

City of New Baltimore - Planning Commission Regular Meeting – July 15, 2008

Vice-Chair Rutledge called the Regular Meeting of the Planning Commission to order at 7:35 p.m.

ROLL CALL

Present: Dailey, Boyles, Demick, Plachinski, Bade, Rutledge, Koneczny, Hayman.

Absent: Schlottman, Burkhardt.

Also present: Greg Nikkel, City of New Baltimore Building Official
Judy Sproat, New Baltimore Director of Planning & Economic Development
Brian Wilson, Community Planning & Management

Motion by Boyles, second by Bade, to excuse the absent members. No additional discussion by the commission. Voice vote. All ayes, motion carried.

APPROVAL OF MINUTES:

Motion by Bade, second by Demick to approve the Regular Meeting Minutes of 6-17-08 as presented. No additional discussion by the commission. Voice vote, all ayes. Motion carried.

PUBLIC DISCUSSION:

Correspondence from the attorney was distributed.

Motion by Dailey, second by Koneczny to include the letter from the attorney under the agenda item Miscellaneous Communications. No additional discussion by the commission. Voice vote. All ayes, motion carried.

APPROVAL OF AGENDA:

Motion by Demick, second by Boyles, to approve the agenda as amended. No additional discussion by the commission. Voice vote, motion carried.

SITE PLAN ITEMS:

1. Sign #68-06-27-08, Chili Peppers Tanning, 35302 23 Mile Rd.

Our planner explained the proposed sign meets the requirements of the ordinance and he recommended approval.

Motion made by Plachinski, second by Boyles to recommend approval of Sign #68-06-27-08, Chili Peppers Tanning, to City Council. No additional discussion by the commission. Roll call vote. Voting yes: Boyles, Demick, Plachinski, Bade, Rutledge, Koneczny, Dailey. Voting no: None. Motion carried.

ZONING ORDINANCE REVISION RECOMMENDATION TO CITY COUNCIL

Our planner summarized the revision process to date. An entirely new zoning ordinance has been drafted over the past two years. The Planning Commission has held three public hearings. Changes based on each public hearing were made. We are ready for a recommendation to city council to approve, deny, table or rework certain sections.

Commissioner Dailey explained the last discussion was held June 2nd, and those minutes were approved, which indicated changes that were discussed. All the changes discussed have been incorporated into the current draft.

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There were two parcels recently reviewed. The County Line parcel was changed to Industrial from R-70. The Green Street parcel was changed to Industrial from GC.

Comments from the audience were solicited and the following residents spoke:

Gary Gendernalik, representing several area residents explained his client's positions which he has previously submitted in writing. Additionally he objected to the parking setbacks in the commercial zoning.

Commission discussion included forwarding the draft to city council with a recommendation or, waiting for the full commission and the mayor. Commissioner Bade explained that the commission had stated in June, that the decision would be made at the July 15 meeting. The decision to postpone from June was so that all commission members could attend if possible.

Motion by Boyles, second by Dailey to forward the Zoning Ordinance Revision dated June 2008, to City Council with a recommendation for adoption. Additional discussion included the postponing of the recommendation until tonight's meeting with the hope that all commissioners would be able to attend. The commission was not interested in postponing again. Commissioner Dailey asked if there was any correspondence from the mayor asking us to set this aside. There was not. He continued that all the points raised by Mr. Gendernalik were discussed at previous meetings, and the issues were adequately responded to by our planner and by the commission. He had no additional issues and was prepared to vote. Mr. Rutledge agreed and explained the commission has worked on this revision for a very long time. Roll call vote. Voting Yes: Demick, Plachinski, Rutledge. Koneczny, Dailey, Boyles, Voting No: Bade. Motion carried. This would most likely be on the City Council agenda August 11th.

COMMITTEE REPORTS: None.

MISCELLANEOUS COMMUNICATIONS:

Council Liaison Hayman explained that city council discussed at closed session last night sending the portion of our sign ordinance which the city attorney feels may be unconstitutional back to the planning commission for their review and rewrite. Mr. Rutledge requested the planner contact the city attorney and draft language for our next meeting.

An A-Frame Sign Discussion request from City Council was received by the commission back in October 2007. An informal discussion was had by the planning commission and no decision on the rest of the city was made at the time.

Greg Nikkel explained he had discussed with Judy Sproat the possibility of getting the Planning Commission and ZBA together to discuss the sign ordinance. A group study was suggested. The regulatory vs. zoning issue was discussed. Ms. Sproat explained it would be an attempt to develop an internal consensus, which seems to be missing. Each group is addressing concerns.

Mr. Rutledge explained council had asked the PC to research the possibility of allowing A-Frame signs for all business owners in the City of New Baltimore and to forward a recommendation back to council by April 1st 2008. The PC missed that deadline request.

