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**NOTICE
OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

REGULAR MEETING - VIRTUAL

Participate through this Zoom link:

<https://us02web.zoom.us/j/82908098701>

Or by calling: 1-929-205-6099

Meeting ID: 829 0809 8701

(Refer to the www.oshtemo.org Home Page or page 3 of this packet for additional Virtual Meeting Information)

**TUESDAY, JUNE 22, 2021
3:00 P.M.**

AGENDA

1. Call to Order
2. Roll Call and Remote Location Identification
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes: May 25th, 2021
6. **Public Hearing – Variance, Advia Signage**
Consideration of the application of Sign Art, Inc, on behalf of Advia Credit Union, for three separate variances pertaining to on-site signage and building address numbers. The subject property is located at 6400 W Main Street.
7. Public Comment
8. Other Updates and Business
9. Adjournment

**Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

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Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
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Township Department Information			
<u>Assessor:</u>			
Kristine Biddle	216-5225	assessor@oshtemo.org	
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Mark Barnes	375-0487	mbarnes@oshtemo.org	
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Karen High	216-5233	khigh@oshtemo.org	
Rental Info	216-5224	oshtemo@oshtemo.org	
<u>Planning Director:</u>			
Iris Lubbert	216-5223	ilubbert@oshtemo.org	
<u>Public Works:</u>			
Marc Elliott	216-5236	melliott@oshtemo.org	

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Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this **Meeting ID: 829 0809 8701**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet, or smartphone then you can join via conference call by following instructions below.

To join the conference by phone:

1. On your phone, dial the teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **829 0809 8701#**

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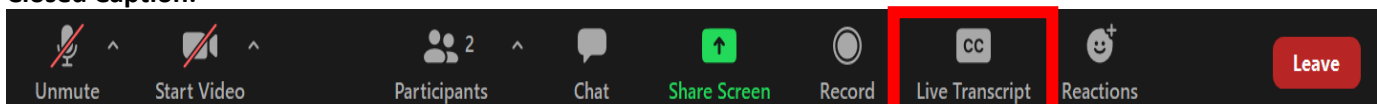
Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press *9 on your touchtone keypad.**

Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.

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Turn on Closed Caption:

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**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

DRAFT MINUTES OF A VIRTUAL MEETING HELD MAY 25, 2021

Agenda

Public Hearing – Meijer Lighting Variance Request

Consideration of the application of Fishbeck, on behalf of Meijer, Inc., for a variance from Article 54 Lighting, Section 54.60 Outdoor Lighting Standards, to allow pole-mounted lights that exceed 20,000 lumens per luminaire and to allow wall lights that exceed the 14-foot maximum mounting height. The subject property is located at 6660 West Main Street.

Site Plan - Dental Office Expansion

Dr. Katherine Bandos was requesting Site Plan approval to construct a 1,049 square foot addition to an existing 2,712 square foot dental office located at 5925 Venture Park.

A virtual meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, May 25, 2021 beginning at approximately 3:02 p.m.

MEMBERS PRESENT:

Neil Sikora, Chair
Dusty Farmer
Fred Gould
Micki Maxwell
Anita Smith, Vice Chair
Louis Williams

(All attending within Oshtemo Township)

MEMBER ABSENT:

Ollie Chambers

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, Karen High, Zoning Administrator, and Martha Coash, Meeting Transcriptionist.

Guests present included Dr. Katherine Bandos and Mr. Steve Bandos.

Call to Order and Pledge of Allegiance

Chairperson Sikora called the meeting to order and invited those present to join in reciting the “Pledge of Allegiance.”

Chairperson Sikora welcomed new ZBA member Louis Williams.

APPROVAL OF AGENDA

The Chair determined no changes were needed and requested a motion.

Mr. Williams made a motion to approve the agenda as presented. Mr. Gould seconded the motion. The motion was approved unanimously by roll call vote, (5-0).

Chairperson Sikora moved to the next agenda item.

APPROVAL OF THE MINUTES OF April 27, 2021

Note: Ms. Smith joined the meeting at this point.

The Chair asked if there were any additions, deletions or corrections to the minutes of April 27, 2021.

Ms. Smith noted the second paragraph in the Huntington Run item incorrectly referred to Section 149.50(C) which should be corrected to 49.150(C).

Mr. Gould made a motion to approve the Minutes of April 27, 2021 as presented, with the correction as noted. Ms. Maxwell seconded the motion. The motion was approved unanimously by roll call vote.(6-0)

Chairperson Sikora moved to the next agenda item and asked Ms. High for her presentation.

Public Hearing – Meijer Lighting Variance Request **Consideration of the application of Fishbeck, on behalf of Meijer, Inc., for a variance from Article 54 Lighting, Section 54.60 Outdoor Lighting Standards, to allow pole-mounted lights that exceed 20,000 lumens per luminaire and to allow wall lights that exceed the 14-foot maximum mounting height. The subject property is located at 6660 West Main Street.**

Ms. High indicated Meijer, Inc is planning to replace the existing pole-mounted and building-mounted lighting on their 38-acre site at 6660 W Main Street. Most of the proposed lighting meets the requirements of Article 54 of the Zoning Ordinance, Lighting. However, the applicant was requesting relief from two requirements of Section 54.60, Outdoor Lighting Standards:

1. Allow pole-mounted luminaires to exceed the 20,000 lumen maximum at five (5) poles located directly in front of the store. Luminaires with 26,000 lumens were proposed.
2. Allow building-mounted lights to exceed the 14' mounting height maximum. This request includes 22 fixtures located at the north and east sides of the building that illuminate the truck dock and truck circulation area. Three fixtures are located at the front of the store near the curbside pickup area, where higher light

levels are desired. The applicant proposed to mount the lights at their current height of approximately 18'.

Ms. High said in their submitted letter of intent, the applicant reasoned that: "higher light levels near entry points and curbside pickup are desired to ensure pedestrian and employee safety during evening hours and to further help security camera systems more clearly show pedestrians and vehicles". The letter further states that: "at the back of the store and at the truck docks, the building-mounted lighting serves as area lighting in lieu of additional poles in areas of high truck traffic. When the building mounted lights were modelled with cutoff LED luminaires at 14' above grade, the average light levels and uniformity suffered as a result from the lowered height. This was especially true in the truck dock area, where poles cannot be added without becoming obstacles to the regular truck traffic in this area."

She explained the Zoning Board of Appeals (ZBA) is required by law to consider the five criteria, and only the five criteria, outlined by the Michigan Courts when deciding on an application for a nonuse variance. She provided the analysis below of the proposal against these criteria.

Criteria: *Unique Physical Circumstances*

Are there unique physical limitations or conditions which prevent compliance?

She said there appear to be no physical limitations or conditions which prevent compliance.

Criteria: *Conformance Unnecessarily Burdensome*

Are reasonable options for compliance available? Does reasonable use of the property exist with denial of the variance?

Ms. High said all the pole mounted lights on the site are proposed to be replaced. Existing poles vary in height from 25' to 39'. New poles will be placed in the same locations as the existing poles, but are proposed to be 22' tall with a new 2.5' concrete pole base to meet the 25' mounting height requirement of our current ordinance. The lower mounting height reduces average light levels and uniformity. To address this issue the applicant proposed to increase the lumen levels of the five light fixtures closest to the building to counteract this effect and to provide the desired light levels near entry points and curbside pickup to ensure pedestrian and employee safety. The applicant could reduce the spacing between light poles to increase light levels and meet the ordinance. However, changing the pole spacing on this previously developed site could be considered unnecessarily burdensome as it would require redesign of the site and the addition of underground utilities.

The existing wall lights are mounted at a height of approximately 18'. Our ordinance outlines a maximum mounting height of 14' for wall mounted lights. As noted above in the discussion of pole mounted lights, lowering the mounting height will reduce

average light levels and uniformity. Adding wall mounted fixtures to reduce spacing between them would increase light levels but may be unnecessarily burdensome.

In addition, she said the ordinance section that outlines a 14' maximum height for building-mounted lighting specifically relates to pedestrian walkways and doorways. The ordinance does not include a requirement for the mounting height of building mounted lighting to illuminate truck docks or truck circulation routes. As previously stated, 22 of the 25 wall mounted fixtures are to illuminate truck dock and truck circulation areas. The applicant suggests, and Planning Department staff agrees, that the 14' maximum mounting height does not allow for adequate lighting levels in these areas. If these areas were lit with pole mounted lights, a mounting height of 25' and 20,000 lumens would be permitted. The new wall mount fixtures are proposed to have luminaires with either 4,270 or 6,100 lumens. Our ordinance allows up to 8,000 lumens. The applicant suggests pole lights in the truck dock area could be a hazard in that the poles would block vehicular circulation. The higher building-mounted lighting is proposed to function as area lighting in lieu of additional poles in areas of high truck traffic. The three wall mounted fixtures above the entrance are proposed to remain at their existing 18' height to improve light levels and uniformity at the front entrance and curbside pickup area. This requirement could be considered unnecessarily burdensome.

Criteria: Minimum Necessary for Substantial Justice

Applied to both applicant as well as to other property owners in district. Review past decisions of the ZBA for consistency (precedence).

Ms. High explained Oshtemo Township adopted a new lighting ordinance in 2019. This is the first variance request received since the ordinance was adopted. The current ordinance regulates the maximum number of lumens allowed; the previous ordinance regulated wattage. Therefore, it is difficult to make direct comparisons with previous requests. However, Planning Department staff researched past Zoning Board of Appeals decisions that related to the amount of light allowed to help the ZBA consider past precedence. The two cases described below are similar to this request despite the fact that they are for watts rather than lumens. Staff was unable to identify previous decisions regarding the height of building mounted lights.

1. Costco, Parcel # 3905-25-240-001, 12/17/2013: The applicant requested a variance to allow 875 watt fixtures on all pole-mounted lights; the maximum permitted by ordinance was 400 watts. A total of 28 poles were proposed. The applicant stated that if the variance were denied, eight additional poles (35 poles total) with 400 watt fixtures would be needed to meet light levels. The Zoning Board of Appeals approved the request based on past precedence and because they felt that 35 poles would be unnecessarily burdensome and a detriment to the site.
2. SW Corner of Century and West Michigan Avenues, Parcel #3905-25-240-009, 5/26/2015: This site, now home to Sportsman's Warehouse, is adjacent to the site described above. The applicant again requested and was granted a

variance to allow 875 watt fixtures, exceeding the maximum limit of 400 watts. The Zoning Board of Appeals approved the request based on past precedence and on condition that light levels at the property line not exceed ordinance requirements.

Criteria: Self-Created Hardship

Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?

Ms. High indicated when the site was developed, the ordinance allowed for higher mounting heights of pole and wall mounted fixtures. Changing the lighting onsite could be considered a self-created hardship as it is the choice of the property owner to upgrade the lighting. However, the applicant describes the lighting on site as being approximately 30 years old, in poor condition, and in need of replacement. Our current ordinance requires that when fifty percent or more of existing outdoor light fixtures are replaced or modified, all lighting must be brought into compliance with the new lighting ordinance. Therefore, the applicant doesn't have the option to keep a few of the existing fixtures in place. Instead, they proposed replacing all fixtures, poles, and pole bases to provide uniform light levels and reduce energy usage. New LED fixtures, new 22' tall fiberglass poles, and new concrete pole bases will be installed. Overall, the proposed lighting meets ordinance requirements and will be an improvement.

Criteria: Public Safety and Welfare

If granted, will the spirit of the ordinance be observed, and public safety and welfare secured?

Article 54 was adopted to regulate the placement and arrangement of lighting within the Township.

The pole mounted fixtures with 26,000 lumens are located directly in front of the store, not near the property line. The building mounted fixtures will be no higher than the current fixtures. Required light levels at the property line will be met and will not impact neighboring properties.

Ms. High said through reviewing the outlined intentions of the code and considering the request at hand, it can be argued that approving this request would be in keeping with the intent of the Ordinance in that the public health, safety and general welfare will be protected, and nighttime safety and security will be provided.

POSSIBLE ACTIONS:

Ms. High indicated the following possible actions:

- Motion to approve as requested (conditions may be attached)
- Motion to approve with an alternate variance relief (conditions may be attached)
- Motion to deny

The motion should include the findings of fact relevant to the requested variance. Based on the staff analysis, the following findings of fact were presented:

- Support of variance approval:
 - Changing the locations of poles and height of building mounted lights on a previously developed site would be unnecessarily burdensome
 - There is precedence that variances have been granted to allow for increased lighting at other commercial establishments
 - Approving this request would benefit public health, safety, or welfare because uniform lighting will be provided, and energy use will be reduced.
- Support of variance denial:
 - Without relief, the lighting plan can be redesigned to meet current requirements. Conformance with the Zoning Ordinance is not unnecessarily burdensome.

Possible motions for the Zoning Board of Appeals to consider include:

1. Applicant's Request

Based on the findings of fact discussed in this memo, motion to approve the variance request, allowing the applicant to install pole-mounted luminaires with 26,000 lumens maximum at five (5) poles located directly in front of the store.

Also to allow the building-mounted lights to be installed at the existing height, exceeding the 14' mounting height maximum.

If the ZBA chose this motion, she requested a condition be attached requiring the property owner to complete the building permit process via the Southwest Michigan Building Authority and that the Zoning Board of Appeals send a request to the Planning Commission to consider an ordinance amendment that addresses building mounted lighting to illuminate truck docks or truck circulation routes.

2. Motion to deny the requested variance because reasonable use of the property is possible under the current Ordinance standards.

Chairperson Sikora thanked Ms. High for her presentation and asked for clarification regarding building mounted lighting.

Ms. High said the light ordinance does not address lighting on the back of industrial or commercial buildings that do not illuminate sidewalks or entrances.

Ms. Farmer asked Attorney Porter how building mounted lights relate to enforcement, noting Holiday Inn installed building mounted lights after the light ordinance had just been redone.

Attorney Porter noted the distinguishing factor is whether there is a specific purpose for the lights. Holiday Inn was lighting up the building in the sky. This request will light the parking lot. He sees a clear distinction for parking lots and pedestrian and traffic areas. He suggested if the Board supported this variance request that the Lighting ordinance be sent to the Planning Commission for revision.

Ms. High added the section of the ordinance addresses cosmetic lighting separately but applies even less in this situation since the purpose is not cosmetic.

Ms. Maxwell asked who determines the necessary lighting levels.

Ms. High said the ordinance states the maximum number of lumens allowed on the property and zero at the property line.

Hearing no further questions, Chairperson Sikora asked whether the applicant wished to speak.

Mr. Brian Thompson, electrical engineer on behalf of Meijer thanked the Board for their consideration and Ms. High for an excellent summary. He said light levels at the front of the store are acceptable and safe all hours of the day. The truck and back areas need adequate light levels. If pole mounted lights are required, they will cost more, create obstacles and will be more visible to neighbors and the community.

Ms. Maxwell asked what criteria is used to set light levels.

Mr. Thompson indicated there are national and international standards set to be considered. There are parameters for security lighting vs. pedestrian lighting. Meijer tries to keep at the lower level, with three footcandles at the front of the store where there is higher traffic, including customers, employees and curbside pick-up. The standards are recognized across the country. Local governmental units can set their own standards, but most utilize the national and international guidelines.

Ms. Lubbert added that the Township ordinance outlines 2-6 footcandles for the area in front of and entrances into a store, which is consistent with what Meijer's is proposing.

Mr. Gould wondered if the changes recommended would provide enough light to allow nearby cameras to capture images that could be used by law enforcement in addressing physical confrontation.

Mr. Thompson said the light levels should supply adequate footcandles to meet current codes and guidelines. They want higher light levels at the front, but he couldn't speak specifically to Meijer security systems, which are outside of the project.

Mr. Tony Kutzt, also with Fishbeck, said they refer to the lighting guidelines from the Illuminating Engineering Society and are trying to provide uniformity in light levels.

Poles at the front of the store are a concern because of the varying light levels: high near the poles and low when away from a pole. This desire for uniformity is the biggest reason they are asking for an increase.

Hearing no further comments, Chairperson Sikora moved to Public Comments. As there were no comments, he closed the hearing and moved to Board Deliberations.

Ms. Farmer said she worked on the lighting ordinance when on the Planning Commission. She had not thought a variance was necessary in this case but changed her initial thoughts and supports the variance request as it does not go against the dark skies initiative and does provide better safety and lower cost. The ordinance can be revisited to address rear, non-customer areas.

Mr. Sikora said it would be a big concern to him if the light at the property lines were increasing and he was glad that was not the case.

Mr. Gould agreed he was glad the neighbors to the east were taken into consideration and the bright light mitigated there so it is not an issue for them.

Hearing no further comments, Chairperson Sikora asked for a motion.

Ms. Maxwell made a motion to grant the variance to Meijer as requested, allowing the installation of pole-mounted luminaires with 26,000 lumens maximum at five (5) poles located directly in front of the store and to allow the building-mounted lights to be installed at the existing height, exceeding the 14' mounting height maximum, based on the findings of fact discussed in this meeting:

- o Changing the locations of poles and height of building mounted lights on a previously developed site would be unnecessarily burdensome
- o There is precedence that variances have been granted to allow for increased lighting at other commercial establishments
- o Approving this request would benefit public health, safety, or welfare because uniform lighting will be provided and energy use will be reduced.

In addition the property owner will be required to complete the building permit process via the Southwest Michigan Building Authority, and the Zoning Board of Appeals will send a request to the Planning Commission to consider an ordinance amendment that addresses building mounted lighting to illuminate truck docks or truck circulation routes. Mr. Gould seconded the motion. The motion was approved unanimously by roll call vote.

Chairperson Sikora moved to the next agenda item. He noted Dr. Bandos is his dentist, but he has no conflict of interest in considering the site plan amendment, and asked Ms. High for her report.

Site Plan - Dental Office Expansion

Dr. Katherine Bandos was requesting Site Plan approval to construct a 1,049 square foot addition to an existing 2,712 square foot dental office located at 5925 Venture Park.

