

**Planning Commission
City of Frankfort
Draft Minutes
November 13, 2012
Regular Meeting**

Call to Order: 7pm
Roll Call: Barresi, Bissell, Campbell, Fairchild, Ogilvie, Penne, Storrer
Recognition of Visitors: Suz McLaughlin, Bob Dittrich, pim Dodge
Quorum present

Motion to approval of Minutes of Regular Meeting October 9, 2012 deferred to next meeting

Motion to approve agenda with additions; moved Barresi, seconded Fairchild, all ayes, motion passed.

Public Comments & Correspondence Concerning Items not on Agenda: None
Chair **Bruce Ogilvie** thanked the public for their support and concern regarding his visit to the Mayo Clinic.

Reports to the Commission:

1. **Report from the Chair: Bruce Ogilvie** has reviewed all the materials regarding several areas of concern. The state Supreme Courts have not made a ruling on the Medical Marijuana Ordinance and the Appellate courts are still working through it. The ordinance is expected to change so City Attorney Pete Doren advises to wait. The Alternative Energy Ordinance is progressing and Ogilvie will be submitting a draft ordinance next week.
2. **Committee Reports:**
 - a. **Kim Fairchild: Signage/Wayfinding Committee** - The committee met with Ms. Nahl from A-Mor Signs. Mills passed around a draft of some designs.
 - b. **Cory Bissell: DDA/TIFD/Capital Improvements** – A resolution was brought to the City Council and passed. A Public Hearing will be held in January. A Capital Improvements report will be presented at the next meeting.
 - c. **Pat Storrer: Zoning Ordinance Review Committee** (detailed notes appended to 10/9/2012 PC minutes), see New Business #1). Recommendations appear on tonight's agenda as Motions. Façades and character on Main Street were discussed. Some of the topics will go to Public Hearings. Detailed notes will be attached to minutes next month.
 - d. **Sam Barresi: Public Restroom Facilities Committee** – the committee has not met as a whole. They are seeking assistance from the MSU Land Planning Department and an application has been put together. Interns will be looking at Lake Michigan, Cannon Park and the beach at 7th Street Beach and will begin in January. Kurt Schindler from MSUE has been instrumental in facilitating this project.
3. **City Superintendent Report:**
 - a. **MSU Practicum Intern** – Mills is submitting a draft of the request by Friday. The interns will provide another set of eyes to look at different locations. A similar project was done along the waterfront in TC.
 - b. **Complete Streets and Safe Routes to School Access Project for 2012**, project status - a proposal needs to be finalized with the consultant.
 - c. **Bayview Grille** is in compliance. An exit letter will be drafted with a date for completion of striping.
 - d. "Recreation" Center, status - Mills is waiting to hear back from the federal office on the lease.
 - e. **Compliance on 629 Forest and 1335 Hall properties** – Mills will be scheduling a walk-through on the progress. The Hall Street property is on the market.
4. **Wi-Fi Grant** – Mills is talking to the Village of Kalkaska and the Village of Empire who have already done this. They will need to extend a 60 day Request For Proposals. Mills will be reporting on the project at the Grand Vision Growth & Investment committee meeting.
5. **Zoning Board of Appeals** – Kim Fairchild and Josh Mills reported that the Parking Variance for Stormcloud Brew-Pub determination was that they would have to pave the lot they are not building on.

Unfinished Business: *None*

New Business

Motion to Adopt and forward for consideration by Frankfort City Council a Renewal of the Medical Marihuana Moratorium for an additional six months, ending June 11, 2013; moved Storrer, seconded Bissell. Motion passed unanimously by roll call.

Discussion: The Medical Marijuana ordinance is a 'moving target' and the Planning Commission does not have the parameters to determine a framework. Other municipalities are renewing their moratoriums and Storrer recommends that the City of Frankfort do the same. The attorney does not want to write the ordinance, so this seems to be the only solution.

