Planning Commission
Public Hearing
July 26, 2016

The meeting was called to order by Planning Chairman Dennis Thomas and the secretary called the roll.

Present: Michael Blache, Ren Clark, Simmie Fairley, Nixon Adams, Dennis Thomas and Rebecca Bush

Absent: Scott Quillin

Also Present: Louisette Scott, Planning Director

Adoption of Resolution 16-02, Adopting the 2016/2017 Short Term Work Program (STWP)

Ms. Scott said she had compared budget estimates from Grand Rapids for a master plan which was $500,000 for two year's worth of work. With the development of a scope of work and an RFP, a true cost would be established and a budget adjustment could be requested if needed.

Mr. Blache moved to adopt Resolution 16-02, seconded by Ms. Bush and was unanimously approved.

Mr. Adams moved to adopt the minutes of July 12, 2016, seconded by Mr. Blache and was unanimously approved.

Mr. Fairley moved to adjourn the meeting, seconded by Ms. Bush and was unanimously approved.

Lori Spranley, Secretary

Dennis Thomas, Chairman
Planning Commission

Zoning Commission
Public Hearing
July 26, 2016

The meeting was called to order by Zoning Chairman Nixon Adams and the secretary called the roll.

Present: Michael Blache, Ren Clark, Simmie Fairley, Nixon Adams, Dennis Thomas and Rebecca Bush

Absent: Scott Quillin

Also Present: Louisette Scott, Planning Director

Mr. Adams announced that written notice of decisions regarding zoning variances will be filed in the Board's office the following day of this meeting at which time applicable appeal time will begin to run.

The first case discussed as Z16-06-01 Recommendation to the City Council regarding Ordinance 16-01 to effect the rezoning of lots 15 and 16 in a portion of square 51, Lamarque Street, from the existing zoning of R-1, Single Family Residential, to B-1, Neighborhood Business District; and providing for other matters in connection therewith.

Ms. Scott said this was the rezoning request for the property located at 820 Lamarque Street. At the work session, there was a discussion that the Short Term Work Program included a review of the east side of the City and deferring the request until a future time. The applicant was in agreement.

Mr. Clark moved to recommend deferring the consideration with no action and if the ordinance lapsed that it would be reintroduced with no penalty of time for the applicant to allow the commission to perform a comprehensive review subsequent to the City Attorney's advice for the commission to take no action, seconded by Mr. Fairley. The motion passed 6-0.

The next case discussed was SUP16-06-05 Barry and Kathleen Bird Brupbacher request a special use permit for Section 6.4.42, Lodging (Transient) – Bed and Breakfast Residence, lot 3-B, square 48, 1925 Livingston Street, zoned R-1.

Ms. Scott presented a Special Use Permit request to allow a bed and breakfast residence with up to the allowable two units as defined in Section 6.4.42, Lodging (Transient) - Bed and Breakfast Residence as:

> An owner-occupied dwelling unit having no more than one (1) culinary facility and no more than two guest rooms where short-term lodging with continental breakfast only is provided for compensation by the owner/operator of the residence.

The house was set back 26' and included a parking area of crushed limestone. The residence was in compliance with the standards in the Comprehensive Plan and CLURO. The parking requirements were one space for each rented room plus two parking spaces for the primary units which would be a total requirement of four spaces and five spaces were provided on the site.

Mr. Adams said a bed and breakfast residence was considered a permitted use and the board could recommend changes to the site plan if needed. Ms. Scott said bushes were planted along the property line with existing trees. Mr. Adams said there was a neighbor in opposition.

Gibb Farrish, 1921 Livingston Street, said it was his understanding that if the property met the criteria, it would be approved and the staff stated it met the criteria. His opinion was that commercial uses should be kept in the B-3 district with much of that

zoning district being vacant. Mr. Clark asked Mr. Farrish what was his objection, and Mr. Farrish said it devalued his property by allowing a commercial use. Mr. Blache disagreed and thought Mr. Farrish's property would be enhanced be the use.

Eric McNeil, 604 Marigny Avenue, said he bought his house two months ago and was in support of the project.

Mr. Thomas said he felt a bed and breakfast residence was not fair to other R-1 properties since they had to put up with the inconvenience of traffic, noise, and the possibility of causing a drop of property values and not share in any of the revenue generated; they take all of the risk with no benefit. He also said that at the Night Out Against Crime and Neighborhood Watch meetings, police stress to know your neighbors and call the police if you see strangers coming and going in and out of the neighborhood. The renters would be strangers in the neighborhood coming and going at all times of the day and night. Mr. Clark said he thought it was an upscale use. Mr. Blache said he appreciated the Brupbacher's coming before the board when others were advertising through Air BNB without a permit.