Ms. High explained Dr. Katherine Bandos was requesting Site Plan approval from the Zoning Board of Appeals to construct a 1,049 square foot addition to an existing 2,712 square foot dental office located at 5925 Venture Park. The property is located north of Stadium Drive, east of Quail Run Road.

She said the property is zoned C: Local Business District. Uses permitted in the C zoning district are outlined in Article 18 of the Township's Zoning Code. Offices, hospitals and medical clinics are identified as Permitted Uses within this section. Because the scale of the addition is more than one-fourth of the floor area of the existing structure, review and approval of the proposal is required by the Zoning Board of Appeals (Section 64.20). She provided the following compliance information.

Zoning: 5925 Venture Park Road is located within the C: Local Business District. Land to the north, south, east and west is also in the C: Local Business District. The building addition is proposed to the north of the existing structure. If approved, the total building area will be 3,761 square feet.

Setbacks: The proposed addition meets all setback requirements.

Access: Vehicle access to the site will remain unchanged. The existing curb cut and drive to Venture Park Road will continue to be utilized.

Parking: Per Section 52.100, Minimum Required Parking Spaces, Medical, Dental Offices and Clinics are required to have one parking space for each 150 square feet of net floor area. Therefore, 25 parking spaces are required, at least two of which must meet ADA requirements for accessibility. The site currently has 19 parking spaces, including one ADA spot. The maximum number of parking spaces permitted per 52.50 H, Maximum Number of Spaces, is 28, or 110% of the minimum number of parking spaces. Nine additional parking spaces are proposed, for a total of 28 parking spaces. Included in the 28 parking spaces are two new concrete ADA parking spaces. They are located across the drive aisle, not immediately adjacent to the entrance. Oshtemo's Public Works Department noted that the grades shown for the ADA spaces need to be revised slightly to meet code. They also note that more information is needed to ensure ADA requirements are met for the route across the driveway and up to the entrance. If feasible, a preferred solution is to relocate the ADA spaces closer to the entrance. Staff recommended approval be conditioned on the applicant working with Public Works staff to ensure all ADA requirements for access are met.

Sidewalk – Per Section 57.90, sidewalks indicated on the Township's Non-motorized Plan shall be installed by the developer when properties adjacent to planned nonmotorized facilities receive site plan approval from the municipality. The Township's Nonmotorized Plan shows a sidewalk in front of this property. A proposed sidewalk is shown on the plan. However, the applicant has requested a waiver of this requirement

because there are no connecting sidewalks on either adjacent property. They also note that because the site is located on a curve, approximately 500' of sidewalk is required. They indicate this is disproportionate to the scale of the 1,049 square foot addition.

Building Design

The building addition is designed to complement the existing building. Siding will be brick. The proposed asphalt shingle roofing will match the roofing and pitch of the roof of the existing building.

Landscaping

Landscaping is required along Venture Park Drive per Section 53.60 Street Rights-of-Way Greenbelts. In this instance, existing trees to be preserved meet all planting requirements. Landscaping is also required for the parking lot expansion. One tree and three shrubs are required. The site plan shows the location of the required plantings but the plant species and sizes are needed to ensure that requirements for native species and minimum size at planting are met. Staff recommended a revised landscape plan be required as a condition of approval.

Site Lighting

The applicant states that no pole lights are proposed. One new building mounted soffit light is shown above the new exit on the north side. More information is needed to ensure this fixture meets all ordinance requirements. Staff recommended a lighting plan be required as a condition of approval.

Engineering

Prein & Newhof, the Township's civil engineering agent, reviewed the project site plan. Aside from the ADA concerns noted previously, all requirements are met.

Fire Department

Oshtemo's Fire Department reviewed the site plan and indicated all requirements are met. A flow test was conducted to ensure the existing hydrant in the area had adequate water flow.

RECOMMENDATION:

Ms. High recommended the Zoning Board of Appeals approve the proposed Site Plan for the Dental Office Expansion with the following conditions:

1. A revised landscape plan shall be required prior to issuance of a building permit to ensure that requirements for native species and minimum size at time of planting are met.
2. A lighting plan shall be required prior to issuance of a building permit to ensure the proposed wall mounted fixture meets ordinance requirements.
3. A sidewalk SAD agreement is entered into prior to building permit issuance.

4. A revised site plan that meets ADA requirements for parking and access shall be required prior to issuance of a building permit.

Chairperson Sikora thanked Ms. High for her presentation and asked if Board members had questions for her.

Ms. Farmer said it was stated a waiver was requested for sidewalks, but that SAD is not really a waiver. The requirement is a requirement for now or later, not a waiver forever.

Ms. High agreed that is the intent and that a SAD form has been completed.

Ms. Farmer asked if the 7 additional non-ADA spaces are necessary and whether they will require new asphalt.

Ms. High said the new spaces will be newly asphalted and the applicant feels they need every parking spot they are allowed and may consider seeking a variance in the future for additional spaces if needed.

Ms. Lubbert noted the spaces shown on the plan are the maximum required by code. She noted applicants usually request to have fewer spaces.

Ms. High commented that the SAD will be triggered when the township feels it is appropriate and, when triggered, cannot be opposed.

Mr. Gould had a concern about the proposed new ADA parking spaces as it appears a person would be required to cross the parking lot aisle. He felt they should be closer to the entrance.

Ms. High agreed the public works department has concerns, but that the building and sidewalk are existing. That is why the language is there regarding the existing grades if they do not permit moving the spaces closer to the door. Public works will work with the applicant to ensure that what is installed meets the ADA requirements.

Hearing no further questions, Chairperson Sikora asked if the applicant wished to speak.

Dr. Katherine Bandos said with the additional space more patients will be seen and more professional staff hired.

Mr. Steve Bandos thanked the board for their consideration. He indicated they understand the parking concerns and are willing to work with the public works committee. He noted they already have one accessible spot near the front door and ramp, that the two new spots are in line with the ramp, and they feel they are readily accessible. Four of the other seven new spots will be for new staff. They expect all additional spots to be necessary.

He added they are clear on the sidewalk SAD and are happy to comply. They will provide whatever is required for landscaping and will provide whatever additional documentation is needed. They enjoy the view and like the beauty of the area. They will also provide a new lighting design if needed.

Ms. High said both the landscaping and lighting concerns will be simple fixes.

Ms. Farmer reiterated the sidewalks will definitely go in at some point.

Mr. Bandos said they will comply, reconvene with contractors and move forward.

Chairperson Sikora asked if there were comments from the public. Hearing none, he closed the public hearing and moved to Board Deliberations.

Both Ms. Maxwell and Mr. Gould said they were satisfied with the amendment.

Ms. Farmer said this is an interesting area with businesses next to residences and that it is important to support compatibility between them. She felt this addition will be a positive improvement and thanked the Bandos.

Chairperson Sikora asked for a motion.

Ms. Farmer made a motion to approve the site plan amendment to allow a 1,049 square foot building addition at 5925 Venture Park Road with the following four conditions recommended by staff:

1. A revised landscape plan shall be required prior to issuance of a building permit to ensure that requirements for native species and minimum size at time of planting are met.
2. A lighting plan shall be required prior to issuance of a building permit to ensure the proposed wall mounted fixture meets ordinance requirements.
3. A sidewalk SAD agreement is entered into prior to building permit issuance.
4. A revised site plan that meets ADA requirements for parking and access shall be required prior to issuance of a building permit.

Ms. Maxwell seconded the motion. The motion was approved unanimously by roll call vote.

Public Comment on Non-Agenda Items

There were no comments from the public.

Other Updates and Business

Ms. Lubbert explained currently the Township can continue virtual meetings through 2021. The Township Board is discussing this issue. If there are any changes, she will update ZBA members.

Attorney Porter said he anticipates Kalamazoo County to rescind the state of emergency orders in July or August which would mean a return to in-person meetings.

Ms. Farmer said the Township is working on the possibility of a hybrid meeting, likely meaning that only members of the public could attend virtually if the state of emergency is lifted.

Ms. Lubbert said she currently has one item for the June 22nd agenda.

Chairperson Sikora again extended a welcome to new member Louis Williams.

Mr. Gould asked if ZBA members are expected to understand blueprints or if they are covered by engineers and commented on the small size print. He also wondered about providing a zoning ordinance book for ZBA members for reference.

Ms. Lubbert said Professional staff looks at all the technical details on prints. That is not expected of ZBA members. They can print plans on larger paper if that would be helpful. The zoning ordinance document is very large, is updated regularly and it is a "living animal" available online, and as such hard copies have not been provided.

Mr. Gould said he'd like to be on the "hard copy" list. He also mentioned concern about being able to stack 20 cars at the existing egress described in the Huntington Run item from last month.

Ms. Smith said she has looked at that area, that the ingress/egress area is quite wide, and there is quite a bit of space to stack cars if necessary.

The Chair noted they acknowledged at the meeting they were making the best of a bad situation.

Ms. Lubbert said about 216 feet are available to stack cars from the entrance to the circle and noted traffic engineers had looked at the site. She acknowledged ZBA members should take arguments made by applicants with a grain of salt.

Adjournment

Chairperson Sikora noted the Zoning Board of Appeals had exhausted its Agenda. There being no other business, he adjourned the meeting at approximately 4:23 p.m.

Minutes prepared:
May 26, 2021

Minutes approved:
_____, 2021

DRAFT

June 18, 2021

Mtg Date: June 22, 2021

To: Oshtemo Township Zoning Board of Appeals

From: Colten Hutson, Zoning Administrator

Applicant: Sign Art, Inc., Steve VanderSloot

Owner: Advia Credit Union

Property: 6400 W Main Street, Parcel Number 05-14-255-010; 6404 W Main Street, Parcel Number 05-14-255-050

Zoning: C: Local Business District

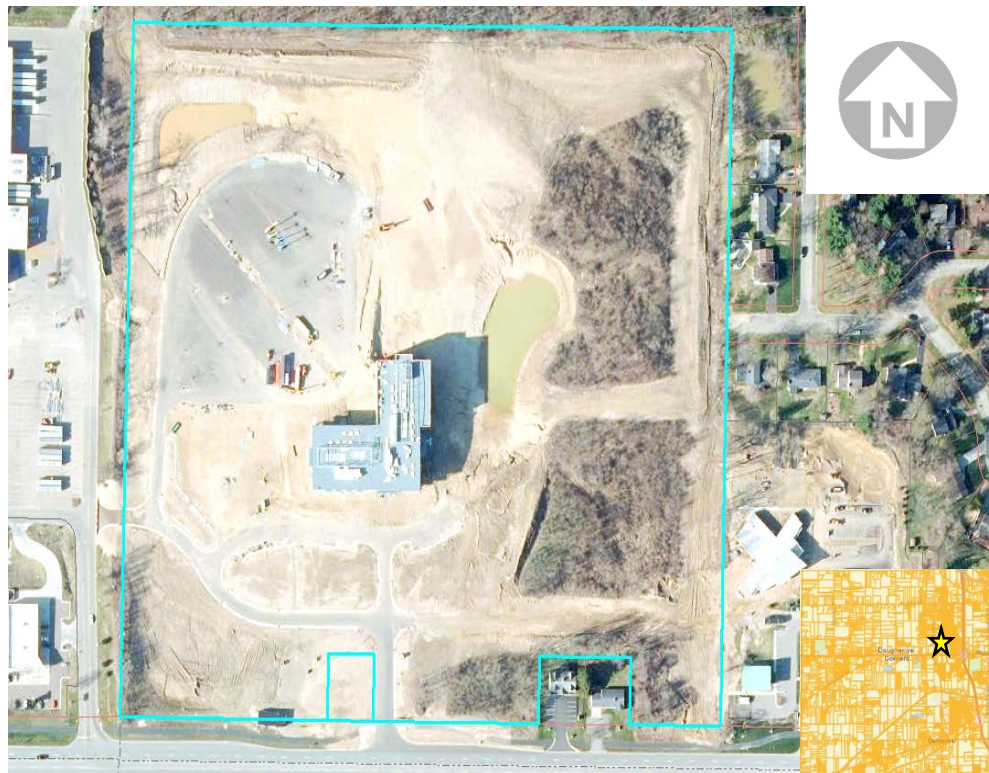
Request: Request for Multiple Sign Variances for New Multi-Tenant Commercial Center

Section(s): Section 55.80 - Commercial and Office Land Uses
Section 57.130(D) - Character and Placement



OVERVIEW:

Sign Art, Inc., on behalf of the Advia Credit Union, is requesting three separate variances pertaining to on-site signage and building address numbers. For **Request A**, the applicant is requesting relief from Section 55.80 of the zoning ordinance which governs the use, area, type, height, and number of signs allowed for a commercial or office land use, in order to establish a pylon sign that is 23'4" in



height where only 20' is permitted, 144 SF in area where only 60 SF is permitted, and a sign support area of 72 SF where only 43 SF is permitted. In **Request B**, the applicant is requesting relief from Section 55.80 of the zoning ordinance in order for the proposed wall signs to be mounted at approximately 50' in height,

exceeding the maximum permitted mounting height of 30'. For **Request C**, the applicant is requesting relief from Section 57.130(D) of the zoning ordinance which dictates the character size and placement of address building numbers based on the building setback distance from public right-of-way, in order to mount the building numbers at 47' in height whereas only a maximum mounting height of 25' is allowed.

The Advia Credit Union site is located on the north side of W Main Street between N 10th Street and N 9th Street. The subject property spans over 38 acres and has approximately 1,300' of road frontage adjacent to W Main Street. If signage is proposed to differentiate from what the Zoning Ordinance allows with respects to placement, height, size, and the number of signs, a variance request is required. Since the nature of these requests conflict with the code, the applicant has requested that the Zoning Board of Appeals consider the three variances for their proposal for relief from Section 55.80: Commercial and Office Land Uses and Section 57.130(D): Character and Placement.

SECTION 55.80: Commercial and Office Land Uses and SECTION 57.130(D): Character and Placement

The applicant has provided the following rationale for the variance requests from Section 55.80 and Section 57.130(D):

“Advia Credit Union is in the final stages of constructing their unique corporate headquarters. The 150,000 square foot, three-story facility is situated on 38 acres, possesses over 1,300 linear feet of road frontage, and a building setback of approximately 400 linear feet from tremendously wide West Main right-of-way. It will include a full service branch, ATM, night deposit box, meeting and event rooms, and retail space for up to five (5) commercial retail tenants. Given the uniqueness of this mixed-use development, the proposed sign plan requests a sign deviation to provide reasonable identification for Advia Credit Union as well future commercial retail tenants.”

STANDARDS OF REVIEW - STAFF ANALYSIS

The Michigan courts have applied the following principles for a dimensional variance, which collectively amount to demonstrating a practical difficulty, as follows:

- Special or unique physical conditions and circumstances exist which are peculiar to the property involved and which are not generally applicable to other properties in the same district.
- Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use; or would render conformity to the ordinance unnecessarily burdensome.
- The variance is the minimum necessary to provide substantial justice to the landowner and neighbors.
- The problem is not self-created.
- Public safety and welfare.

STANDARDS OF APPROVAL OF A NONUSE VARIANCE (PRACTICAL DIFFICULTY):

Standard: Unique Physical Circumstances
Are there unique physical limitations or conditions which prevent compliance?

Comment: **Request A)** The 38-acre parcel has approximately 1,300' of road frontage adjacent to W Main Street. The subject sign is proposed to be placed immediately west of the entrance on W Main Street and to be setback approximately 10' from the front property line. The sign is proposed to be located on a small outlot adjacent to the site's entrance that Advia

Credit Union also owns. It should be noted that as offsite signage is not permitted, the outlot in question will need to be combined with the Advia site if the sign is to be placed at this location. The proposed pylon sign will encompass signage for Advia Credit Union in addition to the five commercial tenants located at this site. W Main Street is a five-lane highway with a speed limit of 50 mph in this area. It could be argued that a 60 SF multi-tenant pylon sign in this location is at a visual disadvantage compared to a normal 60 SF pylon sign representing one business due to the speeds in this area. However, all businesses on W Main Street share the same disadvantage. Even though Advia Credit Union has a significantly large building and significant frontage on W Main Street there are no major physical limitations which warrant the pylon sign to exceed the size and height requirements outlined in the zoning ordinance for commercial and office land uses. There are no significant elevation changes as the area where the sign is proposed is relatively flat. The sign will have the same setback requirements compared to any other sign adjacent to W Main Street that is representing a commercial enterprise. There is no easement interference or topographical issues which warrant a 23'4" tall pylon sign that is 144 SF in sign area. **If the proposed sign is to be placed on the outlot, independent of whether this variance is approved or not, parcels 05-14-255-010 and 05-14-255-050 will need to be combined.**

Request B) Advia Credit Union received formal approval from the Planning Commission on February 28, 2019 to construct a 150,000 SF building at the subject property. The building is three-stories and is 53' tall. The zoning ordinance only allows for wall signs to be placed at a maximum mounting height of 30' above grade. Due to the building's height, the applicant is requesting a variance to mount the wall signs at approximately 50' above grade. It is common for wall signs to be mounted near the top of any building. The scale of the approved 150,000 SF, three story building is unique.

Request C) Address numbers on buildings are a general requirement for any given development going through the formal review process. More importantly, placement of the building numbers which identifies the address of the structure is a safety requirement in terms of emergency responders. The Advia building was approved at approximately 53' in height. The zoning ordinance only allows for buildings with a setback of this nature to have their building numbers mounted at a maximum height of 25'. The applicant is requesting to mount the building numbers at a height of 47'. The scale of the approved building is unique.

