

DELHI CHARTER TOWNSHIP
PLANNING COMMISSION
JANUARY 28, 2008

MEMBERS PRESENT: Craig, Donaldson, Goodall, Grinnell, Hettinger, Leaf, O'Hara
MEMBERS ABSENT: Hayhoe
VACANCY: One
STAFF PRESENT: Miller, Stepp

Chairperson Grinnell opened the meeting at 7:00 p.m.

Pledge of Allegiance

Amendments to Agenda: None

APPROVAL OF DECEMBER 10TH, 2007 MEETING MINUTES

Goodall moved, Donaldson supported to approve the December 10th, 2007 meeting minutes as presented.

MOTION CARRIED

Public Comment (Non-Agenda Items): None

Public Hearing: Case 08-846, Text Amendment, Fuel Stations within the C-2: General Business District

Ms. Miller summarized the last discussion the PC (Planning Commission) had, which included setting Public Hearing date and requesting that the Township's attorney review the proposed amendments. She also informed the PC that the proper noticing requirements were fulfilled. Ms. Miller outlined the specific text changes that are being considered.

Commissioner Goodall questioned whether the word "roadway" in 5.10.4(8)(d) was the appropriate term and suggested that it be changed to either "road right-of-way" or "property line". After discussion, the term "road right-of-way" was agreed upon as the appropriate and intended meaning.

Public Hearing Opened at 7:14 PM

None

Public Hearing Closed at 7:15 PM

Donaldson moved, Leaf supported to recommend to the Township Board of the proposed Delhi Township Zoning Ordinance text amendment (Ord. No. 39.146), case number 08-846 regarding requirements within the C-2: General Business zoning district which would permit Fueling Stations by Special Use Permit only, with the one amendment in section 5.10.4(8)(d) to change the word "roadway" to "road right-of-way".

Discussion: None

ROLL CALL VOTE:

Aye: Craig, Donaldson, Goodall, Grinnell, Hettinger, Leaf, O'Hara
Vacant: One
Absent: Hayhoe
Nay: None

MOTION CARRIED

Public Hearing: Case 08-847, Zoning Ordinance 39.147, Fuel Stations within the C-3: Highway Service District

Ms. Miller explained that this amendment will permit Fueling Stations within the C-3: Highway Service zoning district by SUP and utilizes the same language as the previous amendment except there will be a 50 feet setback requirement. Additionally, the "by right" provisions which previously accommodated service stations will be removed.

Public Hearing Opened at 7:18 PM

None

Public Hearing Closed at 7:19 PM

O'Hara moved, Goodall supported to recommend to the Township Board of the proposed Delhi Township Zoning Ordinance text amendment (Ord. No. 39.147), case number 08-847 regarding requirements within the C-3: Highway Service zoning district which would permit Fueling Stations by Special Use Permit only, with the one amendment in section 5.11.3(9)(d) to change the word "roadway" to "road right-of-way".

Discussion: None

ROLL CALL VOTE:

Aye: Craig, Donaldson, Goodall, Grinnell, Hettinger, Leaf, O'Hara
Vacant: One
Absent: Hayhoe
Nay: None

MOTION CARRIED

Public Hearing: Case 08-848, Text Amendment, Definition Section regarding Fuel Stations

Ms. Miller explained that this amendment changes the terminology in the Definition section of the Zoning Ordinance (ZO) to relate to the previous two text amendments. This amendment deletes the definition for "Gasoline Service Stations" and adds one for "Fueling Stations" which will create consistency within the ZO.

Public Hearing Opened at 7:20 PM

Madaline Welch, 1727 N Onondaga Road, inquired what the difference between a gasoline service station and a fuel station was. Ms. Miller replied that the definition "Gasoline Service Station" is no longer referenced in other parts of the Zoning Ordinance and confusion regarding these uses and how they are permitted arose because of the change over time in how the average person thinks about a "gas station" versus a "service station" where auto repairs may also be performed. She explained that the intent of the definition was analyzed and the term fuel station was chose because it also described other types of fuels that may be available now or in the future, but that in a practical sense, there really was not a difference and that the discussion was primarily one of semantics.

Justin Cribley, 1912 Remsing Drive, asked what the difference between the C-2 and C-3 districts was. Ms. Miller replied that the intensity of land uses permitted within the districts is the main difference. She listed the typical types of business that are allowed within each district to provide examples.

Commissioner Leaf also explained that there are several fuel station types and provided examples of the different types and how the ability to control and properly plan for them was vital.

Public Hearing Closed at 7:28 PM

Craig moved, Donaldson supported to recommend approval to the Township Board of the proposed Delhi Township Zoning Ordinance text amendment (Ord. No. 39.148), case number 08-848 to amend Section 10- Definitions.

Discussion: None

ROLL CALL VOTE:

Aye: Craig, Donaldson, Goodall, Grinnell, Hettinger, Leaf, O'Hara
Vacant: One
Absent: Hayhoe
Nay: None

MOTION CARRIED

Real Estate Signage Discussion

Ms. Miller summarized the discussion regarding real estate signs from the last PC meeting. She provided the PC with information about various "peer" Township's ordinances for examples and discussion arose regarding a preference for Delta Township's language specifically.

Commissioner Goodall explained that after careful consideration it seems our sign ordinance does not provide the results that were intended relative to real estate and for lease signs.

Ms. Miller stated that through research it appears the Township size requirements have not significantly changed as time has passed but that the basis for signage restrictions changed from land use to lot size in 2005, which has made enforcement almost impossible. Ms. Miller explained that this change would mean that the provisions would become more enforceable if

land use was the basis because it's much simpler to identify signs and violations using this method. Commissioner Leaf agreed with Ms. Miller and reaffirmed that the enforcement component currently is "impossible" when sign allowances are based on parcel size.

Ms. Miller explained that if the intent is to create an enforceable and reasonable ordinance, the basis for those regulations needs to be on the zoning district and/or land use and that Delta Township's ordinance is a good, local example of this. Ms. Miller highlighted the other peer township's regulations and how they potentially correspond to ours.

Real estate open house signs were discussed, in particular, how the PC viewed the intent and effectiveness in achieving the intended goal of these ZO provisions. Ms. Miller stated that the ordinance does not currently and has never permitted "off site signs" of any type. She illustrated that the most common type of these off-premise signs are real estate "open house" signs that are placed on street corners directing visitors to the home that is for sale. Ms. Miller suggested potential methods for specifically permitting these types of signs, but emphasized that if changes were made to provide a specific time period or duration of permissible use, we would have to rely almost entirely on self-regulation by sign owners because effective enforcement would be unattainable. Possibilities of permitting these types of off-site signs were discussed and the consensus from the PC was that the current ordinance provisions were appropriate and representative of the intent of the ordinance and the community. The PC suggested that staff should continue to enforce the current ordinance provisions regarding off-premise signs as we have done historically.

Ms. Miller summarized the PC's direction for staff which included the following: 1) to prepare a proposal for all residential districts to permit a maximum of 9 square feet and all non-residential districts to permit a maximum of 36 square feet for real estate and for lease signs, 2) to add the distinction that once the purpose of the sign is fulfilled, it must be removed and that the language be added to allow one sign per street frontage, to include corner and through lots.

Chairperson Grinnell provided a summary of the agenda of the DDA's meeting that will be held on Tuesday.

Meeting Adjourned 8:17 p.m.

Respectfully Submitted,

Norm Hettinger
Secretary