

**City of Frankfort Planning Commission  
Draft Minutes  
December 11, 2012 Regular Meeting  
7:01 pm Haugen Room, City Hall**

**Roll call:** Bissell, Campbell, Fairchild, Ogilvie, Storrer

**Absent:** Barresi, Penne

**Public present:** Bob Dittrich, Tom Kunitzer, Sharron May, Colln Merry, Suz McLaughlin, pim Dodge, City Superintendent Josh Mills, Rick Ryan (for Fusion Restaurant)

**Quorum present**

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**Motion to approve minutes of Regular Meetings October 9, 2012 and November 13, 2012 moved Storrer; seconded Bissell; all ayes; motion passed.**

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**Motion to approve agenda with addition moved Fairchild; seconded Storrer; all ayes; motion passed.**

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

**Suz McLaughlin**, 670 Crystal Ave, brought a picture of her mother's house (730 Leelanau) which is in a neighborhood of seniors and new families. She expressed concern over the proposed Downtown Development Authority (DDA) on Forest Avenue from 9<sup>th</sup> to 11<sup>th</sup> Streets causing degradation of property values. Local realtors estimate a 10-20% decrease, which would also affect property taxes to City Hall. "We expected to keep this [house] in the family for generations...If this passes we will not be doing this." She feels it is not compliant with the Master Plan. She consulted with Kurt Schindler. She wants to have a better understanding of how the DDA will work.

**Mills** – The proposed DDA boundary includes nothing on the north side of Forest Ave.

**McLaughlin**- It's not in compliance with the master plan. The master plan does not indicate the region of Forest Ave. north to be anything but a residential area.

**Mills** – the DDA doesn't go into that [area].

**Ogilvie** – I appreciate your concerns. We specifically looked at including it - because of its potential for mixed use development – along both sides of Forest Ave. We have not ever changed that designation. AS the DDA evolves, those places along Forest may become mixed use developments on the south side of the street because of its proximity to the north side of Main Street. Residential areas allow mixed-use development.

**McLaughlin** – we already have a situation on Lake Street with the Tobin development where we were fully capable of following the Master Plan and we didn't. We now have a spot zone there. This is the same issue. All of these things are eating away at the core of what the Planning Commission is striving to do and this concerns me greatly.

**Ogilvie** – We share your concerns

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**Report from the Chair: Bruce Ogilvie**

**Ogilvie** has been unable to determine how to approach the renewable energy ordinance issue. He is going to ask for 3 people to come together with him to look at the process and come up with a better way to do it and the Medical Marijuana Ordinance.

## **Committee Reports**

**a. Kim Fairchild: Signage/Wayfinding Committee** – No report.

**b. Cory Bissell: DDA/TIFD/Capital Improvements (see also New Business)** – A meeting has been set up for January 8, 2012 at 6:30pm at City Hall for public input on the Capital Improvement Plan. It will be announced in the newspaper on 26<sup>th</sup> of December.

**c. Pat Storrer: Zoning Ordinance Review Committee** (see Meeting Notes 11/13/2012 (appended to these minutes) and New Business #3). The committee is working on how to flesh out the preliminary site development review and what parameters need to go into that plan. Everyone is interested in preserving the character and look of Main Street. Questions being considered are: What is the intent of the preliminary review? Do we want to regulate materials? Do we want to regulate the kind of windows, colors or decorations on buildings? They will come up with a list for the Planning Commission. Josh will enact a draft ordinance that will go to a public hearing.

**d. Sam Barresi: Public Restroom Facilities Committee** – Mills reported that this project was selected to be a research study practicum for interns of the MSU Planning Institute . The whole cost will be covered with a start date of January 1.

