FRANKFORT PLANNING COMMISSION
Meeting Minutes
August 12, 2008

Call to Order: 7:01 p.m.

Roll Call – Present: Duncan, Larsen, Johnson, Ogilvie, Storrer, Clingman, Condon, McLaughlin, Hommel, and Superintendent Mills.

Ogilvie: Declared a quorum present and noted the presence of all Commissioners.

Approval of Minutes – July 8, 2008

Moved McLaughlin, seconded Duncan, to approve 8/7/08 minutes. Ayes: All. Nays: None. Motion approved.

McLaughlin voiced appreciation that Commission minutes are now on track.

Approval of Agenda

Moved Duncan, seconded Hommel, to approve agenda. Ayes: All. Nays: None. Motion approved.

Public Input – General Issues

Thelma Rider, 1019 River Road: Question about Section 8105 of the zoning ordinance: is this an amendment to the zoning ordinance or is it only a report? Would it have to go to the Council for approval?

Ogilvie: The Section 8105 draft zoning ordinance is just a draft, at this point. Yes, the Council would have to approve any amendments.

Sub-Committee Reports – Items affecting Master Plan, Land Use Plan, and Zoning Ordinances.

A) Ordinances Drafting Subcommittee: Chair Bob Johnson reported that the Subcommittee met on July 28, 2008, with attendees .Johnson, Superintendent Mills, Ed Duncan, Joe Hommel, Nancy Marshall and Susan Kirkpatrick. Johnson reported as follows:

1) **Short Term Rental Properties in Residential Districts:** were discussed, no agreement reached.

2) **Parking and Traffic Ordinances:** nothing to report

3) **Accessory Dwellings & Secondary Living Units in Residential Districts:** nothing to report.

4) **Consideration of Amending the Special Uses allowed in Residential Zones of the City**, specifically the areas immediately bordering the state highways that intersect and continue through our City, Michigan Route 22 & 115. The committee discussed the issue of

commercial type uses occurring in residential areas, especially as brought to our attention by the application in July 2008 for the Zoning district change from Residential to General Commercial for one lot at Leelanau Avenue and 7th Street (M-22) that is adjacent to two non-conforming commercial lots immediately south of the primary applicant for the zoning change, and had joined in the request for zoning change. The subcommittee brought forward for consideration a draft revision to the Zoning Ordinance Section 8102 (a new definition of Professional Services/Uses) and a new sub-paragraph to Section 8105.03 adding (f) to the list of Uses permitted after Special Approval.

Questions about the subcommittee report: regarding the proposed amendment to Section 8102 and a proposed amendment to Section 8105.03, the addition of sub-paragraph f.

McLaughlin requested clarification on whether the Ordinance Subcommittee would be deciding policy or just providing clarification.

Ogilvie responded for the subcommittee, that this Subcommittee is looking at a specific issue in more depth. The Planning Commission will determine the issues that should go to the Ordinance Subcommittee. In addition, the Subcommittee will aid the Planning Commission by researching and compiling relevant materials that, in their opinion, will allow the Planning Commission to work as efficiently as possible by making available materials, in advance, that are required reading to make informed decisions. Consideration of the proposed amendment and addition(s) to the zoning ordinance will be considered under new business.

B) Community Fact Book Subcommittee:

Hommel reported (1) that he has met with his Subcommittee assistant to discuss the Community Fact Book; (2) very little will be changed; (3) the database will be consulted to assess what needs to be changed, mostly including population numbers, etc. (Sources to be consulted include US Census Bureau, NW Council of Governments, State of Michigan Research Files at Land Policy Institute, Lansing)

C) Budget Subcommittee: Duncan reported that he relied heavily on Superintendent Mills for the budget numbers. The budget is for the development of a comprehensive Master Plan. This includes a Virtual Model, which, though valuable, could be cut out. However, it would be a very useful tool. The “Text Only” (i.e., the document for a comprehensive plan) costs only $30,000.

