

**Planning Commission  
City of Frankfort  
Draft Minutes  
March 12, 2013  
Regular Meeting**

**Call to Order:** 7pm

**Roll Call :** Barresi, Ogilvie, Penne, Storrer, Bissell, Fairchild

**Absent:** Campbell

**Recognition of Visitors:** Jeff Stratton, Jim Barnes, Suz McLaughlin, Kathleen Sexton, Jordan London, Jay?, Judy Masters, Mary Beaudry, Ken Masters, Larry and Julie Clingman, Sandy Jackson, Eric Pyne, Emily Votruba, Dan and Mary Link, City Superintendent Josh Mills, Sharron May, Colin Merry

**Quorum present**

---

**Motion to approve Minutes of Regular Meeting February 12, 2013:** moved Barresi, seconded Storrer; all ayes; motion passed.

---

**Motion to Approve Agenda:** moved Storrer; seconded Barresi; all ayes; motion passed.

---

**Public Comments & Correspondence Concerning Items not on Agenda:**

Correspondence was received regarding The Maples project.

**Suz McLaughlin**, 670 Crystal Avenue, announced that a Benzie Solar Coop effort has been initiated. She wanted to find out if the Planning Commission would address the moratorium on Alternative Energy, and wondered if it might speed the process if the solar component was pulled away from some of the other components that may be a little more contentious. She proposed that getting a Solar Energy Ordinance running fairly quickly would be beneficial.

**Chair Bruce Ogilvie** affirmed that they were going to separate out each of the components of the Alternative Energy Ordinance and deal with them individually, solar would be first.

**Josh Mills** added that a mechanism had been found under the existing Ordinance under General Provisions, Institutional Uses that allows the Planning Commission, without a Public Hearing format, to review such projects that would address each project on a case by case basis. It would allow the Planning Commission to determine the spirit and intent, and make a decision.

**McLaughlin:** What about the issue of concern in the past about batteries and storage?

**Mills:** We have to discuss that in depth but the project that is before us right now doesn't have that component to it. We would need to do a little more research in that case.

**McLaughlin:** So a person could come before the Planning Commission and not be approved if a project with batteries was concerned?

**Mills:** I can't speak for that because there are so many unknowns but if there is a good project that makes a lot of common sense, I don't see why we can't move such a project forward. But I can't speak for the Planning Commission.

**Ogilvie:** We're working on it.

**Jim Barnes**, 823 James St – Is this mechanism something we can look into tonight?

**Mills:** Absolutely. You're testing our waters and that's a good thing.

---

**Reports to the Commission:**

1. **Report from the Chair: Bruce Ogilvie:** Under New Business, the second new draft of the Medical Marijuana in Frankfort Ordinance has been submitted after working with the consultants and researching the law.
2. **Committee Reports:**

