI Department Environmental Quality, Land and Water Management Div., Great Lakes Section: 517/373-1950.*
21. Will the project involve development, silvicultural activities or contour alterations within a designated critical dune area? *Contact MI Department Environmental Quality, Land and Water Management Division, Great Lakes Section: 517/373-1950.*
22. Will an on-site wastewater treatment system or septic system be installed?
- For sanitary sewage in quantities of 10,000 gallons per day or less: County or District Environmental Health 231/723-3595. For any subsurface discharge of sanitary sewage in quantities equal to or greater than 10,000 gallons per day. *Contact: MI Department of Environmental Quality, Waste Management Div: 517/373-8148.*
- For sanitary sewage in quantities of 6,000 to 10,000 gallons per day: In addition to obtaining a construction permit from the county or district environmental health department, submit a state wastewater discharge notification form. Flow monitoring and reporting are required. *Contact MI Department of Environmental Quality, Waste Management Division, Groundwater Permits Unit: 517/373-8148.*
23. Will the project involve the construction of a water supply well or the extension of a water supply service from an existing water system? *Contact County or District Environmental Health Department: 231/723-3595.*
24. Are there out-of-service wells, abandoned wells, or cisterns on the site? (Drinking water, irrigation, & monitoring wells). *Contact: County or District Environmental Health Department: 231/723-3595.*
25. Will the project involve a subdivision or site condominium project utilizing individual on-site subsurface disposal systems or individual wells? *Contact: County or District Environmental Health Dept: 231/723-3595.*
26. Will the project involve the on-site storage of sanitary sewage prior to transport and disposal off-site (pump and haul)? *Contact: MI Department of Environmental Quality, Waste management Division, Groundwater Program Section: 517/373-8148.*
27. Has the property ever been subject to remedial action, limited closure, or other environmental cleanup response under part 201, natural Resources and Environmental Protection Act (NREPA)? Is the property currently subject to a response action? Has a Baseline Environmental Assessment (BEA) been completed for the property? *Contact: MI Department of Environmental Quality, Environmental Response Division: 517/373-9893 and/or MI Department of Environmental Quality, Storage Tank Division: 517/373-8168.*

This checklist should be updated every 12-18 months. This checklist is not a permit application form; businesses are responsible for obtaining information and permit application forms from appropriate government offices. Compliance with applicable county and state requirements may be required as part of the site plan approval.



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MEMORANDUM

TO: Planning Commissioners

FROM: Jon R. Rose 
Community Development Director

DATE: May 12, 2006

RE: The Bay Condominiums

Commissioners, we have received a fax from Scholten Fant Attorneys on behalf of The Bay Condominiums. This letter was sent to address items the Planning Commission discussed after the Public Hearing on May 4, 2006.

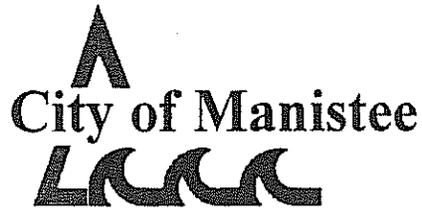
We received this letter this morning and have only had time to do an initial review. There is one item that I would like to address prior to discussion at the May 18, 2006 worksession.

Page 5 of 8 - Decks. They are referring to the language in the ordinance that allows specific items to be constructed within a waterfront setback.

I stand behind my determination that unroofed porches which are attached to the primary structures and exceed 70 square feet are encroaching into the waterfront set-back. Unroofed porches and decks 70 square feet or less are allowed to encroach into a setback.

The Planning Commission will have an opportunity to discuss this correspondence during the worksession.

JRR:djb



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MEMORANDUM

TO: Planning Commissioners

FROM: Jon R. Rose 
Community Development Director

DATE: May 8, 2006

RE: Conversation with Dan Lund, Michigan Department of Transportation

Commissioners,

I spoke with Dan Lund, MDOT on Friday, May 5, 2006 about any concerns that MDOT had regarding The Bay Condominium project. This is a brief synopsis of the conversation:

- ▶ DECELERATION LANE - Mr. Lund felt that a deceleration lane would have a minimum positive impact since it would only affect north bound right turn which is free flowing.
- ▶ CENTER LANE EXTENSION - Mr. Lund felt that extension of the southbound left turn lane past the entrance to the project would be appropriate to consider.
- ▶ TRAFFIC IMPACT STUDY - Mr. Lund said that the number of units that are proposed would warrant a traffic impact study.

The Planning Commission may want to discuss this further during the worksession or at the June Meeting.

JRR:djb



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The Planning Commission may want to discuss this further during the worksession or at the June Meeting.

JRR:djb



Scholten Fant

Attorneys

May 12, 2006

John Rose, Zoning Administrator
City of Manistee
70 Maple Street
P.O. Box 358
Manistee, MI 49660

Dear Mr. Rose:

Our office represents West Coast, LLC ("Our Client"). Our client has filed an application for planned unit development approval for certain real property within the City of Manistee. The purpose of this letter is to respond to various concerns raised by the Planning Commission at its May 4, 2006 meeting. As requested by the Planning Commission, our client will be present (or have representatives present) at the Planning Commission's work session on May 18, 2006, to further address these concerns.

Background.

The Property subject to the Application includes three contiguous parcels. The first parcel is the "Old Joslin Manufacturing" property, identified as Tax Parcel 51-51-174-704-01, located generally at 123 Arthur Street (US 31). The other two parcels consist of the "Old Moonlite Motel" property, identified as Tax Parcel 51-51-101-275-01, and Tax Parcel 51-51-174-704-19, located generally at 111 Arthur Street (US 31). The total site area of the Property is approximately 4.14 acres. All three parcels have frontage on Manistee Lake.

The Property is zoned in the W-F Waterfront District. The District Regulations for the W-F Waterfront District are listed in Section 1200. As is provided in footnote (b), these regulations are subject to flexibility under Section 1870, Planned Unit Development. Section 1201 of the Zoning Ordinance sets forth what uses are permitted in the W-F Zoning District as a matter of right, and Section 1202 sets forth the uses permitted as a special use. Pursuant to the Zoning Ordinance, the Property can be developed as duplexes, as a multiple-unit apartment complex, as a hotel, as a marina, as a mixed-use development or as a planned unit development.

Our Client has proposed redeveloping the Property as a planned unit development project (the Bay Condominiums). The Project involves removing existing dilapidated buildings on the Property and revitalizing the Property with forty (40) residential condominium units, and other amenities. The 40 condominium units will be in six separate buildings:

one 4-unit building, two 6-unit buildings, and three 8-unit buildings. In addition, the Project includes a pool, a pool building, a volleyball court, and landscaping. A portion of the Property at the north end of the Project (comprising between approximately 80 feet to 150 feet of frontage on Manistee Lake, depending on whether you include the detention area) will be dedicated for public use, and will be improved with a pavilion and additional landscaping.

According to the draft minutes of the May 4, 2006 Planning Commission meeting, the discussion about the Project included the following topics.

- Creating a wall of buildings
- Deceleration Lanes
- Where sidewalks end
- Landscaping concerns
- Encroachment into waterfront setback
- Dumpster locations, is there a dumpster?
- Traffic flow (no turnaround)
- Definition of View Corridors
- Asphalt encroachment
- Donation of property as park - what are feelings of Parks Commission?

Following that discussion, a motion was unanimously passed, whereby the Project was postponed to the May 18, 2006 work session of the Planning Commission. To save time at the Planning Commission's work session, we want to address a number of these issues in writing prior to the May 18, 2006 meeting.

Issue: Creating a Wall of Buildings

Consistent with the Zoning Ordinance, the Property could be developed with a single building used as a multiple-family dwelling or as a hotel, provided the standards contained in Section 1832 or 1849, respectively, were met. None of the standards contained in those sections would prevent a building from being constructed in such a manner so that there was a ten foot side yard setback to the south, and a ten foot side yard setback to the north, with the building taking up the remainder of the frontage on Manistee Lake. This type of building would be more akin to a wall of buildings than that proposed by our client.

Rather than have such a wall of buildings, our client has proposed the construction of seven separate buildings (including the pool building). Five buildings will front on Manistee Lake. These buildings will be separated by a twenty-foot set back from one another (i.e., two ten-foot side yard setbacks). This configuration allows a break-up from the potential wall of buildings that would otherwise be permitted in the W-F Waterfront District if done as a single building.

Our client is developing the Property at a much lower density than permitted under the Zoning Ordinance. The maximum density for the Property permitted under the W-F

District is 17 residential units per acre. The Project would be developed with 40 condominium units, for a density of 9.66 units per acre, or just over half of the permitted density.

Our client is likewise developing the Property with less than half of the lot coverage than permitted under the Zoning Ordinance. The maximum lot coverage allowed under the WF Zoning is sixty percent (60%). [See Section 1203.F of the Zoning Ordinance, which provides: "Not more than sixty percent (60%) of the parcel area shall be covered by buildings."] The Project's 40 condominium units would have a building area of 43,592 square feet, for a total of just over twenty-four percent (24.15%) of lot coverage.

Issue: Deceleration Lanes

The west boundary line of the Property is along US 31 (a.k.a., Arthur Street). As a highway under the jurisdiction of the Michigan Department of Transportation ("M-DOT"), the curb cuts and deceleration lanes along US 31 would be subject to the review and approval of M-DOT. If M-DOT advises that deceleration lanes along US 31 are necessitated as a result of the Project, our client will definitely provide them. Our client is willing to have that be a condition of the special use / planned unit development approval of the Project.

Issue: Where Sidewalks End

Our client is providing public sidewalks along US 31, as well as private sidewalks within the Project and along Manistee Lake. In all due respect to the Planning Commission, where the sidewalks end is necessitated by concerns of privacy and security for residents of the Project. As a matter of privacy and security, it is unreasonable to have public sidewalks within the private development open to the public twenty-four hours a day, seven days a week.

As a trade off, our client has not only provided the public sidewalk along US 31, but will also dedicate the open space at the northern end of the Property, which includes approximately 150 feet of frontage on Manistee Lake, to the public use. This allows greater use by the public than a mere walkway, while safeguarding the privacy and security concerns of the residents of the Project.

Issue: Landscaping

The various plans submitted by our client as part of the application include a Site Landscape Plan. The Landscape Plan identifies the various types of trees and vegetation, as well as the location where such vegetation is proposed to be planted, included in the Project. If the Planning Commission has specific recommendations to make regarding the landscaping involved in the Project, our clients will respectfully consider those recommendations.

Issue: Encroachment Into Waterfront Setback

Subsection 1203.C.4 of the Zoning Ordinance provides that the Minimum building setback for waterfront yards is 20 feet. Please note, however, that this 20-foot waterfront yard setback standard does not apply to walkways or decks [See footnote (e) in Section 1200 and Section 1203.C.4.]. Please further note that Subsection 1870.D provides that the Planning Commission may alter setback requirements and other miscellaneous regulations for planned unit developments where such regulations or changes are reasonable and consistent with the intent, objectives, and standards set forth in Section 1870.

Subsection 1870.B provides the statement of intent for planned unit developments. This includes:

- permitting flexibility in the regulation of land development,
- encouraging innovation in land use and variety in design, layout, and type of structures constructed,
- achieving economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities,
- encouraging useful open space, and providing improved housing, employment, and shopping opportunities particularly suited to the needs of the residents of the State and City, and
- encouraging the innovative use, re-use, and improvement of existing sites and buildings.

Subsection 1870.C provides the regulations and conditions for planned unit developments.

- The proposed project is compatible with adjacent uses of land, the natural environment, and the capacities of affected public services and facilities. As such, it is consistent with the public health, safety and welfare of the residents of the City of Manistee.
- The proposed project is consistent with the City of Manistee Master Plan and the Future Land Use Map.
- The proposed use and development of the Property is warranted by the design and additional amenities made possible with and incorporated by the development proposal.
- The development consolidates and maximizes useable open space.

- The development provides landscaping to ensure that the proposed uses will be adequately buffered from one another and from surrounding public and private property, and to create a pleasant pedestrian scale outdoor environment.
- The development provides vehicle and pedestrian circulation, allowing safe, convenient, non-congested and well defined circulation within the development. Adequate access to the development is provided.
- Existing important natural features within the development are preserved. There are not any existing important historical or architectural features within the development.

Only a small portion of the northeastern corner of the northern most unit in the building on the northern end of the Project is shown in the Site Plan as encroaching into the Waterfront Setback. Our client has requested that the Planning Commission alter a small portion of the setback for one unit out of 40 units involved in the Project. Our client believes that the requested minor change is both reasonable and consistent with the intent, objectives, and standards set forth in Section 1870.

Notwithstanding the fact that the Planning Commission has the ability and authority to alter this setback, our client is willing to modify the site plan to ensure that no portion of the buildings are within the Waterfront Setback as provided in Subsection 1203.C.4. A revised site plan will be submitted at the May 18, 2006 work session meeting showing this modification.

It has come to our attention that some Planning Commission members are concerned about decks being located within the 20 foot waterfront yard setback. This concern is apparently due in part to a misunderstanding of how Subsection 502.D.1. interacts with Subsection 1203.C.4. Subsection 502.D.1. sets forth general provisions pertaining to the uses, spatial and physical requirements, and provides in relevant part:

"All roofed porches and decks and those unroofed porches and decks, including steps, which are larger than seventy (70) square feet, will be considered part of the structure and the building area and will be governed by the yard requirements of the Zoning District in which the parcel in (sic) located." (Emphasis added.)

The relevant yard requirements of the W-F Zoning District, which govern this Property, are contained in Subsection 1203.C.4., and specifically provide that the minimum waterfront yard setback provision "shall not apply to walkways, decks, boat docks, boat slips, boat houses and boat launches. Applying the rule of construction that the specific provision controls over the general provision, it is clear that decks are not subject to the twenty-foot waterfront yard setback requirement.

Issue: Dumpster Location

There will not be a central dumpster. Each individual unit will provide a separate trash receptacle for disposal and pick-up.

Issue: Traffic Flow - No Internal Turnaround

The Planning Commission members acknowledged that the Project will likely attract visitors. Some members are concerned that there is no internal turnaround for vehicular traffic. Rather than provide a large turnaround, our clients have decided to efficiently use the impervious, hard surfaced area by providing visitor parking spaces, which may be used by people who come to the site. Any vehicle that needs to turn around can easily and safely do so in one of the 21 visitor parking spaces that are provided.

Further, with respect to traffic and safety issues, our client is providing a thirty (30) foot wide easement along the southern portion of the Property that will be reinforced sufficiently to allow emergency access vehicles to enter the Property. As such, emergency vehicles, such as fire rescue trucks, will have access points along both the North and South of the Property.

Issue: Definition of View Corridors

Apparently, there was some discussion by Planning Commission members regarding the definition of a View Corridor. In our opinion, the definition issue is adequately addressed by the Zoning Ordinance.

View Corridor is defined in Section 223 of the Zoning Ordinance as follows: "A line-of-sight corridor from a public activity area, such as a pedestrian walkway, outdoor recreation area, outdoor eating/drinking facility, outdoor attraction or similar area to Lake Michigan, Manistee Lake and/or the Manistee River Channel."

Section 2205 of the Zoning Ordinance, which provides review criteria for site plan review, also includes the following regulation of View Corridors.

L. Projects proposed within three (sic) (300) feet of Lake Michigan, Manistee Lake and/or the Manistee River Channel shall be arranged to preserve the maximum possible view corridor from public activity areas to said bodies of water. For the purpose of this Section public activity centers shall include pedestrian walkways, outdoor recreation areas, outdoor eating/drinking facilities, outdoor attractions or amenities (such as fountains, statues, monuments, public benches/seating, and other similar features) which are designed to attract and promote the gathering of the general public on-site.

The issue that the Planning Commission may be concerned about is whether the view corridors provided are sufficient. It is important to keep in mind when such view

corridors are required, and what view corridors might be provided if the Property were developed in a different manner.

View corridors are only necessary because our client is providing a public sidewalk along US 31, and because our client is dedicating the northern portion of the property to public use; otherwise, there would not be any public activity area that would necessitate providing a view corridor. Our client certainly should not be punished in any way for providing such public amenities.

Our client is providing a number of view corridors as part of the Project. First, along the southern portion of the Property, there is a thirty (30) foot wide view corridor by virtue of the easement. Second, our client is providing four separate twenty-foot wide view corridors internally within the Project, by virtue of the twenty-foot separation between the various buildings along Manistee Lake. Finally, our client is providing a one-hundred-and-fifty-foot view corridor along the northern portion of the Property, by virtue of the open space area, which will be dedicated to public use.

Some Planning Commission members suggested that there would be more view corridor if the Property were developed with duplexes rather than a number of multiple-family buildings. While under Section 1200 of the Zoning Ordinance, duplexes are a permitted use in the W-F Waterfront District, it is important to keep in mind that multiple-unit dwellings, hotels, marinas, mixed-unit developments and planned unit developments are also permitted, although as special uses. It would therefore be possible to have one single building on the Property, to be used as a hotel or multiple-family dwelling, with ten foot side yards to the South and the North. This would result in a total of only twenty feet of view corridor, rather than the approximately two hundred and sixty feet of view corridor that our clients are providing. Furthermore, by dedicating a portion of the Property to public use, the public is being given a greater advantage over a mere view corridor in that it can not only look over the Property to see Manistee Lake, it can enter and walk on the Property and actually access Manistee Lake.

Issue: Asphalt Encroachment

The neighboring property owner to the north has some asphalt that encroaches on our client's Property. This encroachment will be removed, and that portion of the Property will be part of the Property that is landscaped and dedicated to public use.

Issue: Donation of Property as Park

As noted above, by dedicating a portion of the Property to public use, the public is being given a greater advantage over a mere view corridor in that it can not only look over the Property to see Manistee Lake, it can enter and walk on the Property and actually access Manistee Lake. If the Parks Commission has concerns regarding this, we would like to hear those concerns and have an opportunity to address those concerns.