Mr. Blache moved to approve the special use permit, seconded by Mr. Clark and was unanimously approved.

Discussion

Air BNB operated through the internet without any permits. Ms. Scott said by definition a bed and breakfast was owner/occupied and the owner could not rent it out. Short term rental was a different classification and was a violation.

Barry Brupbacher, 1925 Livingston Street, said his accountant told him that a bed and breakfast was set up as a business and Air BNB was the rental of a property that did not have the same tax structure. Mr. Clark asked if the Brupbachers were not home, could the building still function as a bed and breakfast and it was answered no, it must be owner occupied.

Mr. Blache said he had been told the way to get around the ordinances was to sign a one day lease. Ms. Scott said she would research that, but thought that the CLURO prohibited short term rental. This should be considered as a CLURO change.

Mr. Adams moved to adopt the minutes of July 12, 2016, seconded by Mr. Blache and was unanimously approved.

Mr. Fairley moved to adjourn the meeting, seconded by Ms. Bush and was unanimously approved.

Lori Spranley, Secretary

Nixon Adams, Chairman
Zoning Commission

Zoning Commission
Work Session
July 26, 2016

The meeting was called to order by Zoning Chairman Nixon Adams and the secretary called the roll.

Present: Michael Blache, Ren Clark, Simmie Fairley, Nixon Adams, Dennis Thomas and Rebecca Bush

Absent: Scott Quillin

Also Present: Louisette Scott, Planning Director

Mr. Adams announced that any additional information determined to be needed by the Commission in order to make a decision regarding a case shall be required to be submitted to the Planning Department by the end of business on the Friday following the meeting at which the additional information was requested or the case will automatically be tabled at the next meeting.

The only case discussed was V16-08-17 Danny and Carolyn Gaspard request a variance to Section 7.5.1.3, R-1 Site Development Regulations, a 2.06 parcel of ground in square 84, zoned R-1.

Ms. Scott presented based on the outcome of the variance request, there could be a request for an administrative resubdivision. The property formed the corner of Livingston and Albert Streets and was adjacent to the property recently resubdivided by Greg Peace. The property contained 2 acres and would be resubdivided into three lots on Livingston Street measuring 88.82' by 125', two lots on Albert Street measuring 90' x 120'(to be donated to the applicant's children), and a fifth lot that would be a large flag lot for the applicant's home. The frontage of the flag lot was 32.49' serving as a driveway to the rear lot. The lot contained 36,459 square feet. The application stated that Fire District 4 had evaluated the request and had no objection.

Mr. Thomas said the board discouraged flag lots with just an entrance, but this was a different request. Ms. Scott said the neighborhood had a variety of lot sizes with frontages ranging from 85'-120'. The definition of a flag lot in the CLURO read: A lot having access to a street by means of a private driveway, access easement, or parcel of land not meeting the requirements of this Land Use Regulations ordinance for lot width, but having a dimension of at least fifteen (15) feet at its narrowest point. Mr. Adams said the Comprehensive Plan discouraged flag lots. Ms. Scott said the CLURO addressed meeting minimum lot sizes and this interior space created a deeper lot.

Danny Gaspard, 1020 Montgomery Street, said the entire square was flood zone X and the square was wooded in January, 2016 except for one developed lot. He and his wife would like to sell the three lots on Livingston Street and donate the two lots on Albert Street to their two children. Their vision was to have the house to the rear with no gates or fences and ongoing family access. Ms. Scott said if there was an existing lot there could be servitude, but there must be access to the street.

Mr. Gaspard said there was an interested party in one of the Livingston Street lots who was requesting a depth of 130' instead of 125' which would shift the lots and his driveway would decrease by 5'. He stated that many of the lots on Livingston Street were duplexes even though they were zoned R-1.

Lynn Mitchell, 1205 Villere Street, said creating the three lots facing Livingston Street made sense. He noted that it was interesting that this was once used as an informal neighborhood park and the square had lost about 50% of the trees to Hurricane Katrina. It was difficult to take a square and fit it into the 90' x 120' required sized lots.

Ms. Scott said flag lots did not create a safety problem situation, and the Fire Chief had spoken to this. The intent was for the lots to have street frontages, but that would not be lost with this request.

Mr. Fairley moved to adjourn the meeting, seconded by Ms. Bush and was unanimously approved.

Lori Spranley, Secretary

Nixon Adams, Chairman
Zoning Commission