

**MANISTEE CITY PLANNING COMMISSION**

550 Maple Street  
Manistee, MI 49660

**MEETING MINUTES**

July 7, 2005

A meeting of the Manistee City Planning Commission was held on Thursday, July 7, 2005 at 7:00 p.m. in the Manistee Middle School Library, 550 Maple Street, Manistee, Michigan.

**MEMBERS PRESENT:** Maureen Barry, Sara Bizon, Tamara Buswinka, Greg Ferguson, Ray Fortier, Christa Johnson Ross, Tony Slawinski and Mark Wittlief

**MEMBERS ABSENT:** Roger Yoder

**OTHERS:** Jane A. Tughan (355 Second Street), Cyndy Fuller, City Council), Dave Carlson (DDA), Bill Shales (369 Second Street), Brian Whitman (357 Second Street), Jeannie Lewis (Robinson Street), Paul Muller (43138 Portage Point Drive), Carol Krantz (435 Fifth Street), Bob Knudstrup (346 Third Street), Ed Kenny (360 Second Street), Jon Rose (Community Development), Denise Blakeslee (Administrative Assistant) and Others

Meeting was opened at 7:00 p.m. by Vice Chair Fortier

**PUBLIC HEARING:**

None

**APPROVAL OF MINUTES:**

Planning Commission Meeting of June 2, 2005

MOTION by Tony Slawinski, seconded by Sara Bizon that the minutes of the June 2, 2005 Planning Commission Meeting be approved.

With a roll call vote this motion passed 6 - 0.

Yes: Barry, Bizon, Buswinka, Ferguson, Fortier, Slawinski  
No: none

## NEW BUSINESS:

### Reschedule Public Presentation /Review of Draft Zoning Ordinance.

The Planning Commission needed to Reschedule the Public Presentation/Review of Draft Zoning Ordinance due to a conflict. After polling the members in attendance consensus was to schedule the Public Presentation for the review of the Draft Zoning Ordinance on either August 22<sup>nd</sup> or August 24<sup>th</sup>.

Commissioner Wittlief entered the meeting.

## UNFINISHED BUSINESS:

Jane A. Tughan - Special Use Permit (Bed and Breakfast). Deliberation on a request from Jane A. Tughan for a Bed and Breakfast (Four Rooms) at 355 Second Street was postponed until the July Meeting. Ms. Tughan was to prepare site plan including the surrounding properties and respond to the concerns expressed by the neighbors at the June Meeting.

Ms. Tughan showed the Planning Commissioners an example of the signage that she proposed for the Bed and Breakfast.

Commissioner Johnson-Ross entered the meeting.

Ms. Tughan was to have supplied a site plan including the surrounding properties. Ms. Tughan did not understand the requirements for the site plan and did not provide one. Members were polled and they asked that Ms. Tughan provide a medium site Plan to complete the application.

Greg Ferguson asked if pavement would be required for the parking area. Mr. Rose said that pavement is required.

**Bill Shales, 369 Second Street** - This is a residential neighborhood that has seen an increase in traffic since the bank was built on U.S. 31. When the Church and Ramsdell Theater have events the Church lot is full and there is no place to park except on the street. The Century 21 Office has significantly increased the traffic and affected the parking available on the street. They have more families with two cars in the neighborhood and in the winter there is no place to park because of alternate parking. The alley is impossible to get to in the winter, the City does not plow the alley. Where are the cars going to park? This is a residential neighborhood not a business neighborhood. If the City wants it to be a business neighborhood then change the zoning. He asked the Commissioners to listen to the neighbors and their concerns. If this is allowed is the City going to plow the alley and not enforce alternate parking?

**Brian Whitman, 357 Second Street** - Mr. Whitman read a prepared statement (attached).

**Jeannie Lewis, Robinson Street** - Ms. Lewis said if the neighbors don't want a business, what about a large family? Ms. Lewis said that Jane takes care of her property and she does not feel it would be a detriment to the neighborhood.

**Paul Muller, 43138 Portage Point Drive, Onekama** - Mr. Muller operates a Bed and Breakfast in Onekama. Mr. Muller said that he has had zero issues with guests and the neighbors. The guests are mature couples who enjoy strolling the neighborhood and enjoy the community. He does not see this request as having any issues. Yes, Bed and Breakfasts are classified as a business, they are always kept immaculate because you want to attract guests. He feels that his Bed and Breakfast has increased the property values and is an asset to his neighborhood. He does not see the concern over this request.

**Carol Krantz, 435 Fifth Street** - Ms. Krantz operated a Bed and Breakfast for 13 years at her home until last year. She was required to provide two parking spaces that were never used. There is little Bed and Breakfast usage in the winter months mainly used weekends during the summer. She met lots of nice people and never had any problems.

**Bill Shales, 369 Second Street** - Mr. Shales said that the Bed and Breakfast in Onekama is located in a rural area. Mr. Shales has nothing against Bed and Breakfasts and has stayed at them in the past. His complaint is about the parking situation that will be created in the neighborhood if this request is approved. Ms. Krantz's neighborhood has less houses and two nearby parking lots.

