

CITY OF HARBOR SPRINGS
PLANNING COMMISSION MEETING
MINUTES
February 19, 2015

Vice Chairperson Smith called the Planning Commission Meeting to order at 6:06 p.m. in the City Council Chambers of City Hall, 160 Zoll Street, Harbor Springs, MI 49740.

1. Roll Call and Verification of a Quorum

Present: Jeanne Benjamin, Andrew Bowman, John Cupps, Jack Deegan, Jeff Ford, Lee Kramer, Sara Smith and Carrie Wiggins

Absent: Fred Walstrom

Also Present: City Manager Thomas C. Richards, City Attorney James T. Ramer, City Planner Larry Nix (via phone), and Deputy City Clerk Kathy Saddison

Deputy City Clerk Saddison acknowledged that a quorum was present.

2. Approval of Minutes

Motion by Bowman, second by Kramer, to approve the minutes of the January 15, 2015 Planning Commission Meeting as read.

Ayes – 8

Nays – 0

Motion carried.

3. Public Comments and Correspondence

Manager Richards stated that he had received two (2) written comments. One (1) in support of the Special Land Use (SLU) permit, and (1) with concerns.

4. Public Hearing Special Land Use Application – Roof Top Deck, Patio Usage and PD CBD approval

Vice Chairperson Smith opened the Public Hearing to consider a Special Land Use (SLU) permit and conditions for the Hotel Janelle Project at 6:08 p.m.

Vice Chairperson Smith asked for any public comments.

Peter Wallin, representing William and Millicent Wallin of 307 E. Bay Street, stated that he is concerned about the 7:00 a.m. to 10:00 p.m. time period for activities on the Roof Top Deck, the roof top capacity, and parking.

Bruce Ohmart, 302 E. Main Street, stated that he objected to the height of the building, and questioned whether he would get the same consideration at his residence.

With no further comments, the following motion was offered:

Motion by Cupps, second by Deegan, to close the public hearing on the Special Land Use permit and conditions for the Hotel Janelle Project.

Ayes - 8
Nays - 0

Motion carried.

Vice Chairperson Smith declared the public hearing on the SLU permit and conditions for the Hotel Janelle Project closed at 6:15 p.m.

5. Consideration of Resolution to Approve Special Land Use Permit for the Hotel Janelle Project

Planner Nix (via telephone) stated that Rob Mossburg of The Cottage Company has submitted information requesting roof usage pertaining to the proposed Hotel Janelle. Nix reminded the Commission that Mossburg has gained approval to develop a 3-story hotel on the former site of the Harborside Inn. Nix continued that on the roof, Mossburg has proposed to provide food and beverage service in a partially protected environment, with public restrooms and limited guest counts, and in the basement, Mossburg has proposed a total of forty parking spaces.

Planner Nix explained that the proposed food and beverage service area and roofed areas are a special land use and thus the proposal must meet the standards of Article 21 – Special Land Use Approval and Section 50.304(2), 50.1202(3), and 50.2301(4) of the Zoning Code.

Planner Nix reviewed the proposed SLU permit with the Commission.

Vice Chairperson Smith asked Mossburg where the glass wall would be located on the rooftop. Mossburg stated that the fence depicted along the access path to the stairway would be a 6 foot glass wall. A 42” glass parapet wall would be built around the perimeter of the usage areas depicted in the plans.

Bowman stated that the comment on the proposed 7:00 a.m. start time has been discussed at previous meetings, and that based on the City Code, construction machinery and tools may start at 7:00 a.m., and the proposed roof top would probably not be used for major events at that time. Bowman continued that he would not be in favor of the 7:00 a.m. unless the Planning Commission has the ability to change it if it becomes a problem.

Nix stated that the Planning Commission can revoke or rework the SLU at any time.

The Commission discussed the maximum number of persons that can use the public/hotel food and beverage area of the roof top deck at any one time without being considered a "special event" which would need City Council approval.

Vice Chairperson Smith stated that following much discussion, the Commission agreed to have the resolution read "The maximum number of persons that can use the public/hotel food and beverage area of the roof top deck at any one time shall be 150, and the maximum number of persons using the private residential condominium portion of the roof top deck at any one time shall be 25. The maximum number of persons that can use the ground level patio at any one time shall be 75."

