

YANKEE SPRINGS TOWNSHIP
PLANNING COMMISSION
Regular Meeting

Thursday, November 15, 2012

Yankee Springs Township Hall
284 North Briggs Road, Middleville, Michigan 49333

FINAL MINUTES
Accepted as Info.
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MINUTES

Meeting called to order at 7:00 PM by Chairman Frank Fiala.

PLEDGE OF ALLEGIANCE

Roll Call: Present: Cunningham, Wells, Beukema, Schwennesen, and Fiala.

Absent with Notice: Cathy Strickland, Greg Purcell

Staff Present: Constable Jim Orr, Zoning Administrator Robert Lippert.

Sarah Traxler, of McKenna & Assoc., was present as well.

Visitors: (5) Not including staff present.

CALL TO ORDER
PLEDGE
ROLL CALL

ADDITIONS OR CORRECTIONS TO AGENDA:

Al Schwennesen asked for two minutes of time before the adjournment.

ADDITIONS TO AGENDA

MEETING REPORTS:

- **ZBA REPORT: Gordon Wells:** The recent ZBA meeting will be a major discussion tonight's meeting.
- **BOARD OF TRUSTEES REPORT: Al Schwennesen**
- Meeting held November 8, 2012.
- On Monday, November 19, 2012, newly elected board members will take the Oath of office at 7 p.m.
- Mark Englerth said "Thank you" with beautiful wall hangs (plaques) to: Alice Jansma, Sandy Marcukaitis, Chuck Misak, Al McCrumb and Al Schwennesen for their work in the township and community.
- Second payment of \$15,000 was made on the ADA restrooms, canopy and etc.
- \$24,750 was paid to West Michigan Dirtworks on the parking lot. There is a small retainer left for anything that may have to be done.

ZONING ADMINISTRATOR'S REPORT: Robert Lippert

- SPR's for October: (3) 1- New house, 2 - enclosed decks, 1 - fence, 1 - garage addition.
- Planning Commission: Skewed setback average formula was determined, and outbuilding maximum square footage was increased to 1600 sq. feet.
- Complaints (4)
- McKenna Bill of \$540 was approved by the Board
- FEMA Update: No LOMAs (Letters of Map Amendments) were added in October (kind of a rarity). Current total is 276 out of 465 parcels.
- FEMA has all the information for remapping purposes.

MEETING REPORTS

ZBA Report- G. Wells

Board of Trustees Report-
Al Schwennesen

ZA Report: R. Lippert

PUBLIC COMMENT: None at this time.

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APPROVAL OF MINUTES

Motion by Beukema with support from Schwennesen to approve minutes of Planning Commission meeting of October 18, 2012 as presented. All ayes. MOTION CARRIED.

PUBLIC COMMENT

APPROVAL OF MINUTES

Motion to approve PC meeting minutes of October 18, 2012 as amended. Motion Carried.

McKenna Billing (October 2012): Motion by Schwennesen with support from Wells to confirm the October 2012 billing from McKenna Associates in the amount of \$540.00. All ayes. MOTION CARRIED.

McKenna Billing- October 2012

NEW BUSINESS:

NEW BUSINESS

ZBA Interpretation: Non-conforming Signs-

ZBA Interpretation: Non-conforming Signs

Fiala, Chairman, introduced the main topic of New Business. Draft copies of the recent ZBA meeting (Nov. 13) were distributed to PC members. The sign corner situation (at M-179 and Patterson) has been dormant for about 12 years. Many hours have gone into working on this situation (in just the last six weeks or so). An ad hoc committee has been formed. Fiala's thoughts are that a joint meeting (Bd. of Trustees, ZBA and Planning Commission) is needed. Work sessions would be useful as well. Fiala mentioned the DNR offering posting of signs on their land as well as Heritage Route/MDOT signage as well. Fiala summarized attendance at a fairly recent sign ordinance class as not being as informative as desired. Sarah Traxler added later in the meeting that she had heard similar comments regarding the sign ordinance class.

Fiala opened discussion by commenting that possibly the sign ordinance could be more general (a general guideline) and when someone has a sign request, it could be treated as a SEU (Special Exception Use). Negotiations could be made and conditions could be put on these. The PC would take into consideration #1) Where the sign is and #2) Does it kind of meet and do the things the PC has in mind? Fiala also commented on the current use of cell phones and technology. Fiala also mentioned "You are here" signs posted within the community. Also, large, dynamic signs need to be considered as well. **G. Wells** asked if the PC should be searching for prototypes. It was commented that three prototypes were obtained from the class. Two of the prototypes would not hold up in court. **R. Lippert** added that any ordinances that are adopted should not be content related. They need to be equal and fair. R. Lippert added that he thinks there has to be some standards in place and they need to be adhered to. **S. Traxler of McKenna** brought a copy of the Michigan Sign Code Book. Traxler commented that a strong purpose statement is needed. Traxler commented that the last thing you want to do is make it a subjective process. It should be something that is easily reviewable. If three different people went through the sign review, they should come up with the same answer. Traxler continued that the ordinance would need dimensions, such as minimum setbacks and maximum sign area, but you can write in trade-offs, as long as it's justifiable, relates to the purpose statement, and is in line with what YS has established with the community/corridor here. Make sure that it is a