**Jane Tughan, 355 Second Street** - Ms. Tughan said her yard can comfortably accommodate three parking spaces. She said that only one neighbor had a driveway in the area. The City is requiring six space, she only has one car and has three spaces at the church lot. She is sensitive to the neighborhood and the guests in her home would be like having family visit. She found a beautiful home and feels she has plenty of parking spaces. Most Bed and Breakfast patrons are up in the morning and come back later in the day. This is no different than having family visit. She has tried to work with the City and not interfere with anyone else. Some of the neighbors concerns are not concerns. This is a place to sleep when they visit the town and is not going to produce any problems for the neighbors.

**Bob Knudstrup, 346 Third Street** - Mr. Knudstrup said the traffic on Third Street is worse than the traffic on Second Street, Second Street is wider. He supports Ms. Tughan's request.

The following Correspondence received were read into the record:

Maralee Cook, 4090 Rich Drive, Waterford MI & 373 Second Street, Manistee (attached)  
Eric Nyman, Economic Development Director (attached)  
Robert and Barbara Knudstrup, 346 Third Street (attached)

Response from Jane Tughan to concerns presented at the June 2, 2005 meeting (attached)

**Brian Whitman, 357 Second Street** - Mr. Whitman said that parking is not an issue it is a definite problem. He spoke of problems in the past with people visiting the previous owners of Ms. Tughan's home using his driveway due to the close proximity of the lot. If the business goes under the parking lot in the rear will remain and will be a permanent fixture in the neighborhood. He has not seen Ms.

Tughan spend one night at the home since she purchased it. He asked if people who spoke from outside the neighborhood have more influence with the Planning Commission than the adjoining neighbors? He would rather see a large family live in the home than different people coming and going each week.

**Bill Shales, 360 Second Street** - Mr. Shales said that four homes have driveways in the area not one as Ms. Tughan stated earlier. When there is a function at the Church or Ramsdell the Church lot is full and people park all over Second Street sometimes blocking the driveways. He is against the proposed Bed and Breakfast because of the parking situation.

**Jane Tughan, 355 Second Street** - Ms. Tughan said that she is still moving into the home and that is why she has not stayed the night yet. She wants to become part of the neighborhood and has wanted to operate a Bed and Breakfast for years and feels this is a perfect location. She will not be relying upon the income from the Bed and Breakfast because she is a Dental Hygienist and will be working.

**Ed Kenny, 360 Second Street** - Mr. Kenny spoke of the difference between what is proposed and what happens. He said that Abonmarche has monopolized the alley behind his home since they opened their business.

Tamara Buswinka spoke of the incomplete application because Ms. Tughan had not supplied a Site Plan. Members were polled and a Medium Site Plan is required to complete the application.

MOTION by Tamra Buswinka, Seconded by Greg Ferguson that the Planning Commission table discussion on the request from Jane Tughan for a Special Use Permit, so that a Medium Site Plan is provided, until the next regularly scheduled meeting (August 4, 2005).

With a roll call vote this motion passed 7 - 1.

Yes: Johnson-Ross, Bizon, Ferguson, Barry, Fortier, Buswinka, Wittlief  
No: Slawinski

#### **CITIZEN QUESTIONS AND CONCERNS:**

Jon Rose asked if Citizen Questions and Concerns could be moved up on the agenda to allow any additional comments from the audience. Vice Chair Fortier asked if there were any Citizen Questions and Concerns.

**Brian Whitman, 357 Second Street** - Mr. Whitman asked questions regarding Code Issues, Guarantees on promises under a Special Use Permit, and what would happen to a parking lot in the event a Bed and Breakfast were to close.

**Bill Shales, 360 Second Street** - Apologized for interrupting Commissioner Buswinka during her motion.

**OTHER COMMUNICATIONS:**

Peninsula Plan Presentation

Jon Rose gave a presentation to the Planning Commission about the exciting development plans for the Peninsula on the East end of River Street. The City also received a Cool City Designation from the State as one of three Blue Prints for Neighborhoods for this project.

**WORKSESSION:**

Commissioners were asked to help clarify some issues within the proposed Sign Ordinance. A new draft was given to them and they were asked to look at existing signage on U.S. 31 for non-conformities. Members were polled regarding electronic message boards.

**ADJOURNMENT:**

MOTION by Tony Slawinski, seconded by Greg Ferguson that the meeting be adjourned. Motion passed unanimously. Meeting adjourned at 9:04 p.m.

MANISTEE PLANNING COMMISSION



Denise J. Blakeslee, Recording Secretary

Commissioners,

Thank you for this opportunity to speak

I am here again to oppose this special use permit on behalf of my community who have asked me to speak.

We are all families, not businesses that have chosen to live here

We have all worked hard and spent a lot of time and effort on improving our homes and creating a neighborhood that we are proud of.

Manistee already has an established business district, we do not need to branch it out into our neighborhoods.