The budget, which totals $140,000, excluding 15% contingency to cover unforeseen costs, is attached. The costs are estimates, but should be fairly accurate. The Subcommittee has provided as much information as they could. The entire Commission should look at any further additions or changes to the budget.

Storrer asked whether the budget includes any allocation by chronology of events and year.

Duncan responded that the entire Planning Commission would determine the allocation. The budget is a rough estimate.

McLaughlin asked whether the budget is now ready for Planning Commission consideration.

Duncan replied that the Subcommittee is handing over further decisions to the entire Commission.

Moved Storrer, seconded Duncan, to open discussion on proposed budget to develop the Master Plan. Ayes: All, Nays: none. Motion approved.

McLaughlin: Asked that the budget distinguish “wants” from “needs”, because she is the person seeking the actual funds. Though helpful to the community, the Virtual Model (estimated at $60,000) is not needed;

neither is the Form-Based component needed to meet the State's requirements for Master Plans. She is concerned about finding the money necessary to include these things and encountering issues that would slow the process. McLaughlin said that, even without encountering any funding roadblocks we are looking at a 2-year process, which will make our Master Plan process 5 years overdue, given the current Master Plan will soon be 10 years old.

Duncan: Previously wondered why we are doing a Master Plan, but feels if a plan is done it should be done properly to serve the city for a number of years. There is much undeveloped land, which needs to be planned for.

Ogilvie asked if the Planning Commission, based on this short discussion, was now prepared to vote on a budget?

Moved Johnson, seconded Duncan, to table discussion of the proposed budget to develop the Master Plan. Ayes: All. Nays: None. Motion approved.

D) Grant Writing and Fundraising Subcommittee

McLaughlin reported that the Subcommittee met on 8/6/08, and provided notes of the meeting. Present were Council Member Susanne Glynn, Superintendent Mills, and Commissioners McLaughlin, Condon and Clingman. McLaughlin gave much credit to Subcommittee member Andrew Martin for his enthusiasm and guidance. Because the Master Plan will need multiple grantors and because grant money is short, the Grant Subcommittee is looking to work with the Budget Subcommittee to obtain a “fund-achievable” budget from which to develop a “grant calendar” that will identify grantors, matching funds, deadlines, etc.

Purely for discussion purposes, the Grant Subcommittee estimated a working budget based on likely grant sources, their limits and matching fund requirements. The Subcommittee would like to explore funneling nonprofit funds though another nonprofit, such as Northwest Council of Governments.

Discussion: Past history includes funding from the city. Matching funds would include funds from the City. The Council has approved $10,000 if no problems arise. Other funding is still pending. However, the total funding will not come from the City. The City should be aware of their role in obtaining additional grant funding.

Duncan said the City has to understand that we need more money.

Ogilvie: Asked for additional volunteers to join Grant Subcommittee. Storrer will consider after her Subcommittee project. .

E) Public Forum Report Subcommittee

Storrer: This Subcommittee was charged with compiling the public input from the series of public hearings on the Master Plan. Describing the 56-page draft report delivered to Commissioners, Storrer said that issues have been identified and are separated according to whether they are specific to a given City section or to whether they are of general application Citywide. Non-specific issues include parking, etc. Specific issues include Waterfront, Downtown Traffic, for example. This report is designed to be used as a tool in the Planning process. . Many people have assisted in this report, in particular Chair Ogilvie, Superintendent Mills, and Subcommittee member Clingman.

The report is expected to be complete by the next meeting. If any Commission members have suggestions, please forward them to Storrer.

Storrer stressed that the more clearly the public speaks, the more accurately the comments can be recorded. Speaker and date identify public comments.

Duncan: Commented favorably on the efforts by the Subcommittee.

Chair Report

Ogilvie: None. Made available notes from 6/30/08 Short Term Rentals meeting, with a copy being delivered to each Commissioner.

