

Frankfort Planning Commission

Minutes of the Meeting of April 29, 2008

Meeting called to order at 7:00 PM by Chairman Bruce Ogilvie

Roll Call: McLaughlin, Storrer, Ogilvie, Johnson, Rath, Hommel. Absent: Duncan, Larson.

Ogilvie advised that Duncan is in the hospital. Quorum is present.

Storrer: Read letter from the James Buzzell's about zoning and related issues on Lake Street, M-22. Copy of Letter with Minutes of the meeting.

Approval of Minutes: Motion to approve minutes of March 11, 2008, with corrections by Storrer, second by McLaughlin. Ayes: All. Nays: None.

Public Comment: General

Thelma Ryder-Novak, 1019 River Road, Frankfort: Question about Master Plan and how it will stand up against lawsuits. Member of the public asked for this to be discussed now or at another meeting. Asked that Master Plan be presented on ballot as separate sections for approval.

Doug Rath: Statement regarding resignation due to his status as a non-tax payer in Frankfort. He also asked for clarification regarding this rule. He would like to remain a member until this is clarified. Comment regarding the resignation of Nancy Marshall.

Ogilvie: Completed a thorough review of the qualification of Planning Commission members in the current State Enabling Act. The new Planning Enabling Act of 2008, effective on September 1, 2008, states that members shall be electors of the jurisdiction they represent, except that small communities (and Frankfort qualifies under this exception) may appoint one of its nine members from outside the boundaries of the jurisdiction. Since we are interested in the "spirit" as well as the facts of the statute, Ogilvie believes Rath should remain a member of this Planning commission. A 1991 letter from the City Attorney confirms this understanding of the current State Statute.

According to Ogilvie, Mills commented: There was previous confusion about the taxpayer issue regarding Planning Commission members; thought the letter from McKay resolved this.

Study/Workgroup

Comprehensive Master Plan Revision discussion of Section 1

Ogilvie: Presenting Section 1 of the City.

The current definition of "R-1" a Single Family Residential District based on a minimum lot square footage of 20,000 sq. feet. To create and maintain a stable, single family neighborhoods within the City. It is intended that the principal use of land is for single-family dwelling. This area now contains the area concerning the Tobin project. The local Circuit Court Judge should be ruling on this lawsuit soon.

R-2 – The intent of the R-2 Medium Density Residential District is to permit housing development at the higher densities than permitted in R-1 District, in order to accommodate the varied housing needs of the population. Each building lot has a minimum of 7,500 sq. feet (approximately 50'x 150'). The principal land use in this district is detached single family dwelling units, although two-family dwelling are permitted along major roads. In section 1, on the north boundary is a limited commercial area here, including the A&W Restaurant. There is also multiple family, high density section within the R-2 general area.

Boundary zones and transition zones are not well defined. The existence of a private club, home based businesses, and semi-commercial activities combine to make the north area of Section 1 a complex area for city planning efforts. Current, approximately 11% of Section 1 has R-3 zoning, the highest density residential zoning (Apartments) available in the City.

See handout on zoning definitions.

Public Input on Section 1

Jeanne Stransky, 285 Lake Street, Frankfort: Thank you to the Planning Commission for holding these meetings. I went door to door to get signatures regarding Section 1. Homeowners were well informed on the Master Plan and zoning ordinances, as well as the responsibilities of the City Council and the Planning Commission. Many expressed their past experiences were negative concerning input on previous plans.

Judy Twigg, 682 Lake Street, Frankfort: When a person makes an investment they trust the City to make good decisions regarding their property. Regarding the bay, it is nice to see trees and the water. She hopes this will be maintained.

Norm Nelson, 321 Nelson Road, Frankfort said, "... he is a lifelong resident and hoped the area would remain R-1."

Larry Clingman, 575 Cherry Grove Lane, Frankfort: Would like to see the area around their property (on Betsie Bay) remain R-1 zoning for a couple reasons including wildlife preservation and encourages the consideration of pocket parks for trail users to get access to the water.

Jon Hawley, 403 Forest Avenue, Frankfort: Commented on another city (in the Ozarks, Arkansas) where layered development occurred, rising from the shore of the Lake to the surrounding hillsides ... has ruined certain aspects of quality of life in that region.

