

PLANNING COMMISSION – REGULAR MEETING
Meeting Minutes
September 9, 2008

Call to Order: 7:03 p.m.

Roll Call – Present: Clingman, Hommel, McLaughlin, Ogilvie, Storrer, and Superintendent Mills.

Absent: Condon, Duncan, Johnson, Larsen.

Moved Storrer, seconded McLaughlin, to excuse absentees. Ayes: All. Nays: None. Motion approved

Ogilvie: Declared a quorum present.

Approval of Minutes – August 12, 2008

Moved McLaughlin, seconded Hommel, to approve 8/12/08 minutes, as corrected. Ayes: All. Nays: None. Motion approved.

Approval of Agenda

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

Public Input – General Issues

Clingman congratulated Storrer on the Public Forum Report draft.

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

A) Ordinances Drafting Subcommittee: No report.

B) Community Fact Book Subcommittee:

Hommel advised, nothing to report

C) Budget Subcommittee: No report.

D) Grant Writing and Fundraising Subcommittee

McLaughlin advised that the Subcommittee would not be meeting again until presented with a “Fund Achievable” Budget for development of the Master Plan.

E) Public Forum Report Subcommittee

Storrer reported that the Section 9 Public Hearing minutes 3/11/08 were incomplete and so were presented in an incomplete form in the Draft Public Forum report delivered to Commissioners on 8/12/08. The part of the hearing not previously recorded was reconstructed from Storrer and Ogilvie hand-written notes. Storrer delivered an updated Section 9 report to Commissioners, for addition to

the draft report previously delivered. Asked for any additional information that commissioners might have from their notes.

Storrer stressed that the Public Forum report is still a work in progress and asked Commissioners for any suggestions that they think would improve the Report's value.

Chair Report

Nothing to report.

Report from Zoning Board of Appeals (ZBA)

Hommel, Planning Commission Liaison with the ZBA reported that ZBA met on 9/9/08, this being the first meeting in 6 months. The request was for a variance in side yard setback. The owner was demolishing a small garage which was on the property line and building a new larger garage. He requested a variance that would allow him to build the new garage **one foot** from the property line. The ZBA compromised and allowed a variance that would permit a **three foot** setback. It was felt this compromise would meet his needs while not totally ignoring the intent of setback requirements.

Old Business

Re-open discussion of the proposed budget to develop the Master Plan

Moved McLaughlin, seconded Hommel, to bring from the table discussion of the proposed budget to develop the Master Plan (tabled from 8/12/08). Ayes: All. Nays: None. Motion approved.

McLaughlin proposed a special meeting on 9/23/08 to discuss a "Fund Achievable" Master Plan budget.

Ogilvie agreed and scheduled, for 9/23/08, a special Planning Commission meeting to discuss the Master Plan budget. All budget discussion was deferred until the special meeting. The Chair facilitated this schedule and called for a special meeting, if there was no objection. No objection was noted, therefore a special budget meeting will consider this Master Plan budget on September 23, 2008.

Re-open discussion of proposal to amend Section 8102 and Section 8105.03 Uses Permitted After Special Approval. For clarity, this was discussed under New Business

New Business

Re-open discussion of proposal to amend Section 8102 and Section 8105.03 Uses Permitted After Special Approval. For clarity, this was moved from Old Business. (It had been tabled on 8/12/08 due to the necessity of a public hearing.)

Moved Storrer, seconded McLaughlin, to open Public Hearing on amending Section 8102 and 8105.03 (f) Uses Permitted After Special Approval. Ayes: All, Nays: none Motion approved.

Public Hearing

Joan McKay, 604 Denton Avenue: Referring to the Larry Nix version of the proposed amendment to Section 8102, said that List of Professions appeared to be a complete list, though the grammar could be “tightened-up”, and questioned whether “Professional” should be extended to include photographic businesses, hair salons, etc.

Susanne Glynn, 105 Forest Avenue: Said she is “taken aback” by hair and photographic businesses. Planner Nix suggested excluding Tattoo and Piercing Parlors.

Bonnie Warren, 590 Corning Avenue: requested clarification about the proposed amendments.

McLaughlin suggested and Ogilvie agreed, that public should have opportunity to question what these amendments are about.

Speaking in Favor of the Proposed Amendments

Joan McKay, 604 Denton Avenue: Believes they are a positive addition to the zoning ordinance because there is a shortage of downtown business and professional space. Professionals do not want to be located near factories. These amendments give the Planning Commission more control.

Speaking Against the Proposed Amendments

Kelly Thayer, 731 Leelanau Avenue: **Ogilvie** read from his written submission (attached to minutes): (1) Premature to consider creating a “professional service use” district separate from planned broader review of the Master Plan, which would encourage the whole community to consider the matter. (2) It is ill advised to consider siting commercial uses at or near the already challenging and sometimes dangerous Forest Avenue/7th Avenue intersection. (3) The “professional service uses” are overly broad and written to allow virtually anything at Planning Commission discretion – other than tattoo or piercing parlor – in existing neighborhood.

