

OSHTEMO CHARTER TOWNSHIP

PLANNING COMMISSION

MINUTES OF A MEETING HELD JUNE 27, 2013

Agenda

DISCUSSION OF PROPOSED ZONING ORDINANCE AMENDMENTS RELATED TO TEMPORARY SIGNS

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, June 27, 2013, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Kitty Gelling, Chairperson
Fred Antosz
Wiley Boulding, Sr.
Dusty Farmer
Millard Loy
Terry Schley
Richard Skalski

MEMBERS ABSENT: None

Also present was Greg Milliken, Planning Director.

Call to Order and Pledge of Allegiance

The meeting was called to order by Chairperson Gelling at approximately 7:00 p.m., and the "Pledge of Allegiance" was recited.

Agenda

The Chairperson asked if there were any additions, deletions or corrections to the Agenda. Hearing none, she called for a motion to accept the Agenda, as submitted. Mr. Skalski made a motion to accept the agenda as presented. Mr. Loy seconded the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

Chairperson Gelling called for public comment on non-agenda items. Hearing none, the Chairperson proceeded to the next agenda item.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF MAY 31, 2013

The Chairperson asked if there were any additions, deletions or corrections to the minutes of the special meeting held on May 31, 2013. No changes were noted. Mr. Boulding, Sr. made a motion to approve the minutes as presented. Mr. Skalski seconded the motion. The motion was approved unanimously.

APPROVAL OF THE MINUTES OF THE MEETING OF JUNE 13, 2013

The Chairperson asked if there were any additions, deletions, or corrections to the minutes of the regular meeting held on June 13, 2013. Mr. Schley indicated he had a couple of changes to suggest. On page 3, about the third paragraph, he thought Mr. Malik's response was that the other sites were too costly not that this site was better. On page 5, about the fifth paragraph, Mr. Schley stated that in his comments, he had referenced the Master Plan objectives and their connection to the proposed rezoning. No other changes were noted. Mr. Skalski made a motion to approve the minutes as amended. Mr. Boulding, Sr. seconded the motion. The motion was approved unanimously.

DISCUSSION OF PROPOSED ZONING ORDINANCE AMENDMENTS REGARDING TEMPORARY SIGNS

Chairperson Gelling indicated the next item on the agenda was continuation of the discussion regarding proposed zoning ordinance amendments on temporary signs and asked Mr. Milliken to please expand upon this topic.

Mr. Milliken indicated the document that was provided in the packet was the same document that has been provided throughout the process. The changes that are marked in the document show all of the changes that are proposed, with the most recent changes shown in highlight.

Mr. Milliken stated that the most recent changes were based on the discussion at the last meeting. The only exception was the definition for "Snipe Sign". He stated that as he worked on the changes, he was not satisfied with this definition. He asked Attorney Porter to review, and the changes that are shown are based on the feedback from Attorney Porter.

Chairperson Gelling asked if a "Banner or Banner Sign" was different from a "Banner Flag Sign" and if something could be done to eliminate the confusion between these terms and their definitions in addition to providing continuity.

Mr. Milliken explained that each sign was a distinct type of sign and therefore the separate terms were important, despite the potential for confusion.

Mr. Schley discussed some concerns he had with the definition and inclusion of "Architectural Sign" in the amendments. He indicated that the proposed definition does not appear to match industry or other community models. He said Architectural Signs would be regulated as Wall Signs and would be subject to the same standards and requirements as Wall Signs.

Mr. Schley pointed out that in the definition of Wall Sign, it indicates that such signs must be parallel to the wall and no more than 15 inches from the column. He stated this is in conflict to the apparent intent of an Architectural Sign based on the definition presented. Mr. Schley suggested Staff look at this from a technical standpoint.

Mr. Schley gave several examples of what could be considered Architectural Signs based on the definition presented. These examples included building details, carvings, enhancements, cornerstones, and other architectural elements. He inquired as to whether the Planning Commission really wanted to regulate these elements.

Mr. Milliken indicated that he understood Mr. Schley's opinion and believed none of the examples presented by Mr. Schley would be or should be considered signs.

Mr. Schley said that its about getting back to the idea of making the Ordinance concise and able to be clearly interpreted.

Ms. Farmer asked Mr. Schley if his concern is with Architectural Signs that negatively impact the architectural character of the building.

Mr. Schley asked Ms. Farmer how she would interpret the proposed language.

Ms. Farmer stated that if the Ordinance says no, it means no.

Mr. Schley said that the difficulty is enforcing it and being consistent in terms of the enforcement. If the obvious examples are regulated, then the subtle examples have to be regulated as well.

Ms. Farmer gave an example of two arches coming off a building as a sign for McDonald's. She believed this is signage.

Mr. Schley said that McDonald's would argue that it is a building. He suggested a music store that painted their wall with music notes on the outside. He gave examples of glass with patterns or logos applied to the surface. He stated that it is not something that can be selectively enforced. There should not be so much in the Ordinance that it cannot be enforced.

Mr. Milliken asked Mr. Schley if he wanted to change the definition of Architectural Sign or just didn't like the concept.

