

Planning Commission
Regular Meeting
Wednesday, January 20, 2010
7:00 p.m.

Present: T. Byle, T. Korfhage, J. Hickey; Chairman; C. Rypma, A. Parent, T. Schweitzer, C. Gornowich, D. Brown. Absent: M. Huizenga. Also Present: F. Wash, Planning Director, and P. Dlouhy, CDD-Planning Assistant.

Chairman Hickey opened the meeting and Member Rypma gave the invocation.

Approval of Minutes – December 16, 2009

Motion by T. Korfhage, supported by T. Byle, to approve the minutes of December 16, 2009, as printed. Motion carried.

General Public Comment

There were no comments at this time.

Case #09-568 – Zoning Ordinance Amendments – Public Hearing

Chairman Hickey read the proposed Ordinance to Amend Sections 94-171, 94-61, 94-5, 94-406, 94-407, 94-409, 94-412, and 94-413 of Chapter 94 of the Code of Ordinances, City of Walker, regarding the housing of horses, Zoning Board of Appeals public noticing, signage and billboard regulations.

Planner Wash reviewed this ordinance section by section as follows:

Section 94-171 “AA” district, Agriculture

The current ordinance reads:

b. “The **planning commission** may limit the number of horses and prescribe the manner of keeping the horses as necessary to prevent offensive odors, the pollution of water supplies, or the spread of infection and disease.

The proposed ordinance reads:

c. “The building official or zoning administrator” may limit the number of horses, etc.

Member Schweitzer felt that from an administrative standpoint, it would be cleaner to have either the building official or zoning administrator make the decision, but not both. Planner Wash stated that Jeff Nelson is currently the building official and zoning administrator, and we don't know if we will have one or the other in the future. So from a practical standpoint, Wash stated the language was written "building official or zoning administrator".

Wash related that he, Al Parent and the Ordinance Committee met several times and went through these ordinance changes.

A decision was made to note the Zoning Administrator as the deciding staff member.

Section 2. Amendment of Section 94-61 ZBA Procedure

Planner Wash related that a revised State law came into force 2 years ago, called the Zoning Enabling Act. Current Walker Ordinance procedures are not in accordance with State law. Language has been added to Sec. 94-61 regarding Zoning Board of Appeals; Procedure for appeals, applications and public noticing processes for consistency.

It was determined that (4) "secretary of the board" shall be changed to "ZBA".

Section 3. Amendment of Section 94-5 DEFINITIONS

Planner Wash related that specialized terms in the ordinance should be defined. We continue to add definitions in our Zoning Ordinance. Five definitions are proposed dealing with signs as follows:

Community special event sign means a sign intended to be displayed for a limited time for the purpose of calling attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other community organizations.

Political sign means a sign intended to be displayed for a limited time and communicates an upcoming election, ballot or non-commercial message.

Realtor sign means a sign intended to be displayed for a limited period of time which offers real property or building for sale, rent or lease.

Commercial special event sign shall mean a sign intended to be displayed for a limited period of time, meant for advertising a business, service or terms for sale, and which is not permanently attached to a building wall or to the ground. Commercial special event signs include the following types of signs:

1. Pedestrian sign means a sign held or worn by a person standing, walking or otherwise located outdoors on either public or private property, for the purpose of displaying the sign to passing motorists or pedestrians on a nearby public road or sidewalk, and calling attention to a business, product, service or event.
2. Portable manual reader board sign means a sign that is intended to be moved from place to place and used to display a manually-assembled letter message, which is often enhanced with internal or external light bulbs.
3. Inflatable sign means a sign that is portable and is filled or captures compressed air or another gas.
4. Flag and streamer sign means a sign that is portable and intended to be blown in the wind.
5. Banner sign means a sign that is flexible, portable and affixed to the ground, a building or other structure via wire, posts, string or similar material.
6. Yard sign means a sign that is rigid, portable and affixed to the ground via wire, posts or other similar material. Sometimes called a “corrugated plastic sign.”

With regard to the issue of a digital reader board, Member Rypma inquired about the sign business on 3 Mile Road that has an American flag displayed as a moving image on their reader board. He asked if we are getting into electronic letter images, should this include images such as this one? Planner Wash stated that because the image is an American flag, the city is put in a difficult enforcement position.

Member Korfhage asked what does “limited period of time” mean? Planner Wash stated that was a term recommended by the City Attorney, and is further defined in specific parts of the proposed sign ordinance.

Member Brown stated that there are too many “for sale” signs in the Cambridge Grove development. Member Gornowich agreed. Member Parent stated that we don’t want to make it too tough for businesses, or too hard to sell lots or homes, etc.

