

PLANNING COMMISSION

Minutes

January 17, 2008

I. ROLL CALL

Fred Walstrom	Present
Andrew Bowman	Present
Jack Deegan	Absent
Jeff Ford	Present
Mary Ellen Hughes	Present
Laura Kors	Present
Sheryl McCleery	Absent
Peter Sears	Absent
Sara Smith	Present

Also present were City Planner Larry Nix, City Attorney Jim Ramer and City Manager Fred Geuder.

Chairman Fred Walstrom called the meeting to order at 6:00 p.m.

II. MINUTES

Motion by Kors, seconded by Bowman, to approve the minutes of the October 18, 2007, regular meeting, with a correction that the word “here” should be changed to “her” on page 4, in the third paragraph. Motion carried.

III. PUBLIC COMMENT AND CORRESPONDENCE

None.

IV. NEW AND OLD BUSINESS

A. Consideration of Outdoor Seating Expansion, The Pier Restaurant (SPR-2008-01)

The City Manager noted that the Pier was looking to expand outdoor dining to the east side of the building adjacent to the main walkway going to the dock, replacing the old landscaped area.

Brian Ewbank and Dudley Marvin from Stafford’s reviewed the plan.

Brian noted that the seating would be directly against the building with two tables between each main column. Stafford’s would be required to have a fence or landscape barrier acceptable to the Liquor Control Commission, because alcohol can be served.

Brick pavers would be placed for the table area and a walkway down the east side of the building toward the water. Where the fence or hedge would be would have landscaping and benches facing the walkway. Brian also noted that any additional lighting would be of a Weque-style to try and match what the City has used by the marina.

Ewbank also noted that there would be a new door with direct access to this area installed, so that the area could be serviced by the Pointer Room waitstaff. Marvin said this would really give the Pier more flexibility in the use of the outdoor tables in the spring and fall, when they do not have Dudley's Deck open and staffed, but when people do sometimes request outdoor dining.

Dudley Marvin said that Stafford's would also like to work with Kiwanis to move the monument near the docks and create a landscaped area including a bench that would provide a seating area for those who did not want to walk out on the docks, and to provide a good "photo op" location.

The City Manager noted that his earlier concern about the location of the fence was not really needed. He noted that all the tables were clearly on the Pier's property, and his only concern was that benches or other features did not encroach on the main walkway (and it appears it does not). The City still uses that walkway for truck access for maintenance, so it should not be blocked.

The City Manager also noted an e-mail from Sheryl McCleery in support of the plan.

Bowman asked how high the fence would be. Ewbank said it would only need to be high enough to satisfy the LCC (36"?), and they did not want to block any sightlines from people sitting at the new table locations.

Planner Larry Nix noted that his main concern had been whether the City walkway would be blocked at all, and what type of lighting was being considered. He was satisfied that his questions had been answered and he fully supported the idea.

Smith asked whether the tables would have umbrellas. Dudley Marvin said they may, just as they do on the south side, but they are really conscientious about taking them down when sun is not an issue, and past 2:00 p.m., it will not be a concern on the east side.

Hughes noted that this proposal was in line with what the City has been encouraging.

Motion by Bowman, seconded by Kors, to approve the outdoor seating expansion at the Pier (SPR-2008-01) as presented. Motion carried.

B. Zoning Code Discussion

The City Manager said that over the past year he had accumulated a list of thoughts and ideas for miscellaneous zoning code amendments from what people commented on to what he personally observed. He stated that he wanted to review the concepts and then have potential ordinance changes put together by late spring or earlier.

Lease Signs

The City Manager noted that the code uses a different standard for "for lease" sign than for a "for sale" sign. A "lease" sign must be attached to the building. The reason for this distinction is that if a property is leased on a weekly basis, the sign could be out in the lawn in perpetuity.

One property owner who primarily leases single family homes on a long-term (6-mos or more) basis was concerned that he was being treated differently than realtors, who can place their “for sale” signs on the lawn.

The City Manager suggested that perhaps long-term rentals could be differentiated from short-term rentals, and the signs for long-term rentals could potentially be similar to real estate “for sale” signs.

In response to a question, the City Manager said he was not aware of very many situations of this nature, but that this had been an on-going item of concern for this property owner for a number of years. The City has been enforcing this and it is brought to the City’s attention when it occurs. He thought it was somewhat of a fairness issue.

Bowman suggested that perhaps if the “for rent” sign specified that it was for a “one-year” lease, then perhaps it could be done. The lease that is negotiated might be for three or six months, but the sign would clearly be long-term to differentiate it from the vacation rental signs that you see.

One question that came up was whether a business like Graham Rental Management would take advantage of this for short-term rentals. Bowman noted that most of Graham Rentals contacts are via walk-ins and internet contacts, along with repeat business. If they were looking at a long-term rental for a residential property, they could use the “one-year” sign.

The City Manager said he would work with the City Attorney to see if some appropriate language could be drafted.

