

**Planning Commission  
City of Frankfort  
Draft Minutes  
October 28, 2010  
Special Meeting 7:00 p.m.**

**Opened Meeting at 7:00 PM**

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**Roll Call:** Campbell, Fairchild, Larson, Miller, Ogilvie, Penne, Storrer

**Absent:** Bartley, Martin

**Public:** Alma House, Suz McLaughlin, Bonnie Warren, Norma Elias, Don Bondarenko, Larry and Julie Clingman, Mary Link, Bob Dittrich, Liz Padolino, Sharron May, City Superintendent Josh Mills

**Quorum present**

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**Motion to approve agenda moved Miller, Seconded Storrer; all ayes; motion carried.**

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**Motion to reopen Public Hearing on Draft Zoning Ordinance for the City of Frankfort recessed from October 7, 2010; moved Miller, seconded Storrer; all ayes, motion carried.**

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**Subcommittee Reports**

**Agriculture Subcommittee Report: Patricia Storrer, Chair**

Committee consisted of Storrer, Suz McLaughlin, Sharron May, Kim Fairchild, and ex-officio Josh Mills and Bruce Ogilvie. Content for an urban agriculture ordinance will be a new section in Zoning Ordinance (Section #8206); agriculture encouraged within defined limits for food independence and security, access to fresh food, entrepreneurial opportunities, etc. Allowed: kitchen gardens, community gardens, market gardens in all areas; CSA's in rural district only, no permit; beekeeping in rural district with approval and site plan; chickens, no roosters, and rabbits allowed in all residential no permit; site plans needed; need to be secured from predators and feed secured from rodents; goats permitted within in rural section, permit and site plan needed. No other animals are permitted in city limits; consultant saw nothing that that needed to be changed due to the Right To Farm Act.

**Norma Elias 107 Park Ave.-** will we get a copy? On your comment on not finding anything wrong, you are referring to the agriculture section?

**Pat Storrer-** Absolutely. He [Chip Smith] was responding to what we had written and couldn't see for any changes needed. We have a lot of definitions. All of the meetings are part of the open meetings act open records.

**Don Bondarenko, 314 Leelanau** asked about # of livestock allowed in rural areas, heard no mention of cows and horses.

**Storrer** reread section stating that no other animals (including horses or cows) are allowed.

**Ogilvie-** we looked at GAAMPS defining methodology for agricultural standards that are federally and state adopted. We are going to adopt these standards as part of the ordinance. All of these things are spelled out in GAAMPS and emphasized in site planning.

**Mary Link, 140 6<sup>th</sup> St.** is there anything in the ordinance about pesticides?

**Storrer-** we encouraged organic practices and that chemicals were destructive and the reasons. We cannot prohibit chemicals because we can't police it.

**Norma Elias, 107 Park Ave** asks if there are cows on Nielson's property and **Miller** responds that property is in Crystal Lake Township.

**Ogilvie-** I think Wade Trim was very impressed by our ability to respond and stay right up with what they are learning in the "big city".

**Home Occupations Subcommittee Report by Jim Campbell, Chair**

Committee consisted of Campbell, Kim Fairchild, Bob Dittrich, Suz McLaughlin and Bruce Ogilvie. The committee started with the premise that we encourage home occupations and want to make it easy; that businesses be incidental and remain compatible with residential use, be consistent with the square footage of the building and do not detract; shall be permitted by right, with no permit required. No equipment or process used can create noise, vibration, glare, fumes, odors or electrical interference. The Frankfort municipal code remains. All business activity would take place inside the main structure. All ancillary vehicles need to be stored inside a garage. Home occupations may not accumulate hazardous substances or have open storage of materials and equipment. Delivery of supplies is limited to 8-4pm in residential delivery vehicles. Classes are permitted but does not relieve of the use. Prohibited: animal hospital or boarding, recycling or accumulation of materials that may become a nuisance to neighbors. Permitted uses: recommend deletion of long list of Permitted Uses; Enforcement: intended to be a user friendly process; keeping open lines of communication; disposal of all trash; observe the phrase that says it all takes place within the structure; observe noise

regulations; check with Benzie Leelanau Board of Health; limiting # of employees is too restricted and unenforceable; Asset Based Community Development inventory and Benzie DBA process as mechanism. Signage should be flush against building like a cottage name; no lawn signs; window signs allowed.

**Miller** – does this affect existing signage or just going forward? My wife is an artist with a sign at the end of the driveway. She has almost no traffic.

