

CITY OF HARBOR SPRINGS
PLANNING COMMISSION MEETING
MINUTES
May 21, 2015

Chairperson Walstrom called the Planning Commission Meeting to order at 6:03 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, Fred Walstrom and Carrie Wiggins

Absent: None

Also Present: City Manager Thomas C. Richards, City Planner Larry Nix, and City Clerk Ronald B. McRae

City Clerk McRae acknowledged that a quorum was present.

2. Approval of Minutes

A couple of corrections were noted for the April 16, 2015 Planning Commission Meeting Minutes. They were:

- A. Item 4A, page 2, first paragraph, the word "sight" was used. It should have been "site".
- B. Item 4C, Page 4, first paragraph reads, "...stated that has a representative..." It should read, "...stated that as a representative..."

Motion by Cupps, second by Smith, to approve the minutes of the April 16, 2015 Planning Commission Meeting as amended.

Ayes – 9

Nays – 0

Motion carried.

3. Public Comments and Correspondence

Kathie Breighner, Vice-Chairperson of the Downtown Development Authority (DDA)/Principal Sopping District (PSD) Board, discussed the School Board's reluctance to take no action on the request to allow the TIF District of the DDA to capture growth property tax revenues over the next three (3) years. Breighner stated that other issues came to light and everyone appeared to address these other issues, such as communication.

4. Old and New Business

A. 141 State Street – Journey North – Awning Request

Planner Nix stated that the Applicant, Guy Wadsworth, has met all of the requirements for the proposed awning for Journey North. The proposed awning, based on the application and the drawing meets the City's Zoning Code.

Motion by Bowman, second by Ford, to approve the application for the proposed awning for Journey North, as presented.

Ayes – 9
Nays – 0

Motion carried.

B. 131 State Street – Muer Kitchens, LLC, - Awning Request

Planner Nix stated that the Applicant, Susan Muer, has met all of the requirements for the proposed awning for Muer Kitchens, LLC. The proposed awning, based on the application and the drawing meets the City's Zoning Code.

Motion by Smith, second by Kramer, to approve the application for the proposed awning for Muer Kitchens, LLC, as presented.

Ayes – 9
Nays – 0

Motion carried.

Susan Muer discussed her products and menu for her restaurant.

C. Sidewalk Café/Outdoor Dining

Planner Nix discussed his memorandum relative to the issues with regard to crafting and adopting a regulatory ordinance pertaining to outdoor seating and dining in downtown Harbor Springs. Planner Nix discussed the draft of an ordinance prepared by his staff to be a general law ordinance, not an amendment to the City's Zoning Code. The draft ordinance is proposed as it is because it affects areas within the public rights-of-way and will cause a non-conformance status to current and future establishments that utilize outdoor dining in the City's rights-of-way.

Planner Nix started addressing the draft ordinance. Planner Nix stated that the draft ordinance was a compilation of distances and other items from other City ordinances. One of the first issues was whether or not forty-two (42) inches was wide enough. It appeared that the consensus of the Planning Commission was that the distance should be wider, perhaps six (6) feet. It was the consensus that during the summer, 42 inches would create a bottle neck. The sidewalks would be too crowded.

Some of the discussion was that there was a fear that a precedence would be set if the draft ordinance were to be adopted. It was also suggested that perhaps an approval could be given on a one-year trial basis. The advantages and disadvantages for a trial basis was discussed.

Commissioner Bowman stated that he would get a better picture of the proposed ordinance dimensions if the dimensions were sketched out on a drawing. There are some locations where the distance from the curb to the property line or building varies and could be less than is necessary.

Wendy Forreider, owner of Mustang Wendy's, discussed the importance of the outside dining. She discussed how important it was to her location at 131 State Street. Norman VanWormer discussed some of the outdoor dining in downtown Birmingham, a Detroit suburb.

Planner Nix stated that it was not necessary to approve an ordinance tonight or next month. He would have his staff provide a sketch of downtown area with dimensions so that the Planning Commission can see conceptually the area available for outdoor dining in some areas along East Main Street.

No further action was taken on this issue.

D. Consideration of Draft Ordinance No. 396, the Municipal Parking Fund Ordinance

City Manager Richards stated that draft Ordinance No. 396 was drafted to provide an alternative method to the off-street parking requirement for new businesses. The off-street parking requirement can be met by purchasing parking spaces through a "payment in lieu of parking" fee in installment payments, with said monies being deposited in a "Municipal Parking Fund" for the development of municipal parking lots in the future.

City Manager Richards stated City Council drafted a resolution to establish the cost of the parking space at \$15,000 for the "payment in lieu of parking". He suggested that the fee be paid over time by installment payments spread over a period of up to five (5) years. Further, if a business owner chooses to pay by installment payments that they also pay 7% on the unpaid balance. The purpose of the interest rate would be an incentive to pay the costs upfront rather than by installment payments.

Commissioner Bowman stated that he believed that there was discussion of setting the “payment in lieu of off-parking” at a lower cost, using a method of supply and demand or based on the economy. He believed that \$15,000 was too expensive, even if it was the cost of a parking space in the Central Business District (CBD). Discussion was based on a suitable method. There was no consensus on a suitable method.

Chairperson Walstrom discussed the history of the parking theory in Harbor Springs. He also commented on how the original requirements have been relaxed. It was noted that the recent studies of the downtown parking have resulted in the fact that the required parking spaces were 50% more than was necessary. Planner Nix stated that if the Planning Commission were to view the parking as no need for control. Parking spaces, especially private ones could be eliminated and structures built on those parking areas creating an even greater need for parking.

City Manager Richards stated that parking should be viewed as a responsibility of the business owner, the shopper and the public. Thus far, the parking responsibility has been pushed to the business owner and the City. Perhaps some sort of a policy or system should be developed that is a responsibility of the shopper.

Commissioner Smith thought that the interest rate should be variable as the “payment in lieu of off-street parking” fee is variable. The interest rate could be a few percentage points over prime and set by resolution each year. Commissioner Ford stated that he has an issue with these floating parking spaces. Further, he stated that the cost of developing a parking space in the downtown area is much higher than outside of the downtown area.

VanWormer stated that \$15,000 is an unreasonable start up cost for anyone. He stated that it would be conservative to assume a six (6) time turnover of a parking space during the day. The cost of a parking space for the “payment in lieu of off-street parking” could be set using that idea.

Breighner stated that she did not think it reasonable to give the Theater one hundred (100) free parking space credits, then charge a new business \$90,000 for six parking spaces.

Planner Nix stated that it was his understanding that Mustang Wendy’s had leased their parking spaces to meet the off-street parking requirements. Therefore, this issue does not need to be decided this evening. Land is precious in the CBD and this issue requires more study. He recommended continuation in studying this issue.

It was the consensus of the Planning Commissioners to revisit some of the old thoughts on this issue and perhaps relook at the ideas and get some DDA/PSD Board input on this issue.

No further action was taken on this issue.

5. Member Comments

None

6. Next Meeting

City Manager Richards stated that the next Planning Commission Meeting is scheduled for June 18, 2015.

7. Adjournment

With no further business, Chairperson Walstrom adjourned the meeting at 7:50 p.m.

Ronald B. McRae, City Clerk