

Acting-Chair Rutledge called the Regular Meeting of the Planning Commission to order at 7:34 p.m.

**ROLL CALL**

Present: Boyles (arrived 7:40 p.m.), Dailey, Demick, Dupray, Koneczny, McEachin, Plachinski, Rutledge, Wojciechowski, Hayman.

Absent: Burkhardt.

Also present: Thomas A. Goldenbogen, Mayor, City of New Baltimore  
Greg Nikkel, City of New Baltimore Building Official  
Judy Sproat, New Baltimore Director of Planning & Economic Development  
Brian Wilson, Community Planning & Management  
Marcia Shinska, Clerk, City of New Baltimore

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

**APPROVAL OF MINUTES:**

Motion by Dupray, second by Wojciechowski to approve the Work Study Meeting Minutes of 10-06-08 as presented. No additional discussion by the commission. Voice vote, all ayes. Motion carried.

**PUBLIC DISCUSSION:** Claudia Demming, 50935 Althea St., adjacent to the Gendernalik property at Main and Green St., expressed her concerns and opposition to the proposed Burger King development. She hopes the planning commission will pay particular attention to the zoning ordinances that affect the adjacent residential properties, as well as the planning standards for traffic circulation. Her concerns included property values, trash, rats, noise and smell.

**APPROVAL OF AGENDA:**

Motion by Wojciechowski, second by Dupray, to approve the agenda as presented. No additional discussion by the commission. Voice vote, motion carried.

**SITE PLAN ITEMS:**

**1. Sign #69-09-23-08, Tri Precision Tool, 35269 Cricklewood**

The petitioner was present. Our planer had no objections to the sign as proposed. Commissioner Dailey explained the Site Plan Review Committee supported the planner's recommendation.

Motion by Wojciechowski, second by Koneczny to recommend approval of Sign #69-09-23-08, Tri Precision Tool to City Council. No additional discussion by the commission. Voice vote. All ayes, motion carried.

**2. Sign #70-09-23-08, Shelby Packaging Co., Inc., 35269 Cricklewood**

The petitioner was present. Our planer had no objections to the sign as proposed. Commissioner Dailey explained the Site Plan Review Committee supported the planner's recommendation.

Motion by Wojciechowski, second by Koneczny to recommend approval of Sign #70-09-23-08, Shelby Packaging Co., to City Council. No additional discussion by the commission. Voice vote. All ayes, motion carried.

**3. Sign #71-10-01-08, Jackson Hewitt Tax Service, 35167 23 Mile Rd.**

The petitioner was present. Commissioner Dailey explained the Site Plan Review Committee reviewed the application and supported the planner and building official's recommendations to approve.

Motion by Dupray, second by Demick, to recommend approval of Sign #71-10-01-08, Jackson Hewitt Tax Service to City Council. No additional discussion by the commission. Voice vote. All ayes, motion carried.

**4. Sign #72-10-17-08, Easy Cash Advance, 35515 23 Mile Rd.**

The petitioner was present. Commissioner Dailey explained the Site Plan Review Committee reviewed the application and the comments from the planner and building official and they support a recommendation to approve.

Motion by Demick, second by Wojciechowski, to recommend approval of Sign #72-10-17-08, Easy Cash Advance to City Council. No additional discussion by the commission. Voice vote. All ayes, motion carried.

**5. SALU #253-10-02-08, Burger King, 35600 Main Street, Parcel #09-24-203-03,**

**Set Public Hearing**

The applicant was present. Commission discussion included the application being ready for review and the possible dates for a public hearing.

Motion by Dailey, second by Boyles, to set a public hearing for SALU #253-10-02-08 for Burger King at 35600 Main Street for November 18, 2008 at 7:30 p.m. No additional discussion by the commission. Roll call vote. Voting Yes: McEachin, Plachinski, Rutledge, Wojciechowski, Boyles, Dailey, Demick, Dupray, Koneczny. Voting No: None. Motion carried.

**COMMITTEE REPORTS:** None.

**MISCELLANEOUS COMMUNICATIONS:**

**1. Rules of Procedure – Conflict of Interest Revision**

Commissioner Dailey explained that at the work study meeting our planner was directed to draft language which he did (copy attached). The planner indicated the changes were the highlighted portions. He researched the addition of aunts and uncles, nieces and nephews, and found it was not uncommon for those family members to be included. If you feel uncomfortable because of some type of relationship, that is when you should bring it to the planning commission to determine a conflict. The step derivative was also added as requested. Commissioner Koneczny asked about the commission questioning if a conflict exists. This provision can go either way. Commissioner Dupray asked about a tie vote. Our planner explained a tie vote is essentially a failed motion.

