

CITY OF HARBOR SPRINGS
PLANNING COMMISSION MEETING
MINUTES
May 19, 2016

Chairperson Walstrom called the Planning Commission Meeting to order at 6:00 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 L. 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, Assessor / Planning & Zoning Administrator C. Jeffrey Grimm and City Clerk Ronald B. McRae

2. Approval of Minutes

Motion by Cupps, second by Smith, to approve the January 21, 2016 and the February 18, 2016 meeting minutes as read.

Ayes – 9

Nays – 0

Motion carried.

3. Public Comments and Correspondence

None

4. Old and New Business

A. Public Hearing on a Change in the Hours of Operation Condition on a Special Land Use

Chairperson Walstrom opened the Public Hearing on a Change in the Hours of Operation on a Special Land Use (SLU) Permit at 6:03 p.m. Planning and Zoning Administrator Grimm stated that the previous operator of the Cupola Restaurant at 340 State Street, Dale Clemons, was approved for a SLU. However, the original SLU had a condition that the hours of operation would be 7:30 a.m. to 11:00 a.m. Scott and Laurretta Reiss, owners of the Small Batch, would like to serve both breakfast and lunch. They propose serving 7:30 a.m. through 3:00 p.m.

Planner Nix stated that the SLU Permit issued to Dale Clemons is still in effect. The only consideration is to change the hours of operation. The Small Batch at the Cupola, owners plan to utilize the same space as the Cupola Restaurant.

Planner Nix, Planning & Zoning Administrator Grimm and City Manager Richards addressed the questions and concerns of the Planning Commissioners. After the discussion, Chairperson Walstrom closed the Public Hearing at 6:04 p.m.

B. Consideration of the Amendment to the SLU at 340 State Street to Extend the Hours of Operation

Chairperson Walstrom asked for any Commissioner comments. There were no comments, but a motion was offered:

Motion by Cupps, second by Bowman, to approve the amendment to the SLU, removing the condition restricting the hours of operation.

Ayes – Deegan, Ford, Kramer, Smith, Walstrom, Wiggins, Benjamin, Bowman and Cupps
Nays - None

Motion carried.

C. Consideration of Ordinance No. 397 – Outdoor Dining in Sidewalk Café's and Seating

Planning & Zoning Administrator Grimm stated that at the City Council's May 2nd meeting they approved a \$250 application fee for a permit sidewalk cafe'. They also removed all fees for outdoor seating where there was no service. City Council also requested that the Planning Commission review the requirements in Ordinance No. 397. Planning & Zoning Administrator Grimm stated that he and Michael Naturkas, the owner of the Paper Station and the Stained Coffee Cup, worked together on the memo proposing reconsideration of regulations on Sidewalk Cafes and Outdoor Dining.

Naturkas stated that for comparables, he used the City of Petoskey, Traverse City, Boyne City and Charlevoix when formulating his request for changes to Ordinance No. 397. Planner Nix stated that the memo outlines six (6) changes to the ordinance. Each of those proposed changes were reviewed by the Planning Commission.

Planner Nix stated that Item 1 requires all tables, chairs, table umbrellas, railings, posts, and other items associated with the operation of a sidewalk café' or out door seating shall

be removed and stored inside of the establishment each night. Item 2 requests that only the tables and chairs receiving service be put in every night.

Planner Nix clarified that under the regulations in ordinance 397 the tables, chairs and benches, but only between the dates of November 7th and March 15th. Planner Nix stated that the concerns in Items 1 and 2 of the memorandum are already addressed in Ordinance No. 397.

Item 4 was discussed next. Planner Nix stated that the Planning Commission gave a great deal of consideration to the decision to maintain a six-foot traffic lane. In some areas the six-foot traffic lane is serpented around things on the sidewalk and the trees. Naturkas stated that many areas use four feet and five feet pedestrian traffic lanes. Planner Nix stated that five feet is allowed on all streets, except Main Street.

Item 3 (the proposal to relax regulations for seating placed against the front of a building) was discussed next. It was the consensus of the Planning Commission that such outdoor seating (on the public sidewalk) has consistently required an application and approval by the commission. The ordinance now formalizes that process and the regulations that must be followed.

Item 5 requested to expand the hours for serving the sidewalk cafe downtown. Planner Nix discussed this issue and provided the history for the 11:00 p.m. service time. Planning Commissioners stated that there is little noise from the sidewalk cafes. The 11:00 p.m. rule came about after discussions regarding the proposed hotel. It was noted that noise goes further on a roof top than at street level. The consensus of the Planning Commissioners was to consider revising the regulations and allowing outdoor dining to continue until midnight.

Item 6 requested that workman's comp insurance be required only for a business that provides outdoor service, not where there is no service at the outdoor tables, chairs and benches. Commissioner Deegan stated that all businesses have to follow the workman's comp laws. The consensus was that each business and or property owner should follow the law. Further, it was a consensus that workman's comp insurance required for the outdoor dining areas being served was appropriate.

Planner Nix stated that with the feedback from the Planning Commission, City Manager Richards and Planning & Zoning Administrator Grimm can report back to The Commission and propose revisions to Ordinance No. 397. No further action is necessary by the Planning Commission.

5. Member Comments

None

6. Fence Improvements

Naturkas discussed development of a fence that could be anchored in a sidewalk which could be used to enclose a sidewalk cafe where the tables are serviced. Naturkas described the fence and how it is anchored to the sidewalk. City Manager Richards indicated that staff would consider specific proposals. No further action was taken on this issue.

7. Next Meeting

City Manager Richards stated that the next Planning Commission Meeting is scheduled for 6:00 p.m., Thursday, June 16, 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 6:52 p.m.


Ronald B. McRae, City Clerk