

PLANNING COMMISSION

Minutes

May 19, 2005

I. ROLL CALL

Fred Walstrom	Present
Andrew Bowman	Present
Jack Deegan	Present
Jeff Ford	Present
Mary Ellen Hughes	Present
Sheryl McCleery	Present
Pringle Pfeifer	Present
Peter Sears	Present
Sara Smith	Present

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 Deegan, seconded by Hughes, to approve the minutes of the April 21, 2005, meeting, as presented. Motion carried.

III. PUBLIC COMMENT AND CORRESPONDENCE

None.

IV. NEW AND OLD BUSINESS

A. Public Hearing—Proposed Bluff Regulations

The City Manager reviewed the “history” behind this issue that led to the development of the proposed ordinance. He noted that the primary purposes of the ordinance were to define where the bluff begins (for purposes of regulation) and to set some level of requirements for tree trimming.

The following letters were received concerning the proposal:

1. Richard & Mary Carpenter—opposed to proposed regulations on tree trimming and landscape improvements on the bluffside.
2. Robert Clarke—opposed to the tree trimming regulations.
3. Fred Rachwitz—in favor of general regulations, but asking for more clearly addressing the tree trimming regulations

Tom Smith, 549 East Third, said that at his home the retaining wall is basically his whole home. He would like to have fewer hoops to jump through for approvals, and is worried that improvements he desires in the future may be limited. He asked whether existing structures are “grandfathered”.

David Irish, 669 East Bluff, said he is generally supportive of the tree trimming regulations. He would like to see standards attached to the regulations.

Tom Graham, 187 East Bluff, was opposed to the proposed ordinance in general, because he had not seen problems with the building that had occurred below the bluff. He does support not building "over the bluff" (cantilevering). He is also opposed to requiring a professional for all the tree work.

Jill Van Alstyne, 255 East Bluff, agreed with Mr. Graham, and felt that generally what has been done in the past is good. She also addressed the Boardwalk, and asked who claimed ownership of it, and who would be liable.

Linda Rachwitz, 519 E. Third, said it was sometimes difficult living "below the bluff". Professional tree trimmers have NOT always respected the property rights of those below. So perhaps more restrictions are needed.

John Chapin, 351 Spring, supports the concept of maintaining the integrity of the bluff. He is concerned that about half his house is in the regulated area and asked when the new ordinance would take effect.

Tom Wiethorn, on behalf of his mother at 609 E. Bluff, did not necessarily want more restrictions. He asked whether or not the restrictions would prevent erosion. He was also concerned about whether the 66' City right-of-way would restrict landscape features.

Robert Clarke, 175 E. Bluff, is in favor of less government, not more. He is concerned about the subjective nature of the proposed standards. He does not like topping, but he said you need different techniques at different times to maintain the view.

Carol Smith, 549 E. Third, commented that her neighbor above, Robert Fisher, has always cooperated when he has trees trimmed. She also noted that houses below also need sunlight sometimes.

Edie Thomas, 629 E. Main, noted the buildings already into the bluff. She was concerned about the size of buildings being proposed on small lots.

Robert Fisher, 615 E. Bluff, would like to see some regulation, but he needs to trim about every three years to maintain the view, which he had bought and paid for.

Nancy Kenyon, who is a member of the Zoning Board of Appeals, would like to see teeth in the ordinance. She noted the sometimes hostile nature of the tree trimming, and she also noted the forces of gravity.

Motion by Pfeifer, seconded by Sears, to close the public hearing. Motion carried.

B. Consideration of Bluff Ordinance Recommendation

The City Manager reviewed what he felt to be the main concerns discussed in the hearing:

1. The proposed standards for tree trimming are either too subjective or on the other side not specific enough.
2. Grandfathering of existing structures was not addressed.
3. There is a question of why we need to regulate at all.

Fred Walstrom noted that many issues of construction can be solved with engineering. He also noted that the West Bluff seems to have more water problems than the East Bluff.

Sara Smith asked whether the tree trimming was being done in a professional manner.

Fred Rachwitz noted that the “professionals” did not always check for lot lines, and that at other times it has worked very well.

Mary Ellen Hughes said we need to be proactive; the toe of the bluff needs to be addressed.

Alan Hegedus asked whether the City was exempt from the proposed ordinance. (Answer: yes.)

Planner Larry Nix said that the public hearing was unusual in that you had a number of reasoned comments on both sides of the issues. He asked whether a bluff management plan could be developed to address the issues, which included views, erosions and springs. In asking how much government is needed, he noted that some communities such as East Grand Rapids, have ordinances that prohibit cutting any tree that is larger than 6” dbh (diameter at breast height), whether on public or private land.

City Attorney Jim Ramer suggested that perhaps the tree trimming portion of this ordinance be removed, so that the Commission can concentrate on the other issues first.

Pringle Pfeifer felt that separating the issues was a good idea, if it meant we can move ahead with the other issues.

Ramer suggested that he, along with the Planner and City Manager, develop revised language for the next meeting. In response to a question, Ramer noted that the extent of the proposed revisions would determine whether a second public hearing is required.

Motion by Sears, seconded by Deegan, to table the recommendation until the next meeting. Motion carried.

C. Consideration of Outdoor Dining Proposals

The City Manager noted that Island Bean, Woolly Bugger, Yummies and Turkey’s have again requested approval to have Outdoor Dining as in the past.

Motion by Bowman, second by Deegan, to approve renewal of the Outdoor Dining Permits as requested. Motion carried.

D. Request for Off-Premise Outdoor Dining Permit

The City Manager noted that the New York Restaurant had again requested approval to provide outdoor dining on the back patio of Quarters on nights of the Street Musique program.

It was noted that said approval would NOT be approval to Quarters for amplified music.

Motion by Sears, second by Smith, to approve the request of the New York Restaurant as presented. Motion carried.

V. MEMBER COMMENTS

A question was raised concerning the coffee roasting by Wooly Bugger. The City Manager noted that the permit renewal was scheduled for the June meeting.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned. The next meeting is scheduled for Thursday, June 16, 2005, at 6:00 p.m. The Public Hearing on the Bluff Ordinance is scheduled for this meeting

Frederick W. Geuder, City Manager