Conclusion.

Our client has worked closely with the City staff and Planning Commission regarding this Project for some time now. We all are trying to create the best development for the Property and the residents, both present and future, of the City. We appreciate the Planning Commission's comments, and hope that we have addressed the concerns raised. Our client will be present (or will have a representative present) at the Planning Commission's work session to be held on May 18, 2006, to address any concerns regarding the Project. Please note, however, that our client is not mutually agreeing, at this point, to extend the time frame by which the Planning Commission must render a decision under Subsection 1801.C. 3. of the Zoning Ordinance.

If you have any questions or concerns, please advise.

VERY TRULY YOURS,

SCHOLTEN FANT

/s/

Daniel R. Martin



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

MEMORANDUM

TO: Planning Commissioners

FROM: Jon R. Rose, Community Development Director 

DATE: May 12, 2006

RE: S.S. City of Milwaukee 2003 Special Use Permit

Commissioners, the Society for the Preservation of the S.S. City of Milwaukee was issued a Special Use Permit without conditions in October 2003. The Planning Commission has requested an investigation of compliance with that permit. Review of the permit revealed the following discrepancies:

1. Installation of a 75 foot long historic loading apron at the stern of the ship.

The proposal to install a 75' x 30' loading apron at the stern of the boat was eliminated when the DEQ decided to require the boat to be moored adjacent to the western sheet pile. This both eliminated the need for the loading apron and eliminated any place to put it.

2. Paved area for 50 parking spaces.

The addition of 50 paved parking spaces was not completed. I would leave it to the S.S. City of Milwaukee to explain why. However the new application for a Special Use Permit has dramatically changed their parking needs and layout. In the new plan they proposed paving 15 spaces and providing 34 additional spaces on the grass. The overall reduction in parking spaces proposed is both based on the Societies experience in parking needs, and the reduced requirements contained in the new Zoning Ordinance. The 34 proposed parking spaces on the grass is an issue the Planning Commission needs to address. Is the paving of occasional/overflow parking more desirable for the project and the community, or is lawn area more desirable for the project and community? I suggest a compromise might be appropriate that would require that those areas which receive enough use to damage the grass would be required to be paved.

3. Extension of Marina dockage.

While the Society advises that they still have a desire to increase the Marina dockage to 48 slips, they have not been able to afford to undertake this project. However the increase in slips would trigger additional parking requirements.

May 8, 2006

Planning Commissioners:

I am writing in response to May 4th meeting. After researching our special use permit we have discovered we are non compliant in a few areas.

One area of non compliance would be the 16,000 sq ft paved parking area that was proposed in front of and to the sides of our ships office. The plan for the parking area was developed from the tour numbers from a MSU study that was completed a few years prior. After the ship was brought in to the Arthur street location and we were opened for tours it became quickly apparent that amount of daily parking was not going to be necessary. We also had the problem of cost over runs. When we were faced with the decision of what to do at this point we reassessed the situation and felt with keeping of the grassy overflow parking was the best solution at the time. It did not make sense to remove grown tree's and grassy area's to pave a large area that would set empty except for three or four times a year. Our tour numbers and special event schedules have proved that to be true. I think we would all agree a park like setting is more inviting for everyone than a sea of concrete.

At the time the DEQ had not approved the final plan and when they made the decision that the ship had to be closer to shore it made it necessary to abandon the plan to install the historic loading apron. It also made it necessary to dredge further back than was originally planned. The cost associated to extra dredging made a change to our original budget. Another unexpected cost was the removal of the amount of unexpected slab wood that was brought up by the dredging. Every one had expected slab wood but there was also suppose to be dirt brought up with the dredging that was to be used for fill. After the added expense of hauling away the extra slab wood and then having to buy the fill, money in the budget for paving was used for these other expenses. Costs over runs were in excess of \$100,000.

Another cost that has greatly impacted our budget is the property taxes that we are paying. As a 501c3 non profit group we were under the impression that our property was tax exempt and we have since learned other wise and this is a \$25,000 a year expense that was not anticipated.

We did reduce the RV spaces and have provided two transient RV spaces for our customers.

The marina expansion is still planned and we have installed a floating section of the dock expansion. We do not have a time frame for completion but feel that this expansion is vital to our growth and we will continue to work on it as funds are available.

It was determined that the motel was not suited for a viable museum. We made exterior and interior improvements to the motel buildings but the cost of utilities and the cost of renovating the motel to be a museum was prohibitive.

When it was decided to sell the motel property we asked permission of the Fire Chief to close the port side entrance and use the stern entrance for our handicap ramp. Just

recently the Fire Chief granted us permission to close the port side door. When the weather began to break we constructed the new ramp from materials from the motel access ramp and made arrangements to remove the existing ramp from the port side of the ship. At this time the platform has been removed and it is being determined the best way to dispose of the ramp sections. The rest of the material will be used in areas around the ship and what is not will be removed.

Being a non profit organization we have to operate within the time frames of our volunteers. Our volunteers are our life blood. Most of our volunteers are from other areas and all have full time jobs. It fluctuates but we have about 20 volunteers that help thru the year. We also have one full time employee and three part time employees during the summer months.

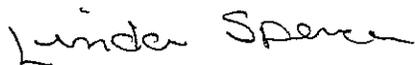
The question was asked about where our funds come from. Of course we have the RV and marina income but all other money comes from donations, membership dues, and special events such as our successful Ghost ship and tour revenues. We are always looking at grant opportunities and help from foundations. Last year we received three grants for projects equaling \$18,000. As we grow and Manistee grows we fully expect all of those revenue streams to grow also.

The question of paving the parking area was also discussed and we have made arrangements with the Bay condo developers to pave the parking area behind the ship when they are paving their drive and parking areas. This has been a very generous gesture on their part to support our project.

With the sale of the motel property we will be eliminating the largest portion of our taxes. The cost of the utilities and maintenance of the property and building will no longer be a drain on our budget. With the restructuring of our loan the revenue from the RV's and marina will cover our mortgage payment and with the rest of the revenue stream we feel the project is much more manageable. Our mission is to protect, preserve and share with the public this National Historic Landmark. Having the reduced work load with the motel no longer a responsibility we feel this is a manageable goal.

I need to make sure everyone is aware that with the sale of the motel property the S.S. City of Milwaukee will not receive any portion of the proceeds of the sale. All monies from the sale of the property and the contents of the motel will be going to debt reduction of the USDA loan. There is still the misconception that we received a grant from the government. It was a loan we received and we have to use all proceeds from the sale to repay that loan. This is a condition of the sale that the USDA has imposed on us.

When this project was started it was hoped to be more successful from the start. Time has taught us to be patient and take smaller steps to reach the same destination. To do this a new outlook and new management is in place. I apologize for the deviation of the original plan and I am learning the procedures that need to be followed for this type of project. I hope we can continue to work together to make the Steamship City of Milwaukee a vital part of Manistee.



Linda Spencer
General Manager
Steamship City of Milwaukee

SPECIAL USE PERMIT APPLICATION

S.S. City of Milwaukee
Applicant
111 Arthur St.
Address
Manistee, MI 49660
City, State, Zip Code
Phone Numbers (Work) 723-3587
(Home) 231 352-4859

FOR OFFICE USE ONLY:

Case number _____
Date Received 9-18-03
Fee Received _____
Receipt Number _____
Hearing Date 10-2-03
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: Modify marina for mooring S.S. City of Milwaukee, National Historic Landmark car ferry museum exhibit.

II. PROPERTY INFORMATION:

- A. Address of Property: 111 Arthur St, Manistee, MI 49660
Tax Roll Parcel Code Number: 51-51-101-275-01, 51-51-275-02.
- B. List all deed restrictions - cite Liber & Page where found and attach: None
- C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. Mortgager - USDA Rural Development
- D. Zoning District: C-3
- E. Present use of the property: Motel, Marina & RV Park
- F. Attach a Site Plan which meets the requirements of the Special Use Permit Ordinance (see attached).
- G. Is a Property survey attached? Yes No.
- H. Estimated completion date of construction (if applicable): Nov. 2004

III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:

A. State specifically the reason for this Special Use Permit request at this time Dredging and shoreline construction to extend sheet piling, reclaim point land and install pile clusters, apron and bollards for securely mooring the ship. Enlarge parking lot.

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)

- See Attached Sheet
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:

- See Attached Sheet
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.*

SPECIAL USE PERMIT APPLICATION

S.S. City of Milwaukee

III. B.

1. The proposed use is much the same as present and no compliance problems are anticipated. Only a museum attraction component is added.
2. An heritage and tourist attraction is very consistent with the development plans of Manistee.
3. Neighboring business are expected to see increased business as a result of this project. No negative impacts are anticipated.

IV.

Shoreline Work

Install 200 linear feet of steel sheet pile wall to contain a peninsula; dredge 4,000 cubic yards of lake sediment from a 250 foot long by 60 foot wide area to 16 feet deep by hydraulic and mechanical means; discharge 2,200 cubic yards of dredged material within the steel sheet pile contained area of 125 feet by 62 feet (maximum width) by maximum 15 foot deep area, which includes reclamation of 302 square yards (0.06 acre) of former dock which is now part of Manistee Lake; discharge 7 cubic yards of riprap in a 14 foot by 6 foot by 4 foot deep area; install an historic 75 foot long by 30 foot wide mooring apron, and two fender piling pile clusters with fenders along the sea wall, install a 280 foot long floating pier; install 14 new floating finger piers each 4 feet wide with the following lengths; 4 – 50-foot, 1 – 40-foot, 2 – 30-foot, 3 – 25-foot, and 1 each of 22, 20, 18, and 17 feet; install 17 wood mooring pilings. The purpose of the work is to construct a mooring area (250 feet long, by 60 feet wide by 16 feet deep) for the National Historic Landmark ship, S.S. City of Milwaukee, an associated heritage attraction within the City of Manistee, Michigan, and to reconstruct and expand an existing 46-slip marina to a new facility of 55-slip capacity.

Parking for Site

There are multiple uses on the site that require parking spaces. The current motel has 25 rooms and a manager's apartment. This will be reduced to 20 rooms with the conversion of 4 rooms to visitor reception area and museum. The marina will have 55 slips. The RV park will be reduced to 11 seasonal spots and 5 overnight. See the following site plans and description.

Marketing studies project total annual visitation of 40,000 to the S.S. City of Milwaukee. A copy of a page from our business plan shows a need for 48 parking spaces to accommodate the peak visitor period of July, assuming an average visitation time of 2.5 hours for a one hour tour of the boat.

The proposed parking includes construction of a 16,000 sq. foot lot for 50 cars with leach basin drainage to augment the present paved area that parks at least 35 cars. A composite soil core sample tested (report included) from the dredging area was 99% sand. It is expected that the parking area will also be very sandy for good leach drainage.

In addition to these paved areas, we propose a 50 car overflow area and presently up to 18 cars park along the drive on that grass area. This provides total parking for 153 cars, 85 in paved areas and 68 on grass. Normal daily parking for motel, marina, RV, and tour visitors could total 122 at peak times. Weddings or other special events may attract as many as 300 visitors, but this would be at a time with no tours, so the total then could be 149 cars at a peak period. Groups this large are expected to be infrequent, maybe once or twice a year. It is desired to maintain a green park-like atmosphere to the extent possible, so a grassy overflow parking area is much preferred over asphalt.

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. *10 Feet*
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.

Signature (s) of Applicant (s):

Deane C. Nugent, President

Dated

9/18/03

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

Property Description

4. The land referred to in this Commitment, situated in the County of MANISTEE, State of MICHIGAN, is described as follows:

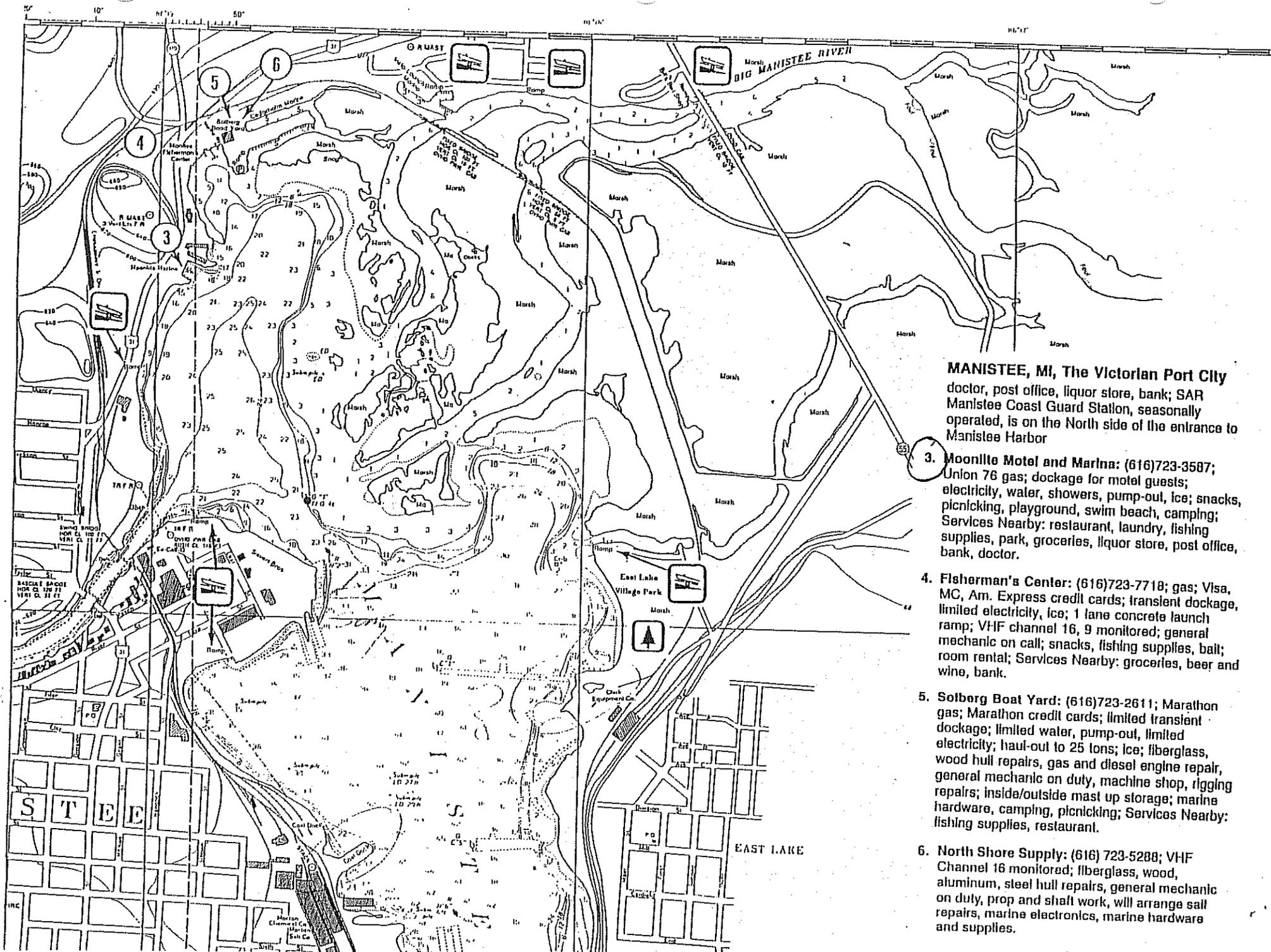
LANDS IN THE CITY OF MANISTEE:

PARCEL 1: THAT PART OF GOVERNMENT LOT THREE (3), SECTION ONE (1), TOWNSHIP TWENTY-ONE NORTH, RANGE SEVENTEEN (17) WEST, MORE FULLY DESCRIBED AS: BEGINNING AT THE POINT WHERE THE EASTERLY LINE OF ARTHUR STREET (SOMETIMES KNOWN AS U.S. 31) IN THE CITY OF MANISTEE INTERSECTS THE NORTH LINE OF SAID GOVERNMENT LOT 3; THENCE NORTH 89° 30' EAST ALONG SAID NORTH LINE OF GOVERNMENT LOT 3, A DISTANCE OF 288.83 FEET TO THE SHORE OF MANISTEE LAKE; THENCE MEANDER ALONG SAID SHORE, SOUTH 29° 15' WEST 140.00 FEET; THENCE SOUTH 38° 15' EAST 80.00 FEET; THENCE SOUTH 64° 28' EAST 95.00 FEET; THENCE SOUTH 7° 01' WEST, 15.00 FEET; THENCE SOUTH 81° 55' WEST, 8 FEET; THENCE SOUTH 58° 29' WEST, 33.25 FEET; THENCE NORTH 88° 42' WEST, ALONG SAID SHORE AND THE FACE OF THE EXISTING REVETMENT, 181.00 FEET; THENCE NORTH 88° 42' WEST, LEAVING SAID SHORE 14 FEET; THENCE NORTH 32° 49' EAST, ALONG THE EASTERLY LINE OF ARTHUR STREET (BEING 60 FEET FROM THE CENTERLINE OF SAID STREET), 51.28 FEET; THENCE NORTHERLY ALONG SAID EASTERLY LINE ON THE ARC OF A 408.10 FOOT RADIUS CURVE TO THE LEFT, A DISTANCE OF 105.87 FEET (THE CHORD OF SAID ARC BEING NORTH 25° 38' 45" EAST, 105.59 FEET) TO THE POINT OF BEGINNING.

PARCEL 2: THE SOUTH 30 FEET OF LOT "D" OF S. C. THOMPSON'S ADDITION TO THE CITY OF MANISTEE ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 3-A OF PLATS, PAGE 3.