A motion "to grant Special Land Use approval for the roof top deck and outdoor patio for the forty (40) room hotel and five (5) residential condominiums on the site located at 266 E. Main Street being the condominium known as The Hotel Janelle Condominium with the conditions in the attached Resolution" was made by Bowman, and supported by Cupps.

Ayes: Benjamin, Bowman, Deegan, Ford, Cupps, Kramer, Smith, and Wiggins

Nays: None

Absent: Walstrom

Motion carried.

6. Consideration of Resolution to Recommend Approval – Planned Development Application

Planner Nix stated that the Resolution for the Planned Development Application is for the additional height and partial enclosure of the accessory uses on the roof top.

City Attorney Ramer explained that the City Zoning Code was amended by City Council to permit in the PD CBD district structures on roof top decks that might under certain circumstances be partially enclosed and could extend as high as forty-nine (49) feet high. The Resolution is a recommendation to City Council that it also approve the Planned Development use on the roof top deck.

Planner Nix explained that the principal limitations in the Resolution are that the roof top deck use does not exceed fifty percent (50%) of the total square footage of the roof area, and also that the permitted structures do not exceed fifteen (15%) of the total roof top area and that no structure on the roof top deck extends more the forty-nine (49') high.

Following a brief discussion by the Commission, a motion to “approve the Resolution of the Planning Commission of the City of Harbor Springs To Recommend Approval of the Roof Top Deck Portion of the Hotel Janelle Project as a Planned Development” was made by Deegan, and supported by Wiggins.

Ayes: Smith, Kramer, Ford, Bowman, Benjamin, Deegan, Cupps, and Wiggins
Nays: None
Absent: Walstrom

Motion carried.

7. Public Hearing – Proposed Ordinance 393-Revising the Zoning Code (Building Height and Parking Lot Uses)

Vice Chairperson Smith opened the public hearing on proposed Ordinance No. 393 at 7:30 p.m.

Vice Chairperson Smith asked for any public comments.

There was no public comment.

Motion by Bowmen, second by Kramer, to close the public hearing on proposed Ordinance No. 393.

Ayes – 8
Nays – 0

Motion carried.

Vice Chairperson Smith declared the public hearing on proposed Ordinance No. 393 closed at 7:36 p.m.

8. Consideration of Recommending Council Adoption of Ordinance 393

Planner Nix explained that the Ordinance 393 has two elements:

1. To allow off street parking lots to be constructed in the Business 1 (B-1) zoning district subject to Special Land Use (SLU) conditions and the Business 2 (B-2) zoning district by right;

2. To exclude life safety features on a roof top from the definition of building height.

Ford asked for clarification of the term “life safety features”.

City Attorney Ramer stated that life safety features per current Building Code Specifications could be added to the Resolution.

Kramer asked for clarification on the lighting fixture adjacent to a residential use shall not exceed fifteen (15) feet in height.

Planner Nix explained that the whole idea of the fifteen (15) feet lighting fixture limit is to keep the lighting shining downward and not outward.

Bowman suggested that the wording be changed in Section 2 (7) (b) of the proposed Ordinance to “Any lighting fixture shall not exceed fifteen (15) feet in height”, and not specifying adjacent to a residential use.

Following the discussion, a motion “to submit proposed Ordinance No. 393, with the changes to define “life safety features” and Section 2 (7)(b) to read “Any lighting fixture shall not exceed 15 feet”, to the City Council for consideration with the recommendation to approve” was made by Deegan, and supported by Benjamin.

Ayes: Wiggins, Smith, Kramer, Cupps, Ford, Deegan, Bowman and Benjamin

Nays: None

Absent: Walstrom

Motion carried.

9. Member Comments

None

10. Next Meeting

City Manager Richards stated that the next Planning Commission Meeting is scheduled for March 19, 2015.

11. Adjournment

With no further business, Vice-Chairperson Smith adjourned the meeting at 7:36 p.m.

Kathy Saddison, Deputy City Clerk