Re-Open Public Hearing – An Application for Amendment Request from NRTW Properties, LLC; Dale Wentzloff; and Manu-Forti, LLC, Tax ID#10-51-010-316-00; 10-51-010-234-00; 1051-010-234-01

Moved Storrer, seconded Condon, to bring consideration of this Application from the table. (This item had been tabled at the 7/8/08 meeting). Ayes: All. Nays: None. Motion approved.

Public Hearing was Re-Opened

Joan McKay: I am a member of the Manu-Forti and McKay & McKay. We believe there is a need for additional professional office space outside the areas currently zoned for these spaces. We believe the property owned by the Mix's is appropriate for re-zoning. This property is in accordance with other nonconforming businesses in this area. Rezoning this area would legitimize their request. The issue was raised regarding other available spaces for their office. They did explore other options. The costs of renovating their current space are prohibitive. They would welcome restrictions with the rezoning.

Letter from Joyce Kittleson, 718 James Street: Letter attached, in support of the McKay application, stating her opinion that "it is an ideal spot for the law office of McKay and McKay and I hope you will give this matter your utmost consideration."

Larry McKay: I would like to speak in favor of the commercial change. The only reason this application was before you was to move the law office 250 yards away from its current location. The purpose of the proposal was to permit low-density uses. "I contemplate keeping the building looking exactly as it is. I do not contemplate doing curb cutting. I don not contemplate living there or changing the footprint of the building." The area we contemplate using was platted 180' wide, see an 1868 Town & Harbor Plat page supplied by McKay.

Ogilvie: Is there any (additional) comment in opposition to this issue?

Storrer: First, it is apparent that a lot of work has gone into a solution. The letter from Superintendent Mills stated that the Ordinance Subcommittee met to review the proposal. I would be happier approving this solution if the Subcommittee had produced a written report. Second, since we have requested and received considerable public input on the Master Plan, we should not sabotage ourselves by making a decision we cannot change later. Third, the Mills recommendation supports a "transitional area". However, this area may or may not end up transitional. Fourth, we were urged during the Master Plan hearings not to grant so many variances and to eliminate spot zoning. This looks like a "spot ordinance". Fifth, regarding the public input on this application, many people requested denial of the request citing "maintenance of residential character", pedestrian safety", and asked the Commission to "not jump the gun on our Master Plan". The Commission must attend to the public wish to retain the public trust.

Duncan spoke to the difficulty of keeping this area residential.

Clingman: Last meeting it was suggested that this could be short-term for the use of the McKay's business. If the McKay's took a junior partner and then they decided to retire, would the re-zoning then revert to the original zoning or would the re-zoning remain in effect for the use of the junior partner?

Ogilvie: Julie, you are a little ahead of where we need to be, with that question.

Mills answered that the property, once designated General Commercial property, would continue after the McKay's use of the building.

Condon: Is this the best way to use this property in a residential district? Could the proposal from the Ordinance Subcommittee be substituted for the General Commercial designation?

Duncan: If the parking were done as planned, it would be off the alley, not close to the children. This was a major concern. The corner on 7th Street and Leelanau is of major concern, which is not where the children are, (therefore) I am no longer opposed. I think the McKays will be good people there. Do we have a say about the future uses of the property?

Ogilvie: Since we do not have a complete site plan, I do not believe we have a full application for a request for the change from Residential to General Commercial. Other documents are required. Many people have spoken against this. I would entertain a motion to close this public hearing and deny the current application.

Motion by Hommel, seconded by McLaughlin to Close Public Hearing on the request to change zoning of the property located at 709 Leelanau, 218 Seventh Street and 228 Seventh Street from Residential -2 to General Commercial District.

Discussion: none recorded

Ogilvie: Clarified that we are voting on closing the Public Hearing on this subject. Ayes: all voted in favor, the Public Hearing is closed.

Ogilvie: Clarifying the action to be taken by the Planning Commission. Specifically this Commission may Grant, Grant with Special Conditions, Deny, or Table Application for Amendment to change zoning of property located at 709 Leelanau, 218 Seventh Street, and 228 Seventh Street from R-2 to a General Commercial District.