## **City Superintendent Report: Josh Mills**

a. The MSU Practicum Intern was mentioned in previous report.

b. Status of **Complete Streets and Safe Routes to School Access Project** for 2012 – Mills will be meeting tomorrow to go over the details of the professional agreement and to discuss maximizing funding for sidewalks and curbed intersection.

c. **“Recreation” Center, status** – Mills is still awaiting feedback from Land and Water Community Foundation with The Department of the Interior and the Recreation Division of MDNR regarding the proposed lease and content. The commercial kitchen may come to an end because they don't see it as fitting among their guidelines. We had an okay to proceed but the gentleman who gave the okay retired.

d. **Compliance on 629 Forest and 1335 Hall properties**- Mills is still working with them.

e. **Wi-Fi Grant** – The goal is to cover all of downtown west of 10<sup>th</sup> south of Anchor down to Betsie Bay and the beach to Waterfront Park in Elberta. It will be free for 30 minutes/day. In the winter there are a lot of possibilities for how it is structured. Should be up by June or July.

f. **Other** – With the third police officer not on patrol and doing paperwork, the department is looking at negotiating a settlement.

## **Zoning Board of Appeals, Kim Fairchild and Josh Mills- No report**

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### **Unfinished Business:**

#### **Preliminary Site Development Plan Review:**

- a. Background to this item is the following motion passed on 10/9/2012: 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. Implementation of this item remains in committee.
- b. Reference Materials: Zoning Committee Meeting Notes 11/13/2012. #3, Façade Issues. Traverse City Ordinance Chapter 1346, specifically, “Special Requirements. ”

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## **New Business**

**Site Plan Review for Fusion Restaurant proposed Seasonal Room Addition, 300 Main Street, Frankfort** - Presentation by Rick Ryan. Discussion about materials used in siding, windows, frame, glass, 4 Season Sunroom, gutter plans, access and egress with doors.

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**1. Motion to approve Site Plan for Fusion Restaurant proposed Seasonal Room Addition, 300 Main Street, Frankfort, as submitted, subject to Conditions, namely required dumpster and grease disposal positioned and enclosed subject to the approval of the City Superintendent; moved Fairchild seconded Bissell, all ayes, motion carried.**

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**2. Motion: Moved by Fairchild supported by Bissell that the following recommendation of the Zoning Subcommittee be adopted and forwarded to City Council: that the South side of Forest Avenue, from 9th through 11th Streets, be included as part of the area to be covered by the Downtown Development Authority; all ayes, motion carried.**

Discussion about boundaries and whether to include A&W and the Tobin project. There was a misprint on the motion on the agenda where "north" was written instead of "south", which may have confused McLaughlin. Her mother's house is a block away from the termination point and there may be some fear that this is a creeping land use change. There may be confusion due to mixing up land use with the DDA. Ogilvie responded that a DDA has no power over land use. It is merely a financing option that can include a residential area. Any improvement will capture the difference for improvements in the areas within the boundaries.

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**Motion #3.1: Moved by Ogilvie, supported by Storrer, that the following recommendation of the Zoning Subcommittee be adopted; all ayes; motion adopted. That the Minimum Floor Area for One-Story Single Family Dwellings in Rural and in North City Residential be reduced from 1,000 square feet to 680 square feet, exclusive of Porches, Decks, and Steps.**

Ordinance affected: 8203.12 Floor Area #1 One-Story Single Family Dwellings. This ordinance currently now 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:** Ogilvie explained that we want to make sure we have living habitations that meet certain minimum requirements for people who on a fixed income, retired, young or single, who want something affordable and functional. We need a wealth of livable structures in order to be a complete city and meet the economic environment. As an example, the cottages at Crystal Mountain are 680 square foot.

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**Motion #3.2: Moved by Ogilvie, supported by Storrer that the following recommendation of the Zoning Subcommittee be adopted all ayes; motion passed: The Maximum Habitable Area of an Ancillary Living Space in Rural and in North City, East City and West City Residential, currently defined as 440 square feet excluding the parking area, be re-defined as follows: If above a detached garage, is 60% of the ground floor area of the Primary Dwelling; and, if above or within an accessory structure, 50% of the ground floor area of the Primary Dwelling.**

Affected Ordinance: 8205.09 Building Configuration #2a. Suggest that "The habitable area of an Ancillary living space within a Principal Building or an Outbuilding shall not exceed 440 square feet, excluding the parking area" be re-worded "The maximum habitable area of an Ancillary Living Space, if above a detached

garage, is 60% of the ground floor area of the Primary Dwelling; and, if above or within an Accessory Structure, 50% of the ground floor area of the Primary Dwelling.”

