

**FRANKFORT PLANNING COMMISSION
REGULAR MEETING Minutes June 9, 2009**

Call to Order: 7:00pm.

Roll Call - Present: Ogilvie, Hommel Johnson, Clingman, Martin, McLaughlin, Mills and Tim Larson.

Absent: Condon, Duncan,

Guests: Dennis Haugen.

Public: Pat Storrer (council liaison)

Quorum present

Approval of Minutes of May 12, 2009

Moved Clingman, seconded by Hommel. Motion passed.

Approval of Agenda

Moved McLaughlin, seconded Johnson. Motion passed.

Public Input on General Issues - None

Public Hearing

Application for a special use permit submitted by Dennis Haugen, architect on behalf of Jeff Disselkoe to convert the existing second floor office area at 400 Main Street in the Central Business District to a residential use with a new 10' x18' second floor deck.

Motion to open public hearing; moved McLaughlin, seconded Clingman; motion passed.

Dennis Haugen, presenting the application for the special permit: "My client, Jeff Disselkoe, the owner of the building for six or seven years, wants to convert the office space on the second floor to an apartment use for purpose of his use. He likes the space, likes the location and would like to proceed to get approval to evict the architect and another tenant to proceed with the renovation of the second floor. The site plan: [refers to blueprint] this is the existing building first floor; used to be a bank, it's currently leased by Surfaces, it has retail sales in there. Kelly Thayer has an office in the rear and I believe some space upstairs, I believe, has been there for some time. The proposal is to provide a new deck over the rear - 10'x18' is what the owner desires - in addition we would provide a stair access deck and convert the window so Mr. Thayer would have direct access from outside to his office. What that would do is allow closure of the door to the stairway so that entry from outside would be totally to the apartment upstairs. The apartment upstairs would have two bedroom this would be the primary exit and entry that meets code requirements in addition, we have large exit windows that meet code requirements also. The owner had discussed the potential of having a slide stair or ladder off the rear, but it's not necessary. It's a masonry building; he's got exits. We will be putting in a fire detection system in the whole building so he can reasonably afford to do the construction. If we don't put that in, we have to come in with sprinkler systems, two hour fire separations and it gets to be too expensive. This is a photo that shows his building, the Frankfort Deli with their tensile (?) stairs upstairs and their exit ramps down in back. When I did this plan I had three nine foot spaces starting from the lot line going across, but because I am proposing a deck and because we have an 8-ft. sidewalk on this side, I am proposing an 8ft. space to the column, a nine foot space to the next column, and a nine foot would run over , but it's all public parking because it's all paved and part of the city project."

Ogilvie for clarification: is that not part of the actual site, the building, the owned site?

Haugen; Technically, the paving was part of running the street through [Waterfront Drive] and as far as the definition of what belongs to who its up in the air because its open parking. I decreased to 8 feet because we have an 8 foot sidewalk like I did for Frankfort Deli, and then I've got a nine foot space and another nine foot space which should be ample.

Johnson: Are those under the deck?

Haugen: Oh, yes, good question. The deck is 10 feet out. We would be moving two windows and putting sliding doors on the deck. The big thing is that we are changing from office use to residential. I've tried to

lease that space many times, and there's just no market.

Johnson: Is that stairway and entrance to rear, is that his? Where is his entrance?

Haugen, pointing to entrance, " Because we are going to gut the upstairs this is really the entry to the apartment so that would be the total security. It really becomes a better feature for the tenant on the first floor".

Johnson: is there sufficient parking in the back there?

Haugen indicates 5 spaces and the Waterfront Drive right of way.

Mills, clarifying: When the easement of Waterfront Drive was put in, all those existing businesses were granted, as part of that easement, a credit of three parking spaces in perpetuity that would be considered upon any type of project that would undergo any of those properties.

Haugen assures that the escape windows will not change the facade out in the front.

Clingman asks him to go over why he is not going to have sprinklers.

Haugen: "Under the building code I will have a smoke detection system because it is a rehab. Sprinklers are not required under the code." He says that the smoke detection system would protect the people upstairs and downstairs and meet code.

Clingman: You are not changing any windows, just adding to the back?

Haugen: I do anticipate all new windows upstairs and hopefully on the first floor -that is an economic issue.

