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**Planning Commission
Hamburg Township
10405 Merrill Rd., P.O. Box 157
Hamburg Township, Michigan 48139
September 19, 2018
7:00p.m.**

1. CALL TO ORDER:

Present: Goetz, Hamlin, Menzies, Muck, Muir & Priebe
Absent: Leabu
Also Present: Amy Steffens, Planning & Zoning Administrator

2. PLEDGE TO THE FLAG:

3. APPROVAL OF THE AGENDA:

Chairman Goetz stated that we need to add an item 7b to discuss Section 8-18, Supplementary Height Restrictions

Motion by Priebe, supported by Menzies

To approve the agenda as amended

Voice vote: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

4. APPROVAL OF MINUTES:

a. August 15, 2018 Planning Commission Minutes

Motion by Menzies, supported by Muir

To approve the August 15, 2018 minutes as presented

Voice vote: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

5. CALL TO THE PUBLIC:

Menzies opened the call to the public. Hearing no public comment, the call was closed.

6. OLD BUSINESS: None

7. NEW BUSINESS:

- a. MSP 18-004: Waiver to the sign regulations to permit a 73-inch tall freestanding monument sign (72-inch freestanding monument permitted, Section 18.4.Q.), and the installation of two 33.08-square foot wall signs with 22.5-inch tall channel letters (26.4-square foot wall signs permitted; 18-inch tall channel letters permitted, Section 18.10.D.1.).

Planning/Zoning Administrator Steffens stated that the subject site is a 1.5-acre parcel that fronts onto M-36 to the east and is improved with a 12,942-square foot pharmacy. The site is zoned in the Village Center (VC) district; a funeral home is located to the east, a post office to the north, a veterinarian office to the south, and a vacant residentially-zoned parcel to the west. The pharmacy parcel was developed to be part of the larger Village of Hamburg commercial development that received site plan approval in 2007. Final site plan approval was granted with the following condition: "that the sign details will be submitted at a future date, and are not approved at this time. Future plans must conform to the existing ordinance, and must reflect the intent of the district." On March 11, 2008, the township issued a permit for the monument sign, two wall signs, and a number of directional signs. It appears that no further sign review has been done by the Planning Commission. There are a number of signs proposed, but it is important to remember that most of the signs in the packet are exempt from the sign regulations. She has prepared a table to show what is existing, proposed and what is required. She stated that Signs 1, 2, and 3 are the subjects of waiver requests because of their size. The existing internally illuminated freestanding sign (sign 1) is 6-foot, 1-inch tall, double-sided, with a sign face of 12.4 square feet and is located in the east front yard of the development. The existing sign face will be removed and replaced with a sign face of the exact same size. The acrylic sign face will be internally illuminated, with aluminum wrapped-channel set letters. Existing signs 2 and 3 are 35.4-square foot channel letterset wall signs that will be replaced with a 33.08-square foot internally illuminated, red, acrylic channel letters, one on the east façade of the pharmacy building and one on the north façade of the building. The ordinance permits signs comprised of channel letters to be ten percent larger in size, which would permit the two proposed wall signs to be 26.4 square feet each. The overall size would require a waiver by the Planning Commission. Additionally, the sign ordinance allows individual channel letters to be a maximum of 18 inches tall; the proposed channel letters would be 24.5 inches tall. That is what is existing, they are just replacing it. The increased channel letter height would require the Planning Commission grant a waiver. The other signs are either going to be removed, they are exempt or as in the case of a couple of the directional, free-standing signs they are existing and no changes are proposed. Signs 4, 5, 7, 8, and 15 are exempt under Section 18.5 because they either are not visible from a street, other public place, or an adjacent property. Signs 6 and 14 are to be removed. Signs 9 through 12, all two-square foot parking lot directional signs, are existing and no changes are proposed. These signs are larger than the permitted 18-square inches and should be brought into compliance if they are replaced in the future.