- a. **Kim Fairchild: Signage/Wayfinding Committee – Mills** reported that an acceptable preliminary design has been determined and seeking funding mechanisms and matches. It is possible there will be signs in place by summer along the M-22 corridor.
  - b. **Cory Bissell: DDA/TIFD/Capital Improvements – Mills** reported the DDA has undergone the 60-day review by other governmental jurisdictions as required. Two entities decided to opt out: the Benzie Shores District Library and the Benzie Conservation District. Opting in were the Benzie Transportation Authority and Benzie County. The attorney is finalizing potential ordinance without the 2 mill tax as a component. If the 2 mill tax becomes something that the DDA wants to look at in the future, it would be reintroduced at that point of time. With regards to the Capital Improvement Plan, **Mills** got pricing on the Safe Routes to School sidewalks and curbing and is in the process of doing an assessment of the streets, which have not been helped by the freezing and thawing weather. The Capital Improvements Plan will be all-inclusive - infrastructure, facility, park related – and be very detailed.
  - c. **Pat Storrer: Zoning Ordinance Review Committee** (see Meeting Notes 2/12/2013) – the committee is working on the maximum number of accessory units on residential parcels. This involves two ordinances – one defining a maximum of three accessory structures in Rural and a maximum of two in North, East, and West districts. The Committee is working to formulate a recommendation on whether these maximum numbers should be updated. The Committee is also looking at whether a preliminary site plan review is the best way to control the character on Main Street. They are looking at samples from Traverse City and Livonia and an Ohio city to see how these communities accommodate new commercial buildings in a historic area. **Ogilvie** added that it's been a long process of finding out that what the Commission thought was a perfect ordinance and finding out that it wasn't perfect.
  - d. **Sam Barresi: Public Restroom Facilities Committee** – Preliminary information has been received from the practicum interns. **Barresi** is in the process of setting up a meeting that doesn't conflict with other meetings. **Ogilvie** explained to the public that the MSU Practicum is an important aspect of the analysis of public parks and facilities in the city of Frankfort. We have been able to engage the MSU undergraduate Land Use Policy and Recreation Department and received a grant to have them do this report
3. **City Superintendent Report:**
- a. **MSU Practicum Intern** – Senior level Planning students from MSU Planning Department came here on Feb. 16. A meeting was held that was attended by approximately 23 people. That meeting's feedback was forwarded back to the Practicum team and will be integrated into their report. Based on the timeline, their recommendations should be here in a couple of weeks.
  - b. **Complete Streets and Safe Routes to School Access Project for 2012, project status** – **Mills** will be meeting with the **Michigan Department of Transportation (MDOT)** and **Abon Marche** to go over the grade plan. A preliminary design has been submitted regarding the sidewalks. They are required to construct sidewalks on both sides of the street on James Street from 9<sup>th</sup> Street all the way to 11<sup>th</sup> Street; redo the intersections at 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Street; continuance of the sidewalk on the north side of 11<sup>th</sup> Street. 11<sup>th</sup> Street and Day Avenue will be widened due to athletic event parking. Because of congestion, we were able to convince MDOT to do a sidewalk only on the west side of 11<sup>th</sup> Street. MDOT wanted to cut down 6 trees but **Mills** said that was unacceptable. There is enough room to preserve the trees. They are healthy and as long as we're preserving the health, safety and welfare, we should be okay. **Storrer** added "We're a Tree City". **Ogilvie** added that it is congested because of the grandstands in Lockhart field and proximity of the trees but if they remove the trees and put the sidewalk where they are talking about, every time a plow truck went by it would cover the sidewalk 4 feet deep. **Mills** added that if necessary they can remove the half moon along the sidewalk where the tree is located like we've done in every other area of the city. – a scheme that has worked for the City for the last 150 years. That's the only issue with that whole project. **Ogilvie** explained that this project was funded by a \$196,000 grant fund from MDOT.
  - c. **DDA – see Committee Report above**
  - d. **"Recreation" Center, status** – **Mills** is still working with the group from the LWCF. The spirit and intent of the project is in compliance and it just comes down to the lease, and a document should be completed over the next few weeks.
  - e. **Compliance on 629 Forest and 1335 Hall properties, and garage at Anchor Place Alley**, east of 9<sup>th</sup> – There has been a standstill due to weather. The Hall Street property has been on the market, and the Anchor Place Alley garage is undergoing demolition under a new owner.
  - f. **Wi-fi Grant** – The surveillance grant project data is being collected. Surveillance data will be able to be fed via the Wi-Fi set up. 1200 feet around City Hall are live.
  - g. **The Brew Pub project** is moving along and the **Fusion project** at a standstill due to a building code issue.
  - h. **Other** – MiSpot is up and running and works great in **Mills'** rural area. **Mills** reported all the storefronts are occupied except Rhodes, who doesn't have any desire to rent the space out. The Middle Mile broadband hub has been installed and we still need to figure a way to get it to our area and M-22.

