

MINUTES
City of Alpena Planning Commission
Regular Meeting (Council Chambers and Virtual)
February 14, 2023
Alpena, Michigan

CALL TO ORDER:

The regular meeting of the Planning Commission was called to order at 6:00 p.m. by Randy Boboltz, Planning Commission Chairman.

ROLL CALL: PLANNING COMMISSION

PRESENT: Wojda, Boboltz, VanWagoner, Gilmore, Moses, Sundin, Kostelic

ABSENT: Peterson

STAFF: Montiel Birmingham (Planning, Development, and Zoning Director), Kathleen Sauve (Recording Secretary)

COUNCIL: Councilwoman Johnson

PLEDGE OF ALLEGIANCE: Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Agenda was approved as printed.

APPROVAL OF MINUTES: Meeting January 10, 2023, minutes were approved with a correction suggested by Sundin on page 3, line 10, to read - He said that he feels a 500-foot buffer between marihuana businesses may be too much.

PUBLIC HEARING: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS: Zoning Ordinance Updates: Article 2: Sign Definitions; Article 4: Signs – Birmingham gave the Board some background information on what was included in the meeting packet. She then introduced Denise Cline (NEMCOG). Cline explained that the proposed changes to the Ordinance are still only in draft form, but will later be put into amending Ordinance format. She said that the purpose of the changes is to provide some clarity and also provide some leeway to what it is currently. Beginning with discussion about

Murals, Cline stated that the current definition of a wall sign would include a mural. Their goal is not to restrict murals, so they excluded murals from the definition of signs. Extensive discussion ensued about Murals concerning whether murals are in fact signs, the specific exclusion of murals in the sign definition, do murals have a commercial or non-commercial message, whether content could be regulated, on-premise versus off-premise, the difference between art and advertising, potential mitigation in the future surrounding regulation of murals, potential changes to murals when refreshing them, potentially having a second level of approval for murals, and what is the purpose of regulating signs to begin with.

Cline reviewed the proposed changes to other definitions such as Sign Area, Feather Banner or Sail Sign, Air Dancers, Awning Sign, new pictures of marquee sign, addition of Permanent Sign, Small Off-Premise Sign, and Large Off-Premise Sign. Birmingham explained the new definition of Roof Sign and that it was changed because of recent cases that had to go to the Zoning Board of Appeals. She also explained how a sign would be allowed on a mansard roof. Next, she said that flags have never been regulated unless attached flat to the wall of a house or building. She asked the Planning Commission if the City should regulate flags in the future, and if the word 'flagpole' needs to be more clearly defined. The members all agreed that a hands-off approach is best, and flags should not be regulated. Numerical restrictions on political signs were discussed, along with Johnson questioning why signs in the right-of-way are confiscated instead of moving them into the corresponding yards. They discussed that they should restrict but relax/increase the number of [temporary] signs allowable during certain times of the year.

Section 4.1 – Sign Permit Procedure and Enforcement - Cline explained changes to when a sign permit is required. A permit would be required when the sign structure is being removed and replaced or if any structural change is being made to the sign, including a change to the sign's size. A sign permit would not be required if a sign message is being changed by re-painting, changing lettering, or changing the sign "skin", or non-rigid covering. It was then clarified that the Building Official shall be responsible for issuing a building permit for signs that require one. Sundin asked how portable signs are to be regulated if they do not require a permit. He suggested a free permit process so that the days allowable can start to be counted. Cline explained they will no longer require a license for sign erectors. Birmingham elaborated by explaining that requirements are built in from a safety standpoint [in the permitting process] and are also inspected after they are erected.

Section 4.2 - General Sign Standards - Cline said they are proposing the visibility triangle be changed from a twenty-five-foot setback to fifteen feet, and also changed the height requirement within the visibility triangle from three feet to four feet, in order to align with the height requirements of fences within the Ordinance. Language was added about [sign illumination] becoming a nuisance to people on the street or adjacent properties, so that the illumination is not shining all over houses. The Flashing/Moving signs section was struck out due to it being repeated elsewhere in the Ordinance. Subsection K -Abandoned Signs was added. Subsection O - Allowable Sign Size Increase was changed to allow the Zoning

Administrator to increase the allowable sign sizes and heights listed by up to twenty-five percent when it can be demonstrated that an increase in size is necessary, and would lessen the need for ZBA cases. Birmingham explained that currently, if someone wanted a variance for a sign they would have to go to the Zoning Board of Appeals, but the requirements for the Zoning Board of Appeals really do not fit a sign. She stated that they should consider putting something in the ZBA section so that there is a better process for asking for a variance for a sign. She said she would like to have some flexibility but also questioned whether the overall sign size and height are right [in the Zoning Ordinance]. She stated that she had four sign variance requests in one month which were all approved. Wojda agreed that there should be a certain amount of discretion with standards, and if the variance standards for the ZBA do not make a lot of sense, there should be similar types of standards to the ZBA for proposed increases of greater than whatever percentage they decide upon; it would speed things along creating less need for ZBA hearings, while still having to come in and meet standards. Sundin suggested that there should be an appeals process to go to the ZBA [should they disagree with the Administrator's decision], rather than saying that the Administrator has the sole authority.

