



**PLANNING COMMISSION**

Thursday, May 19, 2016

1. Roll Call – 7:00 P.M. – City Hall Lobby
2. Approval of Minutes – April 21, 2016 Planning Commission Meeting
3. New Business
  - (a) Public Hearing on Amendments to Section 5.1 and 2.1 of the Petoskey Sign Ordinance
  - (b) Discussion and Recommendation to City Council on Amendments to Section 5.1 and 2.1 of the Petoskey Sign Ordinance
4. Old Business
  - (a) Appeal of the Zoning Administrator determination regarding directional signs at 1050 Bay View Ave
  - (b) Priority redevelopment sites discussion and recommendation
5. Updates
  - (a) Non-Motorized Facilities Plan implementation status
6. Adjournment



**PLANNING COMMISSION**

April 21, 2016

A regular meeting of the City of Petoskey Planning Commission was held in the City Hall Lobby, Petoskey, Michigan, on Thursday, April 21, 2016. Roll was called at 7:00 P.M. and the following were:

Present: Gary Greenwell, Chairperson  
Dana Andrews  
Dean D. Burns  
James Holmes  
Emily Meyerson  
Rick Neumann  
Cynthia Linn Robson

Absent: Betony Braddock  
Eric Yetter

Staff: Amy Tweeten, City Planner

Others Present: Scott Fisher, 504 Monroe Street

Upon motion and support, the minutes of the February 8 special joint meeting and the March 17 regular meeting were approved.

**Sign Committee Appeal 1050 Bay View Road**

Staff summarized the appeal of the Sign Committee determination that they could not exceed 25% allowed sign area for the proposed sign at the west end of the Kilwin's building. Mr. Fisher, Kilwin's Director of Store Operations, explained that they want to get more people in the store and increase brand awareness. He believes that the larger sign is necessary to get people on the Little Traverse Wheelway into the store, and showed a video of a biker and the amount of time a sign on the wall would be visible, which he estimated at 3 seconds. He noted that the code would allow 11 signs at 437 square feet total and they only want 2 signs at 197.9 square feet.

Commissioner Robson presented Distance Reaction Time data from the Sign Legibility Rules of Thumb of the United States Sign Council, that indicated the additional allowance of 25% provided adequate sign size for the speed of bicycles on the path and the distance the path is from the building. She believes that the flexibility currently in the code is sufficient.

Commissioners asked about relocating the sign on the wall where it would have longer visibility, or whether it could be placed lower on the wall and whether a mural on the wall wouldn't be more effective at drawing interest than signs. Commissioners also stated that the wall was street facing in a way; that the two signs were preferable to the 11 allowed; that they were offended by the approach of putting up 11 signs just because it is allowed regardless of aesthetics; that the proposed sign was not offensive; that the ordinance should be looked at for these types of situations; that larger signs than what had been approved under special condition sign provisions

are not needed; and that they did not know how the request could be approved given ordinance language.

Staff clarified that the appeal was whether the Sign Committee had appropriately interpreted and applied Section 2.1(9) regarding calculation of ground floor wall area for signs.

Commissioner Burns stated he believed the committee had correctly interpreted, that sometimes the results of an ordinance are not favorable, and that the 11 signs allowed by the ordinance would be in poor taste.

A motion was then made by Commissioner Robson, with support by Commissioner Meyerson, to uphold the interpretation of the Sign Committee that only 25% of each wall sign could be approved under Special Condition Sign provisions, given that the Commission spent time developing the language and the additional sign area provides adequate visual legibility. The motion carried on a 6-0-1 vote, with Commissioner Andrews abstaining.

### **Zoning Administrator Appeal**

Staff summarized the appeal on the determination that the signs installed by Kilwin's fall under the definition of directional signs requiring review, and that the signs installed exceeded the size and number allowances.

Mr. Fisher stated that the signs installed are safety signs to alert truck drivers to pedestrian and truck traffic and vice versa, not directional signs. He showed a video sign of a Fed Ex truck using the drive.

