

PLANNING COMMISSION
THURSDAY, AUGUST 3, 2017

Present: Betty Root (vice chairman), Jim Cunningham, Joe Frontiera, Peggy Wittman, Diane LaPorte, Rob Splane (4:04 P.M.) (Absent: Jerry Spencer)

Also Present: City Manager Stan Rickard (4:04 p.m.), Mayor Ron LaPorte, David Jirousek (Williams & Works), Carmalitta Tiffany (Oc. Herald Journal reporter), Anne Hardy, Stacie Hegg, Gail Zieger, George Sadler and Gale Goldberg (Dep. Clerk).

The meeting was called to order at 4:00 p.m. by vice chairman B. Root. The agenda was approved as presented (5-0) upon motion by J. Cunningham and supported by J. Frontiera. The minutes of the July meeting were approved (5-0) upon motion by J. Frontiera and supported by J. Cunningham.

PUBLIC COMMENTS

Anne Hardy explained the process used to get input from business owners on a survey regarding proposed changes to the sign ordinance.

Gail Zieger thanked the commission for the opportunity of the survey and is hopeful this information will help the businesses in Hart to grow.

Stacie Hegg mentioned she is very encouraged by the cooperation from the commission.

SIGN ORDINANCE UPDATE

D. Jirousek explained that the approval of 1259.08 by the Planning Commission last month, and the sending of it to city council for approval, had not been anticipated and has been problematic. After the Planning Commission meeting in July, when sending it to council, it was changed to 1259.12. This was forwarded to the council but at the July 25th meeting it was returned to the Planning Commission with four points to be clarified.

Mayor LaPorte reported that Dave Lorenz attended that council meeting and explained his situation and noted his surrounding residential neighbors have never had any complaints. It was noted this particular piece of property is spot zoned B-2 and to his south, Indian Summer co-op is zoned Industrial, with both surrounded by residences.

There was a discussion regarding the difference between B-1 and B-2 designations, the dusk to dawn wording, the suggestion of using "business hours", the concept of non-conforming, and the enforcement of an illuminance rating. It was noted that the Michigan Sign Manual states the standard is 0.3 footcandles (the maximum for day hours), and this is already listed in our present ordinance.

Mayor LaPorte suggested the commission address the four items listed by council as concerns or needed clarifications. These were listed from council as:

1. Item C,1,c – dusk to dawn – hard to do this in the winter due to the sun setting early
2. Item C – one sign with 2 sides – is it a two sided sign with two separate messages, or one sign showing the same message on both sides
3. Only changing signs once every 12 hours will be an issue
4. Free standing signs in general

J. Cunningham made a motion to allow full illumination (0.3) during business hours and reduce illumination after business hours, supported by D. LaPorte. A discussion ensued regarding the amount/percentage of reduced illumination. The motion was approved (4-2).

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D. Jirousek pointed out that in the current draft 1259.08 Illumination, c (9) states: ECM components are not permitted within 200 feet of any dwelling unit except in those instances where dwelling units are located on the same parcel as an office or commercial use. This must be removed – it is now a contradiction. There was a motion by J. Frontiera, supported by J. Cunningham, and approved (4-2) to remove 1259.08 c (9).

There was now a discussion on ECM signs with two sides and the correct wording to be used along with clarification for it to be easily understood. After this discussion there was a motion by J. Frontiera, supported by D. LaPorte, to consider this type as one sign with two sides and both sides are to carry the same message. This was approved (5-1).

Now the discussion was directed to the original thought that ECM signs could only change once every 12 hours. It was noted that the standard rules are no less than 7 seconds. It was mentioned that the 12 hour rule is too restrictive. There was a motion made by J. Frontiera and supported by D. LaPorte to strike the 12 hours and go with the standard of 7 seconds. This was approved (5-1).

At this time commission member Peggy Wittman expressed her feelings that these changes being approved are not in keeping with the Main Street objective to maintain the historical environment of the down town. Commission member Rob Splane agreed, and has sincere reservations regarding the changes being approved.

Now free standing signs were addressed. Several thoughts were expressed, including :

- Not to be discriminatory against wall signs and free standing signs
- Fairness to everyone
- The city was a small, walkable, historic town and this has been abandoned
- Appreciation of historic look and values – is it possible to have a process of sign approval to look at the aesthetics and a historical design for signs
- The possibility of businesses working together towards that goal
- The ECM sign at Hegg's Furniture is 21 square feet (3x7)
- Goal for ECM signs is to help keep the down town businesses "in business"
- These signs will alter the entire look of the down town area
- The use of ECM signs is a use of technology to help businesses
- Having accepted and promoted the Main Street program, historic preservation was expected
- Main Street will be degraded with these approved sign changes

R. Splane made a motion for ECM wall/marque/projecting signs to concur with current language with ECM signs not to exceed 21 square feet. This motion was supported by J. Frontiera. There was another discussion and a vote was taken and it failed (2-4).

It was noted these changes need to go to the city council for approval. The commission would need to recommend that 1259.08 Illumination be retitled to 1259.12 and 1259.05 j needs to be repealed. R. Splane made a motion, it was supported by J. Cunningham and was approved (5-1).

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R. Splane made a motion to set a public hearing for the next meeting for the comprehensive update to Chapter 1259 which includes revisions that will address the supreme court ruling concerning content based regulations.

B -1 DISTRICT AMENDMENT

D. Jirousek provided an overview of the proposed B-1 Zoning District text amendments and changes since the July meeting, including clarifications to corner lot regulation, exterior building materials, and setbacks for rooftop mechanical equipment. D. Jirousek recommended that the July 26th memo, which includes the proposed zoning language, be sent to Hart Main Street for review and that a public hearing be set on the matter for official comment at the September Planning Commission meeting.

REDEVELOPMENT READY COMMUNITY (RRC)

D. Jirousek gave a quick outline and an update of our progress. P. Wittman made a motion, supported by J. Cunningham, to confirm our dedication to the RRC and believe it is a move in the right direction. This was approved (6-0).

CHICKENS – ZONING ORDINANCE UPDATE

There was a quick discussion on how many chickens should be allowed and it was generally agreed that 6 would be acceptable. Setbacks and privacy requirements were mentioned. Some thoughts expressed were that chickens belong with country life, not city life. Also noted was that some parts of the city have restrictions and covenants that would not allow chickens even if there is an ordinance to allow them. J. Cunningham made a motion and D. LaPorte supported it, to invite Mr. Martinez to attend the next Planning Commission/Public Hearing in September and explain his interest and to see if anyone else shows up with interest. This motion was approved (6-0).

The next meeting is September 7th at 4 p.m. and will also be a Public Hearing.

The meeting adjourned at 6:15 p.m. upon motion by J. Cunningham and supported by P. Wittman.