

**PLANNING COMMISSION**

**Minutes**

**October 18, 2007**

**I. ROLL CALL**

Fred Walstrom	Present
Andrew Bowman	Absent
Jack Deegan	Present
Jeff Ford	Present
Mary Ellen Hughes	Present
Laura Kors	Absent
Sheryl McCleery	Present
Peter Sears	Present
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 6:05 p.m.

**II. MINUTES**

Motion by Sears, seconded by McCleery, to approve the minutes of the September 20, 2007, regular meeting, as presented. Motion carried.

**III. PUBLIC COMMENT AND CORRESPONDENCE**

None. (Correspondence is included with the Public Hearing)

**IV. NEW AND OLD BUSINESS**

**A. Public Hearing on Proposed Special Land Use at 971 State, Rooming/Boarding House**

The City Manager noted that DMSS Housing had made application for a Special Land Use permit to operate a Rooming/Boarding House at 971 State. The House would provide lodging for summer employees of the Stafford's Hospitality group (the Pier in this case). A Rooming/Boarding house is permitted in the R-1-C Zoning District as a Special Land Use.

The City Manager also noted that all of the correspondence received had been copied and made available to the Planning Commission members. (A list of the correspondence is attached to these minutes.)

David Marvin, on behalf of DMSS Housing, addressed the Planning Commission on their proposal.

Marvin noted that Stafford's has been employing eastern European students since 1998. If they have been housed in Petoskey, they either come to Harbor Springs by taxi or get rides from other Stafford's employees.

Marvin stated that these students have been hard-working kids, and he feels a place for them to stay in Harbor Springs would be more convenient and allow them access to the amenities of Harbor Springs, such as the beach.

The location proposed is a three bed-room house, with a basement, and a two-car garage, although the students generally have bikes instead of cars. No exterior changes are planned for the building. Because it is a one and one-half bath house, an additional shower may be added. Marvin said the basement would be furnished for recreational use.

When the students arrive in the area, Stafford's welcomes them and explains to the rules by which they are employed. When complaints about them arise, they are addressed immediately. Marvin felt it has worked well in Petoskey.

Marvin said that the buildings are kept up by the Stafford's maintenance crews and someone drives by once a day at a minimum.

While this is a summer use, Marvin noted that one potential use in the winter would to rent to Ski Patrol members.

Marvin does not want to harm the neighborhood, and said he would respect the Planning Commission decision.

Walstrom asked for public comment.

Arthur Barnes of 105 Fairview, immediately to the west, said he had looked at the location used in Petoskey. In talking to neighbors there, he was told that the students did like to party, although when asked, they did turn down the music. He noted that these student work schedules generally conflict with regular working schedules of the Leighton Park neighborhood. He is concerned about the noise that would happen late at night.

Ann Sears, owner of 966 Traverse, stated that her back yard abuts this property. She bought the home as an investment, and is happy to see that the neighborhood continues to improve, with more year-round residents and families. She recognized the need, but did not feel this was the best location for this type of activity.

Dean Gokee, of 106 W. Fairview, said that while the students may not have cars, they will meet other workers who do, and he was concerned about that impact. He also noted that Fairview is already a busy intersection.

Lanny Thompson, 917 Traverse, asked how many bunk beds would be in the building. He also noted that there are a number of young families in the neighborhood, and this might not be a good mix.

Mary Thompson, 917 Traverse, asked if there were any limits on the number of students.

David Marvin stated that his understanding was that the Zoning Code limited it to six (6).

Walstrom closed the public hearing.

B. Consideration of SLU-2007-06, Rooming/Boarding House, 971 State

Peter Sears disclosed that his wife Anne owned property in the neighborhood of the proposed use, and that she had made comments to the Commission. He had no financial interest in the property.

Planner Larry Nix commented that by definition the proposed use would be limited to six (6) boarders. In looking at the proposal, Nix reminded the Commission that the seven standards of a Special Land Use needed to be reviewed, and that it takes six (6) affirmative votes to approve a Special Land Use permit.

Deegan asked David Marvin if there had indeed been complaints, referencing the Petoskey location.

Marvin indicated that there has been a noise complaint that had resulted in a police call. While all the details of the incident were not clear, the incident had occurred at 2:00 a.m.

Deegan asked who would be in charge at the Harbor Springs location.

Marvin indicated that Brian Ewbank, the manager of The Pier, would be the primary person in charge.

Sara Smith asked what shifts would typically be worked.

