

# MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, December 1, 2005  
7:00 p.m. - Council Chambers, City Hall, 70 Maple Street,  
Manistee, Michigan

## AGENDA

- I Roll Call
- II Public Hearing
  - 1. Jane Tughan, 355 Second Street - Special Use Permit for Bed and Breakfast
  - 2.
- III Approval of Minutes
  - Planning Commission Meeting (11/17/05)
- IV New Business
  - 1. Jane Tughan, 355 Second Street - Special Use Permit for Bed and Breakfast
  - 2. Election of Officers - 2006
  - 3. Appoint Recording Secretary
  - 4.
- V Unfinished Business
  - 1.
- VI Other Communications
  - 1.
  - 2.
- VII Citizen Questions, Concerns and Consideration  
(Public Comment Procedures on the Reverse Side)
- VIII Work/Study Session
  - 1.
  - 2.
- IX. Adjournment

## Public Comment Procedures

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

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

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



## MEMORANDUM

TO: Planning Commissioners  
FROM: Denise Blakeslee   
DATE: November 22, 2005  
RE: December 1, 2005 Meeting

We have several items on the Agenda for the December Meeting. They are as follows:

1. Jane Tughan, 355 Second Street - Request for a Special Use Permit to allow a two suite Bed & Breakfast at 355 Second Street (up to two guest cars; up to a maximum of 6 guests).

*At this time Planning Commission could take action to:*

*Approve the request from Jane Tughan, 355 Second Street for a Special Use Permit to allow a two suite Bed & Breakfast at 355 Second Street (up to two guest cars; up to a maximum of 6 guests).*

*Deny the request from Jane Tughan, 355 Second Street for a Special Use Permit to allow a two suite Bed & Breakfast at 355 Second Street (up to two guest cars; up to a maximum of 6 guests).*

*Approve the request from Jane Tughan, 355 Second Street for a Special Use Permit to allow a two suite Bed & Breakfast at 355 Second Street (up to two guest cars; up to a maximum of 6 guests) with the following condition(s):*

- 
2. Election of Officers - 2006. Under the Manistee City Planning Commission, By-Laws and Rules of Procedure Section 1.1 Selection: At the regular meeting in December of each year, the Planning Commission shall select from its membership a Chairman, Vice Chairman and Secretary. All officers are eligible for reelection.

*At this time the meeting will be turned over to Jon Rose for Nominations for the Election of Officers for 2006.*

3. Appoint Recording Secretary - 2006. At this time the Planning Commission Secretary for 2006 can appoint a Recording Secretary.

We wish everyone a Happy Thanksgiving. Reminder we have Training on Wednesday, November 30<sup>th</sup>, 7-9pm, at the Manistee County Road Commission Building.

If you are unable to attend please call me. See you Thursday!

:djb

LIBER 0974 PAGE 0690

Jan 13 3 32 PM '06

*Penny A. Papera  
Recorder of Deeds  
Manistee, Michigan 49660*

**SPECIAL USE PERMIT**

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

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

\*\*\*\*\*

Name of Permit Holder:	<b>Jane A. Tughan</b>	Name of Property Owner:	<b>Jane A. Tughan</b>
Mailing Address:	<b>355 Second Street Manistee, MI 49660</b>	Mailing Address:	<b>355 Second Street Manistee, MI 49660</b>

\*\*\*\*\*

Description of Property affected by Special Use Permit: <b>TYSON + CO ADD W 7 2/3 FT OF LOT 1 + E 24 1/3 FT OF LOT 2 BLOCK 5</b>	<b>P. ADDR: 355 2<sup>ND</sup> ST</b>	Tax Parcel Number:	<b>51-51-574-709-03</b>
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Description of Special Use Granted, as Permitted in **Article #46 R-4 Residential District, Section # 4603. Special Uses**

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**PERMIT CONDITIONS AND REQUIREMENTS:**

This permit is issued, subject to the following conditions and/or requirements as contained in **Article 16 Special Use Permit Standards and Regulations, Section 1609 Bed and Breakfast Special Use Standards:**

- CONDITIONS**
1. The permit is to allow a two suite (up to two guest cars with a maximum of 6 guests) non-smoking Bed and Breakfast.
  2. The Parking area shall be hard surfaced.
  3. Fencing will be installed a minimum of three (3) feet in height or a maximum of four (4) feet in height, from the Northwest property line south to the beginning of the house.

