

**Planning Commission  
City of Frankfort  
Draft Minutes  
October 9, 2012  
Regular Meeting**

**Call to Order:** 7pm

**Roll Call :** Barresi, Bissell, Fairchild, Ogilvie, Penne, Storrer

**Excused:** Campbell

**Recognition of Visitors:** Brian Confer, Janet Hessler, Jim Kunz, Michael Fitzhugh, Superintendent Josh Mills, Sharron May, pim Dodge, Tom Kunitzer, Bill Beck, Kris Kunz

**Quorum present**

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**Motion to excuse absence of Commissioner Jim Campbell due to illness moved Ogilvie, seconded Barresi; all ayes; motion carried.**

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**Motion to approve Minutes of Regular Meeting September 11, 2012 moved Storrer; seconded Bissell; all ayes; motion carried.**

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**Motion to approve Agenda moved Storrer, seconded Barresi; all ayes, motion carried.**

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**Public Comments & Correspondence Concerning Items not on Agenda**

**Request to Appear: Suz McLaughlin**, 670 Crystal Ave. - referring to the spreadsheet **Pat Storrer** prepared for the Zoning Ordinance considerations, **McLaughlin** feels that now that the litigation is done, the **Tobin** issue should be included on this list. The current permitted land use map is the only notation that addresses this spot zone. There needs to be some kind of notation. There are several new landowners in that area who are not aware about their neighbors. She handed out information from **Kurt Schindler's** website on spot zoning and wants to make sure that the city is protected and aware of the precedent it sets. It makes any area of the city open to zoning that it is not currently zoned for. In the **Forest Avenue Commercial District** between 9<sup>th</sup> and 10<sup>th</sup> Street the permitted use ordinance 8301.03 or 8301.02, the permitted uses that are allowed are foster care, playgrounds, gardens, churches and residential, not commercial. That is another potential spot zone situation. That is a neighborhood came 4 times to give passionate public input to not turning Forest Avenue into a commercial district. There are a lot of seniors and working families, and turning this into a commercial district which would destroy the nature of their neighborhoods. Did we have a second public hearing for the Mason's plan at the Recreation Center? Is there an intention to do that?

**Ogilvie**, responding to the latter - we need to look at the permitted land use in the park area. The building at this point meets the requirements, but the question we have not asked yet is type/size of building and we are working on it. I think there will be a public hearing on the subject. We, as a city can impose certain standards upon ourselves including what kind of buildings we will allow in our Parks and Recreation areas.

**Mills:** What did Kurt say? That the city doesn't have to follow its own zoning?

**Ogilvie:** That's right.

**McLaughlin** added that Kurt Schindler recommended that there be public hearings.

**Ogilvie** – with transparency issues in the past we want to open up that process to all people concerned in a public hearing. At least as long as I'm sitting here.

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**Reports to the Commission:**

1. **Report from the Chair: Bruce Ogilvie** reported that he will be away for a week if not longer, starting October 21. Sam Barresi will be in charge in the interim and call meetings if needed.
2. Committee Reports:
  - a. **Kim Fairchild: Signage/Wayfinding Committee** – the committee is waiting to hear from Amor Signs in Manistee after meeting with them. They are going to provide designs and pricing.
  - b. **Sam Barresi: Public Restroom Facilities Committee** – a presentation was given to the City Council to bring them up to speed and the proposal was turned down. An intern is being brought in from **MSU School of Planning Design and Construction** since there seems to be a debate on different issues. Hopefully they will be able to do a study

and make a recommendation of various sites and a recommendation on the best one. This is an example of the benefit of having MSU. Other universities have also been contacted.