Ogilvie: From an appearance point of view, would be an enhancement or return to the historic structure? .

Haugen: It would be an enhancement.

McLaughlin: You said that currently this is stated for personal use. Is there an anticipation that that will change?

Haugen: The owner has expressed for his personal use; but the functioning use of that apartment up there would be up to the discretion of the owner.

Martin: Is there a storm drain under the window or access to the basement there currently?

Haugen: There is a crawl space access that exists underneath this space and the stair

Martin: Will that remain there?

Haugen: Yes, as far as I know that access has never been used. The owner has capped off permanently with a metal cover but the access will remain as it is.

Ogilvie: Where is the heating source for the building?

Haugen: It's in the basement; it's a baseboard hot water heating system

Ogilvie: is there other access other than that back area?

Haugen: No, the access is from the downstairs retail space down here to the basement. We would have a new heating and cooling unit within the second level.

Ogilvie confirms that the residence being proposed, being 1875 square feet meets the 750 minimum requirement and that everything in the existing code is being met as far as size and uses. He confirms his understanding that there will be a kitchen, washer and dryer, and asks "what other kinds of mechanical devices?"

Haugen: a heating and cooling unit. He states that the cooling tower will probably be on the roof for maintenance purposes and to limit vandalism, even though it's a tougher access.

Ogilvie reviews the parking requirements under section 8113, and finds it is required to have one parking space per 300 sq. ft of retail space.

Haugen: the retail space is 900, 1100 square ft. but those parking situations were resolved as part of the Water St. easements.

Ogilvie: "But even if I reduce the 1875 to 1350 sq. ft., you would still need to have at least 4 parking spaces for the retail outlet". He goes on to state that a dwelling is required to have 2 spaces. "So would you be designating two spaces for residential only?"

Haugen cites the right of way that was granted. "I feel like it is public parking and it's on a first come, first serve basis".

Johnson asks if the Superintendent has considered striping the parking lot and expressed concerns that prime spaces are being taken by garbage cans.

Mills expresses his goal to work with property owners to stripe the parking area, clean it up, consolidate rubbish containers, construct a fence around them, and talk to Allied Waste and tell them what the situation is.

Ogilvie explains that one of their undertakings is " determining whether that should be a multi-use driveway or should be restricted in some manner. He relates that one of the problems is going to be where to put the

dumpsters as they are individually paid for by the individual businesses.

Haugen states that he has always felt strongly that Waterfront Drive should be one way east and proposes a truck route that would be safer for bikes.

Ogilvie revisits the issue of personal use because of the general goal of the Planning Commission to have work/living environments. The current operating standard is that “dwelling units should not become the primary use in the business district”.

Haugen feels that “ if the owner wants to change the use because it’s not economically viable”, that if an owner wants to make a large investment, it benefits the city.

Ogilvie states that he has no personal objection, but would like to see dwellings occupied and asks about light and ventilation issues from replacing the window with a door.

Haugen responds that this will be an enhancement because a sliding glass door will replace it. There was a question about tenants being evicted during the primary time of construction.

Haugen explains that tentative plans call for construction at the end of next summer, 2010. The tenant will be leasing another office space for a year; and everyone is aware of the timelines. Clients want all the approvals and agencies so he can put it together and build it when he is prepared to.

Public Input:

Pat Storrer, 424 Corning: asks how would this proposal affect the back of the Deli and the stairway?

Haugen:The deck itself is offset from the rear of the building on both sides. So it really wouldn’t have any negative impact on the Deli, and it’s basically where her circulation and ramps are.

Ogilvie asks if there has been any correspondence from any member of the public?

Mills got an email from Steve Christian saying he could not attend but he is in support of it (proposal).

Ogilvie asks if there was anything from Miss Larson, owner of The Deli?

Tim Larson: She’s my sister and she doesn’t seem to be very concerned about it. She would like to at some point do a similar thing.

Haugen spoke about how he recently he got into a building rehab at the Betsie Bay Furniture Store and “rather than a two hour fire-rated wall and sprinkler systems he put in a smoke detector system, closed off the lower level because “you can’t have a three level situation, and make it so it could be reasonably viable and I understand that got challenged last month”.

Ogilvie cites that as the reason he asked where the heating level was in the building and for his concern about the fire safety in a 1901 building.

Clingman expresses her concern about fire safety and inquires about the process involved.