**TRANSFER OF PERMIT**

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

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

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

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

**VIOLATIONS OF PERMIT (see Article 86 Section 8617):**

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

CERTIFICATION OF PERMIT

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

DATE OF ISSUANCE: December 15, 2005

CITY OF MANISTEE PLANNING COMMISSION

WITNESS:

[Signature]  
(Witness) Jon R. Rose

Roger Yoder 1-5-06  
Roger Yoder, Chairman Dated

[Signature]  
(Witness) Marilynn W. Wresnowski

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF MANISTEE )

On January 5, 2006, before me, a Notary Public in and for said County, personally appeared Roger Yoder, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be his/her free act and deed.

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

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

\*\*\*\*\*

ACKNOWLEDGMENT & RECEIPT OF PERMIT

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

WITNESS:

[Signature]  
(Witness) Kelly L. Sandberg

Jane A. Tughan 1-4-06  
Jane A. Tughan Dated

[Signature]  
(Witness) Jon R. Rose

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF MANISTEE )

On January 4, 2006, before me, a Notary Public in and for said County, personally appeared Jane A. Tughan, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be his/her free act and deed.

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

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

Prepared by:  
JON R. ROSE  
COMMUNITY DEVELOPMENT DIRECTOR  
CITY OF MANISTEE  
70 Maple Street, P.O. Box 358  
Manistee, MI 49660  
231.398-2805

RECEIVED  
JAN 13 2006  
MANISTEE COUNTY  
REGISTER OF DEEDS

## Staff Review

Jane A. Tughan  
355 Second Street  
Manistee, MI 49660

Project: Bed and Breakfast  
Zoning District: R-4 Residential  
Parcel Code #: 51-51-574-709-03

### ACTION REQUESTED:

A Special Use Permit is hereby requested for the following purpose: To allow a two suite Bed & Breakfast at 355 Second Street (up to two guest cars; up to a maximum of 6 guests).

### 1609. BED AND BREAKFAST SPECIAL USE STANDARDS:

- A. Shall be located in a converted single *family dwelling* which does not alter the exterior of the *building*.
- B. The *dwelling* shall be owned by the resident who lives in the *dwelling* on a full time basis.
- C. The activities of the bed and breakfast shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the bed and breakfast.
- D. There shall be a minimum of one *parking space* per sleeping unit, plus two parking spaces for the property owner, all of which will be hard surfaced and marked, according to code.
- E. The permit holder shall secure and maintain all required permits, which include, but not limited to, those issued by the health department.
- F. No conference/meeting rooms/facilities will be permitted.
- G. No meals shall be prepared for and/or served to paying guests of the facility, except for a traditional continental breakfast.
- H. The bed and breakfast shall employ no more than two persons at the residence except those who live there.

### 8609. SPECIAL USE PERMIT STANDARDS

- A. Special *Use* Permits can be granted with conditions, limitations, or additional requirements imposed by the commission. Any conditions, limitations or requirements upon which approval is based shall be:
  - 1. reasonable and designed to protect natural resources, the health, safety and welfare of the public;
  - 2. relevant to the social and economic well-being of the owners and occupants of the lot in question, of the area adjacent thereto and of the community as a whole;
  - 3. a valid exercise of police power;
  - 4. related to the purposes which are affected by the proposed activity;
  - 5. consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective Land *Use* District;
  - 6. designed to insure compatibility with adjacent uses of land and the natural environment, or
  - 7. designed to insure that public services and facilities affected by a proposed land *use* or activity will be capable of accommodating increased service and facility loads caused by the land *use* or activity.

**STAFF REVIEW:**

The Planning Commission needs to determine if Ms. Tughan meets the requirements of 1609. Bed and Breakfast Special Use Standards and 8609. Special Use Permit Standards.

Ms. Tughan was denied a request in August for a Special Use Permit for a Bed and Breakfast (Four Rooms). Citing item #C of the Bed and Breakfast Standards "*The activities of the bed and breakfast shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the bed and breakfast*" and lack of compliance with dimensional standard requirements as a reason for denial. They felt that the parcel was too small for a Bed and Breakfast (32 feet of Street Frontage -vs- 60 feet required by Zoning) and parking was an issue. Of the six spaces required Ms Tughan was only able to provide three on site parking spaces with three parking spaces located 370 feet away at the Methodist Church.

Ms. Tughan's new request is asking for a Special Use Permit to allow a two suite Bed & Breakfast at 355 Second Street (up to two guest cars; up to a maximum of 6 guests).

