

FRANKFORT PLANNING COMMISSION – REGULAR MEETING
Meeting Minutes
December 9, 2008

Call to Order: 7:00 p.m.

Roll Call – Present: Clingman, Condon, Duncan, Hommel, Johnson, Larson, McLaughlin, Ogilvie, Superintendent Mills. **Absent:** Storrer, excused for medical reasons.

Moved Johnson, seconded McLaughlin, to excuse absentees. Ayes: All. Nays: None. Motion approved

Ogilvie: Declared a quorum present.

Approval of Minutes

November 11, 2008

Moved Hommel, seconded Clingman, to approve minutes, with corrections: on page 4, Duncan (not Ogilvie) asked whether any commissioners leave for winter. Ayes: All. Nays: None. Motion approved.

March 11, 2008

Moved Johnson, seconded McLaughlin, to re-approve minutes: re-approved, because there was no record of final corrections. Ayes: All. Nays: None. Motion approved.

Approval of Agenda

Moved Johnson, seconded McLaughlin, to approve agenda to add, to New Business, discussion on re-consideration of the previously defeated proposal to amend Section 8102 and Section 8105.03 Uses Permitted After Special Approval. Ayes: All. Nays: None. Motion approved. Agenda is amended.

Public Input – General Issues

Request to appear before Commission: Steve Campbell and Greg Jenks, Proposal for Cannon Park.

Steve Campbell (Harbor Lights co-owner) and Greg Jenks (Harbor Lights Assistant Manager), representing a citizens group which proposes a new Trailhead, Rest room facility and picnic area in the existing City Park – called Father Charlevoix – Cannon Park on West Main Street near the Frankfort Beach on Lake Michigan.

Campbell and Jenks presented three architectural renderings, with site plans, for initial consideration.

Campbell and Jenks reported: they have met with the Frankfort-Elberta Chamber of Commerce, with the Frankfort-Elberta Chamber of Commerce Foundation, with the Friends of the Betsie Valley Trail, with the Frankfort City Parks and Recreation Commission. They plan to meet with the Betsie Valley Trail Management Commission.

Campbell and Jenks advised: the citizens group (that they represent) asks the Parks and Recreation Commission to consider amending City Master Plan (Parks & Recreation) to include an additional trailhead site for the Beach-to-Beach Trail extension of the Betsie Valley Trail.

Features supporting a new facility in Father Charlevoix-Cannon Park:

- (1) Toilet and Washing facility with running water and sewer connection.
- (2) Attractive Trailhead building in a design similar to the City Hall building
- (3) Potential concession facility.
- (4) Shelter for trail users and temporary storage of bikes.
- (5) Picnic area with patio settings.
- (6) New sidewalk from Lake Michigan Beach to connect to City Sidewalk at 2nd street.
- (7) Retain most of current trees and buffering between Harbor Lights and Park area.
- (8) Retain the Frankfort Community Wall.
- (9) Expand the Park area by closing the triangular parking area, replacing those lost spaces with parallel parking on Main Street.
- (10) Remove the existing Toilet building built in 2007 to the Crystal Lake Beach, where an existing facility needs replacement.
- (11) Realign Waterfront Drive to make it one-way east bound with a marked bike only area by the sidewalk. **Campbell and Mills** discussed the delivery truck right-of-way for Main Street businesses.
- (12) Estimated budget to build new building and realign Main Street area is \$200,000 to \$250,000. This estimate does not include the total cost of removing and re-siting of the existing toilet facility. Once built, the maintenance and management of the building would be City Council responsibility.
- (13) Sources of funding: donations from public, grants and public funds other than from the City.

Commissioner Questions:

McLaughlin: asked about target budget, concession management, heat, water, sewer connection.

Campbell responded: it has not been determined whether heating would be provided. This would be up to the city.

Mills clarified: water and sewer connections are possible. The concept of concessions management would need more work.

Campbell: funding would come from private citizens, perhaps the Friends of the Betsie Valley Trail and other foundations or organizations.

McLaughlin: commented on the safety issue (for pedestrian crossing Main Street) and noted that recently a vehicle hit a pedestrian who was walking along the north side of Cannon Park in Main Street. A sidewalk would definitely be important.

Johnson: asked about on-going maintenance and repair:

Campbell responded: the building and associated settings would be the City's financial responsibility, just as the current Toilet facility is now.

Duncan: asked about parking – would the city lose parking space near the beach?

Campbell answered, and Mills confirmed, that perhaps one space might be lost in the realignment of the west Main Street curb line on the south side of street.

