

**MANISTEE CITY PLANNING COMMISSION**

550 Maple Street  
Manistee, MI 49660

**MEETING MINUTES**

October 6, 2005

A meeting of the Manistee City Planning Commission was held on Thursday, October 6, 2005 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

**MEMBERS PRESENT:** Maureen Barry, Sara Bizon, Tamara Buswinka, Greg Ferguson, Ray Fortier, Christa Johnson-Ross, Tony Slawinski, Mark Wittlief, Roger Yoder

**OTHERS:** Dave Carlson,(DDA), Tom Amor Jr. & Tom Amor Sr. (Amor Sign Studios), Melissa Rennie (Manistee News Advocate), Kenneth Borenitsch (394 River Street), Mark Reinders (Grand Haven), Jon Rose (Community Development), Denise Blakeslee (Planning & Zoning) and Others

Meeting was opened at 7:02 p.m. by Chairman Roger Yoder

**PUBLIC HEARING:**

None

**APPROVAL OF MINUTES:**

Planning Commission Meeting of September 1, 2005

MOTION by Ray Fortier, seconded by Tony Slawinski that the minutes of the September 1, 2005 Planning Commission Meeting be approved.

With a roll call vote this motion passed 6 to 0.

Yes: Bizon, Ferguson, Fortier, Buswinka, Yoder, Slawinski

No: None

**NEW BUSINESS:**

Schedule Meetings/Worksession Dates 2006

Members of the Planning Commission were given a tentative schedule for Meeting/Worksession Dates for 2006.

MOTION by Ray Fortier, seconded by Sara Bizon, that the following dates be scheduled for Planning Commission Meetings and Worksessions for 2006.

| <u>Meeting Dates</u> | <u>Worksession Dates</u> |
|----------------------|--------------------------|
| January 5, 2006      | January 19, 2006         |
| February 2, 2006     | February 16, 2006        |
| March 2, 2006        | March 16, 2006           |
| April 6, 2006        | April 20, 2006           |
| May 4, 2006          | May 18, 2006             |
| June 1, 2006         | No Worksession           |
| July 6, 2006         | No Worksession           |
| August 3, 2006       | No Worksession           |
| September 7, 2006    | September 21, 2006       |
| October 5, 2006      | October 19, 2006         |
| November 2, 2006     | November 16, 2006        |
| December 7, 2006     | No Worksession           |

Meeting will be held at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan

Worksessions will be held at 6:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan

With a roll call vote this motion passed 6 to 0.

Yes: Yoder, Bizon, Buswinka, Slawinski, Fortier, Ferguson,  
No: None

#### **UNFINISHED BUSINESS:**

##### **The Lockwood Companies- Special Use Permit WITHDREW REQUEST.**

Jon R. Rose, Community Development Director received a fax from the Lockwood Companies withdrawing their proposal from further consideration by the City of Manistee Planning Commission.

## OTHER COMMUNICATIONS:

### Design Plus, Inc.

Correspondence has been received from Design Plus, Inc. requesting to be placed on the October 20, 2005 Planning Commission Worksession Agenda. They would like to present a site plan and concept architecture for a condominium project on Manistee Lake (the A.D. Joslin site).

Consensus from the members were that Design Plus, inc. should be placed on the October 20, 2005 Planning Commission Worksession Agenda.

### Training/Workshop

Planning Commissioners were given information about a training/workshop on November 30, 2005. They were asked to respond by November 5, 2005.

## CITIZEN QUESTIONS AND CONCERNS:

Maureen Barry entered the Meeting.

Mark Reinders (Grand Haven) - Is purchasing the Washington School Site and showed a preliminary plan for project. Spoke of the Density requirements of the proposed ordinance and if they could be changed under a PUD for his project.

Kenneth Borenitsch (396 River Street) - Liked Mr. Reinders proposal and likes that it is in walking distance to the downtown.

## WORK/STUDY SESSION:

### Signage

Amor Sign Studios discussed the proposed sign ordinance with the Planning Commission. They prepared a review (attached).

Mark Wittlief and Christa Johnson-Ross entered the meeting.

Items included in the discussion of signage:

- ▶ Define Electronic Message Board with language that is accepted by the sign industry to avoid any confusion.

- ▶ Try to eliminate the amount of non-conformities the proposed ordinance is creating along U.S. 31 (review inventory)
- ▶ Wall Signage could be calculated by allowing a percentage of the front building facade (10%, 15% or more).
- ▶ Separate free standing signage from wall signage.
- ▶ Review set-back requirement (set back -vs- 4 ft - 10 ft)

#### Signage on US-31

Amor Sign Studios prepared a survey and inventory of signage along U.S. 31 for the Planning Commissioners to review. Copies will be forwarded to the consultant for review.