Thelma Ryder-Novak, 1019 River Road: Question regarding enforcement of Master Plan, for example the Tobin Project, against the spot zoning that seems to be invited by mixed use zoning. In order to have stricter enforcement we should not have mixed use zoning, but specific zoning. The Section (1) beyond the hill on east side beyond (north) of marina on west side, this is all R-1. Certain businesses are all Crystal Lake Township, which is pure residential beyond. Regarding the commercial area by the Smokestack, A&W, and the Eagles, why not change that part of Section 1 area to create a new Section 10, including the SW corner of Section 9 and the marina and the upper part of Section 1. This would ensure iron clad zoning for these parts of the City and help solve the lawsuit issue. The hill provides the best transitional boundary.

Ogilvie: We discussed this in our subcommittee last year; at that time it was a consideration to question the creation of a commercial district in this area. I don't think any final decisions have been made about these areas. We do need transitional boundaries. We are looking at getting digital mapping of the City to get a full view of buildings and boundaries. Finally, there is no such thing as a 'bulletproof' law; enforcement is the best way to insure the results demanded by the citizens. Enforcement begins with specific wording.

Tom Twigg: __682_Lake Street, Frankfort. With water quality already pretty bad (in the Bay), and the Marina barely surviving, he hopes the city will not do anything to further degrade the area.

Julie Clingman, 575 Cherry Grove Lane, Frankfort: There is no Master Plan for the (Betsie) Bay. What about all the (proposed) condo development (across the Bay) (in) Elberta? We should look at putting more houses along this area with trees. Pocket parks would be a great idea for this area.

Elaine Resh, 105 South Second Street, Frankfort: She is a certified Master Planner. One of the nice things about Frankfort is that it has been virtually untouched. Many communities cannot enjoy the same view of the bay which we do. Too much mixed use can create a gray area open for attack by commercial factions.

Judy Twigg: Section 1 is only section that supports _____. **Could not hear comment.**

Jeanne Stransky: Regarding the walk able area in this section which could support housing. (This may have come from Judy, above.)

McLaughlin: Future planning should possibly include redefining certain districts to avoid gray areas and appreciates those comments. Including the community (comments input?) on the Master Plan should help defend the plan if legal issues were ever raised.

Unknown Citizen Comment: Regarding a cross river (Bay) boat. (Don't know)

Ogilvie: Comments from Superintendent Mills: The Trail has increased interest in access to the water. He would like to see the City work with the Park and Recreation Board to create pocket parks.

Ogilvie continued comments from discussion with Josh Mills: as an example, the Neilson (farm) property could be the site for a large complex. There is nothing in our zoning (or the county zoning) to prevent this. The City should think about entering into agreement with Crystal Lake Township and the County to avoid this type of action. Annexation is one method possible if a certain number of people in Crystal Lake Township decided they wanted to become a part of the City of Frankfort.

What will the cost be to develop a Master Plan with new Zoning Ordinances? Budget discussions have occurred. The total price could be upwards of \$250,000. The Planning Commission is looking for Donations to cover some costs.

Doug Rath, 1540 Paultz Road, Frankfort: Said we cannot make our Master Plan litigation proof, but we should try. The Planning Commission previously discussed renumbering of Sections. Said the Tobin Project makes this section a very difficult issue. When deciding this, the issue was determined by looking at what was allowable versus what they felt should be appropriate development. All of the input is great and we are listening to the public comment.

Joann Holwerda, 675 Day Avenue, Frankfort: Likes of the idea of working with Crystal Lake Township and the County to help ensure enforcement and of the Master Plan.

Julie Clingman, 575 Cherry Grove Lane, Frankfort: While looking at Section 5 (possibility of including home based businesses, feels we need to see guidelines regarding the upkeep of property. This is important with mixed use zoning, where rentals become prevalent. Stated an example of a home based vehicle repair business in her neighborhood that is awful – covered with junk and parts.

Kurt Luedtke, 205 Leelanau Avenue, Frankfort: Would like the Commission to continue looking at the non-conforming uses of the City and how that applies to the Zoning Board of Appeals. Current zoning is too loose.

McLaughlin: Would like someone from the Zoning Board of Appeals help create the ordinances?

Kurt Luedtke: Not sure if that is a Zoning Board responsibility.

Ogilvie: Hommel is our representative on the Zoning Board of Appeals.

