

Harbor Commission

Regular Meeting Agenda

Tuesday, January 19, 2016, 5:30 p.m.
Council Chambers, South Haven City Hall



City of South Haven

Please note that the meeting will be held in South Haven City Hall, Council Chambers.

1. Call to Order

Roll Call: Vice-Chairman Mary Stephens, Cathy Pyle, Tim Reineck, Tim Stegeman, Greg Sullivan, Council Representative Steve Schlack

2. Approval of Agenda

3. Approval of Minutes: November 17, 2015 Regular Meeting

4. Interested Citizens in the Audience Will Be Heard on Items Not on the Agenda

5. Selection of Chairperson

6. Financial Report

7. 2016 Meeting Dates Resolution

8. Kal-Haven Marina

9. 2016 Marina Rates Resolution

10. Member and Staff Comments

11. Adjourn

SOUTH HAVEN CITY HALL IS BARRIER FREE AND THE CITY OF SOUTH HAVEN WILL PROVIDE THE NECESSARY REASONABLE AUXILIARY AIDS AND SERVICES FOR PERSONS WITH DISABILITIES, SUCH AS SIGNERS FOR THE HEARING IMPAIRED AND AUDIO TAPES OF PRINTED MATERIALS BEING CONSIDERED AT THE MEETING TO INDIVIDUALS WITH DISABILITIES AT THE MEETING UPON SEVEN (7) DAYS NOTICE TO THE SOUTH HAVEN CITY HALL.

Harbor Commission

Regular Meeting Minutes

Tuesday, November 17, 2015, 5:30 p.m.
Council Chambers, South Haven City Hall



City of South Haven

1. Call to Order by Arnold at 5:30 p.m.

Present: Sullivan, Reineck (5:35 p.m.), Stegeman, Stephens, Arnold
Absent: Pyle, Silverman

Also present: Brian Dissette, City Manager

2. Approval of Agenda

Motion by Stegeman, second by Stephens to approve the November 17, 2015 Regular Meeting Agenda as presented.

All in favor. Motion carried.

3. Approval of Minutes: October 20, 2015 Regular Meeting

Motion by Stephens, second by Stegeman to approve the October 20, 2015 Regular Meeting Minutes as written.

All in favor. Motion carried.

4. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

Brian Dissette, City Manager: Noted that Paul VandenBosch, former Assistant City Manager/Harbor Master stepped down from his position after nineteen years. Dissette introduced Kate Hosier, who has been appointed Acting Harbor Master, outlining her credentials and qualifications for the position.

5. Financial Report

Hosier reviewed the Financial Report, noting seasonal inactivity and seasonal slip deposits still coming in for next year's boating season.

6. Black River Park Kayak Concession

Hosier explained that the city was approached by Chris Campbell of SoHa Surf Shop about doing a rental kayak concession at Black River Park for one year. Campbell has successfully operated a concession on the South Beach. The proposal is for a one year license agreement, renewable annually with five percent (5%) gross paid to the city. Hosier pointed out the draft license agreement in the packet, noting that the proposed concession will be located in the newly paved area by Black River Park with the new accessible launch nearby.

Chris Campbell, SoHa Surf Shop: Noted that the city has the river and wondered about having something closer making kayaks, maybe canoes, perhaps paddleboards available. Stated he is interested in seeing how things would go; does not know how much people will use it but might as well offer something to do that is not just the beach.

Tim Stegeman: Regarding the agreement, stated he understands it is in front of the Harbor Commission because the five percent (5%) is in lieu of launch fees but wondered if the concession is more in the Parks Commission arena.

Dissette explained that by code Black River Park falls under the domain of Harbor Commission. The requested area is outside of the paid admission area. Anyone who brings a kayak or canoe can launch there without paying; Campbell understands that he cannot influence them to get a canoe from him and pay. But those who would like to rent a canoe and launch there can do so. Dissette noted that this last season we had a payment of about \$5,000 credited to the Parks fund from Campbell's South Beach concession.

Stegeman sees no problems with the launch but wonders about the concession. Dissette explained there is a bit of gray area with Black River Park; portions clearly fall under the Parks Commission, but because the proposed concession is immediately adjacent to the ramp and entry point, bringing it to Harbor Commission was the right way to go.

Reineck asked what kinds of food and drink will be offered to which Campbell responded that if anything is sold, it would be sunblock or a hat, things directly related to being on the water. Campbell stated there would be no food vending.

Dissette stated that with three (3) years' experience working with Mr. Campbell, he has been fully compliant with all of our insurance requirements and there have been no reported claims.

Sullivan asked if this contract is exclusive to which Dissette responded that it will be exclusive for any other vendors and Mr. Campbell knows he may not restrict the public from launching there. Dissette said if a competitor is desirous of entering the water, they may have access through the launch access. After further questions from Sullivan, Dissette said some other vendors may show up; if they refuse to supply the city with a commercial license, we can do what we did last year: call the police and have them ticketed.

Stephens questioned the reference in paragraph 5a which states "including food and drink items" and requested language be inserted to ban alcoholic beverages. Dissette explained

that alcoholic beverages are already banned from the parks, so there is no problem adding that language.

Arnold reiterated the city has been working with Campbell for three (3) years and have had no problems, noting that he anticipates the same at Black River Park.

Stegeman reminded of the tool in the police tool box from probably six (6) years ago, noting that the public may need to know that particular law.

Dissette added that we will clarify the alcoholic provision, noting that this is a generic license agreement and it will be made clearer.

Motion by Stephens to recommend approval of the license agreement with clarification added to Paragraph 5a to include non-alcoholic beverage language. Second by Sullivan.

All in favor. Motion carried.

Member and Staff Comments

There were none.

7. Adjourn

Motion by Stegeman, second by Reineck to adjourn at 5:45 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Black River Park Revenues

Black River Park Revenue
As of December 31, 2015

Fiscal Year Ending	Boat Launch & Parking fees	Seasonal Launch Permit	Seasonal Dock	Transient Dock	Revenue Total	Operational Expense	Net Revenue
2007	84,563	9,480	42,544	10,471	147,058	90,412	56,646
2008	96,484	11,143	37,896	10,053	155,576	97,145	58,431
2009	93,239	9,240	37,261	11,922	151,662	99,992	51,670
2010	84,432	9,249	38,478	10,183	142,342	90,883	51,459
2011	66,393	8,658	42,038	3,859	120,948	113,430	7,518
2012	73,619	10,711	55,134	10,097	149,561	129,949	19,613
2013	71,440	9,150	47,844	10,980	139,414	102,155	37,259
2014	85,510	12,987	47,487	10,550	156,534	143,867	12,667
2015	43,770	8,504	101,265	8,961	162,500	96,753	65,747
2016	38,315	725	11,340	1,968	52,348	53,590	-1,242

Note: Operational Expense does not include depreciation of approximately \$50,000 per year.
Operational Expenses do not include large construction expenses or Transfer to River Maintenance Fund of approximately \$5,800 annually

Boat Launching & Parking Fees Revenue													Calendar Year
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007	0	0	0	1,289	4,160	7,725	13,459	7,941	5,917	1,808	0	0	42,299
2008	0	0	0	831	2,768	5,172	11,030	10,046	4,709	2,170	0	0	36,726
2009	0	0	0	370	3,378	5,558	10,738	7,704	8,311	812	0	0	36,871
2010	0	0	0	527	6,102	4,284	13,972	11,844	2,799	2,186	0	0	41,714
2011	0	0	0	126	4,301	6,870	19,145	10,345	7,373	1,221	0	0	49,381
2012	0	0	0	0	7,000	10,050	19,667	9,346	4,702	2,376	1,031	112	54,285
2013	56	0	91	637	3,671	6,154	14,069	12,964	4,874	3,081	14	0	45,611
2014	0	0	0	866	5,519	6,100	11,176	13,249	5,160	1,243	0	0	43,313
2015	0	0	0	1,149	5,189	6,604	16,800	11,136	7,727	2,652	0	0	51,257

Launching - Seasonal Permit Revenue													Calendar Year
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007	0	0	0	2,261	4,157	2,749	1,453	0	0	0	0	0	10,620
2008	0	0	0	1,885	3,743	2,972	1,620	0	0	0	0	0	10,220
2009	0	0	0	2,770	4,924	2,608	640	0	0	0	0	0	10,942
2010	0	0	0	1,370	7,158	1,015	1,546	0	75	0	0	150	11,314
2011	0	0	0	610	75	1,403	1,222	0	0	75	0	0	3,385
2012	0	0	0	600	6,620	1,580	1,200	0	0	-270	0	0	9,730
2013	0	100	400	2,400	3,900	3,250	1,050	200	50	0	0	100	11,450
2014	100	75	175	1,875	4,500	2,425	1,275	250	0	0	0	100	10,775
2015	0	75	75	1,629	1,850	3,250	725	0	0	0	0	0	7,604

Seasonal Dock Revenue													Calendar Year
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007	9,140	27,530	6,155	11,695	12,270	5,762	0	0	250	400	5,200	4,787	83,189
2008	7,940	45,315	9,400	11,905	12,675	-1,388	0	0	200	2,000	5,009	1,655	94,711
2009	6,865	41,215	7,085	9,125	4,990	15,095	0	0	0	0	5,000	0	89,375
2010	3,740	30,265	19,680	11,325	15,585	-1,163	1,650	0	0	0	4,650	2,369	88,101
2011	6,550	22,995	3,740	7,215	8,505	8,720	727	3,707	0	1,680	2,175	4,670	70,684
2012	3,995	20,485	9,585	6,440	18,500	1,655	3,745	0	0	600	2,000	200	67,205
2013	3,070	24,760	11,180	6,850	17,300	1,735	55	985	0	800	4,700	2,650	74,085
2014	49,950	-430	-1,870	8,490	11,425	8,755	1,870	0	200	4,660	4,500	2,670	90,220
2015	66,305	7,235	-3,800	7,265	10,360	0	0	1,130	600	2,000	7,610	0	98,705

Transient Dock Revenue													Calendar Year
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007	0	0	0	169	1,303	1,986	3,988	2,672	984	0	0	0	11,102
2008	0	0	0	329	1,562	1,609	2,571	2,904	1,204	303	0	0	10,481
2009	0	0	0	0	483	1,776	2,444	3,796	1,332	0	0	0	9,831
2010	0	0	0	0	748	930	2,657	2,479	746	0	0	0	7,560
2011	0	0	0	0	818	1,958	4,492	2,190	1,181	23	0	0	10,662
2012	0	0	0	0	604	2,221	3,567	2,325	1,125	98	0	0	9,939
2013	0	0	0	0	163	1,873	3,815	4,435	808	74	0	0	11,168
2014	0	0	0	0	911	2,944	2,412	3,592	194	0	400	0	10,453
2015	0	0	0	0	114	2,249	933	712	323	0	0	0	4,331

Marina Fund Revenue

Marina Fund Revenue
As of December 31, 2015

Fiscal Year Ending in	Revenue		Operational		Net
	Seasonal	Transient	Total	Expense	Revenue
2003	259,840	166,084	425,924	403,463	22,461
2004	280,151	167,907	448,058	429,353	18,705
2005	282,245	170,944	453,189	479,287	-26,098
2006	300,819	173,817	474,636	517,881	-43,245
2007	343,171	170,869	514,040	471,088	42,952
2008	368,408	168,362	536,770	493,906	42,864
2009	377,955	166,674	544,629	492,039	52,590
2010	350,635	161,584	512,219	485,399	26,820
2011	314,270	140,546	454,816	521,900	-67,084
2012	330,660	151,046	481,706	427,390	54,316
2013	377,199	89,267	466,466	599,418	-132,952
2014	402,337	154,894	557,231	535,339	21,892
2015	432,603	151,348	583,950	419,246	164,704
2016	43,956	108,784	152,740	218,027	-65,287

NOTES ON OPERATIONAL EXPENSES:

Operational Expense does not include depreciation of approximately \$133,000 per year.
Operational Expenses do not include large construction expenses.
Operational Expenses do not include the annual transfer to the River Maintenance Fund of approximately \$21,080 annually.

Operating Expense excludes reimbursable dredging costs

	Seasonal Marina Revenue												Calendar Year
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007	58,007	147,702	34,975	42,960	23,115	-3,846	6,199	1,554	703	1,100	22,348	19,285	354,102
2008	60,795	185,520	32,325	36,210	19,130	16,761	820	50	0	6,550	26,799	900	385,860
2009	44,784	185,069	32,390	25,955	31,150	23,488	843	50	850	900	27,990	1,000	374,469
2010	13,035	218,460	41,530	20,235	5,050	20,692	0	434	350	200	29,812	1,000	350,798
2011	43,222	157,210	38,473	31,230	12,498	-158	800	1,950	400	1,100	17,625	8,865	313,215
2012	31,810	178,650	44,840	14,750	31,795	-1,925	0	200	1,050	3,940	11,420	850	317,380
2013	29,476	169,790	80,125	37,555	28,362	14,431	0	0	750	7,735	7,300	7,545	383,069
2014	328,765	5,389	22,415	950	13,080	8,408	3,918	4,814	12,360	10,495	5,300	6,481	422,375
2015	359,425	1,345	16,760	9,510	2,135	60	0	200	2,200	16,266	19,965	5,325	433,191

	Transient Marina Revenue												Calendar Year
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007	0	0	0	8,528	11,494	39,340	56,647	48,986	10,983	1,553	-41	0	177,490
2008	0	0	0	11,657	8,957	29,620	53,315	53,501	11,385	630	0	0	169,065
2009	0	0	0	11,972	10,994	24,877	55,645	39,835	22,176	1,301	0	0	166,800
2010	0	0	0	8,445	9,029	25,154	52,730	40,107	8,654	1,299	0	0	145,418
2011	0	0	0	373	16,162	21,221	47,565	41,459	12,635	515	0	0	139,930
2012	0	0	0	4,684	12,448	31,740	40,344	21,935	4,392	0	-267	0	115,276
2013	0	706	3,502	2,466	3,689	12,501	33,066	40,527	17,724	843	359	542	115,924
2014	2,236	4,453	5,894	6,520	10,785	31,946	42,313	40,590	9,691	816	0	1,780	157,023
2015	2,829	7115	7,571	7,319	13,530	17,793	44,362	48,388	14,946	1,089	0	0	164,941



City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499
Telephone (269) 637-0700 • Fax (269) 637-5319

January 12, 2016

TO: Harbor Commission

FR: Kate Hosier, Acting Harbormaster

RE: Harbor Commission Meeting Dates for 2016

The Harbor Commission meets on the third Tuesday of each month at 5:30 p.m. at City Hall in the Council Chamber room. These are the following dates proposed for the 2016 meeting schedule:

January 19
February 16
March 15
April 19
May 17
June 21
July 19
August 16
September 20
October 18
November 15
December 20

Recommendation:

Staff recommends that the Harbor Commission adopt Resolution 2016-01, a resolution setting the 2016 Meeting Dates for the Harbor Commission.

**HARBOR COMMISSION
OF THE CITY OF SOUTH HAVEN
COUNTIES OF VAN BUREN AND ALLEGAN, MICHIGAN**

RESOLUTION NO. 2016-01

A RESOLUTION SETTING MEETING DATES FOR 2016

Minutes of a regular meeting of the Harbor Commission of the City of South Haven, Allegan and Van Buren Counties, State of Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan, on January 19, 2016, at 5:30 p.m., local time.

Board members Present: _____

Board members Absent: _____

The following preamble and resolution were offered by Member _____ and supported by Member _____.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The regular meetings of the Harbor Commission are hereby scheduled for the following dates:

January 19
February 16
March 15
April 19
May 17
June 21
July 19
August 16
September 20
October 18
November 15
December 20

AYES: _____

NAYS: _____

RESOLUTION DECLARED ADOPTED.

Kate Hosier, Acting Harbormaster

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on January 19, 2016, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq.*).

Marsha Ransom, Recording Secretary



City of South Haven

Nixon Application for Kal-Haven Marina

Background Information:

Kal-Haven Bikes, Inc., represented by David Nixon, 1073 E. Wells Street, has submitted an application to construct a six foot wide dock and 13 finger piers (26 boat slips) at his property at the end of Black River Road. The boat slips are intended for use by the guests of the Kal-Haven RV Park.

In October of 2012, Mr. Nixon went before the zoning board of appeals (ZBA) to request an interpretation of zoning ordinance section 1716, Access Standards. This interpretation was in response to the zoning administrator refusing to grant him a permit allowing access to a commercial use through a residential street¹. After the ZBA upheld the zoning administrator decision, Mr. Nixon challenged their decision in court and the decision of the ZBA was also upheld.

The effect of this ruling (included) is that Mr. Nixon may not use the Black River Road access for construction vehicles nor is parking for the marina or construction workers allowed on his land at the end of Black River Road. Construction vehicles are also not permitted to access the property from the RV Park to the north. All construction for the docks will need to be conducted from the water. Renter access to the marina will be from the RV Park only.

The only vehicles allowed at the end of Black River Road are emergency vehicles and city permission has been granted for that traffic.

The application as submitted includes the required drawings and both the MDEQ permit and the Army Corp of Engineers permit.

Mr. Nixon explains in his parking narrative that 20 of the 26 slips will be rented to persons occupying an RV spot in the park. There are 2 parking spaces provided for each RV space and this arrangement is satisfactory. Marinas require 1.5 parking spaces for each slip and the remaining six required spaces will be located in the nine surplus spaces along the western boundary of the park and shown on the plans.

Recommendation:

Staff recommends that the Harbor Commissioners review the attached plans and documents and prepare a recommendation for the Planning Commission and City Council.

¹ While Mr. Nixon's property is zoned B-3, Waterfront Business, Black River Road, the only northern access point, is zoned R1-B, Single Family Residential. Ordinance section 1716 states that "No nonresidential access shall cross residentially-zoned property".

Support Material:

Attorney Memorandum
Application
Army Corp of Engineers permit
MDEQ permit
01-07-2016 Kal-Haven Marina Plans
Court decision re: access
Staff memo to MDEQ re: access
City attorney letter to MDEQ re: access
2006 Original Park Plan

MEMORANDUM

To: South Haven Harbor Commission
From: Scott Smith & Nick Curcio, City Attorneys
Date: January 19, 2016
Re: Parking Requirements for Proposed Kal-Haven Marina

At this evening's meeting, you are asked to review and make a recommendation regarding a site plan for a proposed commercial marina on the Black River. The applicant, Kal-Haven Bikes, Inc., is proposing to construct a dock with 26 boat slips, approximately 30 feet in length. The Zoning Administrator believes that the proposed parking for the marina does not comply with the Zoning Ordinance's requirement for at least 1.5 off-street parking spaces for each boat slip. As explained in detail below, we believe a reviewing court would uphold her determination.

The property is located in the City's B-3 Zoning District on the eastern bank of the Black River.¹ The Kal-Haven Trail runs along the southern and southeastern borders of the property, with residential parcels lying to the north and the east. The applicant owns and operates the Kal-Haven RV Park Campground on a separate parcel south of the subject property,² on the other side of the Kal-Haven Trail. Pedestrians are permitted to cross the Kal-Haven Trail to go from one property to the other, but vehicles are not.

The only vehicular access to the subject property is via a private unpaved road, known as "Black River Road," which runs northeast from the subject property across residential parcels until reaching the Blue Star Highway. In 2012, the City's Zoning Board of Appeals (the "ZBA") determined that Section 1716.2 of the Zoning Ordinance prohibits any commercial uses on the subject property that include vehicular access on Black River Road. Following that decision, the applicant applied for a variance that would allow commercial access to the subject property via Black River Road for an unspecified commercial use. The ZBA denied the variance request, in part because the applicant failed to establish that the variance would not increase the volume of traffic on Black River Road. Evidence in the record suggested that the road could not accommodate additional traffic without being expanded and improved. There was also evidence that an expansion project would be detrimental to the wetlands surrounding the road. For these reasons, among others, the Van Buren County Circuit Court affirmed the ZBA's decision on appeal.³ Following the court's decision, the City Council amended the Zoning Ordinance to allow a single-family home to be constructed on the subject property.⁴

The proposed site plan for the marina provides parking entirely on the RV campground site to the south of the Kal-Haven Trail. As the applicant has explained:

Each of the 20 R.V. sites will include a boat slip when they are rented and the remaining six boat slips shall use nine parking spaces along fencing on the west property lines as shown in the plans.⁵

Notably, the "R.V. sites" to which the applicant refers consist of two 10' x 30' parking spaces, as required for campgrounds under the Zoning Ordinance.⁶ This means that the campground site has a total of 49 parking spaces that are approximately 10' x 30' in size. The Zoning Ordinance requires that at least 40 such spaces be provided on the site in order to accommodate its use as a campground. Accordingly, the campground site has only 9 spaces beyond what is already required for the campground use.

¹ Tax ID No. 80-53-870-010-00.

² Tax ID Nos. 80-53-870-011-00 & 80-53-870-012-00.

³ Case No. 13-62-898-AV.

⁴ Zoning Ordinance § 901.17.

⁵ This parking narrative was provided in the applicant's application to the Michigan Department of Environmental Quality for a permit under Part 301 of Natural Resources and Environmental Protection Act. The applicant has obtained that permit as well as a permit from the U.S. Corp of Army Engineers under Section 10 of the Rivers and Harbors Act.

⁶ Zoning Ordinance § 1800.12(c)(7).

MEMO: Harbor Commission
DATE: January 19, 2016
PAGE: 2

As noted above, the Zoning Ordinance requires 1.5 off-street parking spaces for each boat slip, in the proposed marina. Because the proposed marina has 26 slips, a total of 39 parking spaces are required for the marina use.