Item #D of the Bed and Breakfast Standards "*There shall be a minimum of one parking space per sleeping unit, plus two parking spaces for the property owner, all of which will be hard surfaced and marked, according to code*" would require 4 parking spaces for this request. Ms. Tughan's site plan shows that her property can accommodate up to three vehicles; 2 guest cars and her vehicle. In her letter she speaks of an arrangement with the Methodist Church for a parking space if necessary. Currently Ms. Tughan does not have her parking area hard surfaced and marked. This would be required prior to opening the Bed and Breakfast if the request were approved.



SPECIAL USE PERMIT APPLICATION

Jane A. Tughan
Applicant
355 Second Street
Address
Manistee, MI 49660
City, State, Zip Code
Phone Numbers (cell) (313) 204-0608
(Home) (231) 723-1171

FOR OFFICE USE ONLY:
Case number PC-2005-15
Date Received 11-16-05
Fee Received 11/16/05 \$2500
Receipt Number 9890
Hearing Date 12-1-05
Action Taken
Expiration Date of Permit

FEE FOR SPECIAL USE PERMIT \$250.00

I. ACTION REQUESTED:

A Special Use Permit is hereby requested for the following purpose: A Two-Suite Bed and Breakfast at 355 Second Street. (Up to two guest cars; up to a maximum of 6 guests)

II. PROPERTY INFORMATION:

- A. Address of Property: 355 Second Street
Tax Roll Parcel Code Number: 51-51-514-709-03
B. List all deed restrictions - cite Liber & Page where found and attach:
C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. N/A
D. Zoning District:
E. Present use of the property: Private Residence
F. Attach a Site Plan which meets the requirements of the Special Use Permit Ordinance (see attached).
G. Is a Property survey attached? [ ] Yes [X] No. (However - one is available)
H. Estimated completion date of construction (if applicable): N/A

**III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:**

A. State specifically the reason for this Special Use Permit request at this time \_\_\_\_\_  
SEE ATTACHED LETTER.

B. Statement of support for the request. Please justify your request for a Special Use Permit below. The justification should address the following concerns: (Attach additional sheets if necessary)

1. The relationship of the Special Use Permit conditions (Article 86, Section 8610 and if applicable, Article 16) to the particular Special Use proposed. Do they pose any unusual problems for compliance?
2. Relationship of the proposed use to the development plans of Manistee County and the City of Manistee.
3. Impacts of the adjacent property and neighborhood. Indicate what impacts of the proposed use on the adjacent property are anticipated and what steps will be taken to mitigate any negative impacts. Consider the following:
  - a. Will the proposed use adversely affect the health, safety or enjoyment of property of persons residing or working in the neighborhood?
  - b. Will proposed use be detrimental to the public welfare or injurious to property in the neighborhood?

**IV. INFORMATION REQUIRED IN APPLICATION:**

A. An Application for Special Use shall include:

1. A detailed Site Plan, as spelled out in Section 9406 of this ordinance, a copy of which is attached.
2. A specific statement and supporting information regarding the required findings for the Special Use Permit, as stated in Section 8609 (as follows).
  - a. *Is the use reasonable and designed to protect the health, safety and welfare of the community,*
  - b. *Is the use consistent with the intent and purpose of the Land Use District,*
  - c. *Is the use compatible with adjacent land uses,*
  - d. *Is the use designed to insure that public services and facilities are capable of accommodating increased loads caused by the land use or activity, and*
  - e. *Does the use comply with all applicable regulations of this Ordinance.*
  - f. *Does the use comply with all specific standards found in the respective Land Use District, Section 1601 et. seq., and Section 101 et. seq. of this Ordinance.*

3. Proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc.

B. In Addition, the applicant may be required to furnish:

1. Elevations on all buildings, including accessory buildings.
2. An Environmental assessment.
3. Evidence of having received or having an agreement for concurrent approval for any other necessary permits required prior to a construction code permit.
4. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.

**V. CERTIFICATION AND AFFIDAVIT:**

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

The undersigned, by signing the Application, agrees to pay any and all fees incurred by the City or the Planning Commission, associated with the Application or the processing of the Application, in addition to the minimum \$250.00 base fee, including but not limited to: fees and costs of special consultants, engineers, planners, attorneys, air & water quality technicians and consultants, economists and/or financial analysis. The Application shall not be deemed complete nor will it be processed without such costs being fully paid for or provided for in advance.