Steffens reviewed Section 4.5.7 which are the Standards for Site Plan Review. She stated that the freestanding monument sign will be located approximately 20 feet from the right-of-way of M-36, approximately 45 feet from the traveled roadway of M-36, and approximately 300 feet from the intersection of M-36 and Hamburg Road. The sign will be approximately 800 feet from the residential property on Hamburg Road to the north. There is landscaping at the entry to the integrated commercial project at the intersection of M-36 and Hamburg Road and throughout the development. There is no landscaping around the monument sign that would obscure visibility of the sign to traffic along M-36. There are commercial businesses to the east across M-36 and to the south and north. Due to the monument sign's location on the south of the building, traffic traveling eastbound on M-36 is not likely to see the monument sign and instead would see the pharmacy building and wall signs. Traffic traveling westbound on M-36 would have a clearer view of the monument sign but would not be able to clearly see the wall signs until they have passed the building. Only the freestanding and wall signs in the submitted application are visible from M-36 or neighboring properties. The proposed freestanding sign will not meet the size requirements of the zoning regulations because it would be one inch too tall. However, the entire sign is not 1 inch too tall. The sign is brick wrapped but then there is a curved edge on top and at the end is a decorative edge. The total sign height is 69 inches but increases to 73 inches at the apex of the curve. The sign face area is 12 square feet, where 24 square feet is permitted. The two proposed wall signs would be 33.08 square feet, where 26.4 square feet is permitted, with 22.5-inch tall channel letters. The overall size would require a waiver by the Planning Commission, as would the 22.5-inch tall channel letters because the ordinance permits a maximum of 18-inch tall letters. The monument sign will utilize internally illuminated individual channel letters within a 12-square foot sign face. The wall signs will also be internally illuminated channel letters. All illuminated signs are required to meet the sign ordinance requirements from Section

18.4.T. Additionally, the signs lighting standards from Section 9.11.5 must also be met. Steffens stated that this site is designated as Village Core (VC) district in the future land map of the Village Center Master Plan. The Village Core district sign standards follow the sign ordinance requirements for size and location. However, the district also specifies that all signs shall be externally illuminated, not internally illuminated.

Steffens stated that Article 18 does allow the Planning Commission to waive some of the standards only in Article 18 if the findings are met. Only signs 1, 2 and 3 are under consideration by the Planning Commission for the waiver approval. She reviewed the Sign Regulation waivers and the findings.

The question was asked if this is standard CVS signage. Mr. Patrick Stevens from Allied Signs stated that yes CVS is going through a corporate plan and imaging change. It is slightly changed with the heart logo. They are proposing to replace the existing signs with the same size signs that are there. They are not trying to get anything more, actually slightly smaller. The height of the letters are not excessive. They need to get the height to get the readability from the road. In the case of the monument sign and the one inch, there was no intent there to make it larger. They are hoping that you can see that they have met the spirit of the ordinance and hoping to proceed.

Discussion was held on the illumination. Mr. Stevens stated that they are internally illuminated with LEDs and the lighting comes through the face of the letter. Discussion was held on the design standard that specifies that all signs shall be externally illuminated, not internally illuminated. Steffens stated that is a design standard for future land use, not a zoning regulation.

Discussion was held on the timing of the lighting. Steffens stated that timer controls is a requirement of the zoning ordinance. The Planning Commission could consider that issue down the road if CVS ever had an issue. Further discussion was held on the times the lights are on. Discussion was held on enforcement. Discussion was held on the timing if the site were to go to 24 hours. Steffens stated that there is other site lighting that would have to be considered if they were ever to go 24 hours. It was stated that this may or may not happen in the future, and the Commission should look at what is now being proposed. If something changes, it would come back before the Commission.

Commissioner Priebe stated that she appreciates the fact the proposed signage is smaller rather than larger.

Motion by Muir, supported by Priebe

Approval of Sign 1: The Planning Commission approves the requested sign waiver to permit a 73-inch monument sign at 7420 E M-36 because the project meets the sign waiver requirements in Article 18, Section 18.11 in the township zoning ordinance as stated at the meeting tonight and in the staff report.

Voice vote: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

Motion by Muir, supported by Menzies

Approval of Sign 2: The Planning Commission approves the requested sign waiver to permit a 33.08-square foot wall sign with 22.5-inch tall channel letters on the east façade of the pharmacy building at 7420 E M-36 because the project meets the sign waiver requirements in Article 18, Section 18.11 in the township zoning ordinance as stated at the meeting tonight and in the staff report.

Voice vote: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

Motion by Muir, supported by Priebe

Approval of Sign 3: The Planning Commission approves the requested sign waiver to permit a 33.08-square foot wall sign with 22.5-inch tall channel letters on the north façade of the pharmacy building at 7420 E M-36 because the project meets the sign waiver requirements in Article 18, Section 18.11 in the township zoning ordinance as stated at the meeting tonight and in the staff report.

Voice vote: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

b. Section 8.18 Supplementary Height Restrictions

Chairman Goetz stated that this was requested to be placed on the agenda for interpretation.

