

**Planning Commission
City of Frankfort
Minutes
October 11, 2011
Regular Meeting**

Call to Order: 7:00 PM

Roll Call and Recognition of Visitors: Campbell, Fairchild, Ogilvie, Penne, Storrer, [vacancy (2)]

Public Present: Josh Mills, Sharron May, Dale Evans, Bill Beck, Sam Baressi

Quorum Present

Motion to approve minutes of Regular Meeting of August 9, 2011 moved Storrer, seconded Fairchild; all ayes; motion passed.

Motion to amend minutes of Regular Meeting of September 13, 2011 moved Ogilvie, seconded Storrer; all ayes; motion passed

Motion to approve minutes of Regular Meeting of September 13, 2011 with noted amendments and corrections moved Fairchild, seconded Campbell; all ayes; motion passed

Motion to note that the minutes of Special Meeting of September 15, 2011 have not been received. (Storrer/Fairchild)

Motion to Approve Agenda moved Fairchild; Seconded Campbell; all ayes; motion passed.

Public Comments & Correspondence Concerning Items Not on the Agenda: Correspondence: an anonymous letter about Industrial Wind power was received; a letter from the owners of The Bayview Grille was received.

Request to Appear: Dale Evans, Bayview Grille, Frankfort, requested a meeting with City Superintendent **Josh Mills** and **Mayor Johnson** regarding an extension on the temporary Special Use permit.

Bill Beck 111 Michigan Ave. commented about the discussion of beach toilet facilities. A committee has been formed to avoid a third-time dismantling of the toilet facilities at the beach. This committee would like to express their thoughts next month about what could be done instead of the facility being removed.

Pat Storrer noted that the next regular meeting on Nov. 8th is also Election Day. An alternate meeting date will be discussed under New Business.

Reports to the Commission:

1. Chair Report: **Bruce Ogilvie** reported on the **Status of Ordinance development for Medical Marihuana and Alternative Energy**. **Ogilvie** tentatively drafted a licensing-related ordinance and submitted it to the City Council for discussion in November. A Subcommittee Report will cover the most recent forum on Energy Conservation. **Development of City Recreation Facilities** – All viewpoints will be able to be disclosed in a Public Hearing following the November Planning Commission meeting. **Discussion of Complete Streets Projects** for 2012 - A Safe Routes to School walk/bike ride to school

was held last Wednesday. **Discussion of Seventh Street from Bay to Market Square Park** – Engineers from Abon Marche Consultants will be conducting an October 18th evaluation of this corridor. **Discussion of Main Street from Ninth Street to Michigan Avenue** – There is a model to work off of in our Master Plan and language in our zoning ordinance; there is a need for specific directions for parking and curb issues (i.e. Post Office, EZ Mart, etc). to support pedestrian safety. **Tax Incremental Financing District (DDA) creation to support Complete Streets Project** – a DDA director from Manistee will be brought in to have a discussion with Chamber and businesses that are interested.

Discussion between **Fairchild** and **Ogilvie** about Medical Marijuana ordinance model being considered. Because of HIPAA protection, it is possible that Planning Commissions may not be involved, as it may not be considered a land use issue.

2) **Subcommittee Report on Public Forums: Patricia Storrer** reported on the October 4 **Public Forum on Energy Conservation**. Jim Campbell was thanked for publicity. The format was very informal, with three panelists: Architect **Michael Fitzhugh**, **Marlene Woods-Zylstra**, Recycling Coordinator, and **Jim Barnes** of Eco-Building Supply. There were 22 attendees. It was recommended by the panel that energy audits and education are encouraged and that the Planning Commission determines how and if energy conservation can be zoned. **Update on questions from the June Forum**. Answers to the 64 questions from the June Forum are still pending from **Keith Schneider**, **Glenn Puitt** and **MDOT**.