- c. **Cory Bissell: DDA/TIFD/Capital Improvements**- He has been in contact with the attorney regarding the intent letter and resolution to get ready to move ahead.
  - d. **Pat Storrer: Zoning Ordinance Review Committee** (meeting notes attached, see New Business #2) - Storrer reported on two committee meetings. 5 recommendations were made to the Planning Commission to take no action on garlic mustard and fireworks (nuisance issues that belong in the Municipal Ordinance); to add a preliminary site plan review to the ordinance; to not regulating rentals; and to delete 1 of the 2 definitions of 'person'. Working on building items they deliberated on roof pitch, minimum heights and # of floors. Maximum roof pitch was increased from a maximum of 10:12 to 14:12. Minimum building height was reduced from 30 ft to 18 ft in North City District and was defined for the first time as 18 ft for Rural. The Committee's next meeting on 10/23/2012 will be discussing ancillary living areas and set back standards. The committee will be getting to land use soon.
3. **City Superintendent Report: Josh Mills**
- a. Complete Streets and Safe Routes to School Access Project for 2012, project status - the city did receive a \$109,600 grant and the school district got a grant for non-infrastructure enhancements. They have to negotiate a contract with the consultant and come up with a proposal. That becomes the grant agreement. Speed will be reduced to 20mph until you get to \_\_\_ St. James and 11<sup>th</sup> St. are the primary routes.
  - b. Bayview Grille, status of compliance. 2 emails were sent and Mills spoke to Jill Weide, who assured him that they are going to meet compliance criteria by the end of the month. If they fail to comply, the building department will pull the Occupancy Permit and their liquor license will be suspended. Then the fines will begin. He gave them contacts for asphalt companies, which close by Nov. 15.
  - c. Recreation Center, status – we have to finalize lease with Temple Association and review questions by City Council with the Attorney. The ultimate goal is to have as many Non-profits associated with it as possible. It will include a trailhead with exterior access restrooms, a lower level set aside for recreation, another meeting room space and bathroom; and a large area to accommodate 120 people with a wrap around outdoor deck/porch.
  - d. Compliance on 629 Forest and 1335 Hall properties
  - e. Wi-fi Grant – a grant was received through the Grand Vision. The goal is to make it available from 10<sup>th</sup> St to the beach and from \_\_\_ to the bay. Mills proposed that it is free for a limited amount of time each day. It would be accessed through a Community webpage. They don't want to encourage loitering. Go in, enjoy the time but don't conduct all your business there. There will be a Grand Vision Event at Garden Theater on Wednesday evening.
  - f. Tobin project: the construction will occur. Ogilvie is not sure how much authority they have. The design was not finalized.
4. Zoning Board of Appeals – Kim Fairchild and Josh Mills: no report.
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**Unfinished Business:** None

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### **New Business**

1. Site Plan Review for Stormcloud Brewing, 303 Main Street, Frankfort: Presentation by Michael Fitzhugh, architect. Discussion: a review of how the building fits in with downtown and Main Street included lighting, maintaining a dark sky; gutters; the difference between the cedar on that building vs. the Heniser building; using black window trim vs. aluminum; using paving vs. gravel in parking area; the disposal of waste; the temperature of waste going into sanitary sewer, BOD rating, waste by-products and arrangements with area farmers; fire exit strategy; and mezzanine restrictions. The main concern was completing the parking lot.

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**Motion to approve Site Plan for Stormcloud Brewing's proposed "Brew Pub", 303 Main Street, Frankfort, as submitted, subject to Zoning Board of Appeals approval of Parking Variance moved Fairchild, seconded Penne, all ayes, motion carried.**

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### **2. Zoning Committee 9/25/2012 Recommendations to Planning Commission**

- a. That the Planning Commission not create a Zoning Ordinance for Garlic Mustard Control, the Committee's rationale being that this is a nuisance issue to be regulated via the Municipal Ordinance.

- b. That the Planning Commission not create a Zoning Ordinance for the regulation of Fireworks in Frankfort, the Committee's rationale being that this is a nuisance issue to be regulated via the Municipal Ordinance.
- c. That the Planning Commission not create a Zoning Ordinance for Rental Property regulation, the Committee's rationale being its acceptance of the 2008-expressed majority citizen wish against such regulation and also of the current lack of any enforcement capability.
- d. That the Planning Commission approve the concept of a Preliminary Site Development Plan Review Procedure and that it take necessary steps to create a Zoning Ordinance for this purpose, the Committee's rationale that such preliminary review would provide an early, user-friendly and informal opportunity for Planning Commission and community discussion with and input to the site developer in advance of the formal Site Development Review Procedure.
- e. That the Planning Commission delete the second of two ZO "Person" definitions, there being no essential difference between the two. (See Zoning Ordinance, page 38.

