

**Planning Commission
City of Frankfort
Draft Minutes
February 14, 2012
Regular Meeting**

Call to Order: 7pm Haugen Room, City Hall, Frankfort, MI

Roll Call and Recognition of Visitors: Barresi, Fairchild, Ogilvie, Penne, Storrer

Absent: Bissell, Campbell

Public Present: Bill Beck, Carol Stack, pim Dodge, Bob Dittrich, Phil Downs, Vicki Carpenter, Elaine Peterson, Dick Hahn, Ralph Mittleberger Sharron May, City Superintendent, Josh Mills and Mayor Johnson.

Quorum Present

Motion to Approve Minutes of Special Meeting November 16, 2011 with corrections and additions moved Storrer seconded Fairchild, all ayes, motion passed.

Motion to approve minutes of Regular Meeting December 13, 2011 with corrections moved Storrer seconded Barresi all ayes, motion passed.

Motion to Approve Agenda with addition moved Ogilvie, seconded Storrer, all ayes, motion passed.

Public Comments & Correspondence Concerning Items not on Agenda

Request to Appear for **Crystal Lake Art Center (CLAC) Elaine Peterson** (President) and **Chris Gentry** (Executive Director). Peterson reported that an offer was received on the former CLAC location at 111 10th Street. The new Zoning Ordinance changed the designation to residential. CLAC is asking for a continuation of use as a commercial property.

A letter dated January 31, 2012 was received from **Dennis Campbell**, past owner of Harbor Lights Condominium, to clarify that he never endorsed the current location of the Michigan Beach restrooms.

Reports to the Commission:

1) Chair:

- a. The **Annual Report** is complete and ready to be submitted to City Council.
- b. **Complete Streets and Safe Routes to School Access Project** for 2012: no word on the status of the grant application.
- c. **Alternative Energy:** the publication of comments from the Energy Forum of June 2011 was not ready for tonight's meeting but will be published on the internet.

2) Committee Reports:

- a. **Public Toilet Facilities Committee** report by **Kim Fairchild:** There have been three meetings with members of the Planning Commission, business people and members of the public.

Recommendations included:

The need for signage to indicate where public restrooms are located.

A survey to identify minimum standards for the municipal facilities.

The need for tourist input.

The survey would determine minor and major upgrades; funding would come through grant seeking. **Storrer** was happy to see a good community discussion on the matter. **Penne** felt that the

most critical need was to address the bathroom at the end of the turnaround. **Ogilvie** asked that the committee make a specific recommendation on that facility. Meetings are being posted. **Ogilvie** requested minutes.

3) City Superintendent Report: Josh Mills

- a. **The Heniser Development** on Main Street is moving along sooner than anticipated due to mild weather.
- b. The city attorney is reviewing a **4G Wireless Broadband** lease agreement with Aguavalley that will dovetail with WI-FI hotspots downtown. It is going to require a community discussion.
- c. **Mills** is soliciting input on **Zoning Ordinance corrections**, amendments and typographical errors. He would like to see minimal height restrictions removed and commercial re-designation of the M-22 corridor between 9th and 10th Streets. He informed the commissioners about a situation at the industrial park where a person who wants to put in a light manufacturing business can't find a spot.
- d. A **Capital Improvements** plan is being drafted. Proposed improvements will include public restrooms, sidewalks, curbing, and pavement. The Department of Public Works and the stairway down Nippissing need attention. Proposed funding sources include grants, budget control, millage, low interest loan and infill purchase agreements. A full list might be available by the March meeting.
- e. **Environmental Remediation at Port City Smoke House** site is in progress. A new groundwater system will be installed and monitored for seven years at no cost to city or the existing owner. Improvements will dovetail with the Complete Streets program.
- f. **The Bayview Grille** recently received their liquor license, which should assist completion of improvements by the October 31st deadline.
- g. An article about the **Mineral Springs Park Playground** project was published in the Record Patriot. **Mills** is seeking donations and sponsorships from businesses. Student **Helen Erginkara** initiated the project, providing the first seven deposits.
- h. The **Tank Hill timber harvesting and management plan** is underway in collaboration with the **Tree Board** and landscape specialist **Jim Grabowski**. The plan will address the under-utilization of the park; removal of dangerous trees; incorporating walking trails and exercise stations; and enhancing the view. An article will be coming out in the paper. Some of the wood will be given to BACN for firewood.
- i. Training opportunities: **Planning for The New Economy** facilitated by Kurt Schindler of MSU Extension will be held on Tues, Feb. 21st. 6-9pm at the Government Center; **Zoning Administrator Certification**, a 3 day course, will be held in Grayling; a **Citizen Planner** program will be held in Petoskey at North Central Michigan College.