Motion by Wojciechowski, second by Boyles, to amend the Planning Commission Rules of Procedure to include item 10, Conflict of Interest as proposed. No additional discussion by the commission. Roll call vote. Voting Yes: Plachinski, Rutledge, Wojciechowski, Boyles, Dailey, Demick, Dupray, Koneczny, McEachin. Voting No: None. Motion carried.

**2. Sign Ordinance Discussion – Presentation by Judy Sproat**

Judy Sproat distributed findings from the Sign Ordinance Sub-Committee. She presented photos of 34 existing pylon signs. At this time the Sub Committee supports the ordinance as written.

The mayor explained our City attorney is unclear whether our Sign Ordinance is a regulatory or zoning ordinance. We have to make a determination what it is. If it is a zoning ordinance, the sunset clause is eliminated and there is a right to appeal. If it is an administrative ordinance we have the power to eliminate pylon signs. He is looking for a recommendation from the Planning Commission to City Council.

Commissioner Plachinski explained that his understanding was that because the sign ordinance is not included in the zoning article of the code of ordinances, that it is an administrative ordinance. The mayor explained that because there is a provision for a variance from the ZBA it is not clear. The mayor continued that typically, on an administrative ordinance, there is no appeal.

Commissioner Koneczny explained that the way it was written was as an administrative ordinance. If there is any ambiguity it was because of the attorney advising us at the time. Commissioner Dupray explained that every time there has been a request for a sign variance the City has asked the ZBA to make the determination. Our planner explained the state law gives the ZBA any powers granted by the city. The city made the ZBA the board that reviews appeals for a sign variance.

Commissioner Dailey explained the intent should be in the record. He believes the sign ordinance to be a separate ordinance. The mayor indicated that the chairman of the ZBA stated that they would grant sign variances. He continued, the city attorney explained if we determine it is an administrative ordinance, and we clean up the language, we don't have to wait another 10 years to eliminate pylon signs. The mayor wanted to make sure of the intent.

The presentation of signs within the city continued. There are also monument signs that will become non-conforming after January 1, 2010, because of their size. Some of the existing wall signs would also be non-conforming because of the 4 to 1 width to height ratio. The second recommendation from the sub-committee memo was for the planning commission to relax their standards and consider an 8 to 1 or 12 to 1 ratio. The committee felt it wasn't the commission's intent to render signs non-conforming. The sub-committee also discussed expanding the A-Frame signs. They did not feel it was necessary to do so at this time.

Commissioner Rutledge explained the biggest issues are the pylon signs and comments from the city attorney. He asked the mayor as a member of the planning commission at the time, what was the intent. The mayor explained the city was having problems regulating signs at the time and asked the planning commission to come up with some rules. They had no concept of zoning or administrative rule when they wrote the sign ordinance. It is written as an administrative ordinance but it has the composure of a zoning ordinance. Our attorney said you can give some rights to the ZBA. Commissioner Koneczny explained that it was written with the intent that it was enforceable. The mayor explained it was written with the intent of enforcing the elimination of pylon signs.

The mayor stated if the intent is to make it an administrative ordinance, we need to ask the city attorney what we have to do to get it there.

Commissioner Plachinski suggested keeping the variances at planning. Having the opportunity to waive requirements was proposed. He continued, there will be some financial burden by requiring the removal of pylon signs. He wasn't sure if the resistance was due to financial concerns or visibility concerns. If you want to replace your sign and it meets the ordinance, and the administration, planner and building official agree, you should not need to go to the planning commission and city council to get a permit. He suggested if they don't meet the ordinance, this body according to conditions could make a recommendation to council and allow council the discretion to grant the approval or not. He continued, if you meet the rules why make an applicant go to two meetings. If council empowers us to do so, we have criteria. Commissioner Koneczny answered the planning commission doesn't have the luxury of bending our rules. It is our duty to interpret the ordinance and act based on it.

Our planner explained that if you are going to vary from the ordinance, it has to be based on a certain set of criteria, or there is no substance behind the ordinance you have written in the first place. This is the same discussion Chesterfield Township had a couple of years ago because they were tired of their ZBA granting variances on every sign that came in front of them. Now their planning commission does review variance requests for signs. It is community preference on how you want to handle it.