rational basis, transparent, and not subjective. S. Traxler continued commenting that the guidebook cautions a bit on regulating style for on-premise signs. This doesn't pertain to "way finding signage" but to on-premise signs, if it is not in a historic district, where it clearly relates to the place making activities of that district. You might exercise some caution in dictating a style or color pallet. That can get into the first amendment. McDonald's could come in and say, "Red and yellow are part of our marketing scheme. Without red and yellow, we're not McDonald's." **R. Beukema** commented that he wonders about the idea of SEU use to bring into the signage process. He felt that possibly SEU's could be combined with the signage standards that encourage those who put up a sign to do a really good job and maybe give some benefits to the sign owners. Beukema also mentioned having a special designation for the M-179/Patterson corner because it has room for signs. **M. Cunningham** mentioned that "pro-business" seemed to be heard at a lot of the meetings. He feels that the PC also needs to be thinking that if we are going to have a rule, it needs to enforce it. Minimum rules will keep people from having to come to the township for every little thing. He doesn't want people to have to pay money to come to the township for every little thing either. Content could be dealt with when redoing the sign ordinance. M. Cunningham mentioned also that there should be a balance in the community, not putting aside the residential aspect of it, just to be "pro-business".

Discussion took place on event signs, such as: garage sales, election, and real estate signs. **S. Traxler** remarked that sign ordinances are the most controversial of all ordinances. **R. Lippert** commented that there really needs to be some provision for event signage. He felt it would be really important to have this flexibility for the PC, so not to have special hearings on it. R. Lippert felt it should be made as simple and expeditious as possible. He mentioned the possibility of creating a form for signage for temporary events. He feels there is a problem with event signage and cited a problem that had occurred that day regarding banner type signs that were being used at a local business. The banner type signs go against the ordinance. The business cooperated and took them down. **R. Beukema** commented that maybe the PC needs to step out and try something different. Maybe the PC is fencing itself in too tight.

Motion by Wells with support from Beukema to recommend to the Township Board to have a joint meeting with the PC and ZBA regarding signage/sign ordinance. All ayes. MOTION CARRIED.

Motion by Wells with support from Cunningham to recommend to Township Board to pursue making contact with MDOT and the Heritage Trail Route Committee to see if this could be mutually beneficial and helpful to the township. All ayes. MOTION CARRIED.

Paul Heystek has been checking into **Heritage Routes with MDOT**. MDOT has recently re-organized regarding Heritage Routes. Tom Doyle is in charge of this reorganization. P. Heystek said that the State would like a committee to meet at least once a year and minutes to be taken. The State has a Heritage Route "planner". Of this overlay project, "signs" is just a subset. There are five recreational Heritage Routes. The other Heritage Routes are classified as "Scenic" and "Historic". P. Heystek

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Motion to recommend to the Township Board to have a joint meeting with the PC and ZBA regarding signage/sign ordinance. MOTION CARRIED.

Motion to recommend to Township Board to pursue making contact with MDOT and the Heritage Trail Route Committee to see if this could be mutually beneficial and helpful to the township. MOTION CARRIED.

suggested the possibility of getting the casino involved. The recreational Heritage Route involving Yankee Springs is 17 miles long, going from M-43 to 131. Heystek was told that if a committee is not established regarding this Heritage Route, the Heritage Route (program) could be lost. S. Traxler suggested finding a Heritage community similar to Yankee Spring's and looking at its sign ordinance. Fiala mentioned that the 17 mile stretch from M-43 to 131 is not all Yankee Springs. Fiala mentioned the possible involvement of Ben Geiger. Schwennesen inquired about funding. Fiala mentioned that it is MDOT funds. It can be considered "seed money" and it can get the Heritage Route signage going. As far as individual signs, this will have to be business driven.

Further thoughts from the ZBA interpretation:

Schwennesen felt that the relationship with J. Panyrek needs to be handled carefully. The PC should do everything possible to make Mr. Panyrek happy.

Jon Jerkatis, Township Treasurer, felt an official recommendation should be made by the PC that the moratorium be implemented.

Wells agrees with Schwennesen.

Beukema would like to have the goal defined (what is wanted of them). When the goal is defined, it is recommended that the township doesn't frustrate this.

Cunningham commented that as long as action is being taken, there will not be any further enforcement. He feels the letter handles it and doesn't need to go beyond it.

R. Lippert added that some real caution should be used when discussing moratoriums.

M. Englerth thinks that the township is already at the point that they are looking at excessive legal fees.

Cunningham inquired as to how the township can do something right now to allow the work J. Panyrek would like to do on the signs as soon as possible.

B. Campbell added that he came down to the township for a variance for this issue and he felt that it wasn't the way to go. Campbell felt that it didn't make sense to ask for a variance.

