

**Frankfort Planning Commission
Regular Meeting Minutes
May 11, 2010
Multipurpose Room, Frankfort-Elberta Elementary School**

Call to Order: 7:00 PM

Roll Call and Recognition of Visitors: Bartley, Campbell, Larson, Martin, McLaughlin, Ogilvie, and Storrer [2 vacancies]. **Introduction and Welcome** of two new members of the planning commission, **Mr. Bartley & Mr. Campbell** and **Wade Trim Consultants: Nicholas Lomako, AICP, Principal in Charge and Charles (Chip) Smith, AICP, Project Manager, Wade Trim, Inc.**

Public Present: Bob Johnson, JoAnn Holwerda, Fred Stransky, and Josh Mills (City Council members and City Superintendent), Sharron May, Bonnie Warren, Eric Van Dusen, Peggy & Jon Hawley, Mary & Jon Armstrong, Pat & Jim Laarman, Jackie McLaughlin, Bob Dittrich, Jeanne Stransky, Jay White, Bob McCall, Erica & Ruth Munzel, Jo Ann Frary, Myra Elias, Don Bondarenko. Shauna Fite, Susanne Glynn, Thelma Rider Novak, Scott Guest, Bob Baglan, and Wes Blizzard

Quorum Present

Approval of Minutes of Regular Meeting of April 13, 2010 Moved Martin; seconded Larson; all ayes; Motion passed.

Approval of Agenda with amendment to move Unfinished Business after New Business and addition of Discussion about continuing work of the Citizen Review Committee; Moved McLaughlin; seconded Storrer; All ayes; Motion passed.

Public Comments & Correspondence Concerning Items Not on the Agenda: None

Reports to the Commission:

Chair Report: Bruce Ogilvie recognizes the public service of **Kathryn Condon, the Reverend Edward Duncan, and Joseph Hommel**, having completed their term of office for this Planning Commission on April 9, 2010. Chair recognizes the work of the **Citizen Review Committee on Public Comments** in the preparation of the final version of the Master Plan 2010.

Zoning Board of Appeals – no report

City Superintendent's Report – Josh Mills announces a Special Use Meeting on Thursday, May 13th at 7:00pm to review a special use and site plan for Bayview Grill, formerly Celia's Restaurant.

Subcommittee Reports:

Report on Public Comment by **Pat Storrer** as mandated by the state and prepared by the Citizen Review Committee. The committee received 230 comments containing multiple issues. 200 were related to, and primarily against, indicating a focus and priority on Biomass in the Master Plan. 95 comments resulted in changes in the Master Plan. The Commission thanked the community for their thoughtful comments.

Report on Volunteer Hour Match required by the CZM Planning Grant – Pat Storrer.. Between the Planning Commission, City Council and Zoning Board of Appeals, 1000 volunteer hours were contributed, valued at \$28,000 to match the CZM Planning Grant.

Presentation of the Master Plan for 2010 by Wade Trim, Inc. City Consultants- Charles Smith gives presentation on what the master plan is, why they do it and how it relates to future growth and development in Frankfort. Smith positions Master Plan as the guiding document for planning and zoning and reviews the main points of the Plan and considerable changes he was

directed to make based on public comments. He stated, "...there has been an unprecedented amount of public dialog. I have been overwhelmed and engaged by the input from the citizens and stakeholders of Frankfort to participate in this discussion. ...Quite frankly, you have engaged us and told us what you want this vision of Frankfort to look like. ...The Master Plan forms the changes the will be reflected in the Zoning Ordinances. ...There are four substantive changes in this May 11, 2010 Master Plan document 1) Ancillary Living quarters in all residential districts 2) Residential districts elimination of required 2 story and set-back standards 3) Recognition of importance of area natural resources and language strengthened throughout this Master Plan to reflect this 4) Economic Development recognizing our Quality of Life as our most important resource "

Nicholas Lamako thanks the Commission and congratulates the community on embracing all that it currently values while looking ahead at how the world is changing.

Pat Storrer thanks the Planning Commission Chair, **Bruce Ogilvie**, for his direction and hard work.

