

PLANNING COMMISSION
Minutes
May 15, 2008

I. ROLL CALL

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

There is one vacancy on the Commission.

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

Chair Fred Walstrom called the meeting to order at 6:02 p.m.

II. MINUTES

Motion by Hughes, seconded by McCleery, to approve the minutes of the March 20, 2008, regular meeting, as presented. Motion carried.

III. PUBLIC COMMENT AND CORRESPONDENCE

None.

IV. PUBLIC HEARING

A. Public Hearing on Proposed Amendments to the Zoning Code to Amend Parking Requirements for Beauty & Barber Shops and Medical Professionals, and to eliminate Rooming & Boarding Houses as a Permitted Special Land Use in the R-1-C and R-2 Zoning Districts.

Walstrom called the Public Hearing to order.

There was no public comment or correspondence.

Walstrom closed the Public Hearing.

V. NEW AND OLD BUSINESS

A. 2008 CBD Outdoor Dining Approvals

The City Manager noted that the Commission must annually review and approve outdoor dining set-ups for restaurant-defined businesses in the Central Business District. He also noted that this program has continued to be successful, and has not had any complaints in the last year.

The following businesses are requesting outdoor dining approvals for 2008:

- Yummies (on the sidewalk)
- Woolybugger (on the sidewalk)
- Woolybugger (on private property)
- Island Bean (on private property)
- Kilwin's (on private property)
- Cornichon's (on private property)
- Turkey's (on private property)
- Turkey's (on the sidewalk)
- Mary Ellen's Place (on private property)

The City Manager that the only two changes from last year are that Turkey's are requesting two tables on the sidewalk and that Mary Ellen's Place may replace their bench with a table and chairs (which would technically be on private property).

In response to a question, the City Manager noted that this approval is needed for those businesses in the CBD defined in the Zoning Code as a restaurant-type use. As an example, while Tom's Mom's Cookies has a couple of tables on their private property, that business is defined as a bakery.

Motion by Deegan, seconded by Kors, to approve the Outdoor Dining approvals for continuation in 2008 as previously, and with the additions as noted above. Motion carried.

B. Consideration of a Recommendation to City Council on the Proposed Zoning Code Amendments as Considered in the Public Hearing

Walstrom suggested that the three proposed changes be reviewed one at a time.

The City Manager noted the parking requirement for Barber Shops, Beauty Shops, Spas, etc. was currently based on the number of chairs being used for customers. The proposed change would set the parking standard at one (1) parking space required for each 300 square feet of floors space. This would mean that less spaces would be required, but that the standard for parking would be the same standard as for most other commercial uses.

The City Manager noted that in the past years, the City has changed parking standards for general offices, small restaurants and even interpreted that the former gym on Main Street would only need to meet the same retail parking standard.

The primary reason for these previous changes, and the one proposed in this action is to encourage commercial uses without being limited by the parking requirement. For the building owner (the landlord), it means if an office use, for example, leaves, a beauty shop could replace it. For a potential business owner (the renter), it means that if a space becomes available that is desired for use, it would unlikely be limited by parking. This overall parking policy will mean that the uses in the commercial districts will be better able to respond to changes in the marketplace.

In response to a question, Planner Larry Nix said that he had no problem with the proposed change. Nix explained that the old standard was probably set almost 40 years ago when the current Zoning Code was established, using a standard that was set nationally and used by many communities. Nix noted that the changes the City has made have generally worked, and this proposed change would be another way to respond to changing markets and to give the downtown an opportunity to remain viable.

The general consensus of the Commission was to recommend approval of the first change.

Enter Smith.

The second proposed change would be to change the parking standard for medical professionals to one (1) space required for each 300 square feet of floor space. The existing standard requires one (1) space for each 100 square feet plus a number of spaces based on employees.

The City Manager noted that the same reasoning applies here as to the previous discussion. Changing this parking standard would potentially encourage a medical professional to rent space in this area, and parking would not be the deal-killer.

The City Manager noted that Medical Professionals as defined here (such as doctors, dentists, etc.) are not a permitted use in the Central Business District, although there are two existing non-conforming uses. It would permit the uses in the B-1, B-2 and ROS districts.

Examples of locations where such a use could occur would be the planned commercial building on Traverse Street across from the IGA, Fairview Square Shopping Center, or in the ROS district along East Lake Street. The City Manager noted that in the ROS district, even with a new standard, such an office would need to provide its parking on that property subject to district rules, because there is no parking permitted on East Lake Street.

The City Manager also noted the trend of specialty doctors to have multiple locations, with only one or two days a week in multiple communities, and while no such requests have come into Harbor Springs, this change in policy could either encourage such a use or conversely would not limit such a use.

In response to a question, Planner Larry Nix said this proposed change may be somewhat more liberal than most (but not all communities), he felt the proposed change would not be detrimental and could encourage some business uses.

The general consensus of the Commission was to recommend this change also.