4. **Zoning Board of Appeals** – Kim Fairchild and Josh Mills – is going to be meeting on 3/19 regarding the driveway access and side yard parking area at the Maples.
- 

### Unfinished Business

1. **Preliminary Site Development Plan Review Concept: still in (Zoning Ordinance Review) Committee – see report by Pat Storrer**
- 

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

1. **Site Development Plan**

**Motion: moved by Storrer and supported by Ogilvie to approve site plan for Benzie County Medical Care Facility (“The Maples” ) 219 Maple Avenue, Frankfort, subject to: (1) a Parking variance being granted by the Zoning Board of Appeals; 2 City Supervisor approval of Site Engineering including but not limited to drainage, water main, water service, and sanitary sewer service; (3) Other special conditions, namely: that the east wall Landscaping, height, dimensions and materials be approved by the City Superintendent and detailed in the Landscape Report with down-cast lighting as meets Zoning Ordinance standards.**

**Discussion on Motion:** Storrer explained the idea behind having a preliminary site review. The last three were done on an informal basis. Ogilvie inquired about the piece of correspondence received by the Zoning Board of Appeal. Mills was not sure that the completed design was ever put out to the community and cited some landscaping standard contradictions in the illustration and made recommendation to extend wall past parking area at a height to ensure that the neighbors to the east are not subjected to parking lights. The site lighting will be dark sky compliant and heavily buffered with landscaping. **Ogilvie** asked about shift changes and movement of cars in the alley in middle of the night, hence the recommendation to extend the retaining wall and dark sky lighting. **Mills** suggested a 3-4 foot wall. Barresi asked if they will be getting input from Josh before putting in a wall such as a concrete wall that may not be attractive to neighbors. **Masters** expressed his commitment to incorporate native species in the landscape plan that will be submitting with the drawings to **Mills**. **Masters** has used decorative interlocking block or stone in the past and will get input from the landscape designer. **Fairchild** asked about position of trees and noted that the landscaping would block the wall from the neighbors. **Ogilvie** asked the public if they had any questions.

**Hugh Hessler, 34 Maple Street**, expressed concern over employee parking and lighting.

**Masters**, responded that the first phase is constructing the new parking lot. A temporary entrance will be in back of the building.

**Fairchild** commented that he is in favor of project.

**Ogilvie** added as a special condition that the east wall height and materials be acceptable to the City Superintendent according to his administrative authority.

**Ogilvie put the Motion: all ayes; motion carried.**

2. **Motion to adopt the Draft Medical Marihuana Ordinance following a public hearing, pursuant with established procedures. Moved Ogilvie, supported Storrer, all ayes, motion passed.**

**Discussion**, after the Motion: **Ogilvie** noted that, because this is a new Ordinance, a Public Hearing would be required. **Mills** will try for the Public Hearing to be part of the April Planning Commission meeting. **Ogilvie** discussed the proposed draft, advising that it will be routed to City Zoning Attorney Doren, Wade Trim Consultants and then made available for the Public Hearing. Anyone wanting access to the draft is welcome to review a copy of what the Planning Commission received tonight. It should be understood that this is a draft and not a final document. Many changes may yet result from attorney and consultant reviews.

**Motion to Table: Moved Ogilvie, supported Storrer, to table for further discussion. All ayes; motion passed.**

3. **Motion by Ogilvie, supported by Fairchild to recommend that the City Superintendent express to the Safe Routes to School Committee, including MDOT and Abonmarche Consultants, that preservation of mature maple trees in the City of Frankfort is a priority. As it regards the proposed placement of sidewalk along west side of 11<sup>th</sup> St. right-of-way, north of M-22 (Forest Avenue) between Harbor Place and Leelanau Avenue, sidewalk placement should preserve the row of mature, existing trees when the new sidewalk is constructed. The Planning Commission specifically recommends the relocation of the sidewalk from west side of 11th Street to the east side of 11th Street, along the right-of-way adjacent to Lockhart Field.**

**Discussion:** Ogilvie reviewed the Master Plan wording regarding maintenance of parkway trees, the needs for vegetative buffer between public spaces and residential spaces, and the need to have space to keep Safe Routes to School sidewalks clear of snow. Ogilvie noted that there is a movement to put in new grandstands.