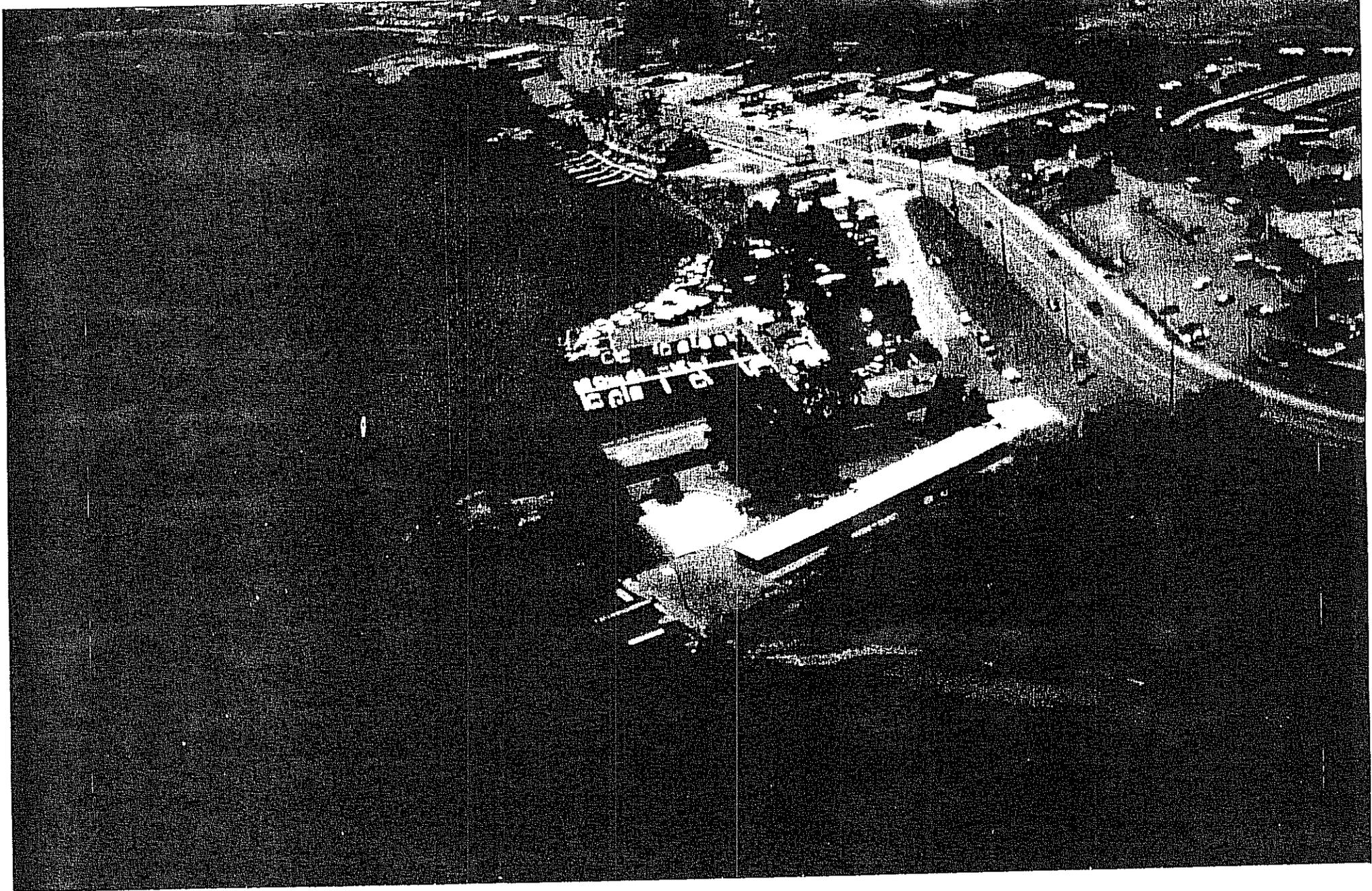
PARCEL 3: THAT PART OF THE NORTH 2/3RDS OF GOVERNMENT LOT THREE (3), SECTION ONE (1), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE SEVENTEEN (17) WEST, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHERE THE EAST LINE OF THE RIGHT-OF-WAY OF ARTHUR STREET (SOMETIMES KNOWN AS U.S. 31) IN THE CITY OF MANISTEE INTERSECTS THE SOUTH LINE OF THE NORTH 2/3RDS OF SAID GOVERNMENT LOT 3, THENCE NORTHERLY ALONG THE EAST LINE OF THE RIGHT-OF-WAY OF SAID STREET, 400 FEET TO THE PLACE OF BEGINNING; THENCE EASTERLY AT RIGHT ANGLES TO SAID STREET ALONG THE NORTH LINE OF PROPERTY HERETOFORE SOLD TO ENGWALL AND CLARK TO THE SHORE OF MANISTEE LAKE, THENCE NORTHERLY ALONG THE SHORE OF MANISTEE LAKE TO ITS INTERSECTION WITH THE NORTH LINE OF SAID GOVERNMENT LOT 3, THENCE WEST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 3 TO THE EAST LINE OF THE RIGHT-OF-WAY OF SAID ARTHUR STREET; THENCE SOUTHERLY ALONG THE EAST LINE OF THE RIGHT-OF-WAY OF SAID STREET TO THE PLACE OF BEGINNING; EXCEPT THAT PART OF GOVERNMENT LOT 3 DESCRIBED AS PARCEL 1 ABOVE.

SAID PREMISES BEING ALSO DESCRIBED AS FOLLOWS: THAT PART OF THE NORTH 2/3RDS OF GOVERNMENT LOT THREE (3), SECTION ONE (1), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE SEVENTEEN (17) WEST, COMMENCING AT A POINT WHERE THE EAST LINE OF ARTHUR STREET INTERSECTS THE SOUTH LINE OF THE NORTH 2/3RDS OF SAID GOVERNMENT LOT 3; THENCE NORTH 11° 08' 14" EAST ALONG SAID EAST LINE 338 FEET; THENCE ALONG A 12° 27' 06" CURVE TO THE RIGHT ALONG SAID EAST LINE 81.60 FEET, SAID CURVE HAVING A SHORT CHORD BEARING AND DISTANCE OF NORTH 14° 58' 21" EAST, 61.25 FEET FOR A PLACE OF BEGINNING; THENCE ALONG A 12° 27' 06" CURVE TO THE RIGHT ALONG SAID EAST LINE 9.17 FEET, SAID CURVE HAVING A SHORT CHORD BEARING AND DISTANCE OF NORTH 16° 33' 57" EAST 9.17 FEET; THENCE SOUTH 58° 02" EAST ALONG THE EXTENDED RIGHT-OF-WAY LINE 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 EAST LINE OF THE RIGHT-OF-WAY OF SAID STREET 91.29 FEET; SAID CURVE HAVING A SHORT CHORD BEARING AND DISTANCE OF NORTH 27° 37' 42" EAST 91.12 FEET; THENCE NORTH 33° 16' 03" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE 335.01 FEET; THENCE SOUTH 89° 42' 00" EAST TO THE FACE OF THE EXISTING REVETMENT 144.39 FEET; THENCE SOUTH 89° 42' 00" EAST ALONG SAID REVETMENT TO THE SHORE OF MANISTEE LAKE 181.49 FEET; THENCE SOUTH 43° 49' 27" WEST ALONG SAID SHORE 203.18 FEET; THENCE SOUTH 23° 18' 45" WEST ALONG SAID SHORE 27.08 FEET; THENCE SOUTH 87° 00' 31" WEST ALONG SAID SHORE 138.29 FEET; THENCE SOUTH 47° 15' 45" WEST ALONG SAID SHORE 160.03 FEET; THENCE NORTH 78° 51' 46" WEST 158.87 FEET TO THE PLACE OF BEGINNING.



MANISTEE, MI, The Victorian Port City
 doctor, post office, liquor store, bank; SAR
 Manistee Coast Guard Station, seasonally
 operated, is on the North side of the entrance to
 Manistee Harbor

3. Moonlite Motel and Marina: (616)723-3587;
 Union 76 gas; dockage for motel guests;
 electricity, water, showers, pump-out, ice; snacks,
 picnicking, playground, swim beach, camping;
 Services Nearby: restaurant, laundry, fishing
 supplies, park, groceries, liquor store, post office,
 bank, doctor.
4. Fisherman's Center: (616)723-7718; gas; Visa,
 MC, Am. Express credit cards; transient dockage,
 limited electricity, ice; 1 lane concrete launch
 ramp; VHF channel 16, 9 monitored; general
 mechanic on call; snacks, fishing supplies, bait;
 room rental; Services Nearby: groceries, beer and
 wine, bank.
5. Solberg Boat Yard: (616)723-2611; Marathon
 gas; Marathon credit cards; limited transient
 dockage; limited water, pump-out, limited
 electricity; haul-out to 25 tons; ice; fiberglass,
 wood hull repairs, gas and diesel engine repair,
 general mechanic on duty, machine shop, rigging
 repairs; inside/outside mast up storage; marine
 hardware, camping, picnicking; Services Nearby:
 fishing supplies, restaurant.
6. North Shore Supply: (616) 723-5288; VHF
 Channel 16 monitored; fiberglass, wood,
 aluminum, steel hull repairs, general mechanic
 on duty, prop and shaft work, will arrange sail
 repairs, marine electronics, marine hardware
 and supplies.



Aerial Photo of Proposed Mooring Site
(Note how point has been eroded by easterly winds and boat wakes)



1901 (8/79)

MECHANICAL ANALYSIS REPORT

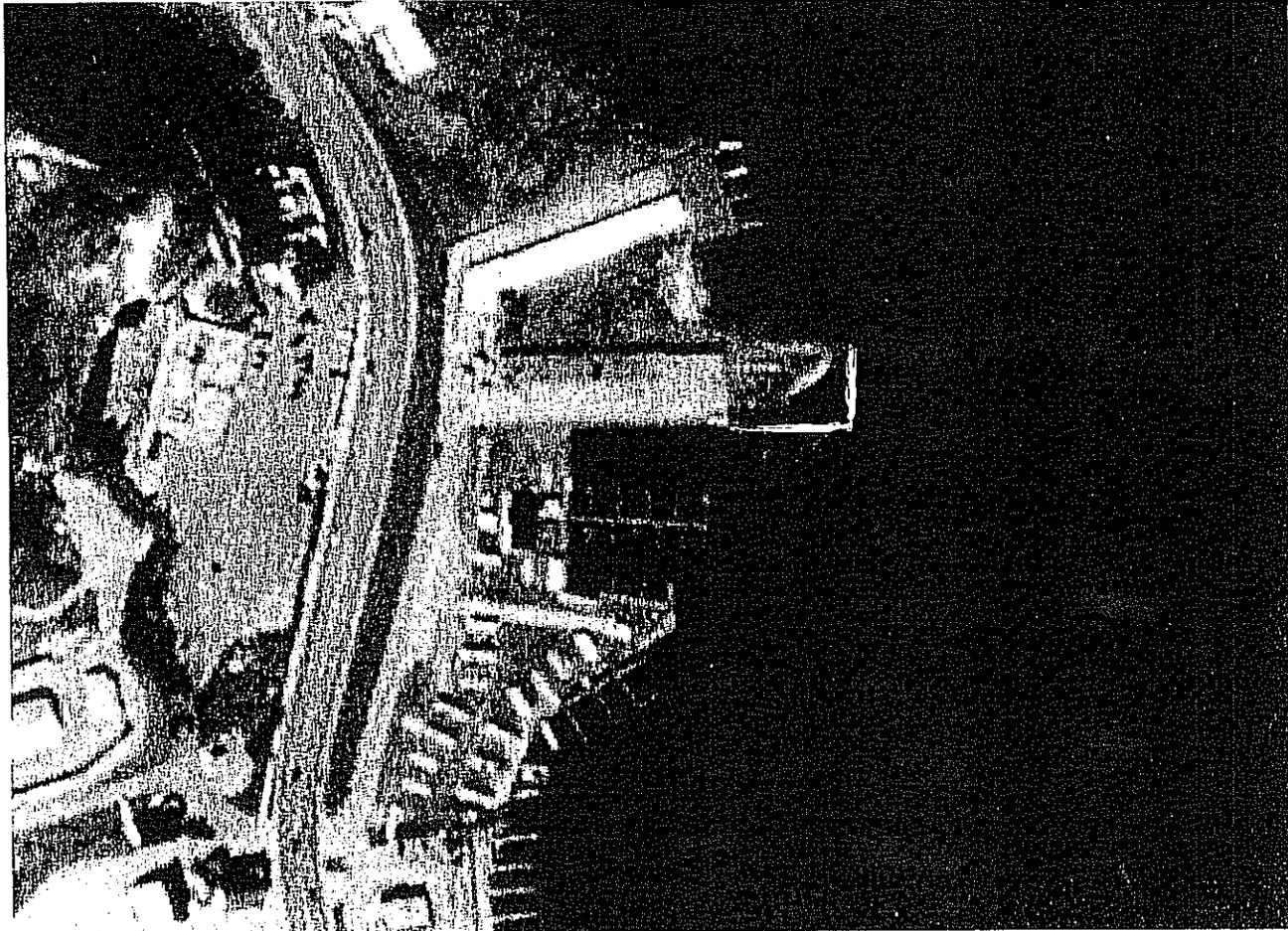
Material SANDY SILT Sampled From MANISTEE LAKE
 Spec. NONE Producer _____

Job No. _____

Control Section
 Identity _____

Sieve	Retained Fractional		Percents Cumulative		Test No.	Date <u>1-22-03</u>	Time <u>3:00 AM</u> <u>PM</u>
	Weight	Percent	Retained	Passing			
2 1/2"							Initial Weight of Sample Gm. <u>1434</u>
2"							Weight after Washing Gm. <u>1421</u>
1 1/2"							Loss by Washing (Clay and Silt) ... <u>13</u> Gm. %
1 1/4"							Fineness Modulus
1"							Crushed Material Gm. %
3/4"							Organic Plate No.
5/8"							Thin or Elongated Pieces Gm. %
1/2"							Incrusted, more than 1/3 Area Gm. %
3/8"							Incrusted, Total Gm. %
No. 4							(1) Soft Particles Gm. %
No. 8							(2) Chert Gm. %
No. 10							Sum of (1) + (2) Gm. %
No. 16							Material Meets or Falls
No. 30							Remarks;
No. 40							<u>USED MPM 108-97</u>
No. 50							
No. 100							
Pan							
LBW							
Total							

(Signed) J.M. Allbee
 Plant Inspector



Satellite photo of reclamation area with overlay illustrating steel seawall

Addition (Note: water levels were higher at time photo was taken which makes reclamation area look larger than it is at this time)



Reclamation Aerial

Proposed National Historic Landmark Mooring Site
Manistee Lake, Manistee, Michigan • 2/22/03
S.S. City of Milwaukee - National Historic Landmark
115 US-31, Beulah, MI 49617 • 231-882-7670

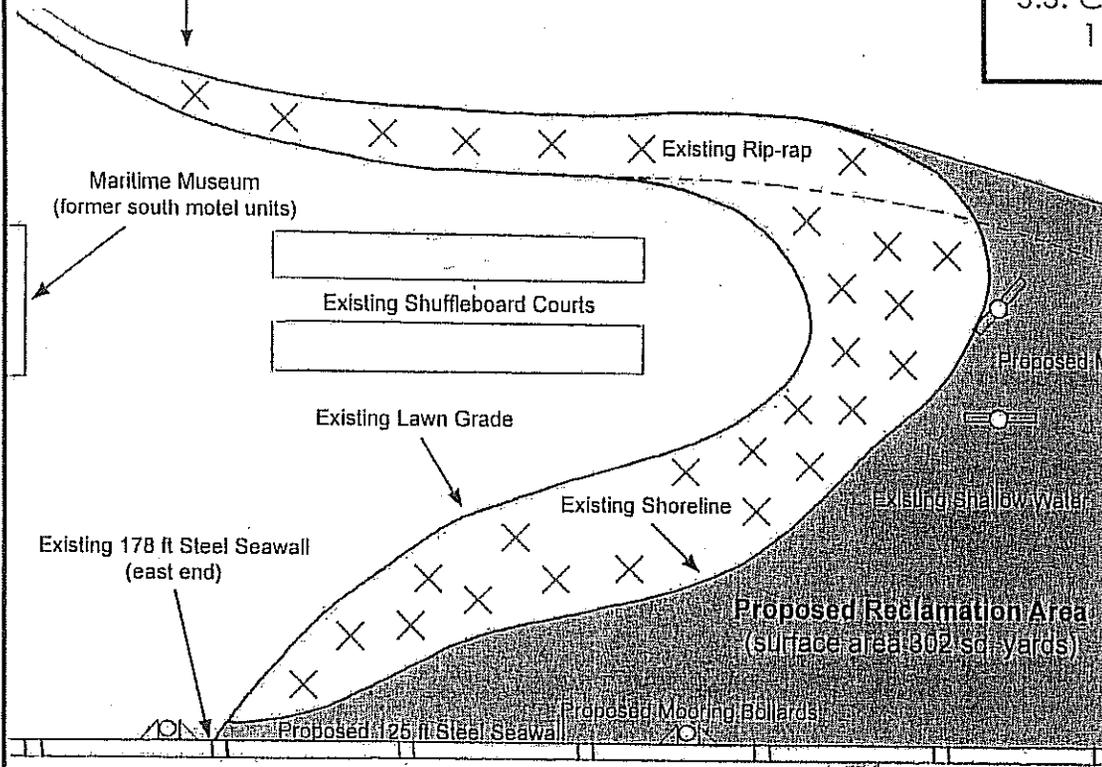
5ft 10ft 20ft 40ft



Plan View Reclamation (spoils fill) Area

Proposed National Historic Landmark Mooring Site
Manistee Lake, Manistee, Michigan • 2/22/03
S.S. City of Milwaukee - National Historic Landmark
115 US-31, Beulah, MI 49617 • 231-882-7670