Commissioner Dailey explained if the ordinance is reasonable, there should never be a variance to the sign ordinance. It is a community standard issue. Commissioner Plachinski asked if it is still the intent of Council to eliminate pylon signs by January 1, 2010. The mayor responded it was a mixed bag because of the economic times. Commissioner Wojciechowski asked if the sunset date could be extended a year and still become effective. Judy Sproat said the Chamber of Commerce also made that recommendation at one of the sub-committee meetings because of the economic climate. Council Liaison Hayman stated she would be willing to extend the sunset date because of the current economic situation, but she does not want to see the ZBA grant all appeals to pylon signs. Commissioner Koneczny does not want to see any changes. Commissioner Dailey explained the public doesn't agree with the planning commission and then council that pylon signs are a distraction, disruption and a blight. This is a community standard normally set by the council. Council Liaison Hayman stated that the communities that have gone to monument signs really look much nicer. Commissioner Dailey explained that in Macomb Township when they implemented their sign ordinance there were two pylon signs in 36 square miles. In our relatively small community the amount of pylon signs is significant.

Commissioner Dupray explained that the council has made it clear they do not want pylon signs, and he doesn't feel the need to bring it up to them again. Commissioner Rutledge explained we need to have the city attorney clarify the language so that there is no conflict. That is what needs to be brought up. The planner and city attorney need to work out the language so that it is written as it was intended.

City Clerk Marcia Shinska also indicated there are mixed feelings on the City Council. They are getting pressure not to have those signs removed. One in particular is the Walgreens sign. The city worked a long time with them and that is a pylon sign which must be removed.

Our planner clarified what the commission is looking for since he will be contacting our city attorney. Just the language is to be clarified. The intention being the sign ordinance is regulatory not zoning. Additionally changing the appeal board to the planning commission was discussed. Commissioner Dailey explained this body or another body uses the same standards to grant a variance from the ordinance.

Judy Sproat was commended on the sign presentation by the commissioners.

The height to width ratio was discussed. Our planner explained the 4 to 1 ratio is very restrictive. The intent is to keep signs from being stretched out the entire length of the buildings. The difficulty is with one word longer names or a logo in addition to the name. If increased to an 8 to 1 most of the problems become a non issue.

Commissioner Dailey attended the sub-committee meeting and reported that one of the issues was the width to depth. The chamber does not object to the area limits. Commissioner Dailey supported the 8 to 1 ratio. We have restrictive reasonable area requirements.

Commissioner Plachinski explained in the community he works in they regulate the sign size by allowing 2 square feet for 1 foot of unit or building frontage, not to exceed 200 square feet in all the districts, except for office which is 1 to 1, not to exceed 100 square feet. If you have a 20 foot unit you get a 40 square foot wall sign.

Commissioner Demick commented there is a sign at the Clay and Green plaza that cannot be seen clearly because of the 4 to 1 ratio. The building official explained it was not because of the ratio, rather a financial decision. They were advised they could go larger, and they responded they could not afford it.

After discussion the consensus was to adopt an 8 to 1 ratio. The planner explained the change would not look obnoxious, and would still keep the intent of the ordinance and keep signs consolidated.

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Council Liaison Hayman asked about the primary concern of the Chamber of Commerce. Ms. Sproat responded that it was the unfortunate timing because of the current economic climate. It was not their intention to keep pylon signs. Some business owners were also not aware of the sunset date. Some of the monument signs will become non-conforming as well. It is unknown how many at this time. The building official explained off the top of his head he thought there were three monument signs that will become non-conforming. He will be sending a letter to all business owners regarding the signs.

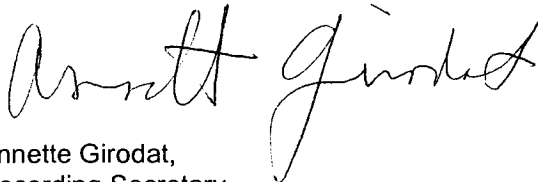
**PLANNING COMMISSION WORK STUDY AGENDA DISCUSISON:** As there will not be a November Work Study meeting this item was skipped.

The mayor suggested the Planning Commission members who replaced previous members continue their committee assignments until the new assignments and officers are completed in February.

**ADJOURNMENT:**

Motion made by Wojciechowski, second by Boyles, to adjourn. No additional discussion by the commission. Voice vote, all ayes. Motion carried. Meeting adjourned at 8:41 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Annette Girodat".

Annette Girodat,  
Recording Secretary