*Standard: Conformance Unnecessarily Burdensome
Are reasonable options for compliance available?
Does reasonable use of the property exist with denial of the variance?*

Comment: Request A) The proposed pylon sign will not represent one commercial business, but rather a total of six. Since Advia Credit Union is hosting five tenants, it can be expected that a larger sign area and sign height are desired. However, the applicant can still propose adequate signage that encompasses each business while meeting the height, sign area, and sign support area requirements outlined in the zoning ordinance. It can be

argued that conformance is not unnecessarily burdensome, and that denial of the variance would not take away from the reasonable use of the property.

Request B) Other than the handful of hotels in the Township, there are no buildings that have a height similar to the subject building. The building is approximately 53' tall. If the variance request for the wall signs is denied for a mounting height of approximately 50', the wall signs would need to be placed at half of the vertical distance of the building between windows. As noted previously, it is common practice to place wall signs near the top of a building. However, it can be argued that if the variance for the wall signs was denied, that reasonable use of the property would still exist.

Request C) Section 57.130(D) of the zoning ordinance requires buildings with a large enough building setback from the public right-of-way to have their building address numbers placed at a mounting height of 25' or less. At the time this section of the zoning ordinance was adopted, staff did not consider additional ordinance requirements pertaining to buildings of this scale. However, the ordinance does offer a provision for the placement of address numbers that cannot meet the height requirements noting that in those instances the addressing shall be placed on a freestanding sign between the structure and the road and visible from the road. Compliance is not unnecessarily burdensome.

*Standard: Minimum Necessary for Substantial Justice
Applied to both applicant as well as to other property owners in district.
Review past decisions of the Zoning Board of Appeals (ZBA) for consistency (precedence).*

Comment: Request A) In researching past ZBA decisions regarding sign size relief for commercial developments, Planning Department staff identified two comparable cases. These findings are described below.

1. Gesmundo, LLC, Parcel ID: 05-25-240-009 (Northwest Corner of Stadium Drive and Drake Road), May 26, 2015: The applicant requested a sign variance to allow the installation of a multi-tenant sign with a sign area of 172 SF, which is 88 SF greater than what the code allows. This request also included a variance for the overall sign height of 32', which is 12' taller than the maximum permitted. Based on the previously approved variances for multi-tenant centers, and considering the unique nature of the site, its size, and its location on a major arterial, the Zoning Board of Appeals approved the request to allow the applicant a larger sign square footage and taller sign height.
2. West Main Mall, Parcel ID:3905-13-430-036, March 09, 2004: The applicant requested a sign variance to allow an increase in the sign area and height for a pylon sign on W Main Street to service a multi-tenant commercial center. The applicant requested to increase the total height of the existing sign from 25' to 30', and to expand the sign area by an additional 67 SF. Based on variances approved in the late 1990's for West Century Center and Maple Hill Mall, the Zoning Board of Appeals approved the request to allow the applicant the same larger sign square footage that

was permitted to its competitors. The property's limited visibility from W Main Street was also considered a reason for approval.

Request B) In researching past ZBA decisions regarding mounting height for wall signs in commercial developments, Planning Department staff identified two comparable cases. These findings are described below.

1. *Holiday Inn Express and Suites, 5724 W Main Street, June 26, 2018:* The applicant requested a sign variance to increase the height of their two wall signs. The height of the building was approximately 45' and located in proximity to US-131. The applicant proposed to place their wall signs at a height of approximately 40', 10' above the maximum allowed placement for a sign. Since the site was located within a Planned Unit Development (PUD), the Zoning Board of Appeals made a motion to forward the request for a departure from the sign ordinance to the Planning Commission to be reviewed under the PUD ordinance, outlined in Section 60.405 at the time. On July 26, 2018, the Planning Commission met and approved the request. Following the approval they updated the ordinance allowing the height of wall signs for buildings within the Westgate PUD with heights taller than 35' shall be placed no higher than 5' below the roofline/parapet wall of the building to which the sign is attached.
2. *Best Western; 2575 South 11th Street; March 17, 2009:* Best Western requested a variance to increase the height of their east and west facing wall signs. The applicant indicated the request was to help increase visibility from US-131 even though the hotel did not directly abut the highway. The ZBA granted the variance for increase height for the eastern wall sign facing US-131 from a mounting height of 30' to 39' but not the western wall sign facing S 11th Street.

Request C) In researching past ZBA decisions regarding mounting height for building address numbers, Planning Department staff was unable to identify any comparable cases. Section 57.130(D) of the ordinance is relatively new and was adopted in 2019.

Standard: Self-Created Hardship
Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?

Comment: **Request A)** It is the applicant's desire to create a pylon sign with an overall sign area that is two and a half times the maximum size allowed per ordinance. The applicant proposed a pylon sign that exceeds that maximum height allowed per ordinance. It is also the applicant's desire to have a pylon sign with supports and uprights that exceed the maximum area allowed by the code. Installing a pylon sign that is out of compliance with all aspects of the zoning ordinance is not required nor necessary. The request is a self-created hardship.

Request B) The applicant proposed to design their building to be 53' tall for their corporate headquarters and host five tenant spaces. However, it can be argued that when Section 55.80 of the zoning ordinance was adopted that it did not consider the mounting height for wall signs on a building of this size. Again, the subject building is one of few

buildings in the Township that exceeds the height of 30', which also serves as the maximum mounting height allowed per ordinance. The zoning ordinance does not have a maximum building height allowed for commercial developments. The applicant followed all requirements outlined in the zoning ordinance while developing the site.

Request C) Similar to the language above for Request B, the applicant proposed to design their building to be 53' tall. However, it can also be argued that when Section 57.130(D) of the zoning ordinance was adopted that it did not consider the mounting height for building numbers on a building of this size. The code only allows for a maximum mounting height of 25' for buildings in which are setback a great distance from adjacent public right-of-way. The zoning ordinance does not have a maximum height allowed for buildings within commercial developments. The applicant constructed a building at 53' in height under the allowable parameters of the zoning ordinance. However, as noted previously, the code does offer a provision for the placement of address numbers that cannot meet the height requirements outlined in the code, noting that in those instances the addressing shall be placed on a freestanding sign between the structure and the road and visible from the road. It is the applicant's desire to place the building numbers on the building rather than on a freestanding sign. The request is a self-created hardship.

Standard: Public Safety and Welfare

Will the variance request negatively impact the health, safety, and welfare of others?

Request A) The proposed pylon sign is approximately 144 SF in area. The maximum sign area allowed for commercial developments of this nature is a total of 60 SF. This means that the pylon sign is nearly two and a half times the sign area allowed by code. The subject sign is proposed to be 23'4" tall and have a sign support area of 72 SF. Based on the proposed sign, the code would only allow a maximum height of 20' and a sign support area of 43 SF. Although the sign would follow the same setback requirements compared to any other commercial sign, a sign this large may potentially distract motorists and will set a precedence for future requests.

Request B) It is common for a business to have their wall signs near the top of their respected building. The code allows for a maximum wall mounting height of 30', whereas the proposed signs would be mounted at approximately 50'. This request will not negatively impact anyone in the community.

Request C) For building numbers, the code allows for a maximum mounting height of 25' depending on how far the building is setback from the public right-of-way. The height of the building is double the vertical distance than what the code allows as the building numbers are proposed to be mounted at approximately 47'. In terms of fire and safety, it is important for emergency responders to have a visual of the building numbers to locate a structure. The Fire Marshal is satisfied with the proposed positioning of the building numbers as they are placed in a recommended location on a building. **As a condition of approval, however, the Fire Marshal would like to request that the building numbers be installed with the same backlighting used for the proposed wall signs due to fire and safety reasons.** Approving this variance request would not negatively affect the health, safety, and welfare of the public.

POSSIBLE ACTIONS

The Zoning Board of Appeals may take the following possible actions:

- Motion to approve as requested (conditions may be attached)
- Motion to approve with an alternate variance relief (conditions may be attached)
- Motion to deny

The motion should include the findings of fact relevant to the requested variance. Based on the staff analysis, the following findings of fact are presented:

- Support of variance approval for **Request A**
 - The property is located on a 50mph five-lane highway. The higher speeds in this area warrants a larger sized sign to provide appropriate advertisement to commuters on such traveled way.
 - There are two previous cases in which multi-tenant centers were granted a variance to allow for significantly larger pylon signs. One of which was also on W Main Street.
- Support of variance denial for **Request A**
 - There are no major physical limitations to have a larger sign.
 - The variance request is a hardship that is self-created, as the applicant is not required to install a larger sign.
 - Reasonable use of the property would still exist if the variance is denied.
 - Reasonable options for compliance are available
- Support of variance approval for **Request B**
 - Advia Credit Union received formal approval from the Planning Commission on February 28, 2019 which allowed the applicant to construct the building this size and height, presenting a unique physical circumstance.
 - There are two previous cases in which buildings of a similar height were granted a variance to allow for a greater mounting height for wall signs.
 - If the variance was granted, it would not negatively impact the health, safety, and welfare of the community.
- Support of variance denial for **Request B**
 - Reasonable use of the property exists if the variance is denied.
 - The request for the variance is a self-created hardship.
- Support of variance approval for **Request C**
 - Approval of the variance would not negatively impact the health, safety, and welfare of the community, only enhance it. The Fire Marshal is satisfied with the proposal.
 - Advia Credit Union received formal approval from the Planning Commission on February 28, 2019 which allowed the applicant to construct the building this size and height, presenting a unique physical circumstance.

- Support of variance denial for **Request C**
 - It is the applicant’s desire to place the building numbers on the building rather than on a freestanding sign. The request for the variance is a self-created hardship
 - Reasonable use of the property exists if the variance is denied.
 - A reasonable options for compliance are available.

Possible motions for the Zoning Board of Appeals to consider include:

1. Variance Approval for **Request A**

The Zoning Board of Appeals approves the variance request due to the sign representing a multi-tenant commercial center and minimum necessary for substantial justice with condition that a land combination is submitted and approved by the Township.

Variance Denial for **Request A**

The Zoning Board of Appeals denies the variance request as the need for the variance is a self-created hardship and conformance with code requirements is not unnecessarily burdensome.

2. Variance Approval for **Request B**

The Zoning Board of Appeals approves the variance request due to unique physical circumstances of the property in question, minimum necessary for substantial justice, and approval will not negatively impact the health, safety, and welfare of the public.

Variance Denial for **Request B**

The Zoning Board of Appeals denies the variance request as the need for the variance is a self-created hardship and conformance with code requirements is not unnecessarily burdensome.

3. Variance Approval for **Request C**

The Zoning Board of Appeals approves the variance request due to unique physical circumstances of the property in question and approval will not negatively impact the health, safety, and welfare of the public with condition that the building address numbers be illuminated for visual purposes. Such illumination shall meet zoning ordinance requirements.

Variance Denial for **Request C**

The Zoning Board of Appeals denies the variance request as the need for the variance is a self-created hardship, reasonable options for compliance are available, and reasonable use of the property exists if the variance is denied.

Attachments: Application, Letter of Intent, Site Plan, and Minutes for the Substantial Justice Cases



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS Advia Credit Union - 6400 West Main St.

PLANNING & ZONING APPLICATION

Applicant Name : Steve VanderSloot

Company SignArt, Inc.

5757 E. Cork St.

Address Kalamazoo, MI 49048

E-mail svandersloot@signartinc.com

Telephone 269.381.3012 Fax 269.381.0999

Interest in Property Sign contractor.

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name Advia Credit Union

Address 550 S. Riverview Dr.

Kalamazoo, MI 49004

Email _____

Phone & Fax (269)382-9845

Fee Amount _____

Escrow Amount _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|---|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Rezoning-1091 |
| <input type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input checked="" type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input type="checkbox"/> Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): See attached cover

letter and sign designs.

LEGAL DESCRIPTION OF PROPERTY *(Use Attachments if Necessary):*

SEC 14-2-12 SW1/4 NE1/4 EXC COM AT SE COR SW1/4 NE1/4 SEC 14 TH W 766 FT ALG E&W1/4 LI SD SEC FOR PL BEG TH CONT W 100 FT ALG E&W1/4 LI SEC 14 TH N 0DEG36MIN30SC E 200 FT PAR TO E LI SW1/4 NE1/4 SEC 14 TH E 100 FT PAR TO E&W1/4 LI SD SEC TH S 0DEG36MIN30SCW 200 FT PAR TO SD E LI TO PL BEG EXC COM AT SE COR OF SW1/4 NE1/4 SEC 14 TH W 200 FT ALG E&W1/4 LI SD SEC FOR BEG TH CONT W 200 FT ALG E&W1/4 LI SD SEC TH N 00DEG36MIN30SC E 200 FT PAR TO E LI SW1/4 NE1/4 SEC 14 TH E 200 FT PAR TO E&W1/4 LI SD SEC TH S 0DEG36MIN30SC W 200 FT PAR TO SD E LI TO PL OF BEG EXC SO MUCH OF ABOVE DESC DEEDED TO MICH STATE HWY DEPT BY DEED L869 P582 AS RECD REG DEEDS OFF KAL CO MICH * (H 14-4-1)

PARCEL NUMBER: 3905- 14-255-050

ADDRESS OF PROPERTY: 6400 West Main St.

PRESENT USE OF THE PROPERTY: Commerical banking & multi-tenant development.

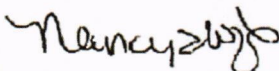

PRESENT ZONING C-1 **SIZE OF PROPERTY** 36.926

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)	Address(es)

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

	<u>5.7.21</u>
Owner's Signature (* If different from Applicant)	Date
	<u>5.7.21</u>
Applicant's Signature	Date

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney-1
- Assessor -1
- Planning Secretary - Original

PLEASE ATTACH ALL REQUIRED DOCUMENTS



May 7, 2021

SignArt Inc.
5757 E. Cork Street
Kalamazoo, MI 49048

269.381.3012
800.422.3030
FAX 269.381.0999



www.signartinc.com

Oshtemo Charter Township
Zoning Board of Appeals
7275 West Main Street
Kalamazoo, MI 49009

Re: Advia Credit Union – 6400 West Main Street

Dear Zoning Board of Appeals:

Please find enclosed completed Zoning Board of Appeals application, detailed sign plan, and check in the amount of \$500.00 for the request referenced above.

Advia Credit Union is in the final stages of constructing their unique corporate headquarters. The 150,000 square foot, three-story facility is situated on 38 acres, possesses over 1300 linear feet of road frontage, and a building setback of approximately 400 linear feet from tremendously wide West Main right-of-way. It will include a full-service branch, ATM, night deposit box, meeting and event rooms, and retail space for up to five (5) commercial retail tenants. Given the uniqueness of this mixed-use development, the proposed sign plan requests a sign deviation to provide reasonable identification for Advia Credit Union as well future commercial retail tenants. The required deviations are specific to:

- **Sign #1 – Multi-Tenant Pylon Sign** – Presented in multiple stages with the largest sign area being phase 2 once the retail element becomes clear. Requires deviation for height, sign area, and sign support area.
- **Signs #4 & #5 – Wall Signs** – Sign deviation required to exceed maximum height of 30 feet.

Please do not hesitate to contact me should you need any further information. Thank you for your consideration.

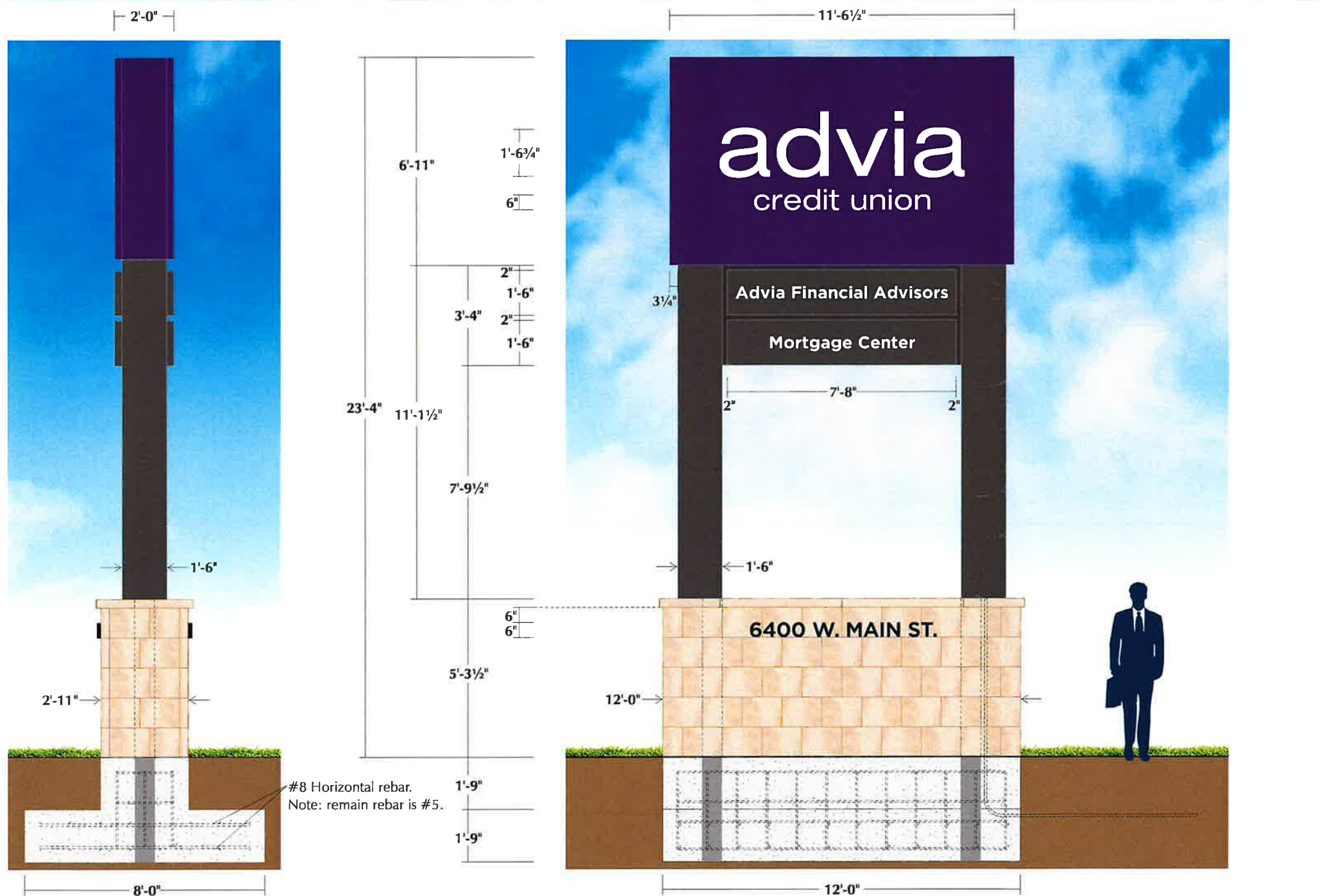
Best regards,

Steve VanderSloot
SignArt, Inc.