Ogilvie: asked about the difficulty with two-way bike traffic on a realigned Waterfront Drive that would be one-way east bound.

Campbell: did not know the answer.

McLaughlin: will there be any changes to the “turn-around” area?

Campbell: replied, there are no changes to the “turn-around” area. .

Duncan: asked about estimated timeline.

Campbell responded: as of now, two years is the current best estimate. It might be longer, depending on funding and the time needed to resolve many issues, such as permissions and authority to build on Father Charlevoix-Cannon Park land, public hearings, city council approval without a public referendum, and the effect (on the City) of ongoing maintenance cost and management time.

Clingman: asked who is behind this proposal.

Campbell and Jenks responded: the Condominium Owners who are currently affected by the sight, bulk and smell of the existing brick outhouse built in 2007. Forty (40) condominium owners are affected in their enjoyment of the beach and its views and by the odor resulting from the current City facility.

Clingman: asked why the condominium owners are upset now.

Campbell and Jenks responded: the notice about the proposed rebuilding of the Marquette Circle and Frankfort Beach on Lake Michigan, that included the new Toilet facility, was sent to the management of the Condominium Association, and the management did not know that notice had not been sent to the individual Condominium owners. It was a mistake by the Condo Management to not notify the individual owners.

Condon: commented favorably about the building, site plan and general improvement in appearance proposed by the Plan.

Campbell pointed out that the distance from the beach to the current toilet facility is about the same distance, as beach to the proposed Cannon Park location. In addition “porta-potty” facilities might be created near the north pier, using a type of permanent enclosure away from the Army Corps of Engineers easement. **Mills** said *he* needs to research the situation.

Public Input – General Issues, continued

Alma P. House, 221 Michigan Avenue: Adding another new “bathhouse” to the Cannon Park area will just increase congestion in an already congested area. It is not the location for a “trailhead” because it already lacks parking for the existing beach use. The 10th Street location for a “trailhead” facility makes more sense and will cause fewer problems. Please leave Cannon Park alone.

Steve Campbell, Harbor Lights: The current City Recreation Master Plan does place the “trailhead” for the Beach to Beach trail near 10th Street. The revision of the Recreation Master Plan could include a new facility for Cannon Park.

Responding to Duncan and Johnson discussing whether the Campbell/Jenks proposal should go to the City Council, **Suz McLaughlin, 670 Crystal Drive**, said the normal procedure (site plan presentation, public hearing, Planning Commission review and approval or denial) should be followed.

Chair Report (written report delivered to Commissioners)

12/2/08 MSU Extension and Michigan Farm Bureau Wind Energy Conference

Following is the typed report handed to commissioners, along with Wind Energy Map:

I attended the MSU/Extension Wind Energy Siting and Policy Issue: Planning & Zoning for Wind Energy on December 2, 2008, Holiday Inn – Traverse City
Josh Mills and Susanne Glynn also attended representing the City.

Purpose: Understanding Wind Energy Policy and Regulations

Understand status and context for wind energy.

Learn Wind Energy basics and wind energy development process.

Review Michigan policy environment and legislation.

Develop an understanding of zoning concepts applied to wind facilities.

Key steps to develop and implement local zoning regulations.

Meeting from 6:00 pm to 9:30 pm.

On the internet: www.landpolicy.msu.edu/WPT to see the full working document on Siting of potential Wind Towers that will be highly effective sources of renewable energy. Provides maps, legends, text and other information concerning the potential of Wind Energy.

Frankfort and the immediate area appear to be a desirable and potentially profitable location for Wind Power Generation on a private (onsite use) as well as a commercial (utility grid) basis.

Actions by the Planning Commission needed to provide the zoning ordinances to support this initiative and a Wind Energy Plan for immediate area of Benzie County.

**12/5/08 Meeting with City of Frankfort's newly appointed Planning and Zoning Counsel
Following is the typed report handed to commissioners:**

I met with new Planning and Zoning Counsel for the City of Frankfort: Peter Doren, of Sondee, Racine and Doren, Traverse City, MI. on Friday, December 5. His initial engagement will be in the areas related to updating the City Charter relating to the Planning, Zoning and Zoning Board of Appeals authorizing legislation; reviewing current Zoning Ordinance to become familiar with it and check for the status relating to the Zoning Act of 2006.

