

**City of Frankfort Planning Commission
December 8, 2009
Regular Meeting Minutes**

Call to Order: 7:00 PM

Roll Call: McLaughlin, Hommel, Clingman, Ogilvie, Duncan, Martin, Larson, Condon;
Excused: Pat Storrer

Public: Bob Dittrich, Thelma Novak-Rider, Bob Johnson, Chip Smith, Sue Kirkpatrick,
pim Dodge, Jim Campbell, Sharron May

Quorum present

Approval of minutes: November 10 Regular meeting, Moved by Duncan, Seconded by Martin. Motion passed. November 24th Special meeting, Moved by McLaughlin, Seconded by Hommel. Motion passed.

Approval of agenda, with changes(no Superintendent Report). Moved by Mclaughlin, Seconded by Martin. Motion passed.

Public input- General Issues

Thelma Novak-Rider, 1019 River Rd: Referencing email to Planning Commission Chair, expresses discomfort with particular sentence in Draft Master Plan which appears to give preference to the west end section of the city. "It is being developed into an exclusive neighborhood while the rest of the city gets what's left", and that "this strengthens division in the community".

Martin asks which specific features or guidelines were the bases of the conclusion that the west is being segregated as a high-end area.

Novak-Rider, responding, that the front porch requirement and forced conformity makes west end section more desirable. Feels there is disillusionment about what the commission set out to do. She noted disappearance of families from the west end. She recommends, consideration of a boulevard area at 10th Street rather than 7th Street taking stress off of both intersections and slowing down traffic. She was "startled" at Planning Chair Ogilvie's and Mayor Johnson's announcement at a Crystal Lake Township meeting regarding joining with Frankfort's Planning and Zoning. Her understanding was that the Planning Commission was under the direction of the City Council. As it was not mentioned in the last City Council meeting, it must have been decided outside of a meeting and, therefore was a violation of the Open Meetings Act. **Johnson**, responded that the west end of town "is what it is" and that the only other place to build is on the northern end or eastern side. He clarifies that the Planning Commission "recommends to the City Council". All that Ogilvie asked was to consider the work Frankfort accomplished on the City Master Plan in the last eighteen months, how much it cost and that Crystal Lake Township might want to consider Joint Planning

with the City in the near future, with the potential removal of the County Planning and Zoning, “ if interested, we’d be willing to listen”.

Duncan, who lives on the east side of 7th street states “I don’t think we hang our head and we certainly don’t pay the money that they pay on the west side for a house.... I don’t see a many lots where you can throw up a high rise”.

McLaughlin: refers to sentence on Page 4, relative to Novak-Rider’s first point: “the standards will help to maintain the overall appearance of the neighborhood and will thus help to maintain and increase property values” was identified as an inappropriate point. **Smith** responds that he struck that statement from the new draft.

Bob Dittrich, 445 Park Ave: his issues are not the specifics of the plan but that what comes out really matters and is defensible. “This comes from the quality, nature and amount of public input. The next 63 days really needs to not just be that you asked everyone to come out and two people came”. Once it gets zoned, it will be challenged, the only way to make all the hard work pay off “is if there is a robust and vigorous input” that goes beyond a notice on the City Hall (bulletin board). He encourages the strengthening of efforts to make process meaningful.

Chair Report-Bruce Ogilvie

In response to Rider-Novak’s letter, the comments about the Master Plan were found valuable and integrated into the new Master Plan Draft; he was not in a position to respond to the other comments made in the letter.

Superintendent Report- no report

Zoning Board of Appeals- no activity

In lieu of Superintendent report, Mayor Johnson reports on the city mapping project status; will probably save about \$10,000 over what they expected to spend. The Marina contractors over-bid and are in the process of adjusting their bids to be more in line with the grant funding available.