Rooming and Boarding Houses in R-1-C and R-2

The City Manager noted that after the proposal for a rooming house for seasonal workers was denied for the property on State Street, he doubted that any such use would ever be approved in either of those zoning districts.

He also noted that some uses are required to be available in the zoning code, but the question was whether this use should simply be eliminated from the code.

Planner Larry Nix noted that Rooming and Boarding Houses were permitted as a principal use in the RM-Residential Multiple district, so it may be better to remove the use in R-1-C and R-2.

The Planning Commission concurred and the City Attorney will be asked to draft language to accomplish this change.

Parking Requirements

The City Manager suggested that a couple of parking requirements for uses be reviewed.

The City Manager noted that the requirement for Beauty Shops and Barber Shops is quite a bit stricter than the general retail requirement.

Previously the City has lessened the requirement for Small Restaurants (less than 1349 sq ft) and for a fitness center, both with the express interest of bringing more people downtown. The City Manager also noted that we really don't define spas or manicure uses, and it seems like these would be similar in nature. The City currently does not have a barber shop in town, and the market would likely control how many of the other type of uses would occur.

After some discussion, it was suggested that the City Manager work with the City Attorney to draft potential changes to this requirement.

The other parking requirement to be reviewed was for professional medical offices—doctors, dentists, etc. While we have four dental offices in town (of which two are non-conforming uses in the CBD), we only have one doctor's office.

It was noted that the Physical Therapy office in Fairview Square was working out quite well. The City Manager noted that the Fairview Square projects qualified as "shopping centers" under B-2 zoning. And parking has not been an issue for all the uses which have occurred there.

The City Manager was just asking whether we should do something to encourage medical offices to locate in the City, closer to home. Some doctors locate in a community for one or two days a week, and this might be beneficial to the community.

Planner Larry Nix noted that the reason for the stricter parking requirement is that you quite often get a lot of turnover in patients at such an office and the parking is needed.

Bowman suggested perhaps allowing a "small" medical office that would have a relaxed requirement, but a larger one may need more.

It was suggested that the Planner do some research on this issue and report back to the Commission.

Hotels, Motels and Condo-Hotels

The City Manager noted that the definition for a Condo-Hotel that had been developed applied only to such uses in the CBD. He noted that Hotels and Motels were permitted in some fashion in other districts such as B-2 and RM. He suggested that the City Attorney review this criteria and draft language to make these provisions applicable to any new or converted hotel or motel, that is to be in the condo-hotel format.

The Commission agreed that this should be implemented.

Sexually Oriented Businesses

The City Manager noted that the County and a number of townships had been reviewing their so-called controls over Sexually Oriented Businesses (SOBs). He noted that the City had adopted a provision to permit such SOBs in the CBD, but only as a Special Land Use, and only under very strict criteria.

He noted that the City Attorney suggested that the City look at what has been happening in this area, noting that the possibility is that this use cannot be a Special Land Use. If the City needs to make any amendments, we should stay ahead of the situation.

It was agreed that the City Manager should look at this item.

Lot Coverage

The City Manager noted that he had heard concerns about the size of homes that were being built in the City, but he did note that when such concerns arose, it was usually where the lot was extremely large and/or the home being replaced may have been very small for that lot. The homes in question did meet the zoning code.

The City Manager suggested that maybe the City should look at another way to control the size of homes, but it might be difficult to do when someone has a large lot, and the question would be whether that owner is being penalized because of that. It is a difficult issue.

It was suggested that Birmingham had had such an issue and might be able to be a resource on this topic. Planner Larry Nix said he would look into this.

Ford noted that we have tweaked and set standards for setbacks, for height, and for number of stories. Footprint or lot coverage is all that's left, but he recognized also that this is a difficult one to look at.

The City Manager said he would get with the Attorney and the Planner and come back with recommendations on all these topics.

C. Update on Hotel Lawsuit

Walstrom stated that he would like to go to Closed Session to consult with the City Attorney on the City's legal strategy relating to the David and Mary Wood Law Suit.

The City Attorney explained the process of going to Closed Session.

Motion by Kors, second by Hughes, to go to Closed Session under Section 8(e) of Public Act 267 of 1976 (the "Open Meetings Act"), as amended, to consult with the City Attorney to review legal strategy relating to the Woods vs. the City of Harbor Springs law suit.

Ayes: Kors, Smith, Walstrom, Bowman, Ford, Hughes

Nays: None

Absent: Deegan, McCleery, Sears

Walstrom also asked that the City Manager and City Planner stay for the closed session.

Walstrom recessed the Open Session at 7:00 p.m., to go to Closed Session.

Walstrom called the Open Session back to order at 7:30 p.m.

Not actions were taken.

V. Member Comments

None.

VI. Adjournment

The next regular meeting of the Planning Commission is scheduled for February 21, 2008.

The meeting was adjourned at 7:31 p.m.

Frederick W. Geuder, City Manager