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***Motion that the Planning Commission recommend that the City Council create a Municipal Ordinance for the Control of the Garlic Mustard invasive species in the City of Frankfort and that the Planning Commission forward this motion to the City Council. Moved Storrer, seconded Barresi, all ayes, motion carried.***

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***Motion that the Planning Commission recommend that the City Council create a Municipal Ordinance for the Regulation of Fireworks in the City of Frankfort and that the Planning Commission forward this motion to the City Council. Moved Storrer seconded Fairchild, all ayes, motion carried.***

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***Motion that the Planning Commission not create a Zoning Ordinance for the Regulation of Rental Properties in the City of Frankfort. Moved Storrer, seconded Bissell, all ayes, motion carried.***

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***Motion that the Planning Commission approve the concept of a Preliminary Site Development Review Procedure and take necessary steps to create a Zoning Ordinance for this purpose. Moved Storrer, seconded Barresi, all ayes, motion carried.***

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***Motion that the Planning Commission approve and implement the deletion of the second of two Definitions of "Person" in Zoning Ordinance Article 2 Section 8201 Definitions, page 39. Moved Storrer, seconded Fairchild, all ayes, motion carried.***

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#### **Public Input – Agenda Items Only**

**Janet Hessler, 311 Main St.** thanked the Planning Commission for the process and looking to see how new businesses affect other businesses in Frankfort. She would make a few changes but will talk to Kunz about that later. The concern she has is that we don't have strong ordinances in place, it leaves the design details up to the architect. She likes Traverse City's signage and wouldn't recommend doing anything too digital or modern.

**Sharron May, 904 Adams** - I agree with Janet but I don't know what the Planning Commission can do to strengthen the zoning ordinance so that we do have more consistency. I'm creative and like new designs but I think the Heniser building was a shock and this one, too, is very different. How do we allow for new things and maintain character? I don't think we've hit this nail on the head. We're not there yet. May congratulated Storrer for the way she explained the rationale behind the Zoning Ordinance recommendations. As a member of the public she was very clear about what was decided and why and did not have that same clarity on the restroom relocation issue, even after reading the report provided at the last meeting. However, Bruce Ogilvie gave her a very credible

explanation. She would like to see that in writing. She felt that Storrer's report sets a precedent on how it should be done. It was her observation that there is a general pattern in government to avoid conflict by rushing through controversial decisions. This only leads to alarm and City Council rejection of proposals.

**Ogilvie**, responding to May's first point— One of the processes that can be done is to form an architectural commission to look at design and façade. We don't have a historic district because 90% of the people who attended that meeting thought that it would impose too many restrictions. An architectural committee has the concepts. We could have Mike Fitzhugh (architect) for one viewpoint and Marcia Stobie (architect) with a different view. Between them they could come up with a consensus.

**Tom Kunitzer, 31 Winnebago St.** – [The Heniser building] is why I'm here. Would the Architectural Commission have any authority beyond merely a recommendation?

**Ogilvie** – In Palm Springs the Architectural Review Committee has absolute detail authority; in other cases they only make recommendations; they can't impose.

**Kunitzer** – Frankenmuth has a very regulated, systematic way of controlling the appearance. I don't think you want to go that far, but I think if you put it back to the citizens today, you would probably get different input.

**Ogilvie** – with the simulations we have the 3-dimensional views so harmony exists, not just in the downtown district but everywhere so it all works together - not to be like Disneyland or Frankenmuth, but like Frankfort.

**Kunitzer** – if someone wants to put in another Heniser building, how do you stop it?

**Storrer** – On the zoning committee we talked about building configurations and the next topic we will be tackling are facades on Main Street. We will bring these discussions back to the planning commission and see where it goes. It's in the pipeline.

**Barresi**- You don't have to go in great depth to look the same, but preserving history gives you flexibility in choosing colors, etc. - you don't have to be that specific. I guess I'm the radical here because I would have argued had we had another Heniser building because Section 8307 says that the intent of Main Street West District is to preserve the traditional character of downtown Frankfort and ensure the traditional buildings of downtown Frankfort serve as examples of architectural styles appropriate for new construction. I'm not an attorney, my daughter is. When I read this to her, she said we had some basis for putting up a stink. I think we have a little more than what we want to give ourselves credit for.