Ordinarily, the Zoning Ordinance allows requisite parking to be provided on a separate lot less than 300 feet away from the commercial structure that it is intended to serve.⁷ While the proposed parking for the marina appears to satisfy the distance requirement, the Zoning Administrator has determined that it is not sufficiently accessible and practically useful for the patrons of the marina. This determination is supported by at least three considerations. First, the applicant is “double-counting” the required parking for the RV campground as the required parking for the marina, which violates the Zoning Ordinance’s requirement that the requisite number of parking spaces be provided separately for each use that has a parking requirement.⁸ The applicant has not applied for a special use permit allowing combined parking, and the site does not satisfy the criteria for such a permit because the business hours for the campground and marina overlap.⁹

Second, aside from the double-counting issue, the lack of vehicular access across the Kal-Haven Trail is also problematic. According to the Zoning Administrator, the Zoning Ordinance requires 1.5 parking spaces per boat slip (as opposed to just 1) in part to ensure that the parking lot is large enough to allow vehicles with boat hitches to maneuver through the lot. In other words, the Zoning Ordinance contemplates that patrons will be able to use their vehicles to tow their boats to the marina. This would not be possible in the proposed marina because the Kal-Haven Trail separates the parking lot from the marina site and motor vehicles are not allowed to cross the Kal-Haven Trail. While a patron might be able to reasonably carry a kayak or even a canoe by walking across the Kal-Haven Trail, the applicant clearly anticipates that marina (with its 30-foot boat slips) will be used for much larger boats. Accordingly, the proposed parking for the marina site will not be able to serve one of the core functions for which it is required.

Third, the Zoning Administrator is legitimately concerned that the proposed parking arrangement might result in unlawful use of Black River Road for vehicular access the marina site. Because the parking spaces on the campground site cannot be used to bring boats to the water, marina patrons would have to sail their boats to the marina on the Black River and then separately arrange to have their vehicles delivered to the campground site. This would create a significant inconvenience for patrons and might cause some to try to drive directly to the marina site on Black River Road. It would be difficult, if not impossible, for the City to prevent this type of unauthorized access, which would place a significant burden on the neighbors whose properties are burdened by the Black River Road easement.

We hope this memorandum sufficiently explains the relevant considerations relating to the proposed parking plan for the marina. Attorney Nick Curcio will be in attendance at your meeting this evening, and will be happy to answer any questions you may have.

GRAPIDS 57671-1 395182v1

⁷ Zoning Ordinance § 1800.2.

⁸ Zoning Ordinance § 1800.6 (“Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.”).

⁹ Zoning Ordinance § 1800.7 (“In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Planning Commission may waive the dual parking requirement of 6. above by grant of a special use permit which specifies the terms and conditions for parking of each use.”).

HARBOR COMMISSION APPLICATION

CITY OF SOUTH HAVEN

SITE PLAN REVIEW

The Harbor Commission meets the third Tuesday of each month

Application deadline is 15 days prior to the meeting

Applicant Name KAL-HAVEN BIKES INC. Phone 269-363-5379

Address 1073 E. WELLS ST. SOUTH HAVEN MI 49090

Project Name & Address KAL-HAVEN SLIPS AT THE R.V. PARK

Brief Description of Project CONSTRUCT A 584' LINEAR HEAD DOCK 6' WIDE AND 13 FINGER PIERS EXTENDING APPROXIMATELY 30' FROM SHORE

of Existing Docks 0 # of Proposed Docks 13 # of Docks being increased (decreased) 0

Will there be any change in the length, width, and/or location of existing docks, slips or other structures? YES NO X

Will any portion of the project extend past the City Project Lines? YES NO X

	Application Made Yes / No	Permit Received Yes / No	Copy Attached Yes / No
1. Army Corps of Engineers	<u>YES</u>	<u>YES</u>	<u>YES</u>
2. DEQ	<u>YES</u>	<u>YES</u>	<u>YES</u>
3. Flood Plain Management Agency	<u>NO</u>	<u>NO</u>	<u>NO</u>
4. Soil and Erosion Permit	<u>NO</u>	<u>NO</u>	<u>NO</u>

Submittal Requirements

In addition to the requirements for site plan approval as shown on the Plan Application Cover Sheet, Site Plan Submittal Requirements, Site Plan Review Attachment, and any other forms required for the project, the following information must be submitted for any proposed development along the Black River. The drawings must be prepared by or under the supervision of a professional engineer, architect, land surveyor, or landscape architect licensed in Michigan and be signed and sealed by that professional. (Sec. 1402.4)

1. A scaled drawing of the Black River showing the river where the proposed development will be constructed and depicting the following:
 - A. The width of the river.
 - B. A cross section of the river bottom.
 - C. The location of the U.S. Harbor Line and the City of South Haven Project Line (Per Ord. #740)
 - D. Project property lines.
 - E. Length, width, location and type of construction of existing docks, piers, slips and seawalls.
 - F. Length, width, location, and type of construction of the proposed development.
 - G. The current development of the site on the opposing sides of the Black River.

2. When any type of dredging is needed to complete the proposed project, the area downstream of the project site for five hundred (500) linear feet and one hundred (100) linear feet upstream from the project must be sounded both before the project is started and at the time of completion, prior to issuance of the Certificate of Occupancy of the project. These soundings must be reported in written form to the City of South Haven for its review. Once the project is completed, the developer will be liable for any debris or spoils that have been found due to the development of the project. If the proposed project includes dredging provide the following:
 - A. Pre-construction soundings report.
 - B. Proposed disposition of dredging spoils.

Applicant's Signature David Ripon Date Dec. 7 2015
PRESIDENT KAL-HAVEN BIKES INC.

**HARBOR COMMISSION REVIEW FORM
SITE PLAN REVIEW**

(To be completed by the Harbor Commission)

SUBMITTAL REQUIREMENTS:	Provided	Not Provided
1A. Width of the river.	_____	_____
1B. A cross section of the river bottom.	_____	_____
1C. The location of the U.S. Harbor Line and the City of South Haven Harbor Line.	_____	_____
1D. Project property lines.	_____	_____
1E. Length, width, location and type of construction of existing docks, piers, slips and seawalls.	_____	_____
1F. Length, width, location, and type of construction of the proposed development.	_____	_____
1G. The current development of the site on the opposing sides of the Black River.	_____	_____
2A. Pre-construction soundings report.	_____	_____
2B. Proposed disposition of dredging spoils.	_____	_____
3. Signed and sealed drawings.	_____	_____

Plans have been reviewed by the Harbor Commission and found to be: Complete / Incomplete (circle)

If incomplete, explain: _____

FINDINGS - All questions must be answered "no" for approval to be recommended:

1. Does any portion of the proposed project extend beyond the City Harbor Lines? YES / NO (circle)
IF YES: Is the length, width and location of the proposed structure different from the existing structure? YES / NO (circle)
2. Will any portion of the proposed project impede safe navigation? YES / NO (circle)
3. Will any portion of the proposed project have an adverse effect on the adjacent property owner's access to their property? YES / NO (circle)
4. Will any portion of the proposed project have an adverse effect on the adjacent property owner's ability to develop their property? YES / NO (circle)

COMMENTS: _____

RECOMMENDATION: _____

Signed _____ Date _____
(Presiding Chairman, Harbor Commission)

Note: Any approval given by the Harbor Commission under which work is not started within 12 months or, when such use or work has been abandoned for a period of six months, shall lapse and cease to be in effect. (Sec. 38-36 a)

Date of Submittal _____ Date of Harbor Commission Review _____

Date of Planning Commission Review _____ Date of City Council Review _____

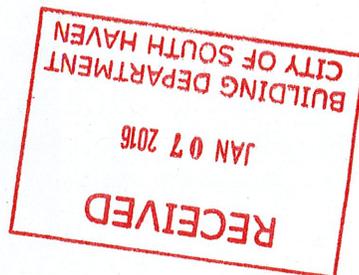
Parking Narrative

26 boat slips
Kal Haven Bikes Inc.

Parking proposed for the 26 boat slips is as indicated on the permits. Each of the 20 R.V. sites will include a boat slip when they are rented and the remaining six boat slips shall use nine parking spaces along fencing on the west property line as shown in the plans.

X *David Nixon*

David Nixon
Kal Haven Bikes President



KAL HAVEN BIKES, INC.

A PRO
PRE
BICYC
AND
PLANN

NORTH



0 40'
GRAPHIC SCALE

NOTE:

THE FLOODPLAIN AS SHOWN ON NATIONAL FLOOD INSURANCE COMMUNITY-PANEL NUMBER 260211 0002 B, DATED MARCH 4, 1980 LIES NORTHERLY OF THE OLD RAILROAD TRACKS, NOW THE 'KAL HAVEN TRAIL'.

OWNER: KAL HAVEN BIKES, INC.
5.2 ACRES±
PARCEL NO.
80-53-870-011-00

PARCEL NO.
80-53-870-012-00

DOUBLE WIDE MOBILE HOME
RESIDENTIAL UPSTAIRS
BIKE RENTAL SHOP & CAMPGROUND
OFFICE DOWNSTAIRS

PARCEL NO.
80-53-870-013-00

OWNER: SOUTH HAVEN
MOOSE LODGE #697

*9
PARKING
SPACES
FOR
BOAT SLIPS*

22 SPACES OF
ASPHALT PAVED
PARKING & DRIVE.
SLOPE PAVEMENT
1/2 TO THE EAST,
TO WEDGE CURB SLOPING
2.71% TO NORTH

8.5'x20'x45'
TYPICAL

20' UTILITY EASEMENT

EAST

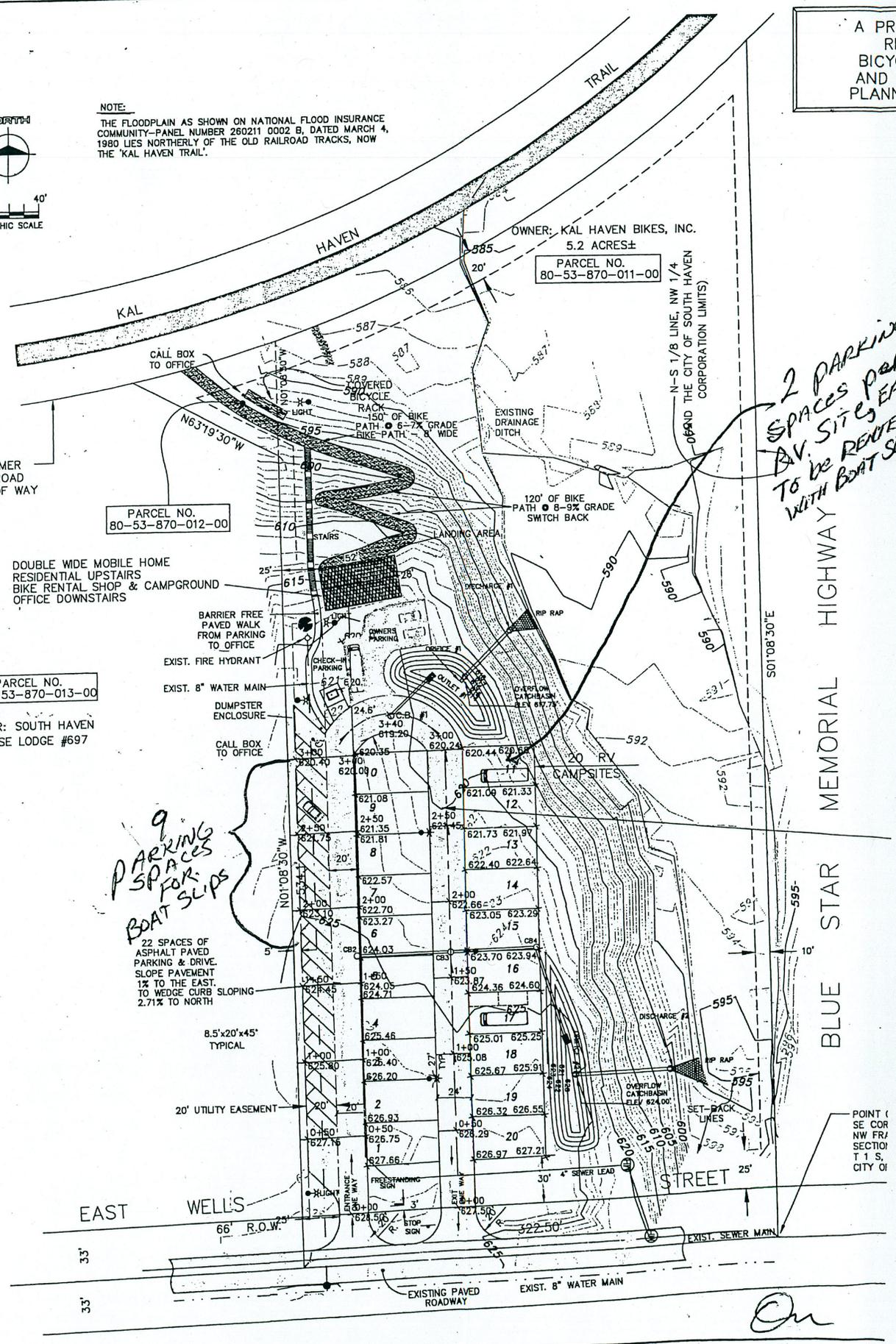
WELLS

66' R.O.W.

EXISTING PAVED
ROADWAY

EXIST. 8" WATER MAIN

On

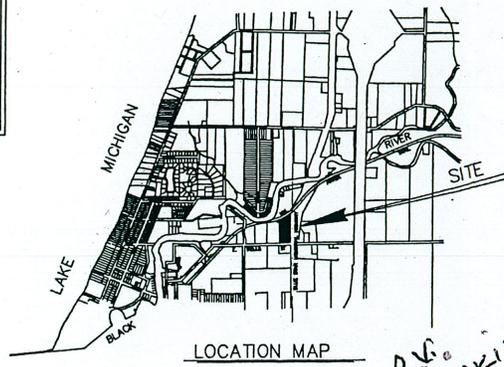


*2 PARKING
SPACES PER
AV. SITES PER
TO BE REMOVED
WITH BOAT SLIP*

HIGHWAY
MEMORIAL
STAR
BLUE

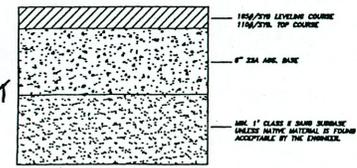
POINT (C)
SE COR
NW FR
SECTION
T 1 S,
CITY OF

A PROPOSED SINGLE FAMILY RESIDENCE ABOVE A BICYCLE RENTAL BUSINESS AND A CAMPGROUND IN A PLANNED UNIT DEVELOPMENT

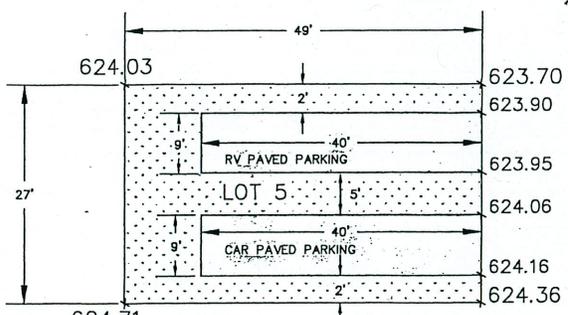


PROPERTY DESCRIPTION:
 BEGINNING AT THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 2, TOWN 1 SOUTH, RANGE 17 WEST, CITY OF SOUTH HAVEN; THENCE S87°38'30"W ALONG THE E & W 1/4 LINE OF THE SECTION, 322.5 FEET; THENCE N01°08'30"W PARALLEL WITH THE N & S 1/8 LINE OF THE NORTHWEST FRACTIONAL QUARTER OF THE SECTION TO THE SOUTH LINE OF THE RAILROAD (NOW KAL HAVEN TRAIL); THENCE NORTHEASTERLY ALONG THE SOUTH LINE OF SAID RAILROAD TO SAID 1/8 LINE; THENCE S01°08'30"E ALONG SAID 1/8 LINE TO THE PLACE OF BEGINNING; EXCEPT THE WELLS STREET RIGHT OF WAY.
 ALSO, COMMENCING AT THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE NW FRACTIONAL QUARTER OF SECTION 2; THENCE S87°38'30"W ALONG THE E & W 1/4 LINE OF THE SECTION, 322.5 FEET; THENCE N01°08'30"W PARALLEL WITH THE N & S 1/8 LINE OF THE NORTHWEST FRACTIONAL QUARTER OF THE SECTION, 534.1 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N63°19'30"W TO THE SOUTH LINE OF THE RAILROAD; THENCE NORTHEASTERLY ALONG THE SOUTH LINE OF SAID RAILROAD TO A POINT N01°08'30"W FROM BEGINNING; THENCE S01°08'30" EAST TO THE POINT OF BEGINNING.

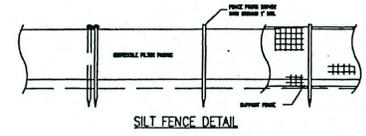
TYPICAL RV SITE 2 PARKING SPACES PER LOT X 20 LOTS TO INCLUDE 2 BOAT SLIP EACH



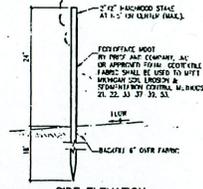
TYP. PAVEMENT SECTION



TYPICAL CAMP SITE GRADING DETAIL



SILT FENCE DETAIL



SIDE ELEVATION SOIL EROSION CONTROL NOTES

1. PLACE EROSION CONTROL MEASURES AS INDICATED ON DRAWING PRIOR TO EARTH MOVING AND GRADING ACTIVITIES.
2. INSPECT AND MAINTAIN CHECK DAMS, SEDIMENT TRAPS, RIPRAP, SILT FENCES, AND OTHER MEASURES AFTER STORM EVENTS AND AS NECESSARY TO ASSURE PROPER FUNCTION.
3. EROSION CONTROL MEASURES SHALL REMAIN IN PLACE UNTIL VEGETATION IS UNIFORMLY ESTABLISHED. REGRADE, RESEED, AND PLACE ADDITIONAL TOPSOIL IN ERODED AREAS AS NECESSARY UNTIL FINAL LANDSCAPING IS INSTALLED.
4. ALL SE/SC MEASURES TO BE BUILT PER IDEED BMP MEASURES.
5. SE/SC MEASURES TO BE MAINTAINED & PROPERLY STAGED THROUGHOUT PROJECT.

LEGEND

- 699 --- EXISTING CONTOURS
- EXISTING WATER MAIN
- PROPOSED 2.5" HDPE WATER MAIN
- PROPOSED 6" PVC SEWER MAIN
- EXISTING ELECTRIC
- PROPOSED ELECTRIC
- SECURITY FENCE
- SILT FENCE
- x 621.35 PROPOSED SPOT ELEVATION

ROAD TO BE 24' WIDE ASPHALT ROAD. ROAD TO USE INVERTED CROWN FOR DRAINAGE PURPOSES USING A 2% SLOPE. ROAD TO HAVE A SLOPE OF 2.42% OF FALL TO NORTH.

CAMPGROUND CONSTRUCTION NOTES:

- 1) CAMPGROUND WILL BE DESIGNED FOR WINTER USE, THEREFORE THE WATER MAIN SHALL HAVE A MINIMUM DEPTH OF BURY OF 5.0 FEET AND THE SEWER MAIN SHALL HAVE A MINIMUM DEPTH OF BURY OF 4.5 FEET.
- 2) CAMPGROUND SEWER, WATER, & ELECTRICAL MAIN SHALL BE CONNECTED TO THE CITY OF SOUTH HAVEN MUNICIPAL SEWER AND WATER SYSTEMS
- 3) ALL LOTS HAVE SEWER & WATER CONNECTIONS AVAILABLE AND THE OWNER WILL ONLY ALLOW RECREATIONAL UNITS IN SITES THAT HAVE SEWER & WATER CONNECTIONS.
- 4) ALL LOTS SHALL HAVE PAVED DRIVEWAYS AND PARKING AREAS, ALL PARKING SPACES SHALL BE STRIPPED PAINTED.
- 5) WATER MAIN SHALL BE 2.5" HDPE PIPE. ALL SERVICES LEADS SHALL BE CONNECTED WITH A BRASS CURB STOP USING COMPRESSION FITTINGS. ALL TEES OR BENDS IN THE MAIN LINES SHALL BE RESTRAINED USING MEGA LOCK FITTINGS OR APPROVED EQUAL.
- 6) THERE SHALL BE NO FIRE PITS ALLOWED IN THE CAMPGROUND.

STORM WATER DETENTION:

IMPERMEABLE AREA - 1.1 ACRES
 REQUIRED RETENTION AREA - 4684 CFT
 AVAILABLE RETENTION AREA - 5257 CFT
 25 YEAR STORM WATER CALCULATION ATTACHED
 RETENTION POND TO HAVE 1 ON 3 SLOPES
 RETENTION POND OUTER SURFACE AREA - 2428 SQFT

ORIGINAL SITE PLAN PROVIDED BY MITCHELLS SURVEY

HIGHWAY 599
 MEMORIAL STAR
 BLUE STAR
 10'

POINT OF BEGINNING SE CORNER, W. 1/2, NW FRAC. QUARTER SECTION 2 T 1 S, R 17 W CITY OF SOUTH HAVEN



3 WORKING DAYS (72 HOURS) BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (TOLL FREE)

SET BACK LINES
 FRONT = 25'
 SIDES = 10'
 REAR = 20'

CURRENT ZONING
 B - 3
 (WATERFRONT BUSINESS DISTRICT)

		CIVIL ENGINEERS 225 BAILEY AVE. SUITE #11 SOUTH HAVEN, MICHIGAN 49090 616-637-9600		NIXON - KAL HAVEN BIKES	
GRADING PLAN				PROJECT NO. 05-033	
SCALE 1" = 40'	DATE 5/2006	REV RP	SHEET 1	OF 1	SHEET NO.

PUBLIC UTILITIES OF ALL TYPES HAVE BEEN SHOWN ON THESE PLANS USING THE INFORMATION AVAILABLE, BUT ARE NOT GUARANTEED AS ACCURATE OR THAT UTILITIES OTHER THAN THOSE SHOWN ARE NOT PRESENT. CONTRACTOR SHALL CONTACT MISS DIG AT 1-800-482-7171 FOR INFORMATION AND NOTIFY UTILITY COMPANIES THREE WORKING DAYS PRIOR TO COMMENCING WORK.

