



CITY OF CHELSEA
PLANNING COMMISSION AGENDA
JULY 18, 2006
7:30 P.M.

404 WASHINGTON ST., CHELSEA, MI

(Same Building the Library is in)

CALL TO ORDER

APPROVAL OF MEETING MINUTES

- Approval of the Meeting Minutes for June 20, 2006.

APPROVAL OF WORK SESSION MINUTES

- Approval of the Work Session Minutes for June 12, 2006

PUBLIC PARTICIPATION

OLD BUSINESS

- **Silver Maples** – An application has been filed by Jerry Wilczynski of Silver Maples for Final Site Plan approval of a proposed 28 Apartment Unit Addition on the following described parcel of land: TAX CODE: Part of # 06-07-18-210-002, 100 Silver Maples Drive, Chelsea, MI
- **Hatch Stamping** - An application has been filed by Hatch Stamping Co, of 635 E. Industrial Dr., Chelsea for Preliminary Site Plan approval of a proposed 40,000 Square Foot Addition for the following described parcel of land: TAX CODE: # 06-06-12-250-019, 635 E. Industrial Dr., Chelsea, MI 48118

NEW BUSINESS

- **Nomination of Planning Commissioner to Zoning Board of Appeals**

DISCUSSION

- **Sandwich Board Signs**

REPORTS

CORRESPONDENCE

ADJOURNMENT



CITY OF CHELSEA

City of Chelsea Planning Commission Meeting Minutes

July 18, 2006

7:30 P.M.

Room 404

Washington Street Education Center

500 Washtenaw St., Chelsea, MI

Members Present: Chairman Chris Rode, Joel Abramson, Casey Blair, Ann Valle, Rik Haugen, George Kinzer, Chris Pick,

Members Absent Peter Feeney, Walter Bolt

Others Present: Planning & Zoning Administrator - James Drolett, City Planner-Carl Schmult, Trustee Cheri Albertson (arrived 7:48 pm)

Others Absent: City Trustee-Frank Hammer, City Engineer – Christine Linfield,

CALL TO ORDER

Chairman Rode called the Meeting to order at 7:38 p.m.

APPROVAL OF MEETING MINUTES

- **Meeting Minutes** - Approval of the Meeting Minutes for June 20, 2006. A motion was made by George Kinzer, supported by Chris Pick to approve the Planning Commission Minutes of June 20, 2006. 7 Ayes, 0 No, 2 Absent. Motion passed.

APPROVAL OF WORK SESSION MINUTES

- **Work Session Minutes** – Approval of the Work Session Minutes for June 12, 2006. A motion was made by Ann Valle, supported by Joel Abramson to approve the Work Session Minutes for June 12, 2006. 7 ayes, 0 No, 0 Absent. Motion passed.

PUBLIC PARTICIPATION

Chairman Rode opened and closed the Public Hearing. No comments were made.

OLD BUSINESS

- **Silver Maples – Final Site Plan** An application has been filed by Jerry Wilczynski of Silver Maples for Final Site Plan approval of a proposed 28 Apartment Unit Addition on the following described parcel of land: Tax Code: Part of # 06-07-18-210-002, 100 Silver Maples Drive, Chelsea, MI

Carl Schmult went over his comments, and Jim Drolett read over Christine Linfield's.

The petitioners commented that they would like to keep lighting consistent with what is already in the parking lot. The landscaper said that they are still a shoebox light pointed downward however Commissioner Kinzer is still concerned that the orange lighting is too bright. Rik Haugen would like to see the poles shorter to be consistent with what the Planning Commission has required in other commercial developments. Ann Valle also asked if you could use the same lights with shorter poles. The landscaper said they could do that, but would need to reconfigure what is needed. Chris Rode noted that the property is well buffered by trees.

Rik Haugen noted that some of the trees listed are not big enough; they listed them as 2 inch caliper, compared to the required 2 ½ inch. At 2 inches, they are considered an ornamental tree. More trees are needed to meet the requirement. The landscaper said that they do have opportunities to put in more trees and wants to provide what meets the ordinance. There are several ash trees that currently are not diseased and one of the residents for the advisory committee asked that those ash trees be left alone until such time when they become diseased with Ash Bore. They provide a good buffer for the residents from the construction, and there is a big difference changing out a 10-inch caliper Ash to 2-½ inch caliper.

Sheri Albertson departs.