4) Zoning Board of Appeals – Bruce Ogilvie and Josh Mills – No report

Motion to adopt the Draft Medical Marihuana Ordinance following a public hearing, pursuant with established procedures moved Storrer, seconded Ogilvie, motion tabled.

Motion to table the Draft Medical Marihuana Ordinance moved Ogilvie, seconded Fairchild, motion passed

Discussion: **Ogilvie** gave an overview and history of the draft ordinance. A public hearing will be scheduled. **Storrer, Barresi and Fairchild** asked clarifying questions and made comments regarding grammatical changes; location within the Zoning Ordinance; reporting requirements; definition of 'medical' marijuana; exact wording from

the state; and restrictions regarding day care facilities and non-registered persons accompanying the Caregiver.

Motion to approve with conditions a change of use for 111 10th Street from current non-conforming (Section 8203.26) use as a not for profit Art Center (vacant) to a commercial use. Conditions include: a site plan of parking lot, pedestrian access, signage, appearance, ingress and egress, visual vegetative barrier, dumpster, grease trap enclosure, and compliance with Complete Streets principles. Occupancy will be allowed when site plan and construction are completed to the satisfaction of the City Superintendent. Moved Ogilvie, seconded Storrer, all ayes, motion passed.

Discussion: **Mills** explained that a zoning amendment would be too lengthy of a process; he did not recommend going through the Zoning Board of Appeals. The new zoning ordinance made the building non-conforming. **Mills** believes that the area should have remained commercial. **Mills** discussed a proposed sub shop with the realtor. The building meets the buyer's needs; the existing parking is suitable; plans to demolish the extra building would make it more conforming. The owner intends to modify the façade, signage and interior. **Mills** recommends approving a Change of Use after determining the prospective buyer's long-term plan. **Ogilvie**: the question was how to make the M-22 corridor representative of the residential nature of the community. The intent was to create a mixed-use residential area transitioning to residential. The property should have specific conditions to meet and be in keeping with the Complete Streets project. The city will benefit from having a taxable entity on the tax rolls. Change of use means nothing has to be done to the building. **Storrer** asked if this would be spot zoning. **Ogilvie** referred to specific language in the ordinance, stating that he was trying to 'straddle the stream' and use 'best practices' by continuing the non-conforming use with conditions of site plan requirements. If this operation fails to exist it change use without Planning Commission approval.

Motion to approve the *Planning Commission's Annual Report to the City council* moved Ogilvie, seconded Storrer, all ayes, motion passed.

Public Input – Agenda Items Only

Bob Johnson 310 Forest - Will this new business approved today come under TIFF? **Ogilvie** responded: No.

Pim Dodge 649 Crystal had a question regarding surveying the tourists, the chamber is closed on Saturday and Sunday. Who does the Chamber answer to here?

Mills- it answers to its members

Bob Dittrich, 445 Park, appreciated the difficulty of the decision that was taken regarding the Change of Use. He had several questions and comments input but does not want to raise them as the decision has been made without any input. He thought that form-based was not concerned about what goes on inside the building but how it looks, the whole discussion was about what was going to go on inside the building and very little discussion about how it looks except if it looks okay to Josh (Mills). There has been much discussion in the community about the entryway to the city and the need for a sense of arrival. He doesn't care if it's a restaurant. The commission needs to look at the vision. How is it going to look? Bruce indicated that it was important to do best practices. "I'm not sure if the result of moving this quickly is a best practice. I have more comments but it's a done deal".

Elaine Peterson, 1568 Birch Street, We really appreciate your support. This is the only offer or interest we have had. We will have to keep sitting on it and pay for the upkeep and it's a real burden. The city has been great in supporting us. Come and visit the new facility; it's awesome. This really helps us to make it a reality.

Dittrich – I don't object to it being sold and I support what the Art Center is doing. Let's sell it , build something great and be a beautiful part of the community. I'm on your side.

Sharron May, 904 Adams, underscored how frustrating it is for the public to be limited to giving public input before any meaningful discussion has been had and after all the meaningful decisions have been made. I ask the commission to be different here in Frankfort. I could see you on the edge of wanting to not move too quickly and then you did. This is an opportunity for you to keep underlining this because I think that's what really does make an open dialogue in the community and a community discussion.

Pat Storrer asked about the status of the public forum committee. She was absent when committees were being formed and volunteered, and Ogilvie accepted, for membership of Capital Improvements and Zoning Committees. **Ogilvie** invited **Barresi** to join a committee of his choosing.

Any Other Business/Ongoing Business: None

Motion to adjourn moved Fairchild; seconded Barresi; all ayes; motion passed.

Meeting adjourned at 8:57pm.

Next Meeting(s):

1) Regular Meeting: Tuesday, March 13, 2012, the Haugen Room, City Hall, 7pm

Commissioner Hand-outs: Draft Minutes: Special Meeting 11/16/2011; Regular Meeting of 12/13/2011 (previously sent)