On



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
477 MICHIGAN AVENUE
DETROIT, MICHIGAN 48226-2550

June 5, 2015

Engineering & Technical Services
Regulatory Office
File Number LRE-2006-530400-L14

David Nixon
Kal Haven Bikes, Inc.
1073 East Wells Street
South Haven, Michigan 49090

Dear Mr. Nixon:

Refer to your application requesting a Department of Army permit to install a head pier, finger piers and spring piles at 716 Black River Road, Van Buren County, in South Haven, Michigan. Under the authority of Section 10 of the Rivers and Harbors Act, we have authorized the following structures or work in Black River subject to the attached general and special conditions under a Letter of Permission:

Construct a head pier (parallel to the shoreline) that is 584 feet long and 6 feet wide. Construct 13 finger piers, each 3 feet wide, perpendicular to the head pier. The length of each pier is listed below, starting with Pier 1 at the south end of the head pier and Pier 13 at the north end. Also install 30 wooden spring piles, each 10 inches wide, in pairs between each dock and on the outer ends of piers 1, 7, 8, and 13.

Pier #	Length (feet)	Pier #	Length (feet)
1	35	8	44
2	38	9	43
3	35	10	44
4	38	11	43
5	37	12	43
6	33	13	43
7	40		

The authorized work will occur in a navigable water of the United States. The Detroit District, U.S. Army Corps of Engineers has previously made a jurisdiction determination (JD) for the navigable waters within the geographic area under the Detroit District's regulatory authority and posted a copy of the approved JD for those waters on the Detroit District website at:

<http://www.lre.usace.army.mil/Portals/69/docs/regulatory/PDFs/GENSEC10.pdf>. If you are not in agreement with this approved JD, you can make an administrative appeal under 33 CFR 331. We have enclosed a Notification of Administrative Appeal Options and Process and Request for Appeal form describing all of your appeals options regarding this letter of permission. If you accept the permit, you may start work.

Starting work is considered your specific agreement to all terms and conditions of the permit. If you accept the permit you do not need to sign or submit the appeals form. If you elect to return the appeals document, your response is required within 60 days from the date of this letter. Please contact us if you have questions on our appeals process and/or wish to have us provide you with a copy our approved JD.

We require that you inform this office immediately upon commencement of the project. Upon completion of the work, fill in and return the enclosed COMPLETION REPORT.

Any material changes in the location or plans of the work herein authorized must be submitted to the District Engineer prior to commencement of work. As required by law, the revised plans must have written approval of the Department of the Army. Should you have any questions, please contact me at the above address, by E-Mail at Kerrie.E.Kuhne@usace.army.mil, or by telephone at 313-226-5381. In all communications, please refer to File Number LRE-2006-530400-L14.

We are interested in your thoughts and opinions concerning your experience with the Detroit District, Corps of Engineers Regulatory Program. If you are interested in letting us know how we are doing, you can complete an electronic Customer Service Survey from our web site at: http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0. Alternatively, you may contact us and request a paper copy of the survey that you may complete and return to us by mail or fax. Thank you for taking the time to complete the survey, we appreciate your feedback.

Sincerely,



Kerrie E. Kuhne
Regulatory Project Manager
Michiana Branch

Enclosures

Copies Furnished

MDEQ, 14-80-0027-P
Enforcement
Michiana Branch Office

General Conditions:

1. The time limit for completing the work authorized ends on **December 31, 2018**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the following space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree)

(DATE)

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as

special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. Erosion controls, such as silt fencing, shall be placed to prevent discharge material from entering wetlands or waterways. These must be erected prior to starting work, and their effectiveness must be maintained until all work at the site is completed and the area has been stabilized against erosion.
3. After completion of construction, all disturbed areas shall be permanently stabilized by seeding with native plants and/or by the planting of trees or shrubs native to the area and, if possible, already represented on the site.

Further Information:

1. Congressional Authorities: You have been so authorized to undertake the activity described above pursuant to:

(x) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modifications, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance of the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any

time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

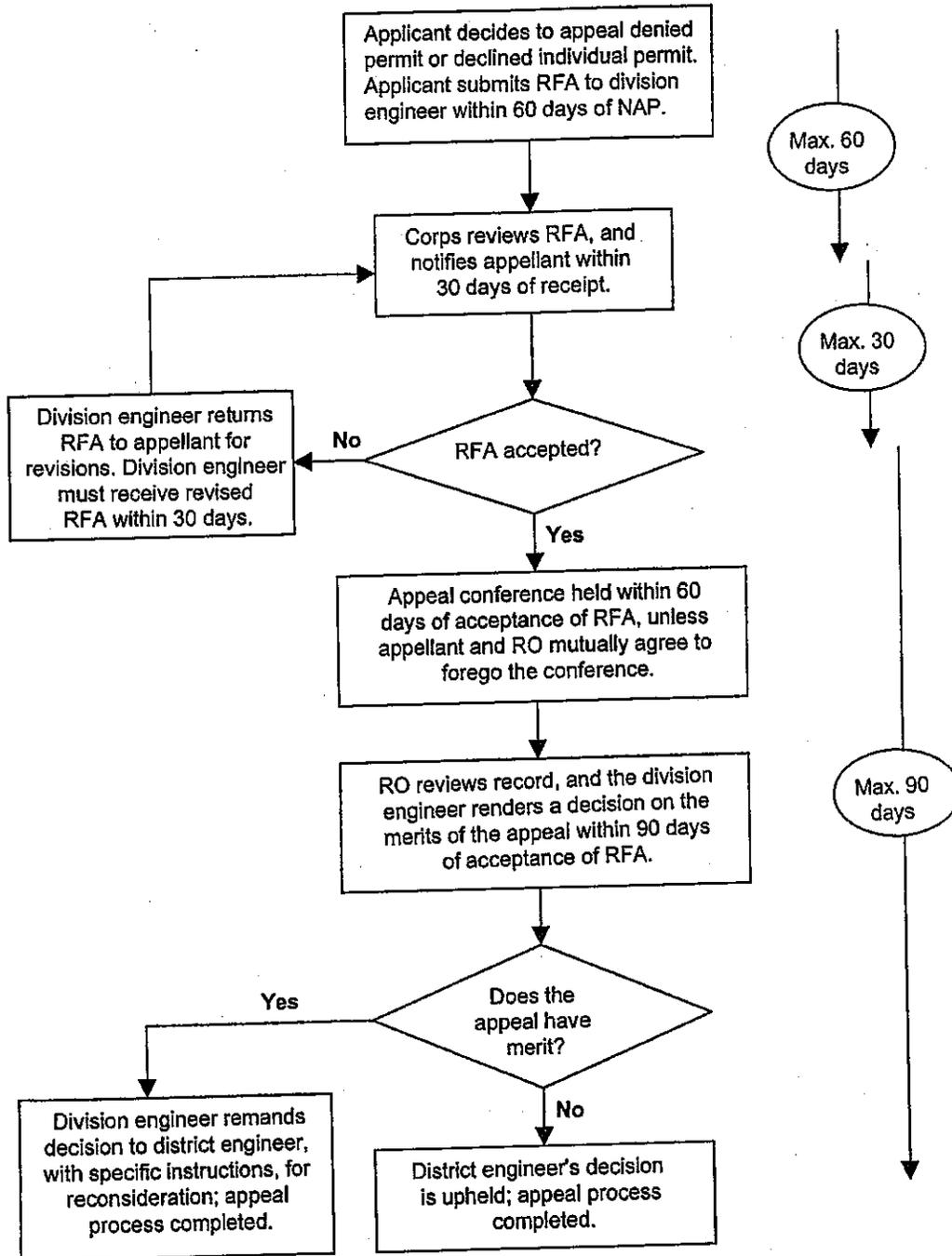
b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

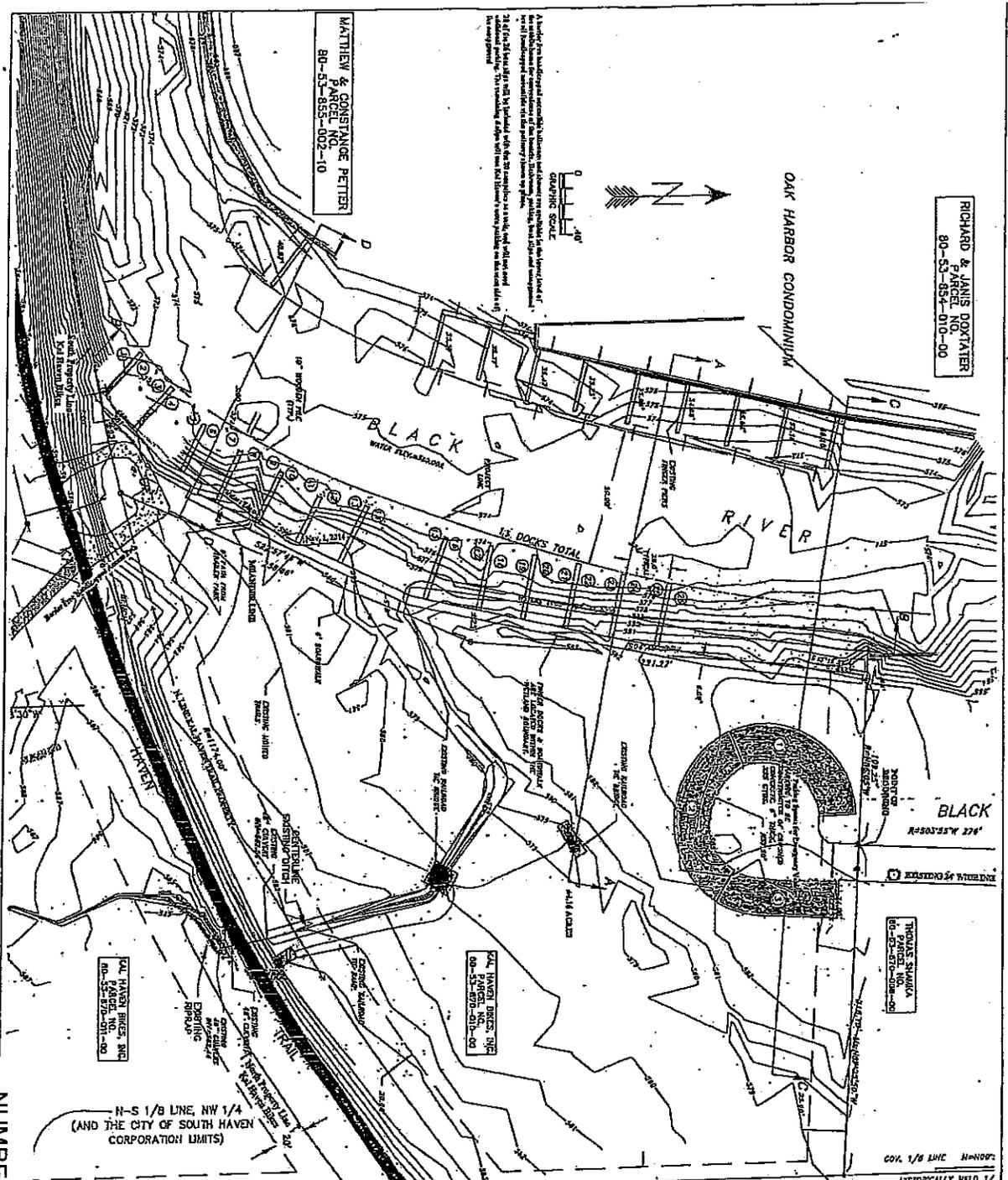
c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Administrative Appeal Process





RICHARD & JAMES DOTYATER
 PARCEL NO.
 80-53-834-010-00

MATTHEW & CONSTANCE PETER
 PARCEL NO.
 80-53-833-002-10

THURGOOD SYMURA
 80-53-830-000-00

PAL HAVEN DESIGN, INC.
 80-53-830-000-00

PAL HAVEN DESIGN, INC.
 80-53-830-000-00

N-S 1/8 LINE, NW 1/4
 (AND THE CITY OF SOUTH HAVEN
 CORPORATION LIMITS)

COL. 1/8 LINE N-W-1/4
 HISTORICALLY HELD 1/4

LEGEND

- EXISTING ELECTRIC
- PROPOSED ELECTRIC
- SECURITY FENCE
- SILT FENCE
- EASEMENT LINE
- SETBACK LINE
- PROPERTY LINE
- 100' EXISTING CONTOURS
- PROPOSED RIP RAP

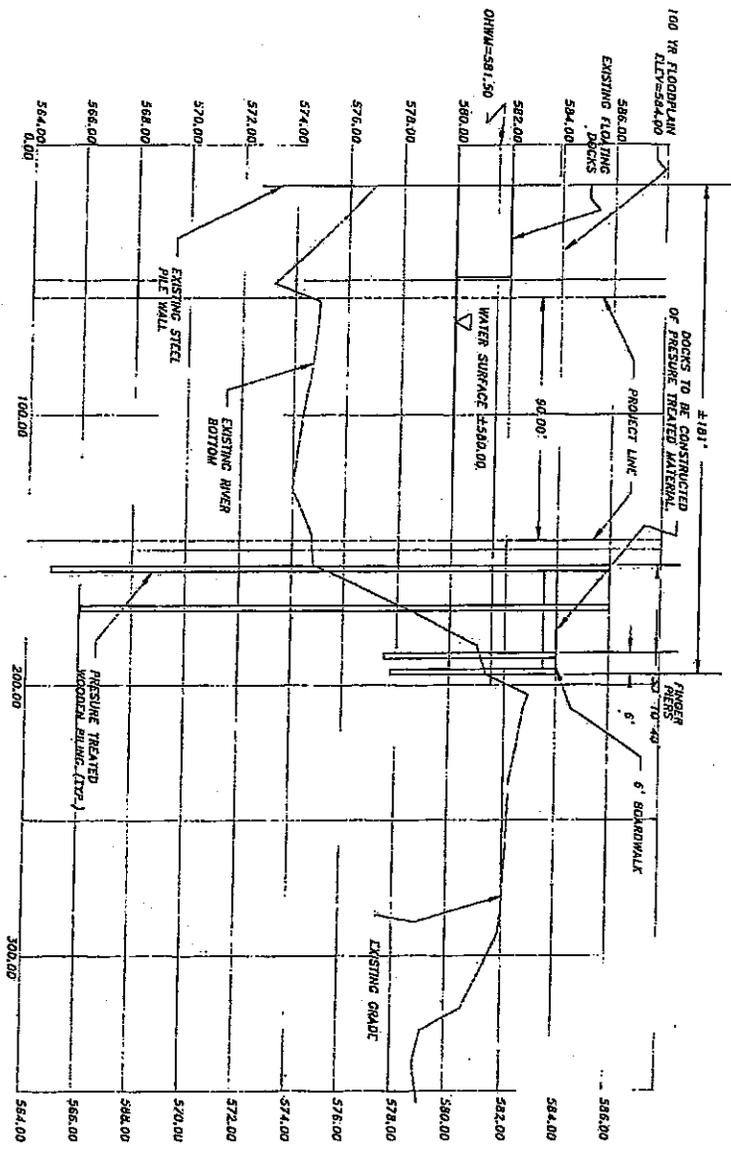
THURGOOD SYMURA
 80-53-830-000-00

David Kirk Sparks
 Permitted Signature Date
 per KHB INC.

MEMORIAL
 DECORATED
 TITLE # 14-80-0003
 APPROVED PLANS
 SHEET 2 OF 6
 FEB 13 2015

MCE	KAL HAVEN DESIGN, INC. 715 BLACK RIVER ROAD VAN BUREN COUNTY, MICHIGAN
DATE: 12/11/12	SHEET: 2 OF 6
SCALE: 1" = 20'	DATE: 12-2012

NUMBER: LRE-2006-530400-L14
 Kal-Haven Campground
 Waterway: Black River
 Van Buren County, MICHIGAN
 SHEET 2 OF 6



BLACK RIVER SECTION A - A

RECEIVED

FEB 13 2015

WED ALAMAZOO

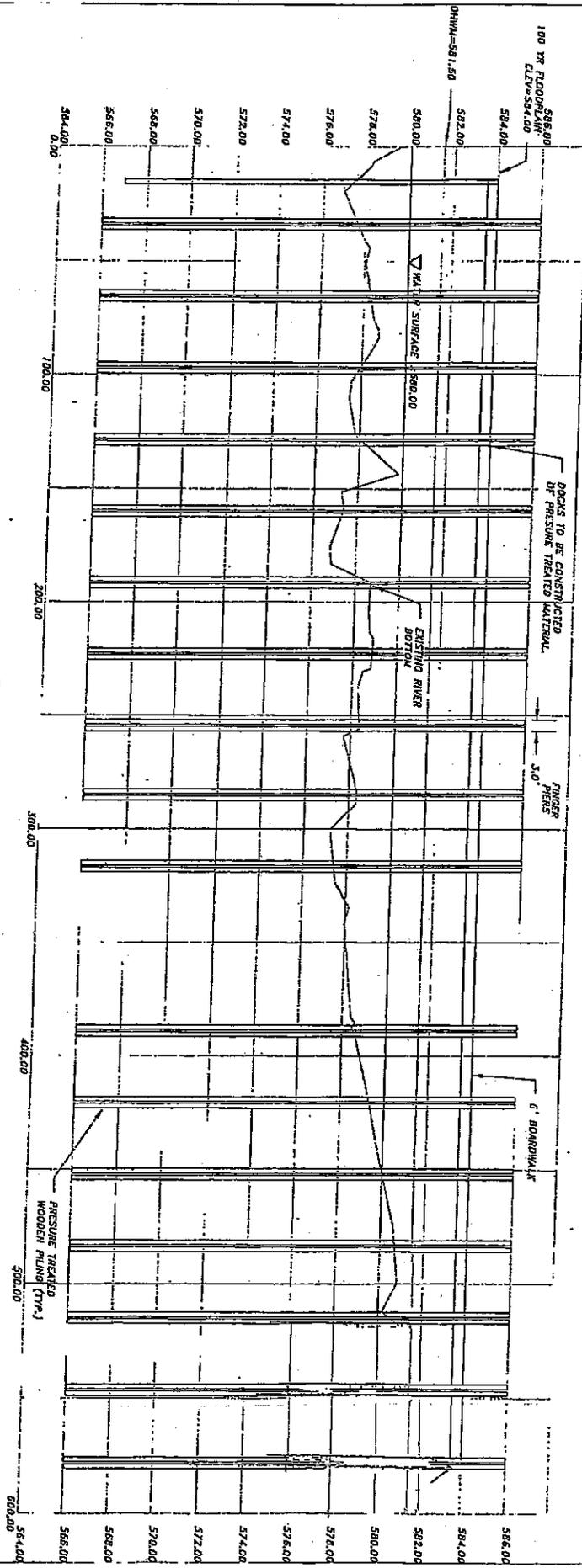
Permittee Signature *David Nelson* Date 2/23/15
 P. Res. KHS MK

DEQWRD
 File# 14-80-0027
 APPROVED PLANS
 Page 3 of 6
 3/5/15

	MICHIGAN COMMUNITY DEVELOPMENT DEPARTMENT
	315 BUREAU ROAD VAN BUREN COUNTY
GROSS SECTION A-A	13/1/12 HND TA OR S 13-208

NUMBER: LRE-2006-530400-L14

Kal-Haven Campground
 Waterway: Black River
 Van Buren County, MICHIGAN
 SHEET 3 OF 6



BLACK RIVER SECTION B - B

Permittee Signature *David Kirk* 2/23/15
 Date
 Project Name *KRB* Inc.

