

The City of Frankfort Planning Commission  
Annual Report for Calendar Year 2012

9 April 2013

To: The Mayor, Mayor *Pro Tem*, and member of the City Council

Pursuant to the provisions of P.A. 33 of 2008, as amended: M.C.L. 125.3819, Section 19. (2)

A Planning Commission shall make an annual report to the legislative body (City Council) concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.

We have complied with the conditions and requirements of the Public Act 33, as amended, enabling the City of Frankfort to have a Planning Commission, duly constituted and authorized to perform its mandated functions.

**Commissioner Meeting Attendance January 1, 2012 through 12/31/2012**

1. Regular meetings scheduled and published for every 2nd Tuesday evening January through December 2012 in the Haugen Room of the City Hall.
2. The number of regular meeting in 2012 was eleven: the January 2012 cancelled.
3. There were no special meetings during the year.
4. The total number of Planning Commission meetings was eleven (11),
5. Excused absences voted by the Commission and are not included in absences. Excused absences based on medical or travel necessities.
6. Attendance for individual Commissioners appointed and sworn during the year is detailed on the following table:

Name	Comment	Months Served	Regular Meetings Attended	Special Meetings Attended	Total Attendance %
Sam Barresi	1 excused absence	12	10 of 11	0 of 0	91%
Cory Bissell		12	9 of 11	0 of 0	82%
Jim Campbell	2 excused absences	12	9 of 11	0 of 0	82%
Kim Fairchild		12	11 of 11	0 of 0	100%
Bruce Ogilvie	1 excused absence	12	10 of 11	0 of 0	91%
Melina Penne		12	8 of 11	0 of 0	73%
Patricia Storrer		12	11 of 11	0 of 0	100%

**2012 Planning Commission Actions:** The meetings and minutes of the Planning Commission will provide a complete report on the month-by-month motions and discussions. These minutes will also contain the work and recommendation of appointed subcommittee meetings and recommendations.

**January 2012,** no meeting

## **February 2012:**

The first consideration of a Draft Medical Marihuana Ordinance following a public hearing was introduced and approved by the Planning Commission for consideration.

## **MARCH 2012:**

Election of Officers and Representatives – Pat Storrer. Chair of Nominating Committee. Election of new officers and representatives was voted in due form.

Chair: Bruce C. Ogilvie, Vice-Chair: Sam Barresi, Secretary: Melina Penne, ZBA

Representative: Kim Fairchild.

The Planning Commission accepted the work of the Public Facilities subcommittee to initiate a public survey for gathering information relating to public restroom standards. Forwarded the survey to City Council for action to approve distribution.

## **APRIL 2012**

A Motion that the Planning Commission collaborate in principle with the Lakes To Land Regional Initiative.

## **MAY 2012**

Received reports from subcommittees and worked forward on ordinance development projects.

## **JUNE 2012:**

Motion to remove the original draft Medical Marihuana Ordinance (February 2012) from Old Business (tabled) and to withdraw the original draft ordinance. Attorney Doren is reviewing a new ordinance.

Motion to Adopt and forward for consideration by Frankfort City Council a Renewal of the Medical Marihuana Moratorium for an additional six months, ending December 11, 2012. Motion to Adopt and forward for consideration by Frankfort City Council a Renewal of the Alternative Energy Moratorium dated March 21, 2011 for an additional six months, ending December 11, 2012. Motion to create a Downtown Development Authority (DDA) Resolution of Intent to Establish a DDA and draft district area map in preparation for the Adoption and forwarding for consideration by Frankfort City Council of a Resolution of Intent to establish a Downtown Development Authority for the City of Frankfort.

## **JULY 2012:**

Motion to forward the Planning Commission's June 12, 2012 motion approving the creation of a DDA (as corrected in the 7/12/2012 minutes) to the City Attorney.

## **AUGUST 2012:**

Motion that this Commission requests the City Council to request the City Superintendent to implement the immediate installation of signage for five Public Restroom facilities, namely the facilities at City Hall, Fish Station, Market Square Park, Seventh Street Beach and Lake Michigan Beach, with open hours.