**Planning Consultant: Review/Discuss RFP/Q Responses and Selection Process
Following is the typed report handed to commissioners:**

Six responses received to the Request for Quotation for Planning Consultant. Each commissioner needs to have a copy of the proposals, and spend the seven or eight hours needed to read the total. During the remainder of this month, we will need to meet again to discuss these proposals, determine a "short list" of potential appointees and prepare a "finding of fact" to support our selection. I would suggest that we plan to have our first meeting on December 16, in as early in the morning as possible to review our notes. We will need to "post" this meeting; therefore, a time and place should be selected.

A second meeting, perhaps December 22 or 23 will be necessary to make the final selection. Each meeting will probably need at least one hour, and might be better if scheduled for two hours.

Our timeline calls for the selection of the Consultant by December 31, notification of that consultant, request the approval of agreement from the City Council and have the consultant attend our January 13, 2009 meeting.

The following meeting schedule was agreed:

The first meeting is 12/16/08 at 8.30am.

The second meeting is 12/29/08 at 7.pm.

Both meetings will be at City Hall and Superintendent Mills will post notice of these.

Ogilvie: reported that each commissioner has received copies of each of the 6 proposals and stressed that each commissioner should read each and prepare notes for further discussion.

Responding to McLaughlin question on whether the proposals should be ranked, **Ogilvie** asked commissioners to use whatever method they find helpful in order to prepare for discussion.

Ogilvie: the format for the 12/29/08 decision will be determined at the 12/16/08 meeting.

Subcommittee Reports

- a. **Bob Johnson** reported that the **Zoning Ordinance Subcommittee** met on Friday, 12/5/08. Minutes will be available. The result of their discussion is the re-submission of a new Permitted Special Use after Planning Commission approval in Residential Districts. (See new business) Subcommittee members were provided with Zoning Ordinance manuals for their review before the next subcommittee meeting.

Following are minutes (provided by Johnson) of the 12/5/08 Zoning Subcommittee meeting:

Frankfort Planning Commission Zoning Subcommittee

Meeting: 9am 12/5/08:

Present: Commissioners Johnson and Duncan; Zoning Board Member Luedtke; Superintendent Mills; Subcommittee Members Susan Kirkpatrick and Nancy Marshall. Not present: Commissioners Hommel and Condon.

No Public Input – No one present.

Chairman – short review of City's Ordinances and what was thought should be looking at in following months by committee: Short Term Rentals, Parking and Secondary Living Units. All agreed that these areas should be in mind as we go forward and revise City Ordinances.

Re-review Special Use Ordinances[SUO] (Section 8105:03). Talked about SUO which was voted down at Planning Commission meeting of November. Kirkpatrick wondered about #3 buffering and if we needed barrier-free use and if needed by state statute. Josh explained not at this time but possible in future in area by accountants and dentist area south of Leelanau Avenue. Was asked by Marshall about signage if this was the same as allowed for present ordinance for Home and Business usage. Mills stated that it was same and that this was normal amount for this type ordinance. Question by Luedtke about #8 and if it should state Planning Commission/Zoning Commission and Mills said it could but being this was presented and if approved by Planning Commission it would be o.k. as stated. All agreed that they were very happy that #8 was, in Special Use, and could if warranted be reversed.

All agreed that it was a good ordinance and felt as Chairman did that it should be presented again. With more support from community and Commission people it might pass and be sent to Council.

Meeting adjourned at 10.05am, with no new meeting set at this time.

Respectfully, R.J. Johnson, Sub-committee Chairman

- b. **Joe Hommel – Community Fact Book** – no report
- c. **Suz McLaughlin** – provided minutes of **Grant Subcommittee** meeting of Tuesday, 11/25/08. Discussed a phone conversation with Becky Ewing, Rotary Charities – Planning Grants: Rotary Charities does not provide any funding for Master Plans. McLaughlin attended the initial meeting with Peter Doren the new Planning & Zoning Counsel for the City on December 5, 2008. She asked Doren specifically about creating an entity to receive grant funds if the granting organization would not contribute directly to the City. McLaughlin is specifically concerned that some foundations may not make grants to municipal governments. Doren pointed out that even a municipality may create an IRC Section 501(c) (3) organization. He also pointed out that all

contributions, donations or other payments made to a city for a public project are tax-deductible for the donor. There may be some limitations in the Public Foundations act that exempt that entity from that characterization.

Following are minutes (provided by McLaughlin) of 11/25/08 Grants Sub-committee Meeting:

FRANKFORT PLANNING COMMISSION

Grants Sub-Committee

Meeting: Tuesday, November 25, 6:00pm Frankfort Rec Center

Present: Commissioner McLaughlin, Council Member Stransky, Subcommittee Member Andrew Martin.

