

**Frankfort Planning Commission  
Regular Meeting Minutes  
February 9, 2010**

**Call to Order: 7:00 PM**

**Roll Call:** Ogilvie, McLaughlin, Hommel, Duncan, Clingman, Condon, Martin, Larson, Storrer, Josh Mills;

**Public Present:** Gretchen Eichberger-Kudlack; JoAnn Holwerda, Thelma Novak-Ryder; Bob Dittrich, Jim Campbell, Sharron May

**Quorum present**

**Suz McLaughlin appointed temporary Secretary for this Meeting.**

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**Motion to approve Minutes of Regular Meeting of December 8, 2009 moved Duncan; seconded McLaughlin; motion passed; one abstention Storrer(explanation: did not attend meeting of December 8, 2009)**

**Regular Meeting of January 12, 2010 was canceled due to lack of quorum.**

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**Motion to approve the Agenda as submitted; moved McLaughlin; seconded Martin; motion passed.**

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**Public Input – General Issues**

**Thelma Novak-Ryder** (River Rd.) reports that Crystal Lake Township did not receive a draft of the Master Plan and suggests an extension, as they will probably not meet before the deadline date. She points out that the draft Master Plan on the website shows the area where the Tobin project is located is listed as single-family dwelling. Paul Olsen, the representative for the insurance company for the city told her that the Master Plan is not upheld then that voids the city's obligation to pay for the damages of the suit. She feels that the citizens deserve some explanation for the stance the council took. As the advisor to the Council she feels it's the Planning Commission's obligation to ask the City Council for some explanation since they are the ones who have to explain it to the public.

**Ogilvie** responds that he is not in a position to answer her questions because he does not know the answers. He has not been made privy to the legal proceedings or the status. In his last conversation with the Mayor he was told he could have no comment because the city was waiting to see if the Friends of Betsie Bay were going to file for an appeal. His understanding via hearsay is that they did file for an appeal but he does not know the standing of the appeal at this point.

**Novak-Ryder** asks if the public is to know nothing about how the city plans to resolve these issues since what they decided to do in the Tobin case does not coincide with the draft Master Plan.

**Ogilvie responds** that they are not in a position to be responsible for what the City Council has determined and the Council is not required to deal with the public on this issue until it is resolved. The Planning Commission is going to move forward on the Master Plan as it is now drafted and take into account any changes the court imposes on them, but they will not be able to make any determination prior to that time. This is an issue of transparency with regard to public information. They have to put a master plan that represents what they have heard from the citizens and make the best effort they can to put a draft master plan out there that represents the wishes of the people. If the court finds that they can't do what the people want,

**JoAnn Holwerda**, (Day Ave.) makes a correction that the Friends of Betsie Bay asked the circuit judge here to reconsider his decision and that decision has been made and this is going to be left in limbo until the FOBB decide if they want to appeal to the court of appeals.

**Ogilvie** states that the Planning Commission is going to move forward as if the issue is settled and if they have to carve out the Tobin property and make it a PUD within a Single Family residential district then they will have to do what the court tells them to do.

**McLaughlin** responds that regardless of how a very small non-profit organization determines how deep their pockets are going to be, it is her understanding is that the legal decision made by Judge Batzer made on November 20<sup>th</sup> is the determining factor at this time. It will note a pre-disposition prior to the Master Plan of a land use issue. She hopes that there is some clear legal advice on this process because

she is concerned that they might be waiting on a very small group of people to appeal this. Also noted, a panel of local folks in a TC series on city planning and visioning called Lets Discuss. Recording of meeting of 1/25 at Up North Media. TC Mayor Chris Bzdok has developed website called PlanforTC.com to communicate and facilitate discussions with citizens. Good models.

**Gretchen Eichberger-Kudlack**, Gilmore Township, presents a case for the need and benefits of establishing a historic district in Frankfort. She states that the streets of Leelanau, Forest and Michigan qualify and it is possible that Main Street or portions could be a historic district. She provided information on how to become a certified local government, and if acted upon now, they could be a certified historic district possibly by next year.

**Ogilvie** responds that 2 years ago an advisory committee decided that they could not go forward because they did not know how to define what a historically significant structure was. He also pointed out that certain buildings are not historic and are less than 20 years old and not built of any particular Victorian or earlier standard. He questions whether this would be done as an overlay district. Would normal zoning ordinance be in effect and then there would be an overlay for historic preservation and activity?