The final proposed change was the idea to eliminate the Rooming & Boarding House use as a permitted Special Land Use in the R-1-C and R-2 zoning districts.

The City Manager noted that several months ago the Planning Commission had denied a request for such a use on State Street after many neighbors complained and felt that the proposed use would not be compatible with the neighborhood. The Planning Commission concurred with that reasoning.

The City Manager said he felt it would likely be an uphill battle for any such use to be approved, and since the use was still a permitted use in the RM-Residential Multiple zoning district, it might make sense to eliminate the use in the Single- and Two-family districts in order to save the time of the Commission and neighbors because approval was very unlikely.

Deegan noted that while he understood the idea, he felt the limited use might work at some point in time and each request should be handled on an individual basis.

Both Kors and Hughes felt it should be left in the code.

Motion by Hughes, seconded by Deegan, to recommend to City Council that both proposed parking amendments be recommended for approval, and that the proposal to eliminate the Rooming & Boarding Special Land Use NOT be recommended. Motion carried, 6-0.

The City Manager noted that this recommendation would go to City Council.

C. Zoning Code Discussion

The City Manager noted that the Commission had received a memo on “Controlling Bulk in Residential Districts” from Planner Larry Nix in February, but that the Commission had only had limited discussion about this concern.

Nix noted that construction of some houses in the community that are deemed too large by some is a very subjective matter.

Nix noted that the Zoning Code does have a number of tools in place that limit the size of the building on a lot, including:

1. Setbacks—from the front, side and rear lot lines.
2. Height Limits—using an absolute height calculation that is stricter than most codes.

3. Story Limits—depending on the specific district, buildings are limited to either 2 or 2.5 stories.
4. Lot Coverage Limits—that is the percentage of a lot that can be covered by all buildings, including accessory buildings, on a lot—the footprint.

Nix further noted that one of the problems is that not all lots in an area are the same size, and sometimes larger houses are built on a lot because the lot is larger than the average lot in a neighborhood or larger than the minimum size allowed in a district. Other homes may be considerably smaller because their lots are smaller than the minimum size lot permitted, because these lots pre-existed the zoning code.

So Nix said the question is what if anything can we do about this.

Nix noted that one tool being used is a Floor Area Ratio, instead of Lot Coverage Limit, where you calculate the total floor space and apply a different standard than might be achieved by using a Lot Coverage limit. The problem with this idea is that a larger lot will still permit a larger house.

Nix noted a couple of ideas that were considered in discussion, but should likely be rejected.

1. One idea was to not include the side of the bluff (which is considered unbuildable under the Zoning Code anyway) in the calculation of the Lot Coverage. The problem with this idea is that you may be “taking” a right away from the property owner, which could result in litigation.
2. Nix also noted that the current Zoning Code permits the “eaves” of a building to overhang the setback line by up to 18”. If you required the eaves to be within the setback, you would potentially reduce the width of a house by up to three feet, which may be negligible. Nix also noted that property owners may still want the square footage and may reduce the size of the overhang to 6”, which may not be as aesthetically pleasing and would thus work against you.

Nix suggested that a lot of what constitutes a good looking building is a perception. Nix suggested that Planning Commissioners look around the area and the community and make notes of what residential homes they like—and why, and also what styles they do not like—and why. This is not necessarily to say anything is wrong under the Zoning Code, but to see what might be done in the future to alter the code.

Walstrom suggested that perhaps the footprint allowed by the code could be limited to size based on the minimum lot size for a district, with some allowance given to lots that exceed the minimum size.

For example, the minimum lot size for R-1-C is 6,500 square feet, so 50% of that size would limit the footprint to 3,250 square feet. Then the idea that for every “X” number of square feet above 6,500 square feet of lot size, the maximum footprint permitted would go up by some percentage but to a maximum size.

A second idea that was discussed was to require that the first part of a residential building be one story in height for at least "X" number of feet, perhaps 8 or 12 feet. The idea behind this suggestion was that all the bulk of a house would not be on the street.

Walstrom noted that Carmel, California had this type of regulation.

It was suggested that Planner Larry Nix do some research on these ideas and see how the City's code might be amended. The Commissioners were asked to write down suggested buildings with their perceptions, so that a list could be generated for viewing.

City Attorney Jim Ramer noted that the City does need a basis for changing the Zoning Code, and setting such restrictions, but that these items could have merit and such changes may be possible.

Planner Larry Nix noted an article that Sara Smith had seen that was distributed to Commissioners. While the City is looking at further restrictions, some of the restrictions suggested in the article have already been in the City's code for many years. So in some ways, the City is ahead of the curve, but ways to stay there should be researched.

V. MEMBER COMMENTS

None.

VI. Adjournment

The next regular meeting of the Planning Commission is scheduled for June 19, 2008.

There being no further business to come before the Commission, the meeting was adjourned at 7:30 p.m.

Frederick W. Geuder, City Manager