The total deficit is 38 trees minus the 7 trees counted along the driveway, and 18 perimeter trees, which brings the number of trees to be added to 13. In addition to this, they need to replace those 6 Ash trees when they become diseased and increase the caliper on the 10 American Hornbeam trees to a caliper of 2-½ inch instead of 2-inch caliper. Rik Haugen does not like oak trees in the parking lot. This is a Senior Citizen site, and trees should not be fruit bearing for safety. In addition, he noted that October Glory is more of a southern strain red maple and he recommends another variety maple.

Much discussion about our Landscape Standards. Jim again noted that we need a table that is more specific and calls out tree credits and how many is required, and are perimeter trees counted, etc. Trees outside the parameter cannot be counted. Rode argues that a petitioner could move his parking lot based on the cluster of trees in any given area. .

A motion was made by Casey Blair to accept the final site plans as proposed subject to Carl Schmult's report with the exception of item 3, add 13 canopy trees, in addition

replace all ash trees as needed. Also the overlook will need to be in specification to layout, and will be included and submitted to the city, and all other requirements from Christine Linfield's report will be met noting that item 10 will not be an issue, supported by Chris Pick.

An amended motion was made by Casey Blair that in addition to the first motion, all canopy trees have to have a minimum 2 ½ inch caliper.

An amended motion by Casey Blair that in addition to the first two motions, that the petitioner include the details for the new integral curving walk be specified at 7 feet, supported by Chris Pick. 7 Ayes, 0 No, 0 Absent, Motion passed.

Hatch Stamping – Preliminary Site Plan An application has been filed by Hatch Stamping Co, of 635 E. Industrial Dr. Chelsea, MI 48118

It was noted that this site plan is a combined Preliminary and Final Site Plan review. Carl Schmolt went over his comments, and Jim Drolett read over Christine Linfield's

Jim Drolett said that if the applicant doesn't understand comments on the reports regarding drainage, he and Christine Linfield will meet with them for clarification. Mr. Drolett asked if the petitioner could put hard crushed gravel at the end of their driveway. They said that the only problem with that is they are extending the swale from the ditch,

A motion was made by Ann Valle to approve the combined Preliminary and Final site plan contingent on reports by the City Engineer and City Planner being met, supported by Rik Haugen. 7 Ayes, 0 no, 2 Absent. Motion passed.

- **Springfield Place (Formerly Westchester Place)– Preliminary Site Plan** capacity.

A motion was made by Ann Valle that we remove Springfield Place from the table, supported by George Kinzer. 7 Ayes, 0 No, 2 Absent. Motion passed.

A motion was made by Ann Valle, that we table Springfield Place supported by George Kinzer till the August 15,2006 Planning Commission Meeting. 7 Ayes, 0 No, 2 Absent. Motion passed.

A memo was handed out in which the petitioner has requested to be put back on the August agenda.

NEW BUSINESS

- **Nomination of Planning Commissioner to Zoning Board of Appeals.**

Casey Blair was recommended as the Zoning Board of Appeals member.

DISCUSSION

- **Sandwich Board Signs**

City Council asked the Planning Commission to make a recommendation regarding Sandwich Board Signs. A memo was passed out with advice on this issue from an Attorney.

Mr. Drolett is most interested in finding out if zoning has control over this type of signs. Based on legal advice in the memo it sounds like it does. In fact, George Kinzer feels the memo precludes the legality of council to grant this exclusion to sandwich boards. Jim said we need to send a copy of this memo to the DDA and the Retail Advisory Council committee

Along Main Street MDOT's right of way is 66 feet, and the building fronts can be 74 feet, who owns the additional footage. MDOT does not want anything in their right of way.

The Planning Commission originally wanted to use some of Dexter's language to construct our own sandwich board sign language but Dexter does not have a state road running through it, which changes the legalities.

We might advise that City Council get more legal information. Chairman Rode will finish preparing the recommendation for the next meeting to take to council

ADJOURNMENT

A motion was made by Chris Pick, supported by George Kinzer to adjourn the Planning Commission Meeting at 9:45 p.m. 7 Ayes, 2 No, 2 Absent. Motion passed.

Sincerely,



Karon R. Barbour
Planning and Zoning Reporting Secretary

ORDINANCE NO. 146

AN ORDINANCE RELATED TO SIGNS IN THE PUBLIC RIGHT OF WAY,
AND TO AMEND THE PROVISIONS OF
ORDINANCE NO. 94, SIDEWALK AND STREET OBSTRUCTIONS.