Motion to Adopt and forward for consideration by Frankfort City Council a Renewal of the Alternative Energy Moratorium dated March 21, 2011 for an additional six months, ending June 11, 2013; moved Storrer, seconded Barresi; Motion passed unanimously by roll call.

Discussion: a lot of townships, villages and cities have been waiting for the results of Proposal 3. The airport controls height limits and the physical restrictions to large wind or solar. Exterior wood heating stoves are an area that needs to be addressed. There is a restriction on exposed outdoor burning. The new EPA standard has restrictions to reduce particulate amounts. Given that there will be a draft presented at the next meeting and a Public Hearing, with that in mind, Storrer recommended that the moratorium be renewed.

1. Zoning Committee 10/9/2012, 10/23/2012 Residential District Building Issue Recommendations to Planning Commission:

Motions to enact changes to the Zoning Ordinance dated 2/25/2011 at the Planning Commission meeting of November 13, 2012

Motion #1: Moved by Storrer supported by Fairchild, that the following recommendations of the Zoning Subcommittee be adopted: that the maximum Roof Pitch for Principal Building in Rural and in North City, West City and East City Residential Districts be increased from maximum present roof pitch of 10:12 to a new maximum of 14:12. All ayes, Motion passed.

Ordinances affected by Motion #1 are:

1. 8203.08 #10, line 2, change "maximum of ten (10) feet of rise" to maximum to fourteen (14) feet of rise".
2. 8302 Rural, Figure 1, change roof pitch on Principal Building diagram from 10:12 to 14:12
3. 8303 East City Residential, Figure 2, change roof pitch on Principal Building diagram from 10:12 to 14:12
4. 8304 North City Residential, Figure 3, change roof pitch on Principal Building diagram from 10:12 to 14:12
5. 8305 West City Residential, Figure 4, change roof pitch on Principal Building diagram from 10:12 to 14:12

Discussion, with review of rationale:

Note: The **minimum** roof pitch was updated from 4:12 to 6:12 in the 2/25/2011 Ordinance and is recommended to remain unchanged at 6:12. There is therefore **no change** to **Min Roof Pitch** on 8301.06 Table 14.

First discussion point: The architectural and design issues brought to the attention of the Zoning Subcommittee by both the City Superintendent and the Zoning Board of Appeals demonstrate that the previous revision did not provide sufficient latitude for single story homes proposed or satisfy the design characteristics sought by some applicants. After review of the mathematical and design conditions, it is recommended that the Planning Commission develop diagrams and illustrations to support these new roof pitches and substitute these revisions in the relevant places (noted above).

Second discussion point: A public hearing on this, and other changes will need to be scheduled and advertised before this Zoning Amendment may be forwarded to the City Council for Approval.

Other discussion points: Will this change adversely affect any existing Site Plan applications or Zoning Board of Appeals decisions now existing?

Motion #2: Moved by Storrer, supported by Barresi that the following recommendations of the Zoning Subcommittee be adopted that a) the minimum Building Height for the Principal Building in North City Residential District be reduced from 30' to 18' (b) the minimum Building Height for the Principal Building in the Rural District be defined as 18' all ayes; motion passed.

Ordinances affected by Motion #2 are:

1. 8304 North City Residential, Table, item b: Building Height, change Principal Building Height from Min.30' to Min.18'
2. 8304 North City Residential, Figure 3, change minimum height on Principal Building diagram from Min.30' to Min.18'

(b) The minimum Building Height for the Principal Building in the Rural District be defined as 18'

Ordinances affected are:

1. 8302 Rural, Table, item b Building Height, for Principal Building, **insert** "Min.18"
2. 8302 Rural, Figure 1, for Principal Building diagram, **insert** "Min 18" after "Max 40"

Note: A minimum building height in the Rural District was NOT previously defined.

Discussion: The architectural and design issues raised for single story houses motivate the change for this height limitation. Needless to say, subsequent issue regarding accessory and detached buildings are important to this discussion.