Public Beach &
Fishing/Recreation Area



Proposed Mooring Bollards

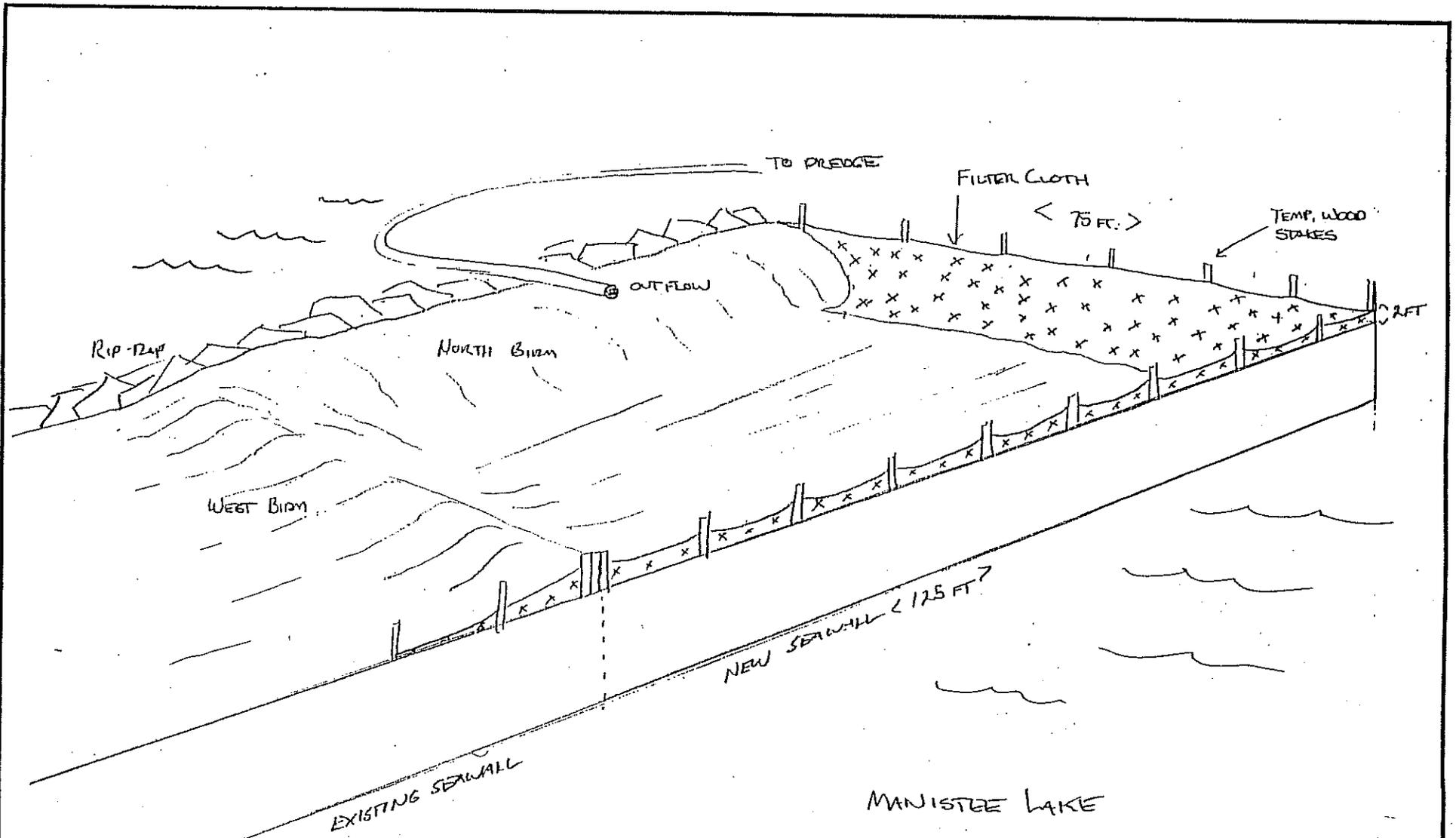
Proposed 75 ft Steel Seawall

Manistee Lake

Proposed Reclamation Area
(surface area 302 sq. yards)

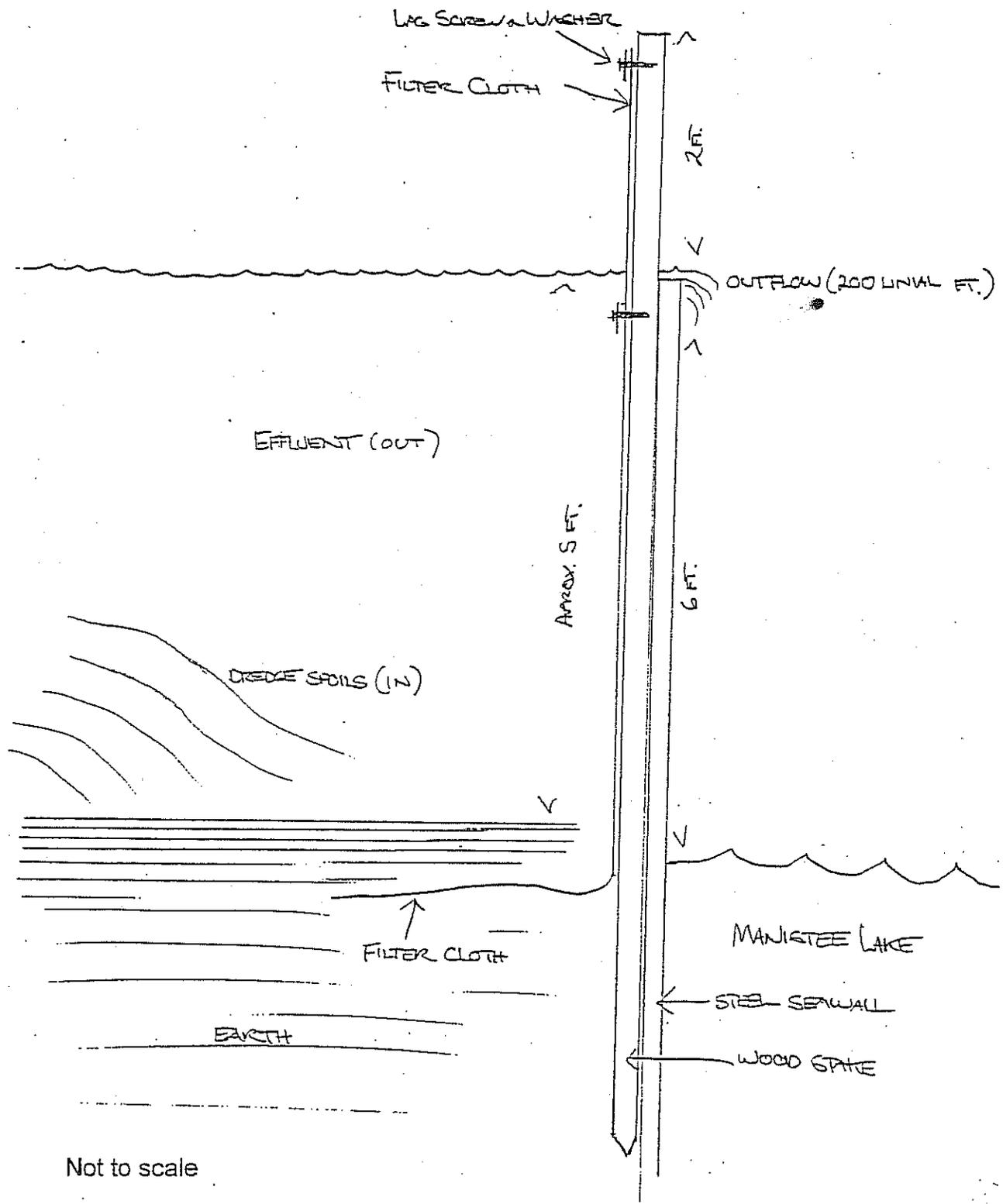
Proposed Fender Piles

National Landmark Vessel
348 ft by 56 ft



Not to scale

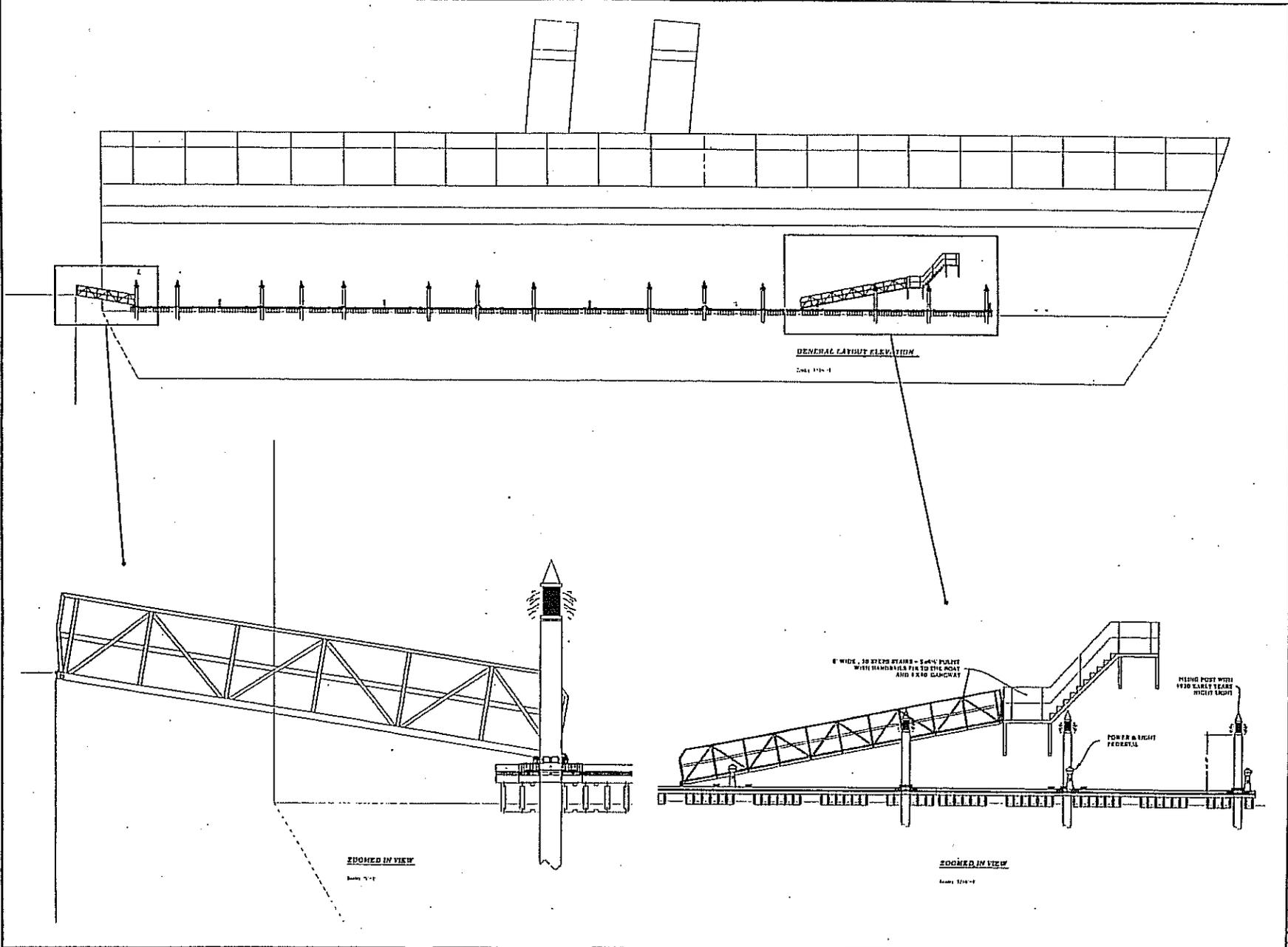
Dredge Spoil Containment System
 Proposed National Historic Landmark mooring Site
 Manistee Lake, Manistee Michigan 2/12/03
 S.S. City of Milwaukee – National Historic Landmark
 115 US-31, Beulah, Mi 49617 231-882-7670



Not to scale

Cross Sectional View Dredge Spoils Containment System

Proposed National Historic Landmark mooring Site
 Manistee Lake, Manistee Michigan 2/12/03
 S.S. City of Milwaukee – National Historic Landmark
 115 US-31, Beulah, Mi 49617 231-882-7670



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NO.	DATE	BY

REVISIONS

Project: MILWAUKEE

Client: CITY OF MILWAUKEE
 BEURAJ, HICHOEAM

Tel: (231) 462-7870
 Fax:

Model: M-253

Drawn by: S. BOURQUE

Checked by: S. BOURQUE

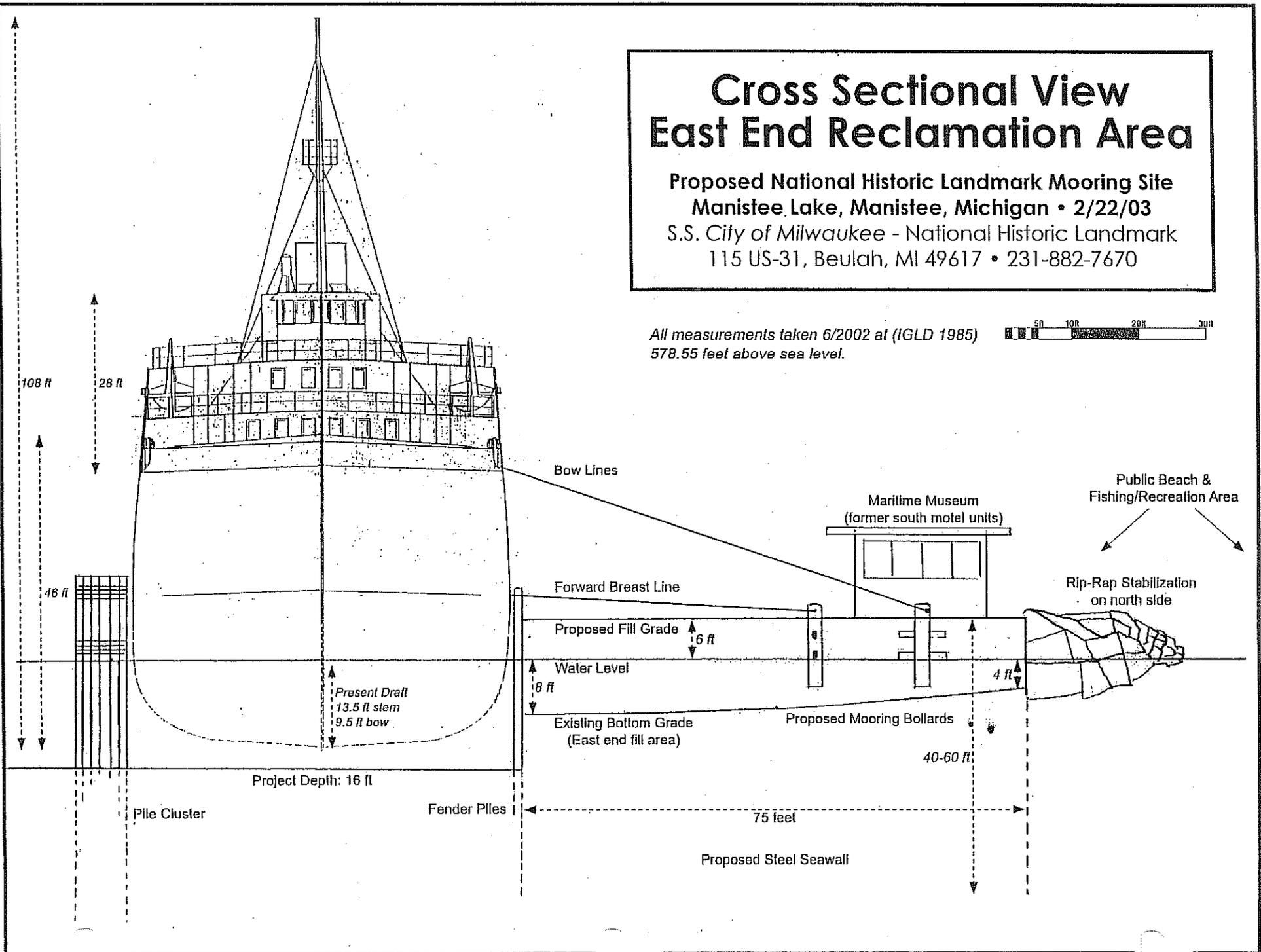
Approved by: H. PORTER (Project)
 Client approval:

File no.: 030209
 Date: FEB 14 03
 Sheet no.: 1
 L-01-2

Cross Sectional View East End Reclamation Area

Proposed National Historic Landmark Mooring Site
 Manistee Lake, Manistee, Michigan • 2/22/03
 S.S. City of Milwaukee - National Historic Landmark
 115 US-31, Beulah, MI 49617 • 231-882-7670

All measurements taken 6/2002 at (IGLD 1985)
 578.55 feet above sea level.