Commissioners asked about the wall-mounted pedestrian/bike sign, noting that it looked like it was directing non-motorized users at the light to cut through the parking lot that was not safe and the number of trucks that use the rear of the building. They also commented that the signs were confusing although the intent were good, partly due to the fact that they are not the traditional warning sign colors (yellow and black); that other safety signs on the Little Traverse Wheelway are 18"x18"; and that there is a safety issue combining truck and bike traffic.

Mr. Fisher restated that the purpose of the signs is safety, not direction, and that these signs should be allowed at the current size if there wasn't language in the ordinance that addressed the purpose of the signs.

Staff read the definition of Directional Signs in the Ordinance, noting that she believed these signs did meet the definition:

**Directional Signs.** Directional signs, each not exceeding three (3)-square feet in surface area and nor more than four signs per lot, displayed strictly for the direction, safety, or convenience of the public, including signs that identify restrooms, parking-area entrances or exits, visitor parking, restricted parking, clearance, freight entrances or the like. Any additional directional sign, not exceeding three (3) square feet in surface area, may be permitted subject to the approval of the sign committee upon showing sufficient need. The maximum height of entrance and exit signs for driveways and/or parking areas shall be five (5) feet.

Commissioner Neumann summarized two parts of the issue based on the definition: that the signs were put up without approval and they are larger than allowed. He then made a motion to deny the appeal based on the fact that the signs fall under the definition of Directional Signs, that they were put up without a permit, and they exceed the allowable sign size. He added that he would be open to considering more than the allowed four signs if they met the size requirement.

Commissioner Holmes stated that as a factory, there should be consideration for state requirements.

Commissioner Andrews asked what would be the follow up if the appeal were denied. Staff responded that the applicant would be sent a letter stating such and that the signs would need to be removed until approved. Mr. Andrews was not comfortable directing staff to enforce the ordinance until information was provided on OSHA requirements for factory safety.

Commissioner Neumann withdrew his motion.

Commissioner Andrews made a motion, with support by Commissioner Holmes, to postpone action on the appeal until May 19. The motion carried 5-2, with Meyerson and Robson voting against the motion.

### **Sign Ordinance Amendment Request**

Staff summarized the request that rear-wall, non-street facing signs be calculated differently than street facing signs.

Commissioner Meyerson questioned the logic. Staff clarified what she understood as the intent of the request to consider wall calculation for large, single user buildings with different wall planes differently, to possibly allow for larger signs on smaller walls if overall wall signage allowance was reduced.

Commissioners agreed they would consider language drafted by the Sign Committee.

### **Proposed Sign Ordinance Amendments**

Staff summarized the proposed amendments to Section 5.1, Temporary Signs. A motion was made by Commissioner Andrews with support by Commissioner Burns to schedule a public hearing on the changes for the May 19 meeting; motion carried 7-0.

### **Priority Redevelopment Sites**

Given that two Commissioners were not present, the item was postponed for discussion at the May meeting.

### **Updates**

Staff updated the Commission on the status of vacation rentals in the City and an issue that has arisen with recent changes to the R1 and R2 District regarding the use of averaging of front-yard setbacks that would be before the ZBA and may need further consideration by the Commission.

The meeting then adjourned at 8:52 P.M.



**BOARD:** Planning Commission

**MEETING DATE:** May 19, 2016

**DATE PREPARED:** May 11, 2016

**AGENDA SUBJECT:** Public Hearing on proposed amendments to Sections 2.1 and 5.1 of the Sign Ordinance

**RECOMMENDATION:** Hold hearing, make recommendation to City Council

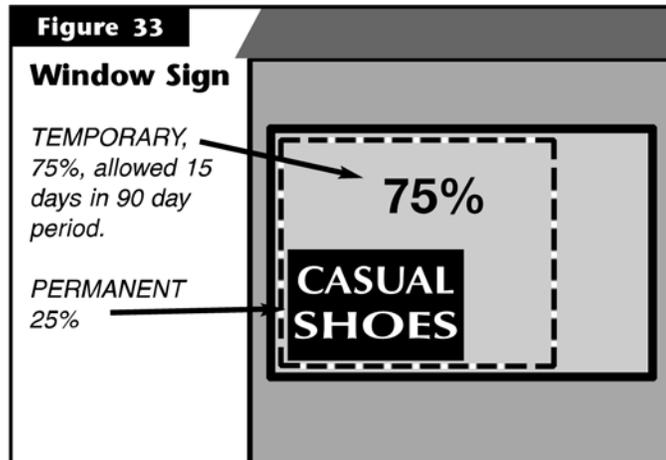
At its April meeting, the Commission scheduled a public hearing on proposed Sign Ordinance amendments. The amendments are proposed to remove language from temporary sign regulations that is not content neutral, and would include the elimination of definitions that would no longer be referenced and an increase in the display period for promotional event signs from 14 to 17 days in a 120 day period. The text below incorporates portions of Section 5.1 that will remain from the current ordinance, including temporary window signs, attended, non-commercial signs, temporary display devices, and promotional directional signs (signs allowed by permit in the public right-of-way).

