Pursuant to SB 1008, the Village of Spring Lake will conduct its business virtually to mitigate the spread of COVID-19

1. **CALL TO ORDER**

   Vice Chair **Van Leeuwen-Vega** called the meeting to order at 7:04 p.m.

2. **ROLL CALL**

   Present: Garrison, Johnson, VanderMeulen, Van Leeuwen-Vega and Van Strate (7:18)

   Absent: Chairman Bohnhoff and Drooger

3. **STATEMENT ON REMOTE MEETING**

   **Fedewa** noted that the Village Planning Commission was meeting remotely on the Zoom platform because of health concerns associated with the COVID pandemic. Information on this remote meeting was posted so the public may participate, and all appointed officials present noted that they were meeting remotely and are located within the Village of Spring Lake. Appointed officials confirmed their location.

4. **APPROVAL OF THE AGENDA**

   Motion by **Garrison**, second from **VanderMeulen**, to approve the agenda as presented. All in favor, motion carried.

   Yes: 4 No: 0

5. **APPROVAL OF THE MINUTES**

   Motion by **Johnson**, second from **Garrison**, to approve the minutes of the January 26, 2021 meeting. All in favor, motion carried.

   Yes: 4 No: 0

6. **STATEMENTS OF CITIZENS – AGENDA ITEMS ONLY**

   Darcy Dye, 114 N. Fruitport Rd., said that she was for anything that would get Michelle and Gary Hanks up and running again.

7. **PUBLIC HEARINGS**

   A. **116 S Jackson St – Seven Steps Up** – Special Land Use application to replace the existing
Vice Chair Van Leeuwen-Vega introduced this Item. Fedewa gave an overview of this Special Land Use application explaining that Michelle and Gary Hanks, owners of Seven Steps Up, were asking to replace their manual message board with a digital message board of the same size. Fedewa said that the applicant would provide the proposed timing intervals, however, 10 seconds had been discussed, and that transitions between message would not have any graphics or flashing in order to reduce distractions to drivers and a trial period was recommended as was done with the digital message center for St. Mary's Church. Fedewa also explained that the sign would be programmed not to exceed the maximum brightness levels of 250 nits during the day and 125 nits at night, which complied with the ordinance and required the applicant to provide proof of compliance with the maximum light intensity within 10 days of installation.

Motion by Johnson, second from Garrison, to open the public hearing at 7:11 p.m. All in favor, motion carried.

Yes: 5  No: 0

Van Leeuwen-Vega asked if the difference in time intervals between Seven Steps Up and the digital message board at St. Mary's being slower, was because it was a monument sign on the ground versus a wall sign. Fedewa explained that they had landed at 30 second intervals because it was on an active throughfare where there was not a stop and there were concerns that cars might start hitting each other in the rear and she felt this one could be treated differently based on its location on a wall, it's size and it's in the middle of the district where people were driving, walking and bike riding so this was a good opportunity to be a little more lenient, and this was a guideline, but with the opportunity to come back and adjust it in the future. Garrison said handling this the same as St. Mary's, where the timing wasn't set in stone with a trial period to make sure everyone was good with it, was perfect for everyone. Johnson said he agreed with the option to review in 30 days. Fedewa said their motion had a 3-month timeline, but they could also do 30 days if the Board wanted too. Garrison said that they chose 3 months to give everyone time to see the signs. Adrian, representing Advanced Signs, explained how they determined timing intervals. Garrison asked Ms. Hanks what time interval they would like to see. Ms. Hanks asked if she could tell him in 90 days. Gary Hanks said he had spent a lot of time talking to the marketing people about the sign and they said that it took people 7 seconds to digest what they were seeing on a billboard so that was why he had suggested 7 seconds, but they would be checking out the sign themselves to determine length of time. Ms. Hanks said that the majority of the time they would like the sign to look like an old marque sign but wouldn't require anyone to go out in inclement weather to change it. Ms. Hanks said they didn't really know what the best length of time was, so they liked the idea of a 90-day review. Adrian said they had a billboard on US31 with a change rate of 7 ½ seconds and that allowed 8 campaign ads per minute. Van Leeuwen-Vega suggested they start with 10 second intervals and review in 90 days.

Motion by Johnson, second from Garrison, to close the public hearing at 7:22p.m. All in favor, motion carried.

Yes: 5  No: 0

Motion by VanderMeulen, second from Johnson, to conditionally approve the Special
Land Use request by Seven Steps Up at 116 S Jackson Street for a digital message center because the application meets the standards of the Spring Lake Village Zoning Ordinance. This motion was subject to the report of findings and the following conditions:

1. Present documentation the brightness of the electronic message board is compliant with §390-125.B.4 to the Zoning Administrator within 10 days of the installation.

2. The timing between transitions shall be set at 10 seconds for the first three months after installation of the sign. After this period the Planning Commission shall review the timing to determine if it was appropriate or needed to be altered.