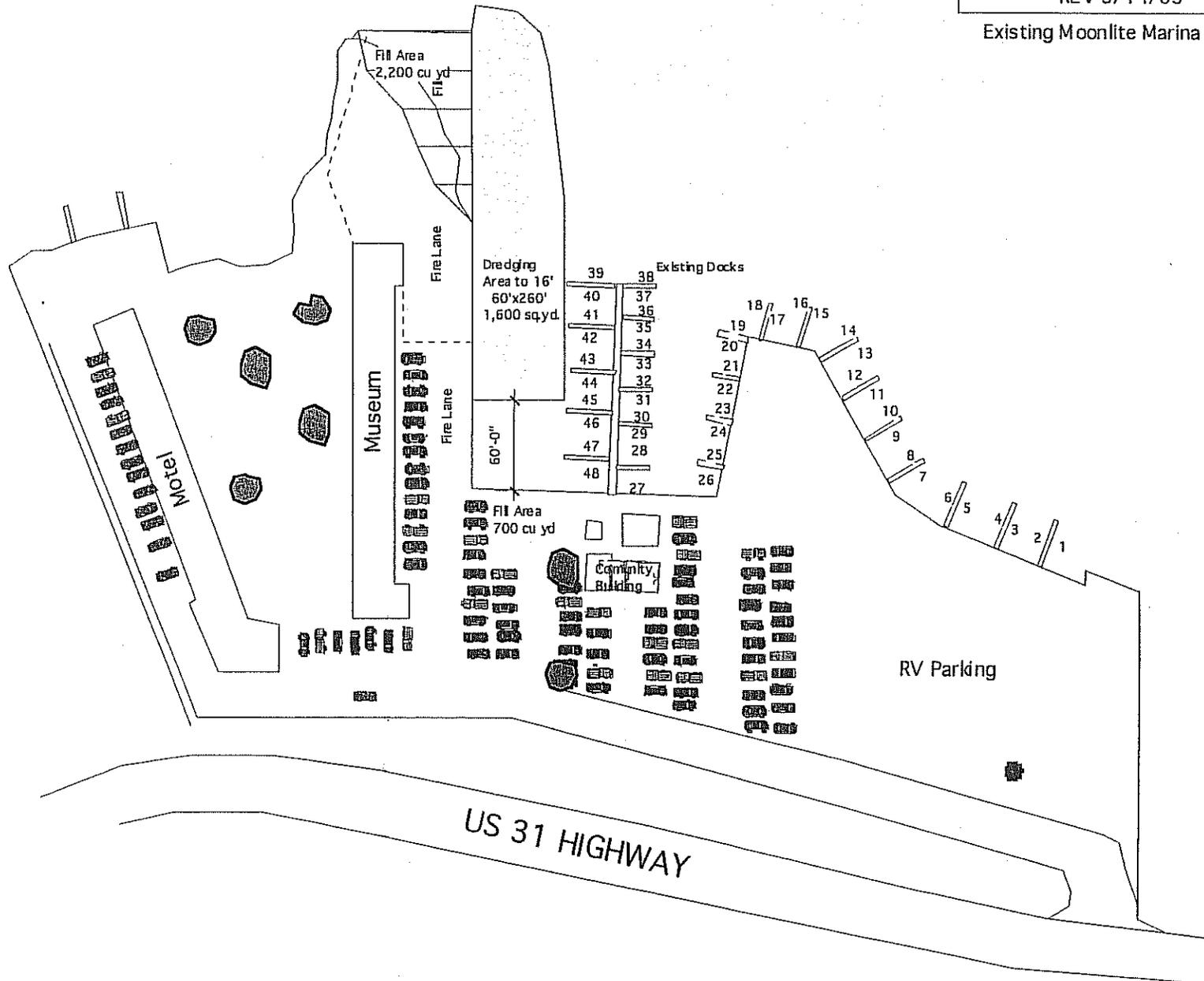
S.S. City of Milwaukee

111 Arthur Street
Manistee, MI

Scale: 1"=100' DCN 2/13/03

REV 5/14/03

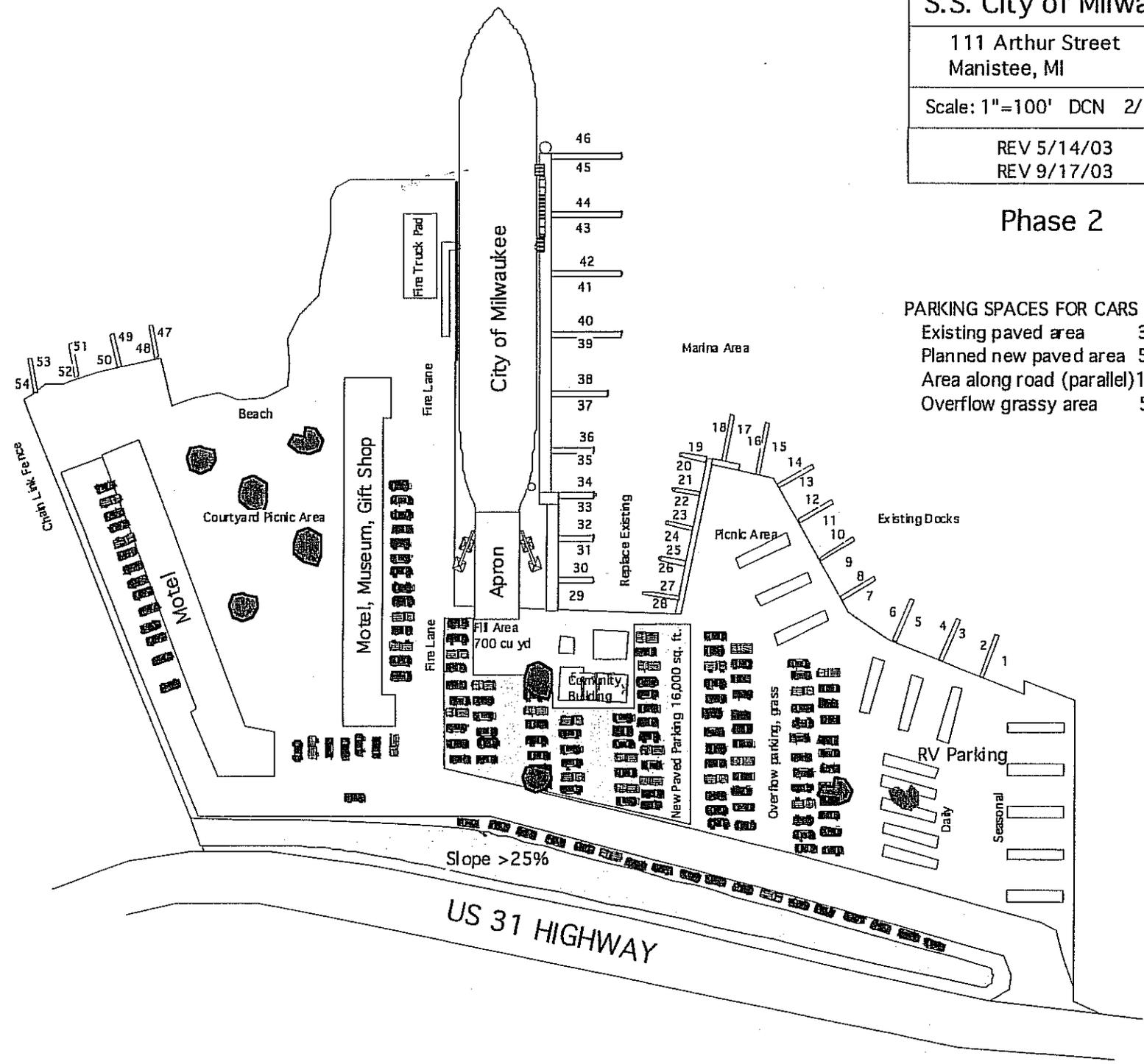
Existing Moonlite Marina



S.S. City of Milwaukee
 111 Arthur Street
 Manistee, MI
 Scale: 1"=100' DCN 2/13/03
 REV 5/14/03
 REV 9/17/03

Phase 2

PARKING SPACES FOR CARS
 Existing paved area 35 spaces
 Planned new paved area 50
 Area along road (parallel) 18
 Overflow grassy area 50



S.S. City of Milwaukee

1

National Historic Landmark

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

July 31, 2003

Development Plans for the S.S. City of Milwaukee located at Moonlite Motel site

The S.S. City of Milwaukee is a National Historic Landmark train ferry (carferry) now located in Manistee, Michigan, at the foot of 9th Street. It has been at this location since January, 2000, when it was moved here from Elberta, MI. This is an industrial area where the boat is out of sight and difficult for visitors to locate. As an historic attraction, the number of visitors have been low, at 5-6,000, compared to a marketing study conducted by MSU that estimated 20-30,000. Other large ship attraction vessels on the Great Lakes attract 30-90,000 visitors annually. The MSU Comprehensive Plan marketing study in 1999 was for a site in Elberta, a much smaller community than Manistee.

Our efforts to increase visitorship at Ninth St. through advertising and promotion in 2001 had little effect. Survey forms submitted by visitors have given very high marks for the boat, tour guides and rated their experience high compared to other boat tours; while consistently rating it difficult to find. On July 23, 2003, we purchased the Moonlite Motel & Marina, a more suitable site in Manistee for development of this museum attraction.

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, 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 Moonlite Motel site is located on US 31 and Lake Manistee north of downtown Manistee. The location, size and facilities at this site are well suited to meet our needs for preservation and interpretation of maritime history. The highway location will provide visibility and easy access for motorists; and this Manistee Lake location near downtown has easy boat access. The area around this site includes restaurants and motels that should benefit from this visitor destination. This combination will enable us to develop the museum and achieve the visitor traffic needed for a financially sound operation. Manistee will 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 need proper exhibit and storage space. The environment on the boat is not suitable because of lack of temperature and humidity control. At present these items are stored in various business places where they are not available for public viewing or access. The potential for loss and damage with this kind of storage is a concern. The motel site can provide suitable space for exhibiting and storing these materials where public access is available.

The boat will be moored in its natural configuration with the stern to the shore. The Grand Trunk Railroad built a new apron in Milwaukee in 1930, the same year the S.S. City of Milwaukee was built. This apron has been donated to the Society and will be moved to Manistee and installed at the stern. It will allow visitors to experience and understand the way railroad cars could be transferred from land to a floating ship. The apron will also provide public and handicap access to car deck where historic exhibits and tours are presented. Railroad cars on board (we own five) are used for educational interpretation. *Railroad artifacts and facilities on the grounds will supplement interpretation of the era.

A small package boiler may be installed to provide steam on board. Steam would permit operating some of the 30 or so steam engines for demonstration purposes. Steam on board is also needed to provide freeze protection to vulnerable areas and control condensation damage. Heat in the passenger area would extend the season and provide for both comfort and interpretation.

The Society has acquired, or has access to, a large collection of maritime artifacts, documents and photos for display and interpretation in a museum. These are currently in storage in 4 boxcars that we own and at several businesses. We also have items on loan to other museums and the National Park Service at Sleeping Bear. In total, there is enough material to fill one Moonlite Motel building with displays and storage. The materials available cover three areas of maritime history: (1) carferry and railroad transportation, (2) shipping and recreational shipwrecks in western Michigan, and (3) commercial fishing in Lake Michigan. Since this is the original Century Boat site, displays will also commemorate this era. Additionally, short wave radio enthusiasts have offered to operate a radio room for demonstration of the role radio played in our maritime history. We need a place to display, interpret and store these items.

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.

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 steam equipment. Sailors who worked on these boats are still available and able to contribute to these efforts.

Lodging

Facilities and lodging infrastructure (desk, telephones, reservations and housekeeping) with the motel will include an on-board overnight bed and breakfast program. Handicap access on board is limited because of historic preservation and Coast Guard requirements. These restrictions don't apply to the motel so this allows extension of the overnight program to include the handicapped. The combination of land based facilities and boat attraction will expand the experiences offered to a broader base of people. This includes groups such as wedding parties, bus tours, camp out/camp on, hostels and reunions, where we can offer a combination of onboard and land facilities while providing 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.

Future motel renovations will convert lodging rooms to exhibit space, educational /training rooms, offices and storage for the museum. Railroad Pullman sleeper cars could be added to the site to replace motel overnight capacity while keeping the "period" theme.

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 over 300 can be accommodated on the deck. Daily "period" dress breakfasts can be extended to dinners at this site. Picnicking on board and on the grounds is currently offered to visitor groups as part of their visit to the boat. This practice could be enhanced at the motel site with the available restrooms. In the future, railroad dining cars can be added to the site as a coffee shop snack bar.

Marina

The existing marina facilities at the site will be partially converted to transient use so that the carferry attraction can be visited by boat. Vacationers traveling Lake Michigan by boat will have the ability to tie up at the S.S. City of Milwaukee while they visit it and other Manistee attractions. One slip will be available for the Water Bug water taxi and

tour boat that operates in Manistee. 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 will be reduced in size to provide more auto and bus parking space for visitors. As with the marina, the park will cater to transient RV travelers. The location on US 31, a major highway, will be an important asset for highway travelers.

Future Expansion

Long range, the next property north of the Moonlite Motel site has a 3-story concrete building and significant parking space. It is partially wooded for an attractive future park and picnic area. It has about the same waterfront length as the Motel site, so this would allow for expansion. If this property becomes available, the building would be well suited for a larger museum and storage of artifacts. Combining the two properties would allow for two highway entrances plus additional parking space for visitors.

S.S. City of Milwaukee

Moonlite Motel & Marina site Description.

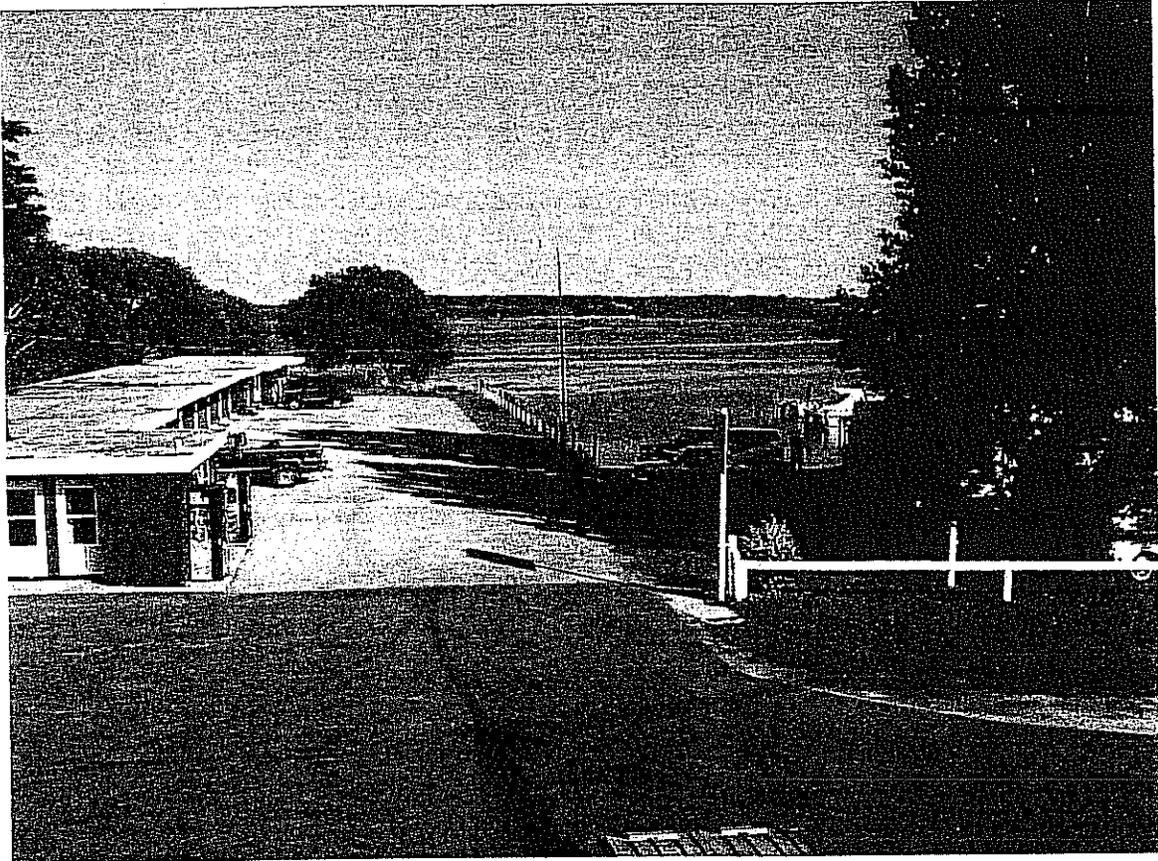
Photos were taken August 30, 2002.

The property is located on the east side of US 31 as it reaches it's closest point to Manistee Lake. The site is a combination of a 25 room motel, 46 slip marina and a 20 place RV park. It includes two motel buildings and a community building with a meeting room and restrooms for the RV park and Marina. US 31 is elevated and curves as it borders the west side of the property. The entrance drive is at the south end. The mooring location of the S.S. City of Milwaukee will be highly visible from the highway for cars traveling either from the south or the north.



A view of the site from US 31 looking south is shown above.

The Mooring area for the S.S. City of Milwaukee is immediately south of the motel buildings. With the highway elevation at this point, the decks of the boat will be about even with the road. A better view of the mooring area is shown in the following photo looking east from US 31. The boat will be moored against the seawall with the stern to the shore.