The revised Section 5.1 is proposed to read as follows:

**Section 5.1 Temporary Signs**

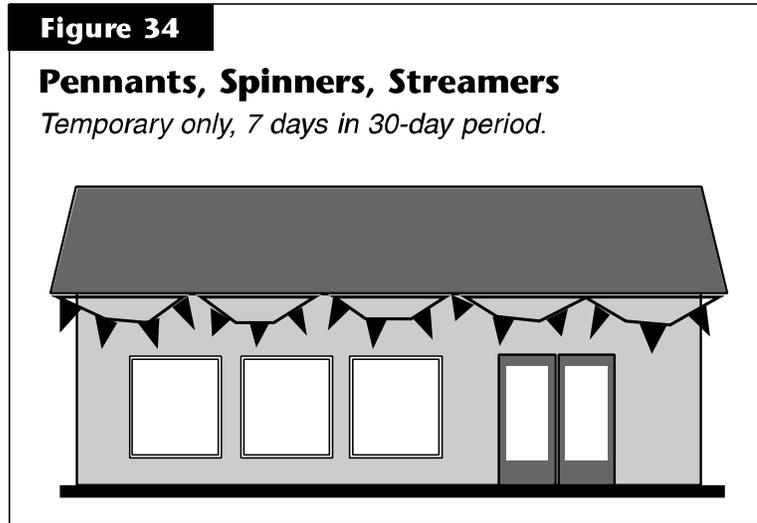
In addition to permanent signs regulated through this ordinance, a property may have up to two (2) temporary signs (either ground or wall mounted) during the following events subject to the stated restrictions and those included in Table 1.

1. Signs not requiring a permit
  - a. A property is for sale
  - b. A property is under construction
  - c. An election is within 45 days
  - d. Temporary window signs that occupy no more than seventy-five percent (75% of a total window's area are permitted for a maximum of fifteen (15) days in a ninety (90) day period (*Figure 33*)



- e. Attended, non-commercial signs such as hand-held political placards and demonstration pickets shall be permitted, subject to all applicable local, state, and federal laws.
- f. Pennants, spinners, streamers, and balloons and similar temporary-display devices, attached only to the principal building on a site, are permitted for not more than seven (7) days in a thirty (30)-day period. (Figure 34)

This does not include open pennants or open banners which are allowed to be displayed during the hours of operation only. Open pennants must clear 7'6" if they project into the right-of-way and cannot exceed 6 square feet.

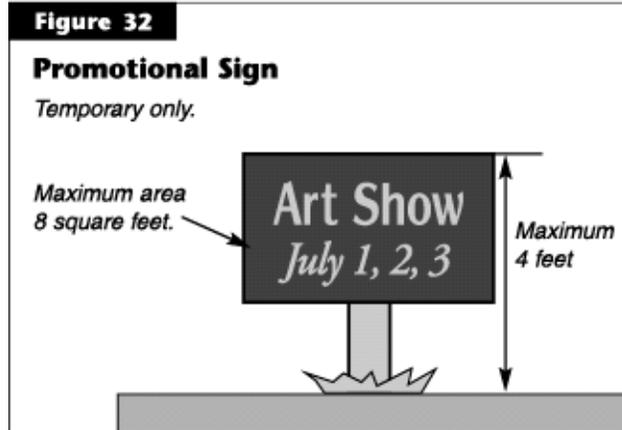


- 2. Signs requiring a permit
  - a. A special event is to be held on the property, however, said signage shall not be on display for more than 17 days in any 120 day period. Further Zoning District restrictions may supersede this time limit.

