**Frankfort Planning Commission**
**February 26, 2008**

**Meeting Called to Order** at 7:00 p.m. by Chair Doug Rath.

**Roll Call:** Present were commissioners Ogilvie, Rath, Johnson, McLaughlin, Hommel, Storrer, Larson, Duncan. Absent: Commissioner Machida. Also present: City Superintendent Josh Mills, JoAnn Holwerda, Bonnie Warren, George Ryckman, Dennis Haugen, Randy Gilbert, Bruce Harwood, Kurt Luedtke, Norma Elias and other community members.

Chair appointed Ed Duncan, Acting Secretary for this meeting.

**Approval of Minutes of Previous Meeting(s):** None

**Approval of Agenda:** P. Storrer moved that the agenda be changed to move the Public Discussion of Section #3 forward of the Open Public Hearing on the Site Plan. Seconded by S. McLaughlin. No further discussion, chair called for a vote: All ayes. Motion approved.

**Public Input of General Information**

JoAnn Holwerda, 675 Day Avenue, Frankfort. Delivered written comment on Planning Commission Section #3 discussion.

Bonnie Warren, Corning Ave., concerned that Master Plan is called "Old Business" thinks it should be only for Master Plan revision. Would prefer to have Public Forum only deal with Master Plan, and no other business matters. Response by Doug Rath, the Commission has the intent of using the two meeting format in just that way.

Suz McLaughlin, Crystal Dr. Pleased to be here and to work with the planning commission. The last plan was approved in 1998.

George Ryckman, question about the timeline and process of achieving a new Master Plan. Rath acknowledged that the current master plan is out of date and that is the purpose of this meeting.

Chair announced "old business" beginning with the presentation by Josh Mills of Section **#3, the Northeast and North central portion of the City of Frankfort**. It is the most underdeveloped area of the City. It is the place where most likely development will occur. Four platted areas, including **Block I** – approximately 43.5 acres. Number one goal within this area, and all areas of the City, is to maintain about 60% open space. At the west boundary of M-22, there is quite a severe topographic issue. There are a number of homes on or close to Beech Street, there a number of areas with existing houses on large lots. To address this area, we need the best type of aerial mapping to achieve a clear picture. Based on the available information, we could expand this area. At this time, most of the NE section not served by city utilities, however the city could extend these services … Area zoned R-1 (minimum lot size is 200 by 100 feet, 20,000 sq. ft.)

Reviewed General Master Plan and Land Use Plan concepts (handout). The entire area is currently zoned R-1 residential with one residence per 20,000 square foot lot. Could have more "clustered" neighborhoods to achieve density. It will difficult to achieve traditional building plans in this area because of the topography and the slope of the hills. Accessibility is the main issue, and the clustering neighbor concept, may solve the problem of density in this area.

General Issues presented from "Smart Growth Design" Goal (hand out) are to have a walk able community with sidewalks or blacktop extension to the sides of the roadways. Downcast lighting of residential areas to continue 'dark sky'; Opportunity for second floor occupation in separate garages. Went into discussion of height proportions for detached garages relative to main house, and the addition

of low impact home occupations, encourage mixed uses within residential settings that will not create high traffic volumes or parking congestion. One issue may become “short term” rental usages that are not currently allowed in R-1 or R-2 neighborhoods. Something the Planning Commission and City Council will need to address.

**Block L is 54.6 acres** with north boundary of city and township having more than 50 acres immediately north of the boundary in Crystal Lake Township. It is possible to expand in a (coordinated) manner with utility extensions north of the city into this area of the Township property. Larger lot sizes are generally available for redevelopment. Given the opportunity or need, the City might develop the George Street extension to achieve access to this area. The splitting of lots along Beech Street is not representative of future development because of the topography issues. Building 40% footprint size and maintain 60% open space through clustering techniques. It is the largest platted area in city that is not developed. There is at least 50 acres of contiguous area north of the City Boundary in Crystal Lake Township to be developed. 2.5 acre minimum per residence. However, Site Plan Condominium development is possible in the County as well as the City, and could be the basis for coordination between the Township and the City.
**Utility Capacity**: Gross Maximum for BLUA is 1.3 million gallons per day, right now the city and Elberta produce approximately 300-600,000 gallons per day, winter to summer. As a result of current expansion being undertaken at BLUA, both water and sewer usage might double within the expanded facility. The question is about the ability of the infrastructure of this area including road/transportation system to handle increased traffic in and out of this northern area is important.

Block M - _____acres. It is relatively developed, compared to the North. Parcels of land could be developed under the land division act to provide up to four build able lots. Most likely to continue current pattern of R-1 development, with single family homes on the build able areas. What would members of the public want to see?

Randy Gilbert, Leelanau Avenue, Frankfort stated he liked the R-1 Standard in this area.
Mills: The topography of the area will dictate the result.

**Block N** is the last area of Section 3, and uses Bridge Street as the East boundary. Undeveloped area with little access and difficultly for road way access to Graves Road. R-1 zoning, and is similar to the rest of Section 3, that allows development within the need for open space.