FEB 13 2015

RECEIVED

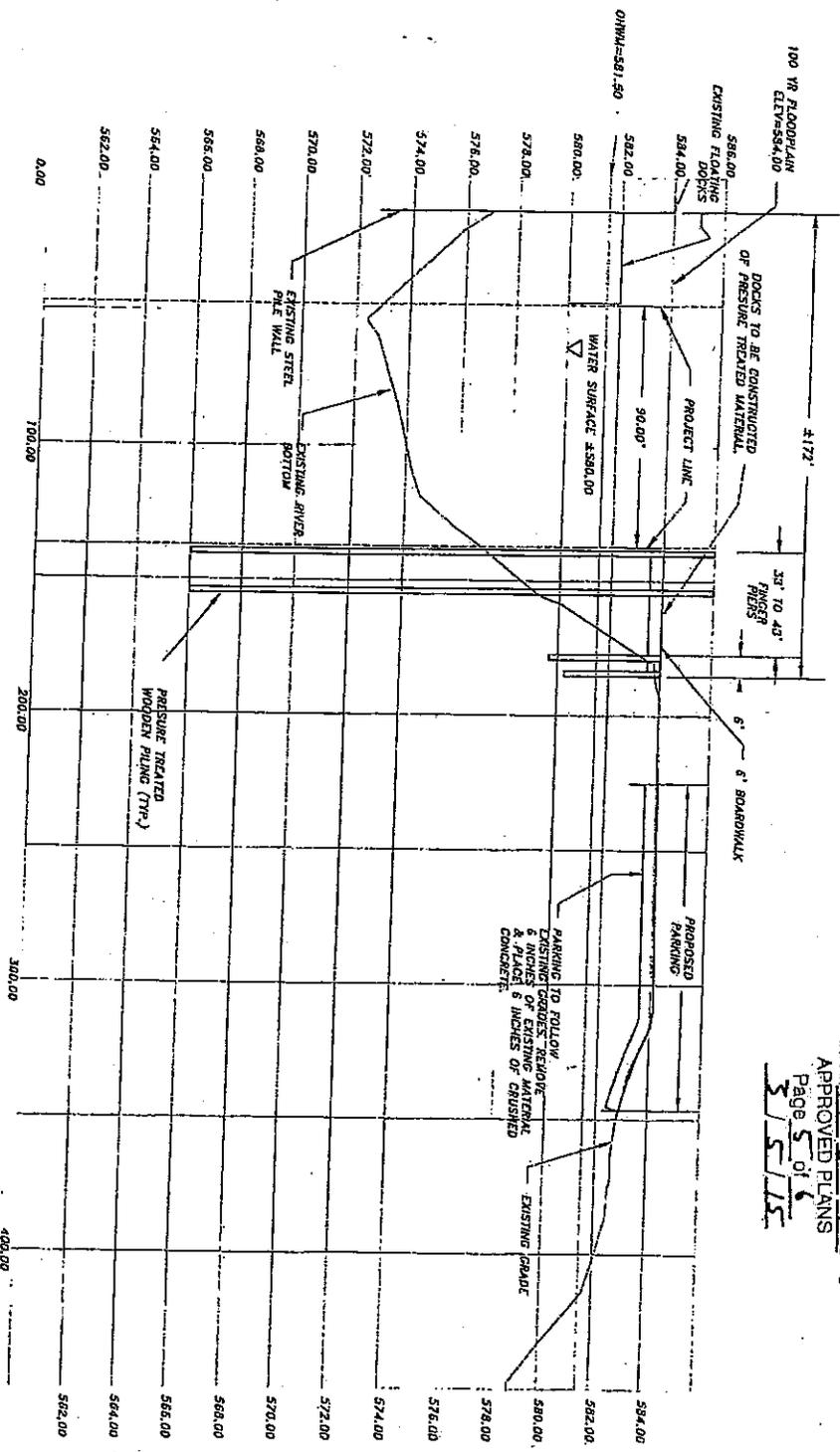
WRD KALAMAZOO

DEQWRD
 File# *14-80-0027*
 APPROVED PLANS
 Page *4* of *6*
 3/5/15

		12/11/12 MKD	
		48 OF 5	
MICHIGAN COMMERCIAL ENGINEERS 715 BLACK RIVER ROAD VAN HAVEN, MI 49881		CROSS SECTION B-B	

NUMBER: LRE-2006-530400-L14
 Kal-Haven Campground
 Waterway: Black River
 Van Buren County, MICHIGAN
 SHEET 4 OF 6

DEQ:WRD
 File# 14-20-0027
 APPROVED PLANS
 Page 5 of 6
 2/5/15

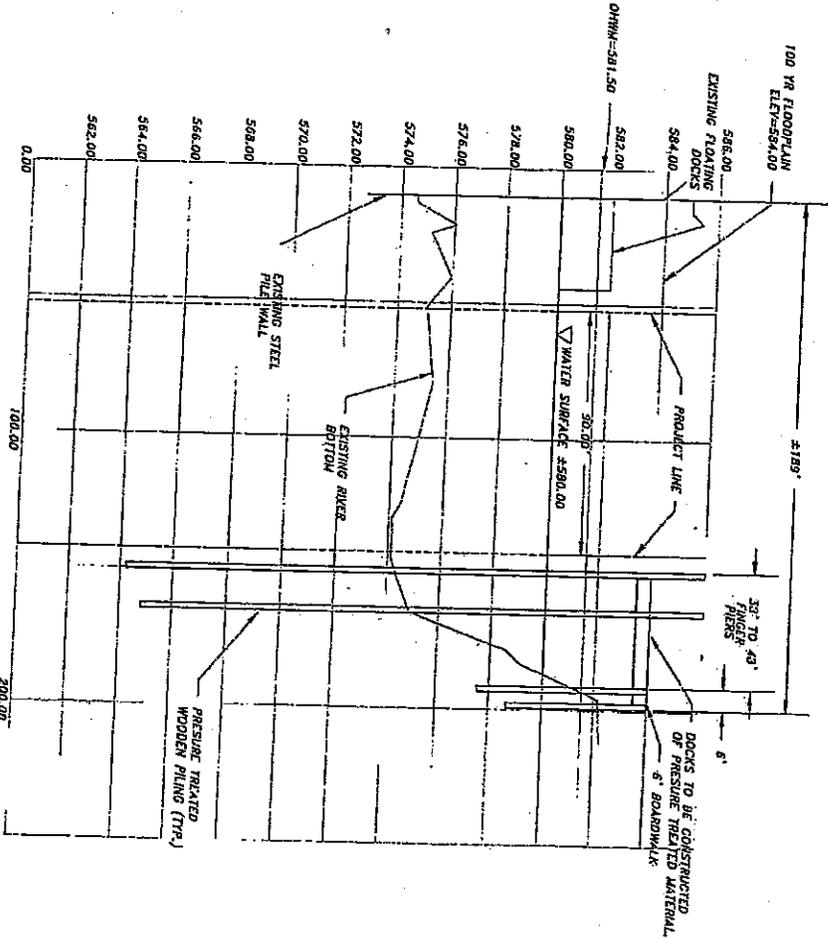


Professional Engineer Signature: *[Signature]*
 Date: 2/23/15
 PLSA, R/H/B INC

BLACK RIVER SECTION C - C
RECEIVED
 FEB 13 2015

	KAL HAVEN MARINA 716 BLACK RIVER ROAD SOUTH HAVEN, MI VAN BUREN COUNTY
	CROSS SECTION C-C SHEET 5 OF 5

NUMBER: LRE-2006-530400-L14
 Kal-Haven Campground
 Waterway: Black River
 Van Buren County, MICHIGAN
 SHEET 5 OF 5



BLACK RIVER SECTION D - D

David P. Kirk
 Signature: *David P. Kirk*
 Date: 2/23/15
 Title: *pro. KH8 inc.*

RECEIVED

FEB 13 2015

WILSON ALAMAZOO

MCE		MICHAEL CHAMBERLAIN ENGINEERING	
1" = 20'	12/11/12 HUD	10-yr. 5'	12-20'
715 BLACK RIVER ROAD VAN BUREN COUNTY		CROSS SECTION D-D	

DEQ-WRD
 File# **14-20-0027**
 APPROVED PLANS
 Page **6** of **6**
 T/S/L/S

NUMBER: LRE-2006-530400-L14
 Kal-Haven Campground
 Waterway: Black River
 Van Buren County, MICHIGAN
 SHEET 6 OF 6

LETTER OF PERMISSION COMPLETION REPORT

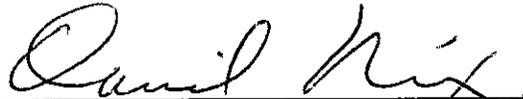
CELRE-RG-M-D

Chief, Compliance and Enforcement Branch
Regulatory Office
U.S. Army Corps of Engineers
477 Michigan Avenue, Room 603
Detroit, MI 48226-2550

Dear Sir:

You are hereby notified that work under Department of the Army Permit Number LRE-2006-530400-L14 to install a head pier, finger piers, and spring piles at 716 Black River Road, in South Haven, Van Buren County, Michigan, issued to David Nixon was completed in accordance with the permit on:

(Date work completed)



(Permittee's Signature)

IMPORTANT

1. This COMPLETION REPORT MUST BE MAILED to the above addressee within 10 days after completion of work covered by the FEDERAL PERMIT to insure an accurate Government record of data affecting navigation.
2. Where dredging soundings are made of projects which include dredging, a copy of the soundings should accompany this report. If the soundings are measured from the water surface and have not been corrected to International Great Lakes Datum plane, the hour and date soundings was made should be noted on sounding reports.

NOTE: Although permits authorizing structures carry an expiration date, REPAIRS that conform to the permit plans are also within the scope of the authorization. Therefore, it is recommended that expired permits NOT be destroyed, but retained as proof that the work to be repaired has received the Corps of Engineers' approval.

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: David Nixon	File Number: LRE-2006-530400-L14	Date: June 5, 2015
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
X	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/cecw/pages/reg-materials.asp> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II: REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact:

Kerrie Kuhne
U.S. Army Corps of Engineers
Regulatory Office
477 MICHIGAN AVENUE
DETROIT, MICHIGAN 48226-2550

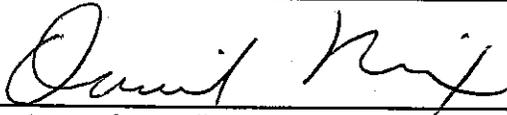
313-226-5381

If you only have questions regarding the appeal process you may also contact:

U.S. Army Corps of Engineers
Great Lakes and Ohio River Division
ATTN: Appeal Review Officer
550 Main Street RM 10032
Cincinnati, OH 45202-3222

Tel. (513) 684-6212 Fax (513) 684-2460

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.


Signature of appellant or agent.

Date:
9/15/15

Telephone number:
363-5379



**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
PERMIT**

ISSUED TO:

Kal Haven Bikes, Inc
1073 East Wells Street
South Haven, MI 49090

Permit No.	14-80-0027-P
Issued	March 5, 2015
Extended	
Revised	
Expires	March 5, 2020

This permit is being issued by the Michigan Department of Environmental Quality (MDEQ) under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and specifically:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Part 301, Inland Lakes and Streams | <input type="checkbox"/> Part 315, Dam Safety |
| <input type="checkbox"/> Part 325, Great Lakes Submerged Lands | <input type="checkbox"/> Part 323, Shorelands Protection and Management |
| <input checked="" type="checkbox"/> Part 303, Wetlands Protection | <input type="checkbox"/> Part 353, Sand Dunes Protection and Management |
| <input checked="" type="checkbox"/> Part 31, Floodplain/Water Resources Protection | |

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Permitted Activity: Please note that a United States Army Corps of Engineers (USACE) permit is also required prior to the start of the following authorized activity:

Construct 584 linear feet of 6-foot wide boardwalk/head dock within wetlands. Place thirteen (13) 3-foot wide piers within wetlands and on bottomlands of the Black River. Place thirty (30) 10-inch diameter wooden spring piles, two piles between each dock, and on the outer ends of the northern and southernmost docks, for mooring and to establish 26 marina slips. Construct a parking area/turnaround for emergency vehicles only by excavating 78 cubic yards of material from the 100-year floodplain of the Black River and by backfilling the same area with 78 cubic yards of crushed stone. All work shall be performed in accordance with the attached modified plans.

Water Course Affected: Black River
Property Location: Van Buren County, City of South Haven, Section 2
Subdivision, Lot Town/Range 1S, 17W Property Tax No. 80-53-870-010-00

Authority granted by this permit is subject to the following limitations:

- Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31, Water Resources Protection, of the NREPA.
- This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
- It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that Act.

Kal Haven Bikes, Inc.

- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify the MDEQ within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached preaddressed postcard to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of the MDEQ.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
- L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31, and wetland).
- M. In issuing this permit, the MDEQ has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, the MDEQ may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
- N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the State (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the State and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
- O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, the MDEQ may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
- P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from the MDEQ. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by the MDEQ prior to being implemented.
- Q. This permit may be transferred to another person upon written approval of the MDEQ. The permittee must submit a written request to the MDEQ to transfer the permit to the new owner. The new owner must also submit a written request to the MDEQ to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties which includes all the above information may be provided to the MDEQ. The MDEQ will review the request and if approved, will provide written notification to the new owner.
- R. Prior to initiating permitted construction, the permittee is required to provide written notification to the new owner. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.
- S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
- T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent.
- U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.
- V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
- W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the waterbody are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
- X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the MDNR, Fisheries Division.

Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

1. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state or federal approval or authorization, necessary to conduct the activity. Site access for construction of authorized structures shall be via barge on the Black River, or via foot traffic accessed from the Kal Haven RV Park and Campground property. Motor vehicle access on the Kal-Haven Trail is prohibited per Department of Natural Resources Parks and Recreation Division regulations.
2. Prior to the start of construction, all adjacent non-work wetland areas shall be protected by properly trenched sedimentation barrier to prevent sediment from entering the wetland. Orange construction fencing shall be installed as needed to prohibit construction personnel and equipment from entering or performing work in these areas. Fence shall be maintained daily throughout the construction process. Upon project completion, any accumulated materials shall be removed and disposed of at an upland site, the sedimentation barrier shall then be removed in its entirety and the area restored to its original configuration and cover.
3. Authority granted by this permit does not waive any jurisdiction of the United States Army Corps of Engineers (USACE) or the need for a federal permit, as required.
4. Docks shall be of open construction without fill, maintaining free water movement and circulation.
5. The docks must be located such that boat dockage shall not interfere with riparian rights.
6. The proposed dockage structures shall be anchored.
7. Additional attachments to permitted structures, including but not limited to roofs, sidewalls, handrails, benches, decks, docks, piers, or extensions thereof, are **not** authorized by this permit.
8. No boat in an outside slip (slips that are accessed from locations between the marina's riparian interest area boundary and the mooring structure) shall extend beyond the end of the authorized dock or slip length. Swim platforms, bow sprits, and/or pulpits must be factored into total length of the boat. No other structures such as boat hoists or spring piles shall extend beyond the end of the authorized dock or slip length.
9. Dredging is not authorized by this permit.
10. All work shall be completed in accordance with the attached modified plans and the terms and conditions of this permit.
11. Notification shall be made to the MDEQ's Water Resources Division, five days prior to starting the project. Please notify Derek Haroldson at haroldsond@michigan.gov or at 269-567-3567.
12. All raw areas in uplands resulting from the permitted cut/fill shall be effectively stabilized with sod and/or seed and mulch (or other technology specified by this permit or project plans) in a sufficient quantity and manner to prevent erosion and any potential siltation to surface waters or wetlands. Temporary stabilization measures shall be installed before or upon commencement of the permitted activity, and shall be maintained until permanent measures are in place. Permanent measures shall be in place within five (5) days of achieving final grade.
13. All fill shall consist of clean, washed rock or stone that is free of fines, other soil materials, any contaminants, or pollutants.

- 14. Authority granted by this permit does not waive permit or program requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA). To locate the Soil Erosion Program Administrator for your county visit www.mi.gov/deqstormwater and look for Soil Erosion and Sedimentation Control Program under "Related Links".
- 15. No fill, excess soil, or other material shall be placed in any wetland or surface water area not specifically authorized by this permit, its plans, and specifications.
- 16. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.
- 17. The permit placard shall be kept posted at the work site, in a prominent location at all times for the duration of the project, or until permit expiration.
- 18. Upon signing by the permittee named herein, this permit must be returned to the MDEQ's Water Resources Division, for final execution. This permit shall become effective on the date of the MDEQ representative's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

X David Nixon Feb 23, 2015
 Permittee PRES. RHB INC. Date

X DAVID NIXON PRESIDENT KAL-HAVEN BIKES INC.
 Printed Name and Title of Permittee

By: Derek Haroldson
 Derek Haroldson
 Water Resources Division
 269-567-3567

cc: City of South Haven Clerk
 Van Buren County Drain Commissioner
 Van Buren CEA
 Ms. Kerrie Kuhne, USACE Michiana Branch

LEGEND

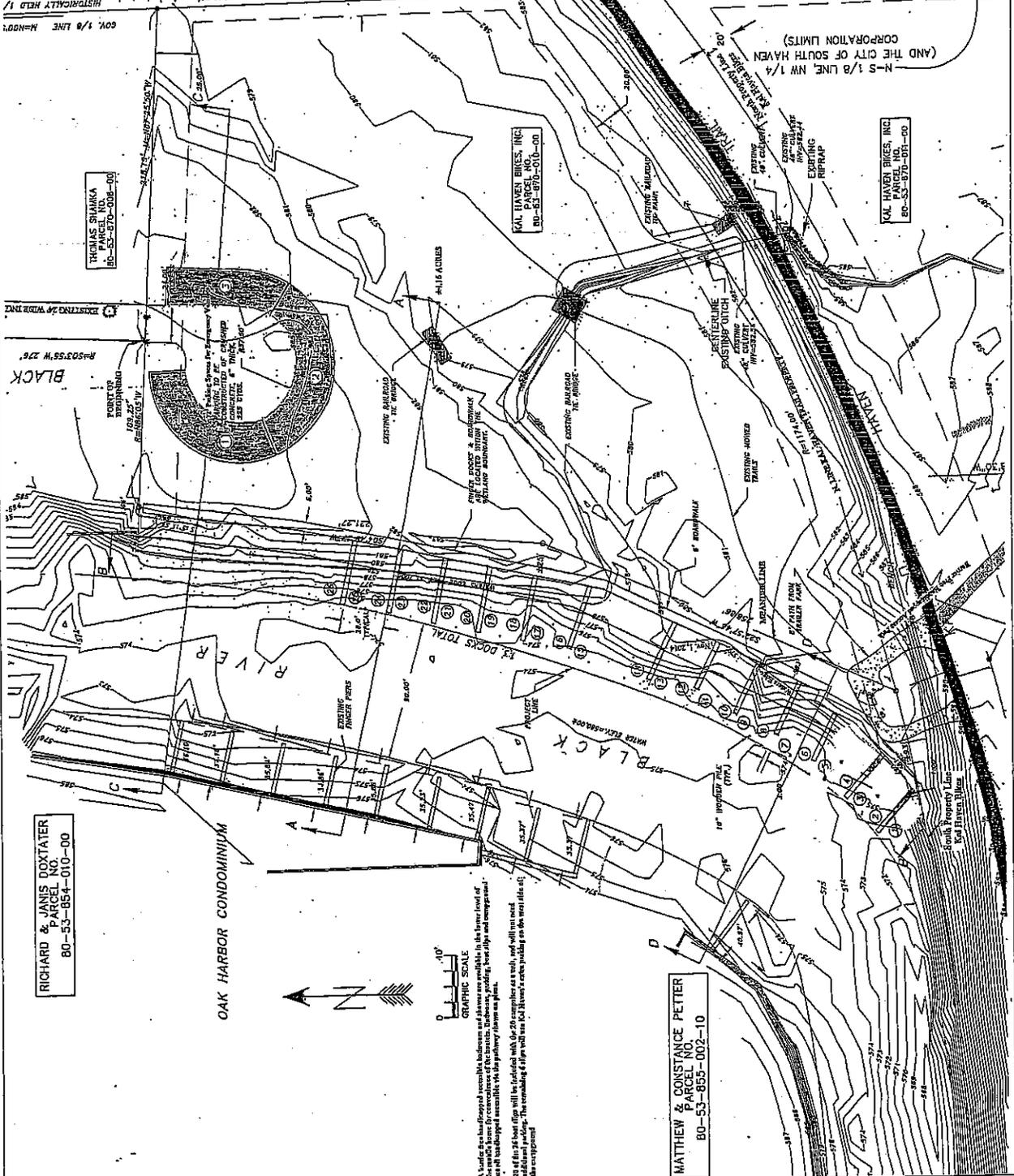
- EXISTING ELECTRIC
- PROPOSED ELECTRIC
- SECURITY FENCE
- SILT FENCE
- EASEMENT LINE
- SETBACK LINE
- PROPERTY LINE
- EXISTING CONTOURS
- PROPOSED RIP RAP

THOMAS SHANKA
PARCEL NO. 80-17-002-037-10

DEC-WRD
APPROVED PLANS
Page 2 of 6
RECEIVED
STAR
FEB 13 2015
BLUES
WILL
ALVARADO

David Price 2/13/15
Permittee Signature
Date
per KHB INC.

KAL HAVEN MARINA 715 BLACK HAVEN ROAD SOUTH HAVEN, CT 06488 VAN BUREN COUNTY	
MCE	1" = 30'
12/17/12 MKC	2 OF 5
15-238	
SITE PLAN	
SOUTH PROPERTY LINE	
EXISTING RIP RAP	
EXISTING CONTOURS	
EXISTING ELECTRIC	
PROPOSED ELECTRIC	
SECURITY FENCE	
SILT FENCE	
EASEMENT LINE	
SETBACK LINE	
PROPERTY LINE	
EXISTING CONTOURS	
PROPOSED RIP RAP	



RICHARD & JANIS DOYTATER
PARCEL NO. 80-53-854-010-00

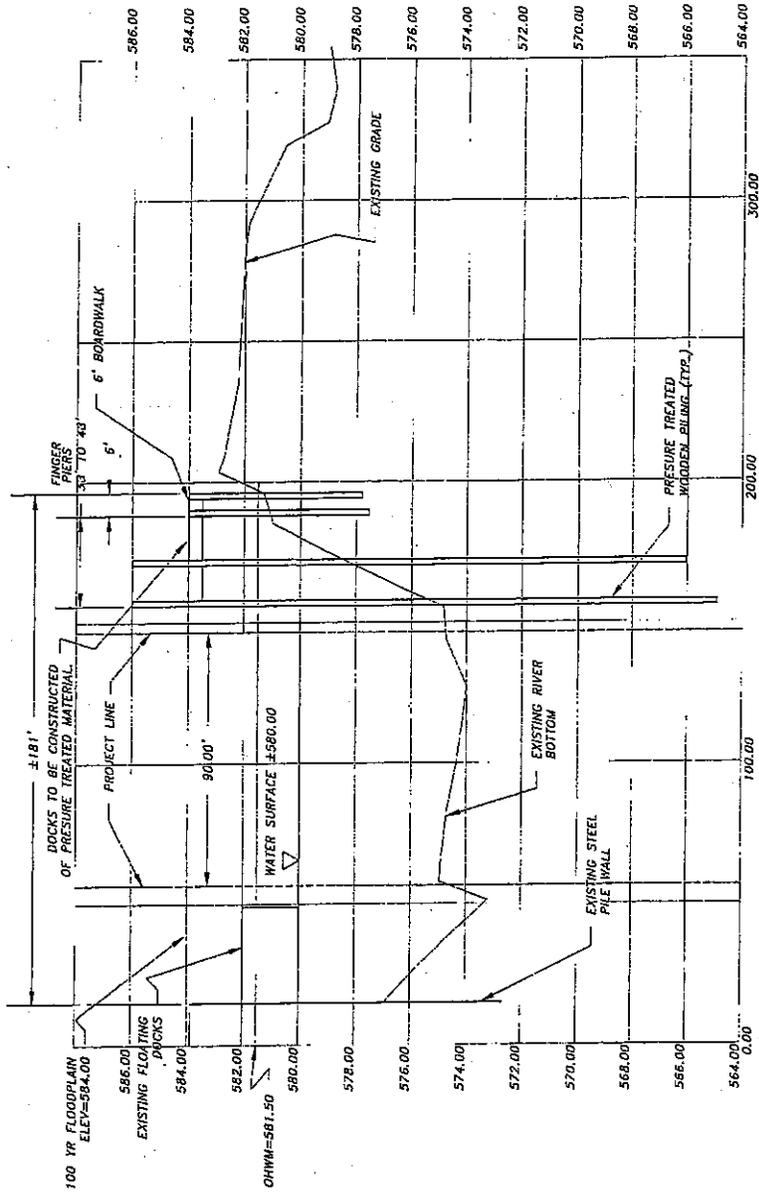
OAK HARBOR CONDOMINIUM

GRAPHIC SCALE
1" = 10'

MATTHEW & CONSTANCE PETTER
PARCEL NO. 80-53-855-002-10

A: Specific topographic accessible bottom and above are available in the former level of the water table for convenience of the location. The bottom, ponding, low slope and overpass are all developed accessible via the primary stream as shown.