Motion to request the Planning Commission to request the City to go ahead this year with planting cedars and other appropriate buffering vegetation at the present Lake Michigan Beach Restroom location.

Motion that Cannon Park be recommended as the location for the Lake Michigan Beach Restroom, subject to appropriate engineering and design requirements being met, and that this Resolution be forwarded to the City Council of Frankfort for action.

Discussion: Fairchild is in favor if the two structures by the pier are adequate. He does not object to portable restrooms, but where they are located at the end of the pier. We will need to have something there because we are going to lose something. Ogilvie suggested that Fairchild speak to the motion issue and then if he wants to, to amend the motion or make a new motion after the discussion on the main motion is done. Storrer asked what the process is so that the public can weigh in on this. Ogilvie responded that the Planning Commission proposes and the City Council disposes. If the motion goes to the City Council, they would have to have a public hearing on the use of public lands for a new project. They would have to vote on it and authorize the design and implementation of the project. It would become a part of the Capital Improvement Plan. The source of funding is not in their jurisdiction. Barresi anticipates that federal grants will supply most of the funding as they have to the other communities that he referenced earlier who have received funding with labor possibly provided from the TBAISD building program. Barresi asked the commission if he should abstain from the vote as a landowner near the facility with a potential conflict of interest. Ogilvie remarked that his abstention should have probably occurred before the discussion on the motion. Storrer thought that because they are only voting to put something on the city agenda rather than actually approving the process and the project - a decision for the public – she does not believe there is a conflict of interest. Fairchild agreed and Ogilvie concurred, citing that the Commission is supposed to represent a diversity of geographic and public opinion on its board; that all of this is openly and publicly discussed; that they are not hiding anything on their agenda; and that no one else has any vested interest in Cannon Park, the cannon, or Market Circle. The Motion was put: Vote: Ayes 6, Nays 0; Motion Passed.

## **SEPTEMBER 2012:**

**Reports:** Cory Bissell: DDA/TIFD/Capital Improvements – There may be some more wording to put in the resolution to make it a little more “tight”. Mills explained that the language would be regarding how the DDA would be an advantage to the community. It would not be a tax increase but only capture a portion of the taxes generated by a change of ownership or improvements. The funds can only be used for capital improvements and/or marketing of the downtown district. The Planning Commission could serve as a DDA. Josh Mills suggested that a motion be made that the Planning Commission supports the establishment of a DDA. The business district will have to be defined. Motion to establish a Downtown Development Authority to generate additional funding to enhance and promote steadfast, smart growth in the business district.

## **OCTOBER 2012:**

1. Site Plan Review for Stormcloud Brewing, 303 Main Street, Frankfort: Presentation by Michael Fitzhugh, architect. Discussion: a review of how the building fits in with downtown and Main Street included lighting, maintaining a dark sky; gutters; the difference between the cedar on that building vs. the Heniser building; using black window trim vs. aluminum; using paving vs. gravel in parking area; the disposal of waste; the temperature of waste going into sanitary sewer, BOD rating, waste by-products and arrangements with area farmers; fire exit strategy; and mezzanine restrictions. The main concern was completing the parking lot.

Motion to approve Site Plan for Stormcloud Brewing’s proposed “Brew Pub”, 303 Main Street, Frankfort, as submitted, subject to Zoning Board of Appeals approval of Parking Variance moved Fairchild, seconded Penne, all ayes, motion carried.