There are many points that we <sup>our neighbors</sup> have discussed in length that support our opposition.

1. The first argument is with the parking

We do not want a parking lot in the back yard. It is unsightly and will create noisy traffic in an area where many children play near and ride bikes. There is also <sup>an</sup> lighting issue. This parking lot will light up our adjacent backyards and decks, which will bring and end to our evening privacy, and we will have to tolerate this on a nightly basis.

Our back yard/recreation area will be right next to this asphalt parking lot destroying our view and privacy. We have assessed the possibility of a privacy fence but due to the fact that not only do we not want this but it would take a 10' tall fence 55' long. This wall is unpractical and unwanted.

She has acquired 3 parking spaces down the street at the United Methodist Church, but the entire back yard will still have to be paved for an additional three spaces. Jane has stated to us that her clientele will be older couples. Looking at the pictures that we have shown you many of us agree that it is more likely that these people will choose to load and unload luggage in our driveway rather than carrying it a block away. Or they might choose to park in the street, Our street is already cramped with our own vehicles and we should not have to park a great distance from our own homes to accommodate her clientele. There is no way that she can guarantee that her guests will not use our driveway or park in the street in front of our homes. My wife is a Paramedic who is on call 24 hours a day, if she needs to respond to an emergency, she cannot tolerate the driveway being blocked by guests, even if only for a few minutes. This has been a problem in the past with guests of the previous owners of Jane's house. The new guests every week will not understand this.

Speaking on the issue of snow removal, the pictures also show that this parking lot is confined by fences on either side, her deck in

front and the alley in back. A snow blower has no place to move the snow compiled by the fact that the alley is not plowed.

2. Property Value

We have worked hard over the last 7 years and spent a lot of time and money remodeling our house and turning it into something we are proud of. It will be a hard sell with a business and a backyard parking lot next door. It will compromise our resale value if we choose to move in the future.

3. Our Community

The last point is we have a very close knit neighborhood. We are a very unique family that looks out for each other. We spend time at each others houses on a daily basis, some of us have morning coffee, while others have morning walks, we work on our homes together and most of the time play together, we celebrate holidays together, or sometimes just a Sunday dinner. The point is we want this neighborhood to stay the way it is, personal and safe. We are more than happy to welcome a new neighbor, but not happy to compromise our neighborhood doing it.

We have had at least ten household that have expressed their opposition by either attending the meetings, signing of a petition and writing letters. It is obvious that there are many of us that oppose this, and we have yet to hear from someone that supports it. WE ask that you deny the special use permit.

In closing, we would like you to ask yourself these questions. Would I buy a house knowing that there is a business next door? Would I want a backyard where I go to relax or have a family gathering be next to a parking lot? Would I want strangers living next door to me on a weekly basis? We say NO, and we hope you do to.

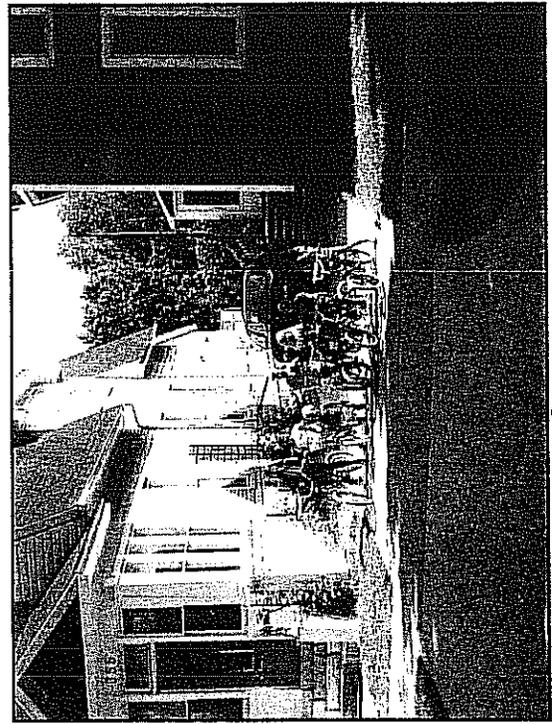
Thank you for your attention

BRIAN WHITMAN  
357 2ND ST.

Our house  
(Brian + Cheryl  
Whitman)