Enclosures

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Sign #1 — Concept Phase 1



Sign #1 — Double Faced Illuminated Multi-Tenant Pylon Sign

Scale: 1/4" = 1'-0"

Double Faced Illuminated Multi-Tenant Pylon Sign

ID Sign Cabinet

Custom fabricated .100 aluminum sign cabinet.
4" Aluminum reveal.
Paint with GripGard EFX semi-gloss enamel.

ID Faces

Precision routed .100 aluminum backed with flat translucent white polycarbonate.
Paint with GripGard EFX semi-gloss enamel.

Tenant Sign Cabinets

Custom fabricated .100 aluminum sign cabinets.
2" & 4" Aluminum reveals.
Paint with GripGard EFX semi-gloss enamel.

Tenant Sign Faces

Precision routed .100 aluminum backed with flat translucent white polycarbonate.
Paint with GripGard EFX semi-gloss enamel.

Electrical/Illumination

White LEDs powered by low voltage power supplies.
Toggle disconnect.
1" Rigid electrical conduit.

Base

Masonry base and cap to match building facade (by others).
Precision routed 3/4" acrylic address stud mounted flush.
Paint with GripGard EFX semi-gloss enamel.

Support/Foundation

8" x 8" x .250 Steel support tubes.
8'-0" x 12'-0" x 3'-6" Deep (total) reinforced concrete spread foundation, 1'-9" below grade.

Notes

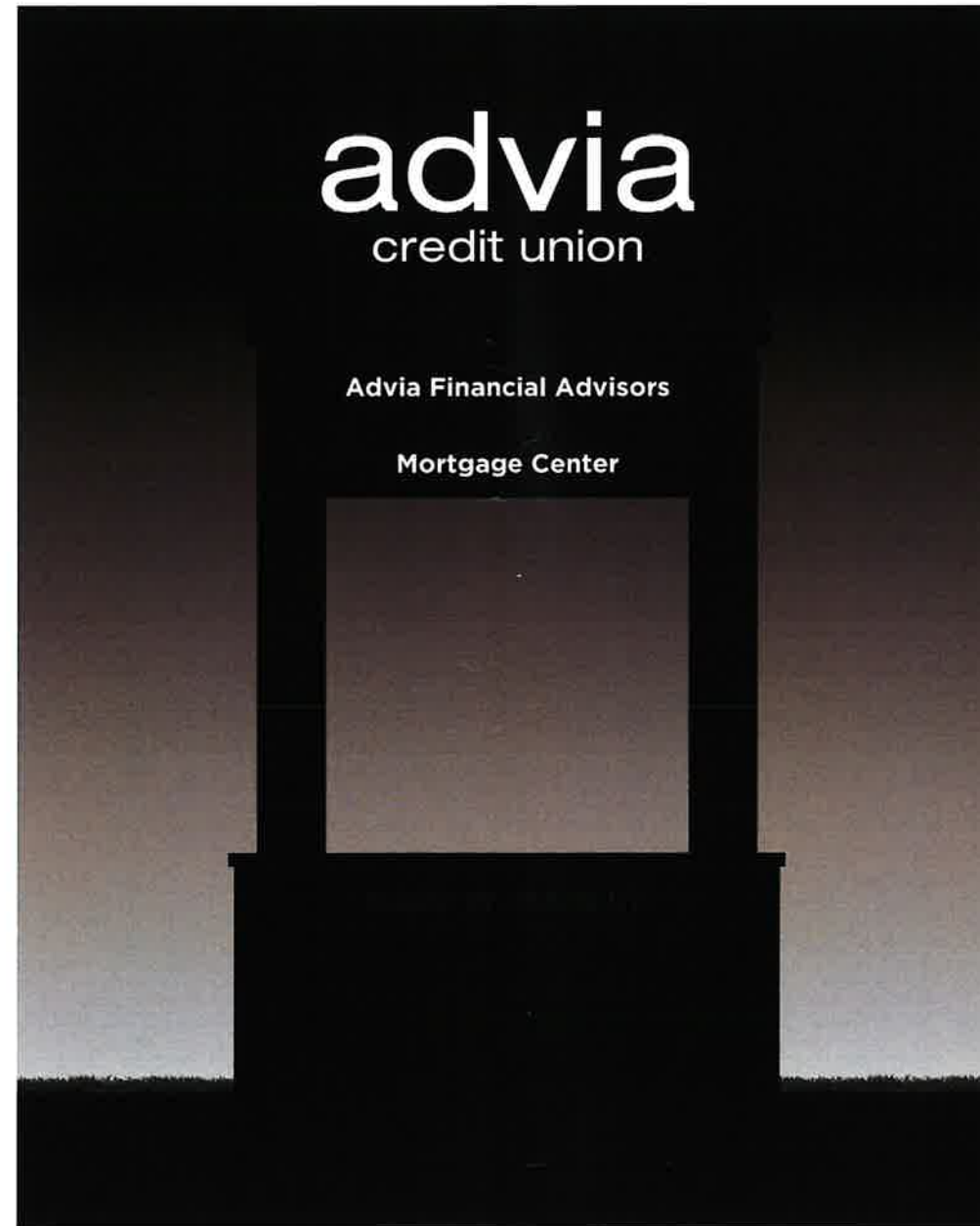
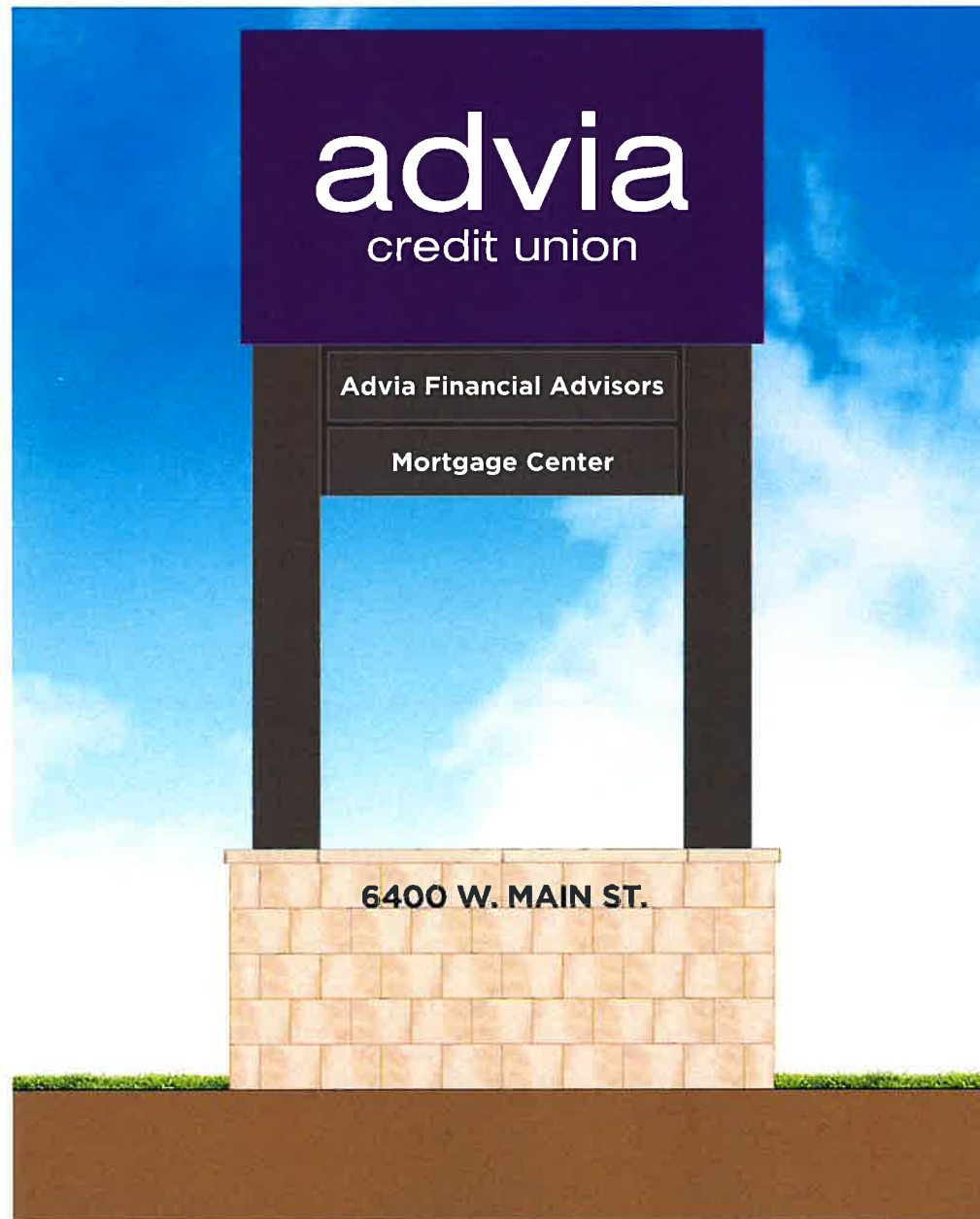
Tenant cabinets to be added on an as-needed basis.



Square Footage	
ID Sign Cabinet	6'-11" x 11'-6 1/2" = 79.83 Sq.Ft.
Tenant Cabinet	3'-4" x 7'-8" = 25.56 Sq.Ft.
Total	105.39 Sq.Ft.



This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

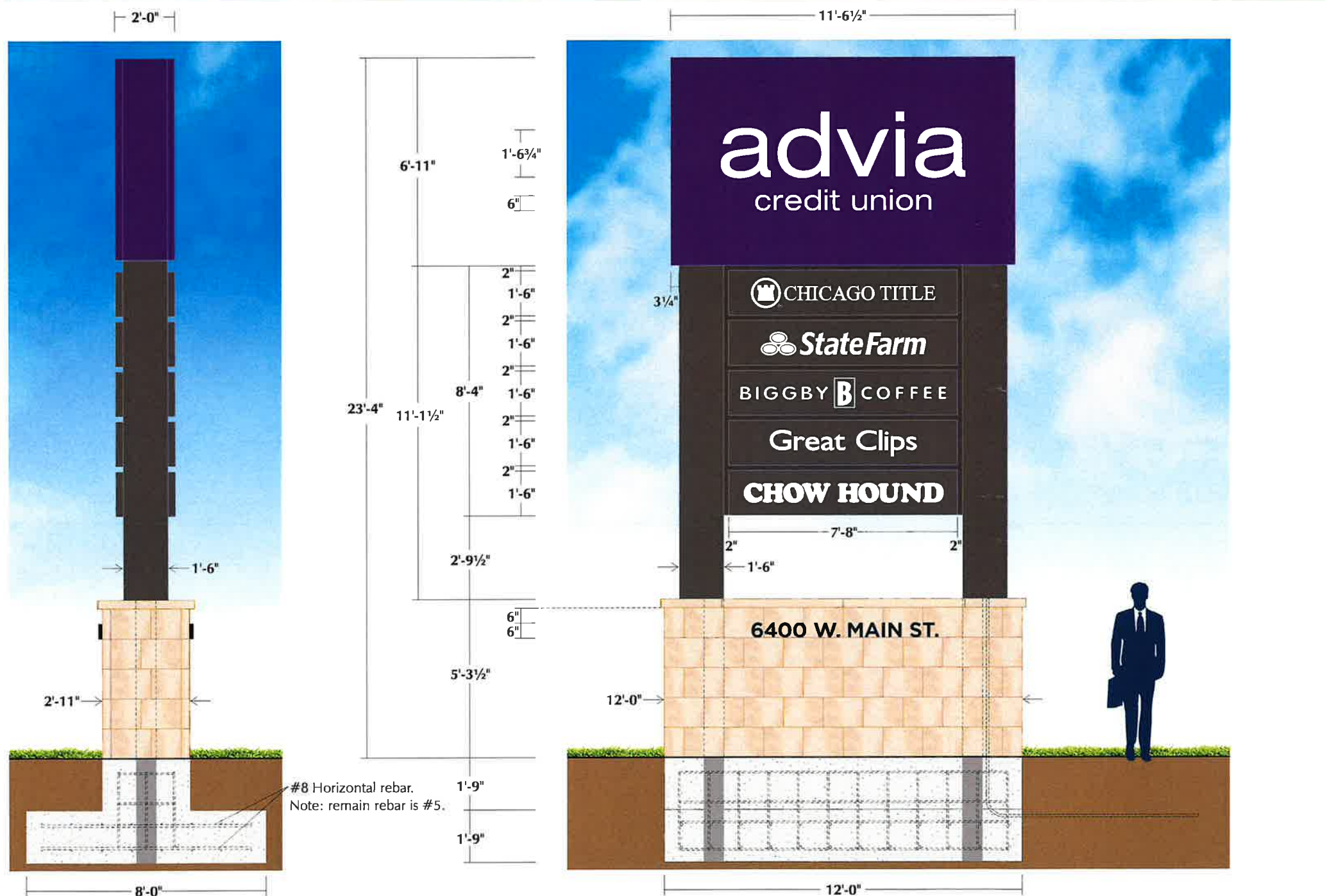


Notes:

Sign #1 — Day/Night Comparison

Scale: 1/4" = 1'-0"

Sign #1 — Concept Phase 2



Sign #1 — Double Faced Illuminated Multi-Tenant Pylon Sign

Scale: 1/4" = 1'-0"

Double Faced Illuminated Multi-Tenant Pylon Sign

ID Sign Cabinet

Custom fabricated .100 aluminum sign cabinet.
4" Aluminum reveal.
Paint with GripGard EFX semi-gloss enamel.

ID Faces

Precision routed .100 aluminum backed with flat translucent white polycarbonate.
Paint with GripGard EFX semi-gloss enamel.

Tenant Sign Cabinets

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2" & 4" Aluminum reveals.
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Support/Foundation