*Motion that the Planning Commission recommend that the City Council create a Municipal Ordinance for the Control of the Garlic Mustard invasive species in the City of Frankfort and that the Planning Commission forward this motion to the City Council. Moved Storrer, seconded Barresi, all ayes, motion carried.*

*Motion that the Planning Commission recommend that the City Council create a Municipal Ordinance for the Regulation of Fireworks in the City of Frankfort and that the Planning Commission forward this motion to the City Council. Moved Storrer seconded Fairchild, all ayes, motion carried.*

*Motion that the Planning Commission not create a Zoning Ordinance for the Regulation of Rental Properties in the City of Frankfort. Moved Storrer, seconded Bissell, all ayes, motion carried.*

*Motion that the Planning Commission approves the concept of a Preliminary Site Development Review Procedure and takes necessary steps to create a Zoning Ordinance for this purpose. Moved Storrer, seconded Barresi, all ayes, motion carried.*

*Motion that the Planning Commission approves and implements the deletion of the second of two Definitions of "Person" in Zoning Ordinance Article 2 Section 8201 Definitions, page 39. Moved Storrer, seconded Fairchild, all ayes, motion carried.*

## **NOVEMBER 2012:**

*Motion to Adopt and forward for consideration by Frankfort City Council a Renewal of the Medical Marihuana Moratorium for an additional six months, ending June 11, 2013; moved Storrer, seconded Bissell. Motion passed unanimously by roll call.*

*Motion to Adopt and forward for consideration by Frankfort City Council a Renewal of the Alternative Energy Moratorium dated March 21, 2011 for an additional six months, ending June 11, 2013; moved Storrer, seconded Barresi; Motion passed unanimously by roll call.*

1. Zoning Committee 10/9/2012, 10/23/2012 Residential District Building Issue Recommendations to Planning Commission: Motions to enact changes to the Zoning Ordinance dated 2/25/2011 at the Planning Commission meeting of November 13, 2012

Motion #1: Moved by Storrer supported by Fairchild, that the following recommendations of the Zoning Subcommittee be adopted: that the maximum Roof Pitch for Principal Building in Rural and in North City, West City and East City Residential Districts is increased from maximum present roof pitch of 10:12 to a new maximum of 14:12. All ayes, Motion passed.

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Motion #2: Moved by Storrer, supported by Barresi that the following recommendations of the Zoning Subcommittee be adopted that a) the minimum Building Height for the Principal Building in North City Residential District be reduced from 30' to 18' (b) the minimum Building Height for the Principal Building in the Rural District be defined as 18' all ayes; motion passed.

Motion #3: Moved by Storrer supported by Bissell, that the following recommendations of the Zoning Subcommittee be adopted that the Maximum Height of any Detached Garage, currently defined as 24', be re-defined as follows: new wording: (a) The Maximum Height of any Accessory Structure (including a Detached Garage) in Rural, North City, East City and West City Residential may not exceed Primary Dwelling Height minus 2 feet and may not exceed 2 stories under any circumstances. (b) The Maximum Height of only one of the permissible Accessory Building in Rural District shall be re-defined as 40 feet irrespective of Primary Dwelling Height but that any such Accessory Building of 40 feet, or less, that is greater than the limitations imposed by (a) may be used only and exclusively for Agricultural Purposes, and specifically may not be used for Ancillary Living Spaces and must have a Gambrel roof; all ayes; motion passed.

Motion #4: Moved by Storrer supported by Fairchild, that the following recommendations of the Zoning Subcommittee be adopted that the Minimum Floor Area for One-Story Single Family Dwellings in Rural and in North City Residential be reduced from 1,000 sq.ft to 680 sq.ft. exclusive of Porches, Decks, Steps. All ayes, one nay, (Barresi) motion passed.

Moved to ask City Superintendent to defer granting site plan for Fusion Restaurant dining room addition until additional information and city simulation have been provided; moved Barresi seconded Fairchild, all ayes, motion passed.

## **DECEMBER 2012**

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Site Plan Review for Fusion Restaurant proposed Seasonal Room Addition, 300 Main Street, Frankfort - Presentation by Rick Ryan. Discussion about materials used in siding, windows, frame, glass, 4 Season Sunroom, gutter plans, Page 4 of 9 Annual Report of the City of Frankfort Planning Commission 2012 4/16/2013

access and egress with doors.