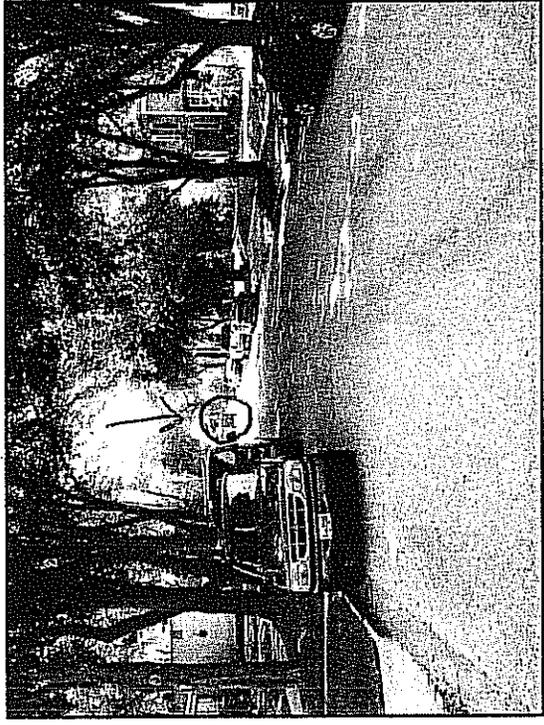


Jane's house

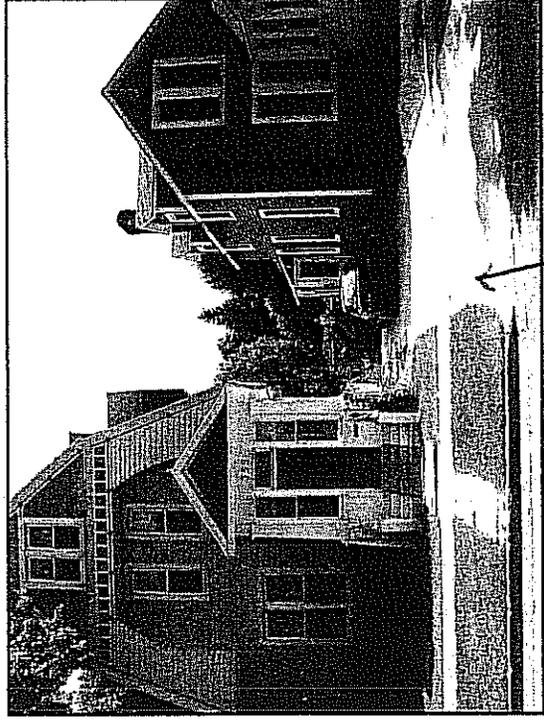


Just some of the children in  
the neighborhood

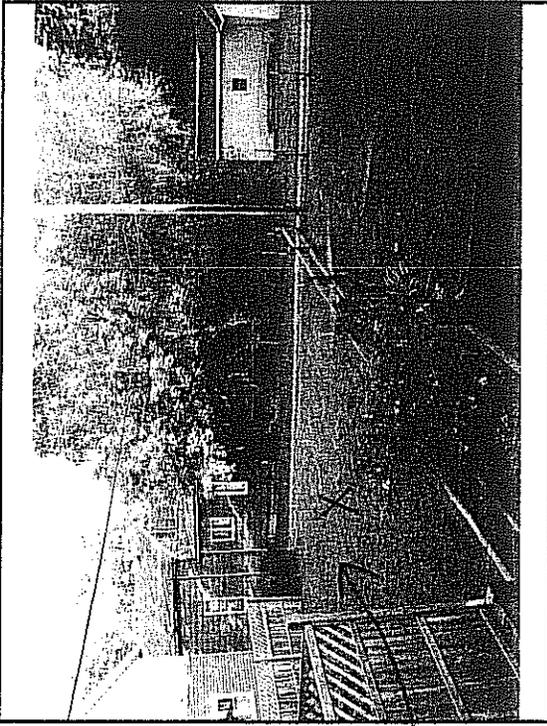
This vehicle near drive of church parking lot