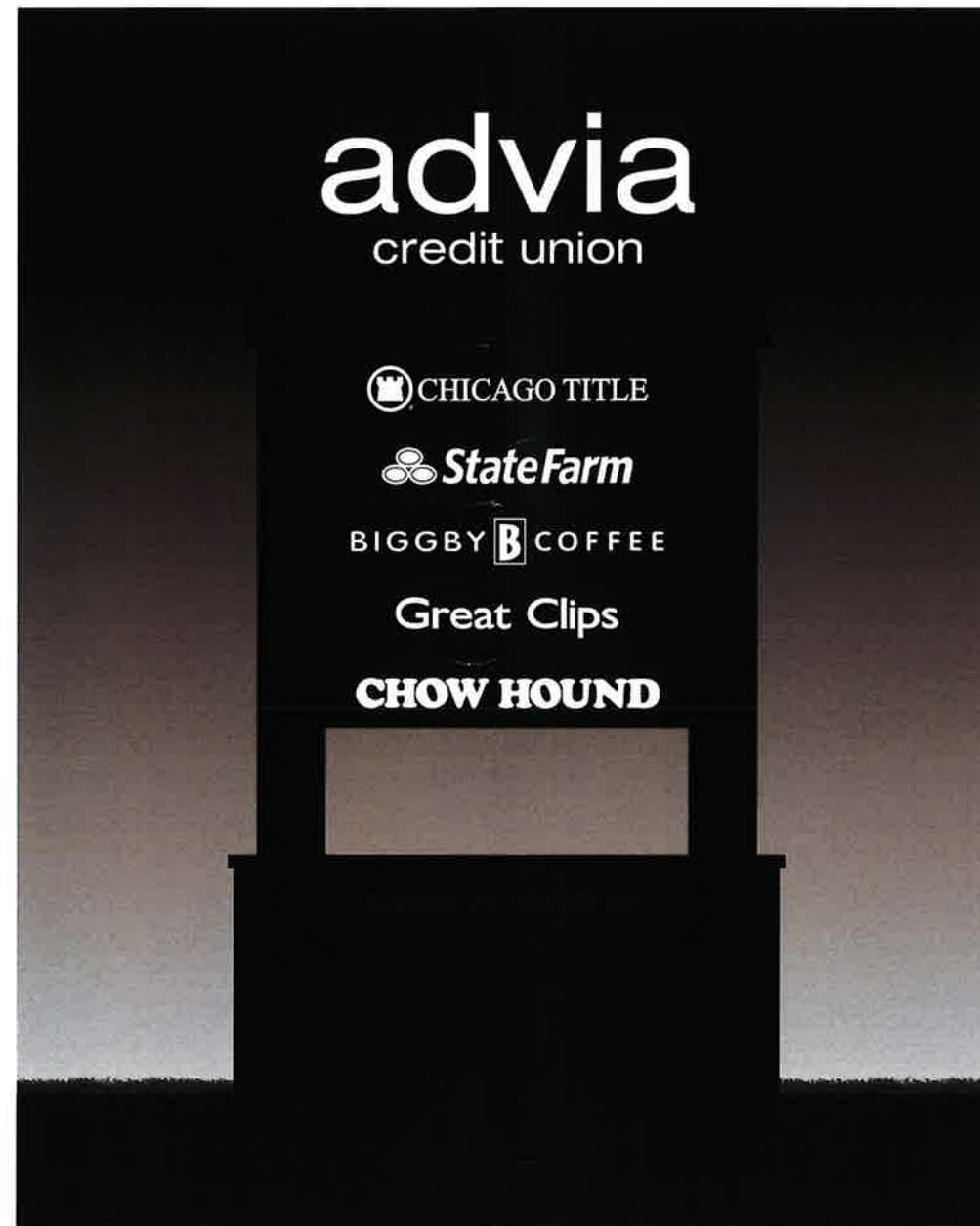
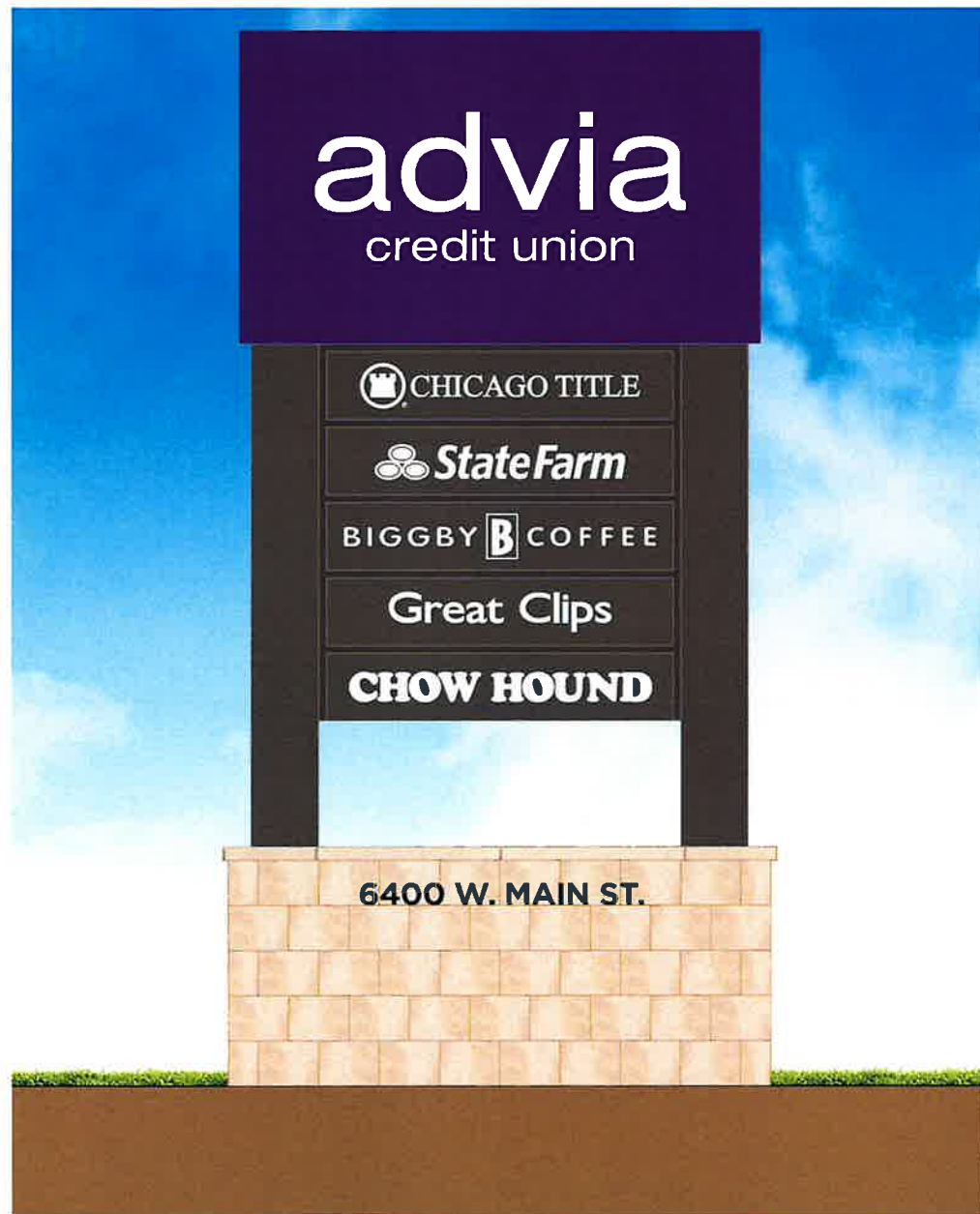
8" x 8" x .250 Steel support tubes.
8'-0" x 12'-0" x 3'-6" Deep (total) reinforced concrete spread foundation, 1'-9" below grade.



Square Footage	
ID Sign Cabinet	6'-11" x 11'-6 1/2" = 79.83 Sq.Ft.
Tenant Cabinet	8'-4" x 7'-8" = 63.89 Sq.Ft.
Total	143.72 Sq.Ft.



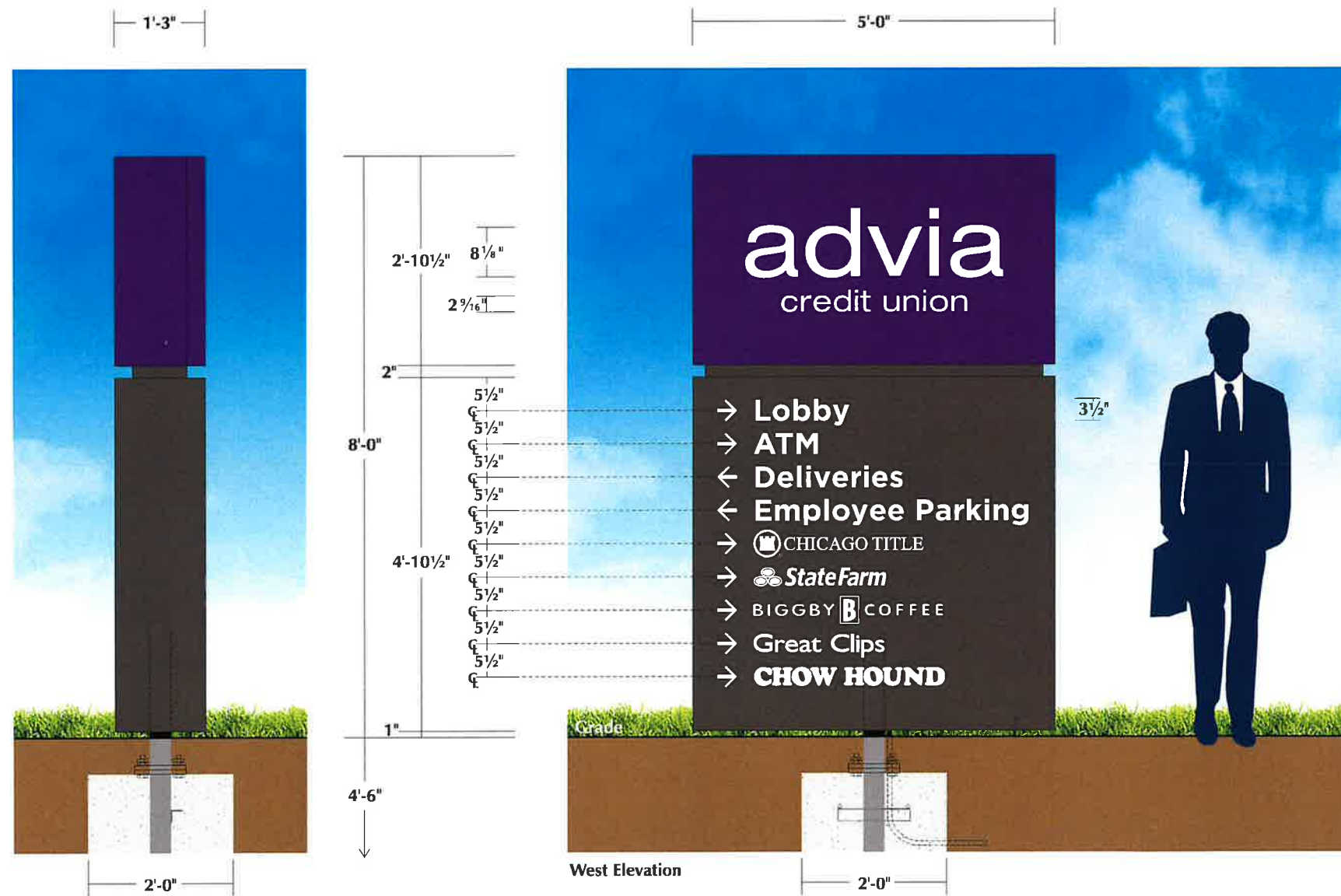
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



Notes:

Sign #1 — Day/Night Comparison

Scale: 1/4" = 1'-0"



Sign #2 — Single Faced Illuminated Directional Sign

Scale: 1/2" = 1'-0"

Single Faced Illuminated Directional Sign

ID Sign Cabinet

S.A. Double filler with 1 3/4" retainers (reverse side blank).
2" Aluminum reveal.
Paint with GripCard EFX semi-gloss enamel.

ID Faces

Precision routed .100 aluminum backed with flat translucent white polycarbonate.
Paint with GripCard EFX semi-gloss enamel.

Non-Illuminated Tenant Sign Cabinet

Custom fabricated .100 aluminum.
.100 Aluminum faces.
Paint with GripCard EFX semi-gloss enamel.
Applied pressure sensitive vinyl.

Electrical/Illumination

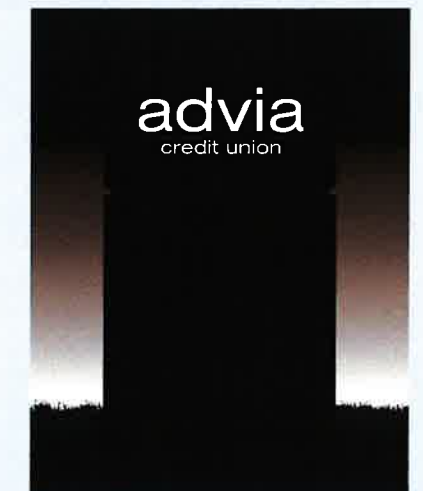
White LEDs powered by low voltage power supplies (ID sign cabinet only).
Toggle disconnect.

Support/Foundation

3 1/2" x 3 1/2" x .1875" Steel support tube.
Standard steel base plates.
2'-0" x 4'-6" Deep augered concrete footing.



East Elevation



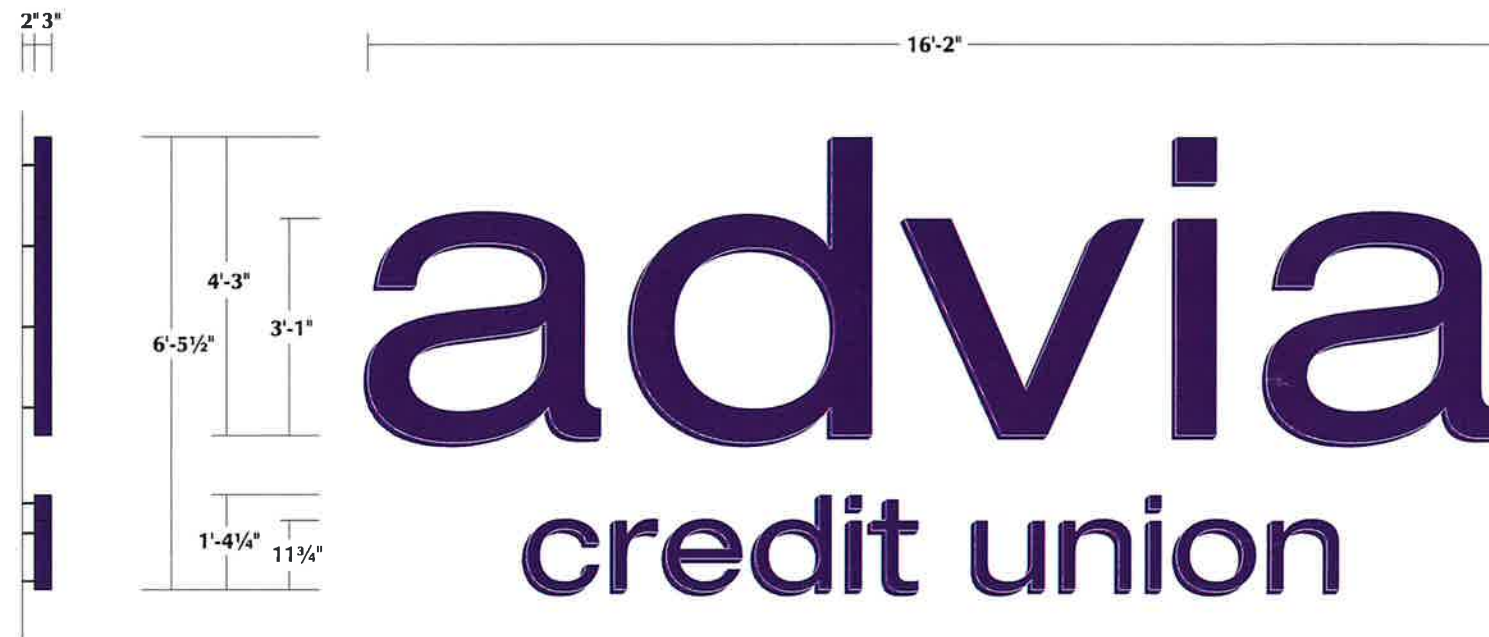
Night Time View



Square Footage	
Sign #2	5'-0" x 8'-0" = 40.00 Sq.Ft.



This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



Reverse Illuminated Channel Letters

Construction

3" Deep, .080 aluminum returns.
Clear polycarbonate backs.
Paint with GripGard EFX semi-gloss enamel.

Faces

.100 Aluminum.
Paint with GripGard EFX semi-gloss enamel.

Electrical/Illumination

White LEDs powered by low voltage power supplies.

Mounting

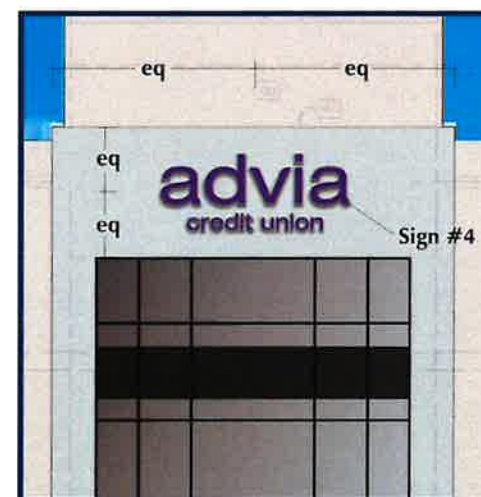
Stud mount 2" from facade.

Signs #3 & #4 — Reverse Illuminated Channel Letters

Scale: 3/8" = 1'-0"



Sign #3 — Proposed East Elevation



Sign #4 — Proposed West Elevation



Night Time View



PMS #2623

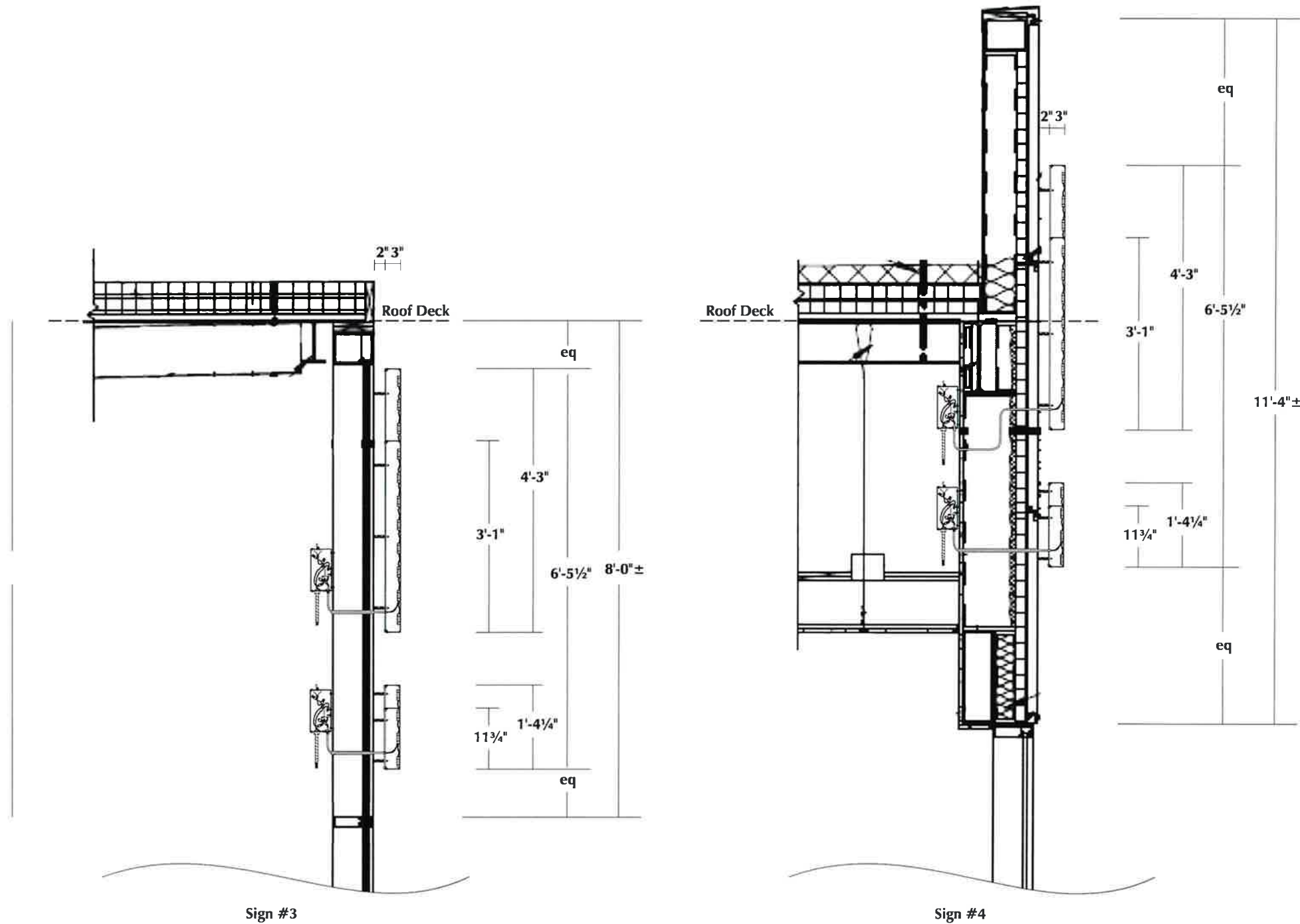
Square Footage

Signs #3 & #4 6'-5 1/2" x 16'-2" = 104.41 Sq.Ft.