**Vote:** all ayes, motion passed.

4. **Motion to approve proposed solar panel installation at 823 James Street as an “Unclassified Use” in terms of Ordinance 8023.23: moved Storrer, supported Fairchild.**

**Discussion:** Mills explained that *Unclassified Uses* is a catchall phase used when the Planning Commission is confronted with something that doesn't exist and needs to determine whether it is within the spirit and intent of the city.

**Jim Barnes** explained that Consumer Energy offered a feed-in tariff which is an initiative where an applicant can enter into an arrangement with the utility company to purchase energy and offset the costs, bringing the ROI down to make it practical to install. He would like to install a 4 panel system @ 350 watts each on the gabled end of the garage that will look like an awning (creating), the best location to harvest solar energy. Barnes supplied a picture of the south gable end of his garage with a representation of four solar panels affixed to the lower wall of the garage. The picture was without dimensions or other information.

**Ogilvie** asked about the angle of the awning.

**Barnes** responded that it (the solar panel) is oriented in a landscape vs. portrait angle and that the pitch of the panels can be adjusted seasonally.

**Ogilvie** did some quick calculations that the lowest height might be 5.3 inches and asked if there was any public access points where the height of the panels could cause someone who is 6 ft. tall to walk into them. Public welfare is part of the process of approval. Height limit for canopies or trees is 8 ft.

**Barnes** responded that the top height is 8.6 ft. and was uncertain if 5.3 inches would be the lowest point. The backyard is not fenced. There is a cedar hedge that acts as a fence.

**Mills** suggested that to minimize impact, a garden area would prohibit anyone from walking up to it.

**Barnes** said that there is a garden in that area. **Mills** suggested delineating it.

**Ogilvie** asked about how the electrical connections will be plugged into the grid.

**Barnes** explained that everything would be underground. He emphasized that there are no batteries because it is a grid-tied system.

**Fairchild** asked if it would be easier to figure out the height at the lowest angle.

**Storrer** suggested reflective tape on the corners.

**Ogilvie** proposed the following Conditions: (1) site plan and dimensional drawings including swing line of panels; (2) electrical permit; (3) creating a barrier to eliminate safety issues on south side of the building. Asked if Barnes will return with an

application for a Site Plan and Land Use Permit following the requirements of Section 8107. Barnes said he would think about it.

**Motion to table the motion until the next meeting: moved Fairchild, seconded Barresi, all ayes, motion passed.**

**Motion is Tabled.**

5. **Acceptance of 2012 Annual Report: No report.** Ogilvie commented on the Annual report and requested a report, within the next couple of weeks, from each committee chair.
6. **Election of Officers: Motion to approve Nominating Committee report recommendations: moved Storrer, supported Fairchild, all ayes, motion passed.**

**Discussion:** The Nominating Committee nominated a full slate of officers for the coming year: Melina Penne for Secretary, Sam Barresi for Vice Chair, Bruce Ogilvie for Chair, Fairchild for Zoning Board of Appeals.

There being no other nominations, the Officers, as nominated, are elected by unanimous consent.

7. **Motion to recognize Bruce Ogilvie for his work on the Draft Medical Marihuana Ordinance: moved Barresi, seconded Fairchild, all ayes, motion passed.**

---

## Public Input – Agenda Items Only

**Emily Votruba, Elberta Alert** – where will the draft (of the Medical Marihuana Ordinance) be available?  
**Mills, responding** – on the website and at City Hall.

**Storrer** – Only 6 weeks away from Garlic Mustard season, what provision is the City making for garlic mustard disposal?

**Mills, responding** – he has spoken to representatives at the Conservation District and Conservancy and it looks like they aren't going to provide any support to Frankfort. He is looking at the possibility of an Allied Waste dumpster at recycling center. They would have to rely on volunteers to accept it. Otherwise they will have the Park Avenue site but the goal is to utilize that for Tank Hill because we have to have a 5 year commitment to take care of that garlic mustard going in there.