Signature (s) of Applicant (s):

Jane A. Tughan

Dated

11-14-05

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

November 14, 2005

To: City of Manistee  
Planning Commission

From: Jane Tughan  
355 Second Street  
Manistee, MI 49660

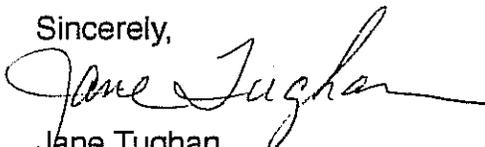
Re: Special Use Permit, Two-Suite Bed and Breakfast

I, Jane Tughan, have decided to reapply for a special use permit for a TWO-Suite Bed and Breakfast at 355 Second Street, Manistee, MI. With this new application, I will address the (previous) neighborhood concerns regarding off-street parking and the planning commission's concern with the lot dimension with regard to the previous request for a four room Bed and Breakfast. By requesting only TWO suites, the number of guest cars will be limited to 2, both of which will park directly on my property.

As far as the actual sleeping quarters, each suite is located on an individual floor of my home (one on the second floor and the other on the third floor). Each suite has a full bath. The number of guests would not exceed 6 as one suite allows up to 4 members of the same family (which would not increase the number of cars). My property can accommodate up to 3 vehicles; 2 guest cars and my own car. Should I acquire a second car, it will be parked at the church parking lot anytime the Bed and Breakfast is in operation.

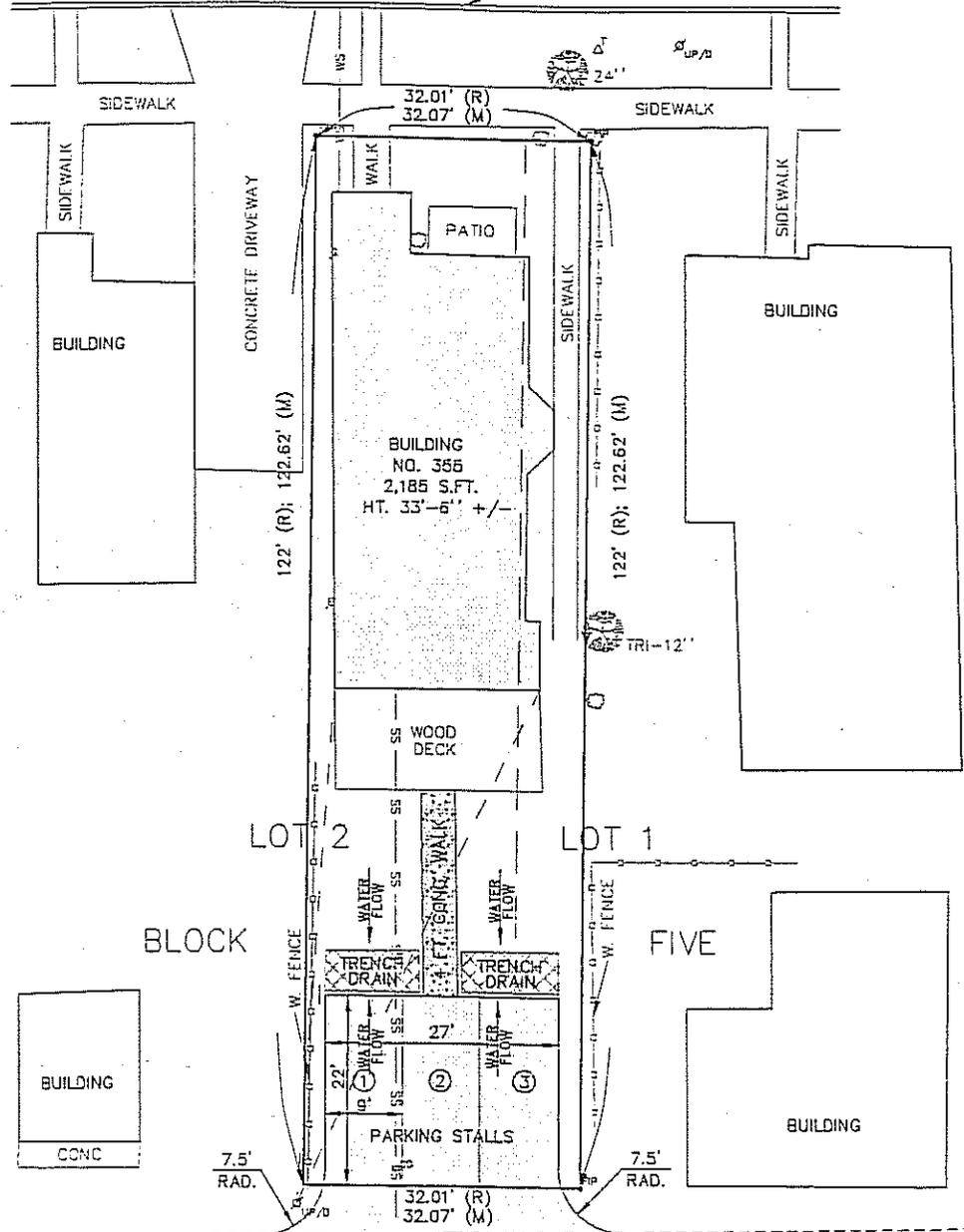
I ask that you please consider this new proposal and application which will ultimately decrease the number of cars and guests, and yet allow me to fulfill my desire to have a small Bed and Breakfast. Thank you.