Moved McLaughlin, seconded Storrer, to deny application. Ayes: 7. Nay: None. Abstain: Duncan and Condon. Motion approved.

Questions arose outside of the formal discussion:

Chair Ogilvie: The subject could be discussed further to allow the McKays to have their business there, however it should not be done through a general zoning change. What is the next step for the McKays? A change would be necessary in the general zoning ordinance. The McKays could apply for a special use permit.

Joan McKay: Is there a timetable to change this zoning.

Ogilvie responded that we would follow the normal procedure for considering an Amendment to the current Zoning Ordinance.

New Business

Moved Johnson, seconded Duncan, to open discussion on amending Section 8102 and 8105.03 (f) Uses Permitted After Special Approval. Ayes: All, Nays: none Motion approved.

Discussion: Johnson stated that this recommendation (attached to minutes) was made because of the many people speaking in opposition to the General Commercial zoning proposed by the McKay's application. Duncan, Condon, Hommel spoke in favor of the amendment. Mills stated that Larry Nix (of Williams & Works) will be asked, in his capacity as Zoning counsel, to oversee this change.

Storrer and McLaughlin raised concerns about precedent. This could be considered spot zoning.

Ogilvie agreed, and commented that the highway does create problems.

McLaughlin: Concerned about the permitted uses of professional services increasing traffic. Another concern is where this type of change would stop. It is being considered now to change the character of this neighborhood. What is to stop someone putting in a parking lot? Approving this with the ability to revoke sounds like a good idea, but it shows a concern that it may not work.

Ogilvie: This motion is automatically tabled due to the necessity of a public hearing on the issue. We will move forward in a timely manner. The general process will move an amendment proposal from Zoning Subcommittee to Planning Commission, then to legal review and drafting, back to Planning Commission for vote, and if positive, then to City Council for their consideration.

Mills: A public hearing will be needed and will be initiated.

Moved Duncan, seconded Condon, to hold a public hearing on amending 8102 and 8105.03 (f) on September 9, 2008. Ayes: all. Nays: None. Motion approved.

City Council Member Glynn: There is a double negative in the fourth sentence (relating to "Professional Services/Uses" which should be changed.

Open Public Hearing - A Special Use/Site Plan Review request from Frankfort Housing L.D.H.A.L.P., 216 Day Ave., Frankfort (Smoke Stack Storage property). A Special Use Permit is required under the standards set forth within the General Commercial District.

Moved McLaughlin, seconded Hommel, to open public hearing. Ayes: All. Nays: None. Motion approved.

Applicant, Joe Hollander: Introduced himself, Carolyn Thayer (landscape architect), Art Jeannot (Honor State Bank President and CEO), and James (Jim) Kurtz of Kalamazoo, architect. We have tried to address the need for affordable housing. The so-called "Smokestack" represents a good area for affordable housing. Land for multifamily housing is somewhat scarce. This is the direction Superintendent Mills asked us to look into and it seems do-able.

Residential use is permitted with a special use permit (in a commercial district). We are asking that a special use permit be granted for a 36-unit rental property. Four buildings, the largest building has 12 units. The other 3 building have 4 units each. We are adjacent to a wetland area from Day Avenue that extends over to the next street on the east. This wetland may have been created when M-22 was reconstructed, as it was built as a dyke. It is filled with natural vegetation. The DNR determined this is not wetland. (However) It is been proposed as a wetland park. We were asked to take the lead on this and commit funds to get this park started. This park would be held by the community to study wildlife, etc. This area also creates good natural storm sewer drainage.

We hope to create residential character in an area that has none. Single-family homes are an option, however it is (more) costly and does not provide the volume of housing needed. Cost analyses have been done, and the 36-unit development is the best option.

Rent range will be from the high $200's to $750 (per month). Income limits will be applicable. The idea is to keep the debt level low, allowing the rent to be kept low. These are affordable rentals, not subsidized housing.

The state agency providing funding is looking to new urbanism design with Smart Growth and Green Design. The buildings will be pushed up to the street with a green strip. The green strip will be filled with trees. The parking will be in the back.