Commissioner Koneczny explained the nature of the A-Frame sign was not for vehicle traffic. The small A-Frame was designed for pedestrian traffic. Commissioner Bade disagreed, and felt there was no difference between a monument sign and an A-Frame sign in visibility. The speed limits on Washington and Green Street were discussed. Commissioner Rutledge solicited comments from a business owner who had an A-Frame sign displayed not in the CBD and it was removed. The building official explained if you follow the same regulations currently, he didn't see it becoming a problem.

John Destefino, 36120 Green Street, owner of Simple Health Foods explained his business did better with the A-Frame sign displayed. The cities of Lexington and Algonac's A-Frame signs were discussed. Ms. Sproat presented a photo of the plaza. The number of signs in a strip mall was discussed. Originally limiting the number to one sign per building was the way the ordinance was written. New Baltimore does not have stop lights every few blocks to allow viewing multiple signs.

Commissioner Boyles asked Ms. Sproat about Rochester's signs, and she responded A-Frame signs are not allowed. Their DDA has A-Frame signs for during events. They identify business with an arrow for pedestrian traffic. Commissioner Koneczny explained that Birmingham allows them downtown.

The shopping center design was discussed. The storefronts set back from the street is a problem. It was not designed for great visibility. Banners on the light poles were suggested and Mr. Destefino was definitely interested in that option. He also explained that he feels he has the right to have exposure on his own property.

Commissioner Koneczny asked Council Liaison Hayman if council was directing the PC to revise and expand the ordinance. He wanted clarity. Ms. Hayman responded that the PC was going to look at expanding the A-Frame ordinance anyway. She felt there was mixed feelings from council.

Commissioner Plachinski explained that this community allowed the shopping plaza to be built. It is a standard suburban shopping plaza, hard canopy which covers the store fronts. It offers no visibility from the road. No place to display wares for window shoppers. Pedestrians will be 50 or 60 feet away on the sidewalk. If our downtown were more vibrant, he probably would have located there where he could get the foot traffic. This development is fairly new and has had its share of tenants already. Green Street is built as a road to get as much traffic through as fast as possible, not as a road for people to stop or go slowly and see the businesses. We already regulate signs. The person responsible for enforcing the code does not believe it will be a problem.

Commissioner Bade explained that in this climate, we should be doing something to help any business man who is trying to make a go of it.

Mr. Destefino explained that the local hardware store has circumvented the ordinance to be successful.

Commissioner Dailey discussed the request by council that the planning commission missed. This must be discussed, the positives and negatives. Additionally the constitutional issue should be addressed by the city attorney and the planner. Language should be brought to the commission.

The commission agreed to place the A-Frame discussion on our next agenda.

The planner explained the initial intent of the sign ordinance when drafted was to significantly reduce the visual clutter in the community. 23 Mile Road looks the way it does because of the signage. Currently we have a legitimate reasonable governmental interest in limiting A-Frame signs to the downtown. There are several things done in hard economic times throughout the county that have proven detrimental.

Motion by Boyles, second by Bade, to draft a letter to council acknowledging that we have overlooked the review of the A-Frame Sign Ordinance request, and that we will address the issue at our next meeting. Additional discussion included requesting the planner draft language for the entire city. Voice vote. All ayes, motion carried.

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Commissioner Plachinski discussed the meeting suggested by our building official between the Planning Commission, ZBA, Council, DDA, Historic District Commission, business owners, and Chamber of Commerce members to discuss the sign ordinance in general, and to come up with a program to address the looming deadline. He suggested Judy, Greg and Brian work on how the city through its various regulatory arms, can reach out to business owners to effectively transition to the new ordinance and look for other opportunities for either hard or soft support to help them. We don't know how many non conforming signs we have. We don't know the costs. How do we help businesses brand themselves to become more visible. Ms. Sproat explained it gives every member of each group the opportunity to benefit from the discussion, and he thought process that went behind the ordinance. Joint meetings were discussed and found not to be well attended.

Commissioner Plachinski made it clear he is not suggesting the sign ordinance needs revision. The public has had opportunity for input. The public does not attend until they don't like something. Commissioner Koneczny volunteered to participate in the discussion as a representative of the planning commission.

Commissioner Rutledge reported that at the council meeting last night, awards were presented to the Water Plant Expansion Committee. The project is complete. Developers cannot say the city cannot provide service any longer.

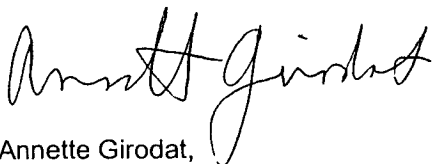
Ms. Sproat discussed Councilman Butler's request regarding the DePestel subdivision extension request. She was directed to the building official for approved plans not yet under construction which may be subject to ordinance changes. Our planner explained council grants extensions, and any project over a year old has essentially expired.

The joint meeting with the DDA was discussed and is scheduled for the Planning Commission meeting August 19th, beginning at 7:00 p.m.

ADJOURNMENT:

Motion made by Demick, second by Bade, to adjourn. No additional discussion by the commission. Voice vote, all ayes. Motion carried. Meeting adjourned at 8:54 P.M.

Respectfully submitted,



Annette Girodat,
Recording Secretary