

FRANKFORT PLANNING COMMISSION – REGULAR MEETING
Corrected & Approved Meeting Minutes
February 10, 2009

Call to Order: 7:00pm.

Roll Call – Present: Ogilvie, Johnson, Clingman, Condon, Duncan, Hommel, McLaughlin, and Josh Mills.

Absent: Larson

Public: Susanne Glynn & Pat Storrer (Council liaisons), pim Dodge, Lonna Harrison, Bonnie Warren, Melissa and Randy Gilbert

Quorum present

Approval of Minutes

January 13, 2009 – Clingman identified **date correction of 1/20/08 to 09, page 2 under Discussion, last Mills entry**

Moved Duncan, seconded Johnson, to approve the above minutes, as corrected. Ayes: All. Nays: None. Motion approved.

Approval of Agenda

Moved Hommel, seconded McLaughlin, to approve agenda.

Public Input

McLaughlin requested an approved Minutes copy only to City/Shannon or Commission members, as requested, only to save on multiples of copies. Chair approved.

Clingman: Complimented Pat Storrer on her efforts for the Planning Commission Record of Public Input 2008 for Comprehensive Revision of Master Plan

Chair Report

1. **Frankfort's Zoning Attorney, Peter Doren, DRAFT of Planning Commission change, as required by Michigan Enabling Act/Frankfort Municipal code, Chapter 8, Zoning & Planning, Article 2, Planning Commission**
2. **Zoning Attorney's DRAFT of Amendment to Section 8119**
3. **Acknowledged 2009 Tree Ordinance fro City Attorney, Joan McKay**
4. **Wade/Trim City Planner: DRAFT Survey & Vision Fair Date March 7th, not confirmed, at this date**
5. **Recreation Master Plan Public Meeting on January 19th with Wade/Trim**
6. **Kathryn Condon appointed as Public Relations Coordinator for next three months to oversee and follow up on media placement of Vision Fair & related activities.**
7. **Acknowledged Pat Storrer's final report on Public Input, a "work of consummate scholarship and unremitting hard work."**

Subcommittee Reports

1. **Bob Johnson - Zoning Ordinance Subcommittee** – no report
2. **Joe Hommel – Community Fact Book** – reported up-dated information available to pass on to consultants and share with commission.

3. **Suz McLaughlin – Grant Subcommittee** provided verbal report from Grant Subcommittee member, Andrew Martin, written report added from Martin here...

Background:

The Orton Family Foundation is a Non-Profit entity that works with communities and planners to implement best use land policies through providing tools, guidance and resources for the planning process. The Foundation draws upon techniques and research data received from industry professionals and previous initiatives successes. Their website found at www.orton.org.

Overture:

On Friday February 6, I engaged Ariana McBride from the Orton Family Foundation in a phone conference regarding the Foundation's various planning resources and partnership/grant opportunities for the City of Frankfort. It was conveyed that the Orton Family Foundation primarily partners with communities in the Northeast and Rocky Mountain West and that the last RFP was issued in March of 2008 with the next intent of 2010. Rarely if ever does the Foundation provide grant monies, but has vast records of grant resources regarding planning. The following were suggested that may apply to Frankfort's planning process;

EPA Smart Growth Implementation Assistance

http://epa.gov/smartgrowth/2009_sgja_rfa.htm

Urban Land Institute

<http://www.uli.org/AwardsAndCompetitions.aspx>

Everyday-Democracy

<http://www.everyday-democracy.org/en/index.aspx>

National Endowment for the Arts, Your Town Design

<http://www.yourtowndesign.org/>

The Funders' Network

<http://www.fundersnetwork.org/>

The conversation was then directed to tools and research the Orton Family Foundation possessed that would be of some worth to either our process or our planners. The research publication "Planning for Community Heart and Soul" was suggested as supplemental information on the various steps in the discovery, administration, evaluation and the planning process. The document is composed of Case Studies, Processes, Organization, Tools and New Trends. The publication also provides templates for surveys, research and analysis and communication. The conversation was ended by establishing each other's contact information and the permission to call upon as a resource.

I suggest exploring the options provided in the "Planning for Community Heart and Soul" publication with the possibility of adaptation to our process.

*Respectfully Submitted,
Andrew Martin*

4. **Pat Storrer – Public forum subcommittee** – Explanation of Objective, Overview and Methodology with Spreadsheets to quantify number of times public comment occurred within defined phrases or terminology.