The City received a Federal Grant allocation, for $100,000 in the 2006 congress. A technical amendment is working through congress, very slowly. If we had the money, one of the goals of the Planning Commission was to show how these areas would appear under different scenarios through the use of CitySimulations to create a Virtual Model of the City using the computer with digital images. This done currently with a representation of the Frankfort Downtown has a built out Simulation Model so current and new development can be represented for better understanding. Anyone could visit on-line.

Suz McLaughlin asked what is the meaning of five year review and change of a Master Plan, to look 50 years out. It would seem that trying to develop a plan based on the current real estate market is almost pointless.

Mills responded that this apparently difficult.

Ogilvie stated that this is the time when venture capital is looking to buy property for development over the next 10 years. When every one is trying to sell land it is now that capitalists with a long view are willing to buy for the future.

Bonnie Warren - isn’t development of this area (Section #3) dependent on creating a new road in the North – probably George Street? Most of the neighbors want to maintain the forested areas, allowing personal use and view.
Mills responded that everyone

Bruce Harwood, Elm Rd. - everything east of Bellows is high view property. It is thought that the price of the property in this area would inhibit development.
Mills responded that this is why we do this, right now.

Rath asked for definitive public comment.

Kurt Luedtke, 205 Leelanau Ave. - thinks we should look at how Crystal Lake Township wants to develop, in the Section 3, and we did not address it in 1998. Access through Crystal Lake Township is possible. What should the Township plan for? And when Kurt was on the City Council, dollars were provided by council for Master Plan. Important is the use of a Section 425 agreement for utilities.

Mills pointed out that City Zoning can be extended into the Township, not that we take control, but indicate our interest in coordinating this process.

Rath said this is what we are attempting to develop. Once we have our "game" plan, and then get to the Township how we coordinate those plans.

Mills pointed out that an R-1 PUD could be created on 20 acres immediately north of the City, and we would not have any way to stop it.

Ryckman, the problem he sees is that the government must pass some ordinance to protect this area. The person who owns the property has no interest in development or having a bunch of new neighbors. Need to have some way to know how this will be treated.

Mills responded to Ryckman, that it is the purpose of Government to protect the interests of the property owner while looking beyond any one ownership, and seeing the future when that person may not own the property and another set of issues are raised, that the new owner may want to develop the property in a manner that is not in keeping with the past owners and conflicts with his (then) neighbors thoughts. Community accepted Master Plan and Land Use Plan that will make it possible for the Zoning Ordinance to be created with the approval of the City and its voters.

Pat Storrer asked about community gardening activities related to cluster development.

George Ryckman - asked what does the Master Plan, Land Use Plan or zoning ordinance do to protect the land? If your Master Plan is not backed up by zoning, then you have nothing.

Mills & Ogilvie responded: After community acceptance of a Master Plan, development of a set of ordinances that would fit (match) the Master Plan (intent) and give substance to enforcement.

Bruce Harwood - What can Frankfort do to prevent developers suing for access? Mills responded …

Suz McLaughlin responded

Kurt Luedtke, How would you describe "High Meadow" development in the township north of the City?
Mills responded that it is similar to a PUD with clustered housing in its design.

Gilbert - This is a good meeting and needed. I was on an early Planning Commission when the first plan was adopted. A zoning ordinance that is not based on a Master Plan will not stand in court. He likes the R-1 in that area [because] it protects the value of the property. A Plan is put in place to protect the greatest land use possible.

Mills & Ogilvie responded that what best protects current zoning are having consistent master plan, land use plan and community support for the ordinances as they exist.

JoAnn Holwerda - comments included with the Minutes of this Meeting. Generally concerned by "clear cutting" of property such as the Hanrath subdivision on Michigan Avenue, and confused by the intention

of the Bradley proposal for “clustered housing” north of Hanrath subdivision. Believes others are equally concerned.

Mayor Norma Elias – Park Ave. - my concern is that the City is granting variances that shouldn’t be granted. The variances granted are often a problem. Set backs are varied with inconsistent application. Some of the variances that were granted allowed people to build and cover their entire city lot with house and garages, with living quarters, and without concern for their neighbors. Very concerned about garages having living area(s) above them; I am not in favor of them. I live in an R-1 area and I don’t want to live next to apartment development that starts out like a detached garage; I bought a nice lot and don’t want to live with all that congestion. It’s like living in an apartment area. Wanted to live in nice spot, without congestion.

George Ryckman, PUD sounds like you can already do in R-1.

Kurt Luedtke, on the Zoning Board of Appeals - concerned about set back variances (that have been granted), and the long term effect of diluting the importance of ordinances. 70-80% of the variances are based on the old buildings that were already in place before the first zoning ordinance. We granted a variance right on the property line for a new garage. I voted against it, but it passed anyway. Now if they want to build anything new, in the older part of town, the property must get a variance that makes that possible.

