

## PLANNING COMMISSION

### Minutes

May 18, 2006

#### I. ROLL CALL

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

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

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

#### II. MINUTES

Motion by Sears, seconded by Bowman, to approve the minutes of the April 20, 2006, meeting, as presented. Motion carried.

#### III. PUBLIC COMMENT AND CORRESPONDENCE

None. See individual items for correspondence.

#### IV. NEW AND OLD BUSINESS

##### A. Public Hearing on the Proposed Rezoning of 257 East Third Street from R-2 to B-1

Chairman Walstrom opened the public hearing and asked the City Manager to review the request.

The City Manager noted correspondence from the following:

- Walter & Sandra Pfander—concerns about parking and traffic
- Kevin O'Neill—in favor
- Lucille Stimpson—phone call in favor

The City Manager reviewed the history of zoning on the north side of East Third between State and Judd. The general consensus of the Planning Commission in the past has been to zone those properties west of Gardner to B-1, upon request. Properties to the east of Gardner have remained R-2. The property proposed for rezoning is immediately west of Gardner.

No other comment was received.

The public hearing was closed.

B. Consideration of Request to Rezone 257 East Third Street to B-1

Motion by McCleery, seconded by Deegan, to recommend Council approval of the rezoning of 257 East Third Street from R-2—Two-Family Residential, to B-1—Convenience Business. Motion carried, 7-0.

C. Consideration of Spr-2006-03, Site Plan and Change of Use at 257 East Third Street

The City Manager explained that Linda and Bill Demmer are requesting that they be allowed to use the 264 square foot garage/accessory building as a retail outlet. Linda makes jewelry and would sell out of this store.

The City Manager noted that there is space for one vehicle to be parked, and that this would cover the required parking for this site. He also noted that should the residence be later used for commercial purposes, parking needs would then need to be addressed.

The City Manager also noted that he had looked at the site with the Chief of Police, and they would be able to have the driveway area marked for “no parking”, and that this area would be monitored by the police.

The City Manager also noted that John Demmer was available to answer questions.

Planner Larry Nix had no problems with the plan and use change, provided that the City followed through with the “no parking” controls.

Motion by Hughes, seconded by Sears, to approve SPR-2006-03, as presented, pending approval of the rezoning by the City Council, and with the suggestion that the City follow through with parking restrictions over the driveway. Motion carried, 7-0.

D. Public Hearing on Proposed Amendments to the Zoning Code

The City Manager explained the proposed zoning code amendments:

- Changes to the definition of a “home occupation” were being proposed in order to make the provisions in the zoning code consistent with how home businesses may be licensed under the general code.
- The City was proposing that where guest quarters are permitted, that guest quarters be permitted in no more than one accessory building per property.
- The City was proposing that when residential living units are built in the CBD, that those units with less than 900 square feet of living space be required to provide one parking space, while those with 900 square feet or greater be required to provide two parking spaces.

- The City is proposing an R-1-D zoning district, which would allow for 50 wide lots, with revised rules for front and corner side yard setbacks. Height of buildings in this district would be limited to 32'. No specific properties will be zoned R-1-D at this time.

The City Manager noted that one area where this would likely be proposed is in the West Third Street and Fourth Street areas (the Manager noted that he lived in this area). The idea behind the R-1-D zone would be to provide more flexibility for home design, while possibly limiting the need for variances.

Dennis Wiggins, noted that he owned a property on West Third Street, and said he felt it would provide significantly better design options than under R-1-C. He suggested that the setbacks be reduced slightly further for side and corner side yard setbacks.

The public hearing was closed.

#### E. Consideration of Recommendation on Zoning Code Amendments

McCleery asked whether adoption of the R-1-D standards, when applied to specific properties, would preclude owners from seeking variances. The City Manager said variances could still be considered where practical difficulties might still exist.

The Commission discussed the reduced height, and the consensus was that 32' would work for the current time.

Motion by Bowman, seconded by McCleery, to recommend City Council approval of all the proposed zoning code amendments. Motion carried, 7-0.

#### F. Consideration of Request to Modify SLU-2005-03, Parking Lot at 669 State

The City Manager stated that Dan Warner in April had requested approval to have a gated access to the alley from his approved parking lot, for snow hauling purposes only. The Commission was unable to act on his request in April because only five members were present.

The Manager noted that Warner had installed the gate due to scheduling issues with his fencing contractor, but acknowledged that he would have to bolt it shut if approval was denied.

The Manager also noted a letter from Jim Nichols concerned about the Planning Commission process, and asking whether an additional public hearing was required.

City Attorney Jim Ramer noted that the original public hearing was on the use, and the request here was to modify a condition, which was in the scope of the Commission's authority. The request was for a minimal change in his opinion.