Particular attention should be given to a prohibition that the Zoning Board of Appeals may be specifically limited in granting future exceptions to the combination of single story building with multiple story accessory or detached structures, including, or excluding, agricultural buildings which may have a height of 40 feet.

The issue of proportionate vs. specific foot limitations is an issue. [e.g. Accessory or detached building may not have a height greater than 80% of the principal structure; or, Accessory or detached building may not be built taller than the principal residential building less **2 feet**.

Motion #3: Moved by Storrer supported by Bissell, that the following recommendations of the Zoning Subcommittee be adopted that the Maximum Height of any Detached Garage, currently defined as 24', be re-defined as follows: new wording: (a) The Maximum Height of any Accessory Structure (including a Detached Garage) in Rural, North City, East City and West City Residential may not exceed Primary Dwelling Height minus 2 feet and may not exceed 2 stories under any circumstances. (b) The Maximum Height of only one of the permissible Accessory Building in Rural District shall be re-defined as 40 feet irrespective of Primary Dwelling Height but that any such Accessory Building of 40 feet, or less, that is greater than the limitations imposed by (a) may be used only and exclusively for Agricultural Purposes, and specifically may not be used for Ancillary Living Spaces and must have a Gambrel roof; all ayes; motion passed.

Ordinances affected by Motion #3 are:

- a. 8203.13 #3a Detached Garages, last line, change "twenty-four (24) feet" to Principal Building minus two (2) feet and not to exceed 2 stories".
- b. 8301.04 Summary Table, row H, Ancillary Building (maximum) be changed as follows:
 - i. In Rural column, change "24' for all other uses" to Principal Building Height minus 2' and may not exceed 2 stories"
 - ii. In North City, East City and West City columns, change "24'" to Principal Building Height minus 2' and may not exceed 2 stories"
- c. 8302.Rural, Table, item b Outbuilding, change "40ft.max" to "40ft max for Agricultural Purposes only; for other outbuildings, maximum height is Principal Building Height minus 2' and not to exceed 2 stories".
- d. 8302. Rural, Figure 1, update diagram to show Outbuildings other than Agricultural Purposes with Maximum of Principal Building Height minus 2' and not to exceed 2 stories"
- e. 8303 East City, Table, item b Outbuilding, change "24ft max" to Principal Building Height minus 2' and not to exceed 2 stories"
- f. 8303 East City, Figure 2, change Outbuilding diagram "24' max" to "maximum height is Principal Building Height minus 2' and not to exceed 2 stories."
- g. 8304 North City, Table, item b Outbuilding, change "24ft max" to Principal Building Height minus 2' and not to exceed 2 stories"
- h. 8304 North City, Figure 3, change Outbuilding diagram "24' max" to "maximum height is Principal Building Height minus 2' and not to exceed 2 stories."
- i. 8305 West City, Table, item b Outbuilding, change "24ft max" to Principal Building Height minus 2' and not to exceed 2 stories"
- j. 8305 East City, Figure 4, change Outbuilding diagram "24' max" to "maximum height is Principal Building Height minus 2' and not to exceed 2 stories."

Discussion: The issue of ancillary, accessory or detached buildings relates to the total coverage of the building lot including the principal residential structure that may not exceed 50% of the build able area. Limiting the structural height of buildings to proportions relating to the residential building height and foot-print is a rationale imposition of standards of harmonious and compatibility within residential districts.

The Agricultural Building except may allow for storage uses not generally accommodated by accessory buildings or garages. A permanent limitations on uses to which a disproportional large building may be used [e.g. multiple story living quarters, loft apartments, etc.] is necessary to meet the intent of the residential district uses.

Additional discussion: the principal structure on the property needs to be the principal structure.