THE CITY OF CHELSEA ORDAINS:

SECTION 1. Compiled Ordinance Section No. 271.001, Section 1, Ordinance No. 94, is amended by the addition thereto of the following provision:

271.001a **Portable sandwich board signs where freestanding signs are not in use.**

Section 1. Permitted placement. Portable sandwich board signs are permitted to be located within certain public rights-of-way of the City of Chelsea within the ~~following defined business districts:~~

a. ~~Central Business District, being those businesses, properties and areas zoned as C-2, C-5 and C-6, as defined by Chelsea City Zoning Ordinance.~~

b. ~~South Business District, being those businesses, properties and areas zoned as C-1, C-2, C-3 and C-4, and fronting upon Main Street (M-52) between its intersections with Old US-12 and Old Manchester Road, and fronting upon Old US-12 between its intersections with Old Manchester Road and Main Street (M-52).~~

c. ~~North Business District, being those businesses, properties and areas zoned as C-2 fronting on Sibley Road.~~

Section 2. Exclusions.

- a. Permits for portable sandwich board signs shall not be issued if a freestanding sign is in use for the property or business.
- b. Any attachment, component or material that gives the effect of movement or animation shall be prohibited on portable sandwich board signs.
- c. Attachments such as flags, balloons, streamers, or similar materials shall be prohibited on portable sandwich board signs.
- d. Any message that may cause confusion with or imitate a traffic control device shall be prohibited on portable sandwich board signs.

Section 3. Permits. Permits are required for the placement of portable sandwich board signs within the ~~above-described districts~~ Central Business District.

Section 4. Portable Sandwich Board Sign Defined. As used in this ordinance, "portable sandwich board sign" means two rigid boards, connected at the top to form an A-frame or a single board held vertically and supported at the bottom, which shall be structurally stable under all reasonable wind and weather conditions.

Section 5. Where permitted:

- a. A portable sandwich board sign is allowed by permit in the public right-of-way adjacent to a business or property in the ~~above-described districts~~ Central Business District.

- b. Only one (1) portable sandwich board sign is permitted per business.
- c. The portable sandwich board sign must be substantially related to the adjacent business.
- d. ~~In the Central Business District, t~~The portable sandwich board sign shall be located in the outermost two (2) feet of the public right-of-way within the frontage of the adjacent business.
- e. ~~In the South Business District and North Business District, the portable sandwich board sign shall be located in the outermost three (3) feet of the public right-of-way within the frontage of the adjacent business. The sign shall not be located on the sidewalk.~~
- f. No additional signage is allowed in the public sidewalk area. A portable sandwich board sign shall not obstruct the clear pedestrian walking path. A minimum of five (5) feet of clear walk area shall be provided adjacent to the sign, and the sign shall be at least five feet from a pedestrian ramp. The portable sandwich board sign shall not obstruct any driveway or obstruct the sight lines of motorists entering or existing a driveway or street.
- g. The portable sandwich board sign shall be portable to allow easy relocation, and shall not be attached to a pole, fire hydrant, parking meter or any other stationary fixture in the public sidewalk area.
- h. The portable sandwich board sign shall be removed from the right-of-way during non-business hours.

Section 6. Size.

- a. ~~Within the Central Business District, t~~The top of a portable sandwich board sign shall not be higher than four (4) feet above the sidewalk and no wider than two (2) feet in width.
- b. ~~Within the South Business District and North Business District, the top of a portable sandwich board sign shall not be higher than five (5) feet above the sidewalk and no wider than three (3) feet in width.~~

Section 7. Nuisances. If a police officer, ordinance enforcement officer, city manager or representative of the city manager determines that a portable sandwich board sign in the public right of way is a nuisance; the owner of the sign shall be notified. If the nuisance is not corrected within 24 hours of notification, the sign shall be confiscated by the city. The owner of the sign shall be responsible for all liability related to its use.