This is in response to a code complaint. The neighbor had installed a 55 foot lattice tower within the setback, The complainant did not like the location of the tower plus it is 55 feet tall. We sent a code complaint letter to the property owner and he responded back that there is nothing on that tower except his Wi-Fi signal booster and asked why could he not have it under Section 8.18, Supplementary Height Restrictions. She was trying to regulate our Accessory Structures height requirements which is far less than 55 feet. The property owner submitted a letter explaining the tall tower and the purpose of the signal booster. His contention is that many people are getting rid of their cable providers and going to streaming services like Netflix. She would like some interpretation by the Planning Commission of Section 8.18. She reviewed the ordinance. He is calling on Section 8.18.2 B: Any structure permitted as an exception to a height limitation shall be erected no higher than such height as may be necessary to accomplish the purpose for which it is intended to serve. In his letter he explains signals, wi-fi and the need to get over his neighbor's house, trees, etc. to boost his signal. She would like some guidance and interpretation of this section and whether we can apply it to this type of situation.

Discussion was held on the definition of Accessory Structure. It was stated that Section 8.18 clearly says that antennae and electronic devices can exceed the height limitations. It was stated that we don't want to see them everywhere. It was stated that it is much like the Ham radio towers.

Steffens asked what can we reasonably expect from a homeowner. She is concerned that there is no upper limit. It would be difficult to expect the homeowner to prove that it is the minimum necessary to take advantage of the Supplementary High Regulation exception. How do we practically apply it? Discussion was held on satellite reception and the interference with trees, etc. It was stated that if we want to regulate them, we would have to adopt an ordinance. Steffens stated that she can look at how other municipalities deal with such issues if you believe a text amendment is in order. Discussion was held on the possible number of cases.

The interpretation of the Commission was that this homeowner can have the tower based on the current ordinance. Discussion was held on the concerns that it is structurally sound, what happens if it falls, etc. Discussion was further held on how to determine if it is the minimum necessary, etc. Discussion was held on some type of installation standards from the manufacturer. Discussion was held on the potential for a lot of these towers. It was further stated that many of the Homeowner's Associations restrict towers, etc.

Steffens asked for this case, is this site specific evidence enough that a 55 foot tower is the minimum necessary for the exception. Discussion was held on the location on the site. Steffens stated that it is in the side-yard setback. She stated that any structure should meet the setback. There are two issues; the location and the height. If it is going to be allowed, then it should be moved to a compliant location. Steffens stated that she has nothing that tells her that 55 feet is the minimum necessary.

Discussion was held on researching how other communities handle these types of towers. Steffens stated that she may be able to get some more information as to how a height may be determined based on signal strength, etc.

It was stated that this is an accessory structure and the homeowner should have made application for a permit. Steffens stated that what she is hearing is that at the very least, he needs to move the tower to meet the setback requirements or apply for a variance. It was stated that we still don't know if it is the minimum necessary. Steffens stated that the only way to clear up the code enforcement is to issue a permit. The question was asked if the Planning Commission has the right to issue a stay on the code enforcement for further review. Steffens stated that the Planning Commission does not have the authority. He would have to go to the ZBA for interpretation. She stated that she could issue a violation letter and tell him he has to remove it and he can appeal that to the ZBA. It was further stated that he could then point to others and we would have to do the same.

Planning Commission is then directing staff to come back at the next meeting with additional information on how to address the conditions under which an exception can be given under 8.18.2. It was stated that under these conditions, we should considered fall zone, setback and under what conditions an engineer review is required, etc.

8. ZONING ADMINISTRATOR'S REPORT: None

Discussion was held on the Commissioners being provided a full Zoning Ordinance. Steffens stated that our Zoning Ordinance is not codified. We have been working on it for quite some time. It is easier to direct people to go on-line for the ordinance because it does show all the amendments. It needs to be codified into one ordinance.

Commissioner Menzies stated that at the last Board meeting, Amy gave a presentation on the Master Plan update. Discussion was held on the Master Plan Open House. Steffens stated that in August we had 75 people here. We had different work station set up with aerials and asked people what they wanted to see. We had a visual preference exercise specific to Village Center. We did receive a lot of input.

The question was asked if we heard anything more from the apartments. Steffens stated that it appears not to be going anywhere. Their site plan approval expires in January.

9. ADJOURNMENT:

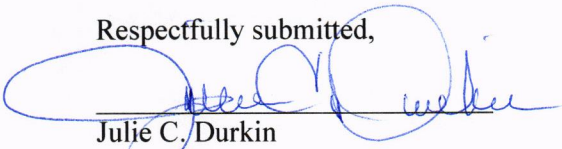
Motion by Menzies, supported by Priebe

To adjourn the meeting

Voice vote: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

The Regular Meeting of the Planning Commission was adjourned at 8:10 p.m.

Respectfully submitted,



Julie C. Durkin
Recording Secretary

The minutes were approved

As presented/Corrected: 11-28-18



Fred Goetz, Chairperson