We have asked for an decrease in the right-of-way on Day Avenue. We would like to go back to a 66' right away. This would allow us to have on-street parking.

We are asking for permission not to put in 2 spaces to 1 unit parking because we want to preserve as much green space as possible. We have a development in Traverse City where ample parking was not provided and residents were forced to walk a long way to their dwelling. Additional parking could be built in later.

The look is similar to that of a townhouse versus an apartment building. Each unit has a private entrance. There are no public hallways. The upstairs units include a back entrance staircase to utilize rear parking. Brick will be used in strategic locations to enhance appearance and to minimize damage. Siding will be rigid, of Dutch lap siding style, to give a clapboard look. The type of siding is vinyl with (insulating) foam and (thicker) than normal. Bay windows add to the interest of the structure. Patios and balconies exist for each unit in the rear of the building. Color has not been determined; a muted pastel is the thought for color. There will be no steps into the first-floor units, (making them handicap accessible). The doorways will have lights to add interest and residential feel.

As a "green development", the project's teardown will be recycled; lumber will be reused; east/west units will have passive solar; windows will be single-hung; Energy Star appliances will be used. Residents will be trained in using the energy saving features, recycling, etc.

Ogilvie asked for Public Comment on this proposal.

Larry McKay: Is there any age restriction.

Hollander: No, but preference will be given to families with school age children. Marketing will be specific to families with school age children. The carpet will have low or no levels of organic compound. "Green" also means to make an effort to use renewable materials. Flooring will be made out of recycled materials. Carolyn will speak to the green features of landscaping including little or no irrigation and use of native vegetation. It may be difficult to have no irrigation.

Jim Kurtz: The Leelanau right-of-way will be asked to be abandoned in order to provide parking.

Mills: The square footage of the units is as follows; 1-bedroom units are 662 sq. ft., 2 bedroom units are 989 sq. ft., and 3 bedroom units are 1165 sq. ft.

Susanne Glynn, 105 Forest Ave.: What solar considerations will be made?

Hollander: We cannot maximize passive solar features and maintain the residential feel. It will be done where it can be done. Air conditioning is also included.

Mills: If this project meets the Commission's needs and desires, you could approve a special use permit with restrictions.

Ogilvie: Sidewalks need consideration and how high are the buildings?

Hollander: Sidewalks would. (comment not heard) be added to James Street, as originally discussed with Superintendent Mills.

Kurtz: 25 ft. is the mean height.

Tom Stobie: Is the parallel parking reserved for residents? The school currently uses Day Avenue parking for school events.

Hollander: Yes, these are public parking spaces on Day Avenue.

Susanne Glynn, 105 Forest Ave.: What type of heat will be used and are there means to incorporate windmills?

Hollander: Natural gas. I'm waiting to see the (positive) technology on windmills.

Joan Forsache, 412 Day Avenue: What is the long-term upkeep plan for this project? I'm from Detroit where an apartment project created a very bad situation. Will there be an onsite manager?

Hollander: We have a management company, which will be maintained by our own company. We have a 35-year lease and we intend to own this property for this amount of time. Please look at our properties. Tenants will be screened with credit checks and previous landlord checks. There will be an onsite manager.

Art Jeannot: I am a local businessman and have personally seen Joe's properties. I invite all of you to see the high quality of these properties.

Mills: What is the timeline?

Hollander: We are still in a preliminary stage. We are through environmental stage, which took over a year. They recommended a certain amount of testing, which was submitted to the state repeatedly. The State kept requiring additional testing. We expect to purchase by year-end. The next step is working drawings, which should take 3 to 4 months. Demolition could begin at year-end, though boat storage could delay this. We should be on the ground next April; it is more likely that demolition would begin then. The project could take 6 to 9 months to build.

Pim Dodge, 649 Crystal Avenue: Since this is rental property, how will the issue of taxes be addressed?

Hollander: We are not here to discuss the tax issue. It has been discussed in previous hearings.

