

CITY OF HARBOR SPRINGS
PLANNING COMMISSION MEETING
MINUTES
November 20, 2014

Vice-Chairperson Smith called the Planning Commission Meeting to order at 6:01 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, Lee Kramer, and Sara Smith

Absent: Jeff Ford, Fred Walstrom and Carrie Wiggins

Also Present: City Manager Thomas C. Richards, City Planner Larry Nix, Police Chief Daniel J. Branson and City Clerk Ronald B. McRae

City Clerk McRae acknowledged that a quorum was present.

2. Approval of Minutes

Motion by Cupps, second by Bowman, to approve the minutes of the October 16, 2014 Planning Commission Meeting as read.

Ayes – 5

Nays – 0

Motion carried.

3. Public Comments and Correspondence

None

4. Outdoor Dining Request for Sam's Graces

[Enter Deegan at 6:05 p.m.]

City Manager Richards stated that Sam's Graces Restaurant (the "Restaurant"), 339 State Street, has requested outdoor dining service. City Manager Richards stated that this request comes about due to a storm water drainage issue proposed to be resolved by the State of Michigan, Department of Transportation (MDOT). MDOT is proposing to construct a raised concrete patio on the front of the restaurant building facing State Street.

Planner Nix stated that the proposed raised concrete patio will create a potential hazard for pedestrians. MDOT proposes to separate the elevated concrete from the sidewalk, creating a more defined patio space in front of the restaurant by installing a small handrail. There is currently a wooden deck there.

Planner Nix stated that the Restaurant currently has approval for outdoor seating, with no food service. This is similar to many of the downtown business that has adequate sidewalk space in front of their buildings. However, the Restaurant owners are now asking for approval to provide outside service to four two-place tables on the new patio provided by MDOT.

Planner Nix and City Manager Richards reviewed an aerial drawing of the building, the proposed Concrete patio, the sidewalk and the street. They also reviewed a drawing of the proposed seating option requested by the owners.

Commissioner Cupps asked how high the proposed railing would be. There was discussion that it should be at least forty-two (42) inches tall. Commissioner Bowman stated the rail should be designed to keep children from being able to go under it for the child's safety.

After the discussion, the following motion was offered:

Motion by Bowman, second by Cupps, to approve the outdoor dining with food service for Sam's Graces Restaurant on the proposed concrete patio with the condition that the railing be one that will keep children from going under the railing.

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

Motion carried.

5. Hotel Janelle Project - Consideration of Approval of Conditions

City Manager Richards stated that Rob Mossburg provided a letter with proposed solutions for the building height conditions, the roof deck usage and the tandem or stacked parking spaces. Mossburg discussed his proposals for consideration.

Mossburg stated that the City's Zoning Code enables access to, and the enjoyment of certain roof top spaces by the general public within its Planned Development – Central Business District (CBD) Overlay Ordinance. However, some of the more practical uses such as restrooms, food preparation, storage and vestibules were not considered.

Mossburg proposed that the Planned Development Overlay Ordinance be amended to include those other uses. Mossburg provided the following language to be included in the City's Zoning Code:

"In addition to that portion of a building which is permitted to extend above the maximum allowable height, such as stair and elevator enclosures and mechanical equipment, the code shall be amended to also permit the following 'Rooftop Accessory Uses':

- a. Restrooms,
- b. Food Preparation,
- c. Storage and Janitorial,
- d. Vestibules and Halls,
- e. Permanent and temporary structures which provide shade and other protection from inclement weather, provided they are open on at least fifty (50) percent of their side wall area, and
- f. Other support functions considered acceptable by the Planning Commission.

Rooftop Accessory Uses shall be permitted subject to the following provisions:

- a. The cumulative square footage of all Rooftop Accessory Uses does not exceed fifteen (15) percent of the total square footage of the roof area.
- b. No Rooftop Accessory Uses shall be closer than fifteen (15) feet from the roof edges that front a public street or right-of-way.
- c. No Rooftop Accessory Uses shall be taller than ten (10) feet from the highest point of the allowable roof height limit.
- d. Whenever possible, every attempt should be made to adjoin these structures with one another to minimize the overall massing.