**Mills** – We already regulate the size of the windows to be more traditional, taller than wide. You could put could put added components in there: so much has to be brick, block, stone; you have to have this type of cornice. We provide a picture of what we are trying to achieve with the form based method. But you have to be careful. When you start looking at our downtown, you've got vinyl siding –

**Barresi** – That happened, but what you can say is that any new construction and major remodeling can be made applicable to this particular ordinance.

**Mills** – I agree with everything you're saying, but when you start interpreting that paragraph and you look at all the different styles, it's hard.

**Kunitzer** – I suggest you take that [ordinance section read by Barresi] statement and put some meat on it so that it can be interpreted the way the town intends it to be

**Storrer** – would you like to be on the committee?

**Kunitzer** – I would be happy to be on it.

**Storrer** thanked Shannon Sanchez for doing an enormous amount of creating materials she put together for the Committee.

**Mills to Kunz** – What's the ETA? We have a variance hearing what's the estimated construction start/completion?

**Jim Kunz, 115 Forest Ave.** – We hope to have construction drawings by November 5<sup>th</sup>. We are hoping to start mid-November with excavation and being able to open for Memorial Day.

**Ogilvie** – We did not start any motion to review the DDA. Were we intending to do that tonight?

**Mills** – Actually, I'm just going to put it in front of the City Council to adopt the Resolution of Intent which is their responsibility and then we will initiate that 60 day plus or minus process to schedule a Public Hearing.

**Barresi** – In the documents it makes reference that the most westerly street is 1<sup>st</sup> Avenue and it's actually Michigan Ave.

**Mills** – It's actually both , but I can amend it to Michigan as it's commonly referred to.

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

**Meeting adjourned at 9:03PM**

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**Next Meeting(s):**

1. Regular Meeting: Tuesday, November 13, 2012, the Haugen Room, City Hall, 7pm.

Commissioner Hand-outs: (1) Draft Minutes: Regular Meeting of 9/11/2012, (2) Meeting Notes for Public Restroom Facilities Committee 9/14/2012 and for Zoning Ordinance Review Committee 9/12/2012 and 9/25/2012 (2) Brew Pub, and (3) Zoning Ordinance page 39

**Zoning Committee Meeting Notes Appended: for 10/9/2012 and 10/23/2012:**

**Zoning Ordinance Review Committee of City of Frankfort Planning Commission**

**Meeting Notes:**

**Date:** 10/9/2012 9.35am to 10.45am

**Held at:** City Hall Haugen Room

**Committee:** Josh Mills, City Superintendent/Zoning Administrator  
Sam Barresi, Norma Elias, Larry Miller, Bruce Ogilvie, Pat Storrer

**Also Present:** Sandy Jackson

**Meeting Purpose, as Posted: To Consider Recommendations to Planning Commission on Building Configuration issues, across all Zoning Districts. No part of the Zoning Ordinance is updated by any action of this Committee.**

**Admin:**

- ✓ 9/25/2012 meeting notes, approved. .
- ✓ Confirmed that Bob, Pat, Josh, Sam, Larry, Norma require printed meeting materials. Kurt, Bruce and Janet will bring their own.
- ✓ Next meeting date/time not set. Pat will email membership for best date/time.

**All-District Building Review: Items Considered:**

1. Roof Pitch (see recommendation below)
2. Minimum Height.(see recommendation below)
3. Number of floors (Committee agreed no change needed).

**Report to Planning Commission 10/9/2012:**

- ✓ Committee Recommendations:
  - That maximum Roof Pitch for Rural, North City, West City and East City districts be increased from maximum present roof pitch of 10:12 to a new maximum of 14:12. The minimum roof pitch was updated from 4:12 to 6:12 in the 2/25/2011 Ordinance and remains at 6:12.
  - That minimum Building Height for Principal Building in North City Residential District be reduced from 30' to 18'
  - That minimum Building Height for Principal Building in the Rural District be defined as 18' (not previously defined)
- ✓ These recommendations will be brought to the November PC meeting for consideration.
- ✓ The Planning Commission will then deal with Committee recommendations
  - Non-substantive items, e.g., typos and grammar errors, voted on by PC with no public hearing.
  - "Substantive" changes are processed the same as for the 2/25/2011 Zoning Ordinance, i.e., by public hearing followed by PC vote, followed by PC forwarding approved updates to City Council for adoption.