This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

Signs #3 & #4 (Mounting Detail)



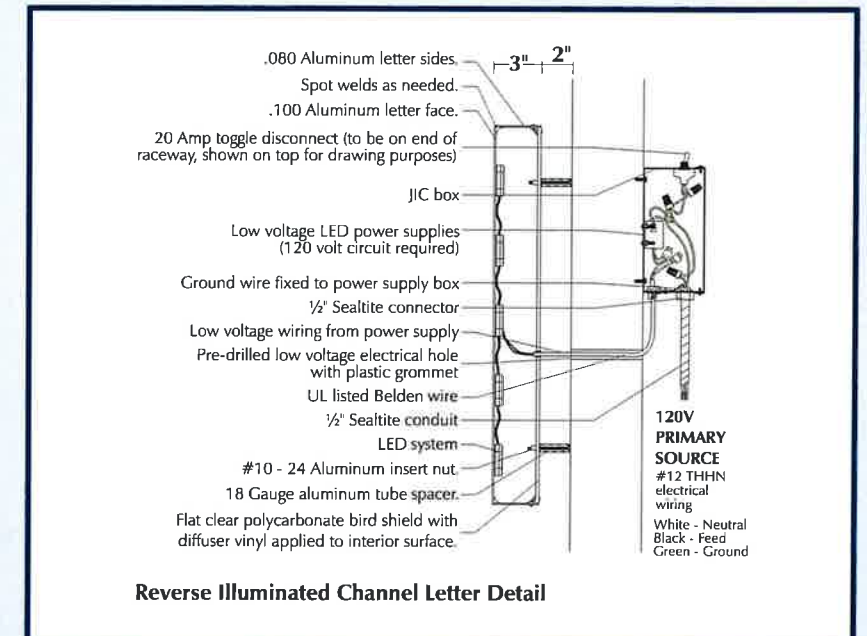
Sign #3

Sign #4

Signs #3 & #4 — Mounting Detail

Scale: 1/2" = 1'-0"

Notes:



Reverse Illuminated Channel Letter Detail

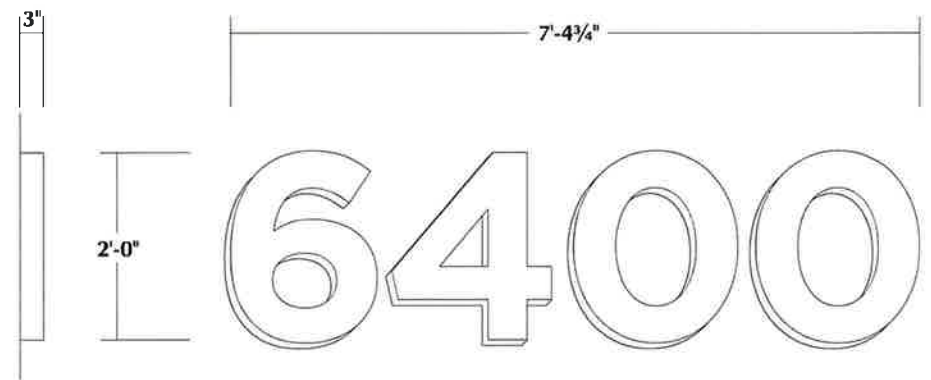
Non-Illuminated Reverse Channel Letters

Construction

3" Deep, .080 aluminum returns.
 .100 Aluminum faces.
 Paint with GripGard EFX semi-gloss enamel.

Mounting

Stud mount flush to facade.

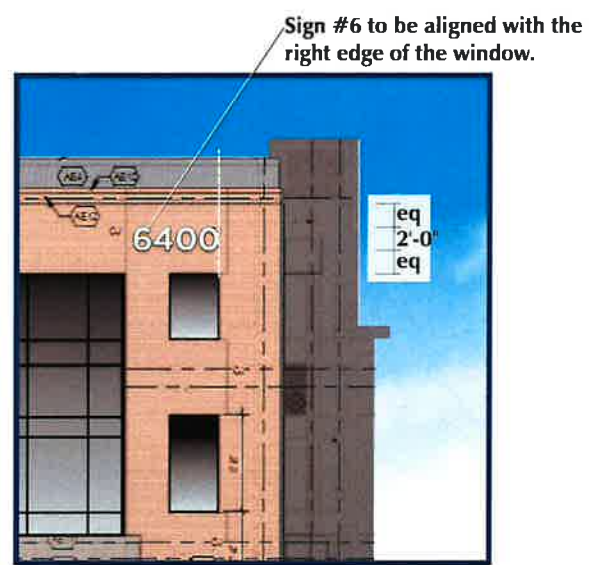


Signs #5 & #6 — Non-Illuminated Channel Letters

Scale: 1/2" = 1'-0"



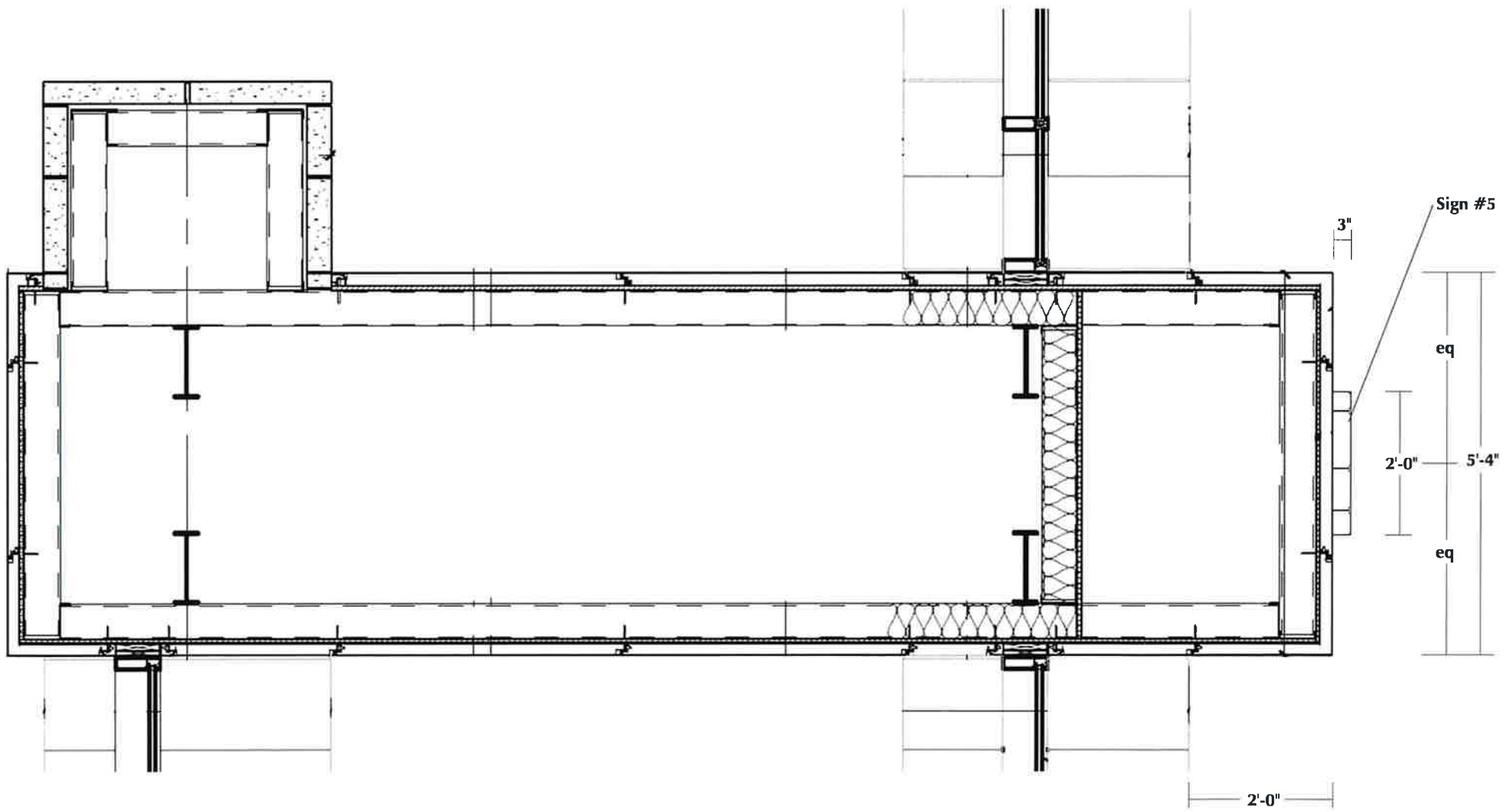
Sign #5 — South Elevation



Sign #6 — West Elevation



Square Footage
 Signs #5 & #6 2'-0" x 7'-4 3/4" = 14.79 Sq.Ft.

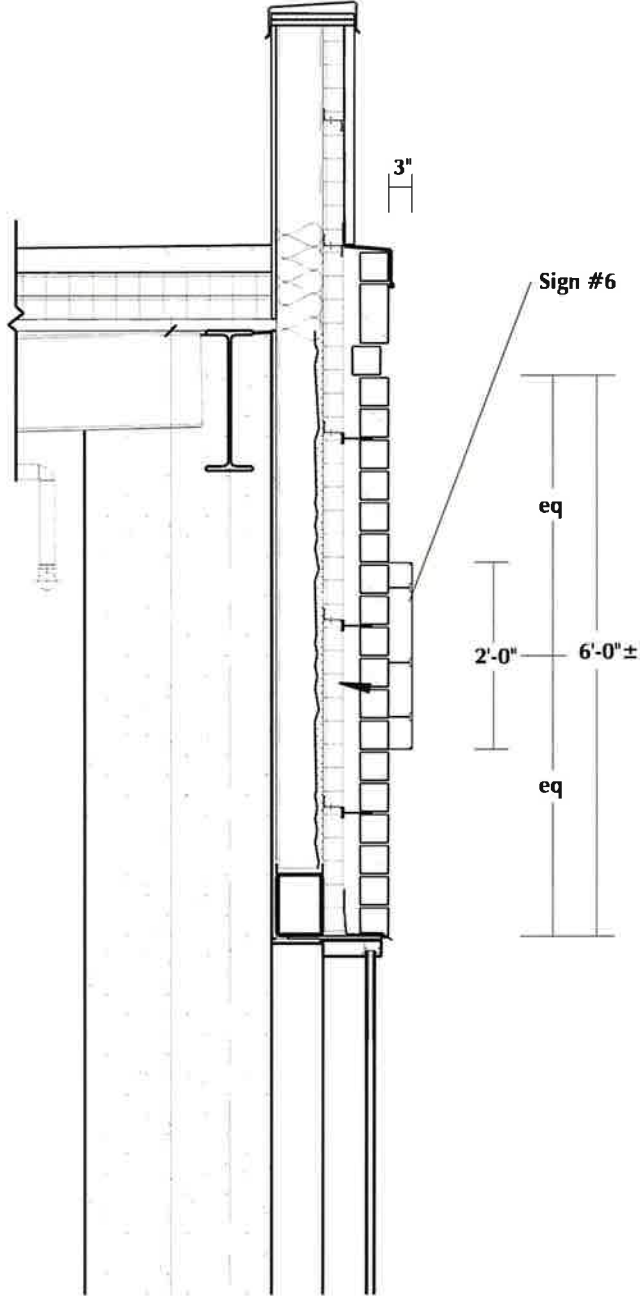


Notes:

Sign #5 — Mounting Detail

Scale: 1/2" = 1'-0"

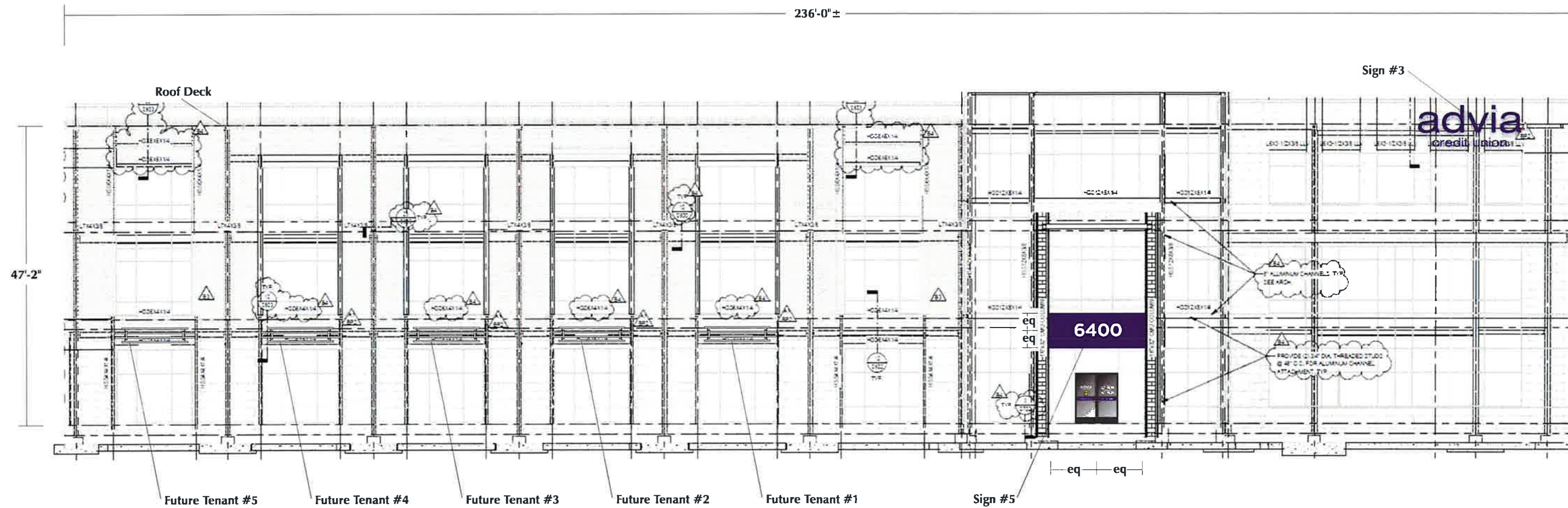
Note: Internal canopy access required for Sign #5 mounting.



Notes:

Sign #6 — Mounting Detail

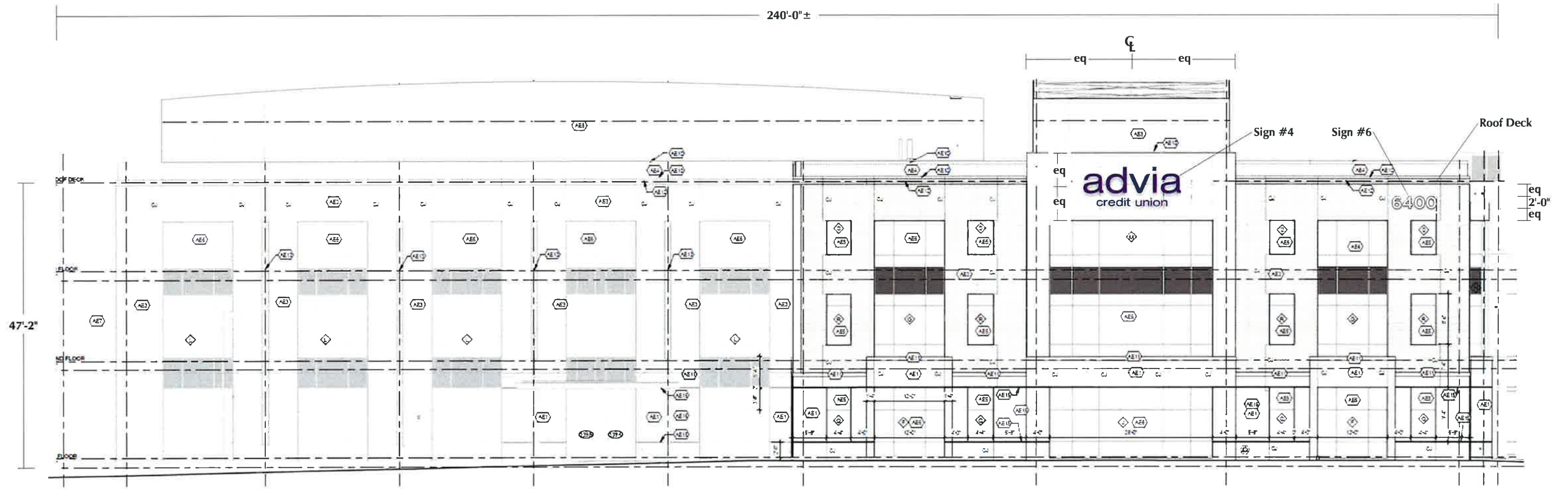
Scale: 1/2" = 1'-0"



South Elevation

Scale: 1/16" = 1'-0"

Building Sign Square Footage	
South Elevation	Sign #3 = 104.41 Sq.Ft.
	Sign #5 = 14.79 Sq.Ft.
	Future Tenant #1 = 20.00 Sq.Ft.
	Future Tenant #2 = 20.00 Sq.Ft.
	Future Tenant #3 = 20.00 Sq.Ft.
West Elevation	Sign #4 = 104.41 Sq.Ft.
	Sign #6 = 14.79 Sq.Ft.
Square Footage Total = 338.40 Sq.Ft.	