Haugen itemizes the steps he must go through. Upon submission to Benzie County Building Dept., Haugen anticipates no major problem.

Ogilvie formally asks for additional public input.

Pat Storrer, 424 Corning: questions if there is really enough parking or are people going to have to go looking around to find one.

Ogilvie: It’s all public parking, it’s much like a city environment in any other place in the country, it’s first come, first serve”. He feels the parking and refuse; the dumpster issue needs to be solved.

Haugen believes that there is ample off street parking all year and no problem.

Ogilvie is concerned that renters bring additional vehicles, boats, etc and as other rental opportunities happen, this could present a problem if the city has to absorb this. The restriction needs to be clear.

Martin asks about the aesthetics of the deck in line with the history of the building.

Haugen assures the commission that it will be compatible, well constructed and an asset.

Motion to close public hearing, Moved McLaughlin; seconded by Hommel. Motion passed.

Motion to approve special use permit represented by architect Dennis Haugen on behalf of owner Jeff Disselkoen, 400 Main St. Frankfort to convert the existing second floor office residential use with a new 10x18’ second floor deck located in the Central Business District. Moved by Johnson , supported by Hommel. Motion passed.

Discussion

McLaughlin suggests that given the “fairly likely possibility that this will end up being rental property, I

wonder if we need to add some kind of parking conditions as we've discussed".

Hommel suggests the possibility of addressing this in the Master Plan.

Johnson feels that it would be difficult to assign public parking.

McLaughlin suggests some kind of clause within the rental agreement that there would only be two spaces utilized.

Johnson asks Mills if there is anything pertaining to that with reference to the Bakery rental.

Mills explains that the north and south side of waterfront "essentially that area is controlled and owned by those businesses. A suggestion is that the space immediately adjacent to the building along Waterfront Drive would be designated for the purposes of residential use that would supersede any of the other uses associated with the building".

Ogilvie is concerned that a new restriction may not be able to be imposed a later restriction under the new Master Plan.

McLaughlin agrees and suggests including a friendly amendment to the motion to add a special condition on parking. McLaughlin confirms with Mills that this would be done within private parking areas owned by those businesses.

Amendment to include a special condition with regard to parking, designating two of their available spaces as specifically for the residential dwelling unit as required by the existing zoning code of the city. Moved by McLaughlin, seconded by Johnson. Motion passed.

Mills makes a special note that "our site plans are good for a year, or if a building permit is procured, it is good for the life of the building permit. So a year from now if no activity has occurred or a building permit has not been procured, I would recommend that we put that back on our agenda", adding that they would not have to do another hearing but just give an extension.

Haugen asks for 18 months.

Ogilvie: that's a special condition. We don't have authority to grant that.

Ogilvie reviews for the minutes the finding of facts they are required by their statutes to agree on and obtains agreement.

Chairman Report

Ogilvie invites questions about commission assignments to inventory all platted lots in the city for accuracy over the next three weeks. **Chip Smith** will provide a checklist; some areas have already been inventoried by **Josh Mills** who will be putting together the plat maps. This is the basis on which **Wade Trim** will do actual available land uses.

Discussion:

McLaughlin is concerned about the labor intensity and requests a well-defined account of what has already been done.

Ogilvie promises to get with Chip to get it better defined so that they all know what is necessary to put on the Charrette/Workshop in July.

Mills says he already has done section 6,3,2,and 1.

Ogilvie acknowledges that these are high expectations. He asks Martin to get together with Shannon and Josh to go through the files from 1998 for changes that have occurred, granting of substantial variances, etc in order to give a statistical account about what has transpired by demand. He says they have support from Garden Theater for the final presentation to the community. Looking for someone to work on advertising and promotion, serious staged articles, posters, signs, Ogilvie willing to speak to Rotary, Lions, etc.

Ogilvie points out the many opportunities for education in land use policy institute meetings throughout the state and region especially on wind and alternative energy sitings. Acknowledges Pat Storrer for working to reconcile the money and timing so that the proposal discussed tonight will be well understood by everyone including the city council.

Storrer interjects that she wants to have something to City council emailed by Thursday, and asks commissioners to keep a record of their time and what they spend it on - "don't worry about classifications". She asks them to keep track of what % is spent on the Master Plan; keep dates, it will be refined.