Ogilvie responded that it is important to recognize the three different authorities at work in the Land Use policy in the City of Frankfort, based on the Michigan controlling statutes. The City Council is the legislative branch, the Planning Commission is the advisory branch, and the Zoning Board of Appeals is the quasi judicial branch that adjudicates the affects of the zoning ordinances in application to personal property. Unfortunately, the ZBA finds themselves in the difficult position of having to live with this uncomfortable reality of existing buildings that are not conforming to the existing zoning rules.

Mayor Elias added that she was on the Planning Commission that allowed existing buildings that were not conforming to the new ordinance to rebuild as non-conforming buildings if they were destroyed. These small lots did not have enough room to meet the new standards. She would not apply for a variance for her garage (that is falling down) because she bought it as it is, and wouldn’t want to burden the ZBA or the community with such a variance today.

McLaughlin asked Luedtke, what would you suggest the ZBA have to deal with this issue of variances? Are you aware of the form-based code development as a format for zoning ordinances?

Luedtke responded that any guidance in the ordinance (written guidelines) would help. How do you anticipate the situation in a zoning ordinance? If they are adding a deck or extending a house, how can you object? General conversation between Mills, McLaughlin, Ogilvie, Luedtke about the form-based, current ordinances in words, development of standards before going to variances to accomplish it.

Duncan added that people may look around and see obvious variances to the standard, and the new person wants to have the same right. It is difficult to set the line and say, “yes” this happened in the past, but we are not allowing those variances in the future. Some kind of help needs to be found.

Dennis Haugen, AIA, Leelanau Avenue - injected that some of the real problems are based on old surveys that were inaccurate.

Bruce Harwood - said that was the case with property he bought on Beech, The lot line went right through his neighbors front room, Harwood said that lines need to be tested. The ZBA is for this purpose.

It was commented that good judgment and common sense is needed to set zoning realistically so that the ZBA is not constantly busy.

Dennis Haugen, AIA - injected that the Zoning Board of Appeals is to deal with Hardships that are created and need to be fixed. When the public doesn't show up to object to variance, then the Chair looks around and finds no one objecting … the variances are granted.

Luedtke responded that variance requests through the notification process to neighbors … those neighbors don't object … that has a great influence on the ZBA decisions.

Rath asked for additional comments on Section #3 or the Master Plan review in general. Hearing none, he declared the Master Plan revision hearing was concluded.

Rath recessed the meeting for five minutes at 8:20 p.m.

**Site Plan Review for Pool at Jacobson Marina**

At 8:35 p.m. Chair opened the Public Hearing for Special Use/Site Plan Review of Jacobson Marina addition of a 32'x 16' swimming pool and an 8'x8' hot tub at the marina location at #1 4th. Street, Frankfort, MI.

John Sarya is the new owner of Jacobson's Marina in Frankfort. He presented his plan to install a Swimming Pool and Hot Tub on the Marina property as described in the accompanying site plan and architect rendering. The swimming area and hot tub will be secured by a fence and gate, and buffered by plantings and the parking lot for the marina. The pool and tub will be heated and maintained to public swimming pool standards of cleanliness. The pool and tub will be built to state codes and all necessary permits from State and Benzie Building Department will be secured before construction. Discharge permit will be sought from the DEQ and DNR of Michigan for the annual cleaning of the pool and tub. Mr. Sarya answered a number of questions from the commissioners concerning safety, access, security, public access, environmental impact and discussed conditions for issuance of the Site Plan and Special Use.

Members of the public asked about Public Use of the Swimming Pool and Hot Tub. No plans were made for this. Mr. Sarya indicated he would think about the manner that might be accomplished.

The Chair asked for anyone to speak in support of the Site Plan and Special Use Permit. One person spoke favorably about the potential for increased public use of the marina and therefore bringing new business traffic to Frankfort. Sarya hopes it will stimulate the economy beyond July/August.

The Chair asked for anyone not in favor of the approval of the Site Plan and Special Use Permit. No one spoke against the Plan.

Moved B. Johnson, seconded P. Storrer, to close the public hearing on the Site Plan and Special Use Permit for Jacobson Marina and John Sarya. All voted in favor. The Public Hearing was closed.

The Planning Commission went through (the attached) Sarya Special Use Request Standards and Findings of Facts under Section 8115.06, and voted as indicated. After reviewing the six standards, and finding no disagreement with these standards. The chair recorded the responses by commissioner. The responses are part of the formal record.

B. Johnson moved to approve the Special Use request of John Sarya, 1 4th. Street (Jacobson's Marina property) Frankfort, for the purpose of installing a 32'x16' pool and 8'x8' hot tub in the Waterfront Business District, with the Special Condition that all Government Permits be obtained and reviewed before beginning. Seconded by M. Larson. After clarification of Special Condition, All voted in favor of the motion. The Special Use Request is granted.

**New Business**: Informational only concerning Gateway Village (Hollander Development). According information supplied to J. Mills, the State has "Ok'ed" the project and we should see a site plan in the spring.

**Public Input on Agenda Items only**: none

Question from unknown person: When will Gateway Village be considered? Mills responded

**Ogilvie moved to Adjourn, supported, Chair declared meeting adjourned at 9:15 p.m.**

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Edward Duncan, Recording Secretary Doug Rath, Chair