West Elevation

Scale: 1/16" = 1'-0"

Building Sign Square Footage	
South Elevation	Sign #3 = 104.41 Sq.Ft.
	Sign #5 = 14.79 Sq.Ft.
	Future Tenant #1 = 20.00 Sq.Ft.
	Future Tenant #2 = 20.00 Sq.Ft.
	Future Tenant #3 = 20.00 Sq.Ft.
West Elevation	Sign #4 = 104.41 Sq.Ft.
	Sign #6 = 14.79 Sq.Ft.
	Square Footage Total = 338.40 Sq.Ft.



Proposed South Elevation



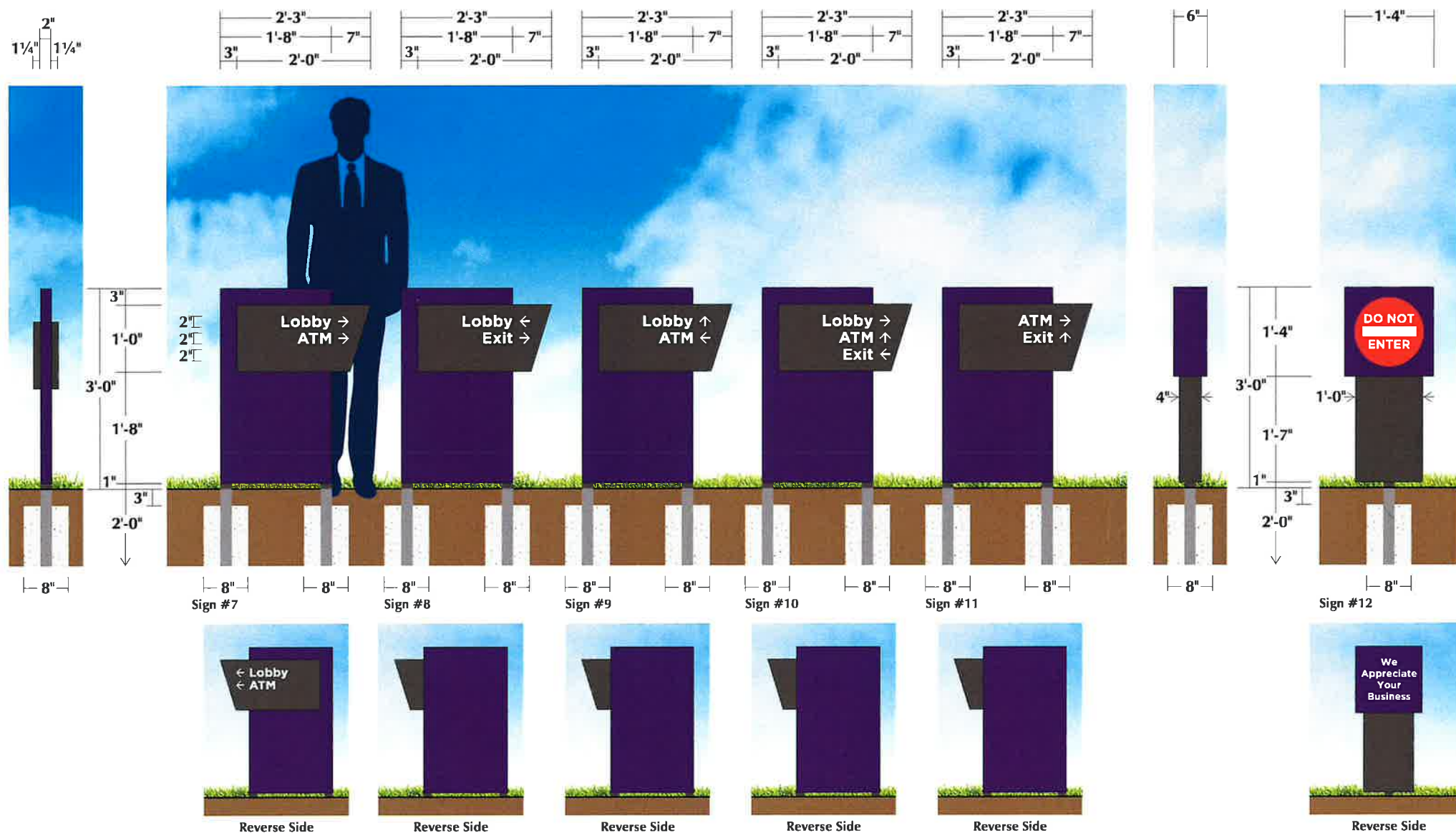
Proposed West Elevation



Proposed South Elevation



Proposed West Elevation



Non-Illuminated Directional Signs

Directional Signs #7 - #11

2" x 2" x .125 Aluminum tube frame.
 .100 Aluminum faces applied with VHB adhesive.
 Paint with GripCard EFX semi-gloss enamel.
 Applied pressure sensitive vinyl.

Embellishment

1" x 1" x .125 Aluminum channel embellishments with .100 Aluminum covering.
 Paint with GripCard EFX semi-gloss enamel.
 Applied pressure sensitive vinyl.

Support/Foundation

2" x 2" x .125 Square aluminum support tube.
 8" x 2'-0" Deep Sakrete footing with top 3" backfilled with sod/soil.

Directional Sign #12

Admiral GX-6 aluminum extrusion filler.
 .100 Aluminum faces applied with VHB adhesive.
 Paint with GripCard EFX semi-gloss enamel.
 Applied pressure sensitive vinyl.

Cladding

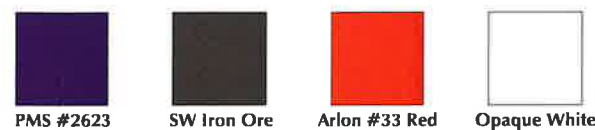
1/2" x 1" x .125 Aluminum tube frame.
 .100 Aluminum covering applied using VHB adhesive.
 Paint with GripCard EFX semi-gloss enamel.

Support/Foundation

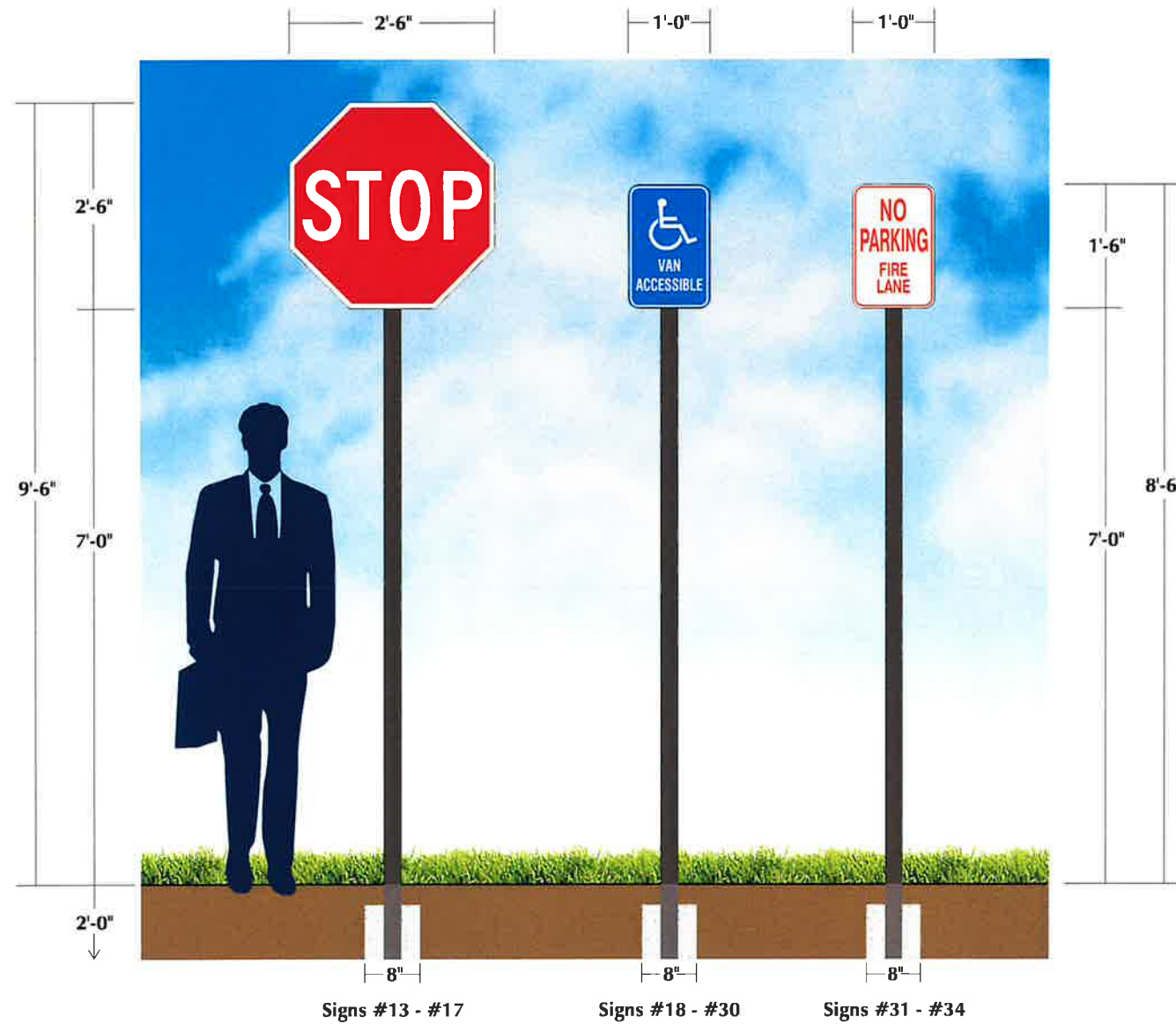
2" x 2" x .125 Square aluminum support tube.
 8" x 2'-0" Deep Sakrete footing with top 3" backfilled with sod/soil.

Signs #7 - #12 — Non-Illuminated Directional Signs

Scale: 1/4" = 1'-0"



Square Footage	
Signs #7 - #11	1'-0" x 2'-0" = 2.00 Sq.Ft.
Sign #12	1'-4" x 1'-4" = 1.78 Sq.Ft.



Non-Illuminated Directional Signs

Faces

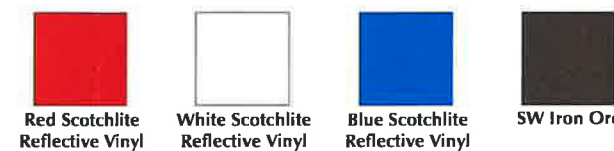
.100 aluminum faces (1½" radius corners for Signs #18 - #34).
 Paint with GripGard EFX semi-gloss enamel.
 Applied pressure sensitive vinyl.

Support/Foundation

2½" x 2½" x .125 Thick aluminum tube support pole.
 8" x 2'-0" Deep augured concrete footing with top 3" backed filled with sod/soil.
 Paint with GripGard EFX semi-gloss enamel.

Signs #13 - #34 — Non-Illuminated Directional Signs

Scale: ¾" = 1'-0"

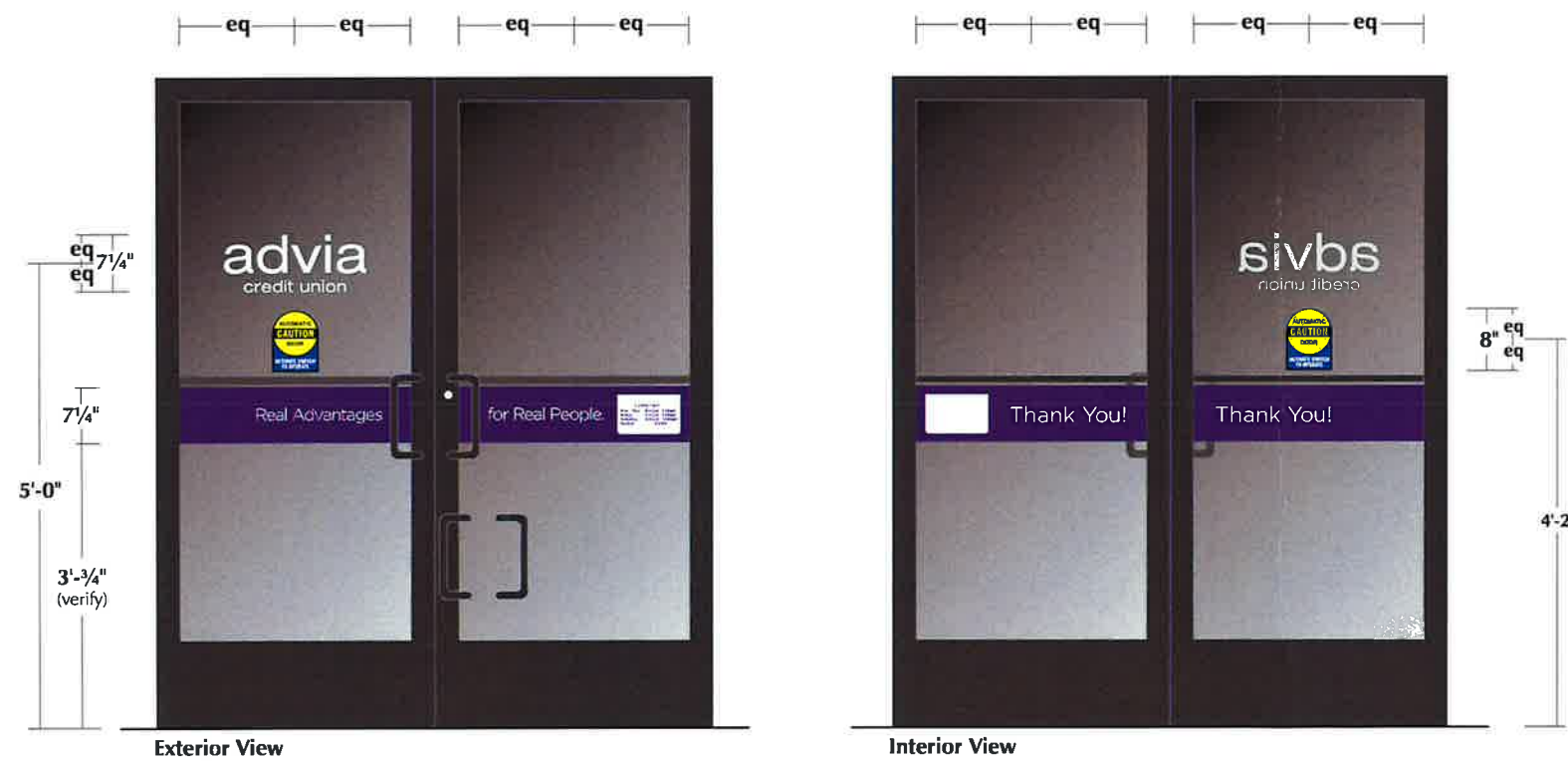


Square Footage	
Signs #13 - #17	2'-6" x 2'-6" = 6.25 Sq.Ft.
Signs #18 - #34	1'-6" x 1'-0" = 1.50 Sq.Ft.

Door Vinyl

Applied opaque white pressure sensitive vinyl.
Applied digitally printed pressure sensitive vinyl with U.V. overcoat.

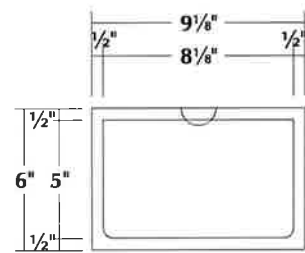
Note: Door dimensions and hours to be verified prior to production.