Planner Larry Nix noted that he had seen what had been done to date, and noted that it looked good, and said he saw no problem with approval of this request.

Sears also noted that the front looked good.

Motion by Sears, seconded by Deegan, to permit Harbor Car Care, as a condition of SLU-2005-03, to install a gate on the southwest corner of his parking area at 669 State Street, to be opened and used only for snow hauling purposes. Motion carried, 7-0.

G. Consideration of a Request to Split the Lot at 472 Glenn Drive (Pursley)

The City Manager noted that the applicant had withdrawn his request.

H. Consideration of SPR-2006-04, Site Plan for 349 East Main Street, Harbor Springs Area Historical Society

The City Manager introduced Linda Young, the executive director of the HSAHS, and Ed Meyer from the Board of Directors.

Young reviewed the plans for renovation of the old City Hall for use as a museum. She noted particularly the addition to the back which would be for handicap access, an elevator, a barrier-free restroom, and egress stairwells. She noted that current fire codes for this size of building required all of the above improvements, and the Society did not want to take away from display space, to the extent possible.

Young also noted that the building was built in 1886 over a four-month period, and the builder went on to build the Grand Hotel a year later.

The City Manager noted that the addition would require a height variance, as it is about 36.5 feet tall. The plans seek to duplicate the same roof pitch. He also noted that the drainage plan would need review.

Planner Larry Nix noted that the plan had the parking required, and he saw no problems with the plan as presented.

Motion by Bowman, seconded by Hughes, to approve SPR-2006-04 as presented, with a condition that the drainage plan be approved by the City Manager, and with a recommendation to the Zoning Board of Appeals to approve the variance request in order to allow the Society to meet all applicable code requirements, while keeping the historic architectural style intact. Motion carried.

I. Review of Outdoor Seating Requests for 2006

The City Manager noted that the following businesses were planning to do the same as in the past with their outdoor seating: Yummies, Woollybugger, Island Bean, and Turkey's. Island Bean is

requesting additional seating on private property under the canopy at the Hollywood where the gas pumps were formerly located. Kilwin's is also planning tables in front of their East Main Street store, and these too would be on private property.

The Manager noted that this program has worked well.

Motion by Bowman, seconded by McCleery, to approve the requests for outdoor tables for 2006. Motion carried.

The City Manager also noted that Pam and Wally from Island Bean were at the meeting to request approval for an outdoor grill in connection with their new space.

Pam Pfeifle noted that their intent was to offer hotdogs, etc. during lunch hours or special events.

The Planner and City Manager noted that this idea was not considered during the original concept for outdoor seating.

Bowman noted that given the space being used, and the additional parking that will be available, it might qualify under zoning uses, so he suggested a trial period for this during the 2006 season.

Pfeifle noted that they would like to do this for special events (Thursday night Street Musique, as an example) and Monday-Saturdays from 11:30 –1:30.

Motion by Hughes, seconded by Deegan, to permit Island Bean to have an outdoor grill on a trial basis during the 2006 season, from 11:30 a.m. to 1:30 p.m., Monday-Saturday, and during special events downtown, and with a condition that location of the grill be approved by the City Manager. Motion carried.

#### J. Zoning Code Discussion

The City Manager noted that the City Attorney, City Planner and he had worked on the question of permitting a three-story hotel in the CBD.

Planner Larry Nix said that one conclusion that was reached was that a definition for a Condo Hotel needs to be created, including length of stay requirements. Also discussed was whether to change height and story requirements for the entire CBD, or whether to increase the height and stories for hotels only. Because of the precedence it may set, it was felt that an applicant should seek a variance for these dimensional requirements.

The City Attorney noted that the economics of a project could be one factor for a dimensional variance, although not the exclusive reason.

Andrew Bowman noted that he would likely not be able to vote on a specific project at the hotel site, since he was an agent for the Cottage Company.

The Commission discussed the issues of a downtown hotel at length.

Issues included insuring that the hotel is a hotel, and not merely downtown living units. It was felt that the key time for ensuring that it was a hotel was July and August; other times of the year, availability would not be an issue. Depending on how a hotel was considered could be a precedence for the entire CBD district, and the waterfront itself.

It was suggested that the City Attorney and City Planner work with the City Manager to further refine these concepts before the next meeting.

#### V. MEMBER COMMENTS

The City Manager said that he may schedule a special meeting for the Commission to discuss the goals of the Master Plan, rather than doing so at a regular meeting.

#### VI. ADJOURNMENT

There being no further business, the meeting was adjourned. The next regular meeting is scheduled for Thursday, June 15, 2006, at 6:00 p.m.

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Frederick W. Geuder, City Manager