B: 25 of the 25 foot deep will be provided with the 20 centimeter as well, and will not need additional padding. The remaining 40 feet will use 100 stone's extra padding on the west side of the overpass.



BLACK RIVER SECTION A - A
RECEIVED

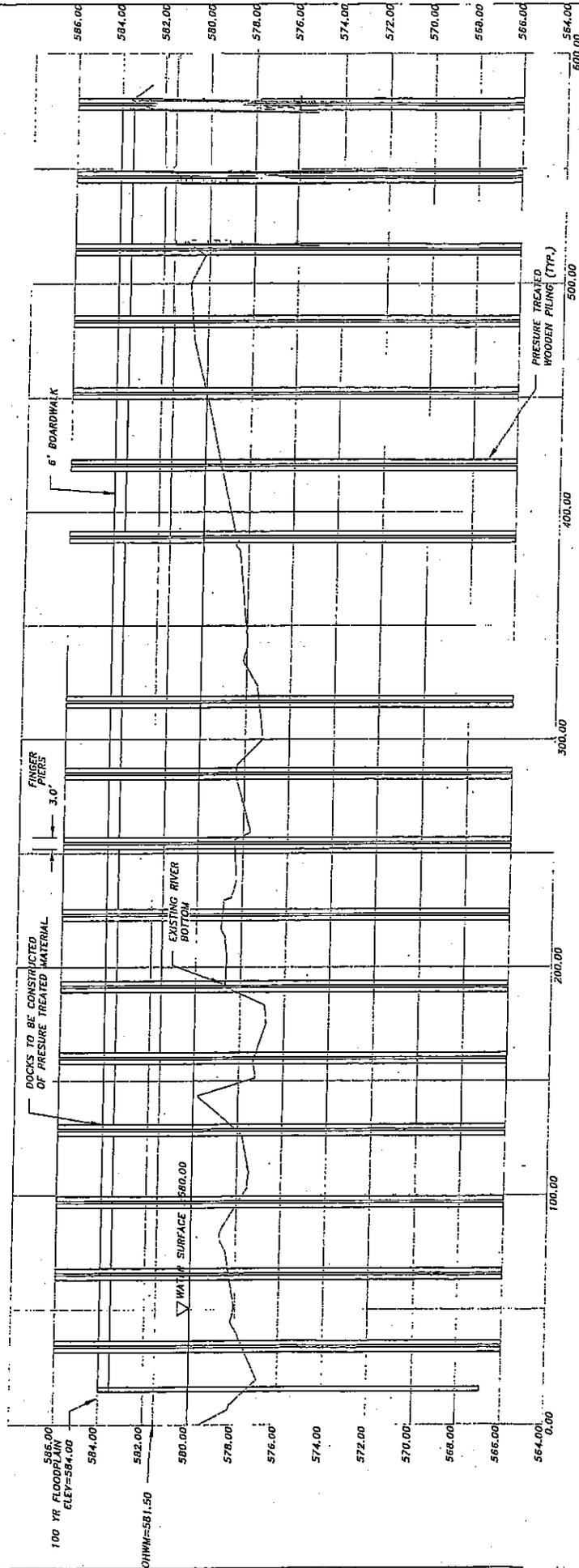
David Ruyon 2/23/15
 Permittee Signature Date
 P. RES. K.A.B. MK

FEB 13 2015

WAB PALAMAZOO

DEQ-WRD
 File# **14-10-0027**
 APPROVED PLANS
 Page **3** of **6**
3/5/15

MCE MURPHY CIVIL ENGINEERS, INC. 1001 W. 12TH ST., SUITE 100 VAN BUREN COUNTY, IN 47611 TEL: 317-234-1111 FAX: 317-234-1112	PROJECT: PALAMAZOO MARINA DATE: 12/11/12 DRAWN BY: J. B. MURPHY	SHEET NO. 3 OF 5	CROSS SECTION A-A
	SCALE: AS SHOWN DATE: 12-11-12	PROJECT: PALAMAZOO MARINA DATE: 12-11-12 DRAWN BY: J. B. MURPHY	SHEET NO. 3 OF 5



BLACK RIVER SECTION B - B

DEQ-WRD
 File# 14-80-0027
 APPROVED PLANS
 Page 4 of 6
 3/5/15

RECEIVED

FEB 13 2015

David Kirk 2/23/15
 ENGINEERING - DKS
 pro K&B inc.

WRD KALAMAZOO

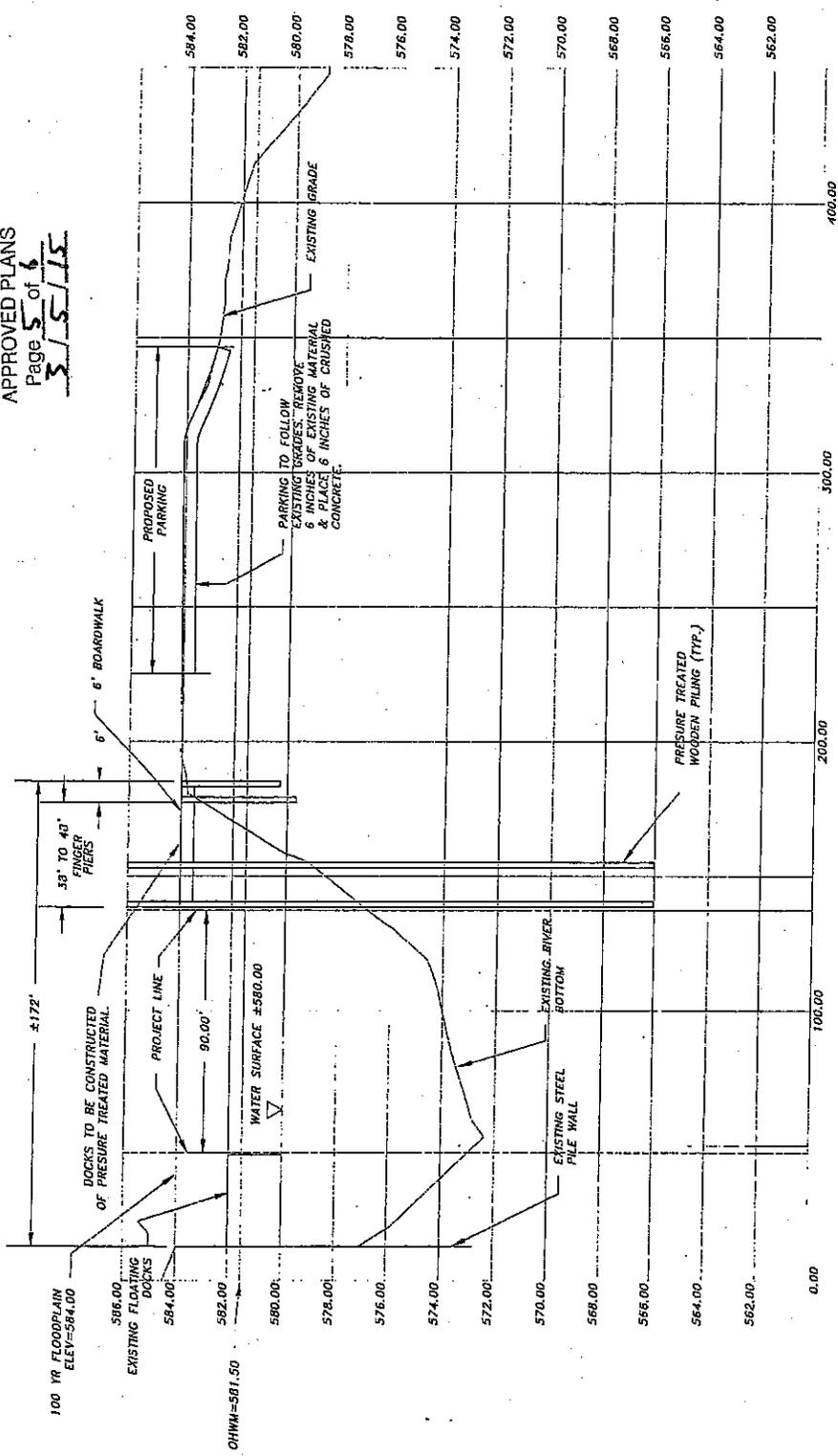


KALAMAZOO MARINA
 716 BLACK RIVER ROAD
 SOUTH HAVEN, MI
 VAN BUREL COUNTY

CROSS SECTION B-B

DATE	12/11/12	NO. OF SHEETS	3
SCALE	1" = 20'	PROJECT NO.	12-258
DESIGNED BY	[Blank]		
CHECKED BY	[Blank]		
APPROVED BY	[Blank]		

DEQ-WRD
 File# **17-20-0027**
 APPROVED PLANS
 Page **5** of **6**
3/5/15



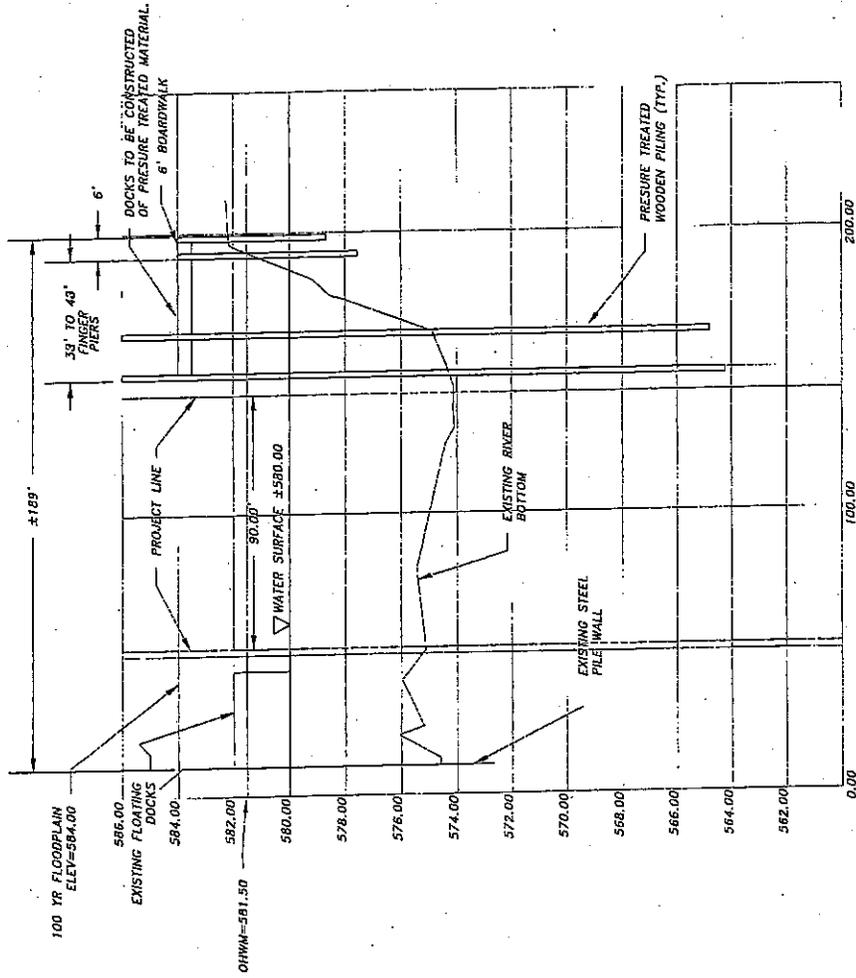
BLACK RIVER SECTION C - C
RECEIVED

David Kly 2/23/15
 Planning Signature Date
 Pres. RMB INC.

FEB 13 2015

WRC PALMAYZOO

MCE <small>METROLOGICAL CONSULTING ENGINEERS, INC. 1000 W. 10TH STREET, SUITE 100 DENVER, CO 80202 TEL: 303.733.8800 FAX: 303.733.8801 WWW.MCE-ENGINEERS.COM</small>	DATE: 12/11/12	FIG. OF: 5	SHEET: 12-23B
	PROJECT: KAL HAVEN MARINA 71 SOUTH HAVEN AVENUE VAR BUREN COUNTY		
SCALE: 1" = 20'		CROSS SECTION C-C	



DEQ-WRD
 File# NY-10-0027
 APPROVED PLANS
 Page 6 of 6
1/5/15

MCE MERRILL CROFT ENGINEERING 100 WEST 11TH AVENUE SUITE 200 NEW YORK, NY 10011-3208 TEL: 212-261-1100 FAX: 212-261-1101 WWW.MCE-ENGINEERING.COM	KAL HAVEN MARINA 716 BLACK RIVER ROAD SOUTH HAVEN, CT VAN BUREN COUNTY	CROSS SECTION 0-D
	1" = 20' 12/11/12 MKD 40 OF 5 12-258 SHEET NUMBER PROJECT NUMBER	

BLACK RIVER SECTION D - D

David Rife 2/23/15
 PAIMON SIGNATURE
 Assoc. KHB inc.

RECEIVED

FEB 13 2015

WILSON ALAMAZOO

RICHARD & JANIS DOXTATER
PARCEL NO.
80-53-854-010-00

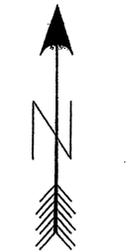
THOMAS SHAMKA
PARCEL NO.
80-53-870-008-00

THOMAS SHAMKA
PARCEL NO.
80-17-002-057-10

MATTHEW & CONSTANCE PETTER
PARCEL NO.
80-53-855-002-10

A barrier free handicapped accessible bathroom and shower are available in the lower level of the moorle home for convenience of the boaters. Bathroom, parking, boat slips and campground are all handicapped accessible via the pathway shown on plans.

20 of the 26 boat slips will be included with the 20 campsites as a unit, and will not need additional parking. The remaining 6 slips will use Kal Haven's extra parking on the west side of the campground.



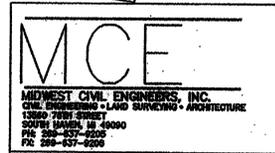
LEGEND

- EXISTING ELECTRIC
- PROPOSED ELECTRIC
- SECURITY FENCE
- SILT FENCE
- EASEMENT LINE
- SETBACK LINE
- PROPERTY LINE
- 600 EXISTING CONTOURS
- PROPOSED RIP RAP

THOMAS SHAMKA
PARCEL NO.
80-17-002-057-10

KAL HAVEN BIKES, INC.
PARCEL NO.
80-53-870-010-00

KAL HAVEN BIKES, INC.
PARCEL NO.
80-53-870-011-00

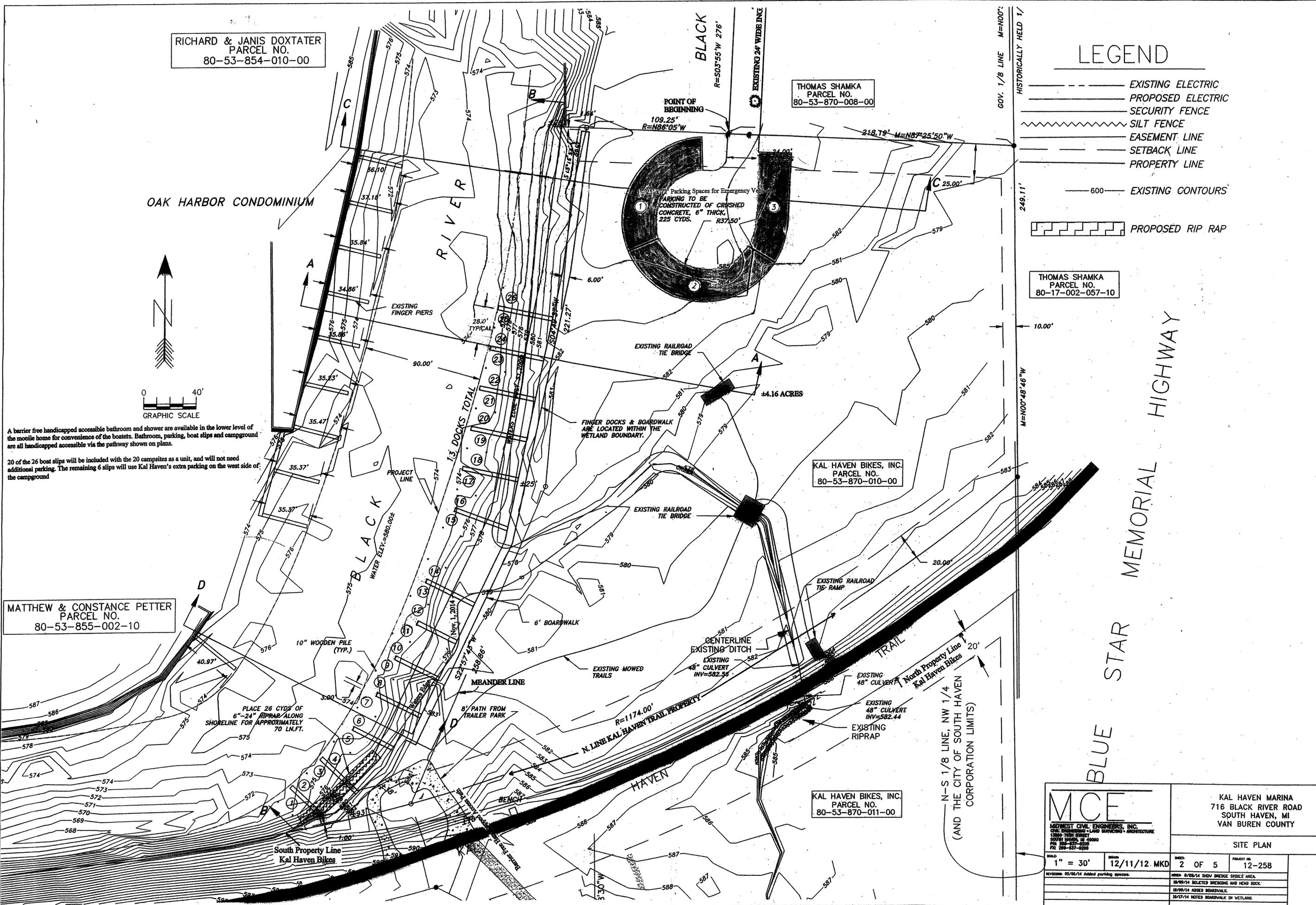


KAL HAVEN MARINA
716 BLACK RIVER ROAD
SOUTH HAVEN, MI
VAN BUREN COUNTY

SITE PLAN

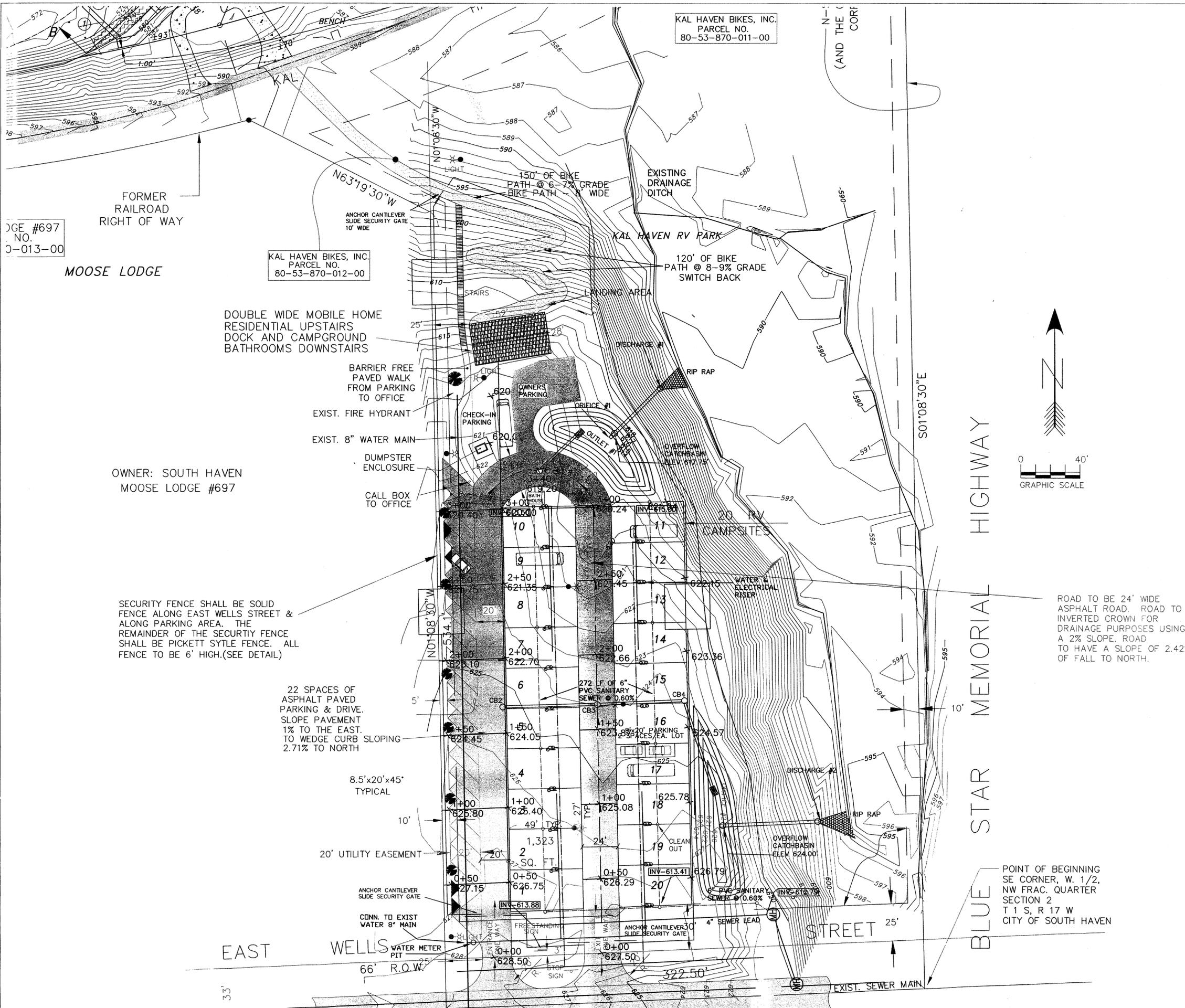
SCALE: 1" = 30'
DATE: 12/11/12 MKD
SHEET: 2 OF 5
PROJECT NO: 12-258

REVISIONS: 05/06/14 Added parking spaces.	DATE: 05/06/14	BY: [Signature]
REVISIONS: 05/06/14 Added parking spaces.	DATE: 05/06/14	BY: [Signature]
REVISIONS: 05/06/14 Added parking spaces.	DATE: 05/06/14	BY: [Signature]
REVISIONS: 05/06/14 Added parking spaces.	DATE: 05/06/14	BY: [Signature]



GOV. 1/8 LINE M=900'
 HISTORICALLY HELD 1/1
 249.11'
 10.00'
 M=900'48'46"W
 N-S 1/8 LINE, NW 1/4
 (AND THE CITY OF SOUTH HAVEN
 CORPORATION LIMITS)

BLUE STAR MEMORIAL HIGHWAY



DGE #697
NO.
3-013-00

MOOSE LODGE

KAL HAVEN BIKES, INC.
PARCEL NO.
80-53-870-012-00

KAL HAVEN BIKES, INC.
PARCEL NO.
80-53-870-011-00

OWNER: SOUTH HAVEN
MOOSE LODGE #697

SECURITY FENCE SHALL BE SOLID
FENCE ALONG EAST WELLS STREET &
ALONG PARKING AREA. THE
REMAINDER OF THE SECURITY FENCE
SHALL BE PICKETT SYTLE FENCE. ALL
FENCE TO BE 6' HIGH.(SEE DETAIL)

22 SPACES OF
ASPHALT PAVED
PARKING & DRIVE.
SLOPE PAVEMENT
1% TO THE EAST.
TO WEDGE CURB SLOPING
2.71% TO NORTH

8.5'x20'x45'
TYPICAL

20' UTILITY EASEMENT

CONN. TO EXIST
WATER 8" MAIN

EAST

WELLS

66' R.O.W.