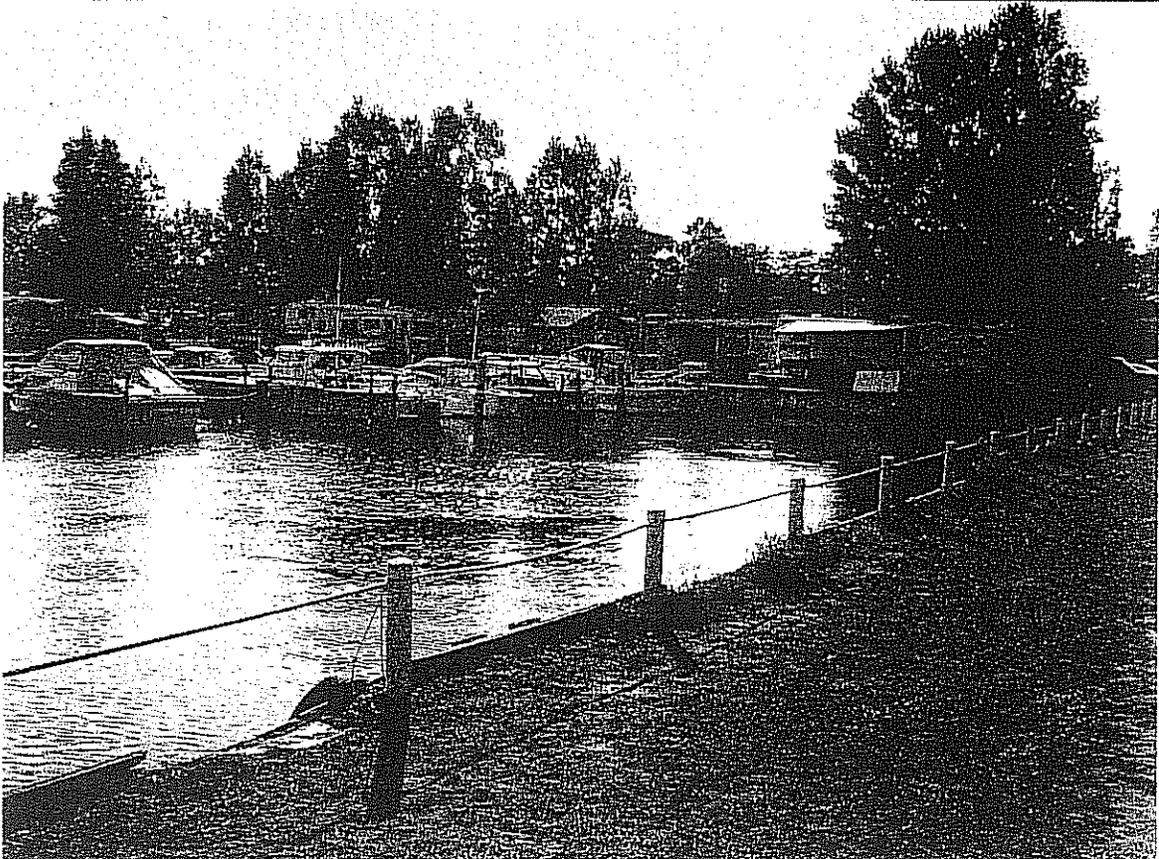
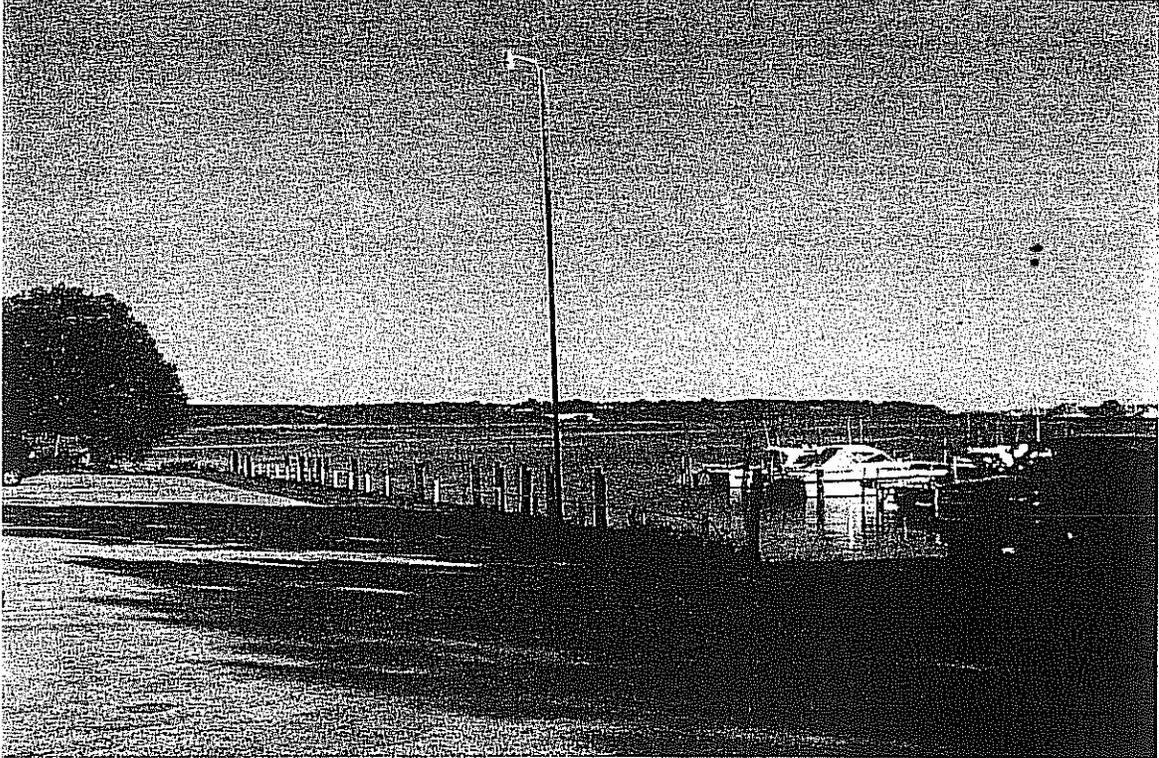
View from US 31 of the planned museum and mooring location.

The south motel building shown in this photo, beside the S.S. City of Milwaukee mooring area, is the building which will be utilized for museum exhibits and visitor reception area. Offices for the curator and Executive Director will be in the community building. Building remodeling to accommodate these changes will be made as needed. The existing marina and RV parks are south (to the right) of where the S.S. City of Milwaukee will be moored.

The sheet piling along the side of the marina mooring area is 175' long and needs to be extended to 300' to properly moor the carferry. Sheet piling will be installed 75' north to stabilize the point and reclaim eroded area. Dredge material will be used to fill the enclosed area and a portion will be paved to provide fire truck access to the ship's side. Bollards will be buried in the parking lot and on the point for tying up the boat. A 75' apron will extend from the shore to the stern of the boat. Dredging is required to deepen the carferry mooring area to a depth of 16 feet. The boat draws 13 feet of water and soundings show that the area from the sheet piling to approximately 30 feet out needs to be dredged. About 4,000 yards of material needs to be removed. To protect the sheet piling from kicking out, material and riprap will be left along the bottom edge as much as possible to still clear the bottom of the boat. The boat will be moored in a floating condition to protect it from the higher rate of corrosion that can occur if it is resting on the bottom.

S.S. City of Milwaukee

Following are closer photos of the mooring area looking east and west.



S.S. City of Milwaukee

East and West views of the S.S. City of Milwaukee mooring area
A community building serves marina and RV park guests. It is shown in the following photo of this area taken from the street. This building has a recreation or meeting room with kitchen facilities and handicap restroom facilities. These are facilities that are needed for visitors to the S.S. City of Milwaukee.



Community building, RV Park and Marina

The marina and RV parks are operated by the present owner on a seasonal basis. To meet the visitation needs of the S.S. City of Milwaukee museum, we will operate these more for transient visitors and volunteers. Visitors can then arrive by car, RV or boat. This site is only about a mile from downtown Manistee and the River Walk. A slip will be provided for the water taxi tour boat called the "Water Bug"; that operates from the River Walk. This will provide a water transportation connection between the boat and downtown.

A dock will be replaced and some slips will be relocated to make room for mooring the S.S. City of Milwaukee. The new dock will run along the south side of the ship providing access to the ships main deck via the existing stairway on the starboard side. Some RV spots will be removed to make room for visitor parking.

S.S. City of Milwaukee

Visitor access will be primarily mid-ship on the port side, but access and egress will be also be available on the stern via the apron and the starboard side via the dock. The security system on board now includes fire detection for public safety.

The utility connections for electricity, city water and sewer services for the S.S. City of Milwaukee need to be moved from our 9th Street site and connected.

The driveway enters from the SW corner of the property and proceeds north along the highway embankment. This is shown in the following photo.



Driveway looking north, both motel buildings and the community building are shown.

The back (North) motel building will stay as is to provide accommodations to handicapped visitors to the boat and museum. There are presently living quarters in this building for the manager and these will also be retained.

S.S. City of Milwaukee

Between the two motel buildings is a courtyard area for recreation and landscaping. Maritime exhibits and artifacts that are suitable for outdoors will be placed on display in this area. Following is a photo of this courtyard area.



Courtyard area between motel buildings.

In conclusion, the Moonlite Motel & Marina property is very well suited for the purpose of developing the S.S. City of Milwaukee National Historic Landmark and associated maritime museum facilities. Both the location and the existing facilities are ideal with only limited modification and construction. Operation will be focused on the educational and cultural heritage aspects of the ship and our maritime history.

2007 Income Analysis Budget Boat Tour Visitation 40,000

Memberships	Membership			Totals	Total Annual Income
		Renewals			
Individual	\$ 25.00	40%	200	\$ 5,000	
Contributing	\$ 40.00	48%	240	\$ 9,600	
Sustaining	\$ 100.00	11%	55	\$ 5,500	
Benefactor	\$ 500.00	0.5%	3	\$ 1,500	
Patron	\$ 1,000.00	0.5%	3	\$ 3,000	
Lifetime	\$ 2,500.00			\$ -	
Total Members			500	\$ 24,600	
Membership Donations		6%		\$ 1,476	
					Membership Renewal Income \$ 26,076

Assumptions:	Tickets	Tourists / ticks	Price	No. of Tourists	No. of Tickets	Annual Sales	
Adult Day	75%	1	\$ 6.00	22,402	22,402	\$ 134,412	
Child Day	18%	1	\$ 4.00	5,377	5,376	\$ 21,504	
Group Tours: 25% Discount on 5% of above ticket sal						\$ (1,949)	
Single Member	2%	1.5	\$ 25.00	896	597	\$ 14,925	
Contributing Member	5%	6	\$ 40.00	8,961	1,493	\$ 59,720	
Renewal Members		0.5		250			
Overnight guests on board		1		2,114			
Totals				40,000	29,868	\$ 228,612	Tour Income \$ 228,612

	May	June	July	August	September	October
Percent of annual	5%	10%	35%	30%	10%	10%
Visitors by car and bus	1,970	3,202	10,895	9,530	2,992	3,832
Visitors by RV	30	126	405	390	168	168
Visitors by Boat	0	672	2,700	2,080	840	0
Number of Tourists	2,000	4,000	14,000	12,000	4,000	4,000
No. of Tours @ 10 per tour	200	400	1400	1200	400	400
Tour Days open	5	14	27	26	14	14
Tours / Day	40	29	52	46	29	29
No. Tour Guides @ 6 tours/day	7	5	9	8	5	5
*Car Parking Needed @ 3 per car	47	27	48	44	25	33
Daily RV's 3 per car	2	3	5	5	4	4
Boat Slips Needed @ 4 per boat		12	25	20	15	
No. of overnight guests	0	214	948	759	163	30

Description	No.	Rate / night	Occupancy Rate					Total Income
			June 15 nights	July 31 nights	August 31 nights	September 16 nights	October 6 nights	
State Rooms	6	\$ 55.00	30%	60%	50%	20%	10%	\$ 13,992
Fulmans	2	\$ 110.00	30%	60%	50%	20%	10%	\$ 9,328
Single Bed	10	\$ 45.00	30%	60%	50%	20%	10%	\$ 19,080
Malds Room	1	\$ 55.00	30%	60%	50%	20%	10%	\$ 2,332
4 Boys Room	1	\$ 90.00	30%	60%	50%	20%	10%	\$ 3,816
RR Executive	1	\$ 90.00	30%	60%	50%	20%	10%	\$ 3,816
Captains Room	1	\$ 130.00	30%	60%	50%	20%	10%	\$ 5,512
Flicker	10	\$ 35.00	10%	30%	20%	10%	5%	\$ 6,615
								Shipboard Overnight Income \$ 64,491

Land side motel rooms	No.	Ave. Price	January 20%		February 20%		March 20%		April 25%		May 30%		June 40%	
			Occupancy	Ave. Price	Occupancy	Ave. Price	Occupancy	Ave. Price	Occupancy	Ave. Price	Occupancy	Ave. Price	Occupancy	Ave. Price
	20	\$ 55.00	70%	\$ 23,870	70%	\$ 23,870	50%	\$ 16,500	50%	\$ 10,230	30%	\$ 6,600	20%	\$ 6,620
														Motel Overnight Income \$ 139,370

Gift Shop Sales	Basis Rate	Occupancy Rate					Total
		June	July	August	September	October	
Merchandise	\$ 1.50 / Tour Visitor	\$ 6,000	\$ 21,000	\$ 18,000	\$ 6,000	\$ 6,000	\$ 57,000
Drinks and snacks	\$ 0.10 / Tour Visitor	\$ 200	\$ 400	\$ 1,400	\$ 1,200	\$ 400	\$ 3,600
Vending Machines	\$ 0.25 / Overnight						\$ 1,796
							Gift Shop Sales Income \$ 62,396

Galley Restaurant	Basis Rate	Occupancy Rate					Total
		June	July	August	September	October	
No. of Breakfasts	Overnight +30% of motel gue	286	1,215	1,008	253	84	2,846
Breakfast	\$ 6.00 30% of motel	\$ 436	\$ 1,601	\$ 1,491	\$ 542	\$ 327	\$ 4,396
							Resturant Income \$ 4,396

Special Events	No. of functions	Rate	subtotal rentals		Total
			Ghost Ship	Rentals	
Ghost Ship			\$ 8,000		\$ 8,000
Weddings, large group all boat for day functions	4	\$ 1,100 plus overnigh	\$ 4,400		\$ 4,400
Mess meeting room 4 hour	20	\$ 50 per room	\$ 1,000		\$ 1,000
Deck for gatherings, dances Evenings, after 5	15	\$ 220 per deck	\$ 3,300		\$ 3,300
Soloon for meetings Evenings, after 5	4	\$ 220	\$ 880		\$ 880
Educational Programs Overnight	6	\$ 275	\$ 1,650		\$ 1,650
					Rentals \$ 9,580
					Total Special Events \$ 17,580

Overnight Parking	Space Available	Daily rate	Occupancy					Total
			June	July	August	September	October	
RV Daily	5	\$ 30.00	15%	80%	60%	25%	15%	\$ 9,008
RV Seasonal	11	\$ 1,200.00						\$ 13,200
Boat daily moorage	15	\$ 30.00	15%	50%	40%	15%	10%	\$ 18,000
Seasonal Dockage	40	\$ 1,200.00						\$ 48,000
								Total Daily Parking and Mooring fees \$ 88,208
								Total Income \$ 631,128

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

October 2, 2003

A meeting of the Manistee City Planning Commission was held on Thursday, October 2, 2003 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Greg Ferguson, Ray Fortier, David Kelley, Phil Picardat, Tony Slawinski and Roger Yoder

MEMBERS ABSENT: Bob Davis, Joyce Jeruzal and John Serocki

OTHERS: Duane Nugent (S.S. City of Milwaukee), Michael Wood (representing Stephanie Wood - 53 Arthur Street), Dennis Dunlap (Bayview Condominiums), Linda Spencer (Guest Service Manager, Moonlite Motel), Megan Kempf (Tondu Corporation), Jim Tondu (Tondu Corporation), Jeff Mikula (Abonmarche), Bob Hornkohl (City Council), Richard Mack (Mayor), Alan Marshall (City Council), Mitch Deisch (City Manager), Jon Rose (Community Development), Denise Blakeslee (Administrative Assistant, Community Development Department) and others

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

PUBLIC HEARING:

S.S. City of Milwaukee, 111 Arthur Street - Special Use Permit

The S.S. City of Milwaukee is requesting a Special Use Permit to modify marina for mooring S.S. City of Milwaukee, National Historic Landmark car ferry museum exhibit.

Duane Nugent, S.S. City of Milwaukee gave background information on the project. The S. S. City of Milwaukee car ferry is in the process of being painted. At this time the boat is half done, once completed and the mooring is established the boat will be permanently moved. This is a historic vessel and tourist attraction. They have applied for a DEQ/Corp permit for the dredging. The public comment for the permit is over and only positive responses were received. A marketing study has been done to project the number of visitors to the vessel and it was established that between 30,000 and 40,000 people a year will visit the boat when moved to the US 31 site.

Ray Fortier expressed concerns about the curb cut on US 31 to the site. Mr. Nugent said that they want to work with the committee on a safer means to enter/exit the site.

Roger Yoder wanted to address some concerns from letters addressed to the Planning Commission. The concerns were read and Mr. Nugent responded as follows:

What would the Hours of Operation be?

Tours from 11:00 a.m. to 5:00 p.m. Bed & Breakfast hours would be overnight with check out at 10:30 a.m.

Would there be Amusement Activities?

There would be weddings, business after hours for the chamber and other similar functions.

Can you visit the site by boat from Manistee Lake?

There will be transient boat slips for that purpose and an RV trailer park on site.

Have you looked at other locations for the boat?

When they first came to town they looked at a site next to the First Street Boat Launch. They also looked at the CSX property and Consumers property. None of these locations worked. The current location is too hard to find and out of the way for people to find.

What impacts will this move have on waterfowl/fishing?

The DEQ permit looks at these items as part of their permit process.

What impact will the boat have to adjoining properties by sticking so far out into Manistee Lake?

There is lots of room on the lake and approximately 900 feet of room from where the boat sticks into Manistee Lake.

Michael Wood representing Stephanie Wood, 53 Arthur Street. Mr. Wood wanted the Planning Commission to consider the following concerns:

1. How do you know that the boat will be a success in Manistee vs Frankfort?
2. How do you know that they will complete the project in a timely manner? What will happen if the project is not a success?
3. Where are they going to park cars and how will everyone get in and out with the estimated number of visitors per year? Mr. Woods feels that the parking is a serious concern.

Jon Rose read the parking plans from the application which includes parking for 153 cars, 85 in paved and 68 spaces in an overflow grass lot. They did not want to asphalt the entire parking area so that there would be green space for aesthetic purposes.