Section 8. Issuance, Denial, Revocation and Conditions of Permits. The city manager is authorized to issue, deny and revoke permits, in an exercise of the manager's discretion under the standards of this Ordinance. As a condition of the issuance of a permit and its continuance, the city manager shall require the filing of a certificate of insurance coverage insuring the city as an additional insured party in the amount of at least \$1,000,000.00 for public liability and property damage associated with the use and placement of the sign, to be adjusted annually in accordance prevailing rates and coverages and a hold harmless and

indemnification agreement signed on behalf of the business. All signs are subject to removal at the order of the police and city manager for emergencies, major events, and right of way maintenance, at all times. The city council shall establish a schedule of fees and costs for the issuance of permits and enforcement of the Ordinance, and the term and conditions of permits.

Section 9. Penalties. Any person or persons who shall violate any provision of this amending ordinance shall be responsible for a civil fine in the amount of \$100.00 for each violation, and in the event of a second violation within three years, a \$200.00 fine, and in the event of a third violation within three years a \$500.00 fine, together with the costs of collection and prosecution.

SECTION 2. All other provisions of Ordinance No. 94, not expressly inconsistent herewith are hereby ratified and reaffirmed.

SECTION 3. Effective Date. This ordinance shall be effective twenty (20) days after adoption and publication.

* * * * *

STATE OF MICHIGAN)
COUNTY OF WASHTENAW) SS

I, **TERESA L. BURTCH**, Clerk of **THE CITY OF CHELSEA**, a Michigan Municipal Corporation, do hereby certify that at a regular meeting of the Chelsea City Council, in the Council Chambers, Washington Street Education Center, in said City at _____ p.m., Eastern Standard Time, on the ____ day of _____, 2006, that the above Ordinance was adopted after Public Hearing and Recommendation by the Chelsea City Planning Commission and that the following Members were present:

The following members were absent:

That upon motion made by _____ and seconded by _____, said Ordinance was adopted on the following roll call vote:

AYES

NAYES

I further certify that on the ____ day of _____, 2006, I caused a true copy of said Ordinance to be published in the Chelsea Standard, a newspaper circulated in the City of Chelsea, and that said Ordinance and the record of publication was duly recorded in the Book of Ordinances of the City of Chelsea and is available for public use and inspection at the offices of the Chelsea City Clerk.

TERESA L. BURTCH

Dated:



AGENDA ITEM SUMMARY

Meeting of: June 13, 2006

Agenda Item Title: Ordinance No. 146 – An Ordinance to Permit Portable Sandwich Board Signs in the Public Right-of-Way

Submitted by: Michael J. Steklac, City Manager

Approved for submittal:

City Manager

Explanation of Agenda Item: A subcommittee of the Retail Advisory Council has been meeting for several months to provide a recommended Ordinance change to address sandwich board signs in the downtown as well as other commercial areas in the City. A meeting was held on May 31, 2006 to work out issues that were raised with the version of the ordinance introduced on May 23, 2006.

The proposed ordinance would allow portable sandwich board by permit issued by the City in the Central Business District, South Business District, and North Business District. Highlights of the Ordinance include:

- Permit will not be issued for a sign under this ordinance if the business already has a freestanding sign.
- The size of the sign shall not be larger than 4 feet in height and 2 feet in width in the Central Business District and 5 feet in height by 3 feet in width in the South Business District and North Business District.
- The sign must be placed in the outermost 2 feet of the right-of-way in the Central Business District and the outermost 3 feet of the right-of-way in the South and North Business Districts.
- A minimum of 5 feet of clear walkway shall be provided next to the sign and the sign shall not be placed within 5 feet of a pedestrian ramp. The sign cannot be placed on the sidewalk in the South and North Business Districts.
- The sign cannot be permanently attached to any fixture and must be portable.
- The sign must be removed during non-business hours.
- The sign cannot have any material or attachments that give the effect of movement or animation. The sign cannot have any attachments such as flags, balloons, streamers, etc.
- Only one portable sandwich board sign per business and the sign must be substantially related to the adjacent business.
- Provides that the City Council can establish a permit fee for the cost associated with permit issuance and enforcement.
- The owner of the sign is responsible for all liability related to the placement and use of the sign. The sign owner must provide \$1 million in liability and property

damage insurance and sign a hold harmless and indemnification agreement.

- Signs that are determined to be a nuisance may be notified by a police officer, ordinance enforcement officer, city manager, or designee of the city manager to correct the nuisance. If the nuisance is not corrected, then the sign can be confiscated by the City.
- Signs are subject to removal at the order of the police or city manager for emergencies, major events, or right-of-way maintenance.
- Civil penalties for violation range from \$100 to \$500.
- The City Manager is the designated person to issue, deny, or revoke permits.

