

CITY OF HARBOR SPRINGS
PLANNING COMMISSION MEETING
MINUTES
September 15, 2016

Chairperson Walstrom called the Planning Commission Meeting to order at 6:02 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, John L. Cupps, Jack Deegan, Jeff Ford, Lee Kramer, Sara Smith, Fred Walstrom and Carrie Wiggins

Absent: Andrew Bowman

Also Present: City Manager Thomas C. Richards (by telephone), City Planner Larry Nix, Assessor / Planning & Zoning Administrator C. Jeffrey Grimm, Deputy City Clerk Michelle R. Main and City Clerk Ronald B. McRae

2. Approval of Minutes

Motion by Cupps, second by Smith, to approve the July 21, 2016 meeting minutes as read.

Ayes – 8

Nays – 0

Motion carried.

3. Public Comments and Correspondence

None

4. Old and New Business

A. Consideration of a Special Land Use at 373 East Main Street

Planner Nix stated that there are four conditions which need to be met for the Special Land Use (SLU) permit to be allowed to use the building as a single family residential home. Further, if this building meets those four conditions, then seven conditions must be met to approve a SLU permit.

Planner Nix reviewed the four conditions to allow the building to be used as a single family home. All four conditions are met.

Planner Nix went through the seven conditions which must be met to approve a SLU. After reviewing the seven conditions, Planner Nix stated that the SLU requirements have been met.

Breighner, a former owner of the building, stated that both he and Smith were familiar with the building because they used to own the building. The question of the property values dropping was addressed by Marty Breighner. He stated that the single family use will not lower the value of the property. Breighner believes it will help keep values up.

Motion by Deegan, second by Cupps, to approve the Special Land Use for 373 East Main Street to use the building as a single family home.

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

Motion carried.

B. Outdoor Seating for non-Food Establishments

Planner Nix stated that the Planning Commission directed staff to update and draft regulations considering the following items:

- Street furniture within thirty (30) inches of a building face shall be exempt for permit requirements.
- Street furniture shall no be advertising devices.
- Street furniture shall be quality items that are safe for users.

Planner Nix stated that he and Planning & Zoning Administrator Grimm discussed outdoor seating in the downtown area that is not related to food operations. Seating in the downtown area is very popular and beneficial to business operations on a general basis. There are several outdoor seating placements that are technically in violation of the City Code. Some of these have been in place for a long period of time and no one is complaining about them. The situation appears to be acceptable, but with food establishments needing to meet the new Code requirements, some questions are beginning to surface regarding fairness to others who have outdoor seating.

Planner Nix stated that an effort to facilitate the discussion on this topic, the following is a general approach that could be added to the City Code, not the City's Zoning Code to provide guidance and rules on how outdoor seating, not associated with a food establishment, could be placed in the downtown area. Planner Nix stated it is possible that a permit would not be required, but if a business had questions on a specific situation, these guidelines and rules would be applied.

Planner Nix stated that input from the DDA/PSD may be desired before moving forward.

Commissioner Smith stated that she didn't understand "c". Planner Nix explained that the subsection dealt with trash storage and disposal.

City Manager Richards stated that the one (1) lettering is allowed on containers or furniture for identification purposes. Commissioner Wiggins stated the quality of the furniture and materials is necessary, but questioned the aesthetic quality of the area if someone uses poor taste in the colors that they use.

Planner Nix discussed the aesthetics versus quality. Quality may be enforced. Taste is not very enforceable.

Motion by Smith, second by Cupps, to refer and recommend to City Council approval of the City Code changes proposed in the memorandum from Planner Larry Nix.

Ayes – 8

Nays – 0

Motion carried.

C. Consideration of the Definition of Family

Commissioner Ford did not think that the term "Family" was the issue or point of discussion. Planning and Zoning Administrator Grimm agreed. However, the current definition of "Family" used in the Zoning Code is so vague that the City Attorney could not defend the City's position on an issue which is being abused at the present time. Planner Nix stated that the definition needs to be restated to close the loop holes in the current vague definition.

Motion by Ford, second by Deegan, to set a public hearing for the proposed change of the definition of the term "family" in the City's Zoning Code.

Ayes – 7

Nays – 1 (Kramer dissenting)

Motion carried.

D. Discussion on Downtown signs and the Display of Goods

Planning & Zoning Administrator discussed the signage issue downtown. Due to the temporary window signage, hanging of a banner over the window, or other ways of putting a name on displays, the total allowed square footage is being exceeded.

City Manager Richards stated that most window signage would be approved as temporary in nature. Planner Nix stated that there are a number of stores or businesses having to much square footage of signage.

Commissioner Smith stated that she would like to see some examples of what is being discussed. She asked the Staff to take some pictures and bring it back to another meeting to discuss this issue. She believes that the pictures will help her and others to fully understand what is being violated.

Planner Nix suggested that the Commissioners go downtown and look at the signs over the next month. Commissioner Wiggins asked if the City is trying to regulate signs and displays inside the stores. She stated that maybe the signs should be inside the stores.

Commissioner Ford stated that the City should give the Staff tools to handle an issue.

Planning & Zoning Administrator Grimm discussed the banner on a business that reads, "Big Sale". After discussing this issue for a few minutes, Commissioner Deegan stated that the term "temporary" should be defined.

5. Board Member Comments

Chairman Walstrom stated that Bay Street should be rezoned from RM to R2. He reviewed his reasons for this change which related to primarily set backs. Based on the RM Zoning District setbacks, the Johnson's could get only an eleven feet wide addition approved without a variance.


Chairperson Walstrom stated that if the property was rezoned to R2, the setbacks are much narrower and would allow for a larger addition without a variance.

7. Next Meeting

Planning and Zoning Administrator Grimm stated that the next Planning Commission Meeting is scheduled for 6:00 p.m., Thursday, October 20, 2016, in the City Council Chambers of City Hall, 160 Zoll Street, Harbor Springs, MI 49740.

8. Adjournment

With no further business, Chairperson Walstrom adjourned the meeting at 7:13 p.m.


Ronald B. McRae, City Clerk