Larry McKay: I did spend the last three years of my life scrutinizing our area. The best question is whether there is a better spot? I think the answer is no. Another question is whether this project would be better than what is there now? I think the answer is yes. One of the large hazards is water runoff. We should have people focusing on this.

Hollander: Day Avenue has room for residential development. Please consider this in your Master Plan. Someone will want to take advantage of this property.

Ogilvie: Concerned about the number of handicapped accessible parking spaces. There are only three. I would ask you to increase these. Dumpster space looks small. A sheltered bus kiosk would be a good addition.

Kurtz: We generally plan for the minimum spaces required by the state. People can then claim spaces. Minimizing dumpster space and increasing pickups is a cleaner solution than increasing dumpster space.

Glynn: Does the terrain allow for rain gardens, capturing runoff from the roofs?

Carolyn Thayer: I promote native plants in my business. I was very excited to work on this project. Rain gardens are a wonderful idea and will be included as planning progresses. Native plants can soak up large amount rainwater in the roots. These plants can soak up much runoff. The Periwinkle Garden Club has a native garden spot across the proposed development. I've also worked with the Recreation program, where you can see this type of landscaping.

Ogilvie: Is there any opposition to this issue?

Marcia Stobie, County Commissioner (representing Frankfort) and Architect: Suggested looking into another architecture type, more in line with current housing styles in Frankfort, such as Victorian.

Hollander: Victorian is a look that is hard to emulate. Maritime is another theme to pursue. We do want to fit into the community and we want the project to have a distinct connection to the community. We are open to ideas. We will ultimately decide the look based on our bottom line. This is the ninth reiteration of the plan. Please funnel any ideas to Jim Kurtz. (He's in the book.)

Duncan: This meets a real housing need in our area and would be a tremendous improvement.

Moved McLaughlin, seconded Hommel, to close Public Hearing. Ayes: All. Nays: None. Motion approved.

Finding of Fact Relating to Frankfort Housing L.D.H.A.L.P.: The Planning Commission went through the following standards and findings under Section 8115.06 and voted as follows:

(a) Will be harmonious and in accordance with objectives, intent, and purposes of this Ordinance **Agreed 9:0**

(b) Will be compatible with the natural environment and existing and future land uses in the vicinity. **Agreed 9:0**

(c) Will be compatible with the City's Comprehensive Plan. **Agreed 9:0**

(d) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways and structures, refuse disposal, or that persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. **Agreed 9:0**

(e) Will not be detrimental, hazardous, or disturbing to existing and future neighboring uses, persons, property, or the public welfare; and, **Agreed 9:0**

(f) Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community. **Agreed 9:0**

Moved Storrer, seconded Hommel, to approve the Special Use request for Frankfort Housing L.D.H.A.L.P., 216 Day Avenue, Frankfort, to construct a 36-unit multi-family housing project in the General Commercial District, subject to the following Special Conditions:

a) MDEQ approval of Water/Sewer design for infrastructure extension.

b) Establishment of initial $1,500 in escrow for Water/Sewer plan review and extension overview, unless City Engineer is retained.

c) City Council approval for Leelanau Avenue to be vacated east of Day Avenue

d) Construction of Deferred Parking Area, upon determination of need by Zoning Board Administrator.

e) Construct sidewalk extending north along Day Avenue to James Street

Ayes: All. Nays: None. Motion approved.

Supplemental Motion: Moved McLaughlin, seconded Duncan, to approve Site Plan as submitted. Ayes: All. Nays: None. Motion approved.

Mills: There may be additional considerations later.

Ogilvie: A Benzie County Grand Vision meeting is scheduled for Tuesday August 26, 7.00 to 8.30pm, at the Mills House in Benzonia. Commissioners are encouraged to attend.

Public Input - Agenda items only

None

Moved McLaughlin, seconded Condon, to adjourn meeting. Ayes: All. Nays: None. Motion approved.

Meeting adjourned at 9:27 p.m.