Planner Wash stated that staff will not be actively removing community or political signs. If signs are not blocking vision or causing a hazard, they are a lower enforcement priority.

Planner Wash stated that there are many gray areas in the current ordinance relative to signs. Adding specific definitions and standards when it comes to temporary signs should help clarify and eliminate these gray areas by stating what is and what is not allowed.

With respect to 5) Banner Sign, Chairman Hickey discussed the continuing issues with 4x8 banners at the Venue Restaurant in Standale. Planner Wash stated that they are having trouble attracting customers, but their temporary signs are turning out to be visual clutter. Wash felt that it is easier to say what is allowed and what is not allowed. He stated that the Venue is an on-going problem site. Jeff Nelson has been there several times with complaints of a portable manual reader board sign blocking the sidewalk. One of the reasons we are proposing these amendments is to say “here is what is allowed and here is what is not allowed.” Wash stated that the proposed amendments are moving toward a user friendly and more fair ordinance.

Member Schweitzer asked if the reader board definition is meant to preclude wall sign display? Planner Wash stated no, it doesn't intend to preclude wall signs that act as reader boards.

Member Gornowich suggested taking out the type of sign under the Reader Board definition so it would read as follows: Reader Board means a component of any approved sign which displays either manually-placed letters or electronic letter messages, including background images.

Section 4. Amendment of Section 94-406(a) SIGNS – Purpose, Intent and General.

Planner Wash related that Attorney Sluggett recommends adding to (a) Purpose, the following (after the wording due to excessive signage) “or temporary signage that is improperly located or unreasonably distracting”.

Section 5. Amendment of Sections 94-406 (c) (1), (2) Sign Measurement .

Wash stated that sign measurement is currently problematic when it comes to columns, iron frames, etc. when they are part of the sign, but clearly not part of the foundation. Wash related that the proposed ordinance depicts how we measure ground signs, wall signs, freestanding pylon signs, and how to measure back to back signs.

Member Rypma asked who drafted this ordinance? Planner Wash stated that the city attorney used to draft these ordinances. Wash related that he drafts them and Jeff Sluggett and the Ordinance Committee edits them. Wash related that Attorney Sluggett always attends the ordinance committee meetings.

Chairman Hickey asked if these recommendations would be forwarded to the Ordinance Committee? Planner Wash stated no, to the City Commission.

Section 6. Amendment of Section 94-407(a) Permitted Signs and Signboards.

Wash related that the proposed ordinance deletes (a) of the current ordinance and adds the following new (a) Only those signs expressly authorized in a district, as provided for in this article, may be constructed, located or used in any district.

Section 7. Amendment of Section 94-409 Signs in Residential Districts.

Wash indicated that subsection (a) is proposed for deletion and the other current subsections were re-lettered. Wash related that the gray areas were eliminated as it was questioned does the current ordinance allow temporary signs or not. This is specifically stated in the proposed ordinance.

Section 8. Amendment of Section 94-412 Nonstructural signs. Wash related that this section was removed and replaced with Commercial Special Event Signs, Community Special Event Signs, Realtor Signs and Political Signs.

Under Commercial Special Event Signs:

- a. Pedestrian signs, Portable manual reader board signs, inflatable signs and Flag and Streamer signs are not allowed.
- b. Banner signs and Yard signs are permitted only in non-residential zoning districts.
- c. Banner signs and Yard signs shall not be placed on any lot, parcel or premises unless a sign permit has been issued by the Zoning Administrator.

Procedures for banner signs and yard sign applications were reviewed. The specifics for commercial special event signs, permitting process, size of sign, number of permits allowed, was discussed as well.

Wash related that there would be no charge for temporary signs (30 square foot banner sign on the building) during the holiday periods specified such as Valentine's Day, President's Day,

Easter, Memorial Day, July 4th, Labor Day, Veteran's Day, and Thanksgiving through January 2nd. Signs would be allowed five days prior to each of these holidays.

Member Gornowich asked how the city will enforce these temporary signs? (who gets one and who doesn't). There was much discussion on this issue. Member Parent asked for larger square footage because he felt that people driving down the road can't see these otherwise. It was determined there would be no fees imposed for these temporary signs during the holiday periods specified. Other fees will be determined by the City Commission for the non-holiday periods.

The commission shared common goals of having the city business districts look cleaner and less cluttered by signs. The fairness and equal opportunity permit measures were also discussed.

Planner Wash explained the formula for permanent wall signage linking it to one-half the front building wall frontage. He gave an example of 30 feet of wall frontage equals 15 feet of wall signage. Wash felt that businesses may not have enough room on their buildings for temporary signs using this formula.