Public Hearing on The Master Plan 2010

Chair, Bruce Ogilvie opens the meeting and announces the rules and procedures to be followed at the meeting. Speakers are to be heard in this order: first, all persons in favor of the Master Plan approval, followed by those persons opposed.

Motion to open public hearing moved McLaughlin seconded by Martin; All ayes; motion passes.

Ogilvie solicits positive comments about the Master Plan

Erica Munzel, 9 Sac St. asks if there is a copy available and is told that there is none.

Joanne Holwerda, 675 Day Ave, thanks commission for making change in plan regarding two story houses.

Eric Van Dusen, no permanent address, states he has neutral comments about the plan being posted on the website without notice and questions whether the Planning Commission has looked at all the revisions and are ready to adopt it. He asks if conservation is being dealt with in the Master Plan.

Ogilvie and Smith respond. **Ogilvie** explains that the current document was received by the Planning Commission on Thursday and the earliest they were able to put it out on the website was on Saturday. **Smith** adds that the Draft Master Plan has been out and essentially the additional work was clarification language and clean up to make it flow better, as recommended in the last Planning Commission meeting. Regarding energy conservation, **Smith** cites a passage indicating that the number one goal is to encourage personal energy efficiency and conservation. **Ogilvie** adds that the city wishes to be energy independent.

Van Dusen asks if there is an allowance for the zoning administrator to issue permits by right,

Chip Smith responds that he was instructed to remove that sentence from the draft.

Ogilvie and **Van Dusen** have a disagreement over whether Van Dusen's comments are neutral or negative. Only positive comments are being taken at this time.

McLaughlin asks if it would be appropriate to let people speak first before proceeding to positive or negative comments. **Ogilvie** responds that it is not [appropriate]; that the statute is clear.

Thelma Rider Novak, 1019 River Road asks for terminology clarification whether this is the final Draft Master Plan and whether it has to be available for a certain number of days prior to a public hearing.

Nicolas Lamako, Wade Trim Inc. explains that this is the final draft document and that there is no required number of days.

Jay White, 488 Bridge Street, thanks Wade Trim and the Planning Commission, having witnessed what has been accomplished with planning consultants at Crystal Mountain. He feels that this is a great plan and gives guidance to build a zoning ordinance.

Ruth Munzel, 9 Sac Street is in favor of the Master Plan and zoning and asks about status of removal of angled parking on Main Street. She objects to mock up shown early in the process of

bathroom at Cannon Park.

Smith responds that there are no site-specific designs on parking and that there needs to be a community dialogue about complete streets. This document serves as a framework. The mock up that was brought by a private individual was not incorporated in the Master Plan.

Susan Glynn, 105 Forest, commends and thanks the Planning Commission. She did not read the latest version of the Master Plan and came to listen. She expresses concern about the format being used.

Ogilvie assures the public that nothing has been changed that wasn't in the public interest and voted on in open meetings. They had to make announcements about the public meeting without knowing when the final document would be ready.

Bob Johnson, 310 Forest Avenue reminds that in 5 years this will come around again.

Shauna Fite, Interlochen, compliments the Planning Commission and Wade Trim Inc. on a beautiful plan and the attention to input and public comment. Like many others in the room, she has not had time to review the final plan. State requirements being what they are, she continues, that it would be nice to have enough time to review the final draft document before giving public comment on it at a public hearing.

Ogilvie solicits negative comments about the Master Plan:

Don Bondarenko, 314 Leelanau makes several comments about North district zoning on Beech Street, carriage houses, pitched roofs, the cost of two bicycle paths; parking enforcement; and the variety of trees. **Mills** and **Ogilvie** respond, indicating that these issues would apply to the zoning ordinance.

Jim Laarman, Mollineaux Rd. asks if they are going to address the North Pier and questions if biofuel is a subset of biomass.

Smith explains the north pier was not part of their job. He does not claim to be an expert about biomass.

Erica Munzel, 9 Sac Street, questions complete street as a concept and goal, asking who would pay in the event of a change and who would participate in that decision.

Smith responds that these are merely guidelines and that the document is intended to provide small changes over a long period of time. The dialogue is part of the design process and the public has an important role. Funding would come from different sources, such as MDOT, enhancement grants, potential Downtown Development Authority (DDA) to create a funding stream for improvements, capital improvement plans.

