

Draft Minutes
City of Frankfort Planning Commission
Regular Meeting
March 11, 2014 7:00 P.M. at City Hall

Call to Order: 7pm

Roll Call : Bissell, Ogilvie, Penne, Storrer. Fairchild arrived at 7:55 p.m.

Excused: Barresi, Campbell

Recognition of Visitors: Suz McLaughlin, Doug Holmes, Colin Merry, Joanne Holwerda, pim Dodge, Sharron May (Recording Secretary) Josh Mills (City Superintendent)

Quorum present

Motion to Approve Minutes of Regular Meeting: February 14, 2014 moved Storrer, seconded Bissell, all ayes, motion passed.

Motion to Approve Agenda moved Storrer, seconded Bissell, all ayes, motion passed.

Public Comments & Correspondence Concerning Items not on Agenda

Request to Appear: none

Correspondence: 1) Letter from Mr. Michael J. Ray, pres. Harbor Lights Condo Assn. #3 regarding parking issues and availability. 2) Letter from Don Bondarenko suggested changes to memorandum ordinance

Public Comments:

Suz McLaughlin asked for clarification on how the public hearing will proceed.

Motion to open Public Hearing on the Adoption of a New Zoning Ordinance moved Storrer, supported Bissell, all ayes, Motion passed.

1. Public Hearing:

a. Proposed Ordinance is same as that adopted 2/25/2011, except for:

- I. Medical Marihuana: new ordinance, per State mandate
- II. Renewable and Alternative Energy: new ordinance, per 2010-adopted Master Plan
- III. Planned Development Overlay District: new ordinance replacing Planned Unit Development ordinance copied from 1998 Zoning Ordinance to 2011 ZO without review
- IV. Site Development Plan Preliminary Review: community-suggested new ordinance requiring preliminary informal review for appearance-related projects in Main Street, Waterfront, Industrial-Entrepreneurial districts
- V. Clarifications of Residential Building Configuration Issues
- VI. Every new/amended ordinance has been subject to multiple reviews, discussions, proof-reads; most have been previously approved in topic-related public hearings.
- VII. Purpose, Format, Rules (State-mandated):

2. Public Comment Period: Written comments received in advance of meeting will be included in public record.

Comment received from Don Bondarenko, 314 Leelanau Avenue, dated March 11, 2014 asking that the definitions be clarified or changed regarding attic, building height and stoop. It was noted that 'porch' is not defined. Page 2 of the Memorandum, Item 3, Subsections A-J of the old ordinance that refers to maximum shall be 2 feet less than principle building

(grammatical vs. content). Page 3 of Memo, sub item 8203.03 Accessory Buildings subsection 3 line 2 " shall be three (2)." It should be (3). It reads correct in the new ordinance. Page 3 subsection 4, a) and b). The definition of agricultural building should follow.

Joanne Holwerda – suggestion to add "see definition" in parenthesis. Page 3, typographical error under 4e. 'subtract one (a)..' Strike the (a). Bottom page #3 "in those cases where "usual and customary". He suggests forgetting the "usual and customary". it is redundant, you've already said permitted use. There should be a #1 in front of ? and a colon at the end. Page 128, section 8205.8 under Rural District, Building Disposition, the first one on the table to the left. Edge yard. What is that? It is inconsistent. **Ogilvie** agreed. It is not defined in the definitions. Page 129, 8302. Rural District diagram, figure 1. Side note to the diagram says "front setback line measured from façade parallel to public" thoroughfare. Should be right of way, not thoroughfare... should be perpendicular not parallel. On Bondarenko's copy it was not corrected. On the new ordinance no description. On north city residential the same thing applies. **Storrer** found 'parallel' on Page j142. Page 4, proportional setbacks - suggestion on how to reword it so it isn't redundant and easier to understand.

3. Questions (of General Nature, neither for nor against) concerning the Zoning Ordinance:

Suz McLaughlin Section 8204.08 onsite storm water management: It would seem you should add the U.S. Army Corps of Engineers. Will change to State of Michigan Department and federal agencies. Should we require more frequent Wetland delineation of waterfront property?

Ogilvie – we could not find a definition from the state.

Storrer asked **McLaughlin** to send an email with her suggestions and questions.

Ogilvie not sure they have the authorization to zone.

McLaughlin wondered about parking language to include a different resource other than impervious surfaces near the waterfront.

Mills- We do allow impervious as well as pervious surfaces but there is a 500 ft. rule.

McLaughlin - Renewable Energy – In 2010 Pat Storrer took great detailed notes and we receive 248 written public responses not in favor of biomass, so why do we add that to the Alternative Energy ordinance?

Ogilvie – it is a generic term. **McLaughlin** – this would be an excellent educational opportunity.

Ogilvie we had an event and only 38 people attended.

McLaughlin– that seems to leave no restrictions for biomass as a renewable energy. We need to acknowledge the spot zone development in the rural section off of Lake Street. **Storrer**: it is.

J. Douglas Holmes, Box 905 Frankfort – Benzie County has to meet the same criteria that the state sets. When you get it from the county it saves a lot of money. On the wetland definition, the EPA has about ½ of the state of Nevada declared a wetland. They use plastic and fuzzy delineations. **Mills** clarified definition of wetlands.