The approach to the proposed ordinance is that the City has control over signs that may be placed in the public right-of-way and on public sidewalks. Therefore, it is outside of the Zoning Ordinance.

If the Ordinance is adopted at the June 13, 2006 City Council meeting, it would become effective in 20 days after publication.

Fiscal or Resource Considerations:

Does this agenda item require the expenditure of funds? YES NO

If YES, are funds budgeted? YES NO

Are staff or other resources required? YES NO

Staff resources will be necessary to process permits and to enforce the ordinance.

Advisory Board/Commission/Committee Action/Recommendation: The Downtown Development Authority Board of Directors considered the original proposed Ordinance at their May 18, 2006 meeting. The Board adopted a motion to support the ordinance and forward it to the City Council.

Staff Comments: Planning and Zoning Administrator Jim Drolett was consulted. Most of his concerns have been addressed in the revised ordinance. Jim sent e-mails to the Michigan Department of Transportation and the Washtenaw County Road Commission requesting their comments on the proposed Ordinance.

City Manager Comments/Recommendation: Many of my concerns were addressed in the revised Ordinance. However, it is still my recommendation to not extend the ordinance to cover the South and North Business Districts. Commercial businesses outside of the Central Business District have the ability to erect a freestanding sign with changeable copy to advertise events and specials. Downtown businesses do not have that option. The sandwich board signs lend themselves to a pedestrian environment. A larger freestanding sign with a changeable copy sign is more appropriate for a vehicular environment.

Portable signs on downtown sidewalks are more protected from the roadway with light standards and parallel parked vehicles. A vehicle that is out of control is more likely to hit a sign in the South or North Business Districts than one in the Central Business District.

Further, the City has permitted limited commercial activity (e.g. display of goods and

outside seating) within the public right-of-way in the Central Business District that has not been permitted in commercial areas outside of the downtown. In the past, the Michigan Department of Transportation has not actively enforced or objected to this limited commercial activity on Main Street in the Central Business District.

Although, I understand that a freestanding sign is more expensive than a portable sandwich board sign, sign cost is not a consideration in the sign ordinance and should not be a consideration in this ordinance.

Due to the revisions in the proposed ordinance, which does not permit a sandwich board sign if the business has a freestanding sign, the number of businesses outside of the downtown area that can have a sandwich board sign is limited. The number of businesses in the South Business District may also be limited further by Michigan Department of Transportation and/or Washtenaw County Road Commission regulations.

The City Manager recommends that the version of the ordinance that reflects the City Manager's recommendation be adopted.

City Manager Recommended Form of Motion: Motion to approve *An Ordinance Related to Signs in the Public Right-of-Way and to Amend the Provisions of Ordinance No. 94* as recommended by the City Manager.

Alternate Motion: Motion to approve *An Ordinance Related to Signs in the Public Right-of-Way and to Amend the Provisions of Ordinance No. 94* as set forth in the draft dated June 5, 2006.

Names and addresses of those to be notified:

1. Chris Rode, Planning Commission Chair (via e-mail)
2. Downtown Development Authority Board of Directors (via e-mail)
3. Chelsea Retail Advisory Council Sandwich Board Sign Subcommittee (via e-mail)

Attachments:

1. *Ordinance No. 146 – An Ordinance Related to Signs in the Public Right-of-Way and to Amend the Provisions of Ordinance No. 94*, Draft dated June 7, 2006.
2. *Ordinance No. 146 – An Ordinance Related to Signs in the Public Right-of-Way and to Amend the Provisions of Ordinance No. 94* highlighting the City Manager's recommended amendments.
3. Forwarded e-mail from Michigan Department of Transportation regarding advertising signs in the right-of-way dated June 6, 2006.

All Agenda Item Summaries and any attachments are due in the City Clerk's Office by 5:00 p.m. on the Wednesday prior to the City Council meeting. If the Wednesday prior to the City Council meeting is a holiday, then the submission deadline is 5:00 p.m. on Tuesday.

PLEASE SIGN IN

PLANNING COMMISSION MEETING

Date: JULY 18, 2006

NAME & COMPANY

ADDRESS

Gregory Wilczynski Silver Maple
Tim Hader Schonscheck, Inc.
Ken Culbertson ABC
Cheryl Kople Washenaw Eng

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