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**Motion #3.3 moved by Ogilvie, supported by Storrer, that the following recommendation of the Zoning Subcommittee be adopted: The Maximum Number of Accessory Buildings on any one improved lot in North City, East City and West City Residential be defined as 2, of which a Detached Garage counts as 1, and only 1 of which may contain Ancillary Living Space; all ayes, motion carried.**

Ordinances affected are:

1. This is a new ordinance. Suggest the following addition to 8203.02 Accessory Buildings, General Regulations: In North City, East City and West City Residential, the maximum number of Accessory Buildings on any one improved lot shall be two (2), of which a Detached Garage counts as one (1), and only one (1) of which may contain Ancillary Living Space.
2. 8303 East City, Table, add new Note 3. Accessory/Ancillary structures shall be limited to two (2) separate structures.
3. 8304 North City, Table, add new Note 3. Accessory/Ancillary structures shall be limited to two (2) separate structures.
4. 8305 West City, Table, add new Note 3. Accessory/Ancillary structures shall be limited to two (2) separate structures.

Discussion: we want to control informal density situations that can lead to misunderstandings about space on property and divisions on properties if the ancillary dwelling should become a primary dwelling.

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**Motion #3.4: Moved by Ogilvie, supported by Fairchild, that the following recommendation of the Zoning Subcommittee be adopted: that the Maximum Number of Accessory Buildings on any one improved lot in the Rural District be defined as 3, of which a Detached Garage counts as 1, and only 1 of which may contain Ancillary Living Space. The 40 ft height limit applies to only 1 of these 3 Accessory Buildings, and that building may be used only for Agricultural purposes and may not be used as Ancillary Living Space; all ayes, motion carried.**

Ordinances affected are:

1. This is a new ordinance. Suggest the following addition to 8203.02 Accessory Buildings, General Regulations: In the Rural District, the maximum number of Accessory Buildings on any one improved lot shall be three (3), of which a Detached Garage counts as one (1), and only one (1) of which may contain Ancillary Living Space. The 40ft height limit applies to only one (1) of the three (3) Accessory Buildings, and that building may be used only for Agricultural purposes and may not be used as Ancillary Living Space.
2. 8302 Rural District, Table, add new Note 3: Accessory/Ancillary structures shall be limited to two (2) separate structures.

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**Motion #3.5: Moved by Ogilvie supported by Storrer, that the following recommendation of the Zoning Subcommittee be adopted: 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.” All ayes; motion passed.**

Ordinance affected is 8201 Definitions, Structure on page 46. .

**Discussion:** There were two definitions of “structure”. This and the next motion are for clarification. Note also that the next motion deletes “The term building shall mean the same and”

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**Motion#3.6: Moved Fairchild, seconded Campbell, that the following recommendation of the Zoning Subcommittee be adopted: The Definition of "Structure" on Section 8201: Definitions page 46 be clarified by deletion of "The term building shall mean the same and".**

- a. Ordinance affected is 8201 Definitions, Structure on page 46.
- b. Reason for this deletion is that "Building" and "Structure" are each defined, with different definitions and for different purposes, in Definitions; and the two terms are not synonymous.
- c. Planning Commission should note, there are now two corrections to the Definition of Structure.

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**Motion#3.7: Moved by Storrer, supported by Bissell, that the following recommendation of the Zoning Subcommittee be adopted: The Location of Accessory Buildings be clarified to include Non-Permanent Structures by amending the first sentence of Ordinance 8203.02#1 to read as follows: "Detached accessory buildings, *whether the foundation is permanent or non-permanent, shall be* located as indicated in district regulations." The italic portion is an insertion and "shall be" replaces "may", all ayes, motion carried.**

The Ordinance affected is 8203.02#1. Discussion Points: this is another way of controlling setbacks in ancillary structures.

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**Motion #3.8: Moved by Fairchild, supported by Bissell to establish January 8, 2013, at 7:00 p.m. as the date and time for a Public Hearing on 11 motions approved by the Planning Commission at Regular Meetings 11/13/2012 and 12/11/2012 for the adoption of Zoning Amendments relating to various Residential Building Configuration Issues, all of which are subject to Public Hearing, as follows: Motions 3.1 through 3.7 above, plus Motions 1 through 4 passed at Planning Commission regular meeting 11/13/2012, see Appendix 1, at end of this agenda (copied from 11/13/2012 PC minutes), all ayes, motion carried.**

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**Motion to excuse Sam Barresi on medical grounds; moved Ogilvie; seconded Fairchild; all ayes; motion passed.**

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

**Sharron May**, 904 Adams announced Lakes to Land has set a date for the Convention of Communities May 10, 2013 from 9-5.