#### Extraction Wells in the L-I Light Industrial District

Consensus from the Planning Commission is that Extraction Wells will be left in the L-I Light Industrial District as a Special Use.

#### Minimum/Maximum Parking Requirements

Planning Commission would like to continue discussion on if the Minimum Parking Requirement should be the Maximum amount of parking allowed. Ms. Buswinka has some information that she will have copied for the Planning Commission.

#### Dwelling, Multiple Unit parcel size requirement -vs- Maximum Units per acre

Discussion on the Master Plan Standards and how specific they are. The proposed language in Section 903 Dimensional Standards, A. Parcel Area does not calculate correctly and will need to be changed.

Also discussed possibly removing the last sentence in the first paragraph (Section 1870 Planned Unit Development D. Dimensional and Use Standards) that reads: "*Further, the Planning Commission also alter residential density limits, providing they do not exceed recommended maximums set forth in the City's Comprehensive Master Plan.*"

#### Schedule Special Meeting for October 20, 2005

MOTION by Maureen Barry, seconded by Tony Slawinski that a Special Meeting be scheduled for the October 20, 2005 Worksession to allow the Planning Commission to set a date for the Public Hearing if they so desire.

With a roll call vote this motion passed 7 to 2.

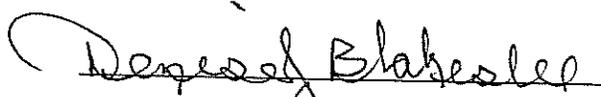
Yes: Bizon, Wittlief, Slawinski, Buswinka, Barry, Fortier, Yoder  
No: Johnson-Ross, Ferguson

**ADJOURNMENT:**

MOTION by Tony Slawinski, seconded by Ray Fortier that the meeting be adjourned. Motion passed unanimously.

MEETING ADJOURNED AT 9:15 P.M.

MANISTEE PLANNING COMMISSION



Denise J. Blakelee, Recording Secretary

October 6, 2005 review of Draft 7/22/05

## City of Manistee Sign Ordinance Re-write 2005

### INTRODUCTION

Communication is essential to the efficiency and advancement of society.

A community needs the communication offered by business signs. People want to know where they can obtain goods or services. Business owners want passersby to know where they are. Businesses provide jobs. Employment feeds the community.

Unregulated, signs can have a negative impact on the appearances of a community. Aesthetics are important, but the functioning of the community, however, has paramount importance. This requires that information about businesses be provided in a manner that is safe and accessible.

Communities are full of imperfect people. Many people have impaired eyesight, are less decisive, and many are unfamiliar with their surroundings. We must be careful, when regulating signs, to adequately provide and compensate for these common imperfections.

### PURPOSE

- C) Eliminate:
  - *Overload the public's **capacity** to receive information.....* Many studies show that people do not read every things are, and become background in the visual experience of the commercial street. People have **selective perception** and plug into the information medium when it becomes meaningful. If they become hungry they selectively scan for signs of a restaurant or convenience store.
  - *Increase the probability of traffic congestion and accidents.....* Burden of proof is on the municipality re traffic congestion and accidents.
- D) *Reduce conflict between signs and their illumination and public and private land uses.*
  - This states that there is a conflict between signs and land uses and the publics right to know. Commercial districts are established to enable commerce to thrive. Signs are a legal use of commercial land and necessary for a business to exist. We suggest eliminating this statement.

### PROCEDURES

- C) *Permit Lapses.....business discontinued for six months or one seasonal business period.....* This appears to be a **Government Taking without compensation**. In Manistee, empty buildings are on the market typically longer than 6 months. In many cases a sign is still very usable and may conform to the ordinance. Review Legal Resource Group notes.
- D) *Permit Assignment.....* This section is confusing. The term of *proposed sign is materially or substantially different....* **Face changes are protected as Commercial Free Speech** and copy changes cannot be refused or even reviewed except if they are pornographic. Face changes should not require permits. If the structure is going to be changed that would need a permit same as a new one. Review Legal Resource Group notes.