**Table 1 Temporary Sign Regulations**

Zoning District	Maximum Height	Maximum Area
R-1, R-2, R-3	Five (5) Feet	Six (6) Square Feet
RM-1, RM-2, B-1, B-2, B-2A, B-2B, O-S	Five (5) Feet	32 Square Feet
B-3, B-3A, B-3B, I-1, I-2	Eight (8) Feet	50 Square Feet

- b. Promotional event signs that provide directions to a community event in the City that is sponsored by a unit of government or a non-profit organization, shall be permitted for a period not to exceed five (5) days in the public right-of-way. Such signs for events such as art fairs, circuses, festivals, etc., shall be permitted, not exceeding eight (8)-square feet in area and four (4) feet in height. The number of signs, sign area, and sign location shall be approved by the City prior to installation. Promotional-event signs shall be removed within 48 hours after the event that they identify. (Figure 32)



The following definitions and text will be removed from the ordinance:

Section 2.1 Definitions  
(18) Construction Sign  
(54) Real Estate Sign

Staff recommends that the Commission hold the public hearing and take action to recommend the amendments to City Council.



**BOARD:** Planning Commission

**MEETING DATE:** May 19, 2016

**DATE PREPARED:** May 12, 2016

**AGENDA SUBJECT:** Appeal of the Zoning Administrator determination regarding directional signs at 1050 Bay View Ave

**RECOMMENDATION:** Consider Appeal

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At its April meeting, the Commission postponed action on an appeal of the zoning administrator decision that signs installed in the parking and loading areas of Kilwin's Candy Kitchen met the criteria of Directional Signs, that the signs installed were larger than allowed, and that more signs than allowed were installed. Staff had made the determination based on the following regulation in the Sign Ordinance:

**Directional Signs.** Directional signs, each not exceeding three (3)-square feet in surface area and nor more than four signs per lot, displayed strictly for the direction, safety, or convenience of the public, including signs that identify restrooms, parking-area entrances or exits, visitor parking, restricted parking, clearance, freight entrances or the like. Any additional directional sign, not exceeding three (3) square feet in surface area, may be permitted subject to the approval of the sign committee upon showing sufficient need. The maximum height of entrance and exit signs for driveways and/or parking areas shall be five (5) feet. (*Figure 49 – see page 35*)

Action was postponed pending information being provided on OSHA signage requirements as the Commission understood the intent of the signs, but felt the signs may not be communicating a safety message as they are not the typical warning or safety signs (i.e., yellow and black).

Staff has not received any additional information from Kilwin's, but has found the following information on OSHA required signs and the enclosed sign samples. It does not appear that there are required OSHA sign sizes but the size range begins at 18"x18" and an 18" x 24" sign would meet the Sign Ordinance requirement. There are also specified colors for OSHA signs.

If the Commission believes the ordinance allowance for directional signs is not sufficient in this situation, special condition sign provisions could be applied, which would allow an additional 25% sign area for a sign of up to 3.75 square feet.

# OSHA Signage Requirements

*by Jerry Shaw, Demand Media*



The Occupational Safety and Health Administration, known as OSHA, implements and enforces signage requirements for accident prevention in businesses large and small. The requirements apply to signs and symbols to prevent injuries to workers and the public or property damage. OSHA develops specifications for design, application and use of signs and tags, which indicate or define specific hazards. Check with OSHA specifications for size requirements, which vary among different signs.

## Sign Usage

Signage requirements from OSHA cover all safety signs except for those signs designed for streets, highways and railroads, which may have local or state requirements. OSHA requirements also do not pertain to plant bulletin boards or safety posters. Companies may also follow voluntary standards created by the American National Standards Institute, or ANSI, which provides guidelines for danger, warning, caution, general safety and fire safety to give notice of dangerous or potentially hazardous situations.

## Sign Structure

All signs should have rounded or blunt corners, free from sharp edges, burrs, splinters or other sharp projections. Any bolts on the signs need to be fastened so they do not threaten to cause a hazard. The wording on the signs should be easy to read and concise. Sufficient information on the sign needs to be easily understood, focusing on a positive rather than a negative suggestion to present an accurate fact, according to OSHA.

