

MANISTEE CITY PLANNING COMMISSION

70 Maple Street, Manistee, Michigan 49660

Meeting of Thursday, May 1, 2003

7:00 p.m. - Council Chambers, City Hall

AGENDA

I Roll Call

II Public Hearing

1. Zoning Amendment - Tattoo Parlors
2. Zoning Amendment - Section 1054.F Vehicular Parking Space, Access and Lighting
3. JAS Enterprises LLC - Street Vacation Request

III Citizen Questions, Concerns and Consideration

IV Approval of Minutes

Planning Commission Meeting (4/10/03)

V New Business

1. Zoning Amendment - Tattoo Parlors
2. Zoning Amendment - Section 1054.F
3. JAS Enterprises LLC - Street Vacation Request
4. Laskey/Jurkoski - Parcel Split and Combination Request
5. Sand Products Corporation - Man Made Lake Site Plan
6. Sand Products Corporation - Request to Amend PUD
- 7.

VI Unfinished Business

- 1.

VII Other Communications

- 1.

VIII Work/Study Session

- 1.

IX. Adjournment

Speaking at Meetings:

Unless waived by the Commission for a specific meeting, any public comment shall be limited to five (5) minutes per speaker, one time only. If a group of people wish to be heard on one subject, a spokesperson may be appointed who may request that the Chairman approve more than the normal five (5) minutes. If necessary, a maximum of five (5) minutes will be allowed for the group to caucus to choose their spokesperson and develop their comments.

MEMORANDUM

TO: Planning Commission Members

FROM: Denise Blakeslee 
Secretary, Community Development

DATE: April 25, 2003

RE: Planning Commission Meeting May 1, 2003

The Planning Commission Meeting will be at 7:00 p.m. on Thursday, May 1, 2003. We have the following requests on the agenda:

1. Zoning Amendment - Tattoo Parlors. A Public Hearing has been scheduled to allow public input regarding draft language which has been developed to add under Article 5 - Definitions the definition of "*Tattoo Parlor*" and "*Tattoo, Tattooed, Tattooing*" and under Article 10: General Regulations - *Section 1065 Tattoo Parlors*. The City of Manistee does not currently have any regulations of where a tattoo parlor can be located. This language would allow a tattoo parlor to be allowed in either the C-1 Commercial District or the C-3 Commercial District. A copy of the proposed ordinance amendment is attached for your review.
2. Zoning Amendment - Article 10, General Regulations, Section 1054.F Vehicular Parking Space, Access and Lighting. A Public Hearing has been schedule to allow public input regarding draft language to amend Section 1054.F Vehicular Parking Space, Access and Lighting of the Zoning Ordinance. This proposed change is in response to a request from the Downtown Development Authority regarding residential uses in the C-4 Commercial District. This change would not require off street parking for apartments, only for Hotels and other Transient Lodging Places consisting of six or more units. A copy of the proposed ordinance amendment is attached for your review.
3. Tim & Judith Simonis, JAS Enterprises, 1005 Cypress Street have requested that the undeveloped portion of Tenth Street between Cypress Street and U.S. 31 be vacated. Mr. & Mrs. Simonis own and operate the car wash located at 1005 Cypress Street. The entrance drive to the car wash was allowed to be developed on the undeveloped portion of Tenth Street between Cypress and US 31. Due to the topography of the property Tenth Street will cannot be developed as a through street. The City does have a water and sewer line that will require an easement in the event the Street Vacation is approved.
4. Laskey/Jurkoski - Parcel Split and Combination. Dennis Laskey resides at 326 Eighth Street. Mr. Laskey would like to enlarge his existing driveway which is currently located on the property line. Mr. Laskey's garage is also located on the property line. Mr. Laskey would like to purchase 3 feet of property from Sally Jurkoski, 328 Eighth Street to increase the width of his driveway. Staff review of the proposed split and combination shows that this request would meet all the requirements of the zoning ordinance and eliminate an existing encroachment into the side-yard set-back. A copy of the request is enclosed for your review.