Mr. Schley stated he really didn't like it. He referenced the intent of the sign chapter of the Ordinance, which states that the regulations shall not relate to building design. He stated he has trouble seeing this as clearly enforceable unless everything is intended to be covered and enforcement is going to cover all of it.

Chairperson Gelling asked Mr. Milliken if he had reviewed other Ordinances to find examples of this.

Mr. Milliken stated he did spend some time doing internet research seeing how other communities treat Architectural Signs. He found most places that have such regulations are communities that are in growth areas, high value communities, or portions of communities that are subject to strict form or design standards. He indicated he did not find many examples within the region or in similar type communities around here.

Chairperson Gelling inquired if it would be acceptable to hold off on this to give time for her to review the other examples that she found and research this further. She indicated that she feels that is necessary in order to proceed.

Mr. Skalski said that he agrees with Mr. Schley and does not want to stifle architectural design of buildings. He mentioned several buildings downtown that have features or designs in them that are critical to their design and character that should not be counted as signs, and he would not want to eliminate that.

Mr. Loy said that he remembers spending an entire meeting on both Arby's and Walgreen's discussing their signs in windows and whether they really count as signs or not.

Chairperson Gelling said that she knows there are communities that regulate this and feels it is important to review how they do it. She wants to do that and review what they have in place in order to understand better what should be done in Oshtemo.

Mr. Antosz asked where it says that Architectural Signs would be prohibited. He wondered what the issue was.

Mr. Milliken explained that the current proposal defines Architectural Signs and then references Architectural Signs in the definition of Wall Signs. Therefore, the existing standards for Wall Signs apply to Architectural Signs. So, if a business is allowed 50 square feet of Wall Sign, it would apply to Architectural Signs as well.

Mr. Boulding, Sr. stated that no matter how much is added, there will always be something that is missed. It cannot be completely thorough. The goal should be to find the middle ground where most things are covered.

Ms. Farmer stated that she has no problem with delaying to allow additional time for research.

Mr. Antosz agreed with Ms. Farmer and stated he felt the work and content of Temporary Signs was a job well done. He really liked the table that was added.

Chairperson Gelling stated she appreciated the time and effort expended, she thought it was more user friendly, and she especially liked the accompanying sketches/tables.

Mr. Skalski agreed. He stated that everything evolves and everything changes. At some point, it will need to be tweaked.

Mr. Milliken confirmed that this will be on the agenda for the next meeting. No changes are proposed, so there will not be another copy in the next packet.

ANY OTHER BUSINESS

Chairperson Gelling distributed pamphlets discussing the M43 project from MDOT and highlighted details of the project. The project started this week with preliminary staging work, but the significant work and detours will begin after the 4th of July.

Chairperson Gelling stated that the Township received really good news this week from the Court of Appeals regarding the truck route. The Court decided in favor of the Township and overturned the original decision. Mr. Milliken indicated that there are 42 days to appeal, after which the Township can decide how to act.

Ms. Farmer said that she attended the public meeting on the Parks and was disappointed in the turnout. She said it was very sad that people are not interested in offering input.

Mr. Skalski said that the reality is if people are satisfied then they will not care. They will only care if not satisfied.

Chairperson Gelling explained the meetings and the process. She stated that she appreciated those people who attended the meetings, including a few of the Planning Commissioners.

Mr. Skalski indicated that there are no drinking fountains at Flesher Field and that is something he hopes is addressed in the park improvements.

Chairperson Gelling added she had heard comments at the Parks Public Meeting referencing the lack of shade at Flesher Field.

Mr. Milliken explained that at the next meeting, a public hearing will be held for a proposed Tim Horton's on West Main Street beside the Crystal Car Wash. He indicated due to the holiday and office being closed on the 4th and 5th of July, the packets will probably be ready on Monday the 8th, just a couple of days before the meeting. This does not allow for the typical amount of review, so he wanted to give the Commissioners a heads up. Also due to lack of time and perhaps necessary materials lacking, tabling might be an option.

Mr. Milliken also informed the Commissioners that although the office is closed on Friday afternoons, KABA staff is still there, as are several Township staff. So, if they are interested in picking up their packets on Friday afternoons, he suggested they stop by and knock on the employee door, which is in the southwest corner of the building.

Chairperson Gelling stated that she attended the June 25th Township Board meeting and there was action taken regarding Xtreme Clean, which is currently under construction behind Meijer. During the course of construction, they realized the water line is in a different location than originally thought. As a result, a change was required. Mr. Milliken indicated, they worked closely with Marc Elliott, Township Engineer, to complete the changes. They are related to utilities and will not affect anything above the surface. Chairperson Gelling stated this was through no fault of the Planning Commission, that these kind of issues can occasionally occur.

PLANNING COMMISSIONER COMMENTS

Chairperson Gelling stated that the S2 Games Fireworks is Saturday night June 29th at dusk with a carnival event to be held between 6 and 9pm. She hoped everyone could make it.

ADJOURNMENT

Having exhausted the Planning Commission agenda and with there being no further business to discuss, Chairperson Gelling adjourned the meeting at approximately 8:05 p.m.

Minutes prepared:
June 28, 2013

Minutes approved:
July 11, 2013