M. Englerth commented that way signage will happen. He asked what the problem would be to step back and say that maybe the PC/Township is on the wrong track and maybe should direct attention to fixing the wounds of the community. Englerth also mentioned that never before have we had an opportunity to work with the DNR. He also commented that the township has to take positive steps to get the community to believe in the township.

Cunningham suggested rescinding prior action and sending J. Panyrek another letter.

NEW BUSINESS continued

Further thoughts from the ZBA interpretation

R. Lippert suggested directing some of the questions to S. Traxler from McKenna, a professional planner. Further discussion occurred regarding the PC's actions, the drafting of a new letter, and the urgency of time in this matter with the property involved having a for sale sign on it.

S. Traxler commented that after hearing the discourse, she thinks the business community looks at the sign process as uncertain and confusing nonsense. She hasn't been empowered to lay out a plan or study- a setting out of strategy. S. Traxler commented that she will be at the Joint Meeting, even if it is on her own time. She can help with strategic planning and can provide an agenda for the meeting as well.

R. Lippert questioned if there was a way to put the signs in use for a specified period of time and then working on the remainder of signs, but not doing it astray of law.

Discussion occurred regarding the abandonment of signs. **B. Campbell** shared his communication with Panyrek when he (Campbell) wanted to put a sign up at the M-179 and Patterson for his business. Panyrek would not allow it because he (Panyrek) was told his signs were non-conforming. **Jerkatis, Treasurer** requested copies of correspondence sent to Mr. Panyrek and also plans for the possible sign project for the corner.

R. Lippert clarified that the issue of the church sign at the discussed corner, is a church and state issue. The township did not have it removed. R. Lippert is a member of the same church.

Beukema advised to send a letter to Mr. Panyrek, taking a chance that we are not in compliance, but making peace with the owner of the property. Beukema thinks that the township will suffer a lot more if this goes to court.

S. Traxler, of McKenna advised that J. Panyrek be sent to the ZBA for whatever he wants to do.

Paul Heystek said that there is so much room in the ordinance that it can be read narrowly or widely. He feels that the way to get around this is to make a determination due to the vagueness of that portion of the ordinance that he does have the ability to change the sign face only. (This refers to page 17.10.3)

Discussion occurred regarding the clause in the ordinance that says one cannot maintain a sign to prolong its life.

Further discussion occurred regarding whom the letter should come from in the township. S. Traxler suggested that the letter should come from R. Lippert. If R. Lippert changed his mind, he could rescind the original letter.

Motion by Beukema with support from Wells to recommend the Zoning Administrator write a letter to J. Panyrek to the effect that the Planning Commission will allow needed work to be done on certain signs - emphasizing intent to help business and the inclusion of 17.A.3 of the Township Ordinance. All ayes. MOTION CARRIED.

Motion to recommend the Zoning Administrator send a letter to J. Panyrek to the effect that the Planning Commission will allow needed work to be done on certain signs - emphasizing intent to help business and the inclusion of 17.A.3 of the Township Ordinance. MOTION CARRIED.

Due to the lateness of the hour, Sarah Traxler, Robert Lippert and Frank Fiala will stay after the meeting to work on the letter. Those with comments regarding the letter content were asked to stay after the meeting as well.

Discussion occurred regarding the time frame involved in the letter being sent out, who would be consulted on the letter (Bd. of Trustees, legal counsel) and the delivery of the letter.

Motion by Beukema with support of Cunningham to recommend that the next regularly scheduled meeting of the Planning Commission (December 20) be used for a joint meeting of the Board of Trustees, Planning Commission and ZBA. All ayes.
MOTION CARRIED.

Thornapple Township's Master Plan draft was distributed to PC members as well as a draft of the previous ZBA meeting.

OLD BUSINESS: None.

PUBLIC COMMENT:

Maxine Beukema, of Valley Dr., asked if J. Panyrek sold the property, would the right to have the signs remain be grandfathered in to the new owner? It was confirmed that whoever buys the property has the same rights. M. Beukema asked if there is a transfer of ownership, why do you transfer something that is non-conforming? It was confirmed that the existing rights pass to the new owner. A new ordinance, however, would take effect immediately.

Al Schwennesen stated for the end of the year PC report that he attended 12 of 12 PC meetings (tonight being his 11th) for the year plus a joint meeting and also attended a seminar/class on legal speed bumps in Battle Creek in the spring. Schwennesen has really enjoyed his work on the Board of Trustees and being on the Planning Commission for 19 years. It is with kind of a heavy heart that he is leaving. Schwennesen feels that the current Planning Commission is the best PC he has ever worked on.

ADJOURNMENT

Motion by Beukema with support from Cunningham at 9:56 p.m. Approved by all.
MOTION CARRIED.

Approved
by: _____
Cathy Strickland, Secretary Date

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Motion to recommend that the next regularly scheduled meeting of the Planning Commission (December 20) be used for a joint meeting of the Board of Trustees, Planning Commission and ZBA. All ayes.
MOTION CARRIED.

OLD BUSINESS: None.

PUBLIC COMMENT

ADJOURNMENT

Deb Mousseau
Substitute Recording Secretary
11/19/12