



**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, 1050 Bay View Road

Upon motion and support, the minutes of the February 18 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.