1. This approval is based on the affirmative findings that all criteria for approval outlined in §390-105 have been fulfilled:

   A. The sign balances the rights of businesses and institutions to convey their messages through electronic means and protects the public from unrestricted electronic signage.

   B. The sign furthers the objectives of the Village Master Plan and streetscape design guidelines.

   C. The sign will not adversely impact the public health, safety, and welfare of the Village.

   D. The sign will not adversely impact current traffic and pedestrian access.

   E. The sign promotes the aesthetic qualities of the Village.

   F. The sign promotes economic development in the Village.

2. This approval is based on the affirmative findings that all standards for approval outlined in Article XVIII, §390-134 have been fulfilled:

   A. That the use is designed and constructed and will be operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area in which it is proposed.

   B. The use is consistent with the adopted Spring Lake Village Master Plan.

   C. The authorized use is compatible with adjacent uses of land, the natural environment and the capacities of the public services and facilities affected by this use.

   D. The use is, or will be, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities and schools.

   E. The use does not involve activities, processes, materials and equipment or conditions of operation that is unreasonably detrimental to any persons, property or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors.
F. The buildings, structures, and entrances are situated and designed to minimize the adverse effects upon owners and occupants of adjacent properties and the neighborhood.

G. The site plan and special land use comply with the specific requirements contained in §390-137 of this article, as applicable.

2. The application meets the site plan review standards of §390-126 of the Zoning Ordinance. Specifically, the Planning Commission finds as follows:

A. The use proposed will preserve to the greatest extent practical, the existing natural features of the site, including vegetation, topography, water features, and other such features. Only the areas under actual development will be disturbed.

B. Buildings and structures are proposed to be placed in an orderly, logical fashion consistent with its surroundings and intent of the district. Where open spaces are proposed, it is located and arranged in a manner which provides view protection, visual relief, physical separation, environmentally sensitive area protection, and/or recreational value to the site and surrounding properties.

C. The proposed use will preserve the views from adjacent properties and streets open to water areas to the greatest extent practical. Placement and height of buildings and locations of open spaces make reasonable provision for protecting existing views.

D. The use proposes proper relationships between the existing streets within the vicinity, including deceleration lanes, service drives, entrance and exit driveways, and parking areas to provide safe and convenient movements of pedestrians, bicycles, and vehicles. Streets, access plans, and/or ingress/egress drives conform to the current regulations of the Village and MDOT.

E. The proposed use has given special attention to proper site surface drainage, so the removal of surface waters does not adversely affect neighboring properties, the public storm drainage system, or nearby bodies of water. Surface water will be collected at designated intervals to prevent standing water that would obstruct vehicle and/or pedestrian traffic. The standards of the Spring Lake Stormwater Management Ordinance are met.

F. All utilities for the proposed use are provided in a manner least harmful to surrounding properties and the utilities are located underground (as applicable), unless specifically waived by the Planning Commission.

G. The proposed use will be screened from view from adjoining streets and properties for any exposed storage areas, trash receptacles, machinery installations, service areas, truck unloading areas, utility buildings and structures, and similar accessory areas. Screening complies with Article XIV.

H. The site plan for the proposed use provides adequate access to the site and all buildings on the site by emergency vehicles.

I. The proposed use provides an orderly transition for all structures to adjacent development of a different scale.
J. The site plan for the proposed use provides outdoor common areas and associated amenities for employees, customers, and/or residents which may include public trash receptacles, bike racks, seating areas, recreation areas, shade trees, bus stop turnouts, and similar facilities; where appropriate.

K. The proposed use complies with all applicable local, state and federal approvals prior to issuing a land use permit. L. The site plan for the proposed use is consistent with the intent and purpose of this Ordinance

All in favor, motion carried.

