

CITY OF HARBOR SPRINGS
PLANNING COMMISSION MEETING
MINUTES
December 18, 2014

Acting-Chairperson Bowman 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 Cupps, Jeff Ford, Lee Kramer, and Carrie Wiggins

Absent: Jack Deegan, Sara Smith and Fred Walstrom

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

City Clerk McRae acknowledged that a quorum was present.

2. Acting Chairperson

Commissioner Bowman stated that he was asked to be the Acting Chairperson for the meeting this evening. He asked if there were any objections to him chairing the meeting. There were no objections.

3. Approval of Minutes

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

Motion by Kramer, second by Benjamin, to approve the minutes of the November 20, 2014 Planning Commission Meeting as read.

Ayes – 6

Nays – 0

Motion carried.

4. Public Comments and Correspondence

None

5. Ordinance Change for Roof Top Decks

City Manager Richards stated that owners of the Hotel Janelle are proposing changes to the City's Zoning Code for the proposed plans developed to construct the Hotel Janelle Project.

Planner Nix stated that he would like to review Staff research, Zoning Code Amendments, and review the research on noise. Planner Nix discussed uses within the CBD-Central Business District. According to the City Attorney's opinion, all uses in the CBD must be "within the building". Drawings illustrating what is within a building are part of the legal opinion. Planner Nix stated that requests for outside dining are not allowed with the City's Zoning Code, however, on a case by case basis, City Council has approved some requests.

Planner Nix then reviewed the noise research that his staff has done and prepared. Planner Nix stated that the City of Harbor Springs allowed noise levels are comparable but slightly greater than most of those cities sample. Harbor Springs allows seventy decibels. The noise level is to be measured at the property line of the property where the noise comes from. Planner Nix also discussed the characteristics of noise. He discussed how noise is contained, directed and how it dissipates.

Planner Nix discussed some of the amendments that would be considered for decks, terraces and roof top decks. Square footages were discussed, building heights, setbacks required for roof top decks, railings and overall coverage areas of the roof. There was also discussion about any possible enclosed areas permitted on the roof top.

Planner Nix discussed the concerns of the Planning Commissioners. The hours of operation were discussed. It was a consensus that the roof terraces should be opened until 11:00 p.m. because it is still light. Some of the issues with roof-top decks or terraces are applicable to only the CBD Overlay Area and some of the issues for roof top decks are applicable for the entire CBD. The Commission discussed the question of the height of a building versus what is allowed for the height of the rooftop structures for stairways, elevators, restrooms, etc.

The issue of a "Terrace" being considered a "Deck" was discussed. City Attorney Ramer stated that he would work on language to address that concern.

Planner Nix stated that having the roof-top decks go through the Special Land Use (the "SLU") approval process gives the Planning Commission a cautious approach. A SLU permit can be terminated if there are issues that are not addressed by the owner.

After the discussion, the following motion was offered:

Motion by Cupps, second by Wiggins, to set a public hearing for the proposed ordinance amendments as discussed and reviewed with City Manager Richards, City Attorney Ramer and City Planner Nix concerning roof top decks, usages and approvals; further, the ordinance amendments will address building heights and heights of structures and the allowed usages on a roof top within a Planned Development Overlay in the Central Business District. Said public hearing shall take place during the Planning Commission Meeting scheduled for 6:00 p.m., Thursday evening, January 15, 2015.

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

Motion carried.

5. Parking Lot – Permitted Use

City Manager Richards stated that the only zoning districts where Parking Lot is a permitted use are Community (“C”) and Transitional Residential (“TR”). City Manager Richards stated that off-street parking lots should be allowed in some zoning districts, such as the recent discussion of East Third Street.

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 pointed out that there are two zoning districts, Business 1 (“B-1”) and Business 2 (“B-2”), which could be suitable for a stand alone parking lot. A parking lot in these zoning districts would be located across East Third Street from the CBD, which is the zoning along the south side of East Third Street.

It was the consensus of the Planning Commissioners present that an ordinance be drafted for their review. After the Planning Commissioners have the opportunity to review the draft ordinance, a public hearing could be set. The public hearing on permitting Parking Lot use in certain zoning districts could be held in the Planning Commission Meeting scheduled in either February or March of 2015.

6. Meeting Schedule for 2015

City Manager Richards reviewed the City Council approved Planning Commission Meeting schedule with the Planning Commissioners. Acting Chairperson Bowman asked if there were any comments, concerns or objections to any of the meeting dates. There were no objections.

7. Next Meeting

City Manager Richards stated that the next Planning Commission Meeting is scheduled for January 15, 2015.

8. Adjournment

With no further business, Acting Chairperson Bowman adjourned the meeting at 7:00 p.m.

Ronald B. McRae, City Clerk