Munzel inquires how a DDA gets money.

Smith explains Tax Increment Financing (TIF) as capturing the difference between baseline revenue and improvements, which can only be used on specific things within that district. He confirms to Muntzel that this is for commercial purposes only.

Eric Van Dusen asks if there will be an opportunity for neutral public comments. There is further discussion and disagreement with **Ogilvie** about whether his comments are neutral or negative. Van Dusen poses what he construes as his first negative statement that nobody has read this document thoroughly and yet they are getting ready to adopt it. He takes issue that other non-positive comments were tolerated except for his. He asks what language in the Master Plan is going to assist the Planning Commission in the zoning ordinance rewrite to prevent another Tobin lawsuit.

Ogilvie replies that the Master Plan is not an enforceable document. It is the basis of the zoning ordinance; and that the Planning Commission is bound by the action of the circuit court unless it is overruled. The zoning ordinance will not be using Euclidean zoning.

Smith asserts that many of the mistakes that happened in the Tobin ruling were based on procedural errors; that a successful Master Plan/Zoning Ordinance cuts down on the number of people who come in and ask for rezoning. Based on the intent, he feels there is some outstanding guidance on what buildings should look like. Bullet proof doesn't exist, only clear rationale that is open and transparent.

Van Dusen concludes with objecting to his comments being construed as negative and being put in the minutes as negative.

Suzanne Glynn addresses Van Dusen accusing him of playing an instrumental role in the Tobin case by misreporting the positions of the candidates of City Council.

Ogilvie directs Glynn to address the Chair.

Glynn disagrees with Smith's assessment that the Batzer judgment was based on procedural error; that it was because "the city entered into a consent agreement and those are our representatives." She asserts that whether the City Council or Supervisor comply with the Master Plan remains to be seen; if the public doesn't like it, then they should elect other people.

Ogilvie reiterates that the master plan is a visionary document that attempts to be a consensus document with very few loopholes.

Lamako explains that zoning actions have to be based upon a plan, the courts are quite clear. The trouble starts if the zoning action doesn't support the plan, if there is a plan, a current plan, and a rational plan. The basis for zoning is drawn from the plan and the current plan is full of a rationale basis for decision-making and guidelines. The chair is quite right. The first line of attack is the zoning regulations, then the master plan. If it is current plan is well-prepared and allows for consistency, you don't have much to fear.

Jo Ann Frary, 925 Main Street was not aware that the plan was available and wonders if there a timeline and if not, if there could be one in the future.

Ogilvie explains that the Planning Commission is controlled by state statute. They provided 63 days of public comment until March and formed a committee for comments, etc. They are not required to have a timeline.

Thelma Rider Novak referred to Josh Mill's copy 10 minutes before the meeting and saw that there is still a reference to a front porch architectural style and asks to soften that language. "An open porch does not seem energy economical". She wants to know if handicapped are able to install ramps and still be within the required setbacks.

Ogilvie referred to section in the Master plan does not saying anything about the dimensions, just the desirable features.

Lamako as a general rule handicapped are exempt from setback dimensions.

Rider Novak: could it be softened so that porches could be either open or closed?

Wes Blizzard, 510 Main St. is impressed with both the Boulevards.

Bondarenko asks if storm water run-off is addressed in the Master Plan.

Ogilvie responds that the city just put in a state-of-the-art storm water diversion program which passed all EPA inspections at the state and federal level.

Sharron May, 904 Adams Road asks that the Economic Development section on page 57 include a reference that the community encourages and supports regional cuisine and local food production.

McLaughlin notes correction needed pg. 23 referring to the Regulating Plan map page number. In glossary section on Pg 71 that the definition of ancillary living space, include "or an extension of an existing residence". On page 33, clarification on why there are different heights in Waterfront district for cold storage . On page 57, to consider adding the hospital, Frankfort Manufacturing, Maples, schools as other economic actors besides Graceland. On page 59 under "Develop Relations", to add Pure Michigan Ad Campaign. On page 62, to change maintaining the tree list to "utilizing" the tree list already provided by the Tree Board.