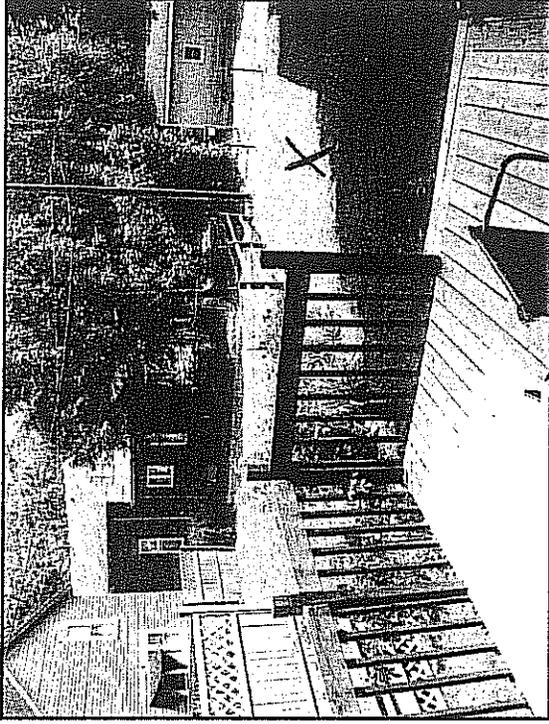
Picture taken in front of Jane's house



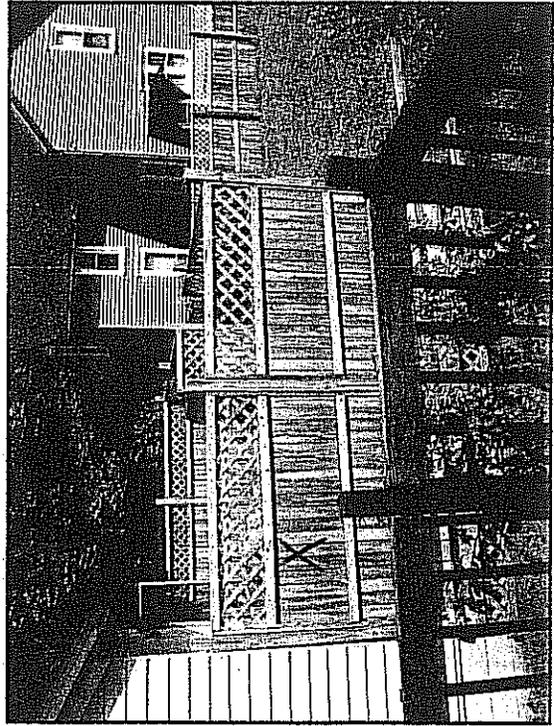
Our driveway, tempting place to load  
& unload luggage.



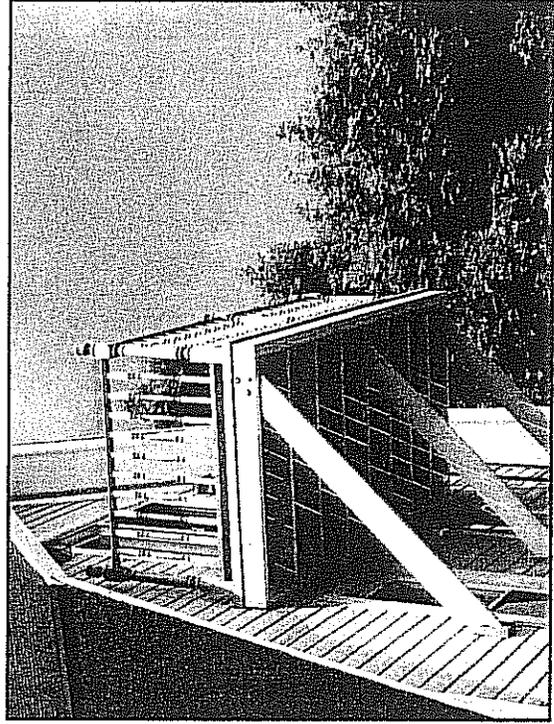
View from our deck of future parking lot.