**Eichberger-Kudlack** asserts that there is sufficient concentration and that the PC would have to establish an ordinance as clearly stated in PA 169. She stressed that the wording should not deviate from the wording that the act instructs. The City of Frankfort would have to apply for local government status, establish a committee including a historic preservationist which Eichberger-Kudlack is, as is Marcia Stobie (Elberta)

**Duncan:** we would really need to talk to all the owners. If I owned a home and was restricted, I think we would have a wasp's nest...

**Ogilvie:** it would be subject to a Public Hearing, so no one would be surprised and everyone would be notified. Ordinances are only approved by the City Council

**Condon-** most people don't understand that your hands are very tied and that is an issue.

**Eichberger-Kudlack** one advantage of owning a historic home is you receive a substantial tax credit as outlined in the State Office of Historic Preservation website article the economic benefit of Michigan's historic preservation district to the homeowner, city, township or village. Next Friday the City of Manistee is sponsoring a workshop on tax incentives for historic districts. The Michigan Office of Historic Information website has details.

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#### **Chair Report - Bruce Ogilvie**

**Motion to accept resignation by Julie Clingman. Moved by McLaughlin seconded Duncan; action deferred until after New Business after Clingman's report is over.**

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**Ogilvie** provides written report on his activities on behalf of the commission. A schedule of 6 Presentations on Draft Master Plan was provided. **Ogilvie** attended a Small Scale Renewable Energy Systems Seminar. Some info will directly apply to the draft master Plan with regards small and med sized wind energy within the city limits.

**Ogilvie** is still working on Annual Report of Planning Commission to City Council. A new committee will be formed for the budget. **Provided a list of Commissioner terms are expiring** with request to submit letter of interest to be appointed by March. The Planning Committee is actively looking for potential members would like to put them on a sub-committee, talk about criteria and interview in advance, so they will know exactly what the requirements would be.

#### **Committee assignments**

**Capital Improvement Planning Committee** are Condon, Larson, Martin, with McLaughlin (Chair) with initial report by March 9<sup>th</sup> with a final report by April 13<sup>th</sup>. **McLaughlin** requests opportunity to give a report after they meet on March 9<sup>th</sup> to determine a date for the final report. **Ogilvie** would like to know what budget will be over the next 4 months

**Master Plan Draft Committee** was formed to review public comments: Storrer, Chair, Hommel (will submit comments in writing) McLaughlin; Public Members are Bob Dittrich, Jim Campbell and Bill Higman. The committee will determine how the comments will be brought to the Planning Commission as actions and whether they involve a minor or substantial change to the Master Plan. Initial report requested on March 9<sup>th</sup>.

**Committee for proposed Budget for 2010.** Ogilvie (Chair); Martin; Storrer and Mills, *ex officio*.

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**Zoning Board of Appeals – No Report**

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**City Superintendent's Report – Josh Mills**

**Status of Grants from CZM (1) and CZM (2),** other grants. Received official notification that the CZM (2) has been approved. Phase II supposed to start June 1<sup>st</sup>. Commissioners need to submit hours to Storrer for completing quarterly reports.

**Report on ABCD Workshop:** working on dates for succeeding workshops; Saturday for working folks; another for non-profits and grass roots groups; purpose is to create database of services provided; also for increasing inter-business commerce. Dovetails with Grand Vision, MSU and other groups interested in economics of the region.

**Preliminary Report on Capital Planning for City of Frankfort** to be used for anything to promote walkability; signage; directory; safe sidewalks & crosswalks; stairway down Nippising; future expansion. Renewable energy would dovetail into that.

**CitySimulation Proposal for Virtual Model expansion and update** will be discussed under New Business.

**Preliminary Report and Site Plan for Community Meeting Building on City Property** at Lake and Main Street. Lions Club working with Masonic lodge on building another facility/Community center open to other non-profit groups. City of Frankfort would own it, it but not pay for it. Includes approximately 150 ft by 300 feet between BLUA and Frankfort Building Supply. Mills made first appropriations request for enhanced Surveillance, WiFi . Received word from FEMA , providing a permit for air tanks.

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**DRAFT Master Plan Report by Wade Trim Planning Consultants by Chip Smith – no report.**

Discussion of draft master plan and first run of zoning ordinance for Special Meeting on February 23<sup>rd</sup>.