Motion #4: Moved by Storrer supported by Fairchild, that the following recommendations of the Zoning Subcommittee be adopted that the Minimum Floor Area for One-Story Single Family Dwellings in Rural and in North City Residential be reduced from 1,000 sq.ft to 680 sq.ft. exclusive of Porches, Decks, Steps. All ayes, one nay, (Barresi) motion passed.

Ordinance affected by Motion #4 is: 8203.12 Floor Area #1 One-Story Single Family Dwellings.

Note: The present ordinance makes no distinction in Minimum Floor Area for the different Districts. The following insertion is suggested, in line 4, after "home parks": For Rural and North City Districts, the Minimum Floor Area for One-Story Single Family Dwellings shall be 680 sq.ft. exclusive of Porches, Decks and Steps."

Discussion: The reduction in principal residential interior square footage, exclusive of exterior living and access area, allows for small, single family residential units either developed for single build able lots or in planned development aggregations of several similar structures.

Additional discussion: height and width characteristics of single family, duplex or quad-plex units may be extended through this amendment. If multiple story units [e.g. town-houses with common walls, etc] then other issues may be raised under the planned unit development or site condominium provisions.

Discussion: 680 sq. feet is small and there is concern about the impact on values around such a small property.

Moved to ask City Superintendent to defer granting site plan for Fusion Restaurant dining room addition until additional information and city simulation have been provided; moved Barresi seconded Fairchild, all ayes, motion passed.

Discussion: Mills presented a Site Plan approval for an addition to The Fusion Restaurant for a sun porch across the rear. There is no parking variance needed because it doesn't take away from existing parking. Everything meets the ordinance requirement. Seating will be expanded to a capacity for 140 from 120. The siding will match existing siding. The window will be a double-paned window. Storrer asked if there should there be greater Planning Commission control and public input. Penne felt that as long as they meet the guidelines, it shouldn't be drawn out. Barresi would like to see more input on how well it fits in aesthetically. Penne felt that the way the Heniser building looked on the site plan was not how it turned out. That is why Barresi proposes that it is put in writing. Mills is allowed to approve everything administratively but usually brings it to the Planning Commission. Campbell stated that there have also been some complaints about the hardware store. Ogilvie has been disturbed about dumpsters in all the restaurants. Mills will require an enclosure. That is the only way to get long-term property owners to come into compliance is through improvements. Mills doesn't see any issue with it. Barresi moved to ask for more information before approving it. Storrer suggested it might need a Special Meeting.

Public Input – Agenda Items Only

Sharron May, 904 Adams offered to obtain photos of small energy efficient houses that are minimal square footage that may be helpful with fears about what it might look like. She suggested that the issue with the site plan approval seems to be about looking at whether the City Superintendent has the authority to make these decisions without bringing it before the PC or the public. Right now he is doing that as a courtesy and he doesn't have to. And look at what happened here when he did! He might not do it next time!

Mayor Bob Johnson – there are 2 buildings in Empire that are within the 680 square foot range and are nice looking buildings.

Tom Kunitzer, 31 Winnebago - How can the placement of all the dumpsters be regulated?

Ogilvie - there is a regulation for enclosures for dumpsters. Imposing new rules on old issues is a different matter. They are grandfathered in.

Barresi – can we request restaurants to have more frequent pick-ups?

Ogilvie – we need to look into that

Mills – grease traps are a big issue with the sewer lines.

Ogilvie – we have a new solid waste management coordinator, Mike Feaney. Businesses can recycle their tin, plastic and get a permit from the solid waste commission. If restaurants alone would recycle they would save 70% of the costs.

Motion to adjourn moved Campbell, seconded Fairchild, all ayes, motion carried. Meeting adjourned at 9:05PM

Next Meeting(s): Regular Meeting: Tuesday, December 11, 2012, the Haugen Room, City Hall, 7pm.

Commissioner Hand-outs: (1) Draft Minutes: Regular Meeting of 10/9/2012, with Zoning Committee Notes 10/9/2012 and 10/23/2012 attached. (these minutes were not available and will be considered at the December 2012 meeting)