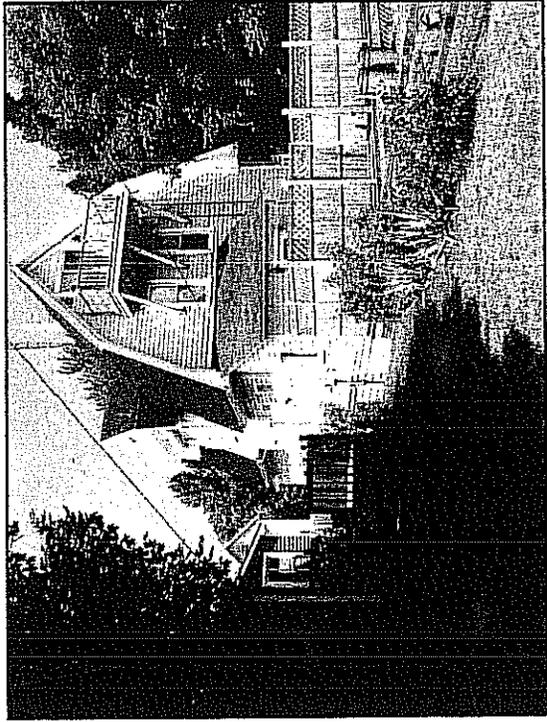
X = our yard



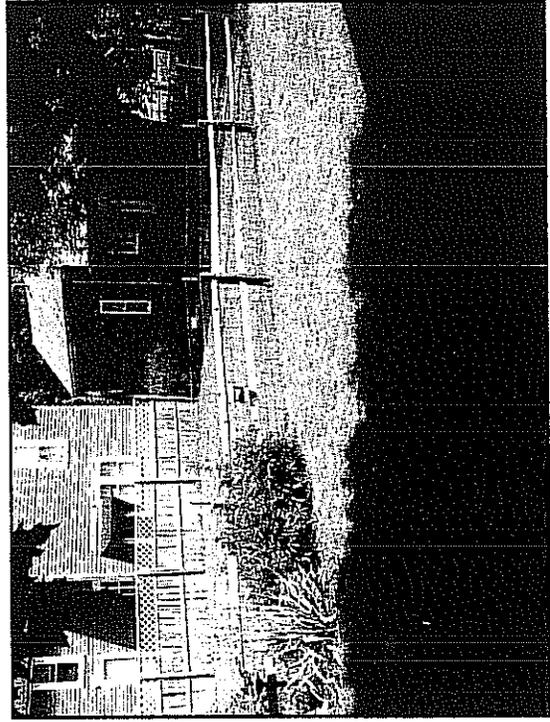
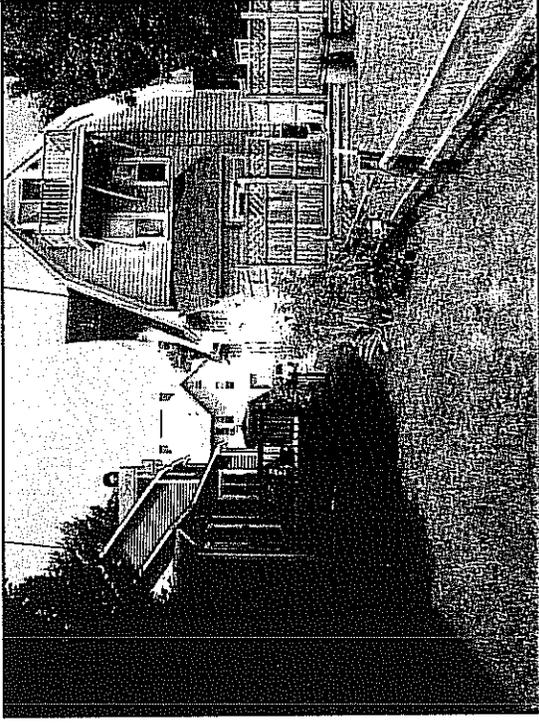
Deck where she plans to serve breakfast.



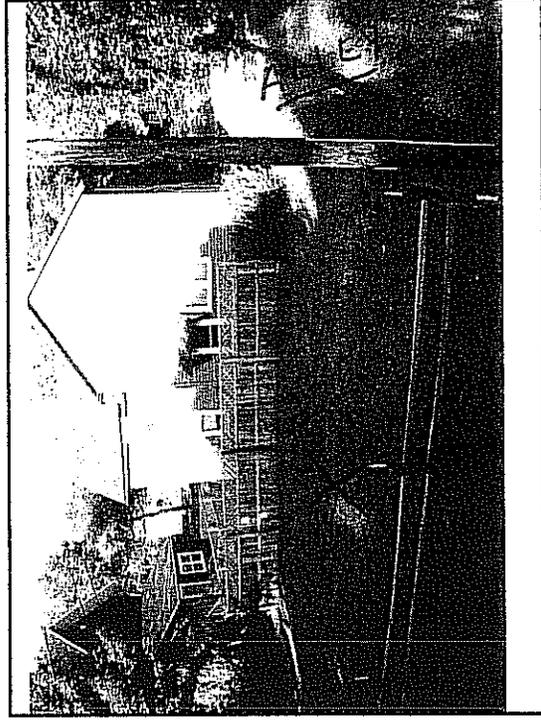
Her balcony overlooking our deck  
NO Privacy



These show our homes close proximity.



Our view of parking lot from our new patio.



X = parking lot  
Clearly small and no place for snow removal

**MARALEE COOK**

4090 RICH DRIVE, WATERFORD, MI 48329-1130  
373 SECOND STREET, MANISTEE, MI 49660

July 5, 2005

City of Manistee  
70 Maple St.  
Manistee, MI 49660

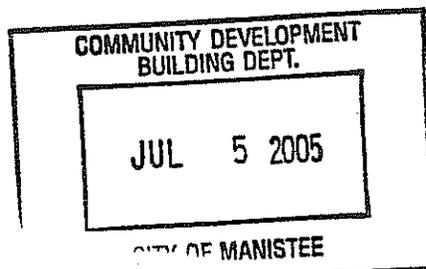
By Fax to Denise or Jon Rose  
231-723-1546

To Whom It May Concern.

I am in favor of Jane A. Tughan using her property at 355 Second Street as a Bed and Breakfast.

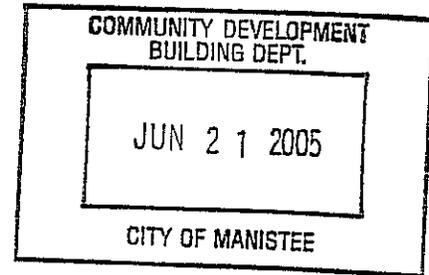
Sincerely,

Marafee Cook



ECONOMIC DEVELOPMENT  
DIVISION

June 20, 2005



Manistee City Planning Commission  
City of Manistee  
P. O. Box 358  
Manistee, MI 49660

Dear Commissioners:

On June 17, I had a meeting with Jane Tugham, who is considering starting a bed and breakfast out of her home at 355 Second St. in Manistee.

It is my belief that, provided that this project complies with all local, state, and federal regulations, this proposal will be beneficial to the economy of both the City of Manistee and of Manistee County. Ms. Tugham will be a full time resident at the property (as is required in section 1609 B. of the Bed and Breakfast Special Use Standards of the Manistee City Zoning Ordinance), and is thus likely to spend a high percentage of her income in the local area. The guests who come to stay at the bed and breakfast will also likely spend money at other local businesses, thus there will be a ripple effect of benefit to businesses such as restaurants and others that currently attract, or have the potential to attract, tourists.

