

PLANNING COMMISSION

Minutes

June 15, 2006

I. ROLL CALL

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

Also present were City Planner Larry Nix and City Manager Fred Geuder.

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

II. MINUTES

Motion by Ford, seconded by Hughes, to approve the minutes of the May 18, 2006, meeting, as presented. Motion carried.

III. PUBLIC COMMENT AND CORRESPONDENCE

None.

IV. NEW AND OLD BUSINESS

A. Consideration of SPR-2006-05, Proposed Garage, Bay Bluffs Medical Care Facility

Diana Bailey, Executive Director of Bay Bluffs, explained that the Care Facility had received a grant for a new larger van which could accommodate up to seven wheelchair bound patients. They are also working on a potential grant from M-DOT, which would enable them to build a garage to store the bus.

Bailey said they were proposing to put the garage on the northeast part of the property, off the parking lot, but in a location that affects the least amount of trees, but also obscures the garage from sight to the extent possible. Bailey is seeking conceptual approval in order to continue the grant process.

Planner Larry Nix noted that the location chosen was a good spot, and that it would meet setback requirements. Nix suggested conceptual approval with a requirement that Bay Bluffs come back for final approval of location and design.

Kors asked whether the proposal could be turned down if the design did not fit. The City Manager said that this was not final approval. Bailey also noted that the Care Facility could add their own funds to procure a better design than the State might allow.

Motion by McCleery, seconded by Bowman, to give conceptual approval to SPR-2006-05, a proposed garage at Bay Bluffs, with a requirement that the applicant return to the Planning Commission for final site plan and design approval. Motion carried.

Enter Deegan.

B. Consideration of SPR-2006-06, Ham Radio Antenna at 105 East Bluff

The City Manager explained that the applicant was seeking approval to place a ham radio antenna at the home at 105 East Bluff. FCC regulations give authority to communities to reasonably regulate placement of such antennas. The City Manager noted that the applicant showed a requested location as well as an alternate location. The City Manager and Planner Larry Nix felt the alternate location was better.

Chuck Secrest, on behalf of the applicant, noted in response to a question, that the actual antenna would be about five feet higher than the roof, plus the whip antenna on top of that.

Motion by Deegan, seconded by Hughes, to approve SPR-2006-06, a ham radio antenna at 105 East Bluff, using the ALTERNATE location as shown on the application. Motion carried.

C. Request for Outdoor Seating by Anchor Restaurant and Cafe

The City Manager said he received a request from Anchor Restaurant and Café to place two tables with three chairs each outside their restaurant on the sidewalk. He noted that two chairs per table would work better based on experience.

Motion by Kors, seconded by Bowman, to permit Anchor Restaurant and Café to place two tables with two chairs each outside on the sidewalk, provided that their bench be eliminated. Motion carried.

Enter Smith.

D. Update on Zoning Code Amendments

The City Manager noted that all amendments recommended by the Planning Commission were approved by the City Council, with the exception of the proposed R-1-D district standards. He noted that there was a concern that the district could be used elsewhere in town to create a high density development. The City Attorney was working on additional wording to restrict the use of the district to existing subdivisions.

E. Zoning Code Discussion

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

The City Manager noted that it was felt that a definition for a condo-hotel should be created whether or not any other changes occur. The suggested definition would require that owners maximum occupancy during July-August would be 29 days. There is still a concern about whether the project would be a hotel or really be a residential unit.

The City Manager then explained that the idea for a PUD Overlay district in the CBD was being suggested for the westerly 2/3 of the CBD. In this area, application could be made to use up to three stories, thirty-nine feet tall. The Planning Commission would treat the application as a Site plan, and could hold a public hearing if desired, and if the proposed use is a Special Land Use, a public hearing would be required. The Planning Commission would make a recommendation to the City Council, and the City Council would be required to hold at least one public hearing before making the final decision. Conditions for approval could be added.

Planner Larry Nix discussed the roots of the Downtown and the CBD district. He said the Commission has to consider what the long-term implications such a change would bring.

The City's Master Plan talks about the downtown as a local business area, the parking concerns, the variety of architecture (mostly historic), the mix of retail and service businesses, and the limited area that is the CBD. Nix commented that the draw of the community is that it has generally maintained its character, and other communities would like to replicate that character.

For a project to be considered in the "overlay" district, the project must be innovative; the applicant must convince both the Planning Commission and City Council that the project is worth pursuing.

If such a policy is adopted, the City has to consider not just today, but ten to twenty years from now. What is the potential? Can such projects be done and still preserve the unique character we have?

There is merit to the conceptual plan that has been presented, but we still have to be cautious. The question is how to create a process for consideration. Is the proposed use a hotel, or is it a residence. Could an owner claim it as a homestead? If the intent is that it is a hotel, we need to make sure it is.

The CBD district is a business district, but it has encouraged second floor residential uses (and third floor residential on existing buildings).

Nix then invited comments and questions.

Smith asked whether the PUD could include the whole CBD. Walstrom asked whether it could be limited to the one block.

McCleery was concerned about whether the City would incur any liability by doing one project and not another.

Nix commented that if distinguishing characteristics were identified for project(s) that were approved, it might be a way to limit liability.

Kors noted that she would not want to see another one in a few years or more than one. How do you limit it to one?

The issue of creating a separate zoning district for that one property was also discussed, but there were also concerns about the idea of “spot zoning”.

Nix said having an “area” is probably more defensible than a single property being zoned.

Walstrom felt that doing one block would make more sense, and even if a judge ruled that the area had to be enlarged, you would still use Special Land Use approval limitations.

Ford commented that in looking at the stay limits for a condo-hotel, that maybe we should look at requiring 200 days (for example) a year, and not worry about when the owner uses the unit.

Nix commented that as it exists today, the CBD does not permit multiple residential development. The CBD does permit second floor residential units, but not a simple multi-family development.

Ford suggested that maybe allowing residential units on second and third floors with a higher height limit might be appropriate.

Kors was concerned about downtown walkability—no sunlight.

Ford noted that the sunlight changes by season, but he also noted that what we have now is not necessarily working correctly. We have open retail spaces. The cost of doing business is high, with a short peak season.

Nix tried to sum up the discussions:

- There is a general feeling that a hotel is a good idea, but the details matter.
- We have made many modifications to the CBD regulations; how much further would we go?
- There is a general feeling that the first floor should be a principal permitted use or a permitted special land use, but that second (and possibly third) floor uses could be residential.
- It might be worth designating a one-block area for whatever is created.

- The type of buildings and ownerships in the block where the hotel is located should be determined.

Ford noted that there are some negatives, but the positive ramifications are also worth noting.

Bowman said that maybe it could be a general hotel on the first floor, with the condo-hotel on the second and third floors—the length of stay requirements to be determined.

Ford said we need to find a way to consider this. He asked that Planning Commissioners be advised of ideas being discussed.

Rob Mossburg thanked the Commission for the continuing discussion. He noted that such projects as the Inn at Bay Harbor do not have limitations on the condo-hotel length of stay. For economics, the less restrictions the better. He commented that practically owners do not use them all the time; they may be investments, and prime time brings the highest returns if they are rented out. He would like to see it happen.

Kors suggested that each commissioner think about and write down or send to the City Manager those concerns that are each one's greatest concerns.

V. MEMBER COMMENTS

The City Manager reminded the Commission of the special meeting on June 22nd to review the Master Plan goals.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned. The next regular meeting is scheduled for Thursday, July 20, 2006, at 6:00 p.m.

Frederick W. Geuder, City Manager