## SUMMARY (from first meeting 5/26/05)

The concerns just submitted by my son and the attorneys of the Legal Resource Group concisely address many legal issues. We would like to say that other than some of those same issues with the existing Ordinance we have only basically five other areas of which to review. They are:

- Sign Lighting in the Historic District
- Multiple signs &/or increased square footage for multiple tenants
- Height of signs in the commercial district when based on front footage
- Setbacks in the commercial district
- Electronic Variable Message Signs

We look forward to helping construct an ordinance that is workable for both the business community and the community as a whole. Our company has and continues to strive to design our product to fit the client's site attributes and constraints and intend to continue that reputation.

## GENERAL COMMENTS & RECOMMENDATIONS

- We still believe that there is a conflict w/ First Amendment Rights when legislating the size and other criteria by who the speaker is, re different sizes etc w/in the same zone.
- Wall signs should have their own criteria based on percentage of wall area such as 15%.
- We suggest that signage on the US-31 corridor be governed by one criteria, identified by the US-31 Corridor Overlay designation.
- Sign regulations along US-31 change from one side of the highway to the other along many areas of the city. Some differences visually and equitably evident are:

| ADJACENT DISTRICTS              | AREA  | HEIGHT                              | COMMENTS   |
|---------------------------------|---|-------------------------------------|--|
| C-1<br>W-F<br>R-3<br>C-3        | 64 sqft<br>32 sqft<br>16 sqft<br>32 sqft            | 30'<br>20'<br>20'<br>35'            | The area north of the bridge to the city limits. |
| C-3<br>C-2<br>W-F<br>C-1<br>R-3 | 32 sqft<br>32 sqft<br>32 sqft<br>64 sqft<br>16 sqft | 35'<br>unknown<br>20'<br>30'<br>20' | The area south of the bridge to the city limits. |

## SECTION 2102 / GENERAL STANDARDS

- A- 1) We would like to see this modified to allow drawing rectangles around separate elements of a non-cabinet wall or canopy sign. This would allow some design leeway to incorporate a logo that maybe taller than most letters and be more pleasing in its appearance. EXAMPLE: Admiral w/ logo & Admiral Tobacco
- A- 3) HEIGHT of signs:
  - a) height of a sign should be computed as the distance from the grade of the major roadway. – example Moonlite Motel and the carwash on 9<sup>th</sup> street.
  - b) heights of pole signs in the US-31 Corridor should be 25'
- A- 4) need to clarify the word 'sign' when used in "the bottom most point of the 'sign' shall be..... should include all elements such as the awning.
- B- 3) include LED illuminairs same as the neon is.
- D- 3) First Amendment Rights will dictate that changes of copy on faces or faces containing copy cannot be restricted or prohibited. Strike this section.

- D- 5) "Illegal to use a legal non-conforming sign after 6 months of the closing of an existing business" appears to be a taking of personal property.
- D- 6) "Illegal after a change of use of a property" appears to be a taking of personal property.

## **SECTION 2103 / EXEMPT SIGNS**

- There are several points listed that do violate 'content neutral' regulations. See the review of the Legal Resource Group's letter of May 5, 2005.
- L) The last sentence of 15' setback (eliminate) and the height increased to 12' to allow installation of a vertical 4' x 8' sign like in front of City Hall and being 4' off the ground.

## **SECTION 2105 / CHARTS**

- We still believe that there is a conflict w/ First Amendment Rights when legislating the size and other criteria by who the speaker is, re different sizes etc w/in the same zone.
- Wall signs should have their own criteria based on percentage of wall area such as 15%.
- Eliminate "quantity of signs permitted" – should be up to the individual owner to choose.
- US-31 pole signs should have a square footage allowable of 84 sqft. See photo survey of existing signage in the city.
- Need to address multiple tenant signage for both wall signs and pole signs. This is not addressed at this time.
- Eliminate "cumulative sign area" column
- "in the judgement of the Zoning Administrator" is wide open to 1<sup>st</sup> Amendment issues as noted in Legal Resource Group's notes.

## **SECTION 2104 / PROHIBITED SIGNS**

- J) Electronic Message Signs – Allow EVM Signs per the recommendation of 75 Manistee business owners petition of 7/11/03
  - Allow Electronic Variable Message Signs in the US-31 Corridor Overlay district.

## **DEFINITIONS**

- **DEFINITION:** Any sign, display, device or portion thereof with lighted messages that change at intermittent intervals by electronic process or remote control. Electronic Variable Message Signs are not identified as rotating, revolving or moving signs.
- **S) SIGN, PROJECTING:** change from "that projects more than six (6) inches" to 12". An internally illuminated sign needs at least 9" of depth to allow for the lighting and ballasts. If a S/F sign is allowed to be mounted on a mansard, there may need to be additional language.