Pat Storrer – with these motions we are now well through this phase. There is still a lot to do and the work is prioritized. The work on the preliminary site plan concept was bigger than we thought.

**Bruce Ogilvie** - announced that in the March elections, he would not be a candidate for chairman. He thanked his fellow member for their support and help, especially Pat Storrer for taking over so many of the administrative details.

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**Motion to adjourn, moved Fairchild, seconded Campbell, all ayes, motion passed. Meeting adjourned at 8:44 p.m.**

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Next Meeting(s): Regular Meeting: Tuesday, January 8, 2013, the Haugen Room, City Hall, 7pm.

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Commissioner Hand-outs: (1) Draft Minutes: Regular Meeting of 10/9/2012 and 11/13/2012; Site Development Plan materials for Fusion Restaurant Seasonal Room addition; Appendix (1) Motions 1-4 Residential Building Configuration Issues from PC meeting 11/13/2012. Appendix (2) Zoning Ordinance Review Committee meeting notes of 11/3/2012.

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

Date: 11/13/2012 9.30am to 11.20am

Held at: City Hall Haugen Room

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

**Also Present:** Mayor Bob Johnson, Bonnie Warren

### **Meeting Notes:**

**Meeting Purpose:** To Consider Recommendations to Planning Commission on items including: Façade Materials in Main Street and Waterfront Zoning Districts; Additions to Substandard Buildings; Revision of Main Street East Zoning District Boundary.

**Admin:** 10/23/2012 meeting notes: not hearing of needed corrections, meeting approved as ok.

- ✓ Next meeting: scheduled for **Tuesday 11/27/2012, 9.30am**, assuming Haugen Room availability
- ✓ Future meeting date **Tuesday 12/11/2012 9.30** ok'ed by attendees, assuming Haugen Room availability

### **Zoning Review Items Considered**

1. Items Left from Previous Meetings:
  - Definition of Structure and Building (left from from 10/23/2012))
  - Clarification of 8203.02 #1 (left from from 10/23/2012)
  - "Promoting barrier-free development"
2. Façade Issues:
  - For Main Street East? Ordinance 8307
  - For Main Street West? Ordinance 8306
  - Waterfront? Ordinance 8310
    - i. If yes for any of these, what is next step?
    - ii. Do we recommend a specific definition to address a specific situation?
      1. If so what?
    - iii. Or, do we recommend that the PC open up the whole thing to the public, which will take a visioning session to be scheduled and organized.
    - iv. Are we limited by Master Plan (adopted May 11, 2010 and applies until updated)?.
  - Conditions for Adding to Substandard Buildings: City-wide issue
  - Main Street East Zoning District Boundaries: Ordinance 8301.02

### **Committee Recommendations, as Motions, to Planning Commission**

1. That the Definition of "Structure" on Section 8201: Definitions page 46 be clarified by deletion of "The term building shall mean the same and".
  - a. Reason for this deletion is that "Building" and "Structure" are each defined, with different definitions and for different purposes, in Definitions; and the two terms are not synonymous.
  - b. Planning Commission should note, there are now two corrections to the Definition of Structure.
2. That the Location of Accessory Buildings be clarified to include Non-Permanent Structures by amending the first sentence of Ordinance 8203.02#1 to read as follows: "Detached accessory buildings, **whether the foundation is permanent or non-permanent, shall be** located as indicated in district regulations." The Italic portion is an insertion and "shall be" replaces "may".
3. That the North side of Forest Avenue, from 9<sup>th</sup> through 11<sup>th</sup> Streets, be included as part of the area to be covered by the Downtown Development Authority.

- a. The question was whether the Main Street East Zoning Boundary should be re-drawn to include the 9<sup>th</sup>-11<sup>th</sup> Street portion of the North side of Forest Avenue. It was agreed (1) that this is not a Land Use issue and (2) that the Zoning Regulating Map should not re-drawn for this purpose since it would “smack of” Spot Zoning.
- b. Ordinance 8301.02 Regulating Map requires no revision.