5. Sand Products Corporation - Man Made Lake Site Plan. Sand Products Corporation will be presenting a Site Plan for the Planned Unit Development around Man Made Lake. This site plan includes the building footprints, curb cuts/driveways, and sidewalk for Phase I. A copy of the Site Plan is enclosed for your review.
6. Sand Products Corporation - Request to Amend PUD. City Council approved the property transfer with Sand Products Corporation at the April 15, 2003 meeting. The property trade included the City transferring lots 3 & 4 to Sand Products Corporation. Sand Products Corporation would like to add these two lots (one building site) to the PUD. The Planning Commission needs to determine if adding lots 3 & 4 to the PUD results in a minor non-substantive change under Article 86 Special Uses, Section 8613. Amendment of Special Use Permits of the Zoning Ordinance. Section 8613 reads:

Amendments to Special Use Permits shall be handled in the same manner as the initial Special Use Permit application. However, minor non-substantive changes may be made to an existing Special Use Permit by mutual agreement between the city and applicant, if done prior to the issuance of an occupancy permit.

If the Planning Commission determines that the addition of lots 3 & 4 is a minor non-substantive change then an amendment could be made to the Special Use Permit - PUD.

If the Planning Commission determines that the addition of lots 3 & 4 is not a minor non-substantive change then we would have to hold a Public Hearing before it could be added to the PUD.

If you are unable to attend the meeting please call the office (723-2558). See you at the meeting!

Ordinance 03 - _____
AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING
ORDINANCE" WHICH WAS ADOPTED MAY 1, 1990, AS AMENDED,
TO AMEND THE MANISTEE CITY ZONING ORDINANCE
ARTICLE 5: DEFINITIONS
ARTICLE 10: GENERAL REGULATIONS
ADD SECTION 1065. TATTOO PARLORS

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That Article 5: Definitions be amended by adding the following definitions:

TATTOO PARLOR means an establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation.

TATTOO, TATTOOED, TATTOOING means any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aide of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding.

2. That Article 10: General Regulations be amended by adding Section 1065. Tattoo Parlors as follows:

1065. Tattoo Parlors

- A. Purpose: It is recognized there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of surrounding neighborhoods. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.
- B. A Tattoo Parlor, in addition to all other applicable standards and regulations of this Ordinance, shall:
 1. Be located in the C-1 Commercial District or the C-3 Commercial District.
 2. Be located at least one thousand (1,000) feet from Educational Services [82]; Religious Organizations [866]; Sex-Oriented Businesses and other Tattoo Parlors.
- C. A Tattoo Parlor shall be conducted entirely within an enclosed *building*, so no activity can be seen from a road or from the *property line*.

MEMO

TO: Planning Commission Members

FROM: Jon R. Rose 
Community Development Director

DATE: April 17, 2003

RE: Street Vacation Request

The City of Manistee Planning Commission approved a request from Tim Simonis to allow the sale of Yard decorations at his property at 1005 Cypress Street. One of the conditions of the request was that the set-back requirements of the Zoning Ordinance be met.

Mr. Simonis came into the office to discuss the set-back requirements and several issues have been raised that prompts a request to vacate the undeveloped portion of Tenth Street between Cypress Street and U.S. 31.

- Currently the entrance drive to the car wash has been constructed on the undeveloped portion of Tenth Street (if the Street is not vacated a license agreement will need to be prepared)
- Mr. Simonis owns all of the adjoining parcels (both side of Tenth Street)
- Planning Commission previously approved vacation of this street in the early 1990's for McDonalds Restaurant.

Staff recommends the street vacation be approved with the condition that the City retain an easement for utilities that currently run within the right-of-way.

Council Approval is required for Street Vacation Requests and if recommended by the Planning Commission this item will go before the City Council at their meeting of May 20, 2003.

April 13, 2003

Planning Commission:

Tim & Judi Simonis of JAS Enterprises LLC are requesting the vacation of Tenth ST. between Cypress ST. and US 31.

We presently own the property on the North & South borders of Tenth ST. in this location.

Please see attached for the parcel code numbers and site drawing.

Thank you,

Tim & Judi Simonis

Tim & Judi Simonis

Tim Simonis



Request from: Tim & Judith Simonis
 JAS Enterprises LLC
 1005 Cypress Street
 Manistee, MI 49660

Request to vacate the undeveloped
 portion of
 Tenth Street between
 Cypress Street and U.S. 31.

Parcel Code #
 51-51-672-704-11
 JAS Enterprises LLC

51-51-672-705-03
 JAS Enterprises LLC

51-51-672-708-03
 JAS Enterprises LLC



FLATS
 644-J.M. DAVIS SUB. OF LOTS 1 AND 22 OF
 MAGILLS ADD.