City Superintendent's Report

Mills reported on "Stimulus Funding for Local Projects" as a part of the "Obama Initiative" for City in Water & Sewer, Recreation and Marina Master Plans. These reports also tie into Capitol Outlay process, a requirement of the Planning Commission. Handouts are part of the minutes.

Report from Zoning Board of Appeals (ZBA)

Hommel, Planning Commission Liaison with the ZBA No meeting to report.

Old Business

1. Amendment to Zoning Ordinance in R-1 and R-2 Districts

Review Zoning Ordinance demonstrates that the original amendment included R-1 because that is form in which the existing Special Use Permitted is organized. An additional amendment would be needed, and renumbered to create this sequence.

2. Addition and Amendment to Zoning Ordinance for a revised Tree Ordinance

Section of the proposed Amendments is for the Municipal Code, beyond the jurisdiction of the PC; however Section is an Amendment by Addition of a New Section to Chapter 8 of the Zoning Ordinance under the control of the PC.

New Business

1. Motion to schedule Public Hearings for Amendments to Zoning Ordinances, Special Use Amendments and Tree Ordinance for Monday, March 9, 2009, 7:00pm

McLaughlin moved, Johnson seconded. Motion approved.

2. Motion to request Recreation Board review of Trailhead proposal as it relates to Recreation Master Plan for Parks and Recreation areas.

Johnson moved, McLaughlin seconded Motion approved.

3. Discussion of Nominations for Officers in March: Hommel and Condon commented to keep the same roster of current officers, McLaughlin reminded Commissioners, Secretary position would need to be filled again in July 2009. Decision tabled until March 10

4. Motion to approve Zoning Ordinance changes, as submitted, for Chapter 8, Zoning and Planning, Article 2, Planning Commission

Ogilvie moved, Johnson seconded. Motion approved

5. Motion to approve changes, as submitted, for Section 8119, Amendments and Adoption, the Zoning Ordinance.

Ogilvie moved, Johnson seconded. Motion approved.

6. Tree Ordinance Amendment, Chapter 8, Article 7

Ogilvie: "To summarize, the City is taking control of the tree cover, though out the one square mile that makes up our City, and saying we are going to protect and encourage the maintenance of our trees and limit their ability to be destroyed." Paraphrasing the Purpose and Intent of the creation of a new Article 7, addition to Chapter 8 dealing with Tree Protection (Section 8701).

McLaughlin: This only applies to over 2 acres

Mills: Less than 2 acres, you do not have a problem

Hommel: Was this prompted by the Hanrath project?

Mills: That subdivision (Hanrath) is what prompted this process.

Hommel: Looks to be primarily dealing with pre-construction (activities).

Mills: When the Tree Board first looked into this, the goal was to control clear cutting. Tree Board worked on this process at least two years. This proposal is an addition, not an amendment, to the Zoning Ordinance. This (adds) a combination of Site Plan and Planning Commission approval for projects.

Ogilvie: What type of additional work is involved for you, Josh?

Mills: It will not be too difficult with home construction because they are going to have to come before us any way. It could be difficult for those property owners with say, 10 acres or more.

Ogilvie: Penalties are fairly stiff.

Condon: Will this legally stand up?

Mills: I sure hope so. We have paid an attorney to review it.

Clingman: My question is this, how are you going to enforce this?

McLaughlin: Educational component must accompany this process. We are encouraging the safe and planned removal of trees on parcels of land larger that 2 acres.

Duncan: In going around town, and I'm not seeing a whole lot of large areas of timber. I don't think we're dealing with a massive problem here.

Ogilvie: We have a Tree Board that has devoted a lot of time and resources to this document. The issue is can we enforce it in the current form?

Johnson: Let's say I have a tree in my backyard I want to cut down. Can I?

Ogilvie: If it is less than 2 acres, yes.

Randy Gilbert/public member: How would this be affected by a PUD?

Mills: You would have to know how much tree cover would be affected by your plan. The primary goal is to prohibit clear cutting. You would not be able to do that. You could cut up to 40% of your land coverage. I've always required big projects like that to get a Land Use permit.

Ogilvie: I think we've raised enough issues here that I am not ready for a Public Hearing. I move to table this particular Tree Ordinance consideration until we have answers to the questions raised tonight. I will draft a list of questions and give them to Joan McKay to answer.

Susanne Glynn: I do think you need to consider this. Remember, the Ordinance allows for a permit. The delay in this has gone on and on.