150' OF BIKE
PATH @ 6-7% GRADE
BIKE PATH - 8' WIDE

KAL HAVEN RV PARK

120' OF BIKE
PATH @ 8-9% GRADE
SWITCH BACK

LANDING AREA

DISCHARGE #1

RIP RAP

ORIFICE #1

OVERFLOW
CATCHBASIN
ELEV. 617.75'

20 RV
CAMPSITES

WATER &
ELECTRICAL
RISER

272' LF. OF 6"
PVC SANITARY
SEWER @ 0.60%

16' PARKING
SPACES/EA. LOT

CLEAN
OUT

4" SEWER LEAD

6" PVC SANITARY
SEWER @ 0.60%

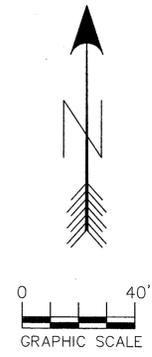
STREET 25'

EXIST. SEWER MAIN

MEMORIAL HIGHWAY
STAR
BLUE

ROAD TO BE 24' WIDE
ASPHALT ROAD. ROAD TO USE
INVERTED CROWN FOR
DRAINAGE PURPOSES USING
A 2% SLOPE. ROAD
TO HAVE A SLOPE OF 2.42%
OF FALL TO NORTH.

POINT OF BEGINNING
SE CORNER, W. 1/2,
NW FRAC. QUARTER
SECTION 2
T 1 S, R 17 W
CITY OF SOUTH HAVEN

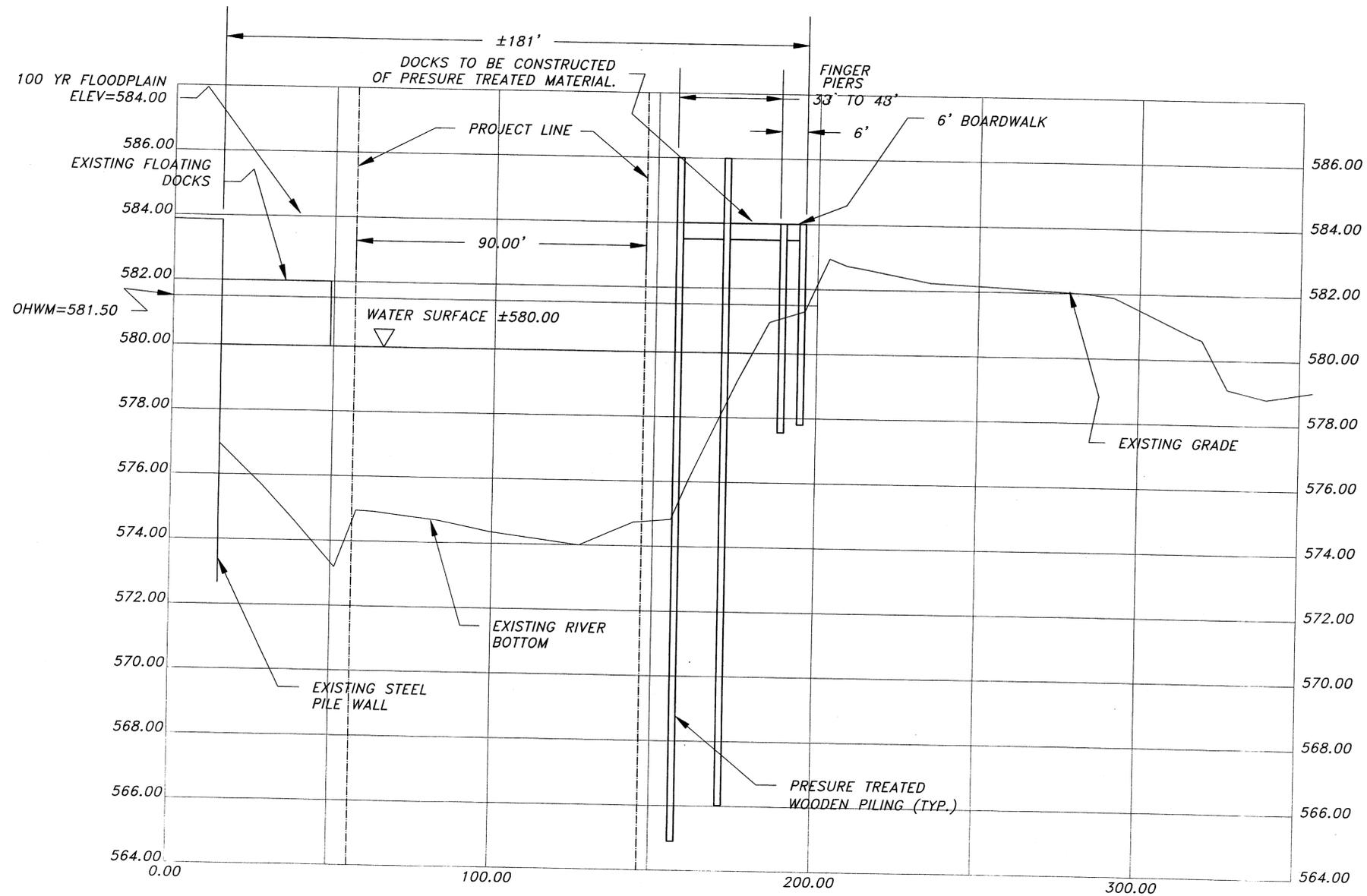


MCE
MIDWEST CIVIL ENGINEERS, INC.
CIVIL ENGINEERING • LAND SURVEYING • ARCHITECTURE
13260 76TH STREET
SOUTH HAVEN, MI 48090
PH: 269-837-9205
FX: 269-837-9206

KAL HAVEN MARINA
716 BLACK RIVER ROAD
SOUTH HAVEN, MI
VAN BUREN COUNTY

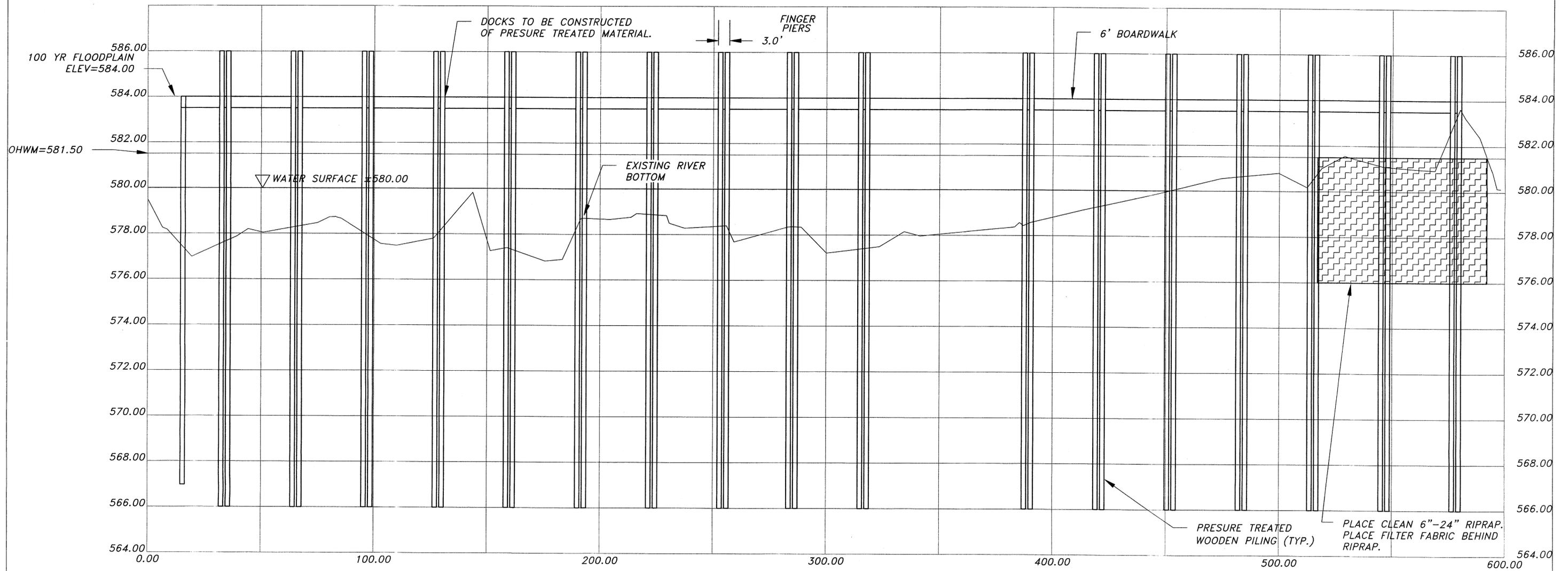
EXISTING CAMPGROUND - SITE PLAN

SCALE: 1" = 30'	DRAWN: 12/11/12 MKD	SHEET: 3 OF 5	PROJECT NO. 12-258
REVISIONS:	NOTES:		



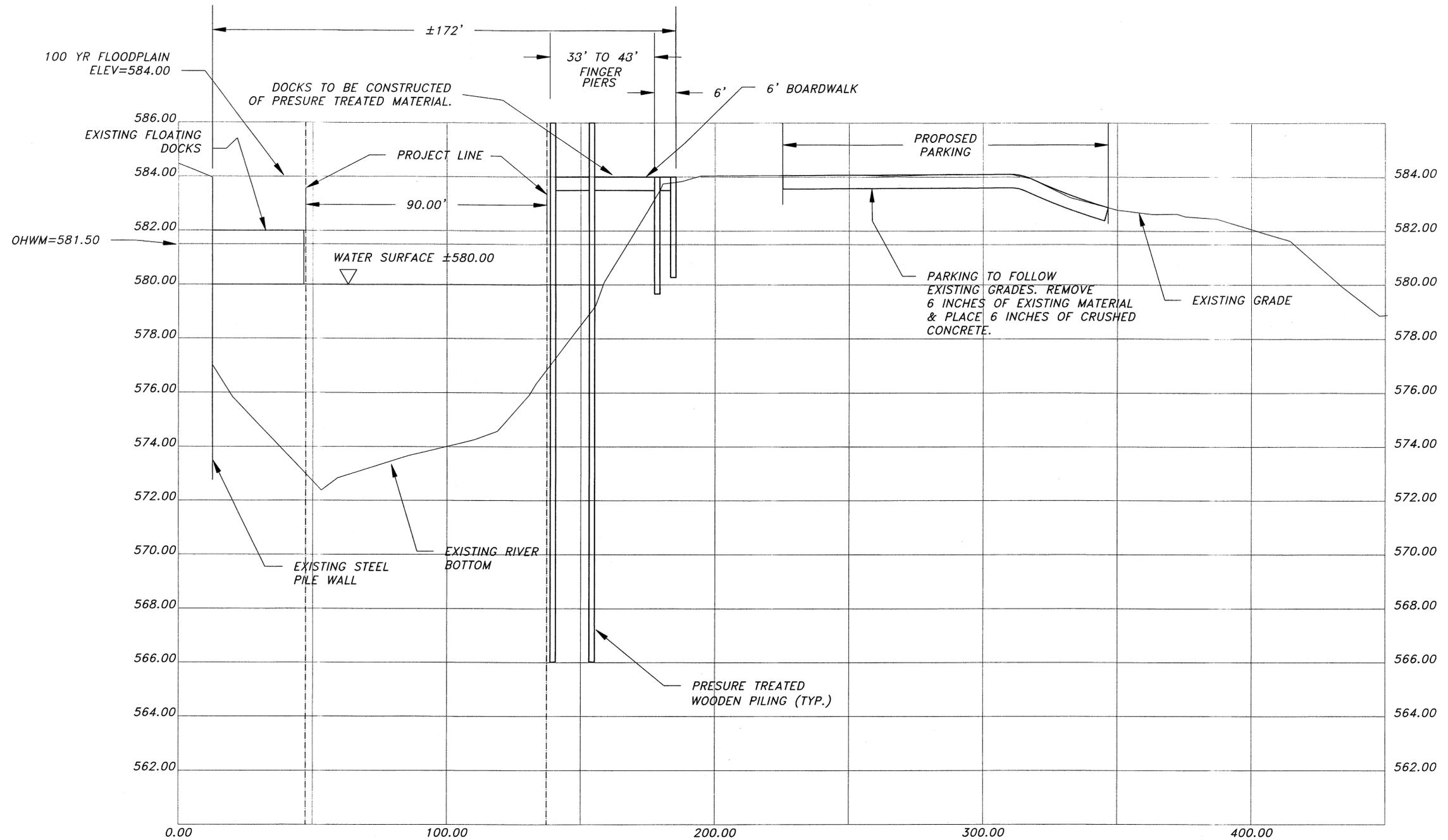
BLACK RIVER SECTION A - A

		KAL HAVEN MARINA 716 BLACK RIVER ROAD SOUTH HAVEN, MI VAN BUREN COUNTY	
		CROSS SECTION A-A	
MIDWEST CIVIL ENGINEERS, INC. CIVIL ENGINEERING • LAND SURVEYING • ARCHITECTURE 13560 76TH STREET SOUTH HAVEN, MI 49090 PH: 268-837-8205 FX: 268-837-9206	SCALE 1" = 20'	DRAWN 12/11/12 MKD	SHEET 4A OF 5
REVISIONS: 05/06/14 Added parking spaces.	PROJECT NO. 12-258	NOTES: 8/28/14 SHOW DREDGE SPOILS AREA.	10/09/14 REMOVED HEADBUCK & PLACED BOARDWALK.



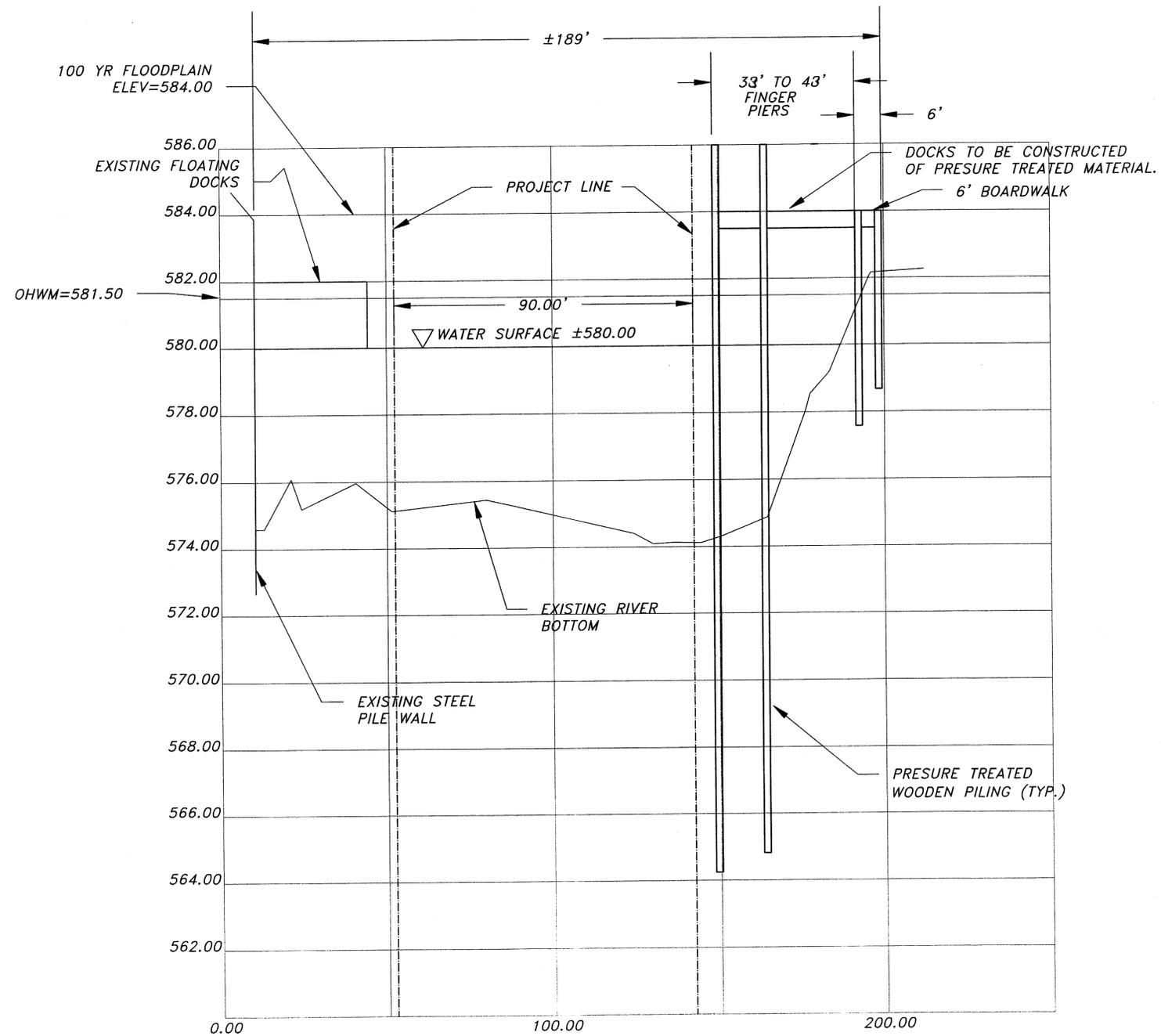
BLACK RIVER SECTION B - B

 MIDWEST CIVIL ENGINEERS, INC. CIVIL ENGINEERING • LAND SURVEYING • ARCHITECTURE 13560 76TH STREET SOUTH HAVEN, MI 49090 PH: 268-837-9205 FX: 268-837-9206	KAL HAVEN MARINA 716 BLACK RIVER ROAD SOUTH HAVEN, MI VAN BUREN COUNTY		
	CROSS SECTION B-B		
SCALE: 1" = 20'	DRAWN: 12/11/12 MKD	SHEET: 4B OF 5	PROJECT NO: 12-258
REVISIONS: 05/06/14 Added parking spaces.		NOTES: 8/28/14 SHOW BRIDGE SPILLS AREA. 10/09/14 REMOVED HEADDOCK & PLACED BOARDWALK.	



BLACK RIVER SECTION C - C

 <p>MIDWEST CIVIL ENGINEERS, INC. CIVIL ENGINEERING • LAND SURVEYING • ARCHITECTURE 13560 78TH STREET SOUTH HAVEN, MI 49080 PH: 268-837-9205 FX: 268-837-9206</p>		<p>KAL HAVEN MARINA 716 BLACK RIVER ROAD SOUTH HAVEN, MI VAN BUREN COUNTY</p>	
		<p>CROSS SECTION C-C</p>	
<p>SCALE: 1" = 20'</p>	<p>DRAWN: 12/11/12 MKD</p>	<p>SHEET: 4C OF 5</p>	<p>PROJECT NO: 12-258</p>
<p>REVISIONS: 03/06/14 Added parking spaces.</p>		<p>NOTES: 8/28/14 SHOW BRIDGE SPILLS AREA. 10/09/14 REMOVED HEADBOOK & PLACED BOARDWALK.</p>	

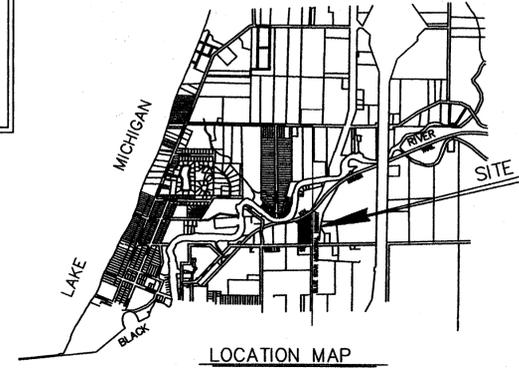


BLACK RIVER SECTION D - D

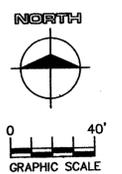
 MIDWEST CIVIL ENGINEERS, INC. CIVIL ENGINEERING • LAND SURVEYING • ARCHITECTURE 13560 76TH STREET SOUTH HAVEN, MI 49090 PH: 269-637-9205 FX: 269-637-9206	KAL HAVEN MARINA 716 BLACK RIVER ROAD SOUTH HAVEN, MI VAN BUREN COUNTY		
	CROSS SECTION D-D		
SCALE: 1" = 20' REVISIONS: 05/06/14 Added parking spaces.	DRAWN: 12/11/12 MKD	SHEET: 4D OF 5	PROJECT NO: 12-258
		NOTES: 8/28/14 SHOW DREDGE SPOILS AREA 10/09/14 REMOVED HEADDOCK & PLACED BOARDWALK.	