Member Gornowich asked if there were regulations for clear vision of an interior cash register, etc? Wash stated that would be a police issue.

Member Rypma asked if we have had problems with banner issues? Wash related that we receive calls and complaints quite regularly. Rypma asked how many complaints have we had? Wash stated we have had a lot of complaints and 5 or 6 just recently with the Venue Restaurant in Standale. Wash stated that the city allows permanent free-standing signs and wall signs. An excess of temporary signs take away from the image of the commercial area.

Member Rypma expressed concern with more government oversight and fees.

Planner Wash stated that the ordinance goal is effective signage, not excessive signage. It is a constant balancing act.

Member Gornowich asked how the holiday signs were chosen? She asked what about Kwanza, Martin Luther King Day, etc.? Wash stated from "Black Friday" on covers the period from Thanksgiving through Christmas. Gornowich mentioned that Halloween should be added to the list. Wash agreed to it.

The next review covered the Community Special Event Signs and included location, time allotment, maximum number, size and height features.

Member Gornowich mentioned that the “Festival” overhead banner signs on Alpine Avenue are higher than 6 feet. Planner Wash stated that is a city commission issue.

Realtor Signs and Political Signs were also discussed. Wash related that unless they are located in the right-of-way, these are a lower enforcement priority. Freedom of speech issues are not allowed to be regulated, according to Attorney Sluggett.

Planner Wash stated that he tries to encourage people to incorporate reader boards into their permanent signage so they can change the copy for sales.

Wash stated unless something is grossly incorrect, we work with businesses to get them appropriate signage, according to the zoning ordinance.

Member Byle stated that he felt 14 days would be more appropriate for the holiday signs.

After much discussion it was determined that it would be changed to 7 days.

Member Rypma stated that he has a problem charging fees for a temporary sign. Planner Wash stated there would be no permits for community special events signs, realtor, or political signs.

Section 9. Amendment of Section 94-413 Billboards was then discussed.

The current ordinance was reviewed, along with the new proposed ordinance language as follows:

Notwithstanding any other provision of this article to the contrary, billboards are only permitted within 100 feet of a freeway on property in IPUD, ML, MH or MP zoning districts, subject to the following regulations:

- (1) Each billboard may not exceed a height of 35 feet above the pre-existing grade at the base of the billboard support pole(s).
- (2) Each billboard shall be located not less than 1,000 feet from residential zoning districts and not less than 1,500 feet from any existing residential uses.
- (3) Each billboard shall be located not less than 2,000 feet from any other billboard. For purpose of this subsection, the distance between billboards on opposite sides of the freeway shall be measured as the distance between the points at which lines drawn perpendicular to the freeway from the location of each billboard intersect with a line along the center of the freeway.

- (4) Each billboard shall be located not less than 500 feet from any other freestanding sign which is located on the same side of the freeway within the city and which is visible from the traveled portion of the freeway; provided however, that the minimum distance between billboards shall be governed by subsection (3).
- (5) Each billboard shall have a minimum setback of twenty (20) feet from the freeway right of way.
- (6) All measurements provided for in this section shall be measured radially and without respect to political or jurisdictional boundaries.

With respect to (5) Member Gornowich suggested adding the following wording to the end of the sentence "as measured from the closest point or edge of the billboard."

Planner Wash stated that the ordinance becomes more restrictive on billboards with respect to height, spacing, and expanded setbacks.

Wash related that the Billboard Study done in 2008 showed 31 billboards in the city, some conforming and some not. This ordinance will make it more difficult to install more billboards, as the spacing requirements are more restrictive.

Motion by C. Rypma, supported by C. Gornowich, to open the public hearing. Motion carried.

There were no public comments.

Motion by C. Rypma, supported by C. Gornowich, to close the public hearing.

Planner Wash stated that he will red-line the ordinance and bring it back to the February 3, 2010 planning commission meeting for approval.

Motion by C. Gornowich, supported by T. Byle, to table the Zoning Ordinance Amendments approval to the meeting on February 3, 2010. Motion carried unanimously.

Commissioner and Staff Update

Wash stated that the next meeting will be February 3rd. A Best Buy proposal to relocate to the vacant former Circuit City space in Greenridge Shopping Center is on the agenda.

Ordinance Committee will meet on February 2 to discuss a medical marijuana ordinance and policies. Wash felt that this looks like a complicated topic. We will need to define specific community standards for Walker relative to this issue. His concern centers on potential impacts to residential areas.

Adjournment

Motion by A. Parent, supported by D. Brown to adjourn at 8:55 p.m. Motion carried

Administrative Approval

Carol Gornowich, Secretary
Walker Planning Commission