City Superintendent Report

Mills reports on his Monday, June 8th meeting and site visit with Christy Fox with Coastal Zone Management(CZM). Gave her a status report on the existing grant, more than likely the grant would be around \$32,500. Looks favorable, but still need other cash or grant opportunities, whether foundations or donations. The primary reason Pat is getting aggressive about monitoring our in-kind contribution is attributed to the grant.

Mills also references the Wind Energy Resource Zone board packet that “identifies Benzie County as the third best region in the state for renewable wind opportunity”. There will be a hearing about this in Scottville in August.

Ogilvie amazed that they literally received the report before it was availability on the Internet.

Mills states that not only can they apply for replacing streetlights, but also there are opportunities for grant applications for siting and zoning opportunities.

Zoning Board of Appeals Report

Hommel informs of meeting on June 18th

Old Business

Motion to accept the Wade Trim Assessment of the 1998 Master Plan as requested by the Request for Qualifications and Contract between the City of Frankfort and Wade Trim Consultants, dated January 20, 2009, and submit recommendation to City Council for approval of final payment to consultants.

Motion moved by McLaughlin; seconded by Johnson; motion passed.

Discussion: None.

Motion to approve with amendments the Wade Trim Proposal for developing Master Plan, Land Use Plan and Zoning Ordinance during the next twelve months, ending May 2010.

Discussion:

Ogilvie notes that it needs to be amended to June of 2010.

Mills states that it is likely if we recommend this it will be contingent on receiving that grant.

Ogilvie also stresses the a major undertaking by the City of Frankfort at the behest of their commission that worked hard on it for a year and a half. He asks for a thorough discussion on the subject “ so that the City Council can see that we argued strenuously and with great vigor to sustain our various and individual points of view”.

McLaughlin states that she feels that after 3 times and 3 public meetings she is “ very confident that we have done due justice to that.”

Johnson feels very confident with Wade Trim and that “it would be stupid on our part not to go ahead with the rest of it. We’ve gone this far. We’ve accomplished this much. Let’s finish it.” Many expressed that it was a good deal. **Ogilvie** relates that “the original budget was \$163,000 and if we complete this on schedule and within budget, we’ll spend \$63,000”.

Moved, McLaughlin, supported by Hommel. Motion passed.

New Business- None

Public Input on agenda items only

Pat Storrer, 424 Corning Ave.: As 100% of the public, first of all, I congratulate you. I agree with Bob when he says we’ve come this far with Wade Trim, I agree with Josh , they has done a first class job. They have indicated they are willing to be flexible with the timing, funding, matching, whatever it takes, and they are giving us a good deal.” She is still waiting for the proper contract in terms of matching that should be coming in the next two or three days.

Ogilvie invites any commissioner comments.

McLaughlin: wants to go back to the assignments. “Since we don’t have a method of meeting prior to the end

of this month, are you expecting us to work by committee?"

Ogilvie says they will need to "rely on new recruits to get this process underway."

Josh suggests meeting as sub-committees, establishing a game plan.

Ogilvie says he will call them so they won't have to rely on emails or chance meetings.

McLaughlin asks about the information from Mr. Smith.

Ogilvie says he will call him in the morning.

Ogilvie: "We have a very exciting time. Before we have our next meeting, a charrette will be going on in the middle of the highest density of possible participants. Isn't *that* going to be exciting?"

Pat Storrer volunteers to do publicity by going along through the 4th of July parade with poster boards on her back and front.

Clingman suggests that many of them could probably do that.

Ogilvie thanks the public for its input.

Mills: welcomes Sharron May as the new recording secretary.

Motion to adjourn. Moved by Hommel, seconded Johnson. Motion passes. Meeting adjourned at 8: 44 PM.

Next Regular Meeting of Planning Commission will be on July 14, 2009 at 7pm. (May be changed to accommodate Wade trim Vision Fair scheduled for July 13-17, 2009).

Special Presentations by Wade Trim during week of July 13-17, including Public Presentation afternoon and evening of July 17, 2009 at the Garden Theater.

Commissioners Handouts: Minutes for May 12, 2009 meeting; Final Report Master Plan Assessment, Wade Trim Proposal for Contract Extension to dated May 20.2009; Request for Special Use Permit for Dennis Haugen.