B62
B67707140

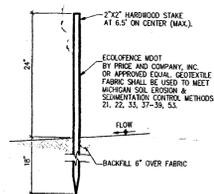
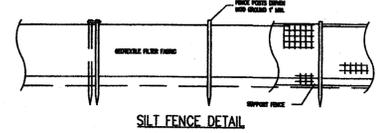
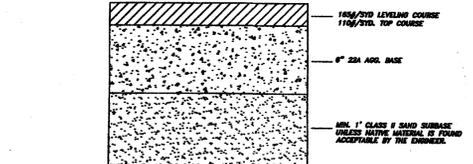
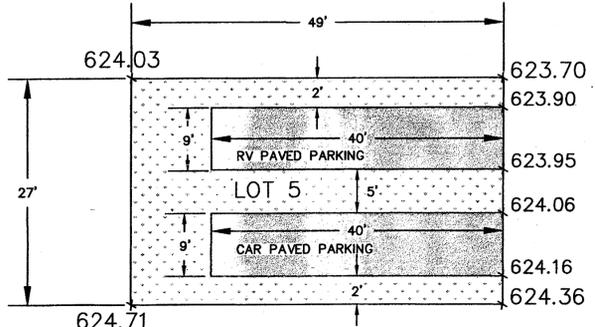
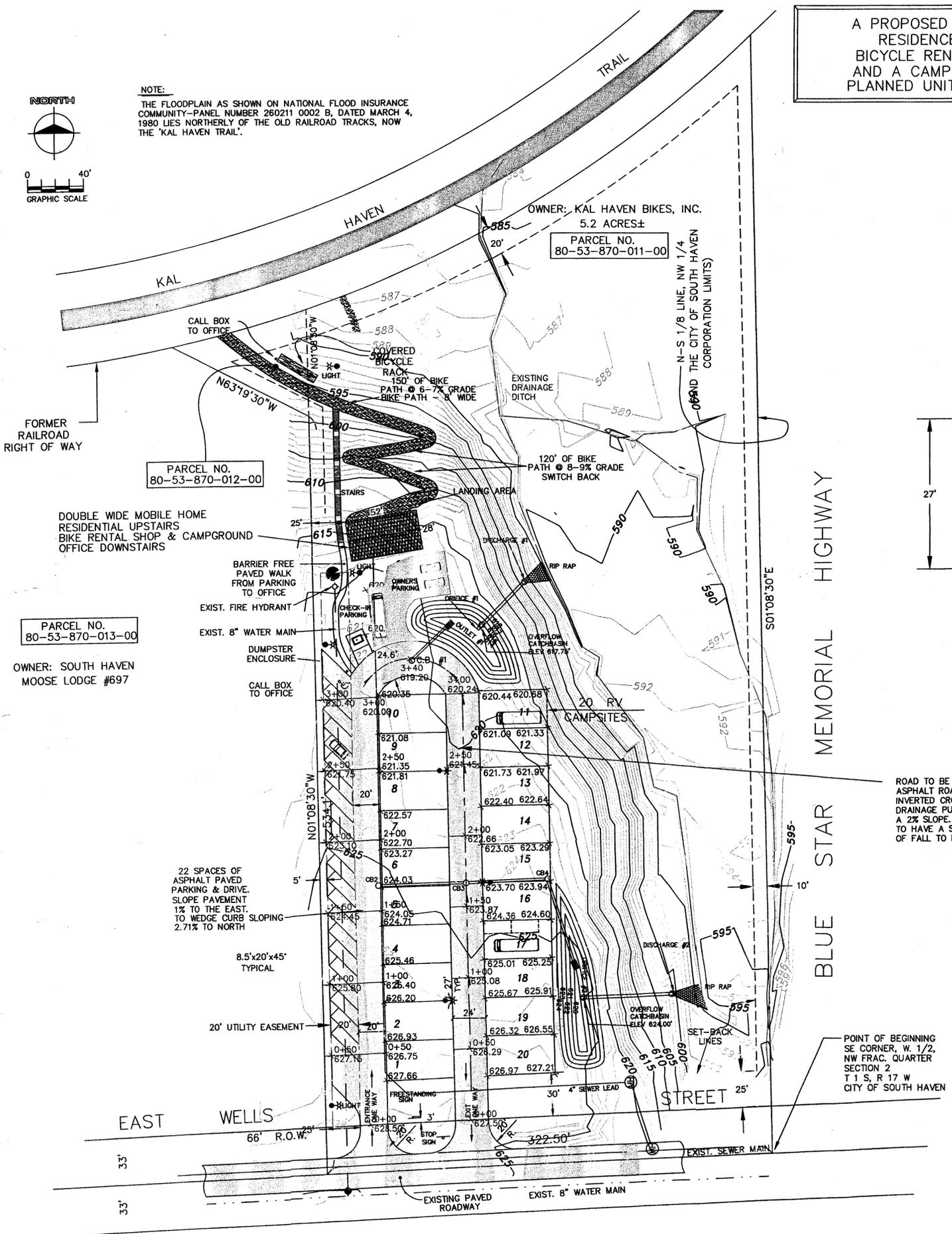
A PROPOSED SINGLE FAMILY RESIDENCE ABOVE A BICYCLE RENTAL BUSINESS AND A CAMPGROUND IN A PLANNED UNIT DEVELOPMENT



PROPERTY DESCRIPTION:
 BEGINNING AT THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 2, TOWN 1 SOUTH, RANGE 17 WEST, CITY OF SOUTH HAVEN; THENCE S87°38'30"W ALONG THE E & W 1/4 LINE OF THE SECTION, 322.5 FEET; THENCE N01°08'30"W PARALLEL WITH THE N & S 1/8 LINE OF THE NORTHWEST FRACTIONAL QUARTER OF THE SECTION TO THE SOUTH LINE OF THE RAILROAD (NOW KAL HAVEN TRAIL); THENCE NORTHEASTERLY ALONG THE SOUTH LINE OF SAID RAILROAD TO SAID 1/8 LINE; THENCE S01°08'30"E ALONG SAID 1/8 LINE TO THE PLACE OF BEGINNING; EXCEPT THE WELLS STREET RIGHT OF WAY.
 ALSO, COMMENCING AT THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE NW FRACTIONAL QUARTER OF SECTION 2; THENCE S87°38'30"W ALONG THE E & W 1/4 LINE OF THE SECTION, 322.5 FEET; THENCE N01°08'30"W PARALLEL WITH THE N & S 1/8 LINE OF THE NORTHWEST FRACTIONAL QUARTER OF THE SECTION, 534.1 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N63°19'30"W TO THE SOUTH LINE OF THE RAILROAD; THENCE NORTHEASTERLY ALONG THE SOUTH LINE OF SAID RAILROAD TO A POINT N01°08'30"W FROM BEGINNING; THENCE S01°08'30"E EAST TO THE POINT OF BEGINNING.



NOTE:
 THE FLOODPLAIN AS SHOWN ON NATIONAL FLOOD INSURANCE COMMUNITY-PANEL NUMBER 260211 0002 B, DATED MARCH 4, 1980 LIES NORTHERLY OF THE OLD RAILROAD TRACKS, NOW THE 'KAL HAVEN TRAIL'.



LEGEND

- 6.00 — EXISTING CONTOURS
- — — — — EXISTING WATER MAIN
- — — — — PROPOSED 2.5" HDPE WATER MAIN
- — — — — PROPOSED 6" PVC SEWER MAIN
- — — — — EXISTING ELECTRIC
- — — — — PROPOSED ELECTRIC
- — — — — SECURITY FENCE
- — — — — SILT FENCE
- ✱ 621.35 PROPOSED SPOT ELEVATION

SOIL EROSION CONTROL NOTES

1. PLACE EROSION CONTROL MEASURES AS INDICATED ON DRAWING PRIOR TO EARTH MOVING AND GRADING ACTIVITIES.
2. INSPECT AND MAINTAIN CHECK DAMS, SEDIMENT TRAPS, RIPRAP, SILT FENCING, AND OTHER MEASURES AFTER STORM EVENTS AND AS NECESSARY TO ASSURE PROPER FUNCTION.
3. EROSION CONTROL MEASURES SHALL REMAIN IN PLACE UNTIL VEGETATION IS ESTABLISHED. REGRADE, RESEED, AND PLACE ADDITIONAL TOPSOIL IN ERODED AREAS AS NECESSARY UNTIL FINAL LANDSCAPING IS INSTALLED.
4. ALL SE/SC MEASURES TO BE BUILT PER IDEQ BMP MEASURES.
5. SE/SC MEASURES TO BE MAINTAINED & PROPERLY STAGED THROUGHOUT PROJECT.

ROAD TO BE 24' WIDE ASPHALT ROAD. ROAD TO USE INVERTED CROWN FOR DRAINAGE PURPOSES USING A 2% SLOPE. ROAD TO HAVE A SLOPE OF 2.42% OF FALL TO NORTH.

CAMPGROUND CONSTRUCTION NOTES:
 1) CAMPGROUND WILL BE DESIGNED FOR WINTER USE, THEREFORE THE WATER MAIN SHALL HAVE A MINIMUM DEPTH OF BURY OF 5.0 FEET AND THE SEWER MAIN SHALL HAVE A MINIMUM DEPTH OF BURY OF 4.5 FEET.
 2) CAMPGROUND SEWER, WATER, & ELECTRICAL MAIN SHALL BE CONNECTED TO THE CITY OF SOUTH HAVEN MUNICIPAL SEWER AND WATER SYSTEMS
 3) ALL LOTS HAVE SEWER & WATER CONNECTIONS AVAILABLE AND THE OWNER WILL ONLY ALLOW RECREATIONAL UNITS IN SITES THAT HAVE SEWER & WATER CONNECTIONS.
 4) ALL LOTS SHALL HAVE PAVED DRIVEWAYS AND PARKING AREAS, ALL PARKING SPACES SHALL BE STRIPED PAINTED.
 5) WATER MAIN SHALL BE 2.5" HDPE PIPE. ALL SERVICES LEADS SHALL BE CONNECTED WITH A BRASS CURB STOP USING COMPRESSION FITTINGS. ALL TEES OR BENDS IN THE MAIN LINES SHALL BE RESTRAINED USING MEGA LOCK FITTINGS OR APPROVED EQUAL.
 6) THERE SHALL BE NO FIRE PITS ALLOWED IN THE CAMPGROUND.

STORM WATER DETENTION:
 IMPERMEABLE AREA - 1.1 ACRES
 REQUIRED RETENTION AREA - 4684 CFT
 AVAILABLE RETENTION AREA - 5257 CFT
 25 YEAR STORM WATER CALCULATION ATTACHED
 RETENTION POND TO HAVE 1 ON 3 SLOPES
 RETENTION POND OUTER SURFACE AREA - 2428 SQFT

ORIGINAL SITE PLAN PROVIDED BY MITCHELLS SURVEY

3 WORKING DAYS (72 HOURS) BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (TOLL FREE)



PUBLIC UTILITIES OF ALL TYPES HAVE BEEN SHOWN ON THESE PLANS USING THE INFORMATION AVAILABLE, BUT ARE NOT GUARANTEED AS ACCURATE OR THAT UTILITIES OTHER THAN THOSE SHOWN ARE NOT PRESENT. CONTRACTOR SHALL CONTACT MISS DIG AT 1-800-482-7171 FOR INFORMATION AND NOTIFY UTILITY COMPANIES THREE WORKING DAYS PRIOR TO COMMENCING WORK.

SET BACK LINES
 FRONT = 25'
 SIDES = 10'
 REAR = 20'
 CURRENT ZONING
 B - 3
 (WATERFRONT BUSINESS DISTRICT)

		NIXON - KAL HAVEN BIKES	
GRADING PLAN			
SCALE: 1" = 40' DATE: 5/2006 PROJECT: RP	SHEET: 1 OF 1 DRAWING NO: 05-033		

STATE OF MICHIGAN

IN THE 36th CIRCUIT COURT FOR THE COUNTY OF VAN BUREN

KAL-HAVEN BIKES, INC.,

Appellant,

v.

CITY OF SOUTH HAVEN, SOUTH HAVEN
ZONING BOARD OF APPEALS

Appellees.

Case No. 13-62-898-AV

Hon. Jeffrey Dufon

Stephen B. McKown (P25675)
ORTON, TOOMAN, HALE, MCKOWN & KIEL, P.C.
Attorneys for Appellant
314 Trowbridge St., PO Box 239
Allegan, Michigan 49010
(269) 673-2136

Scott G. Smith (P31966)
Edward P. Perdue (P55888)
DICKINSON WRIGHT PLLC
Attorneys for Appellees
200 Ottawa Avenue NW, Suite 1000
Grand Rapids, Michigan 49503
(616) 608-1100

**ORDER AFFIRMING THE DECISION OF THE SOUTH HAVEN
ZONING BOARD OF APPEALS**

At a session of said Court held in the County of Van
Buren, State of Michigan, on January 8, 2014.

PRESENT: HONORABLE JEFFREY DUFON, CIRCUIT JUDGE

Having received and considered Appellant's Claim of Appeal and its supporting brief, Appellees' response brief, and the Joint Record on Appeal submitted by the parties, and having heard oral argument from counsel of record, the Court is satisfied that sufficient grounds exist for the Court to AFFIRM the South Haven Zoning Board of Appeals' denial of Appellant's variance request. Accordingly, for the reasons stated on the record on this date,

IT IS HEREBY ORDERED that the South Haven Zoning Board of Appeals' denial of Appellant's variance request is AFFIRMED.

DATE: 1/8/14

Jeffrey J. Dufon

Honorable Jeffrey Dufon
Circuit Court Judge

ATTEST: A True Copy

Clerk

TRUE COPY
JAN 08 2014
TINA LEARY
Van Buren County Clerk



City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499
Telephone (269) 637-0700 • Fax (269) 637-5319

MEMORANDUM

To: Derek Haroldson
From: Linda Anderson
Re: Kal Haven Bikes, LLC
Date: November 21, 2014

We are sending this memo to formally offer our comments regarding the Kal-Haven Bikes proposal for a marina (MDEQ File Number 14-80-0027-P).

The City of South Haven Zoning Ordinance, Section 1716-2 states, "Nonresidential Access - No nonresidential access shall cross residentially-zoned property."

Kal-Haven Bikes, represented by David Nixon, appealed this regulation to the city zoning board of appeals (ZBA) in October of 2012. The applicant was asking for the appeal in order to use an easement, to which he has recorded use, to access his property for commercial use. The applicant's property is zoned Waterfront Business but the easement crosses properties zoned Single Family Residential. The zoning board of appeals denied his request based on the fact that the ordinance language was clear and the use of the easement through the residentially zoned and developed neighborhood would be disruptive, especially since Black River Road is unimproved.

Kal-Haven Bikes subsequently brought a legal challenge against the ZBA in circuit court. The circuit court upheld the ZBA decision based largely on the same reasoning set forth by the ZBA.

The city, and the city's legal counsel, believe that the application presented clearly violates the zoning ordinance and the court's decision to the extent it contemplates non-residential vehicular access via Black River Road. The application explicitly states that such access will be available, and calls for several parking spots. During the litigation, it was the city's position that Mr. Nixon could use the property for commercial recreational uses so long as those uses were accessed by means other than Black River Road (*i.e.* the Kal-Haven Trail or the Black River itself). Thus, the city objects to the means of access and to the provision of parking. We are not objecting to the commercial use of the property in-and-of itself. The commercial use, once legal and practical access is formulated, shall need to be determined by the planning commission and city staff as a separate application.

If you need a copy of the court order or the official transcript of Kal-Haven Bikes vs City of South Haven, MI, please let us know. Thank you.

Linda Anderson, Planner and Zoning Administrator
269.637.0760

landerson@south-haven.com



200 OTTAWA AVENUE, N.W., SUITE 1000
GRAND RAPIDS, MI 49503-2427
TELEPHONE: (616) 458-1300
FACSIMILE: (616) 458-6753
<http://www.dickinsonwright.com>

SCOTT G. SMITH
SGSmith@dickinsonwright.com
(616) 336-1044

December 1, 2014

Via Email and U.S. Mail

Derek Haroldson
Michigan Department of Environmental Quality
7953 Adobe Road
Kalamazoo, MI 49009

Re: File No. 14-80-0027-P

Dear Mr. Haroldson:

As the City Attorneys for the City for the South Haven, we are writing regarding Kal-Haven Bikes, Inc.'s pending application under Part 301 of the Natural Resources and Environmental Protection Act ("NREPA") to construct a marina on the parcel located at 716 Black River Road, South Haven, Michigan 49090, Tax I.D. No. 80-53-870-010-00 (the "Property"). These comments supplement the memorandum submitted by the City's Planner and Zoning Administrator, Linda Anderson.

The Property is zoned "B-3 Waterfront Business District." It borders the Black River to the west and the Kal-Haven Trail to the south and southeast. Residential parcels lie to the north and northeast. The only vehicular access to the Property is via a private, unpaved road known "Black River Road" that is approximately 16 ½ feet in width running northeast from the Property across residential parcels until reaching the Blue Star Highway.

Section 1716.2 of the City's Zoning Ordinance provides that "[n]o nonresidential access shall cross residentially-zoned property." In 2012, Kal-Haven Bikes requested an interpretation of that provision as applied to the Property from the City's Zoning Board of Appeals. The Zoning Board of Appeals determined that the ordinance prohibits commercial uses on the property that include vehicular access via Black River Road.

Following that decision, Kal-Haven Bikes applied to the Zoning Board of Appeals for a variance from Section 1716.2 that would allow Black River Road to be used to access an unspecified commercial use on the property. The Zoning Board of Appeals denied the variance request, in part because Kal-Haven Bikes failed to establish that the variance would not increase the volume of traffic on Black River Road. Evidence in the record suggested that the road could not accommodate additional traffic without being expanded and improved. There was also evidence that an expansion project would be detrimental to the wetlands surrounding the road. For these reasons, among others, the Van Buren County Circuit Court affirmed the Zoning Board

Derek Haroldson
December 1, 2014
Page 2

of Appeals' decision on appeal (Case No. 13-62-898-AV). Following the court's decision, the City Council amended the Zoning Ordinance so as to allow a single-family home to be constructed on the Property.

Kal-Haven Bikes' pending application to the DEQ requests a permit under Part 301 of NREPA to construct a commercial marina on the Property with vehicular access via Black River Road and 25 parking spaces. This proposal is in clear violation of the City's Zoning Ordinance and the circuit court's decision. The City's position regarding the application can be summarized as follows:

1. All uses in the City's B-3 Waterfront Business District are subject to site plan approval by the City's Planning Commission, in addition to any approvals needed from state agencies.
2. The Zoning Ordinance prohibits the Planning Commission from approving a site plan for commercial use on the property that involves vehicular access via Black River Road.
3. In order to obtain site plan approval for the proposed marina, Kal-Haven Bikes would have to establish that no construction workers, material suppliers, customers, employees, or any other individuals associated with the commercial use would access the property via Black River Road. Alternatively, Kal-Haven Bikes could seek a variance permitting such access.¹
4. If the marina were approved and constructed on the Property, any use of Black River Road for vehicular access to the Property would violate the Zoning Ordinance. Each instance and each day of violation is a separate offense. Violations of the Zoning Ordinance are public nuisances *per se*.

Thank you for your consideration of these comments. Please feel free to contact us if you have any questions regarding the City's position on the application, or regarding the City's zoning approval process.

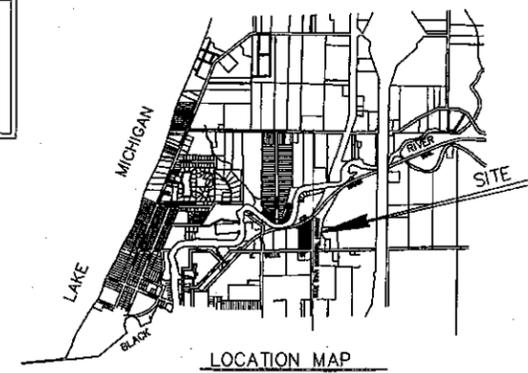
Sincerely,

Scott G. Smith

SGS:CNC

¹ As noted above, when Kal-Haven Bikes previously requested a variance to use Black River Road for commercial access to the property, it did not specify a proposed commercial use. The Zoning Board of Appeals' denial of the variance request was based in part on a determination that, without knowing the proposed use, it was too difficult to predict the likely increase in traffic on Black River Road.