Marvin indicated that there were generally two shifts. Two students would likely work 9-5; four students would likely work 3-11 or 12. Many of the students had second jobs.

Brian Ewbank said he would go by the building and visually look at it every day.

Mary Thompson asked if the City had a noise ordinance.

The City Attorney said the City did have a noise ordinance that could be enforced a couple of different ways.

Mary Rogers noted that she was concerned that no supervisor would be living at the house.

Brenda Barnes noted her concerns that the house in Petoskey did have a police complaint with a number of problems noted.

Planner Larry Nix noted that the Commission did need to address the seven standards of a Special Land Use.

Nix noted concerns with the following standards:

1. Was the use in harmony with the rest of the neighborhood? A number of comments raised a question on this standard.
2. Nix noted that traffic was already a concern here.
3. Noise could be a nuisance.
7. Would the values of the property be impacted? This was a concern

McCleery noted she had had similar concerns when reviewing the standards.

Hughes noted that two summers ago, she had kept two students with here. They were not a problem, but she lived there also. She was concerned about the neighborhood in this case.

Walstrom noted that he spent a lot of nights in his boat down at the Walstrom's downtown location, and Beachview (the Little Harbor Club boarding house), was noisy, especially late at night.

The City Manager noted that this was the first request of this type in the 20 years he had been manager. No changes had been made to the ordinance, but the Planning Commission may want to look at this later.

Motion by Ford, seconded by Deegan, to deny SLU-2007-06, because of the concerns noted above in regard to the Special Land Use standards. Motion to deny carried, 7-0.

#### C. Public Hearing on Proposed Zoning Code Amendments to the M-1 District Requirements

The City Manager noted that over the years both Walstrom and Irish had erected a number of boat storage buildings in the M-1 district. In looking at potential future projects, the City Manager noted that areas abutting the M-1 District had developed (off Fairview) and been re-worked (by the Trailer Park). He felt that with landscaping requirements that could be imposed, the side and rear yard requirements could be altered slightly in order to maximize potential development of what is one of the largest economic impact industries in the City—boating.

Mike Esposito of Irish Boat Shop said he supported the changes.

The hearing was closed.

#### D. Consideration of Recommendation to City Council re: M-1 Changes

Planner Larry Nix said he had visually inspected these areas and saw no negative impacts with the changes.

Ford asked if we could impose landscape requirements. The City Manager said “yes” with Site Plan approval.

Fred Walstrom said he had no problems with the changes and his buildings were largely already completed, and those not completed had to deal with the topographic issues. He also noted he would abstain on the recommendation.

Motion by Sears, seconded by Smith, to recommend City Council approval of the proposed changes to the M-1 zoning code requirements. Motion carried 6-0, Walstrom abstaining.

E. Consideration of Planning Commission Recommendation to City Council on the proposed Re-Zoning of a portion of 111 W. Bay (The Depot) to TR; Consideration of a Site Plan and Change of Use at 111 W. Bay

The City Manager noted that this item had been tabled at the previous meeting.

Dave Bolger, the applicant, presented another Power Point presentation.

The presentation re-capped the previous meeting's presentation.

It was noted that the property is in poor physical condition. If this plan were not accepted, a more intense use of the property might be proposed with a greater impact.

The presentation also went on to address several points. Is this a precedent setting request? It was noted that the property may have been zoned incorrectly due to its uniqueness. The property is not contiguous to any other CBD property. Approval would not be arbitrary, but it would be different because of the uniqueness.

The presentation noted that the use of the Salon on the east end would mask the fact that the remainder of the building would now be residential.

No financial model could be made to make the property worth what would be invested. An alternative might be to tear down the property and rebuild something else.

The presentation stated that the applicant was withdrawing his request for an easement on the City's parking lot side. A unique garage arrangement would use the existing easement on the Walstrom property.

The architecture was carefully thought out to leave the character of the building intact.

The presentation concluded that this was a unique opportunity for the City with a unique purchaser with this vision.

Bolger offered to answer any questions the Commission may have.

Walstrom said he was having trouble visualizing two cars parking in the garage.

Bolger said he would keep one of the existing spaces in the easement and then access the garage through a one-car door.

Deegan asked the City Planner whether he had found any other split building zonings.

Nix said he had not found any other instances of this.

Nix noted that the proposed plan is unusual and is in itself a nice plan.

But Nix questioned whether this property should be residential. The property that was now CBD had previously been WF, and is the only part of the CBD south of Bay Street.