1. Motion to approve Site Plan for Fusion Restaurant proposed Seasonal Room Addition, 300 Main Street, Frankfort, as submitted, subject to Conditions, namely required dumpster and grease disposal positioned and enclosed subject to the approval of the City Superintendent; moved Fairchild seconded Bissell, all ayes, motion carried.
2. Motion: Moved by Fairchild supported by Bissell that the following recommendation of the Zoning Subcommittee be adopted and forwarded to City Council: that the South side of Forest Avenue, from 9th through 11th Streets, be included as part of the area to be covered by the Downtown Development Authority;
3. Additional Zoning Ordinance Amendments and changes recommended by the Zoning Subcommittee.

Motion #3.1: That the Minimum Floor Area for One-Story Single Family Dwellings in Rural and in North City Residential is reduced from 1,000 square feet to 680 square feet, exclusive of Porches, Decks, and Steps.

Motion #3.2: The Maximum Habitable Area of an Ancillary Living Space in Rural and in North City, East City and West City Residential, currently defined as 440 square feet excluding the parking area, be re-defined as follows: If above a detached garage, is 60% of the ground floor area of the Primary Dwelling; and, if above or within an accessory structure, 50% of the ground floor area of the Primary Dwelling.

Motion #3.4 that the Maximum Number of Accessory Buildings on any one improved lot in the Rural District be defined as 3, of which a Detached Garage counts as 1, and only 1 of which may contain Ancillary Living Space. The 40 ft height limit applies to only 1 of these 3 Accessory Buildings, and that building may be used only for Agricultural purposes and may not be used as Ancillary Living Space.

Motion #3.5: the lack of Setback Standards for Sheds and Non-Permanent Structures be addressed by inserting "or non-permanent" in the Definition of Structure. The Definition of Structure would now read: "Anything constructed or erected, which requires permanent or non-permanent location on the ground or attachment to something having such location. The term building shall mean the same and structures shall include, but not be limited to, parking areas, swimming pools and signs or signboards.

*Motion#3.6: The Definition of "Structure" on Section 8201: Definitions page 46 be clarified by deletion of "The term building shall mean the same and".*

Clarify motion #3.7 The Location of Accessory Buildings to include Non-Permanent Structures by amending the first sentence of Ordinance 8203.02#1 to read as follows: "Detached accessory buildings, *whether the foundation is permanent or non-permanent, shall be* located as indicated in district regulations". The italic portion is an insertion and "shall be" replaces "may".

Motion #3.8: Motion to establish January 8, 2013, at 7:00 p.m. as the date and time for a Public Hearing on 11 motions approved by the Planning Commission at Regular Meetings 11/13/2012 and 12/11/2012 for the adoption of Zoning Amendments relating to various Residential Building Configuration Issues, all of which are subject to Public Hearing, as follows: Motions 3.1 through 3.7 above, plus Motions 1 through 4 passed at Planning Commission regular meeting 11/13/2012, see Appendix 1, at end of this agenda (copied from 11/13/2012 PC minutes).