A PROPOSED SINGLE FAMILY RESIDENCE ABOVE A BICYCLE RENTAL BUSINESS AND A CAMPGROUND IN A PLANNED UNIT DEVELOPMENT



PROPERTY DESCRIPTION:
 BEGINNING AT THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 2, TOWN 1 SOUTH, RANGE 17 WEST, CITY OF SOUTH HAVEN; THENCE S87°38'30"W ALONG THE E & W 1/4 LINE OF THE SECTION, 322.5 FEET; THENCE N01°08'30"W PARALLEL WITH THE N & S 1/8 LINE OF THE NORTHWEST FRACTIONAL QUARTER OF THE SECTION TO THE SOUTH LINE OF THE RAILROAD (NOW KAL HAVEN TRAIL); THENCE NORTHEASTERLY ALONG THE SOUTH LINE OF SAID RAILROAD TO SAID 1/8 LINE; THENCE S01°08'30"E ALONG SAID 1/8 LINE TO THE PLACE OF BEGINNING; EXCEPT THE WELLS STREET RIGHT OF WAY.
 ALSO, COMMENCING AT THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE NW FRACTIONAL QUARTER OF SECTION 2; THENCE S87°38'30"W ALONG THE E & W 1/4 LINE OF THE SECTION, 322.5 FEET; THENCE N01°08'30"W PARALLEL WITH THE N & S 1/8 LINE OF THE NORTHWEST FRACTIONAL QUARTER OF THE SECTION, 534.1 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N63°19'30"W TO THE SOUTH LINE OF THE RAILROAD; THENCE NORTHEASTERLY ALONG THE SOUTH LINE OF SAID RAILROAD TO A POINT N01°08'30"W FROM BEGINNING; THENCE S01°08'30"E EAST TO THE POINT OF BEGINNING.

NOTE:
 THE FLOODPLAIN AS SHOWN ON NATIONAL FLOOD INSURANCE COMMUNITY-PANEL NUMBER 260211 0002 B, DATED MARCH 4, 1980 LIES NORTHERLY OF THE OLD RAILROAD TRACKS, NOW THE 'KAL HAVEN TRAIL'.

OPEN SPACE CALC'S:
 TOTAL PARCEL ACREAGE - 5.2 ACRES
 REQUIRED OPEN PERCENTAGE - 30%
 REQUIRED OPEN SPACE - 1.56 ACRES
 OPEN SPACE PROVIDED - 1.58 ACRES

DENSITY CALCULATION:
 TOTAL AREA OF SITE - 5.2 ACRES
 AREA OF PRIVATE, PUBLIC R-O-W, PARKING, WETLAND - 1.55 ACRES
 NET AREA FOR DENSITY - 3.65 ACRES
 NUMBERS OF UNITS - 21
 DENSITY = 21 UNITS/3.65 ACRES = 5.75 UNITS/ACRE

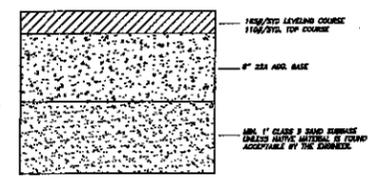
STORM SYSTEM DESCRIPTIONS (DETENTION #1):
 CONTRIBUTING AREA - 0.63 ACRES
 DETENTION AREA REQUIRED - 5388 CFT
 DETENTION POND STORAGE - 5910 CFT

CB1(4" DIA)
 RIM - 619.20
 INV - 616.00

OUTLET INV#1 (INTO DETENTION POND) - 615.00
 ORIFICE SIZE 1.25" (ORIFICE TO BE PROTECTED WITH 2" WASHED STONE AND FILTER FABRIC)

DISCHARGE #1 INLET INV. - 614.00'
 DISCHARGE #1 OUTLET INV. - 597.50'
 (INSTALL BAFFLES AT DISCHARGE OUTLET)

CULVERTS TO BE 12" CLASS IV CONCRETE PIPE SLOPED AT 2.80%.



TYP. PAVEMENT SECTION

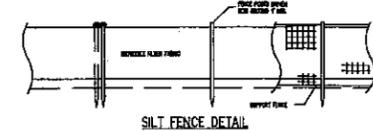
STORM SYSTEM DESCRIPTIONS (DETENTION #2):
 CONTRIBUTING AREA - 0.62 ACRES
 DETENTION AREA REQUIRED - 5313 CFT
 DETENTION POND STORAGE - 5727 CFT

CB2(2" INLET) CB3(4" DIA) CB4(4" DIA)
 RIM - 624.45 RIM - 623.51 RIM - 624.30
 INV - 620.53 INV - 620.35 INV - 620.19

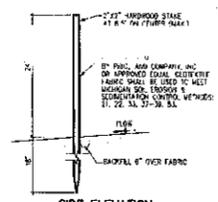
OUTLET INV#2 (INTO DETENTION POND) - 620.00'
 ORIFICE SIZE - 1.24" (ORIFICE TO BE PROTECTED WITH 2" WASHED STONE AND FILTER FABRIC)

DISCHARGE INLET #2 INV. - 620.00'
 DISCHARGE OUTLET #2 INV. - 600.00'
 (INSTALL BAFFLES AT DISCHARGE OUTLET)

CULVERTS TO BE 12" SLOPPED AT 0.28% UNLESS OTHERWISE NOTED. CULVERT UNDERNEATH ROAD SHALL BE 12" CLASS IV CONCRETE PIPE.



SILT FENCE DETAIL



SOIL EROSION CONTROL NOTES

- PLACE EROSION CONTROL MEASURES AS INDICATED ON DRAWING PRIOR TO EARTH MOVING AND GRADING ACTIVITIES.
- INSPECT AND MAINTAIN CHECK DAMS, SEDIMENT TRAPS, RIPRAP, SILT FENCING, AND OTHER MEASURES AFTER STORM EVENTS AND AS NECESSARY TO ASSURE PROPER FUNCTION.
- EROSION CONTROL MEASURES SHALL REMAIN IN PLACE UNTIL VEGETATION IS UNIFORMLY ESTABLISHED, RESEED, REGRASS, AND PLACE ADDITIONAL TOPSOIL IN ERODED AREAS AS NECESSARY UNTIL FINAL LANDSCAPING IS INSTALLED.
- ALL SE/SC MEASURES TO BE BUILT PER MDEP BMP MEASURES.
- SE/SC MEASURES TO BE MAINTAINED & PROPERLY STAGED THROUGHOUT PROJECT.

LEGEND

- EXISTING CONTOURS
- EXISTING WATER MAIN
- PROPOSED 2.5" HDPE WATER MAIN
- PROPOSED 6" PVC SEWER MAIN
- EXISTING ELECTRIC
- PROPOSED ELECTRIC
- SECURITY FENCE
- SILT FENCE

- NOTES:**
- PROPERTY IS CURRENTLY ZONED WATERFRONT BUSINESS DISTRICT.
 - FIRE PROTECTION TO BE APPROVED BY FIRE MARSHALL.
 - UTILITIES:
 - A. SEWER AND WATER - MUNICIPAL SEWER & WATER
 - B. ELECTRIC - CITY OF SOUTH HAVEN
 - C. STORM WATER SYSTEM - ON-SITE WITH 25 YEAR DETENTION WITH 0.13 CFS RELEASE RATE PER ACRE
 - ALL EXTERIOR LIGHTING TO MEET SECTION 1710. EXTERIOR LIGHTING OF THE CITY OF SOUTH HAVEN ZONING REQUIREMENTS. SEE DETAIL.
 - PARKING:
 - A. BICYCLE RENTAL - 5 SPACES PER EMPLOYEE
 - B. EMPLOYEES - 10 SPACES REQUIRED
 - C. STORM WATER SYSTEM - ON-SITE WITH 25 YEAR DETENTION WITH 0.13 CFS RELEASE RATE PER ACRE
 - D. CAMPGROUND - 2 SPACES PER SITE
 - E. 2 SPACES PER SITE ARE PROVIDED
 - F. 2 EMPLOYEES (SAME EMPLOYEES AS BIKE RENTAL)
 - G. PARKING FOR RESIDENCE IS PROVIDED BY HOME.
 - ROAD TO BE SIGNED AS ONE WAY, ENTERING AND EXITING FROM WELLS STREET. SIGNAGE TO BE PLACED AT ENTRANCE AND EXIT. NO PARKING SIGNS SHALL BE PLACED ALONG INTERNAL DRIVES.
 - OUTSIDE RADIUS OF U-TURN IS 51', THE INSIDE RADIUS IS 29'. THESE DIMENSIONS ALLOW FOR 40' VEHICLES BASED ON TURNING RADII AND LOT SIZE (SEE ATTACHED DATA SHEETS)

ROAD TO BE 24' WIDE ASPHALT ROAD. ROAD TO USE INVERTED CROWN FOR DRAINAGE PURPOSES USING A 2% SLOPE. ROAD TO HAVE A SLOPE OF 2.42% OF FALL TO NORTH.

- CAMPGROUND CONSTRUCTION NOTES:**
- CAMPGROUND WILL BE DESIGNED FOR WINTER USE, THEREFORE THE WATER MAIN SHALL HAVE A MINIMUM DEPTH OF BURY OF 5.0 FEET AND THE SEWER MAIN SHALL HAVE A MINIMUM DEPTH OF BURY OF 4.5 FEET.
 - CAMPGROUND SEWER, WATER, & ELECTRICAL MAIN SHALL BE CONNECTED TO THE CITY OF SOUTH HAVEN MUNICIPAL SEWER AND WATER SYSTEMS
 - ALL LOTS HAVE SEWER & WATER CONNECTIONS AVAILABLE AND THE OWNER WILL ONLY ALLOW RECREATIONAL UNITS IN SITES THAT HAVE SEWER & WATER CONNECTIONS.
 - ALL LOTS SHALL HAVE PAVED DRIVEWAYS AND PARKING AREAS, ALL PARKING SPACES SHALL BE STRIPPED PAINTED.
 - WATER MAIN SHALL BE 2.5" HDPE PIPE. ALL SERVICES LEADS SHALL BE CONNECTED WITH A BRASS CURB STOP USING COMPRESSION FITTINGS. ALL TEES OR BENDS IN THE MAIN LINES SHALL BE RESTRAINED USING MEGA LOCK FITTINGS OR APPROVED EQUAL.
 - THERE SHALL BE NO FIRE PITS ALLOWED IN THE CAMPGROUND.

3 WORKING DAYS (72 HOURS) BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (TOLL FREE)

PUBLIC UTILITIES OF ALL TYPES HAVE BEEN SHOWN ON THESE PLANS USING THE INFORMATION AVAILABLE BUT ARE NOT GUARANTEED AS ACCURATE OR THAT UTILITIES OTHER THAN THOSE SHOWN ARE NOT PRESENT. CONTRACTOR SHALL CONTACT MISS DIG AT 1-800-482-7171 FOR INFORMATION AND NOTIFY UTILITY COMPANIES THREE WORKING DAYS PRIOR TO COMMENCING WORK.

SET BACK LINES
 FRONT = 25'
 SIDES = 10'
 REAR = 20'

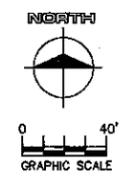
CURRENT ZONING
 B - 3
 (WATERFRONT BUSINESS DISTRICT)

STORM WATER DETENTION:
 IMPERMEABLE AREA - 1.1 ACRES
 REQUIRED RETENTION AREA - 4684 CFT
 AVAILABLE RETENTION AREA - 5257 CFT
 25 YEAR STORM WATER CALCULATION ATTACHED
 RETENTION POND TO HAVE 1 ON 3 SLOPES
 RETENTION POND OUTER SURFACE AREA - 2428 SQFT

ORIGINAL SITE PLAN PROVIDED BY MITCHELLS SURVEY



		NIXON - KAL HAVEN BIKES	
PLANNED UNIT DEVELOPMENT		PROJECT NO. 05-033	
SCALE: 1" = 40'	DATE: 5/2006	SHEET: 1 OF 3	PROJECT NO.: 05-033
8/1/06 REVISE DETENTION POND RP			
8/1/06 REVISE SECURITY FENCE RP			
9/1/06 REVISE STREAM DP			



FORMER RAILROAD RIGHT OF WAY

OWNER: KAL HAVEN BIKES, INC.
 5.2 ACRES±
 PARCEL NO. 80-53-870-011-00

PARCEL NO. 80-53-870-012-00

PARCEL NO. 80-53-870-013-00

OWNER: SOUTH HAVEN MOOSE LODGE #697

NEW LANDSCAPE PLANTING TO BE JAPANESE MAPLE. AT PLANTING, TREES TO BE 2' IN HEIGHT.

SECURITY FENCE SHALL BE SOLID FENCE ALONG EAST WELLS STREET & ALONG PARKING AREA. THE REMAINDER OF THE SECURITY FENCE SHALL BE PICKETT STYLE FENCE. ALL FENCE TO BE 6' HIGH. (SEE DETAIL)

22 SPACES OF ASPHALT PAVED PARKING & DRIVE. SLOPE PAVEMENT 1% TO THE EAST. TO WEDGE CURB SLOPING 2.71% TO NORTH

8.5'x20'x45' TYPICAL

20' UTILITY EASEMENT

EAST WELLS STREET

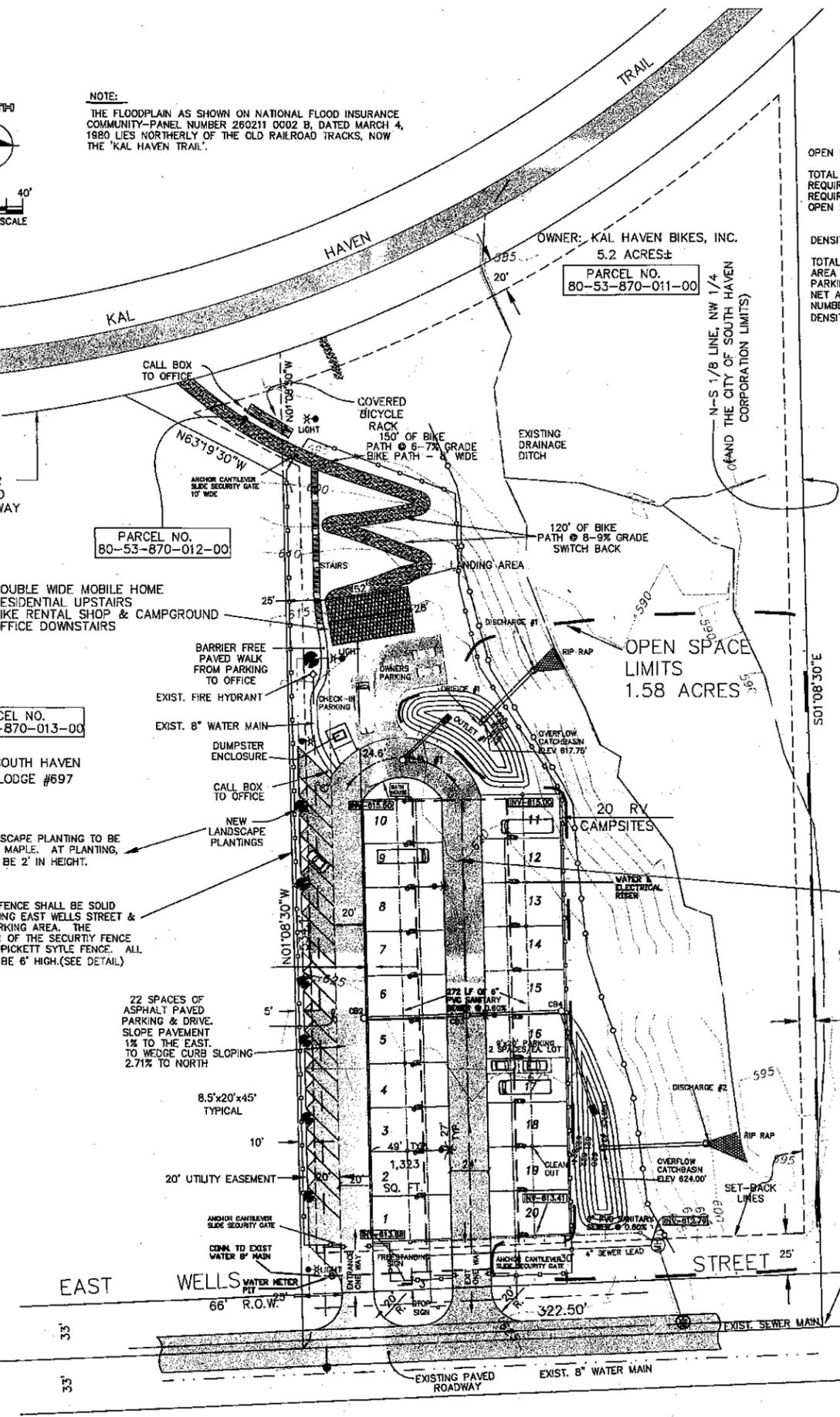
33'

33'

MEMORIAL HIGHWAY

BLUE STAR

POINT OF BEGINNING SE CORNER, W. 1/2, NW FRAC. QUARTER SECTION 2 T 1 S, R 17 W CITY OF SOUTH HAVEN





City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499
Telephone (269) 637-0700 • Fax (269) 637-5319

January 11, 2016

TO: Harbor Commission

FR: Kate Hosier

RE: 2016 Marina Rates

A resolution of support for the 2016 Marina rates was already approved by this commission at the August 18, 2015 meeting and subsequently approved by the City Council at the September 8, 2015 meeting. However, that resolution (Resolution 2015-42) contained an error in amount of the reservation fee charged and omitted the cancellation fee for reservations.

In Resolution 2015-42, the reservation fee to be charged is \$5.00 for municipal transient docks not on the Camis reservation system (Michigan Department of Natural Resource's reservation system). This is inconsistent with the DNR's own fee structure which mandates an \$8.00 reservation fee to be charged. Camis actually has two reservation fee rates: (1) for reservations made via the Call Center, the fee charged is \$10.00; and (2) for reservations made the website or at the local marina office, the fee charged is \$8.00. With the City charging \$5.00 for a reservation fee for transient dock reservations, there are three different reservation fees that a boater could potentially be charged depending on the location of the dock reserved or the method of the reservation. Charging a different reservation fee rate than the DNR causes confusion for both the boater and marina staff.

Additionally, Resolution 2015-42 omitted the collection of a cancellation fee. Currently, Camis charges collects a \$10.00 cancellation fee whenever a reservation is cancelled on that system. For continuity and consistency this fee should have been added for the municipal marina docks that are available for transient rental which are not part of the DNR's reservation system.

Recommendation:

Staff recommends that the Harbor Commission approve the changes to the 2016 marina rates resolution.

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2016-___

A RESOLUTION SETTING THE SEASONAL
AND TRANSIENT SLIP RATES AT SOUTH HAVEN MUNICIPAL MARINAS

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on _____, 2016 at 7:00 p.m. local time.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by Member _____ and supported by Member _____.

WHEREAS, the Michigan State Waterways Commission establishes recommended fees for both transient and seasonal moorings for state governing Municipal Marinas; and

WHEREAS, the local units of government must maintain rate structures at or above for transient and seasonal rates in compliance with terms and conditions of previously executed grant-in-aid contracts for state grant assistance in facility development; and

WHEREAS, the Harbor Commission has reviewed and recommends the following rates; and

WHEREAS, the City Council concurs with the recommendations as forwarded to the Council by the Harbor Commission.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the South Haven Municipal Marina and Boat Launch Rates for 2016 be set as follows:

Seasonal Dock Rates

The following seasonal dock rates will be in effect at the City operated facilities:

<u>Slip #'s</u>	<u>Slip Size in Ft.</u>	<u>Amount</u>
Northside Marina		
41-52, 65-68	30	\$2,980
57 thru 64	35	\$3,470
88-96	38	\$3,800
1 thru 10	40	\$4,030
53-56	45	\$4,480
11-40, 83-87	50	\$5,030
69 thru 82	60	\$5,910

Resolution No. 2016-___

Maritime Marina		
1 thru 30	40	\$3,795
Black River Park		
1 thru 20	24	\$1,690
21 thru 62	30	\$1,910
Boats greater than the rate assigned will be charged per additional foot		\$120
Reservation Fee		\$8.00
Cancellation Fee (for reservations)		\$10.00
Black River Park Seasonal Launch Pass		\$100
Age 65 and over Seasonal Launch Pass		\$75
Black River Park 10 Launch Tokens		\$50
Black River Park Daily Launch		\$7

The following discounts may be applied to seasonal boater fees, subject to approval of the marina manager:

1. A first year discount of \$500 may be offered to new seasonal boaters.
2. Shallow draft slips or unused slips may be rented for use of dinghies and small boats at \$1,000 per dinghy/boat per season.
3. After August 1, seasonal slips may be rented at a discount for an amount equal to the seasonal slip fee prorated by the number of remaining days in the season plus 50% of that amount, using the following formula:

$$(\text{Remaining Days in Season}) / (\text{Days in Season}) * \text{Seasonal Slip Fee} * 1.5 = \text{Discounted Rate}$$

4. If, after the deadline for payment for the season, there appears to be a lack of boats to fill longer slips, the marina manager may rent slips to shorter boats at a rate equal to the boat length plus one half the difference of the slip length and boat length.
5. The marina manager may request in writing from the city manager special rates to improve occupancy. The marina manager may apply those rates after receiving written approval from the city manager.

Transient Slip Fees

Transient slip fees at the North Side Marina, South Side Marina and Museum Marina are the current year rates approved by the Michigan State Waterways Commission, Column D.

Transient slip fees at the Black River Park Marina are the current year rates approved by the Michigan State Waterways Commission, Column C.

During the period from July 1 to September 1, transient slip fees are increased by 10% for Friday and Saturday overnights.

Transient Discount Rates

The following discounts may be applied to transient boater fees, subject to approval of the marina manager:

- a. Pre-Memorial Day and Post-Labor Day Special, stay 4 nights get 3 nights free.
- b. After July 15, a Remainder of Season discount will be made available. A seasonal slip may be rented for the remainder of the season, with the fee calculated as the number of days remaining until October 15 times the minimum Waterways Transient rate (column 1) for the length of boat.

Short Term Docking

The marina manager is authorized to allow short term dockage of vessels for a period of less than eight hours when dock area is available. The short term dockage rate is \$0.50 per foot.

Marina and Boat Launch Facility Commercial Use

Commercial use of marinas and Black River Park Boat Launch is subject to the City of South Haven Marina and Boat Launch Facility Commercial Use Policy, as approved by South Haven City Council.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Council.

RECORD OF VOTE:

Yeas: _____

Nays: _____

RESOLUTION DECLARED ADOPTED.

Robert Burr, Mayor

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on _____, 2016, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq*).

Amanda Morgan, City Clerk