**Ogilvie**- old ones are grandfathered, subject to certain conditions. We cannot disallow it just because it was already in place, one provision may require the application for a special use permit because of unusual circumstances. The important thing is that we wish to be a community open to as many opportunities as possible and creates entrepreneurial opportunities: mixed use comes under a different category, similar to Northern Lights and Lifestyle residential and retail in one place. Or small manufacturing like harness-making business.

**Miller** asks if that will that be the case with Dave Ingalls (Hardware Store) and **Ogilvie** responds that it would come under the old ordinance; it would be mixed use.

**Storrer** asks if we have a limitation that the sign mustn't be illuminated or lit from behind, to which **Ogilvie** affirms and adds that the online document will have a hyperlink on the Home occupations page to the sign ordinance.

**Suz McLaughlin 670 Crystal Ave.** asks if there will be a hyperlink for dba?

**Ogilvie**- said the county DBA is the source for this information. I don't know whether the DBA listing is on line or not. The form is – or was the last time I needed it.

**Elias**- if you have a big sign on your home, it comes under non-conforming use. I would like to see the big signs for the motel at Cannon Park gone; it doesn't make a good impression. The barber shop years ago on 7<sup>th</sup> and James Streets was a special use. Once you take a business out it is no longer non-conforming?

**Ogilvie**: a review the ordinance as drafted has standards for changes to existing signs when they are rebuilt.

**Ogilvie**: clarifies the second half of the question: in the new ordinance once the non-conforming activities cease, they will have to conform.

**Fairchild** adds that it would come under the new ordinance.

**Storrer** interjects that right now it is half occupied. It is mixed use.

**Bonnie Warren, Corning Avenue**, asks for definition of "nuisance".

**Jim Campbell** responding, noise, odors, etc. We (the Planning Commission) doesn't have the ability to police. The neighbors complaining is the only way (we) the public can do it.

**Ogilvie**- the enforcement of the Municipal Code is a police action, under their authority, and clearly outlined in the authority of the City Council and Police Department.

**Elias**- even though the police don't take care of it, however, the Zoning Administrator does try to work with complaints: It's too bad that neighbors have to complain about each other.

**Mills**- if someone complains we monitor the extent, and address it verbally. Guinea hens would be a nuisance, which is prohibited.

**Energy Subcommittee Report, chair Bruce Ogilvie.** Committee sent guidelines to Chip Smith and are hoping the first draft will have no questions about it. Ogilvie was the chair of the Energy Subcommittee. In the entire Zoning Ordinance there is nothing stated about energy forms or methods. The Master Plan mentioned it so the Planning Commission must deal with it, but the subcommittee came to the conclusion that we don't know enough yet to include it in the Zoning Ordinance. There were two meetings with JoAnn Holwerda and Ogilvie, Emily Votruba, Jim Campbell, Bob Dittrich, to look at solar, wind and biomass. They also looked at wave energy, tide energy and new technology to give the opportunity to individuals and businesses to start creating energy from sources that are renewable. If someone wishes to use something other than Consumers or natural gas, etc. or decides to put up their own wind power or solar array those will be subject to a review by the Planning Commission. The Planning Commission will sponsor an energy forum to decide how the community plans to deal with it. The county has a wind ordinance drafted with expertise, but the county doesn't have a Zoning Ordinance. Some of the townships have only changed the name and adopted it. The difficulty is that it does not take into account small wind energy. Anyone could put up a wind tower. The health and safety issues are many. Towers may come down during windstorms. There isn't any Frankfort ordinance that applies to Energy Conversion Methods in Frankfort. It is probable that some form of Community-based Wind Energy is probably more likely, where we as a city put up a few towers for school, hospital, city and we could all subscribe to it and offset acquisition Costs. These are my current notes. (Pointing to a thick file folder) I have a file drawer full. We are a good place for wind energy, probably 2<sup>nd</sup> or 3<sup>rd</sup> in the state. This wind we just had is not good for wind generation. We are going to have a series of community open energy forums. We have a local company that has wind spires. Until we can come up with a community focus, I don't believe this Planning Commission will make a decision.

**Elias**- is there a difference between biomass and woodburning?

**Mills**- you are referring to outside woodburning stoves. There have been some issues with those.

**Ogilvie**- we do have a city ordinance against burning garbage, leaves etc. If we were to enforce it a wood burning furnace maybe a conflict.

**Elias-** you actually get an energy credit for having a wood burning stove. I just installed a fireplace insert. I have a stainless steel liner.