Request to Split a Parcel

Name and Address of Applicant: DENNIS LASHEY
326 8TH STREET
MANISTEE, MICHIGAN

Signature Dennis E Lashey

Phone Numbers: Home 231-723-6010 Work _____

Name and Address of other parties who have an interest: Sally Jurkovic
328 8th St

Signature Sally Jurkovic

Phone Numbers: Home 231-723-3215 Work _____

Parcel Identification Numbers for all parcels involved: 51-51-647-717-05
51-51-647-717-17

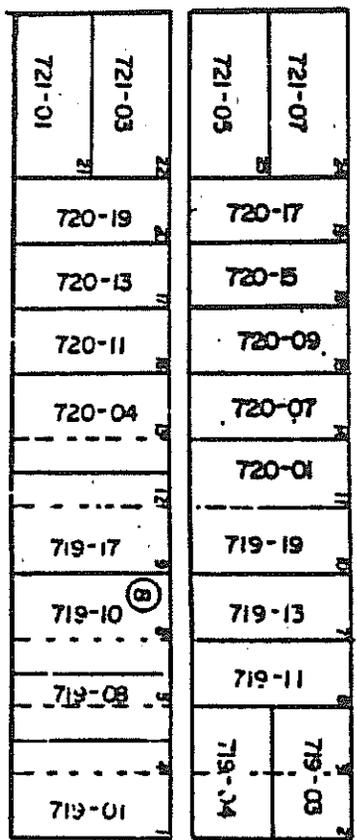
Reason for request: TO PUT IN WIDER DRIVEWAY

Attach a sketch or site plan of all parcels involved in the request. The sketch must include the location of buildings and/or structures, building set-backs, streets, street names and lot dimensions.

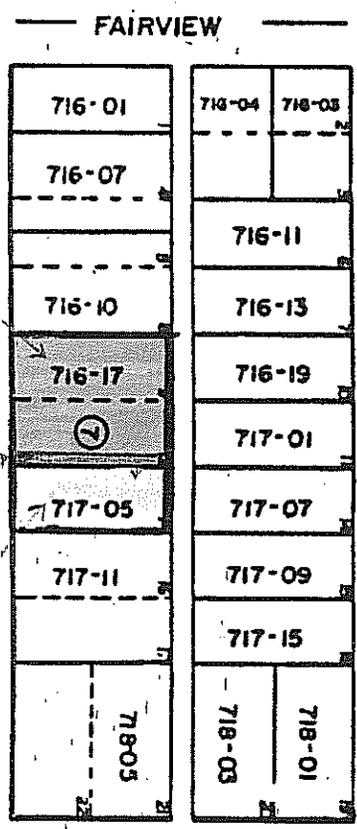
Fee: \$50.00 for first split + \$25.00 for each additional split. Receipt # 26006

Maple Street

SEVENTH



647



CYPRESS

Dennis Laskey would like to purchase the east three feet of Mrs. Jurkoski's property to widen his existing driveway. Mr. Laskey's detached garage was constructed on the property line and encroaches into the side-yard set-back. The three feet that Mr. Laskey would like to purchase from Mrs. Jurkoski would allow him to widen his driveway and eliminate the encroachment.

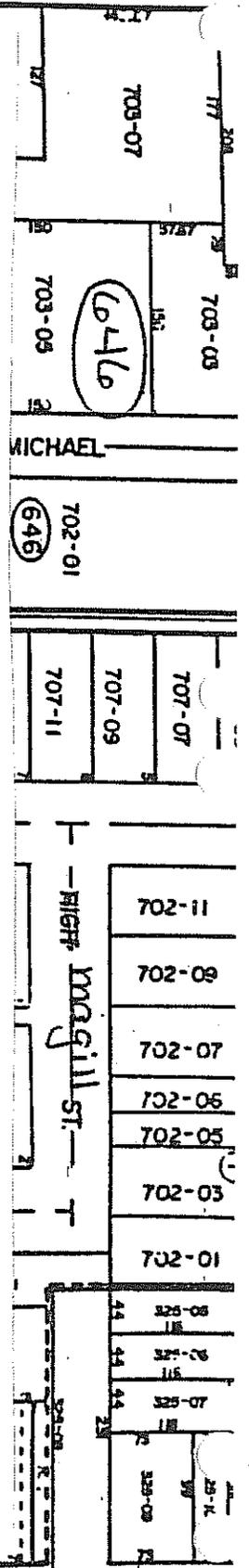
Request for Parcel Split

Dennis Laskey, 326 Eighth Street
Parcel Code #51-51-647-717-05

and

Sally Jurkoski, 328 Eighth Street
Parcel Code #51-51-647-716-17

North



Magill St.