Of course, it is also in the best interests of both the City of Manistee and of Manistee County to ensure that this project fits into the neighborhood in which it is proposed. The unique quality of life that we enjoy in Manistee is one of our strongest economic selling points, and we must ensure that each development proposal preserves this, and if possible, enhances it.

It is my understanding that the proposed project meets all current zoning regulations both for residential properties as well as the Bed and Breakfast Special Use Standards outlined in section 1609 of the Manistee City Zoning Ordinance. In particular I would like to point out section 1609 C., which requires that "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 also section 1609 E. requires that "the permit holder shall secure and maintain all required permits, which include, but not limited to, those issued by the health department". Section 1609 D. also ensures that "there shall be a minimum of one parking space per sleeping unit", thus guests will not be required to utilize on-street parking spaces which are often in limited supply within the City. So long as these sections are enforced by the City of Manistee, I do not foresee any problems with Ms. Tugham's business fitting in well with the character of the neighborhood or of the City.



11 Cypress Street  
Manistee, MI 49660  
T: (231) 723-4325  
F: (231) 723-1515  
[www.ManisteeCounty.com](http://www.ManisteeCounty.com)

I would also like to point out that it is very much in Ms. Tugham's own best interest as a business owner to ensure that her business fits in well with the neighborhood, and to see that her guests are provided with an enjoyable experience at her location. The high quality of the neighborhood in particular and of the City in general is a major selling point for any business, especially one of this nature.

Thus, provided that the project meets all current zoning regulations, and these regulations are enforced, Ms. Tugham's proposed business will be highly beneficial to the economy of both the City of Manistee and of Manistee County.

Respectfully,

A handwritten signature in cursive script, appearing to read "Eric Nyman".

Eric Nyman  
Economic Development Director  
Manistee Economic Council and Chamber Alliance

EN:sw

July 3, 2005

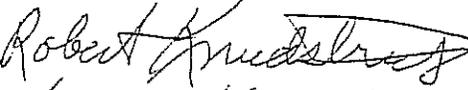
Jon Rose  
Community Development, Zoning & Planning

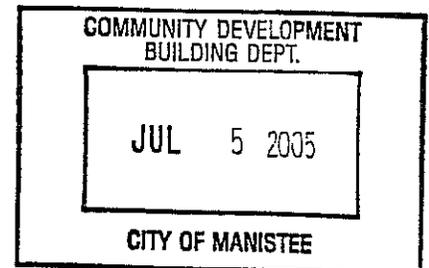
Re: Jane Tughan, Second St. Bed and Breakfast

I have been a resident of 346 Third Street for 47 years and my wife for the last 18 years. Third Street is a narrower street than second and carries a lot more traffic. Vehicles are going to and from A & W Restaurant, the Movie Gallery, County Health Department, Community Mental Health, Maple Street Clinic as well as the Manistee County Court House. This is not a serious problem.

I believe a Bed and Breakfast on second street would be a good addition to the community. Jane Tughan, the owner, would keep her property looking very good in order to attract business. People who stay at a Bed and Breakfast range from young professionals to retirees. They are looking for a place to stay that is more attractive and homey than a hotel or motel room. They would be interested in seeing the local sights such as the historical buildings, go to the beaches, shop in our downtown, eat in our restaurants and perhaps take in a play at the Ramsdell. The city is promoting tourism in order to gain "outside capital". We hope you will approve this venture.

Sincerely,

  
  
Robert and Barbara Knudstrup



June 20, 2005

Manistee City Planning Commission  
550 Maple Street  
Manistee, Michigan 49660  
Subject: Jane A. Tughan - Special Use Permit (Bed and  
Breakfast)

Dear Members:

The following is a response to the concerns presented by a few neighbors submitted at the June 2, 2005 meeting. I will address each paragraph submitted.

"This letter is to express our concern regarding a proposed business on our street. Let it be known that we are against this prospect. We chose our neighborhood because it was close to the shopping and commercial district, not because it was IN it. The proposed Bed and Breakfast encroaches on our most basic concerns for our family and privacy. We feel there are many reasons that this is inappropriate for our neighborhood."

The Manistee City Zoning Ordinance indicates that a Bed and Breakfast has to be a "family dwelling" and therefore is NOT an extension of the commercial district.

"1. The house is situated on a very narrow lot giving the "guests" no place to meander except our front stoops."

A majority of the homes on our block are on narrow lots. In fact, on our block there is only one actual driveway that accesses that particular property. Most off street parking is accessed by the alley behind our homes. My home is no different than any other home on the street. In addition, I have an enclosed front porch and an enclosed back deck, not to mention two common areas within my home for guests to relax and plan their day. I honestly do not believe that guests will be interested in meandering on neighbor's front stoops but rather they will seek out points of

interest in town.

"2. The proposed and necessary parking will overlook our newly landscaped back yards. The traffic caused by this business will change the privacy of our property forever."