Martin expresses that they have gone a long way to engage the public; that this is a broad overview and not everyone is going to want the same; and that it is an improvement over the previous one. It sets the standards and protections for personal property and well being; "try not to pick apart".

Eric Van Dusen states that there wasn't an opportunity for neutral comments. He would not like his comments to be construed either way. He is not against this plan, only that that there hasn't been sufficient time to review it which should give pause.

Ogilvie calls for a 5 minute recess.

Motion to close the Public Hearing on the Master Plan 2010. Moved Storrer seconded Campbell.

All ayes. Motion passed. Public hearing closed.

New Business:

Motion to adopt the City of Frankfort Master Plan 2010 dated May 11, 2010 Moved Ogilvie, seconded Martin. Roll-call vote: Bartley-abstains; Campbell-aye; Larson-aye; Martin-aye; Ogilvie-aye; Storrer- aye; McLaughlin-nay; Motion fails due to requirement to have a super majority to pass motion.

Discussion: McLaughlin, Ogilvie and Storrer discuss whether there should be any amendments in consideration of public input. **Storrer** suggests that they incorporate corrections, such as the glossary definition of ancillary dwellings; the prohibition, or not, of closed porches; and questions what to incorporate or not and when. **Ogilvie** suggests that there is a provision that changes can be voted on and adopted at any time open to public scrutiny. He suggests that the nominal deficiencies found so far would suggest that they use that methodology provided by the Planning Enabling Act to correct any anomalies. He recommends moving forward with the adoption of the motion. There is a question of whether adopting the plan can occur at any subsequent meeting. **Lamako** reminds that future changes must be only typographical and editorial. If they are substantive, they will have to go through a new public hearing process. He cataloged some friendly amendments that might enable the Master Plan to be adopted.

Motion for reconsideration of previous motion with the following corrections and revisions: 1) that the text on economic development include that the community supports and encourages regional cuisine and local food production industries; 2) that the reference for the regulating plan map on page 23 be corrected 3) that the definition contained in the glossary of ancillary living be described as recommended in the April 13th meeting. 4) that the reference to building height on page 33 be further identified to be applicable only to storage buildings. 5) that the economic actors identified on page 57 be expanded beyond Graceland to include the hospital , Frankfort Manufacturing, schools and The Maples. 6) That on page 59, to add a reference to the Pure Michigan Campaign; 7) on page 62 that the reference to the tree list make reference to “utilize, maintain and update” the [existing] tree list 8) on page 50, to eliminate the line that designates a time for snow removal. Moved McLaughlin; **seconded (Neither Sharron nor I can find any second by a Commissioner for this motion) 6 ayes; 0 nays; one abstention by Bartley due to limited knowledge of plan. Resolution passes.**

Discussion: McLaughlin, Ogilvie, Mills discuss clarification of guidelines for storage buildings. **Mr. Lamako** suggests eight corrections, revisions, and friendly amendments for formulating the motion.

Motion to table request that the review committee continue to develop a plan of action to address the issues that came to the Planning Commission during written public comment period. Moved Storrer; seconded Martin; all ayes motion passes.

Unfinished Business

Motion to Table Nomination of Officers and Representatives of the Planning Commission for the term of office March 2010 through February 2011. Moved McLaughlin; seconded Storrer; All ayes. Motion passed.

Nomination of Bruce Ogilvie as Representative to the Zoning Board of Appeals by Pat Storrer. Moved Storrer, seconded McLaughlin. All ayes; motion passed.

Other old business: None noted

Public Input – Agenda Items only

Eric Van Dusen objects to the manner in which he, and others, have been responded to by the Chair in this and other meetings; that it is uncalled for.

Storrer thanks McLaughlin for providing refreshments.

Mills - Reminder of Thursday 5/13/10 Special Meeting

Ogilvie thanks Wade Trim for being here tonight.

Motion to adjourn. Moved Larson; seconded Martin; all ayes. Motion passed.

Next Meeting **Special Meeting on May 13, 2010, 7:00 pm**, considering a Special Site Plan application for Main Street commercial district, at City Hall

Next Regular Meeting, June 8, 2010 7:00 pm at City Hall

Commissioner Handouts: Minutes of April 13, 2010; Copy of the Master Plan 2010 (dated 5/11/2010)