Ogilvie: If you could get additional questions to me in the next three days, I will draft a list of them to give to Josh. I'm going to move to table this...

Bonnie Warren/public member: The Tree Board met with Josh last week and specifically requested Joan McKay attends the meeting for the specific purposes of answering questions.

Ogilvie: I think that the fact the Ordinance doesn't deal with the removal of tree on less than 2 acres, utilities seem to be exempt, the issue of open land that isn't going to be built on and not receive any other approval, harvesting, in other words. None of that is addressed and frankly, if we are not going to be able to enforce this, we have another problem.

Johnson: If you just look at Section 8705 who's going to enforce these (provisions)?

Ogilvie: We have to be reasonable as a public body in protecting the public in all of their land. We are just here as trustees and I'm just not comfortable with this (document) the way it is. I'm going to ask for a motion to table this and if it's defeated, we will continue with this discussion.

Duncan: I move we table this. Johnson seconded. Ayes: Johnson, Duncan, Hommel, Condon and Ogilvie; Nays: Clingman, McLaughlin Ayes have it.

Ogilvie: Clarification, The Public Hearing is not tabled; we still have time to reconsider the language to see if we can clear up any of these questions, at least 15 days prior to the Hearing.

Clingman: Isn't the time to answer these questions at the Public Hearing with Joan McKay present? If there are still so many questions that we don't want to act on it, we can do that.

Ogilvie: That's right. However, I can attempt to get those answers...remember, we as the Planning commission are charged with presenting things to the public that we have a clear understanding of the impact.

Johnson: These will help us to prepare, too.

7. Amend Section 8102: Definitions

Ogilvie opened the former motion to Amend the Definitions under Section 8102 to include Professional services/uses ...

Discussions

Ogilvie: Definition of 'professional services/use' did not originally include the sentence beginning "Other service uses may include beauty shop..." We were attempting to define how a professional-based business could be located on the periphery of a residential neighborhood, and the type of preferred business type.

Condon: Definition pretty much limits the kinds business this would apply to. You're not opening a door for any 'Tom, Dick or Harry' to come in and set up shop.

Mills: No attorney has ever looked at this.

Duncan: I'm not sure if any homeowner had one of this businesses next to them, they might have every right to feel violated, given that they were in a residential area. Who knows if in five or ten years this might come back to bite us.

Clingman: If someone is a licensed auto mechanic, does this apply to them?

Ogilvie: I think we can control that because of the hazardous waste...it's not allowed in a residential neighborhood. I think we didn't make a big enough issue that the Planning Commission retains the right to revoke the Special Use permit.

McLaughlin: I feel very strongly, as I did earlier, that we have a responsibility to uphold the current R2 Residential zoning.

Johnson: There is already mixed residential and business use in this area. This Special Use permit really defines and allows us to control that trend.

Ogilvie: The obvious problem here is that there is already a large lot in this area that has professional offices. The City will have to provide an area where small professional offices can be (located.)

Clingman: Aren't we using the 'grandfather clause' to say...well, if it already there then we have to allow it. What if we were to stop it on Forest Ave and not turn north.?

Duncan: I think we have to retain the residential area as best we can.

McLaughlin: I feel we are creating a business sprawl. We hear so frequently about the struggling downtown business community and yet, we want to create new districts for some types of professional businesses.

Duncan: Once you've said yes, you can't say no.

Ogilvie: Are we going to pursue this to a Public Hearing or are we going to withdraw it?

McLaughlin: I make a motion to withdraw this proposal for a Public Hearing. **Clingman, seconded. Ayes:**

Duncan, Clingman, McLaughlin, Nays: Johnson, Condon, Hommel No Vote: Ogilvie

Motion fails.

Bruce: We will send this over to Mr. Doren for his review.

Public Input – Agenda Items only.

Pat Storrer, 424 Corning Ave. I feel for us to be contemplating a Zoning change when we are in the middle of a Master Plan, to which we've had lots of public input and we're about to get a lot more, I personally feel it's a mistake to be doing it right now. It has nothing to do with the pros and cons, just the timing.

Moved Condon, Hommel seconded, to adjourn meeting. Motion approved.

Meeting adjourned at 8:55pm.

Next Meetings: Vision Fair, March 7, 2009, Frankfort Elementary School, 10:00 am to 2:00 pm.

Monday 3/9/09, 7:00pm, Public Hearings for Ordinance Amendments, Special Use Amendment & Tree Ordinance

Tuesday 3/10/09, 7:00pm Regular Meeting