Norma Elias, 107 Park Avenue, Frankfort: Has a garage which is non-conforming. She has right to fix it up anyway she would like as long as she doesn't change the blueprint. The Zoning Board should go by the rules of the Planning Commission does. She feels if no one complains about a request, the Zoning Board generally grant that request. If a variance is not legal, it shouldn't be granted unless it is an extreme need.

Ogilvie: Has been researching the Planning and Zoning Acts. The new Acts give much forbearance for non-conforming properties, but there is a tighter control on extension of non-conforming properties. We should further explore this issue.

Report by the Chair:

Tree and Pet Ordinance – This was under review by the City Council. Nothing has been finalized by the City Attorney or City Council, therefore the Planning Commission is not moving forward on this issue.

Qualifications for Appointment to the Planning Commission – Under the Michigan Planning Enabling Act, see Act 33 of 2008.

Statutory Authority for Master Plan, Land Use Plan, and Zoning Ordinance development – See supplemental pages from the Michigan Planning Act, Act 33 of 2008 included in the Chair Report.

Ogilvie: Asked the Commissioners to read his report on the statutes and ask questions at the May 13th meeting.

Education and Workshop Opportunities

May 27, 2008, 5:30 – 9:30 p.m. – New Michigan Planning Enabling Act updated and Michigan Zoning Act at Ramsdell Theater Ballroom, 101 Maple Street, Manistee.

May 28, 2008, 6:30 – 9:30 p.m. – The Grand Vision – Benzie County Workshop at Crystal Mountain Resort. Register in advance at (231) 929-5061 or mccauley@nwm.cog.mi.us; and Plan to ride the Benzie Bus from Frankfort to Crystal Mountain

MSU Extension Service Citizen Planner online at www.cponline.msu.edu/about/index
Small Town and Rural Development Conference, April, repeats annually. Ogilvie and Superintendent Mills attended.

Education and Workshop opportunities are included in the Chair Report.

Action Items for May 13, 2008

1. Vote on Public Input wording and format - Following proper public input procedure is very important in enforcing a Master Plan. Handouts will be distributed.

2. Vote on Planning Commission Budget Presentation. See working draft enclosed and minutes of budget meeting.

Budget numbers and needs were discussed. S. McLaughlin raised questions were raised regarding the source of the numbers. Concerns were discussed regarding attaining these funds and whether the budget should be revisited. The issue was raised about looking at what other similar cities have spent on similar plans.

Storrer: What options will be available in budget planning, yes, no, or we need revisions.

Ogilvie: A majority vote will be required. The Commission can decide to support this budget or make a motion to revise it.

Norma Elias: Will the necessary funds be coming from the City.

Ogilvie: The City is spending money on Superintendent's salary. The other money would be donated to the City.

McLaughlin: Questioned the hours spent by the Superintendent on zoning. The issue was raised about finding people to accomplish certain duties currently being done by the Superintendent. This could be done at a lower rate than the rate of the Superintendent.

3. Interim Zoning Action by Planning Commission, requested by City Council. See Memo and materials attached for background.

Ogilvie stated: Interim zoning can only precede the creation of a new Master Plan or one that has never existed before. The City Council controls the adoption of the Zoning Ordinance. The Zoning Ordinance must have the backing of its citizenry. The subject of moratoriums should be discussed thoroughly before moving forward. Spot Zoning was defined and explained. Copies of this information will be distributed.

End of Chair Report.

New Business:

Johnson moved to postpone the May 27th Planning Commission meeting to June 10th. Rath seconded. Ayes: Storrer, Ogilvie, Johnson, Rath, Hommel. Nays: McLaughlin.

Public Input on Agenda Items

Bonnie Warren, Corning Avenue, Frankfort: Commented on discussing the budget at the next meeting.

Discussion occurred regarding the dispersal of packets and getting assistance from the City.

Myra Elias: The second half of the meeting was very informative. Can the meetings be restructured to better inform the many people who left early?

Ogilvie: The meetings are structured to talk about issues which the majority of people would like to discuss at the beginning of meetings.

Ogilvie: **Meeting Adjourned @ 9:10 p.m.**
respectfully submitted by Shanna Fite,

Bruce Ogilvie, Chair

Patricia Storrer, Secretary