**Motion to adjourn: moved Fairchild seconded Barresi, all ayes, motion passed. Meeting adjourned at 8:30 p.m.**

### Next Meeting(s):

1. Regular Meeting: Tuesday, April 9, 2013, the Haugen Room, City Hall, 7pm.

Commissioner Hand-outs: (1) Draft Minutes: Regular Meeting of 2/12/2013; (2) Zoning Review Committee Notes 2/12/2013; (3) Materials for Maples Site Review (4) Draft Medical Marihuana Ordinance

### Zoning Ordinance Review Committee of City of Frankfort Planning Commission: City Hall, Haugen Hall

**Date:** 2/12/2013 9.30am to 11am

**Committee:** Josh Mills, City Super/Zoning Administrator; Steve Campbell, Bob Dittrich, Bruce Ogilvie, Pat Storrer

**Also Present:** Mayor Bob Johnson, for part of meeting

### Meeting Notes:

**Purpose:** Review Motion Sent Back to Committee; Continue Site Development Preview Topic.

**Admin:** 1/8/2013 meeting notes: not hearing of needed corrections, notes approved.

Next meeting: date not set. Storrer to email/ask members whether **Tuesday March 12, 2013, 9.30am** is ok.

### 1. **Committee Recommendations for maximum number of Accessory Buildings in Residential Districts:**

- Background on Two Recommendations:
  - i. For 2 in North, East and West City: Sent Back to Committee at 1/8/2013 PC meeting.
  - ii. For 3 in Rural District, approved at PC meeting, for forwarding to Council first reading.
- Today's Meeting:
  - i. Committee agreed the Rural-related motion should be returned to Committee (i.e., this Committee)

- ii. Storrer to ask 2/12/2013 PC to rescind 1/8/2013 Rural-related motion.
- iii. No conclusion reached; discussed need to identify over-riding reason for controlling the number of accessory buildings, other than judgmental of what “we like” or “don’t like”.
- Next Step: In the interest of maybe removing the restrictions on Number of Accessory Buildings and relying only on lot coverage and setback rules, Storrer, Mills and Ogilvie will examine all the related ordinances to determine whether removing the number restrictions will work; and then bring conclusions back to Committee.

2. **Site Development Plan Preview, as vehicle to address Main Street Character: See Livonia Sample Livonia Application for Site Plan Review and Approval**

- Committee committed to Site Plan Development Preview as vehicle to address Main Street character
- 1/8/2013, we considered Traverse City’s list of required architectural features, reached no conclusion.
- Today, examined sample 2-page “Application for Site Plan Review & Approval” from Livonia, Michigan.
- Back page #8 refers to “Study Meeting” which equates to our idea of a community preview meeting.
- The “Following Information” list approximates to previously proposed “Guide Book” idea.
- Discussion included:
  - i. Reason for identifying previous applications, to help City Hall locate/review previous work.
  - ii. Additional items, proposed by meeting attendees as potentially important to Frankfort:
    - 1. (For Site Plan): storm-water, drainage, run-off water, and its removal,
    - 2. (For Landscape Plan): buffering,
    - 3. (For Building Elevation): Steps, ADA compliance for commercial & public buildings
    - 4. (For General Floor Plan): 3-dimensional representation, with adjacent buildings shown
  - iii. Livonia is one of Michigan’s larger cities, so its Site Plan Approval list of steps is probably “over-kill” for Frankfort. So, probably is the number of 23 for full-size drawings.
  - iv. Committee wants to “help something wonderful to happen, not prevent something bad from happening”.
  - v. Campbell was asked to consider how, as a developer, he would view this list of Required Information.
- Next Step:
  - i. Storrer to distribute to Committee members, a copy of the Livonia Application form, along with additional items already proposed, and to ask Committee to email (via Reply All) suggestions for further additional items. The purpose being to create a “discussion document” for our next meeting.

**Distributed Materials (printed for 7 members; 3 members print their own):**

1. 2/12/2013 Zoning Committee Agenda, with 1/8/2013 Zoning Committee Meeting Notes appended.
2. City of Livonia Application for Site Plan Review and Approval

**Adjourned: 11am**