**Other Discussions, Not (Yet) Resulting in Motions:**

- 1. Conditions for Adding to Substandard Buildings as a City-wide issue.
  - a. This item was raised as needing review, but today’s review of Ordinance 8203.26 clarified that the present Ordinance wording fulfills its purpose, so no amendment is required.
- 2. “Promoting barrier-free development” was included in Josh’s 10/4/2012 worksheet for our 10/9/2012, included in Josh’s paragraph by Josh for reducing height/size minimums for single-family in North City: *“Also, this zoning district would better serve the community if it promoted barrier free development and smaller footprint single family dwellings.”*
  - a. After discussion about what this refers to (whether ADA compliance or buffering or something else), the conclusion was reached that Josh meant having fewer barriers to single-family dwelling development – in this case, a more flexible minimum height specification.
  - b. This item needs no further discussion and there is nothing here to regulate.
- 3. Façade Issues: As the “main topic” of the day, this initiated a wide-ranging discussion.
  - a. Kurt Schindler, MSU Regional Planning Educator, reminded us on 9/12/2012 that aesthetics is not enforceable.
  - b. The Planning Commission has authority to approve/disapprove what is brought to it, provided it is enforcing an approved ordinance. Some communities, such as Gaylord and Frankenmuth, have very strict ordinances.
  - c. Courts have ruled “communities have a right to define”
  - d. “Harmony” and “harmonious” are useful words, but the difficulty in Main Street is “harmonious with what?” There are no standards, in materials, design, style or period.
  - e. The Master Plan and Zoning Ordinance wordings regarding “harmony” were viewed as satisfactory and not needing revision.
  - f. The Henizer project’s contemporary materials and design raised issues that our 2009 public visioning sessions and subsequent resulting Ordinance never envisaged and therefore didn’t regulate.
  - g. Some potential solutions/procedures were discussed:
    - i. The concept of a Preliminary Site Development Review Procedure, approved by the PC on 10/9/2012, could be expanded to include public notification via print and project definitions and preliminary drawing on the city website.
    - ii. The Preliminary Site Development Review Meeting should take place 90 days in advance of the Site Development Approval meeting.
    - iii. Whether to list Acceptable Materials and Design Standards in the Ordinance – would form a basis for “Finding of Facts”.
    - iv. Should we/can we be more demanding, at an early stage of their process, of owners, architects, contractors?
    - v. Generally agreed, we need more information on what other cities are doing. Josh obtained a relevant ordinance from Traverse City.
    - vi. But we don’t want to scare investment away.
  - h. To meeting attendees, these positive steps seemed preferable to re-opening the entire Main Street appearance to a public visioning process, which could be time-consuming.
  - i. Suggestion was made that the Preliminary Site Development Review Procedure and maybe the Site Development Plan Review be applied to all Main Street developments and re-developments. Would give public a chance to be heard, but even then would not cover

all work (such as re-paints and siding installation of renewal) that while good in itself might not be aesthetically acceptable.

- j. Discussion on whether greater use of Preliminary Site Development Review Procedure applies also to Waterfront and to any Residential Districts.

*Comments from Bruce Ogilvie: may be added.*

Comments from Bob Dittrich:

- As a Committee, we should study our process
- We spend too much time on policy and keep re-visiting things
- 96% of time is spent on people's opinions, which don't always coalesce
- What's missing is the "overall guiding principle"
- We miss the vision of what we want, which maybe, is "planned intelligent urbanism"
- We need to tie our discussions to a principle.

**Distributed Materials (printed for 7 members; 3 members print their own):**

1. 11/13/2012 Zoning Committee Agenda
2. 11/13/2012 PC Agenda, for member information
3. 10/23/2012 Meeting Notes, previously emailed for review, not re-distributed at meeting
4. Ordinances: 8203.02 #1, 8306,8307.8310, 8301.02 (map) previously distributed

**Next Meetings: Priority 4: Permitted Uses, Industrial/Entrepreneurial, Waterfront, and other Districts**

**Time Adjourned: 11.20am.**