**Next Meeting: Continuation of Residential District Building Issues:**

1. Ancillary Living Structures
2. Detached Garages
3. Minimum Floor Area in North City
4. Sheds and Non-Permanent Structures lack Setback Standards

**Materials Distributed for 10/9/2012 Meeting:**

1. 10/9/2012 Agenda,
2. 9/25/2012 Meeting Notes,
3. 10/9/2012 PC Agenda (for information only)
4. List of Zoning Ordinances related to Building Configuration issues
5. Superintendent Mills' Recommendations and Reasons.

**Time Adjourned: 10.45am**

**Zoning Ordinance Review Committee of City of Frankfort Planning Commission Meeting Notes:**

**Date:** 10/23/2012 9.30am to 11.00am

**Held at:** City Hall Haugen Room

**Committee:** Josh Mills, City Superintendent/Zoning Administrator. Bob Dittrich, Norma Elias, Kurt Luedtke, Tom Kunitzer, Larry Miller, Pat Storrer. **Also Present:** Mayor Bob Johnson

**Admin:** 10/9/2012 meeting notes ok. **Next meeting: Tuesday 11/13/2012, 9.30am. subject to Haugen Room availability.** Planning for future meetings: **Tuesday 11/27/2012 9.30am** ok for today's attendees.

**All-District Review Items Considered**

1. Floor Area for One-Story Single Family Dwelling
2. Ancillary Living Space Size in Residential Districts
3. Number of Accessory Buildings on Parcel in Residential Districts
4. Detached Garages, Height
5. Sheds and Non-Permanent Structures lack Setback Standards
6. Definition of Structure and Building

**Committee Recommendations, as Motions, to Planning Commission 11/13/2012:**

- ✓ That the Minimum Floor Area for One-Story Single Family Dwellings in North City and Rural be reduced from 1,000 sq.ft to 680 sq.ft. exclusive of Porches, Decks, Steps.
- ✓ That the Maximum Habitable Area of an Ancillary Living Space in Rural, North City, East City and West City, currently defined as 440sq.ft excluding the parking area, be re-defined as follows:
  - If above a detached garage, 60% of the ground floor area of the Primary Dwelling
  - If above or within an accessory structure, 50% of the ground floor area of the Primary Dwelling.
- ✓ That the Maximum Number of Accessory Buildings on any one improved lot in North City, East City and West City be defined as 2, of which a Detached Garage counts as 1, and only 1 of which may contain Ancillary Living Space.
- ✓ That the Maximum Number of Accessory Buildings on any one improved lot in Rural be defined as 3, of which a Detached Garage counts as 1, and only 1 of which may contain Ancillary Living Space.
- ✓ That the Maximum Height of any Detached Garage, currently defined as 24', be re-defined follows:
  - The Maximum Height of any Accessory Structure (including a Detached Garage) in Rural, North City, East City and West City may not exceed Primary Dwelling Height minus 2 feet and may not exceed 2 stories.
  - The Maximum Height of one of the permissible Accessory Building in Rural shall be re-defined as 40feet irrespective of Primary Dwelling Height but that such Accessory Building may be used only for Agricultural Purposes, may not be used for Ancillary Living and must have a Gambrel roof.
- ✓ That the lack of Setback Standards for Sheds and Non-Permanent Structures be addressed by inserting "or non-permanent" in the Definition of Structure. The Definition of Structure would now read: "Anything constructed or erected, which requires permanent **or non-permanent** location on the ground or attachment to something having such location. **The term building shall mean the same and** structures shall include, but not be limited to, parking areas, swimming pools and signs or signboards."

**Materials Distributed 10/23/2012:** 10/23/2012 Agenda; 10/9/2012 Meeting Notes; Ordinance 8203.02, new today h

**Next Meetings:**

1. **11/13/2012: Priority 3: Main Street East and West, including: Façade Issues; Conditions for adding to Substandard Buildings. Plus, 10/23/2012 item: Definition of Building versus Structure**

1. **11/27/2012: Priority 4: Permitted Uses, Industrial/Entrepreneurial, and other Districts**

**Time Adjourned: 11.00 am.**