When you split the zoning of the building, you make it difficult to administer setbacks and other aspects of the code. In the TR District, you use R-2 residential standards for the residential uses. This whole property is only 4800 square feet and every setback becomes non-conforming by definition.

Nix reiterated what he said the previous month—the building can be used and is being used under the current CBD zoning. The property may have been for sale for three years, but that may be a market pricing question.

Craig Bell, one of the owners of the building, said that he and his wife and the other partner had a vision to restore this building. This plan may be the only option other than tearing down a wonderful building.

Deegan noted that the project is in itself very interesting, and it might be nice to have a family downtown full time. But is it worth changing the zoning to accomplish this.

After some discussion, the question arose of whether it would be okay to allow first floor residences in the CBD.

Nix said that you do not want to open the door to first floor residential in the CBD.

McCleery said we might be missing an opportunity.

Nix said, in answer to a question, that nothing in the Zoning Code prohibits a complete tear down of any building. While the plan may be admirable, he still does not advocate a split zone.

The Commission discussed the potential for a zoning change or a completely different zone or an overlay district.

The City Manager noted that while such a process may be possible, it is not an overnight solution.

Lyndon Lattie, husband of one of the co-owners, noted that a new classification of zoning may not be needed, but that the uniqueness of the parcel may present itself for a potential use variance.

The City Attorney noted that a variance is a matter for the Zoning Board of Appeals, not the Planning Commission. Creating a separate zoning district for one building would be difficult at best.

Motion by Ford, seconded by Hughes, to recommend denial of the zoning code change for a portion of the property at 111 W. Bay for CBD to TR, but encouraged the applicant to seek an alternate path to preserving the building. The denial of the re-zoning was recommended for the following reasons:

- The property can be used as is presently zoned.
- Split zoning of a building presents difficulties with building uses, setbacks, parking requirements, etc.

Mr. Lattie asked for a short recess to consult with Mr. Bolger.

Walstrom granted a 5-minute recess.

Upon re-convening, Bolger asked to withdraw the re-zoning request.

Motion by Deegan, seconded by Sears, to accept the withdrawal of the re-zoning request. Motion carried.

(No action was taken on the site plan upon the withdrawal of the re-zoning request.)

- E. Consideration of SPR-2007-10, a Commercial Building at the NE Corner of Traverse & Clark Streets, Bill Bosker

The City Manager stated that Mr. Bosker was seeking approval to build a 50' x 124' multi-use commercial building at this location. The Site Plan was earlier prepared by Benchmark Engineering; the exterior elevations were not complete. Parking was based on the general standard of one space per 300 square feet.

Planner Larry Nix said the basic site plan was okay, but there were needed details of the Elevations, Landscaping, Lighting, a dumpster locale, etc. He noted that sometimes these details are left to administrative approval.

In response to a question, Bosker noted that the building would be stick-built and not have block walls.

Ford asked whether the Clark Street entrance could be eliminated? Was it needed?

Bosker had no objection to eliminating that entrance. Nix commented that if the applicant felt it was needed at a later date, the applicant could come back.

McCleery asked whether the parking could be in the rear. Nix noted that B-2 setbacks made this impossible.

Smith noted that she would like to see the final landscaping and lighting plans.

The Commission discussed tabling the application. Bosker noted that he would potentially like to get started on the foundation.

Motion by Ford, seconded by Hughes, to approve SPR-2007-10 as presented, with the following conditions:

- That the elevations and a dumpster location (if requested) be approved by the City Planner
- That landscaping and lighting details be brought back to the Planning Commission for final approval
- And that the Clark St. parking lot entrance be eliminated.

Motion carried, 7-0.

V. Member Comments

None.

VI. Adjournment

The next regular meeting of the Planning Commission is scheduled for November 15, 2007. The City Manager noted that if no business is brought forward, the meeting would be cancelled.

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Frederick W. Geuder, City Manager

CORRESPONDENCE  
PLANNING COMMISSION  
October 18, 2007

10-11-07	Residents from 6 Addresses	Opposed to Special Use at 971 State
10-12-07	Mary Rogers 975 Traverse	Opposed to Special Use at 971 State
10-12-07	Residents at 105 Fairview	Opposed to Special Use at 971 State
10-15-07	Diana Fairbairn 921 State	Opposed to Special Use at 971 State
10-17-07	Anne Sears 966 Traverse	Opposed to Special Use at 971 State
10-17-07	Marcia O'Connor/Dean Gokee 106 West Fairview	Opposed to Special Use at 971 State