

**Planning Commission
City of Frankfort
Draft Minutes
May 13, 2014
Regular Meeting**

Call to Order: 7:04 pm

Roll Call: Bissell, Fairchild, Kirkpatrick, Penne, Kirkpatrick, Stahl, Storrer; Staff: Josh Mills, City Superintendent Excused: Barresi; Quorum Present

Recognition of Visitors: Bruce Ogilvie, Alma House, Norma Elias, Michael Merrill, Sharron May (Recording Secretary)

Motion to approve Minutes of April 8, 2014 moved Fairchild, seconded Storrer, all ayes, motion passed.

Motion to approve agenda with corrections moved Fairchild, seconded Stahl, all ayes, motion passed.

Public Comments & Correspondence Concerning Items not on Agenda:

Request to Appear: none

Correspondence: Don Bondarenko sent a packet dated 5/9/2014. It will be forwarded to the Zoning Review Committee and Mr. Bondarenko will be asked to attend to explain his findings.

Public Input:

Alma House, 221 Michigan asked about what to do if you are interested in being on the Recreation Board. Josh Mills responded.

Reports to the Commission:

1. **Report from the Chair:** Cory Bissell reported that the DDA met . They did a SWOT analysis (Strengths/Weaknesses/Opportunities/Threats) and heard a presentation by Nick and Sharon Olsen about starting up a new tech incubator in town.
2. **Reports from Planning Commission Committees:**
 - a. **Public Facilities** – Sam Barresi - none
 - b. **Master Plan and Zoning Ordinance Review** – Pat Storrer – recruiting for committee
 - c. **Complete Streets Committee** – Melina Penne – the goal is that the streets are designed according to Complete Streets standards.
2. **Report from Zoning Board of Appeals:** Kim Fairchild and Josh Mills – meeting tomorrow at 3:30 p.m. at City Hall.
3. **Report from Lakes to Land organization** – Bruce Ogilvie reported that tomorrow is the next meeting; 7 of the Master Plans have been put out for public comment. After the L2L meeting, there will be a specific meeting/work session with NWMCOG on how to build and fund community activities. There is an Open Meetings Act (OMA) workshop on Thursday at 1:30 p.m. Ogilvie represented Frankfort per request of Josh Mills at a Regional Transportation meeting. Benzie County has the highest per capita ridership in the state, predominantly those over 65.
4. **City Superintendent Report:**
 - a. **Project Status: Complete Streets and Safe Routes to School Access** –the project was awarded to Hunt Bros. It is administered by MDOT. It will start in June and anticipating that it will be done in July. The wetland weir needs to be monitored for better drainage. Kirkpatrick asked if the project would address lighting. Mills responded that this project does not.
 - b. **DDA** – Mills is in the process of securing a grant to establish a TIF (tax incremental financing) plan
 - c. **Grants** – Mills is working on grants for Firefighter apparatus and safety; the stairway at Nippissing; utilities along M-22 corridor (water main, sewers, street lighting, etc) and way finding signage.
 - d. **Re-development-Ready Communities (MEDC Initiative)** – Frankfort is going to be established as one as soon as we finish our CIP (Capital Improvement Plan)
 - e. **Other-** Storrer reported that she went with a group of Rotarians on a guided tour of Frankfort. They loved the character of Main Street. Stahl and Fairchild had similar stories to share. Stahl suggested promoting Frankfort as “The Gateway to Sleeping Bear Dunes”.

Unfinished Business (Motion(s) previously made, tabled, or deferred, brought back for current consideration):

1. **Proposed Zoning Ordinance Update:**
 - a. **Status and Background:**
 - i. 3/25/2014 Special Meeting, Commission approved Proposed Zoning Ordinance Version 6, as amended, and approved that it be forwarded to the City Council – where it received first reading on 4/15/2014
 - ii. As result of 3/11/2014 and 3/25/2014 Public Input and Commission discussions, the Commission asked Kurt Schindler, AICP, MSUe, and Charles Smith, AICP, of Wade Trim Planning Consultants to review Urban Agriculture Ordinance 8206.
 - iii. The amendments resulting from that review were received by the City Council as part of the First Reading, and are now referred back to the Planning Commission for approval. This created a timing issue in that the review and the resulting changes were created AFTER the April Commission meeting and BEFORE the City Council meeting. (See attached document.)
 - b. **Motion to open discussion on Proposed Amendments to Urban Agriculture Ordinance and to Ordinance 8304 North City Residential District Note 2: Moved Storrer, supported Fairchild. Motion passed.**
Discussion: The proposed amendments were explained by Past Chair Ogilvie regarding the Urban Agriculture Ordinance and by Superintendent Mills for Ordinance 8304 Note #2.
 - c. **Motion to close discussion on Proposed Amendments to Urban Agriculture Ordinance moved Storrer, supported Fairchild, all ayes, motion passed.**
 - d. **Approval Motions:**
 - i. **Motion to approve Proposed Amendments to Urban Agriculture ordinance 8206.07 Chickens and Rabbits, 8206.08 Goats, and 8201 Definitions Garden, Market moved Storrer, supported Penne. Motion passed.**
 - ii. **Motion to approve Proposed Amendment to Ordinance 8304 North City Residential District correcting typographical error in Note 2 from 12 ft to 14 ft. moved Storrer, supported Fairchild. Motion passed.**
 - e. **Motion to forward to City Council confirmation of Commission approval of Proposed Amendments to Urban Agriculture Ordinance and to Ordinance 8304 North City Residential District Note 2 as read by City Council into Draft Zoning Ordinance Version 6: Moved Storrer, supported Penne. Motion passed.**