Mr. Wood had asked about a plan in the event the project did not succeed. Mr. Nugent said that several areas on the West shore of Lake Michigan wanted the boat moved to their areas. The Society has a 40 year loan from the USDA and want to stay in Manistee.

Jon Rose said that the Special Use is only required due to the alterations to the shoreline. That the uses are permitted under the ordinance. Mr. Nugent said the reason for dredging out the shoreline is to

satisfy requirements from the Fire Chief and Building Inspector. This allows a place for the fire truck in the event of an emergency and a second means of egress from the boat.

Dennis Dunlap (Bayview Condominiums). Mr. Dunlap wanted the Planning Commission to consider if this is the best use for the property and did not want them to feel pressured because they already purchased the property. Mr. Dunlap spoke of the few properties on Manistee Lake available and they were the first Residential Project on Manistee Lake. This property looks across to a beautiful marsh area and did not want to waste the view on the boat. Mr. Dunlap did not feel that there was adequate parking for the project, they needed a better inventory of the parking. Mr. Dunlap said that he did not receive notification from the DEQ on the proposed permit and expressed concerns about the boat sticking out into Manistee Lake. He would rather they moved the boat further inland.

Linda Spencer, Guest Service Manager of the Moonlite Motel lives at the motel and did not feel that the boat would ruin the view of the residents of Bayview Condominium. They will have a lovely view of the marsh and a historic landmark. They both have a common goal and should work together.

Mr. Nugent said that moving the boat further inland would be difficult because of the car deck and handicap access to the boat.

Roger Yoder read letters from Stephanie Woods - 53 Arthur Street, Ron & Diane Woods - 37 Arthur Street, and Jan Burger - 41 Arthur Street (attached).

Jon Rose said that he wanted to clarify that the City was not subsidizing this project.

Michael Wood said that tax payers were too subsidizing the project thru the Federal Loan.

Mitch Deisch clarified that there were no funds from the City General Fund that were being used for this project.

There being no further discussion the Public Hearing closed at 7:35 p.m.

CITIZEN QUESTIONS AND CONCERNS:

None

APPROVAL OF MINUTES:

Planning Commission Meeting Minutes, September 4, 2003

MOTION by Ray Fortier, seconded by Tony Slawinski that the minutes of the September 4, 2003 Meeting of the Planning Commission Meeting be approved. Motion approved unanimously.

NEW BUSINESS:

A Public Hearing was held earlier in response to a request from the S.S. City of Milwaukee, 111 Arthur Street for a Special Use Permit. The Special Use Permit is to modify the marina for mooring the S.S. City of Milwaukee National Historic Landmark car ferry museum exhibit.

Ray Fortier said that there was a previous dock constructed at that site to moor a car ferry.

Dave Kelley questioned the access from US 31 to the site. Jon Rose said that the US 31 Corridor Study committee is addressing access in that area. They would like to see a reduction in the three curb cuts in that general area (1 for the site, 2 for the former Little Caesars Restaurant) by joining/sharing access. The hill on the north end of the property makes access from that area impossible.

Tony Slawinski said that the Condos in the area block more of the view than the proposed boat and concerns about loss of view should not carry a lot of weight.

Greg Ferguson spoke about the Master Plan and View Corridors and wanted to see Engineer Drawings of the proposed site showing different alternatives. Jon Rose said that engineered drawings are not required under the ordinance. Mr. Ferguson asked about the number of charter boats that moor at the facility. Mr. Nugent said that approximately 3-4 charter boats are at their facility. Mr. Ferguson asked about the fish cleaning station. Mr. Nugent said that they intend to relocate it. Mr. Ferguson did not feel that everything was addressed and would like time for further review.

MOTION by Ray Fortier, seconded by Tony Slawinski that the request from the S.S. City of Milwaukee, 111 Arthur Street for a Special Use Permit to modify the marina for mooring the National Landmark Car Ferry Museum exhibit be approved. Voting as follows:

yes - Ray Fortier, David Kelley, Phil Picardat, Tony Slawinski and Roger Yoder
No - Greg Ferguson

Motion passed.

Manistee Saltworks Development Corporation/Project Development Information/Proposed Power Plant

Megan Kempf and Jim Tondu, Tondu Corporation presented information on a proposed power plant at 1501 Main Street. This was an opportunity for the members of the Planning Commission to have preliminary review of a site plan for a Special Use Permit application for a power plant.

This Power Plant [4911] is a special use in the I-2 Industrial Zoning District because there is activity outside enclosed buildings (coal pile), discharge of treated waste water into Manistee Lake, and proposed alteration to the shoreline (shipping dock).

The presentation included existing site photos, present use of the property, proposed use of property, agreement to purchase property, coal storage system, water system, water treatment, ash recycling & disposal.

A public hearing for the air permit application will be held at the Manistee High School on Thursday, October 9, 2003. Members of the Planning Commission were encouraged to attend.

Ray Fortier asked about the noise from the Plant. Mr. Tondu said that they will meet State and City Noise requirements.

Roger Yoder asked how many boats will be coming in. Mr. Tondu said there would be approximately 13 boats per month. Mr. Yoder asked if the boats could be scheduled to come during off hours in the evening. Mr. Tondu said that they would consider that.

Jon Rose spoke to the Planning Commission about holding weekly worksessions until the Public Hearing in November. The Planning Commission scheduled the following worksessions at 7:00 p.m. in the Council Chambers:

Wednesday, October 8, 2003
Thursday, October 16, 2003
Thursday, October 23, 2003
Thursday, October 30, 2003

These worksessions will be posted in the lobby and will meet the requirements of the Open Meetings Act.

UNFINISHED BUSINESS:

None

OTHER COMMUNICATIONS:

Elaine Bush, MSU Extension has scheduled a training session on Ethics/Conflicts of Interest for Wednesday, November 19, 2003 at Manistee Township Hall. Planning Commission members are encouraged to attend.

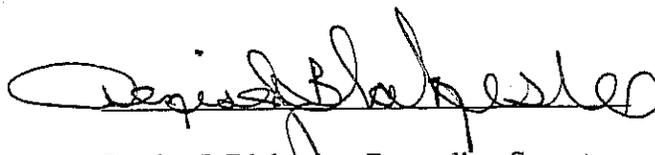
The firm of Williams & Works has been recommended for the Zoning Ordinance Re-write. Jay Kilpatrick will be the lead planner for the project and has scheduled the November 20th worksession as the kick off for the plan. Jon Rose said that in the event that the Planning Commission is still working on the Tondu request at that time the kick off will be postponed.

Bob Hornkohl and Mitch Deisch spoke of the visit they did to the Erickson Power Plan near Lansing. They recommended the planning commission do a site visit.

ADJOURNMENT:

MOTION by Tony Slawinski, seconded by David Kelley that the meeting be adjourned. Motion passed unanimously. Meeting adjourned at 8:30 p.m.

MANISTEE PLANNING COMMISSION



Denise J. Blakeslee, Recording Secretary

Penny A. Penner
Register of Deeds
Manistee, Michigan 49660

**NOTICE OF INTENT TO ISSUE
SPECIAL USE PERMIT**

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

This SPECIAL USE PERMIT, herein after referred to as the permit, is granted pursuant to the authority granted in Article 86: Special uses, of the Manistee City Zoning Ordinance, effective May 1, 1990.

Name of Permit Holder/Property Owner: **S.S. City of Milwaukee**
Mailing Address: **111 Arthur Street**
Manistee, MI 49660

Description of Property affected by Special Use Permit: **See Attached**
Tax Parcel Number: **51-51-101-275-01 & 51-51-101-275-02**

Description of Special Use Granted, as Permitted in Article #55, Section # 5503. **Special Uses (due to alteration to the Manistee Lake shoreline.**

PERMIT CONDITIONS AND REQUIREMENTS: This permit is issued, subject to the following conditions and/or requirements as contained in Article 86: Special Uses

CONDITIONS: None

TRANSFER OF PERMIT

This permit is transferable only in accordance with Article 86, Section 8614 of the ordinance.

EXPIRATION OF PERMIT (as per Article 86 Section 8616):

This permit shall be valid for as long as the approved cause continues in accordance with the terms and conditions of the approved permit. This permit will expire on the occurrence of one or more of the following conditions:

- A. If replaced or superseded by a subsequent Special Use Permit.
- B. If the applicant request the rescinding of the permit.
- C. If the use is abandon, moved or vacated for a period of one (1) year. Notice of the expiration shall be given to the property owner in writing.

VIOLATIONS OF PERMIT (see Article 86 Section 8617):

Any violation of the terms, conditions or limitations of this permit shall be cause for revocation or suspension of the permit by City Council.

CERTIFICATION OF PERMIT

The above SPECIAL USE PERMIT was granted by the Manistee City Planning Commission pursuant to the requirements of the Manistee City Zoning Ordinance. This permit shall become effective upon issuance of this permit AND the signed acknowledgment and receipt from the permit holder.

DATE OF ISSUANCE: October 21, 2003

WITNESS: [Signature]
Jon R. Rose (Witness)

[Signature]
Ray Fortier (Witness)

CITY OF MANISTEE PLANNING COMMISSION
[Signature]
Roger Yoder, Chairman

STATE OF MICHIGAN)
) SS.
COUNTY OF MANISTEE)

On 11-6, 2003, before me, a Notary Public in and for said County, personally appeared Roger Yoder, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be his/her free act and deed.

[Signature]
Notary Public, Manistee County, MI
My Commission Expires:

DENISE J. BLAKESLEE
Notary Public, Manistee Co., MI
My Comm. Expires April 2, 2007

ACKNOWLEDGMENT & RECEIPT OF PERMIT

I (we) the undersign do hereby certify that I am (we are) the person(s) listed above as the special use permit holders of their authorized legal representative. I (we) do further certify that I (we) have read, understand and agree to comply with all of the requirements and conditions of this permit, as listed above and in the Manistee City Zoning Ordinance.

WITNESS: [Signature]
(Witness)

[Signature]
(Witness)

S.S. CITY OF MILWAUKEE:
[Signature] 11-6-03
Michael Brougham Dated

STATE OF MICHIGAN)
) SS.
COUNTY OF MANISTEE)

On 11-6, 2003, before me, a Notary Public in and for said County, personally appeared Michael Brougham, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be his/her free act and deed.

[Signature]
Notary Public, Manistee County, MI
My Commission Expires:

DENISE J. BLAKESLEE
Notary Public, Manistee Co., MI
My Comm. Expires April 2, 2007

Prepared by:
JON R. ROSE
ZONING ADMINISTRATOR
CITY OF MANISTEE
70 Maple Street, P.O. Box 358
Manistee, MI 49660
231.723-2558

Property Description

4. The land referred to in this Commitment, situated in the County of MANISTEE, State of MICHIGAN, is described as follows:

LANDS IN THE CITY OF MANISTEE:

PARCEL 1: THAT PART OF GOVERNMENT LOT THREE (3), SECTION ONE (1), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE SEVENTEEN (17) WEST, MORE FULLY DESCRIBED AS: BEGINNING AT THE POINT WHERE THE EASTERLY LINE OF ARTHUR STREET (SOMETIMES KNOWN AS U.S. 31) IN THE CITY OF MANISTEE INTERSECTS THE NORTH LINE OF SAID GOVERNMENT LOT 3; THENCE NORTH 89° 30' EAST ALONG SAID NORTH LINE OF GOVERNMENT LOT 3, A DISTANCE OF 288.83 FEET TO THE SHORE OF MANISTEE LAKE; THENCE MEANDERING ALONG SAID SHORE, SOUTH 29° 15' WEST 140.00 FEET; THENCE SOUTH 38° 15' EAST 60.00 FEET; THENCE SOUTH 64° 29' EAST 95.00 FEET; THENCE SOUTH 7° 01' WEST, 15.00 FEET; THENCE SOUTH 81° 55' WEST, 80.00 FEET; THENCE SOUTH 58° 29' WEST, 33.25 FEET; THENCE NORTH 89° 42' WEST, ALONG SAID SHORE AND THE FACE OF THE EXISTING REVETMENT, 181.00 FEET; THENCE NORTH 89° 42' WEST, LEAVING SAID SHORE 144.39 FEET; THENCE NORTH 32° 49' EAST, ALONG THE EASTERLY LINE OF ARTHUR STREET (BEING 60 FEET FROM THE CENTERLINE OF SAID STREET), 51.28 FEET; THENCE NORTHERLY ALONG SAID EASTERLY LINE ON THE ARC OF A 408.10 FOOT RADIUS CURVE TO THE LEFT, A DISTANCE OF 105.87 FEET (THE CHORD OF SAID ARC BEING NORTH 25° 33' 45" EAST, 105.59 FEET) TO THE POINT OF BEGINNING.

PARCEL 2: THE SOUTH 30 FEET OF LOT "D" OF S. C. THOMPSON'S ADDITION TO THE CITY OF MANISTEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 3-A OF PLATS, PAGE 9.

PARCEL 3: THAT PART OF THE NORTH 2/3RDS OF GOVERNMENT LOT THREE (3), SECTION ONE (1), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE SEVENTEEN (17) WEST, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHERE THE EAST LINE OF THE RIGHT-OF-WAY OF ARTHUR STREET (SOMETIMES KNOWN AS U.S. 31) IN THE CITY OF MANISTEE INTERSECTS THE SOUTH LINE OF THE NORTH 2/3RDS OF SAID GOVERNMENT LOT 3, THENCE NORTHERLY ALONG THE EAST LINE OF THE RIGHT-OF-WAY OF SAID STREET, 400 FEET FOR A PLACE OF BEGINNING; THENCE EASTERLY AT RIGHT ANGLES TO SAID STREET ALONG THE NORTH LINE OF GOVERNMENT LOT 3, THENCE NORTHERLY ALONG THE SHORE OF MANISTEE LAKE TO ITS INTERSECTION WITH THE NORTH LINE OF SAID GOVERNMENT LOT 3, THENCE WEST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 3 TO THE EAST LINE OF THE RIGHT-OF-WAY OF SAID ARTHUR STREET; THENCE SOUTHERLY ALONG THE EAST LINE OF THE RIGHT-OF-WAY OF SAID STREET TO THE PLACE OF BEGINNING; EXCEPT THAT PART OF GOVERNMENT LOT 3 DESCRIBED AS PARCEL 1 ABOVE.

SAID PREMISES BEING ALSO DESCRIBED AS FOLLOWS: THAT PART OF THE NORTH 2/3RDS OF GOVERNMENT LOT THREE (3), SECTION ONE (1), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE SEVENTEEN (17) WEST, COMMENCING AT A POINT WHERE THE EAST LINE OF ARTHUR STREET INTERSECTS THE SOUTH LINE OF THE NORTH 2/3RDS OF SAID GOVERNMENT LOT 3; THENCE NORTH 11° 08' 14" EAST ALONG SAID EAST LINE 338.84 FEET; THENCE ALONG A 12° 27' 06" CURVE TO THE RIGHT ALONG SAID EAST LINE 61.60 FEET, SAID CURVE HAVING A SHORT CHORD BEARING AND DISTANCE OF NORTH 14° 58' 21" EAST, 61.25 FEET FOR A PLACE OF BEGINNING; THENCE ALONG A 12° 27' 06" CURVE TO THE RIGHT ALONG SAID EAST LINE 9.17 FEET, SAID CURVE HAVING A SHORT CHORD BEARING AND DISTANCE OF NORTH 16° 33' 57" EAST 9.17 FEET; THENCE SOUTH 89° 58' 02" EAST ALONG THE EXTENDED RIGHT-OF-WAY LINE 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 EASTERLY RIGHT-OF-WAY OF SAID STREET 91.29 FEET; SAID CURVE HAVING A SHORT CHORD BEARING AND DISTANCE OF NORTH 27° 37' 42" EAST 91.12 FEET; THENCE NORTH 33° 16' 03" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE 335.01 FEET; THENCE SOUTH 89° 42' 00" EAST TO THE FACE OF THE EXISTING REVETMENT 144.39 FEET, THENCE SOUTH 89° 42' 00" EAST ALONG SAID REVETMENT TO THE SHORE OF MANISTEE LAKE 181.49 FEET; THENCE SOUTH 49° 49' 27" WEST ALONG SAID SHORE 203.16 FEET; THENCE SOUTH 23° 18' 45" WEST ALONG SAID SHORE 27.06 FEET; THENCE SOUTH 87° 00' 31" WEST ALONG SAID SHORE 138.29 FEET; THENCE SOUTH 47° 15' 45" WEST ALONG SAID SHORE 160.03 FEET; THENCE NORTH 78° 51' 46" WEST 158.87 FEET TO THE PLACE OF BEGINNING.



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: May 12, 2006

RE: Meeting Information

Commissioners, after the last meeting there was some confusion about some of the information being in the packets. The problem that we are facing is that information is sent to the Planning Commission for review prior to the Public Hearing and is not included in the meeting packet for the Public Hearing.

Example:

The S.S. City of Milwaukee application was reviewed by the Planning Commission at the April 20, 2006 worksession.

So there was not a copy of the application in the May 4, 2006 Meeting packet.

With the new ordinance requiring Planning Commission review and approval prior to the Public Hearing and in an effort to save on postage and copying costs we will not duplicating items. This results in the meeting packets not having all of the agenda items included in them.

Due to the confusion regarding this we are enclosing a second copy of the S.S. City of Milwaukee application.

We thank you for your efforts and in the event that you misplace an item I will make a copy of it for you. I hope this helps with the confusion.

See you Thursday!

:djb

Mark A. Reenders Construction, Inc.

City of Manistee
70 Maple Street
P.O. Box 358
Manistee, MI 49660

May 8, 2006

Dear Mr Bruce Gockerman, Mr. Mitch Deisch and Mr. Chip Goodspeed,

After attending your May 4, 2006 City of Manistee Planning Commission meeting I felt I needed to address a serious issue of concern.