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**Old Business**

**Report by the By Laws Committee** by Clingman; committee was productive and submitted report.

**Storrer** compliments committee for a great job and offered suggestions for clarification, omissions and corrected typographical errors.

**Motion to approve the bylaws with corrections moved McLaughlin; seconded Storrer Motion carried.**

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**Motion on floor to accept the resignation of Julie Clingman with regret and thanks for her service. All ayes; motion carried.**

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**New Business:**

**Motion for the Nomination of Suz McLaughlin as Secretary until March 9, 2010. Moved Storrer; seconded Duncan; Motion passed.**

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**Motion to approve a Special Meeting for Draft Master Plan and initial draft of the zoning ordinance on February 23, 2010, 7:00 pm, City Hall. All ayes. Motion passed.**

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**Motion for discussion of the CitySimulation proposal moved by Martin, seconded McLaughlin; motion passed**

**Discussion of fee schedule change for the City of Frankfort.** It would be attached to the site plan review. In addition to site plan review, developer could have CitySimulations do a model of their site plan or get another entity to do a model as long as certain specifications are met. No changes in zoning ordinance are required. The current site plan fee has been \$100 for the last 10 years. The cost would be \$500 plus 2 cents per square ft.

It would provide a 360-degree to scale view of a development. No cost to the City. This would take the place of the current site plan fee. It is only for commercial and industrial. **Condon** gets confirmation that this would be paid before site plan is approved. **Mills** clarifies that the current fees are way below the norm (\$500) it is a 3-D program that can also be used as a marketing tool for the city. The Finance

Committee is looking at adjusting the site plan fee. **McLaughlin** suggests that document be legally reviewed. **Martin asks** if it would be covered by the CZM grant. **Ogilvie** questions if it would apply to a mixed use building. **Mills replies yes to both answers**

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**Motion to pass the concept of a fee schedule for city simulation onto the city council. Moved McLaughlin; seconded Duncan; All ayes; Motion passed.**

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**Motion to approve allocation of \$2000 for contract to update the city's virtual reality model. Moved Martin; seconded by Hommel; Nay: McLaughlin; Motion passed. It will be part of the match for their grant.**

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**Motion to defer allocation of \$6000 until further clarification, based on the goals and objectives of the master plan. Ogilvie moved Seconded? Vote?**

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**Request for comment and advisory opinion on a proposed community center on east Main Street as a non-profit hub.** Does it conform to MP and should city engage in a lease with Masonic and Lions organization. Moved to provide an advisory opinion to City Council that they approve the concept **Ayes: Condon, Clingman, Storrer, Duncan, Hommel, Larson, McLaughlin, and Ogilvie** **Martin abstained** **Motion passes**

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**Public Input – Agenda Items only**

**Holwerda-** if person came in with site plan review would the changes required by the Planning Commission incur an additional cost?

**Condon:** responds that changes cost \$50.

**Holwerda** compliments the Planning Commission on advises on the timeline for the budget.

**Novak-Rider:** questions how easy it will be to sell a building reverted back to the city that is situated next to the BLUA plant.

**Holwerda** will ask city attorney what is allowable with regards to the master plan.

**Storrer-** for next meeting on the 23<sup>rd</sup> all of the comments she is receiving is being compiled. She proposes a horizontal review, looking at permitted land use across the entire district, then compatible building types to do a real comparison. Completing a document for a visual comparison for the meeting on the 23<sup>rd</sup>

**Dittrich-** will the site plan for the community center revert back to the Planning Commission for determination? The master plan calls for a good entryway into the city. Is the Planning Commission doing the planning or just reacting? Need to think about what they want.

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**Meeting Adjourned; moved Storrer; seconded Larson; motion passed.**

**Next Meeting** Special Meeting: February 23, 2010 7:00 pm, Regular Meeting, March 9, 2010 7:00 pm at City Hall

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*Commissioner Handouts:*

Draft Minutes for December 8, 2009

Copy of E-Mail and Vote to vacate Regular Meeting of January 12, 2010

Copy of Draft Planning Commission By Laws

Copy of Resignation Letter of Julie Clingman

Copy of Chair's Report on Draft Master Plan Presentations

Capital Planning Draft from Master Plan Draft,

Annual Report of the Planning Commission to City Council by Chair (not yet completed)