Update on Draft Master Plan by Wade Trim - Chip Smith

Smith acknowledges Planning Commission for some of the best and most useful guidance that they have ever received. Substantial changes made include strengthened language about infill development and walkability; legal definition of wetland; substitution of “traditional” for “historic”; striking of objectionable sentence from document; removal of corner store and live/work unit as permitted use in east city residential section. Some big things yet to be included: motorized trail and sidewalk map; park sizes and names; adding text about elder care and geriatric services occupations in the Economic Development section; tree board activities where applicable; parking permit language changes. Report is now a clear and concise representation of community’s key principles and values, especially the desire for a walkable community. Smith clarified rationale for building heights relative to the water

line as a creative method for maintaining visual and physical access to bay. As more of a zoning board issue, it may be struck from the Master Plan. In the survey, 59% of the people wanted to keep the one-way streets as they are now. Library, marina plan, and waterfront plan: Smith recommends generalizing, avoiding too much site-specific detail; just designating uses, such as civic, park, etc.

McLaughlin questions how to deal with seasonal rental unit parking within a zoning ordinance? **Smith** relates to parking permits as a policy suggestion of one way to deal with it.

McLaughlin concerned about avoiding building height measurement issues in residential areas for energy devices such as windmills.

Smith specifies that they are using a ground to peak of roof measurement that may change as details are hashed out, and the need to define by district. Waterfront and Main Street will need other measurements than ground level on the bay side. Emphasizes, guiding principles, as the most important thing in the plan, safe streets, preserving character and views, etc, so that tricky decisions can be made by going back to the Vision and guiding principles.

Ogilvie clarifies master plan as “a vision of the community as we want it to be” with a “zoning ordinance that can change over time as events change”. He asks for any hesitation by commission members.

McLaughlin initiates discussion on form-based zoning. With less focus on land-use, the Plan reads “form-based code”, and this seems to be repeated throughout the document. Given recent legal events unable to be discussed, she is concerned that form-based zoning has not been tried in Michigan courts.

Smith responds that the Master Plan could be implemented through traditional zoning and understands the values and pitfalls of form-based zoning. He is not confident that regulating building form instead of use will work, emphasizing the need for discipline to follow through. A variety of techniques can be used. The most important thing to the community is the image the spaces present vs. the form of the buildings and that the use of language shapes the ordinances. There will be more discussion during the zoning ordinance. Some things won't change and are working very well. Whether form-based or traditional, it will be simple, graphic, clear and easy to understand. Smith asserts that, generally, Michigan courts favor clarity that is defensible, whether form-based or traditional.

Ogilvie concurs with McLaughlin that form-based code has not been tested in this state.

Smith acknowledges that no city has fully adopted a form-based code except for a few districts in Grand Rapids. The bigger the city, the more complicated it becomes and the more expertise is needed.

Old Business- none

Motion to amend the original motion on, Bylaw review, from December 2009 to February 9, 2010 for the review report. Moved by Condon; seconded Martin. Motion amended.

New Business:

Motion to nominate new vice chair, of the Planning Commission. McLaughlin nominates Andrew Martin. No other nominations.

Motion to appoint, Andrew Martin as vice chair of the Planning Commission. All, ayes. Motion passed. Martin, accepting, expresses that he will uphold the duties to the best of his ability and is looking forward to the role, adding that none of the commission members personally benefit by doing this work, but act in the best interest of the community.

Motion to formally submit Draft Master Plan dated December 8 to the City Council of Frankfort for consideration and distribution. Moved Duncan; seconded Condon; all ayes; motion passed.

Public input on agenda items only

Rider-Novak clarifies that she did not mean to suggest that Duncan's neighborhood is below par and only wants to see it preserved; that the east end is just as important as the west end. Referring to an earlier comment by Smith that people can't be told what they can develop because the city doesn't own the property. "If you don't own the property how do you justify telling the west side they need porches?" She felt the removal of one sentence from the document was insufficient, because "the thought process driving this whole thing still is intact".

Duncan is "delighted to see the monstrosity (the old Smoke Stack) torn down" and is looking forward to a major change on the east side.

Johnson reports that a local contractor is being considered who will use all local labor (the up grade of marina ramp).

Ogilvie reminds commissioners to turn hours in to **Clingman** tonight so that another report of in-kind hours can be submitted.

Motion to adjourn; moved by Condon, seconded by Martin; motion passed. Meeting adjourned at 8:08 PM

Next meeting: January 12, 2010 at 7pm.

Commissioner handouts: December 8 Draft Master Plan