After Mossburg finished his presentation, he introduced Scott Vyn, Integrated Architecture, to present the drawings of the proposed Hotel Janelle Project. After Vyn's presentation, Vice-Chairperson Smith asked the Planning Commissioner's for their comments and questions.

Commissioner Bowman questioned whether the proposed setback was for the terraces or the structures on the roof. Vyn stated the Rooftop Accessory structures. Commissioner Bowman also commented on the overall use intensity of the Hotel, including the rooftop. Commissioner Bowman stated that the intensity of the use was the subject of a lot of public input.

Planner Nix reviewed the drawings of the rooftop of the proposed Hotel Janelle Project with the Planning Commission. He pointed out that the rooftop height was not the floor height. The height of the Rooftop Accessory Uses was taller than ten (10) feet from the floor surface. He also reviewed the setbacks of the proposed Hotel Janelle rooftop structures. Between the proposed railings around the Terraces and the wall of the roof edge there is four to six feet of grass. However, there is no required setback for the terraces themselves, only the Rooftop Accessory structures.

Planner Nix stated that the tandem parking concept could be considered for approval this evening. Both Mossburg and Vyn discussed the tandem parking benefits. After their discussion, the following motion was offered:

Motion by Deegan, second by Kramer, to approve the proposed tandem parking for the Hotel Janelle Project, as presented.

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

Motion carried.

After the approval of the tandem parking proposal, the Planning Commission discussed the Rooftop Accessory Uses proposals. Commissioner Bowman noted that the fifteen percent of the roof top area coverage was only for the newly defined Rooftop Accessory Uses. There was no limit of rooftop deck coverage included. Commissioner Bowman stated that he didn't have problems with the proposed structures. However, the overall activity or intensity is not being addressed for the Hotel.

Commissioner Deegan agrees with the proposal to have the Rooftop Accessory Uses in the overlay area.

Planner Nix stated that the Planning Commission should authorize him to work with City Manager Richards and City Attorney Jim Ramer to develop the amendment to the Planned Development Overlay Ordinance. Planner Nix asked if the Planning Commission would prefer him to bring the draft of the proposed ordinance back to the December Planning Commission Meeting to review it with the Planning Commission. The Planning Commission could set the public hearing on the draft ordinance in December for the January Planning Commission Meeting.

It was the consensus of the Planning Commissioners to follow that course of action.

6. Parking Use for 333 East Third Street

City Planner Nix stated that off site parking for the Hotel Janelle was proposed. City Manager Richards stated that there was no zoning district where “parking lot” is permitted use. He noted that the proposed location is directly across the street from the Central Business District. The area in question is zoned R-2 Two-Family Zoning District. Planner Nix stated that it appears that the East Third Street residents were here expecting the Planning Commission to make a decision. Planner Nix stated that there can be no approval this evening because of the lack of authority in the City’s Zoning Code to allow a parking lot in the R-2 Zoning District.

Planner Nix stated that with the concerns raised, allowing a parking lot in that area may not be something that would be acceptable. Planner Nix showed the area on East Third Street from State Street east to Judd Hill on the map. The rest of East Third Street is zoned B-1, B-2 or C. In order for a parking lot for off street parking use to be approved, the area in question would need to have a zoning district change to TR-Transitional Residential or change the zoning code to allow parking lots in the R-2 Zoning District as a special land use.

Commissioner Bowman stated that the B-1 or B-2 zoning districts might be a better location for parking lots. Commissioner Deegan stated that he could understand the East Third Street residents concerns for safety.

City Manager Richards stated that the owner of 333 East Third Street has proposed other projects for possible construction on that parcel, none of those could be approved because the Zoning District limitations and lot size. City Manager Richards reminded the Commission that we have an unworkable conflict...we require businesses to provide off street parking, but provide no zoning district where “parking lot” use is permitted by the Code.

No further action was taken on this issue.

7. Next Meeting

City Manager Richards stated that the next Planning Commission Meeting is scheduled for December 18, 2014.

8. Adjournment

With no further business, Vice-Chairperson Smith adjourned the meeting at 7:24 p.m.

Ronald B. McRae, City Clerk