Section 4.3 - District Regulations for Signs - Cline explained that B-2 was moved to the same category as OS-1 and B-1. Birmingham asked for input for sign sizes, to which much discussion by members took place. Birmingham explained that most of the time, the City is getting applications from sign companies, whose expertise is signs, and it is important to have some flexibility because every situation is unique. She also suggested changing the monument sign height to be less, and increasing the maximum height of pylon signs.

Section 4.4 – Temporary Signs, Cline explained that rather than limiting the number of temporary ground signs, they could limit the total square footage of all the signs together. Discussion took place among members in regard to multi-family establishments, certain deed restrictions that may not allow signage, signs on vacant lots, and the difference between zoning lots and platted lots. Permitted time periods for portable signs and attention getting devices were discussed, as well as the number of them allowed.

Section 4.5 – Wall Signs – Supplemental Regulations – No objections were made to the wall sign increase table, but Sundin expressed concern about how far a wall sign may project above the wall to which it is attached. Cline suggested putting a percentage restriction on it, while Birmingham suggested a height restriction.

Section 4.6 – Projecting Signs – Supplemental Regulations – Birmingham explained that the current square footage restriction of only ten feet is too small, and it is proposed to change to forty feet. She said that if you look at old pictures of the downtown, a lot of the projecting signs are larger than what the City currently allows but they looked really nice.

Section 4.7 – Marquee or Awning Signs – Supplemental Regulations – No concerns or discussion about proposed changes.

Section 4.8 – Roof Signs – Supplemental Regulations – Cline explained that this language was put in there but then struck out because they decided that roof signs would not be allowed except for on certain parts of a roof.

Section 4.9 – Message Boards – Supplemental Regulations – Cline explained that Message Boards shall count toward the total available sign square footage allowed on the property, rather than the former language which restricted it to fifty percent of the primary sign.

Section 4.10 – Off-Premise Signs – Cline said that Off Premise Advertising Signs were changed to Large Off-Premise Signs (Billboards), and the Illumination section was changed to match that of the Highway Advertising Act. She also said that the section for Combination Off-Premise and On-Premise Electronic Message Board was removed completely because the standards were content based. Next, she explained that Off-Premise Directional Signs were changed to Small Off-Premise Signs on Private Property (Permanent or Temporary) because the word ‘directional’ made it content based. There were no objections from the Board. Cline told the Board that Map 4.1 was removed. The Sign Diagrams page was also deleted because the diagrams are now located within the definitions section. She added that Murals content was inserted into Section 4.11.

COMMUNICATIONS OR REPORTS: Council Meeting Update – Marihuana – Birmingham told the Commission that there are still some tasks that they are going to go back to Council with at the next session, primarily around growers and processors, and a possible buffer from residential [zones] to protect from the smell. She, along with Rachel Smolinski, had an opportunity to visit some locations around the area and got some great feedback from them. She stated that due to some power companies not having enough energy or bandwidth to support them, some growers use large diesel fueled generators to power their facilities which are extremely loud and would need to be addressed. From an odor perspective, she said that one facility smelled strongly while the other did not; the one that did not smell strongly used better technology to rid the smell and said that carbon filters alone are not enough. From a curbside perspective, she said she thought that Council and Planning Commission are on the same page; Council also agreed that the Planning Commission should be the ones to decide if the drive through makes sense or not. Birmingham also stated that they would like to lump Micro-businesses together with growing establishments as opposed to being allowed in the Business district. Also, they [Council] will look at a few different buffers for growers from residential zones. Having watched the last City Council meeting recording, Boboltz said he agreed with the direction Council was going on that, and agreed that generators would need to be addressed. Birmingham said that she will have Zoning Ordinance modifications ready to go shortly after any decisions are made and that both the Zoning Ordinance and the Municipal Code will need to align with one another.

CONTINUING EDUCATION: None.

PUBLIC COMMENT: None.

MEMBERS' COMMENTS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:10 p.m., by Boboltz, Planning Commission Chairman.

Clayton C. VanWagoner, Secretary