Yes: 5  No: 0

8. NEW BUSINESS

A. Discussion – Text Amendment to provide digital sign component to existing pylon signs

Fedewa gave an overview explaining that at the same time they had received the application from Seven Steps Up, they also received a special land use application to replace the digital portion of the McDonald’s sign. The business owner, his representative, and Advanced Signs were excited to see the outdated version replaced. Fedewa said that after staff reviewed the digital sign ordinance for their application, they discovered it became complicated very quickly, so they contacted Attorney Bultje requesting clarification. Staff informed the applicant about the findings after contacting the Attorney. They were all immediately discouraged, but even after several conversations with the applicant and Advanced Signs they chose to withdraw the application. Fedewa said there were 17 pylon signs on Savidge St., and the new zoning ordinance did not allow pylon signs, only monument signs, so she felt this really needed to be addressed to find a solution to the digital sign component on the pylon signs with a text amendment to the sign ordinance. Fedewa suggested a starting place with the language and provided some visual aids. Van Leeuwen-Vega asked if McDonalds were looking to change the sign out size for size. Adrian said that the sign was so old, it was obsolete, so they were trying to accommodate, as close as possible to the same size but because signs have changed so much, there was no chance to use that pylon sign. Garrison asked what McDonalds would like to have. Adrian said they would like to upgrade to a new sign, but nothing bigger than the original or elaborate, but because pylon signs were nonconforming, the ordinance said they were not allowed to do anything other than basic maintenance; they could not replace the digital portion of the pylon sign. Van Leeuwen-Vega said her only concern was that the previous sign was mostly dark but on a digital sign the whole screen was live. Garrison asked if they had the proper ground sign, would they then be in their right to do the size they want. Fedewa said that a ground sign was allowed to have 50% of the sign digital. Garrison noted that McDonalds was asking for a digital sign much smaller than they would be allowed if they had a ground sign. Johnson said that he would like to see a visual of what this might look like and asked if there were any options for McDonalds. Van Leeuwen-Vega said she couldn’t think of 17 pylon signs. Adrian named several of the pylon signs in that general area and said that the ordinance was trying to phase out pylon signs in general, so this did not allow the current pylon signs to be updated. Garrison asked if the Planning Commission had the authority to allow a new digital sign to be installed and, if they start hearing concerns from
residents, could they revisit it and ask for changes to the display. Fedewa said that they could do that with a text amendment to the ordinance. Fedewa said they would be reviewing the lighting of the 2 signs already approved, and suggested starting with smaller square footage for example, 24 square foot, for the digital portion on pylon signs, and revisit to increase it in the future. Adrian said she has seen ordinances that had an “if/or” where it could be up to a certain percentage or a maximum square foot as well. Fedewa said that Adrian had a good point and asked her to get an idea of what her clients would like to see for pylon signs in the Village.

The Planning Commission took no action at this time.

9. STATEMENTS OF CITIZENS – NON-AGENDA ITEMS ONLY

Fedewa explained that the State of Michigan had a policy to remove nonconforming uses and structures, but in a slow process, that is why the term Grandfathered rights and legally nonconforming and illegally nonconforming were used. Legally nonconforming and grandfathered gave people the right to have that sign when a municipality was the one that made the change and forced someone to become nonconforming. If the Village had kept pylon signs as allowable and something happened that a sign did not conform anymore to size or height, the Village could require some small changes to the pylon sign, but actually requiring someone to remove a brand new pylon sign that, 14 months ago was acceptable, because they wanted to add a digital component, would be putting the Village in a precarious position legally, but if that was a direction the Village wanted to go, she would suggest we call on Attorney Bultje to review options to make sure we were within our legal rights to move forward on a text amendment like that. VanderMeulen asked if the Village had a problem with monument signs. Fedewa said that using McDonalds as an example, they were so afraid that the Village was going to require them to remove their pylon sign in order to have a digital sign, they were going to try to find the parts to rehabilitate the existing sign because they felt they didn’t have the room to put in a monument and still have it be visible and visibility was a concern to other businesses as well. Adrian said she understood what Mr. Dull was saying with trying to get a cohesive look with more monument signs and phasing out pylon signs, but she did know that in Michigan when you have a monument sign and 3 feet of snow covering it, it became an issue and at McDonalds, there was not a lot of space for a monument sign and she did not think it was a reasonable request to force the businesses that already have them to take them down. Fedewa said that the snow was a great point. Van Leeuwen-Vega said that some of the properties were landlocked and just didn’t have room. Fedewa said that with Savidge St. being a highway and not that pedestrian friendly it made it harder to see monument signs.

Darcey Dye, 114 N Fruitport Rd, suggested they take a look at the height of the 17 pylon signs to think about the height of a digital sign, for example, at Wesco, you can take a quick glance at the cost of gas, but if it had moving messages that high up, there was a tendency to take your eyes off the road longer. Van Leeuwen-Vega said it would be a benefit to take some time before the next meeting to take a look at the signs and figure out what might work best and still not tie the hands of the businesses.
Via: email - Andy Dull, 114 W Savidge, I was hearing that McDonald’s was old technology limiting their capability. Not sure how that is a fault of the Village.

Fedewa said that it was not the fault of the Village, it was merely technology. In the 90’s technology did not grow nearly as fast as it does today and even if McDonalds installed this sign next week, in 3 years it would be obsolete which was not the Village’s or the business owners’ fault, it was technology and ordinances are intended to be responsive to how our society was moving forward. Fedewa said the Planning Commission will be discussing this again in a month.

10. COMMENTS OF PLANNING COMMISSIONERS

No additional comments from the Planning Commission

11. ADJOURNMENT

Motion by Johnson, second from Van Strate, the meeting adjourned at 7:55 p.m. All in favor, motion carried.

Yes: 5  No: 0

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Stacey Fedewa, Village Planner    Maryann Fonkert, Deputy Clerk