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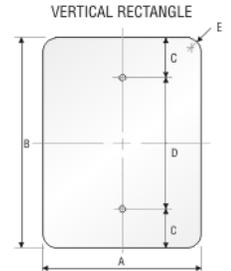
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Size	Ht	Wd	C	D	E
18"x 24"	24"	18"	1.5"	21"	1.5"
24"x 30"	30"	24"	1.5"	27"	1.5"

zoom embed

Part#	K-4220
Color	Black on Yellow
Shape	Vertical

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**BOARD:** Planning Commission

**MEETING DATE:** May 19, 2016

**DATE PREPARED:** May 12, 2016

**AGENDA SUBJECT:** Discussion of priority redevelopment sites

**RECOMMENDATION:** Discussion and recommendation

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The Commission postponed discussion on priority redevelopment sites at its April meeting, so will pick up the topic on May 19. **PLEASE BRING PACKET MATERIALS FROM THE APRIL MEETING.** If you do not have them, please contact us and we will re-send.

**200 E. Lake Street**

The Commission will continue discussion of 200 E. Lake Street that began at the March meeting. Discussion was that the Commission could help to identify obstacles to redevelopment of the site but that marketing the site would be better handled by others. The PUD is still in place, and several concepts have been floated, but not moved forward. We will use the PUD and the most recent plan submitted (and later withdrawn) that was very similar to the concept developed by and publicly presented by the property owner's team in 2014. Again, the purpose of the discussion is to identify obstacles to development of the site and come up with possible actions to address them.

Uses

- A hotel and residential units have always been considered important components. Is affordable housing a desired component of the redevelopment? Would a strictly residential building with a mix of housing be desirable if feasible?
- If a bank continues to be part of the mix, a drive-through will likely be wanted. The existing PUD has a drive-through in the lower level garage. Is this what would be expected of any future development?

Height

- The current PUD allows for 50 feet, 4 stories at the corner of Petoskey and Mitchell (high point of block), and 7 stories 80 feet at highway; The 2014 concept had 3 stories, 40 feet at Petoskey and Mitchell and 4 stories, 48 feet on the highway side (plus height was shown for architectural elements); Current CBD is 3 stories, 40 feet.
  - What if a zoning incentive were added to the CBD, that allowed a fourth story if a development included certain components such as public parking, affordable housing, or green infrastructure?
- Is more height and less mass, such as one or two taller buildings and surface parking on the remainder of the site desirable?

Circulation

- Depending on whether a parking structure is part of the development, vehicle circulation (particularly for large vehicles such as trash removal) has been raised by the Commission as an issue. The PUD has two drives off E. Mitchell Street, which is less than ideal given congestion

at the highway, but puts cars at the west end, away from pedestrian circulation. It may be more of a design issue for the developer to resolve, but staff sees it as an obstacle that perhaps the Commission should discuss.

Staff had suggested the idea of a joint meeting with the Planning Commission and Downtown Development Authority to discuss this site and other potential priority sites downtown such as the Darling Lot, as well as other issues and continues to think this would be a good idea.

### 900 Emmet Street

A key parcel to the Old Town Emmet Neighborhood, the site was included in the recently adopted B-2B Zoning District that allows a wide mix of uses. During the Emmet Street Workshops, a concept for the property was developed with the cooperation of the owner (below) that allows for relocation of his store and upper story residential.



#### Emmet Street Corridor Streetscape Project

City of Petoskey, Michigan  
Gruler Site - Conceptual Architecture Exhibit - Angle View  
©2016



In addition, Emmet Street will be rebuilt in 2017 and hopefully the Downtown Greenway Corridor multi-use trail will be constructed at the same time. All of these actions have positioned the property for future redevelopment.

The Commission should discuss whether there are any remaining obstacles to redevelopment of the site.

**900-1000 Bay View Road**

This property owned by KQC Properties LLC has also been identified as a priority site due to its visible location. The site had previously been proposed for a residential development, but current owners may have other ideas.

**Action**

The City Manager has asked that the Commission make a recommendation to City Council on the top redevelopment sites.