

WORKSESSION

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street, Manistee, Michigan 49660

**Thursday, March 20, 2003
7:00 p.m. - Council Chambers, City Hall**

AGENDA

The City of Manistee Planning Commission will hold a worksession on Thursday, February 20, 2003 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

- I Roll Call
- II Public Participation:
- III Unfinished Business and Reports:
- IV New Business and Communications:
 - 1. Sand Product Corporation - Man Made Lake
- V Adjourn.

MEMORANDUM

TO: Planning Commission Members

FROM: Denise Blakeslee, Secretary
Community Development 

DATE: March 14, 2003

RE: Worksession March 20, 2003

The March Worksession will be on Thursday, March 20, 2003 at 7:00 p.m.

Ben Bifoss, Sand Products Corporation has asked to make a presentation at the Worksession regarding the proposed Planned Unit Development in the Man-Made Lake Area.

See you next Thursday! If you cannot attend please call me.

cc: City Manager

Attachments: 3/14/03 - City of Manistee Newsletter
3/18/03 - City Council Agenda
Article - Couple files suit over wind turbine denial
Article - Open Zoning Suggested

By PATTI KLEVORN

News Editor

Development along Pere Marquette Lake may face a different type of zoning than Ludington's other waterfront areas. Instead of specific height and building limits, the projects may be judged more on a case-by-case basis, but the idea is just in the beginning stages.

The city's ad hoc waterfront zoning committee, through planning professional Larry Nix, shared its ideas with the planning commission and about 25 property owners and developers Monday.

The zoning is referred to as Planned Development, with property owners presenting projects and trying to convince the city they're the right projects for the properties.

Holland, Port Sheldon Township and South Haven are using a similar process, which some of the communities refer to as Planned United Development, and Grand Haven is starting to institute something similar.

Nix described the planning commission's delicate task of balancing "the need and desire of the property owners" who want to be allowed to do as they please, and "city control" for the good of the community.

The committee wanted input from the property owners and the rest of the planning commission before deciding to go any further in its discussions about Planned Developments.

The initial proposal calls for a preapplication conference with a predetermined group of city officials meeting with a property owner to talk about early plans.

"It's designed to help you as an applicant," Nix said.

The initial conference appears to allow the property owners or developers to "take (their plan) out for a test drive," according to Ed Thompson, of Thompson Marina and Thompson Cabinets on P.M. Lake.

Once a property owner or developer submits plans, they would have to go before the planning commission, face a public hearing then go on to the city council, as rezoning applications do now. The final site plan would go back before the planning commission for either approval, approval with conditions, or denial.

There would likely be some guidelines, but what those look like is undetermined. They may include height restrictions, but they may not.

Nix talked about the use of sight lines instead of height listed in feet. The committee is discussing limiting building height to the sight line of a two story building from the required setback of the property line as drawn in the figure shown.

There may be building mass, odor, dust, litter, lighting, parking, landscaping, stormwater, noise, screening, storage and signage guidelines or restrictions as well. Again, the city may decide against

Tom Coleman, chairman of the planning commission and the ad hoc waterfront zoning committee, referred to the city's waterfront master plan and said the community deemed it important to continue use of the Ludington harbor's deep water port for shipping.

He asked for input on that from those who were in attendance Monday.

"We would certainly hope it would continue," said Bob Manglitz, president of Lake Michigan Carferry, which leases dock space and land to Great Lakes Materials for taking in aggregate (e.g. limestone, gravel) from ships.

"There's a lot of benefit to the community," he said. "But I'm biased."

Manglitz went on to explain that fewer cities along the Great Lakes will be accepting aggregate in the future, adding that Manitowoc, Wis., is considering closing its stone docks to create parks.

Steve Abrahamson, who owns property on both sides of Pere Marquette Lake near the South Washington Avenue bridge, said he wants the deep water port kept usable, and that he wants to keep options open.

The planning commission meets again 7 p.m. Wednesday, Dec. 5. Among the items on the agenda will be a public hearing on this new ordinance for the area along Pere Marquette Lake, from south of Harbor View Marina to Copeyon Park.

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February 22, 2002

Couple files suit over wind turbine denial

Township board: Structures clash with land use plan

By MICHELLE BARBERCHECK

Special to the Record-Eagle

HORTON BAY - The U.S. District Court in Lansing will now decide whether the Constitutional rights of a Bay Township couple were violated when they were denied a permit to have two wind turbines installed on their property.

Bay Township attorney Paul E. Pederson wants to move a lawsuit filed by Kelvin and Cindy Johnecheck from Charlevoix County Circuit Court to the U.S. District Court in Lansing. The lawsuit claims the Bay Township board violated various federal Constitutional provisions.

The Johnechecks filed their lawsuit against Bay Township after the township board last July voted to deny them a special use permit to allow two 300- to 400-foot-high wind turbine generators on their 40-acre farm on Church Road.

The wind turbines were to be installed by Bay Energy Services, Inc., a company that uses commercial wind turbines to generate energy that it sells to its customers. The company installed a similar wind turbine near Mackinaw Village in November.

The company struck a lease agreement with the couple to pay them \$400 per generator each month for use of their land. The Johnechecks claim they stood to make about \$50,000 over the term of the lease.

Bay Township Board members said they denied the Johnechecks' permit because the structures clash with the township's existing land use plan, which is crafted to retain rural and scenic views and protect property values.

Many area residents agreed the wind turbines, with their 80-foot blades, would take away from the natural beauty of the Horton Bay area.

However, the Johnechecks' attorney, Scott Howard of Olson & Bzdok in Traverse City, claims the township board's vote was "capricious" and that it deprived his clients their Constitutional rights to use their property as they see fit, under the Michigan Constitution and the Fifth and Fourteenth Amendments to the U.S. Constitution.

"The fundamental claim is that residents may use their land for any reasonable use, obviously as long as it is lawful. While the township has a right to impose certain restrictions through zoning, it's not reasonable to exclude use purely on aesthetics," Howard said. "We have a strong case whether we are in circuit court or U.S. District Court."

The Johnechecks' case is set for a scheduling conference in March, when dates will be decided for mediation, discovery and a trial if necessary