Emily Votruba, Beech Street and 905 Washington, Elberta- There was a stipulation that there be no more than 1 goat per acre on Urban Ag. in rural district only. Goats are social and need to be at least 2.

pim Dodge – no one is going to read this.

Persons speaking in favor of the new draft Zoning Ordinance:

Joanne Holwerda, Bondarenko and Storrer stated that they were in favor.

Emily Votruba spoke in favor of the 680 square foot minimum in the north residential section.

Persons speaking in opposition to the draft Zoning Ordinance:

Doug Holmes – Page 4 Draft Renewable Energy Ordinance regarding abandoned solar systems removed at owner's expense. How would the city know? 4th Amendment violation. Page 3, Wind Energy Ordinance – guy wires not allowed. They

are a safety feature. We've had some powerful gusts of wind that could rip off and injure someone. How does my having 2 wind generators on my house and garage affect the health, safety or general welfare? We had a local example when Benzie County junk ordinance was done away with. He cited Norton vs. Shelby County U.S. Supreme court case. Mr. Bondarenko used Websters and you are using the Michigan Planning Association who haven't sworn to uphold the U.S. Constitution.

Ogilvie said that the Frankfort Planning Commission is sworn to uphold the Constitution. He outlined the 3 ways a citizen can object to anything in the zoning ordinance. According to the ordinance he would not be able to mount his solar array.

McLaughlin 8207.05 (?) suggested revising the statement or removing biomass. She acknowledged the efforts of the PC.

Bondarenko – asked for definition of biomass.

McLaughlin – at the Cadillac plant they just determined that they would not burn tires.

Ogilvie- I have never been a proponent of burning tires.

Pat Storrer submitted a list of cosmetic corrections that Ogilvie found to be accurate and did not change the meaning in any way. This include some hyperlinks either incorrect or not mentioned at all.

Storrer complimented Ogilvie on his thorough work on the ordinance. The cost of living in a society is community accepted norms.

Motion to close the Public Hearing: Moved Storrer supported Fairchild. All ayes. Motion passed

Motion to adopt, as will be amended, the proposed Zoning Ordinance for the City of Frankfort moved Storrer, supported Bissell. Motion to table March 25th when Commission will reconvene to consider the amendments; moved Storrer, supported Bissell, all ayes, motion passed.

Reports to the Commission:

1. **Report from the Chair:** Bruce Ogilvie:
 - a. Motion to forward the 2013 Annual Report to the Mayor Pro-Tem; moved Bissell, seconded Fairchild, all ayes, motion passed.
 - b. A Draft report of Introductory Energy Evaluation was received by Ogilvie.
 - c. Firefighter difficulty in roofs with solar array.
 - d. Financial webinar about financing energy efficiency in the state of Michigan. Ogilvie will be giving report.
2. **Committee Reports:**
 - a. Kim Fairchild: Signage/Wayfinding Committee – fabrication of way-finding signs is proceeding.
 - b. Cory Bissell: DDA/TIFD/Capital Improvements – Moving ahead with discussions on an Asset Based Community Inventory, a list of existing businesses for business recruiting purposes.
 - c. Pat Storrer: Zoning Ordinance Review Committee has written an ordinance for the Preliminary Review concept.
 - d. Sam Barresi: Public Restroom Facilities Committee/Parking/MSU Practicum Intern Report/Recommendations – activities have been included in the annual report. We have delayed the survey until mid-May. Will be disseminated online or as a written handout.
3. **City Superintendent Report:**
 - a. DDA – see 2b
 - b. Grants – SAW grant – we will tie in roof drainage to the storm. L2L transportation meeting is delayed until 3/24.
4. **Zoning Board of Appeals:** Kim Fairchild and Josh Mills – no report

Unfinished Business (Motion(s) previously made, tabled, or deferred, brought back for current consideration):

1. None

New Business (New action items from members, in the form of a motion, in writing, please)

1. **Election of Officers and Representative:**

- a. Motion to Nominate Cory Bissell as Chairperson moved Storrer, supported Fairchild, all ayes, motion passed.
- b. Motion to Nominate Sam Barresi as Vice Chairperson: Moved Ogilvie Supported Fairchild. All ayes, motion passed.
- c. Motion to Nominate Melina Penne as Secretary, moved Storrer, supported Fairchild, all ayes, motion passed.
- d. Motion to Nominate Kim Fairchild as Representative to the Zoning Board of Appeals; moved Fairchild, supported Storrer, all ayes, motion passed.

Ogilvie handed the gavel over to Cory Bissell. Ogilvie will remain as a member of the Planning Commission.

Public Input – Agenda Items Only

Joanne Holwerda, 675 Day Ave. thanked Ogilvie for his excellent leadership all these years. It is nice to see young blood. I wish more council members would have been here to review this.

Any Other Business/Ongoing Business: Comments, Assignments, Discussion Outside of New Business Motions and Outside of Unfinished Business Motions: None

Motion to adjourn moved Ogilvie, seconded Fairchild, all ayes, motion passed. Meeting adjourned at 8:56 p.m.

Next Meeting(s): *Regular Meeting: Tuesday, April 8, 2014, the Haugen Room, City Hall, 7pm.*
Commissioner Hand-outs: (1) Draft Minutes: Regular Meeting of 2/11/2014 (2) 2013 Annual Report