## **COMMITTEES APPOINTED BY THE PLANNING COMMISSION 1/1/2012 – 12/31/2012:**

- 1. Proposed Marihuana Ordinance Review:**
  - a. Appointed 12/13/2011 for 2012 year
  - b. Membership:
    - i. City Council:
    - ii. Planning Commission:
    - iii. City Superintendent Mills and Chief of Police Redder
- 2. Public Toilet Facilities in the City of Frankfort:**
  - a. Appointed 12/13/2011, for 2012 year
  - b. Membership:
    - i. Commission members: Fairchild, Campbell and Bissell
    - ii. Members of Public: no volunteers as of 12/13/2011
  - c. Mission: to develop standards, guidelines and procedures for, including all parks and other city owned facilities.
- 3. Tax Incremental Financing District:**
  - a. Appointed 12/13/2011, for 2012 year
  - b. Membership:
    - i. City Superintendent Mills and City Attorney
    - ii. Commission Members : Bissell (chair)
    - iii. Members of Public: no volunteers as of 12/13/2011
  - c. Mission: develop Tax Incremental Financing District for City of Frankfort.
- 4. Capital Improvements Plan:**
  - a. Appointed 12/13/2011, for 2012 year
  - b. Membership:
    - i. City Superintendent Mills
    - ii. Commission Members: Bissell (chair)
    - iii. Members of Public: no volunteers as of 12/13/2011
  - c. Mission:
    - i. To develop Capital Improvements Plan for 2012-2017.
    - ii. Combining, for the time being, with TIF District creation.
- 5. Nominating Committee:**
  - a. Appointed 12/13/2011, for 2012
  - b. Membership: Penne and Campbell
  - c. Mission: To nominate Commission members for Planning Commission Chair, Vice-Chair and Secretary with report due on March 13, 2012.
- 6. Master Plan and Zoning Ordinance Review:**
  - a. Appointed 12/13/2011, for 2012
  - b. Membership:
    - i. City Superintendent Mills
    - ii. Commission Members: Ogilvie
    - iii. Commission Members: Storrer (chair) & Barresi volunteered during 2012
    - iv. Community Volunteer Members: Steve Campbell, Bob Dittrich, Norma Elias, Janet Hessler, Kurt Luedtke, Larry Miller, Tom Kunitzer
  - c. Mission: To make corrections and clarifications of the Zoning Ordinance (2011) and Master Plan (2010) for adoption no later than March 13, 2012.
- 7. "Safe Routes to School":**
  - a. Planning Commission participation in this project was initiated by the Commission's 7/12/2011 Resolution to the City Council for Complete Streets and Safe Access to Schools.
  - b. Membership:
    - i. City Superintendent Mills
    - ii. Schools Superintendent Tom Stobie, School Board Chair Rick Schmitt, Elementary School Principal Jeff Tousley.

- iii. Commission Members: Ogilvie and Storrer
- iv. Others: All meetings open to public participation.

Mission: To leverage the “Safe Routes to Schools” Initiative into Frankfort’s Complete Streets objective. The Resolution will allow the city to participate with the schools in securing grant opportunities to enhance the community by improving safety, reducing traffic, fuel consumption and air pollution, and influencing the entire infrastructure of the city.

## **Committee Reports**

### **COMMITTEE REPORTS AND ACHIEVEMENTS 1/1/2011 – 12/31/2011:**

#### **Master Plan and Zoning Ordinance Review: Patricia Storrer, Chair.**

In seven (7) public meetings, the Committee assembled a list of items needing review, with the following result:

1. Recommended that the Commission not undertake Rental Property regulation in Frankfort, this being against community wish.
2. Recommended that the Commission not take action on Garlic Mustard Control and Fireworks in Frankfort, these not being Zoning Ordinance issues.
3. Identified and recommended that the Commission update the Ordinance on a series of Residential Building Configuration issues, with a view to clarification and minimizing the need for Variance Applications. These were approved by the Commission and forwarded to Public Hearing in January 2013.
4. Recommended that the Site Plan Development approval process be expanded to include a Preview process, thus allowing informal community input and dialog with developers of Main Street projects.
5. Having concluded that the Site Plan Development Preview process would be a suitable vehicle for addressing community discontent with some recently completed projects, the Committee examined a number of procedures and ordinances used in other Michigan communities. This continues into 2013.
6. Several ordinances, having been copied from the previous Zoning Ordinance to the 2011 Ordinance without review, remain to be reviewed.
7. Moratoria for Medical Marihuana in Frankfort and Alternative and Renewable Energies remain in effect as of 12/31/2012.

### **The City of Frankfort Public Facilities Committee**

#### **Sam Barresi, Chair**

The Public Facilities Committee and its sub-committees met over a dozen times during the 2012 year. Highlights of the committee’s work include:

- 1) Researched various amenities, needs and security issues related to municipal restrooms.
- 2) Developed a public survey instrument to determine the types of restroom amenities that residents and visitors want in municipal restrooms.
- 3) Distribute and disaggregate the survey results.