**Ogilvie-** does it have a catalytic converter? [Elias indicated she thought so] We want to have The Planning Commission needs

good expert testimony. What we are going to see is some form of community-based energy. Solar arrays are out there that even make Frankfort a place for solar arrays.

**Alma House-221 Michigan-** are you going to leave it out?

**Ogilvie-** any form of electricity or energy creation is going to be subject to special use and permit.

**Storrer-** the first time that happens there will have to be a whole community discussion

**Ogilvie-** my tenure is up in March. I would like to have the discussion before then.

**Sharron May, 904 Adams Rd-** how are you going to determine who will speak?

**Ogilvie-** We will ask for requests for proposals. We have no budget for this kind of thing.

**May-**Who was on the energy committee?

**Ogilvie:** We asked who wanted to be on the committee and JoAnn Holwerda volunteered. The meeting was open and four other people attended.

**Comment [BC01]:** "it" referred to Energy Ordinances ...

**Comment [BC02]:** All forms of energy conversion or creation will be subject

**Comment [BC03]:** Responded to the question

## Public Comment Period on Draft Zoning Ordinance for the City of Frankfort:

### a) Questions of a General Nature Regarding Zoning Ordinance, Neither For or Against

**McLaughlin-** have you all seen a final draft? **Ogilvie-** no

**McLaughlin-** when there isn't a final draft that no one has seen it will be interesting to see how we proceed.

**Ogilvie-** (responding) Chip Smith is hopeful that his work will be completed by Friday the 29<sup>th</sup>. No guarantee because there are certain issues he wanted to pass by his legal department. After being reviewed by Storrer, Ogilvie and Mills we will announce it and publish it on the website and broadcast that we have the final document and then we will set the final hearing.

**Bondarenko-** at that time will the public be able to submit comments?

**Ogilvie-** yes

**Elias-** at your last public hearing I submitted some paperwork to change the engineer to professional engineer and interpretation.

**Ogilvie-** it was referred to counsel; they agreed

**Elias-** could we change that there are no seasonal slips; should we cover those signs?

**Ogilvie-** that is under the Marina Authority and we have referred that to them and Josh. They are going to have a meeting in the next month or two. We are now talking about shared parking parceled out in first come first serve basis, but we have a pre-agreement.

**Elias-** actually there is nothing written, strictly a verbal agreement. I am not talking about during the season. We had a festival with no place to park. When we had those hearings at David's, Chip himself pointed out that there is a very small sign covered by tree branches. It would be good for the town when the boats are gone and the signs are still there. As a tourist the signs say that your car is going to be towed.

**Fairchild-** put a bag over their heads; that makes perfect sense.

**Warren-** in the original zoning ordinance there was a definition of parks as a public space that prohibited structured activity. What does that mean? **Ogilvie-** unstructured recreation. Open space.

**Warren** asks what about snowmobile race? **Ogilvie,** responding "that would be structured."

**Elias-** one of the problems is that the Shiver by the River makes a lot of money and in the spring there is a mess that is never cleaned up. Our employees have to clean it up. **Can you put a bond?**

**Ogilvie-** I would have to look at the Recreation Master Plan. If the park has specific control over the open space, whether they have abrogated their role. They should make a recommendation to the council. We are going to define a park in a specific manner under general heading of Parks. **Before we didn't have a specific**

**Storrer** thinks it's a good one.

**McLaughlin :** "preservation: that word might bring it back in."

**Ogilvie:** excellent point,

**Bondarenko-** what about the handicapped having detached garages and walk through 3 ft of snow because the city requires it even though there is sufficient room and what about corner lots.

**Ogilvie-** I don't think that we required detached

**Mills-** north city residential prohibits attached garage

**Storrer-** it may not be the dominant feature facing the house.

**Miller** – on Maple and Beech Streets, almost every house would be non-conforming. By lot size and architecture would be how we can handle it.

**Ogilvie-** on both of those streets there is no alley way.

**Miller** – you would have to handle it on an individual basis based on lot size and site plan

**Comment [BC04]:** Ogilvie

**Comment [BC05]:** Your comments were ...

**Comment [BC06]:** The no parking signs.

**Comment [BC07]:** Would that be considered a "structured" activity?

**Comment [BC08]:** Could (city) require a bond or performance guarantee?

**Comment [BC09]:** The former Ordinance of 1998 did not have a specific

**Comment [BC010]:** I will ask about including it.

**Mills-** you can have access so that the view from the adjacent street makes it look like its part of the primary structure

**Fairchild-** you would have to extend your driveway...

**Miller-** that goes back to the lot size and site plan.

**Ogilvie-** where we don't have an alley access we have an issue. So you are proposing that we allow the garage to sit near the house w/o being attached?