3) **City Superintendent Report by Josh Mills on Main Street Redevelopment Project(s) and Specific Site Plan Approval(s)**. Barricades on **Heniser** project will be removed and a covered walkway will be used. **Patterson Crossing** is essentially complete; refractors will be installed on the acorn-style lighting. **Status Report on Temporary Special Use Permit for BayView Grille** – The temporary Special Use Permit is good through October 15th, a meeting will be discussed under New Business. Other **Josh Mills** and **Bruce Ogilvie**. Seasonal residents want to be able to give public input on specific proposals, such as the **Beach Restroom Facilities**. He recommends a joint Public Hearing with the Recreation Board. He recommends revisiting Capital Improvements plan. **Storrer** recommended a time frame to get the most public participation. She recommended a two-event process: a Public Forum and Public Hearing. Campbell asked about what happened to the Cannon Park proposal by Steve Campbell. Mills responded that the previous City Council was not favorable towards it. Other than procurement of grant funds, the city is not involved in funding.

4) **Zoning Board of Appeals Report by Josh Mills** - a variance request for expansion of an accessory building was approved as well as a request for a variance on the roof pitch. A hearing is being scheduled under Dangerous building code concerns. Ogilvie reported that an individual in the Beach Street rural district wanted to co-join two allowable exceptions: a detached garage and an associated ancillary building. The exact language to allow that combination to occur was not in the ordinance so it was approved as an exception to the Zoning Ordinance that needed to be corrected.

Unfinished Business- None

New Business

Motion to reschedule the next regular meeting of the Planning Commission to Wednesday, November 9, 2011 at 7 PM due to elections moved Fairchild; seconded Campbell; all ayes; motion passed.

Discussion about the Temporary Special Use Permit that expires on October 15th. **Ogilvie:** We approved a continuing temp use permit and extended it to the 15th. On the 15th if we don't have compliance, then what happens? **Fairchild-** do we move to extend it? **Ogilvie:** our zoning ordinance won't allow it. We can't extend it at any meeting. Neither the City Supervisor nor this Commission can vote to extend it or terminate it. We've done all we can. **Storrer:** At this point, there is a proposed meeting with the mayor and then there is the request for winter parking, which should be addressed as a separate issue. **Ogilvie:** I don't know that we have a clear route ahead. We cannot vote to extend it or terminate it. **Mills:** keeping in mind what Mr. Evans' requested, we can meet before the 15th and try to go over the process that has been delineated by the ordinance and try to reach some type of resolution to take into a meeting to consider. The process has been laid out. The applicant can request an amendment of the special use and site plan, which requires a new hearing process, or come into compliance and request a new timeline. An attempt can be made to have a meeting on that to discuss whole-heartedly what route to pursue. **Ogilvie:** I spent a fair amount of time reviewing what opportunities we have under our existing statute. We have none. I can't find any motion we can make, any statute we can refer to that would allow us to continue. **Mills:** No, the only thing that has any flexibility is the frequency of the civil infraction associated with it. **Ogilvie:** we can't vote on that. **Mills-** No, that's my job. **Ogilvie:** so I don't think we are in a position to make any motion. **Mills:** No, unless you are willing to attempt a meeting along with another member of the Planning Commission sometime this week. **Mills: Ogilvie:** I am willing to make myself available for that. We cannot act on the site plan. The best I can do is to entertain a motion to recess this Planning Commission until this Friday, the 14th.

Motion to recess the meeting until Friday, October 14th at 11:00 a.m. moved Storrer, seconded Fairchild; all ayes, motion passed.

Public Input – Agenda Items only

Sharron May, 904 Adams complimented the Planning Commission for giving every opportunity for a positive solution regarding the Bayview Grille situation.

Meeting recessed at 7:58 pm

Next Meeting: Regular Meeting on November 15, 2011, the Haugen Room at City Hall at 7:00 pm.
Commissioner Handouts: Draft Minutes for Regular Meeting of Regular Meeting of September 13, 2011 and August 9, 2011.