Randy Gilbert, 819 Leelanau Avenue: All zoning is reactionary. Since Frankfort has no growth pressures, this (change) is unnecessary. Changing these Sections is unnecessary and will lead to “spot litigation”. Remember that others have invested and continue to invest in the city’s commercial zones. Sees this as an “end run for the July request”. Summarizing, he described this as “spot zoning”, premature, and a bad idea.

Carolyn Thayer, 731 Leelanau Avenue: Surprised by the broadening of this from a re-zoning application to ordinance amendment for the entire corridor. This is jumping ahead of the Master Plan. If this is approved, the Commission will lose public input to the Master Plan. “Professional Use” is vague. Requested denial.

Jackie McLaughlin, 730 Leelanau Avenue: Opposed. Kids should be protected from traffic.

Lonna Harrison, 715 Leelanau Avenue: The area in question, as R-2, does not have an over-abundance of parking. There is already a lot of foot traffic, there is not space for parking. The proposed change would be detrimental to the core of the neighborhood. It is a safety issue: already there are residents who will not cross the road on foot. (She is) opposed to bus traffic in the corridor.

Melissa Gilbert, 819 Leelanau Avenue: Should not mix business with residential when we have a nice main street with open spaces.

Susanne Glynn, 105 Forest Avenue: Asked, don’t we already have businesses in the area?

Ogilvie, responding: Yes, there are 4 large blocks on 9th Street: the issue is how to cope with activity. City authority is limited in this regard and the State may insist on certain requirements.

Superintendent Mills: The “transitional area” has been under discussion for a year.

Randy Gilbert, 819 Leelanau Avenue: You are changing the zoning just because 2 buildings are non-conforming. Home-based businesses are already covered by the zoning. The zoning change will back-fire. There is no net gain to the community, and no negative to not making the change.

Lonna Harrison, 715 Leelanau Avenue: Spoke with Craig Delaney, Regional Director of Real Estate Division of MDOT: He said “the city has control over all zoning issues within city limits. Once you zone an area Commercial, there is no turning back. MDOT controls the right-of-way (along 7th). MDOT also controls ingress and egress from M-22, which it does by granting permits for applications that it receives.”

McLaughlin: We have had land use battles since 2000 (Tobin in particular) and citizens want us to stick with the present Master Plan, to continue working towards the next Master Plan and not to eat away at the Master Plan. We need to remember this all the time. One of the glaring things is 2'x2' signage: this has a huge visual impact. Does not understand the part about revoking. If this becomes an ordinance, and is then passed by the City Council, how can the Planning Commission revoke what the Council has passed?

Clingman: Changing from “live/work” to “business” creates a precedent. “Professional Services” also includes Home-Based Business. Because the particular properties are opposite the school, children have to cross the road at that point.

Carolyn Thayer, 731 Leelanau Avenue: Questioned whether all owners were notified of the Public Hearing.

Superintendent Mills, responded: Yes.

Storrer: Commenting on the Notice of Public Hearing on proposed zoning ordinance amendment for Zones R-1 and R-2. Because the previous hearings and discussions have referred specifically to 3 properties on 7th Avenue, the public may not have realized that the hearing on the proposed amendment was broadened in application from the 3 properties to all of Zones R-1 and R-2.

Melissa Gilbert, 819 Leelanau Avenue: If a property’s ownership changes, can it continue to be used as Commercial?

Ogilvie, responded: With any change in ownership, the Special Use must be re-approved by the Planning Commission.

Storrer: We should be concentrating on getting the Master Plan done, with its total view of the city and its residents, and not on doing it piecemeal, one ordinance at a time.

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

Clarification: The Commission can Approve, Approve with Amendment(s), or Not Approve the proposed amendment to Section 8102 Professional Service Use.

Moved Storrer, seconded McLaughlin, to Not Approve the proposed amendment to Section 8102 Professional Service Use. There was no discussion. Ayes: All. Nays: None. Motion approved.

Clarification: The Commission can Approve, Approve with Amendment(s), or Not Approve the proposed amendment to Section 8105.03 (f)

Moved McLaughlin, seconded Hommel, to Not Approve the proposed amendment to Section 8105.03 (f).

After discussion, it was decided to rescind the prior motion (i.e., to Not Approve amendment to 8102), and instead to make one motion to include 8102 and 8105.03 (f)

Amended Motion, McLaughlin, seconded Hommel, to Not Approve the proposed amendment to Section 8102 and to Not Approve the proposed amendment to Section 8105.03 (f). Ayes: All. Nays: None. Motion Approved.

Public Input - Agenda items only

Storrer: After all the hard work put into the proposed amendments to Sections 8102 and 8105.03 (f), we should expect the issues represented to come up again in the Master Plan process.

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

Meeting adjourned at 8:14 p.m.

Next Meetings: 9/23/08 7.pm, Special Budget Meeting, and 10/14/08 7.pm Regular Meeting