Sincerely,

  
Jane Tughan

SECOND STREET (66 FT. PUBLIC)  
(BITUMINOUS SURFACE)

CURB & GUTTER

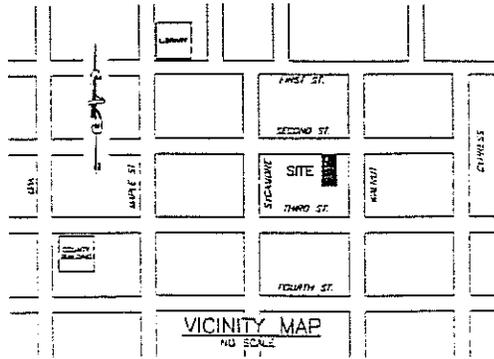


ALLEY (20 FT. PUBLIC)

GRAVEL SURFACE



# LEGEND



- ⊙ = TREE
- ⊕ = ELECTRICAL LOCATION
- = GUY WIRE
- ⊖ = POWER POLE
- ⊙ = TELEPHONE LOCATION
- ⊕ = GAS LOCATION
- ⊖ = WATER LOCATION
- ⊙ = SANITARY MANHOLE
- ⊕ = STORM MANHOLE
- ⊖ = TELEPHONE PEDESTAL
- ⊙ = STREET SIGN
- ⊕ = CABLE T.V.
- ⊖ = FIRE HYDRANT
- ⊙ = CATCH BASIN
- ⊕ = WATER VALVE
- ⊖ = SURVEY MARKER FOUND
- ⊙ = SURVEY MARKER SET
- (R) = AS RECORDED
- (M) = AS MEASURED
- WS— = EXISTING WATER SERVICE
- SS— = EXISTING SANITARY SERVICE
- ⊙ = TELEPHONE POLE
- ⊕ = WATER CURB STOP
- ⊖ = UTILITY POLE
- ⊙ = TRAFFIC SIGN
- ⊕ = BORING LOCATION
- ⊖ = GAS VALVE
- ⊙ = WATER METER
- ⊕ = GUARD POST
- ⊖ = LIFT STATION
- ⊙ = LIGHT POLE
- ⊕ = SHRUB
- ⊖ = ELECTRIC MANHOLE
- ⊙ = HANDICAP
- ⊕ = CURB CATCH BASIN



**LEGAL DESCRIPTION**

LAND SITUATED IN THE CITY OF MANISTEE, COUNTY OF MANISTEE, STATE OF MICHIGAN, IS DESCRIBED AS: THE WEST 7-2/3 FEET OF LOT ONE (1), AND THE EAST 24-1/3 FEET OF LOT TWO (2), BLOCK FIVE (5), TYSDN AND COMPANY ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF.

PARCEL NUMBER: 51-51-574-709-03

1	MISCELLANEOUS	JCM   7/18/05
NO.	REVISION DESCRIPTION:	BY:   DATE:
<b>JANE TUGHAN</b> <b>355 SECOND STREET</b> <b>MANISTEE, MICHIGAN 49660</b>		
<b>ABONMARCHE CONSULTANTS, INC.</b> <small>381 First Street          Manistee, Michigan          T 231.722.1193          F 231.722.1194          E AC@ABONMARCHE.COM</small>		
ENGINEERS / ARCHITECTS / PLANNERS / SURVEYORS		
DRAWING TITLE: <b>PROPOSED SITE PLAN</b> <b>PART OF LOTS 1 &amp; 2, BLOCK 5, TYSDN</b> <b>AND CO. ADD. TO MANISTEE, MICHIGAN</b>		
SCALES: VERTICAL: N/A HORIZONTAL: 1"=10' DATE: JULY 15, 2005 DESIGNED: DRAWN: JCM APPROVED:	<b>SHEET</b>  <span style="font-size: 2em; font-weight: bold;">1</span>  OF 1 SHEETS	
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