Goals for Meeting:

• *Discussion & Task Assignments for Rotary Charities grant*

- 1. Edit Josh's Coastal Zone Management narrative for purpose of consistency in granting process/Suz*
- 2. Prepare Budget, as required in grant/Andrew*
- 3. Seek initial contact with Rotary Charities & prepared list of questions/Suz*
- 4. Identify In-Kind dollars & sources/Suz & Andrew*
- 5. Goal to have grant ready for December Planning commission meeting agenda*

• *Discussion of other potential granting resources (all non-profit):*

- 1. Land Use & Conservation (used in the Benzie Master Plan)/Andrew to follow through*
- 2. Grand Traverse Regional Community Foundation/Andrew to follow through*
- 3. CS Mott Foundation/Suz*
- 4. Herbert Dow Foundation/Suz*
- 5. DS Energy Foundation/Suz*

Meeting dismissed at 6:45pm.

POST SCRIPT: In a follow up call to Rotary Charities on 11/26 I spoke with Becky Ewing, in charge of Planning grants. Rotary Charities DO NOT provide any funding for Master Plans, considering them to be an ongoing project and thus not covered in their granting guidelines.

- d. **Pat Storrer – Public forum subcommittee** – no report, excused absence.

City Superintendent's Report

Superintendent Mills provided three items for Planning Commission review and consideration

- 1) Letter from City Attorney, Joan S. McKay dated October 16, 2008 concerning revision and additions to the "Tree Ordinances" of the City, and the draft of the Ordinance D-___2008 amending the Revised Municipal Code and the addition of a new article 13 to Chapter 5.

Mills asked the Commission to schedule a discussion about the Tree Ordinance.

- 2) New Designs for Growth Learning Academy sponsored by NWMCOG and MSU/E. Registration and prepayment are required. Mills stated there is a limited fund for continuing education to help pay tuition.
- 3) Airport Zoning Regulations ... Tall Structure Act, Airport Zoning Act explanation. This act, enacted in 1959, regulates the height of buildings within the vicinity of airports. The provisions of this act

should be considered in Master Plan deliberations, particularly for potential application to eastern boundary areas of the city.

Mills asked Commission to schedule a discussion about the amendment to the Special Uses Permitted in Residential districts (see New Business). .

Mills will research the time limits for notifications necessary under the new Zoning Amendment procedure in the Michigan Zoning Act of 2006, as amended.

Ogilvie and Mills will determine the earliest available time for public hearing announcement and planning commission discussion of the amendments.

Mills will be on vacation from December 17 through January 7, 2009.

Old Business – none

New Business

Johnson moved, Duncan seconded, the adoption of an amendment to Section 8102 (Definitions) to add Professional Services/Uses and Section 8105.03 Uses Permitted after Special Approval. (Copy provided to Commissioners).

Discussion:

Johnson: the Zoning Ordinances subcommittee reviewed the actions of the Planning Commission on September 9, 2008, and determined that persons opposed to this amendment of the Ordinance had not understood the situation and what was proposed. This misunderstanding was unfortunate, and a better explanation and description of the results needed to be undertaken.

Duncan: indicated that he supported revisiting this situation.

McLaughlin: questioned the need to revisit this proposed amendment. She indicated that quite a few members of the public had spoken against the change especially as it affected a specific site in a residential district.

Johnson: pointed out that nothing in the original amendment made the special use permanent. He especially called attention to the subparagraph (8) that states that the Planning Commission may revoke the Special Use if there is a change in use or ownership.

There was no further discussion.

Chair Ogilvie: tabled the motion for further discussion following a public hearing scheduled for the earliest possible date. Mills and Ogilvie will review the calendar and set the schedule.

Public Input – Agenda Items only.

Alma P. House, 221 Michigan Avenue: Objected to changing the “bath house” from its current location. If there is a problem with smells, why not connect it to the city sewer system? Does not understand why more congestion is needed at the beach.

Moved Duncan, seconded Johnson, to adjourn meeting. Ayes: All. Nays: None. Motion approved.

Meeting adjourned at 8:30 p.m.

Next Meetings:

Tuesday 12/16/08 8.30am, Special Meeting for Selection of Planning Consultant

Monday 12/29/08, 7.00pm, Special Meeting to continue Selection of Planning Consultant

Tuesday 1/13/09, 7.00pm Regular Meeting
