

CITY OF HARBOR SPRINGS
PLANNING COMMISSION MEETING
MINUTES
January 15, 2015

Chairperson Walstrom 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, Lee Kramer, Sara Smith and Fred Walstrom

Absent: Jack Deegan, Jeff Ford and Carrie Wiggins

Also Present: City Manager Thomas C. Richards, City Attorney James T. Ramer, City Planner Larry Nix, Police Officer Dave Heater and City Clerk Ronald B. McRae

City Clerk McRae acknowledged that a quorum was present.

2. Approval of Minutes

A correction to the minutes was noted. Item 5, Page 2, third paragraph, second sentence reads, "...most of those cities sample." It should read, "...most of those cities sampled."

Motion by Cupps, second by Smith, to approve the minutes of the December 18, 2014 Planning Commission Meeting as amended.

Ayes – 5

Nays – 0

Motion carried.

4. Public Comments and Correspondence

None

[Enter Benjamin at 6:03 p.m.]

5. Public Hearing on Proposed Ordinance No. 392

Chairperson Walstrom opened the public hearing on proposed Ordinance No. 392 at 6:04 p.m.

Chairperson Walstrom asked for any public comments.

Kathie Breighner, 2906 E. Lake Street, stated that she believed the idea to address the items in proposed Ordinance No. 392 was great as the proposed Ordinance addressed a lot of issues concerning the use of patios, decks and roof top decks.

With no further comments, the following motion was offered:

Motion by Bowman, second by Smith, to close the public hearing on proposed Ordinance No. 392.

Ayes – 6
Nays – 0

Motion carried.

Chairperson Walstrom declared the public hearing on proposed Ordinance No. 392 closed at 6:05 p.m.

6. Consideration of Proposed Ordinance No. 392

Planner Nix reviewed the “revised” proposed Ordinance No. 392. After the review of the revisions, Planning Commissioners discussed safety features that may be appropriate for rooftop decks (commercial and residential) in other districts. Discussion followed about addressing those in other possible code revisions. City Attorney Ramer stated that he would like to review the need for clarification and consider another possible amendment to the City’s Zoning Code. The consensus of the Planning Commission was to follow City Attorney Ramer’s recommendation.

The Planning Commissioners asked for further clarification of issues. After the discussion, the following motion was offered:

Motion by Cupps, second by Benjamin, to submit proposed Ordinance No. 392 to the City Council for consideration with the recommendation to approve.

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

Motion carried.

6. Request to Set a Public Hearing

Rob Mossburg, developer of the Hotel Janelle, asked if he could schedule a public hearing on the Special Land Use permit for the Hotel Janelle. City Manager Richards stated that the Planning Commission could schedule a public hearing for their February 19, 2015 meeting. However, the public hearing would have to be scheduled on the condition that City Council approves proposed Ordinance No. 392.

Following a brief discussion on the issue of scheduling a public hearing on the condition of an approval, the following motion was offered:

Motion by Bowman, second by Cupps, to schedule a public hearing on a Special Land Use permit for the Hotel Janelle, contingent upon the approval of the proposed Ordinance No. 392 by City Council.

Ayes – 6

Nays – 0

Motion carried.

7. Usage Requests for 195 West Main Street (McGregor – L'esprit Building)

Chairperson Walstrom stated that this item has been withdrawn for presentation and consideration this evening.

8. Proposal for Food Service Use – Little Party Store at 633 East Lake Street

Planner Nix reviewed the request by Bill Carter, the potential purchaser of the Little Party Store, to construct a small kitchen to prepare and sell “Carter’s Classic Coney’s” as well as the products currently being sold. Planner Nix stated that the Little Party Store was a non-conforming use in the R-O-S Zoning District. Further, the non-conforming use was permitted to continue when the Zoning District was created.

Planner Nix stated that a non-conforming use cannot be increased. Planner Nix stated that the Little Party Store has been in business since the early 1950s. Since the Little Party Store has been selling pre-packaged food and prepared foods on and off since it started in business, Planner Nix stated that he sees no issue with approving the preparation and sale of the “Carter’s Classic Coney’s” and the installation of the kitchen as proposed.

Commissioner Bowman stated that he believed that he needed to abstain from the consideration of this issue because he is involved in the sale of the “Little Party Store” to Mr. Carter. There were no objections from the Planning Commissioners.

Carter reviewed his proposed floor plan changes with the Planning Commission. He stated that there were no plans to change the exterior structure of the building. Both Chairperson Walstrom and Commissioner Cupps stated that there should be plenty of parking for the secondary use of the take-out “Carter’s Classic Cones” and prepared food sales.

Following the presentation and the discussion by the Planning Commission, the following motion was offered:

Motion by Smith, second by Benjamin, to express the Commission’s approval and support of the new owner’s request to continue the sale of prepared foods from the party store.

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

Motion carried.

9. Parking Lot – Permitted Use

Planner Nix reviewed the issue of the requirement that owners provide off-street parking, but the City’s Zoning Code limits the allowed “use” of property for parking lots to the Transitional Residential (“TR”) or Community (“C”) Zoning Districts. Planner Nix stated that the Planning Commission consensus last meeting was to allow parking lot use in the “Business” Zoning Districts.

Planner Nix reviewed the zoning districts on the north side of East Third Street between State Street and Judd Hill. In his opinion, Planner Nix recommended that the parking lot use be allowed in the Business 1 (“B-1”) Zoning District as a Special Land Use. The primary reason for the Special Land Use approval requirement is due to the possibility that parking lots could be considered adjacent to one and two family dwellings which are allowed uses within the B-1 Zoning District.

Planner Nix stated that the Business 2 (“B-2”) zoning district does not allow residential uses. Therefore, he recommends that an off-street parking lot be a permitted use by right.

Planner Nix reviewed his recommendations for lighting, construction and arrangement of parking spaces, setbacks, green space and screening requirements. Planner Nix addressed the concerns of the Planning Commissioners on the parking lot recommendations. Following the discussion, the following motion was offered:

Motion by Cupps, second by Benjamin, to set a public hearing during the February 19, 2015 Planning Commission on a proposed ordinance to authorize parking lot use in the B-1 and B-2 Zoning Districts as recommended by Planner Nix.

Ayes – 6
Nays – 0

Motion carried.

10. Next Meeting

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

11. Adjournment

With no further business, Chairperson Walstrom adjourned the meeting at 6:50 p.m.

Ronald B. McRae, City Clerk