Driving home to Grand Haven from the meeting on May 4th I was reflecting on what occurred during that Planning Commission meeting. First and foremost, I thought it was unusual that one of your planning commission members, Ben Bifoss abstained from the discussion and vote regarding one of the items on the agenda but there was no vote or explanation regarding his abstaining, however, as he walked to the back of the room he mumbled, "I work for them". During that meeting on May 4th I knew that somehow I should know who Mr. Bifoss was however, it wasn't until I returned to my office Friday morning and looked at my phone log book that I realized how I knew Ben Bifoss. It then became obvious to me why Mr. Bifoss was so rude to all applicants and their projects except for the one he abstained from.

As you probably know I am the Developer of the Washington Square Condo's (The Old Washington School). Prior to the purchase of the school, I was able to meet the planning commission members and I brought my ideas for the property in front of a planning commission meeting. At that time I was showing 50 + housing units on the site. Everyone appeared to be in favor of the concept but thought I should cut down on some of the units.

After the purchase of the Washington School I put the engineering work out for bid to local Manistee architectural and engineering companies. One of the companies that bid the work was Abonmarche Group and the other was Nordlund & Associates, Inc. After the bidding process we decided to go with Nordlund & Associates, Inc. primarily because they were the lower bidder and had also worked with the Architectural Group we had chosen. When I left a message at Abonmarche to let them know that we had decided to go with Nordlund I then received a phone message from a Ben Bifoss to call him at Abonmarche Group. I returned this phone call. In that phone call on October 12, 2005 Mr. Bifoss ripped apart the quality of Nordlund's engineering work. Ben told me that he had used Nordlund in the past and had problems with them and he couldn't believe I was going to use them.

Now arrives the May 4, 2006 meeting. On the agenda in front of my development was several other agenda items. The bulk of the meeting was regarding the Bay Condominiums (a Nordlund Engineered Project). During the entire meeting Mr. Bifoss kept referring to the Bay Condos as "Wallominiums" and how much they obstructed the view of Manistee Lake from the curve on US31. He tore apart their design of the buildings, parking, set backs, made sarcastic comments about the open space yet never gave them any direction as to what he wanted them to modify or what he or the planning commission would like instead.

Next agenda item was for boat slips, Ben gave the applicant a hard time and told them that the City would need a letter in writing about what he was going to do about a cleaning station among other things (again another engineering design issue which Abonmarche was not involve in). Up next on the agenda was the Harbor Village condo's of which Ben abstained from, there was no problems or questions other than the chairman asking why they faced those condos toward a park. It was pushed through no problem.

I was next on the agenda (it was almost 10pm at that time). The first opening comment that was made by anyone was Ben Bifoss and that was regarding if all of the paperwork for the application had been

received, when Mr. Rose said yes, Mr. Bifoss proceeded to mumble something to those sitting near him. Mr. Bifoss's next comment was "Was this applicant here during the Wallominium discussion earlier?" When I said yes, "he said I hope you were listening." His next comment was regarding the location of my catch basins and why were they not on the engineered drawings, I said "they are on the drawings"!! (remember the engineering was done by Nordlund and not Abonmarche) He then attempted to put words in my mouth regarding the storm sewer consequently confusing some people on the commission. There were some other minor questions asked by other members about rain gutters, sewers and parking in the event of parties as well as the fact the Fire Chief had not given his comments. I tried to get some input from the Commission about the design, layout or anything else with the development but, they just shut me down! According to the Planning Commission Agenda I was there not only for review but also analysis and recommendations... of which there was none! Apparently, by what I saw with the situation with the Bay Condominiums your Planning Commission just says they don't like something and then they say go back to the drawing board with no guidance, comments, suggestions or recommendations of what they would like changed even though the applicant appeared to meet all criterias. As a former Planning Commission member, I was appalled at what went on in that meeting and the fact that the City did not have a representing attorney to advise the commission of what they could and could not do or say. Mr. Bifoss in particular was so disrespectful and unprofessional to each applicant except for the applicants of "his project" he really needed to be silenced by someone!

As I said earlier, had I put two and two together as to whom Mr. Bifoss was and who he was associated with, I would have demanded that he be removed from the meeting. In reality as a professional, he should have removed himself because of the negative interaction we had when I chose to not use Abonmarche for my engineering work. I believe Ben Bifoss's actions, comments and remarks at that May 4th meeting may have permanently tainted the other Planning Commission members attitude toward my development.

I believe at this point, Mr. Ben Bifoss, with his personal agendas and axes to grind, his extremely unprofessional behavior, his connection with the Harbor Village Condo's, his employment at Abonmarche, his past employment with the city, his phone call to me in October 2005, his public disrespect of another local engineering firm, his contempt and hostility toward the applicants at the May 4, 2006 meeting has put the City of Manistee in jeopardy and risk of lawsuits not only with my development but with the Bay Condominiums.

Based on what I observed at that meeting it is apparent that Mr. Bifoss cannot respect the work of any other engineering or architectural firm, I feel the City of Manistee is under obligation to take action and remove Ben Bifoss from the Planning Commission before he does anymore damage, if this is not done I will contact my attorney and advise him of the situation.

We plan to hear from you as to the City of Manistee's action in this matter prior to the June 1, 2006 meeting.

Sincerely,



Mark Reenders
President
Mark A. Reenders Construction, Inc.

Cc: Community Development Director - Jon Rose
Planning Commission Chairman - Ray Fortier
Architect - Bosma Architects & Associates P.C.
Nordlund & Associates Inc.

May 12, 2006

Mr. Mark Reenders
16776 Warner Street
Grand Haven, Mi 49417

Re: Yours of May 8, 2006

Dear Mr. Reenders

I have received a copy of your letter of complaint dated May 8, 2006. This response would have been more timely had you supplied a copy of that letter to me, the subject of the complaint. Regardless, I provide the following comments.

Your first complaint regards a phone call on October 12, 2005 relating to bids received for engineering services for your project. Initially I note that our records indicate a timeline inconsistent with that date. To my knowledge, we were not aware of your selection of Nordlund until late November/early December 2005. I have no specific recollection of a phone conversation that allegedly occurred seven months ago; however I can offer these comments.

I certainly hope that I expressed to you the opinion and belief that Abonmarche offers a higher quality of work than it's competition. I certainly hope that I expressed to you the belief that Abonmarche offers a higher level of service. I certainly hope that I expressed the opinion that you should check the references of professional firms subject to hire. If I failed to express these beliefs, then I was remiss in my professional obligations. However I also hope that these opinions were expressed without having "ripped apart" any other firm. If that impression had been conveyed, I would agree that it should not have been.

Your next complaint suggests a connection between your selection of Nordlund and my comments regarding various site plans on the Planning Commission agenda of May 4, 2006. It is important to point out that, to my recollection, I made no negative comments of any kind regarding the engineering or site condition work performed by Nordlund for any of those projects.

None of my comments regarding the Bay Condominium project related to engineering work performed by Nordlund. None of my comments regarding the Chmura marina related to work performed by Nordlund. In fact, the only comment that I made regarding the Chmura project was to provide clarification on a point raised by a fellow Planning Commission member. That other member correctly noted a detail on the site plan that I had overlooked regarding a fish cleaning station. Mr. Chmura is known locally to run a first class operation. However the site plan should address, in writing and as part of the site plan, how fish cleaning will be accommodated.

Next, you complain of my response to your site plan. You correctly note that my first question to Mr. Rose was whether or not your application was complete. That question was both necessary and appropriate because the Planning Commission only received the complete application at the meeting with no opportunity for individual members to review the application for completeness prior to the meeting. Had the materiel been provided in a timely manner to allow its inclusion in the Planning Commission packet, it would have been possible for me and other members to determine its completeness independently of Mr. Rose.

At the Planning Commission meeting, you specifically asked for input from members of the Commission regarding your site plan. In response to that specific request, I did ask if you had heard the earlier discussion regarding "wallominiums." I can only offer that you should not ask for opinions unless prepared to receive them. Regarding the catch basins, I did not recall whether that area of the Northside was served by a storm sewer system or the leach basin system. Because the complete application was not available to members prior to the meeting, it was not possible to independently determine whether the appropriate information on catch basins was included; again necessitating a question to staff.

You ask why I abstained from discussion of plans prepared by Abonmarche. At my very first meeting as a new member of the Planning Commission this matter was reviewed and discussed. The conclusion of the entire Commission and staff was, that as a practical matter, it was not reasonable to expect me to advocate against or vote against a plan presented by one of our clients. If I could not oppose such an application, it would be unfair to allow me to advocate in favor of such an application. While you and I might agree that this carries the issue of the "appearance of impropriety" to the conservative extreme, that was the conclusion of the entire body.

You also however, apparently express the contrary opinion. As I understand your letter, it is because I am employed by an engineering firm that I should not comment on the work of other firms. By this logic, no planner, no architect, no engineer, no builder, no developer or other persons employed in the development sector should serve on a planning commission. I respectfully disagree and suggest that these persons are best able to provide such service.

Next, the issue of "wallominiums." I confess to a strongly held and assertively expressed opinion regarding this type of development. I offer only one justification. I love this City.

Manistee is an exceptional city; its history, its present and its future are all unique from any other community on the shore. From Manistee's gritty industrial past to its Gold Coast future, from its blue collar neighborhoods to the wealth of its Lake Michigan frontage, I love this City. In my opinion, Manistee deserves only the best; only the best from its citizens, only the best from its government, and only the best from developers who choose to do business here. Anything but the best should not be encouraged or

facilitated or aided, because it is not worthy of the special nature of this community. If that opinion seems parochial, then I accept that charge as well.

Finally, I must comment on what certainly appears to me as an unveiled and direct effort to intimidate and stifle comments from a member of the Planning Commission. If members cannot express opinions and beliefs, if members are not allowed to find fault or disapprove an application, if the role is completely administrative, then there is no purpose to the Commission. While you are certainly free to disagree with the opinions expressed by me or other members, your effort to remove me from the Commission and "contact your attorney" are not consistent with the free exercise of thought and speech necessary in a democratic society and required for informed decision-making.

If you would like to discuss any of these matters further, please feel free to contact me.

Sincerely



Ben Bifoss
324 1st Ave.
Manistee, Mi. 49660
231-723-5145

Cc: Mayor, City Council, and City Attorney c/o Mr. Deisch, City Manager
✓ Chairman and Planning Commission Members c/o Mr. Rose, Community Development



P. O. Box 358 • Manistee, Michigan 49660-0358 • www.ci.manistee.mi.us

CITY HALL
70 Maple Street

May 18, 2006

CITY MANAGER
231.398.2801

CITY ASSESSOR
231.398.2802

BUILDING INSPECTOR
231.398.2806

PLANNING, ZONING &
COMMUNITY DEV.
231.398.2805

CITY CLERK
231.398.2803

CITY TREASURER
231.398.2804

WATER BILLING
231.723.2559

ADMINISTRATION
FAX 231.723.1546

MARK/TREASURER
FAX 231.723.5410

POLICE DEPARTMENT
70 Maple Street
231.723.2533
FAX 231.398.2012

FIRE DEPARTMENT
281 First Street
231.723.1549
FAX 231.723.3519

PUBLIC WORKS
280 Washington St.
231.723.7132
FAX 231.723.1803

PARKS DEPARTMENT
231.723.4051

WATER MAINTENANCE
231.723.3641

WASTEWATER PLANT
50 Ninth St.
231.723.1553

Mr. Mark Reenders
Reenders Construction, Inc.
16776 Warner Street
Grand Haven, Michigan 49417

RE: Your Letter Dated May 8, 2006

Dear Mr. Reenders:

The City of Manistee received your letter dated May 8, 2006 regarding the conduct of a Manistee City Planning Commissioner.

Based upon your letter and a phone call from an associate at Nordlund Engineering, I inquired about the discussion at the meeting in question and more specifically, comments made by Planning Commissioner Ben Bifoss. My conclusion of these conversations was that Commissioner Bifoss asked some pointed / hard questions of several applicants, which could have been perceived as aggressive or agitated. However, during none of the conversations did anyone mention that Commissioner Bifoss acted in an unethical or unprofessional manner. Once appointed by City Council, it is the role of all Planning Commissioners to work toward approving site plans which are in the City's best interest. In the case of a PUD, more flexibility is authorized to the Planning Commission to achieve this goal.

The second concern of your letter focused on Commissioner Bifoss's professional career working for a local engineering firm. I have no way of confirming or denying any of your related concerns, but more important, Mr. Bifoss's professional career is not the issue when he is serving his role as a Planning Commissioner. Once appointed by the Mayor and confirmed by Council, only this body can remove a Planning Commissioner. Section 1220.01 of the Code of Ordinances states "Members may, after a public hearing, be removed by the Mayor for inefficiency, neglect or malfeasance in office."

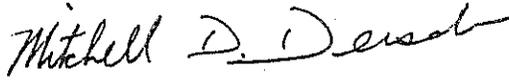


Based upon the information I have on this matter, I would not make a professional recommendation to the Mayor and City Council to remove Mr. Bifoss from the Planning Commission. From the information at my disposal, Mr. Bifoss acted within his appointed role as a Planning Commissioner.

If you have any specific questions, please feel free to contact me.

Sincerely,

CITY OF MANISTEE

A handwritten signature in black ink that reads "Mitchell D. Deisch". The signature is written in a cursive style with a horizontal line under the last name.

Mitchell D. Deisch, City Manager
mdeisch@ci.manistee.mi.us

MDD:cl

cc. Manistee City Council
Manistee Planning Commission
City Attorney Bruce Gockerman
Community Development Officer Jon Rose



MEMORANDUM

TO: Planning Commissioners
 FROM: Jon R. Rose, Community Development Director 
 DATE: May 18, 2006
 RE: Deck Encroachment - The Bay Condominiums

Commissioners, there was discussion during the May 4, 2006 meeting regarding the deck encroachment for the proposed Bay Condominiums. The following four sections of the ordinance address this issue. I have bolded the specific language applicable.

Section 502.D.1 Uses, Spatial and Physical Requirements

D. Required spatial relationships and physical requirements of this ordinance shall apply uniformly within each respective zoning district to all uses, structures, buildings and parcels except that the following may be located anywhere on a parcel:

1. Those parts of a building which are unroofed porches and decks, including steps, which do not exceed seventy (70) square feet in area, handicapped ramps, terraces, patios and awnings and nonpermanent canopies, but built no closer than three (3) feet from the property line. **All roofed porches and decks and those unroofed porches and decks, including steps, which are larger than seventy (70) square feet, will be considered part of the structure and the building area and will be governed by the yard requirements of the Zoning District in which the parcel is located.** Provided, however, that on parcels with steep slopes exterior steps may be located within a required yard when the Zoning Administrator finds that such location is necessary for the practical use of the property.

Section 505.A Water Protection

A. Where any building, structure or improvement is proposed for property abutting Manistee Lake, the Manistee River Channel, Lake Michigan or any man-made lake, additional waterfront setbacks shall be provided to offer protection for said water body. Such setbacks shall be increased to the following (see Table 7-1 for a complete schedule of regulations):

District	R-1	R-2	R-3	R-4	C-2	C-3	W-F	L-I	G-I
Waterfront Yard (feet)	100	20	20	20	20	20	20	N/A	50

Provided, that these increased setback standards shall not apply to walkways, decks, boat docks, boat slips, boat houses and boat launches. The increased setback areas shall be designed to provide additional protection for the water bodies.

Section 524 Structures Projecting into Setbacks

No structure shall be placed within the required setback area (required yard). Setbacks shall be measured from the property line, or the ordinary high water mark, to the foundation of the structure (including porches and steps), unless an upper portion of the structure projects beyond the foundation, then the setback shall be measured from the property line to a point which is perpendicular to the furthest most point of the projections, exclusive of any eaves. Further, at no time will the eaves be permitted to extend into the required setback area more than one-third of the required setback.

Section 1203.C.4 Dimensional Standards

4. Waterfront Yards: The minimum setback from the ordinary high watermark of Manistee Lake shall be twenty (20) feet. Provided that this provision shall not apply to walkways, decks, boat docks, boat slips, boat houses and boat launches.

The applicant has provided a letter from Mr. Daniel Martin addressing several of the Planning Commission's issues. Mr. Martin is correct that under a PUD "The Planning Commission has the ability and authority to alter this setback". Nor would I disagree with his statement that the specific provision controls over the general provision. "Deck" used in Section 1203.C.4 refer to water-type uses. The language mimics Section 505.A. Water Protection. To allow un-fettered encroachment into that waterfront setback by porches and decks would fly in the face of the purpose of increasing the setback to "offer protection for said water body". Should the applicant wish to build a fishing deck, or a deck for holding barbeques down by the marina slips, it would be exempt from the waterfront setbacks. However, decks attached to the structure and part of the structure are subject to the instructions contained in Section 524 to be measured to the "furthest most point of the projection exclusive of any eaves".

Section 502.D.1 provides a exception to the above. This language was originally drafted to provide relief to homes that were built to the front yard setback with steps leading directly from the front door. Modern building codes and safety considerations dictate that an exterior door have a landing on the outside of it. Such landings are typically 6 feet by 6 feet or 36 square feet. A house with a finish floor four feet above grade would require seven risers with treads 1 foot by 4 feet for at total of 28 square feet. The sum of the area of this porch and steps is 64 square feet. 70 square feet was chosen as a reasonable size to allow legal, save access to the front door.

Section 502.D makes no reference to the front yard but simply says "the following may be located anywhere on a parcel". Section 502.D.1 clearly states that the encroaching porch or deck including steps shall be no larger than 70 square feet. This language does not allow a 70 square foot encroachment for a deck which is larger than 70 square feet. Indeed it specifically says "unroofed porches and decks which are larger than 70 square feet will be considered part of the structure and the building area and will be governed by the yard requirements."

In summary attached decks or unroofed porches which have an area of 70 square feet or less, including steps, are not subject to setback requirements including the waterfront setback.