**Fairchild-** I just object that we don't allow an attached garage.

**Mills-** we allow an attached garage. There's no language as to where the garage door has to face. The new ordinance doesn't allow an attached garage.

**Ogilvie-** how did we ever allow that to happen?

**Julie Clingman, 575 Cherry Grove-** in your original statement, the garage was not to be a prominent feature. If the garage was setback, the house would still be prominent and solves the issue.

**Ogilvie-** we believed that the garage should not be the prominent object. **We have to check it all the way through.**

**Elias-** I have a house built in 1930. If I were to make it unattached I would have to come across the lawn and flower garden. My plan was to be able to walk from the house to the garage in the winter. The Henisers sold their garage. Now if someone wants to buy that house they will have to build a garage.

**Ogilvie-** everything is subject to negotiations when it comes to individual site plans. Julie is right. Whether it is attached or detached is not the issue. Mr. Bondarenko, as to the issue about ancillary houses without parking or garages, we cannot vacate the non-conformity. We are toughening the structure for any changes.

**Bondarenko-** would you address the declining slope issue?

**Ogilvie-** I have not gotten an answer back from Wade Trim. **It would be subject to a special use permit and site plan requiring engineering.**

**Mills-** there will be special cases. I could talk to Chip. This situation is ideal for a walkout.

**Comment [BC011]:** I also said, I am not going to make a decision about a theoretical question during this meeting. Submit a site plan, request a decision based on facts and the Planning Commission will consider it.

**Comment [BC012]:** "could"

### b) Persons Speaking in Favor of the Draft Ordinance

**Warren-** the committees did wonderful work and the changes are well done.

**McLaughlin** – I echo that and I think this was a really good example to alleviate the Planning Commission's need to micro-manage and to include the public and other entities so that we really have something we can all stand behind.

**Elias-** I reiterate, we particularly need to look into the parks. It really shows up when you have committees. Need to address issue of detached garages.

### c) Persons Speaking in Opposition to the Draft Ordinance

**Ogilvie** thought there would be more objections to the idea of complete streets.

**Elias-** I don't think people understand it until they see it. I like extending the business to the east.

**McLaughlin-** in Traverse City they have done much public education about the complete streets and IPR carried many discussions. New concepts can be interpreted as a negative. In the meantime that climate of concern might have changed.

**Link-** The only thing that concerns me is that there isn't a time line for the energy thing.

**Ogilvie-** it is hard to forecast how soon we can put this agenda together. We will need to have something in place. Somebody is going to walk in the door and **have a need for it.**

**Elias** concerned about the advertisement that is not being done. Probably a lot of people didn't know about this meeting tonight. I know it's expensive to put an ad in the paper but I think you would get a lot of people.

**Ogilvie-** we are going to plug **that in.** We are also going to use those free spots.

**Mills-** you could do an article.

**Ogilvie-** you understand that the requirements of the open meetings act, we are publishing as much as we can. Thanks to Emily Votruba and Bob Dittrich for their articles.

**Bondarenko** asks when is the next meeting and **Ogilvie** responds that it is on Nov. 9.

**Comment [BC013]:** then the Planning Commission will ...

**Comment [BC014]:** a notice into one of the free spots that might be available ...

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**Motion to close Public Comment Period; moved Miller, seconded Storrer; all ayes; motion carried.**

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**Motion to remove item 7 from the agenda, moved Fairchild, seconded Miller all ayes; motion carried. (#7 was "Motion by the Planning Commission to adopt, adopt with amendments, to recess the Public Hearing until ....., or reject the proposed Zoning Ordinance.**

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**Motion to recess the Public Hearing and to re-convene the Public Hearing on the Draft Zoning Ordinance for the City of Frankfort at 7pm on Wednesday November 17, 2010, at City Hall. Moved Fairchild, seconded Miller. All ayes; motion carried.**

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**Pat Storrer** thanked **Bob Dittrich** for good reporting and publication in the paper.

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**Motion to adjourn: moved Fairchild, seconded Larson, all ayes, motion carried.**

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**Meeting adjourned at 8:44pm**

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Next Regular meeting of the Planning Commission is Tuesday, November 9, 2010 at 7:00 p.m. in the City Hall.

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**Comment [BC015]:** Next Reconvening of Public Hearing on November 17, 2010 at 7:00 pm.