As you can see by the photo submitted, my property can handle three parked cars at the back of my home (with room to spare). The other off street parked cars required by the special permit have a place at the corner in the church parking lot (please refer to the letter of permission from the church). In addition, if I had moved into this five bedroom home with a family to fill it, the parking and activity would be much more than what will occur with having a Bed and Breakfast.

"3. Our neighborhood is teeming with young children. All of who are already threatened by the speeding cars on Second Street. We will be asking for more traffic and more encounters with strangers if we welcome this business."

The issue of speeding cars has nothing to do with visitors to Manistee. It is unbelievable to think that a visitor to Manistee is speeding up and down streets that they are unfamiliar with. This issue is a problem with local residents and should be addressed elsewhere. In addition, my response to the concern about "strangers around our children" is that if a predator of children was out to do harm, they would not be staying at a Bed and Breakfast because the environment is much too personal.

"4. We feel potentially the "guests" will complain due to the noise of the children and dogs. It is much different to live and work with a neighbor than it is the general public. The idea of a Bed and Breakfast should be relaxing and peaceful...our neighborhood is lively and the kids and dogs are plentiful. We do not want confrontations with our "neighbor" because she has "guests to please". We want to continue to allow our kids and dogs to be free and play."

In the city of Manistee, there are many laws regarding the care and safety of our children. There are also ordinances in place

regarding the responsibility of owners and their dogs (and other animals). This ordinance addresses issues including, licensing, animals running at large, being dangerous or vicious, barking and howling dogs and the like. If each parent and/or dog owner follow these "laws" there would be no need for complaints.

"5. We are concerned with parking. If the "lot" is approved for the back yard we will be invaded by traffic and people out back. If the business is allowed to use the street we will suffer when "alternate" parking is in effect. If a privacy fence is constructed out back it would be a startling change to the landscape."

Again, you will notice (per picture) that three cars will be parked in the last two thirds of my yard. My plan is to black top the last two thirds of my lot and have flower gardens in the first third next to the enclosed deck. During the winter months when alternate parking is in effect, there is historically very little activity at a Bed and Breakfast. Meantime, I will maintain my parking area for my personal use so that I do not have to be on the street during winter months.

"6. We feel vacationing guests/and or/ the general public are impossible to predict. We feel it is risky to invite guests into our neighborhood. We have had to deal with revolving renters in the adjacent house who party, smoke and publicly drink alcohol on our street. The house has finally "cleaned up". We do not want to invite this behavior by offering vacationing strangers a place to do the same."

Where do I begin?! What does "revolving renters" have to do with a Bed and Breakfast? Individuals who seek out a bed and breakfast are those who seek a friendlier, more personal atmosphere, rather than a hotel or motel. They are interested in a home setting (i.e. a Bed and Breakfast) where they can meet local people and share in a family environment.

"7. If the B&B has a Non Smoking Policy the guests will be forced outside to smoke. There is nothing attractive about a bunch of people standing outside of a business smoking. This too would add

to the nuisance of having a business next door.”

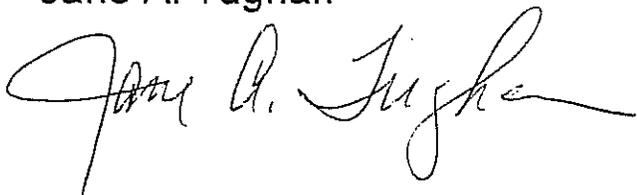
Although I am not a smoker and my home IS a non-smoking home, I do not anticipate many smoking guests. Smokers usually like to stay were they are allowed to smoke freely. Even so, if it is a guest, a friend, or a family member staying with me, there is an enclosed deck on the back of the house if they feel a need to smoke. Neighbors have NO Right to make demands as to who smokes or who does not smoke at my home, nor do I have the right to do the same to them.

“I have no doubt that our neighbor has good intentions. I can understand the desire to own and operate a business such as this, but I cannot agree with the chosen location. This property is very inappropriate for the proposed business. It is situated too close to adjacent houses and offers no “grounds” for guests to enjoy...this leaves them to encroach on us. Please consider all of these points to be issues with many of our immediate neighbors.”

My home is the IDEAL home and IDEAL location for a Bed and Breakfast. It is located walking distance to our downtown area and many wonderful historical buildings in town. The Ramsdell Theatre is at the end of the block. My home is a beautiful, charming home with lots of “personality”. You can be sure that the property will be kept attractive to appeal to those who love Bed and Breakfasts.

In conclusion, I have complied with all the requirements needed for a special permit for a Bed and Breakfast. When I had applied for this special permit, 94 letters were mailed out of which 8 or 9 families responded with “concerns”. Meantime, I have had many other neighbors who have stopped by to support my intention (with enthusiasm). They welcome a Bed and Breakfast in our neighborhood. I look forward to the approval of my request for this special permit so that I may open this Bed and Breakfast.

Sincerely,  
Jane A. Tughan

A handwritten signature in cursive script, reading "Jane A. Tughan". The signature is written in black ink and is positioned below the typed name.