New Business (New action items from members, in the form of a motion, in writing, please)

1. **Motion to excuse Sam Barresi from 5/13/2014 Regular Meeting of the Planning Commission due to prior professional commitment moved Storrer supported Kirkpatrick, all ayes, motion passed.**
2. **Other: Residential Driveway Access, 202 Forest Dr. – Mills had a request regarding a sub-standard lot with a zero setback. He has no off-street parking. The house is on the market. Mills read the Zoning Ordinance regarding parking; the requirements aren't possible. He is asking for a curb cut which is not allowed, Mills recommends a 10 ft. curb cut to match, require concrete and curb pan and replacing with 6" 4000 psi concrete, a two lane sidewalk the width of tires or brick paver; limiting to one car and putting a vegetative buffer between the neighbor. It is an administrative decision but Mills wanted to get support from Planning Commission.**
3. **Motion to support Zoning Administrator decision regarding residential driveway access at 202 Forest Ave, moved Storrer, seconded Kirkpatrick, 5 ayes, 1 nay (Stahl), motion passed.**

Public Input – Agenda Items Only

Sharron May, Crystal Lake Township – Announced Resilient Farms & Homesteads lecture at Grow Benzie on May 29 6:30-8 PM. She was somewhat disappointed with the final amendments to the Urban Agriculture Ordinance. In the section regarding goats, 1 goat per 20,000 square feet is impractical. For example, a milking doe needs to be bred seasonally to stay in production. Having a buck there for breeding purposes or the usual 2-3 kid goats per season would violate the ordinance. May also objected to using the term "market garden", which implies commercial purposes, if gardens are restricted to personal use only. She suggested involving those with practical expertise in these matters throughout the process or as proofreaders. Pat Storrer asked her to be available to the Zoning Ordinance Review Committee.

Norma Elias- 107 Park Ave, one thing you are not doing is sticking to the agenda and you are javing personal conversations between each other, which looks less professional than what the Planning Commission is.

Any Other Business/Ongoing Business: Comments, Assignments, Discussion Outside of New Business Motions and Outside of Unfinished Business Motions: None

Motion to Adjourn: Motion moved Fairchild, seconded Penne, all ayes, motion passed. Meeting adjourned at 8:37 p.m.

Next Meeting(s): Regular Meeting: Tuesday, June 10, 2014, the Haugen Room, City Hall, 7pm.
Commissioner Hand-outs: (1) Draft Minutes: 4/8/2014 Regular Meeting (2) Proposed Amendments to Urban Agricultural Ordinance (attached to Agenda)

Proposed Amendments to Urban Agricultural Ordinance:

Add to Article 2, Section 8201: Definitions [new words inside of * and red-letter words.]

Garden, Market

A plot of land where vegetables, herbs and fruiting trees and vines are grown, essentially for *personal or collective consumption but not for sale or commercial use. Market gardens differ from Kitchen Gardens and Community Gardens in scale, the Market Garden being likely to occupy a larger area. Market Gardening may take place in the open, in greenhouses or in "hoop-houses."

8206.07 Chickens and Rabbits

1. The City of Frankfort supports local food production ***for individual and family use***, which includes the keeping of Chickens and Rabbits in designated areas of the City. ***The commercial sale of animals, animal-based products or by-products of these animals is prohibited.*** The Chickens and Rabbits are permitted in the R, EC, NC and WC districts only.
 - a. In the R district, up to twelve (12) each of Chickens and Rabbits per parcel are permitted
 - b. In the NC District, up to six (6) each of Chickens and Rabbits per parcel are permitted
 - c. In the EC and WC Districts, up to four (4) each of Chickens and Rabbits are permitted

8206.08 Goats

1. The City of Frankfort recognizes the role of certain types of livestock in urban agriculture and therefore has designed standards for the regulation of the keeping of goats ***by individuals and family use and enjoyment. The Commercial use of goats, the sale of goats or by-products or as food is prohibited.***
2. Goats are permitted only in the R District. One (1) goat per 20,000 Sq. Ft. of parcel is permitted.
3. Goat Permit and Site Plan approval are required.
 - a. Goat Permit requires Site Plan approval by the City of Frankfort Planning Commission of a site plan showing:
 1. Location and material for fencing showing location and type of fence and location of goat shelter.

Rationale: part of an email on point from Kurt H. Schindler, AICP, Received on April 10, 2014:

1. The city cannot regulate number of acres per animal. That regulation is in one of the GAAMPs adopted under the Right to Farm Act (RTFA), and thus, that is a local regulation that is preempted by the state.
2. The city cannot regulate what type of farm (or what animals might be allowed, or not allowed). The RTFA reserves to the farmer the right to change his farm operation and farm product as needed (e.g., plant a different crop, change type of livestock), and thus, that is a local regulation that is preempted by the state.

3. The city could only regulate such things when the activity is not part of a farm. But under the RTFA what is considered a farm is a very broad and all-inclusive definition: Any land use that is (1) a "farm operation", (2) producing a "farm product", (3) which is or intended to be "commercial", and (4) the farmer follows applicable GAAMPs. "Commercial" has no minimum threshold, so a \$0.01 sale per year qualifies, and the RTFA definition of "farm operation" and "farm product" is extremely broad and inclusive. There is debate (that is unsettled law) as to **if** the city can even segregate agriculture/farm to certain zoning districts or if it must allow them in all zoning districts.