- 4) Developed onsite restroom evaluation instrument.
- 5) Performed an onsite review and complete written onsite evaluation report as to how the municipal restrooms compared to the findings contained in the survey as well as assess the cleanliness of the facilities.
- 6) Made a recommendation to the Planning Commission for the site for a new, improved flush toilet facility to be located in Cannon Park.
- 7) Appeared before the City Council and presented an overview of the work of the Planning Commission and the Lake Michigan Facilities Committee detailing timelines, studies, work and recommendations made by both groups.
- 8) Assisted the City Supervisor in writing a Michigan State University Land and Urban Planning Grant Application, which led the city being awarded a land planning practicum internship for the development of the Lake Michigan Beach and Cannon Park.

### Report by the Chair

The year passed was very busy with three major committees in action and interaction with the Frankfort-Elberta Area Schools District.

1. The Downtown Development Authority received thorough review resulting in forwarding the entire plan to the City Council for review and action. Thanks to the work of Josh Mills, City Superintendent, Cory Bissell, and Kim Fairchild significant research resulted in a plan, which has brought Frankfort to the brink of implementing a Tax Incremental Financial Authority and the Downtown Development Authority. Action is expected in March 2013.

2. The Public Facilities Subcommittee under the leadership of Vice-Chair Sam Barresi attracted significant public attention and participation. A survey of visitors and residents resulted in new insight into what might be expected of our public facilities. After numerous meetings a series of motions were approved and forwarded to the City Council, only to be rejected by it. The decision to move forward on a new basis brought us to engaging outside consults to assess and make recommendations. Through the good offices of Kurt Schindler, AIPA, MSU Extension Educator, the commission and the city superintendent applied for a grant for the winter term 2013, engaging undergraduate students from MSU Land Management Department in an independent report for Frankfort, valued at \$2,500. The final report on Canon Park and Lake Michigan Beach is expected in May 2013.

3. The cooperative work in 2011 & 2012 between the Frankfort Elberta Area School District and the City of Frankfort, with the collaboration of Abonmarche Consultants, resulted the fourth largest **Safe Routes to School** grant in the State of Michigan for 2012: \$194,000. Engineering and construction work are near completion to implement changes in the sidewalks, crosswalks and school safety changes in June 2013. This begins an effort to implement city wide the Master Plan provisions relating to Complete Streets.

4. The Zoning Review Subcommittee under the leadership of Patricia Storrer attracted members of the commission, zoning board of review, and the general public. Seven meetings in 2012 resulted in significant changes to the 2011 Zoning Ordinance, improving clarity, removing conflicts and updating standards. The work of this subcommittee continues into 2013 as issues of preliminary site review and discussions of building materials and appearance continue.

5. Renewal of Wade Trim Consultants as needed contract with the City concluded at the end of 2012, and signed in 2013. Our original consulting with Charles Smith, AICP gives assistance to the zoning subcommittee in determining best practice changes to that ordinance.

6. Development of new areas of the Zoning Ordinance in 2013 will be completion of a Medical Marihuana Caregiver Facility Ordinance, Alternative Energy and Planned Unit Development sections. Continuous review of the zoning ordinance to keep it current and aligned with the intent of the Master Plan.

**New Projects for 2013:**

1. Preparation for Five-Year Review of Master Plan - Starting in January 2014.
2. Attract new members of the public to the work of the Planning Commission and encourage the education of commission members and zoning board of appeals members in the programs of continuing education provided by the Michigan State University Extension and Land Use Policy Departments, particular attention to the Citizen Planner curriculum and the programs of the Michigan Chapter of the American Planners Association.

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Conclusion: The Planning Commission completed a number of major projects that benefit the long and short-term planning of the City. All are noteworthy and each brings new opportunities for economic and infrastructure development. Careful and considerate attention to the viewpoints and wishes of those citizens that share time and expertise with the commission is appreciated, and employed in our considerations.