Sign #35 — Door Vinyl

Scale: 1/2" = 1'-0"

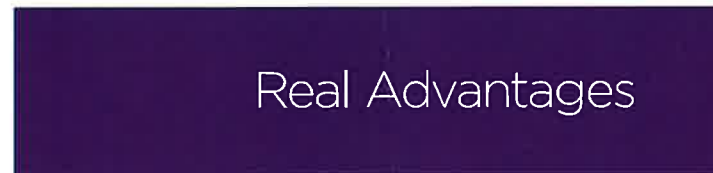




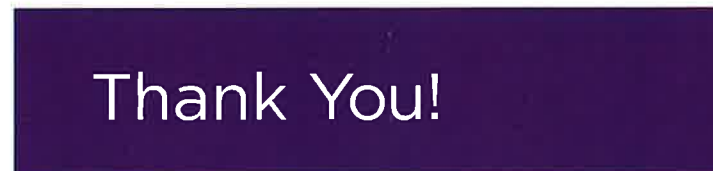
Insert Detail Scale: 1 1/2" = 1'-0"



Reverse Side
(applied to interior)



Adjacent Door Exterior



Adjacent Door Reverse Side

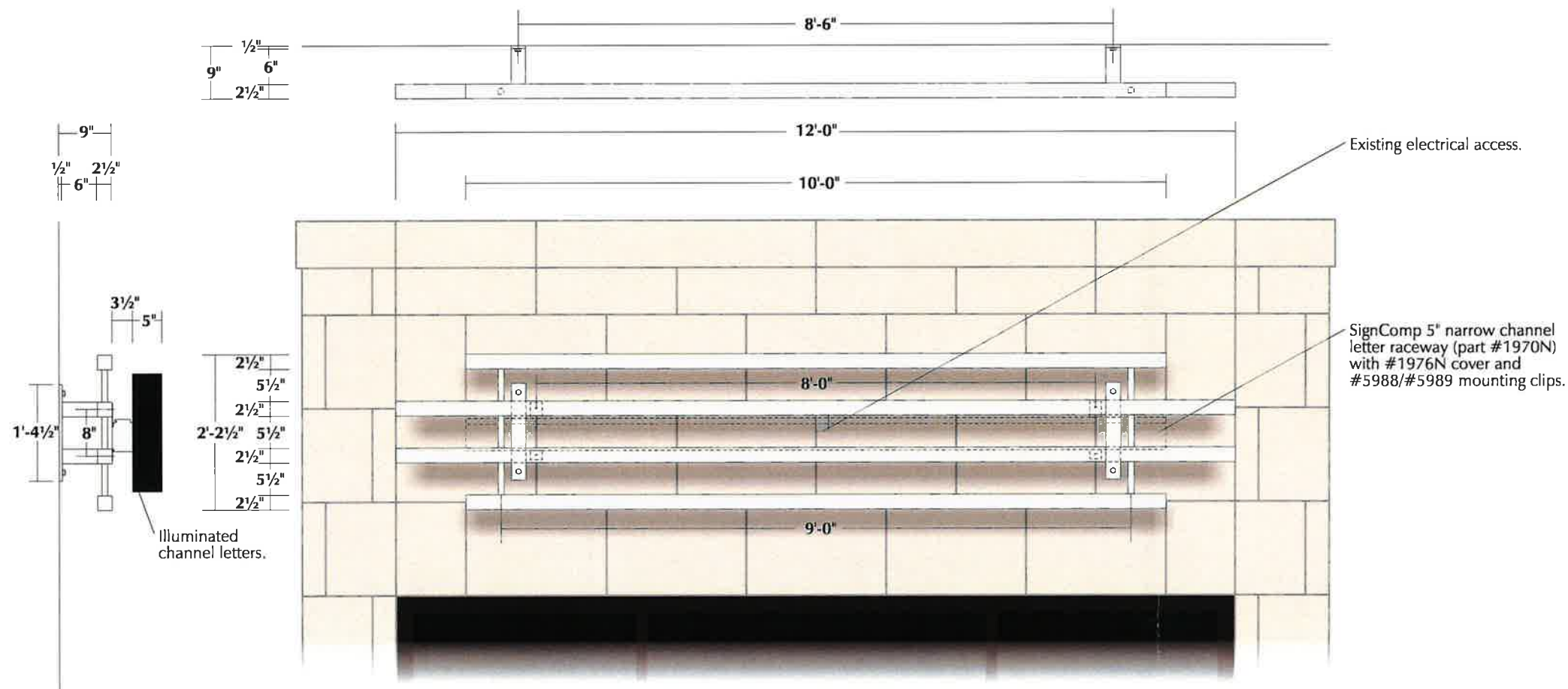
Door Band Detail

Opaque white pressure sensitive vinyl applied to interior and exterior of door glass.

Note: Hours to be verified prior to production.

Door Band Detail

Scale: 3" = 1'-0"



Tenant Sign Mounting Feature

Construction

2 1/2" x 2 1/2" x .125 Horizontal aluminum tubes.
 1" x 1" x .125 Vertical aluminum tubes.
 Paint with GripCard EFX semi-gloss enamel.

Electrical/Illumination

Existing junction box pre-installed on face of facade.

Mounting

2 1/2" x 2 1/2" x .125 Aluminum tubes.
 2 1/2" x 1'-4 1/2" x .50 Aluminum mounting plates (1'-1 1/2" spacing).
 1/2" TapCon masonry fasteners.
 Paint with GripCard EFX semi-gloss enamel.

Note: Channel letters shown are for demonstration purposes only.

Tenant Sign Mounting Feature

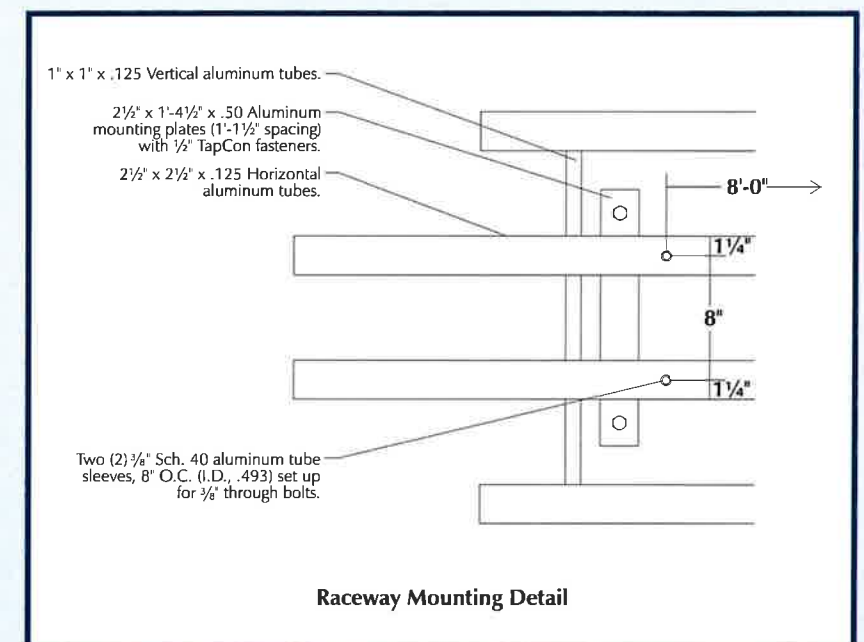
Scale: 1/2" = 1'-0"



Proposed Partial Elevation



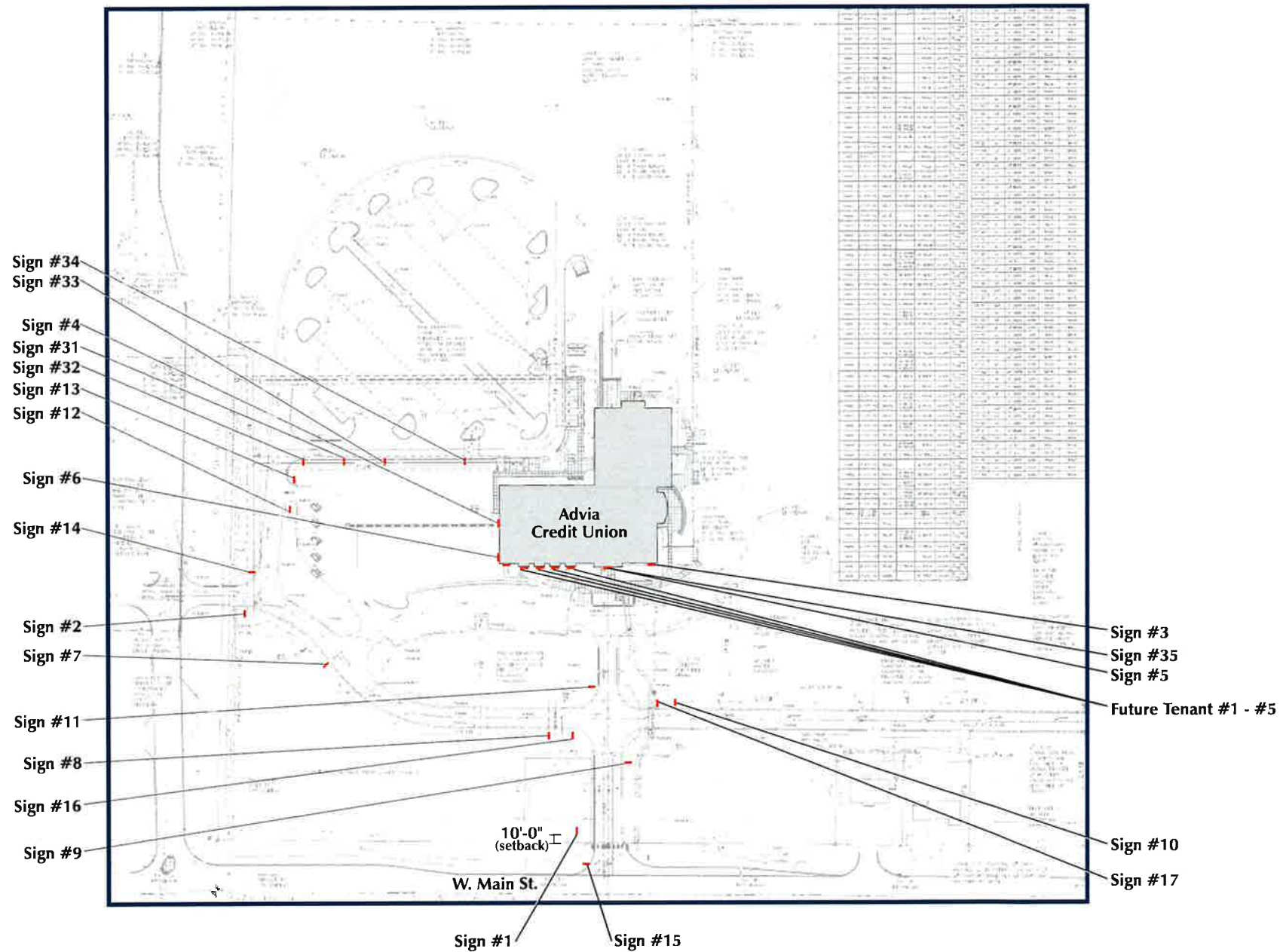
Proposed Partial Elevation (with Channel Letters)



Raceway Mounting Detail



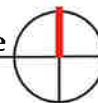
To Match Facade



Site Plan

Note: Ground signs to have a minimum 10'-0" setback from ROW and all property lines.

Scale: None



Notes:

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD MAY 26, 2015

Agenda

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A VARIANCE TO ALLOW PARKING SPACES TO BE LOCATED WITHIN THE REQUIRED 20 FOOT GREEN SPACE ALONG THE WEST BOUNDARY LINE OF A PROPOSED DEVELOPMENT IN THE C-LOCAL DISTRICT AS REQUIRED BY SECTION 75.130.D OF THE TOWNSHIP ZONING ORDINANCE. SUBJECT PROPERTY IS LOCATED NEAR THE SOUTHWEST CORNER OF CENTURY AVENUE AND WEST MICHIGAN AVENUE (PARCEL NO. 3905-25-240-009).

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A VARIANCE TO ALLOW THE INSTALLATION OF 875-WATT LIGHT FIXTURES, 475-WATTS GREATER THAN THE 400-WATT MINIMUM AS REQUIRED BY SECTION 78.720 OF THE OF THE TOWNSHIP ZONING ORDINANCE. SUBJECT PROPERTY IS LOCATED NEAR THE SOUTHWEST CORNER OF CENTURY AVENUE AND WEST MICHIGAN AVENUE (PARCEL NO. 3905-25-240-009).

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS SITE PLAN REVIEW OF A PROPOSED 50,000 SQUARE FOOT RETAIL BUILDING ON A 5.43 ACRE LEASE AREA NEAR THE SOUTHWEST CORNER OF CENTURY AVENUE AND WEST MICHIGAN AVENUE (PARCEL NO. 3905-25-240-009).

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A SIGN DEVIATION TO ALLOW THE INSTALLATION OF A 280 SQUARE FOOT WALL SIGN ON THE SOUTH FAÇADE OF A NEW RETAIL STORE IN THE C LOCAL BUSINESS DISTRICT, 45 SQUARE FEET LARGER THAN ALLOWED BY SECTION 76.170 OF THE ZONING ORDINANCE. SUBJECT PROPERTY IS LOCATED NEAR THE SOUTHWEST CORNER OF CENTURY AVENUE AND WEST MICHIGAN AVENUE (PARCEL NO. 3905-25-240-009).

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A SIGN DEVIATION TO ALLOW THE INSTALLATION OF A MULTI-TENANT POLE SIGN WITH AN AREA OF 172.50 SQUARE FEET AND A HEIGHT OF 32 FEET, 88.5 SQUARE FEET GREATER AND 12 FEET TALLER THAN THE MAXIMUM PERMITTED BY SECTION 76.170 OF THE ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED NEAR THE NORTHWEST CORNER OF DRAKE ROAD AND STADIUM DRIVE IN THE C-LOCAL BUSINESS DISTRICT (PARCEL NO. 3905-25-240-009).

Mr. Gesmundo indicated the standard size sign for Field & Stream stores is 475 square feet. In order for their store to be successful in an area with our size market, they need to pull in customers from the interstate and the sign must be large in order to do that. They are willing to reduce the sign to 280 square feet, but it is critical to them that it be no smaller or they will not build here. He indicated it would be an LED, internally lit sign.

The Chairperson asked if others wished to speak.

Mr. Steve VanderSloot of Sign Art, 5757 E. Cork Street, said he has worked with Dick's Sporting Goods, which is affiliated with Field & Stream, and asked the Board to keep in mind that national businesses have national sign programs that are very standardized models built to specifics on a large scale. Any change from that standardization is a sticking point. He mentioned the Board granted a variance to Lowe's for a larger sign since the store was set back so far from the road and that an extreme set back does warrant a larger size. He pointed out the Eagle image on the sign is more of a decorative element reminiscent of what it means to be an outdoorsman. The eagle is not illuminated; everything about the Field and Stream's site is very much organic.

There were no further comments and Chairperson Bell moved the meeting to Board Deliberations.

Mr. Loy said the sign is not an issue with visibility only from US-131.

Mr. Sterenberg said he was in favor of granting the deviation because of the uniqueness of the site. Because the sign's audience is travelers on US-131 it almost fits into the billboard category.

Mr. Smith noted 45 additional square feet is not a huge percent over 235, especially with a muted feel as described.

Mr. Sikora felt the request for deviation meets Township standards.

Mr. Anderson said he was in favor of granting the deviation.

Mr. Smith moved approval of the sign deviation as requested based on Board discussion. Mr. Anderson supported the motion. The motion was approved unanimously.

Chairperson Bell moved to the next item on the agenda.

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A SIGN DEVIATION TO ALLOW THE INSTALLATION OF A MULTI-TENANT POLE SIGN WITH AN AREA OF 172.50 SQUARE FEET AND A HEIGHT OF 32 FEET, 88.5

SQUARE FEET GREATER AND 12 FEET TALLER THAN THE MAXIMUM PERMITTED BY SECTION 76.170 OF THE ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED NEAR THE NORTHWEST CORNER OF DRAKE ROAD AND STADIUM DRIVE IN THE C-LOCAL BUSINESS DISTRICT (PARCEL NO. 3905-25-240-009).

Chairperson Bell said the next item was a request for a sign deviation to allow the installation of a multi-tenant pole sign near the northwest corner of Drake Road and Stadium Drive. She asked Mr. Milliken to review the application.

Mr. Milliken said currently there is no overall site signage for the Corner @ Drake development. The applicant is requesting sign deviations for a multi-tenant commercial sign for the entry of the Corner @ Drake commercial development. The shopping center is located at the northwest corner of Stadium Drive and Drake Road with frontage on West Michigan Avenue and US-131. The proposed sign is located at the intersection of Drake Road and Century Avenue just north of Stadium Drive. The property is in the C – Local Business district.

He noted the applicant did receive a deviation to install a commercial ground sign on the stone wall feature at the immediate corner of Stadium and Drake in September 2014. The deviation allows for installation of a 124 square foot sign as opposed to the 80 square foot maximum. That sign has not been installed, and although the applicant would like to preserve the option to do so, no immediate plans have been discussed.

He explained the proposal here is to install a primary, multi-tenant identification sign at the main entry to the development off of Drake Road. The maximum height of a multi-tenant commercial sign is 20 feet. The proposed sign is 32 feet tall. The maximum area permitted for the proposed sign is 84 square feet. The proposed sign is 172.50 square feet.

Mr. Milliken said staff felt it would be beneficial to understand the overall approach to signage at the development and see how the proposed sign fit in with that overall program.

He said at the other end of Century Avenue, the applicant is proposing installation of a small entry sign at the intersection of Century Avenue and West Michigan Avenue. This sign will only identify the center and will not have any tenant identification. No plans have been submitted for this sign, but this sign is permitted to be up to 40 square feet at a height of 10 feet.

Additionally, along Drake Road, one credit union has already had its site plan approved: Consumers Credit Union immediately north of Century Avenue. The applicant is in discussion with two more financial institutions for leasing of sites along Drake Road – one south of Century Avenue and one at the northernmost edge of the property. These financial institutions would not be identified on the multi-tenant signs and would thus be entitled to their own signage.

Mr. Milliken noted at some point in the future, the applicant may propose a second multi-tenant sign on Drake Road for a strip commercial center likely to be developed on land north of where Consumers Credit Union will be developed.

He told the Board both West Main Mall and West Century Center have received variances for size and height of their existing multi-tenant signs. Research indicates that the ordinance requirements have not changed. The Maple Hill Mall is another multi-tenant center with a large sign that does not conform to the current ordinance. He indicated some history on all of these signs is important and may help to guide the decision-making process. He reviewed the variance history with the Board.

He said in addition to the Corner @ Drake, these are the largest multi-tenant commercial centers in the Township. In some of the cases above, deviations were granted in order to bring the site closer to conformance. In this instance, there are no existing signs at the site. Nonetheless, the proposed sign area is significantly smaller than any of the other examples. The height of the proposed sign is created primarily due to the enhanced design and style of the sign and its structure rather than as a result of the sign area itself.

Mr. Milliken indicated the proposal for deviation meets the Standards of Approval.

He suggested the ZBA should consider the unique nature of the site, its size, and its location on a major arterial. The ZBA should also consider previous deviations granted to similar multi-tenant signs at West Century Center, West Main Mall, and Maple Hill Pavilion. The ZBA should also consider the enhanced design of the sign and the fact that the sign area is substantially less than existing signs at the previously mentioned centers.

Hearing no questions for Mr. Milliken, Chairperson Bell asked if the applicant wished to speak.

Mr. Gesmundo said the sign, like the rest of the project, epitomizes the quality of the development and the desired tenants he wishes to attract. Municipalities have developed sign ordinances because people have gone crazy with signs and they became a visual nuisance. He thinks this is at the opposite end of that scale. He pointed out that if the property were divided into as many parcels as would be allowed under Ordinance, over 1200 sq. ft. of signage would be permitted. The proposed sign condenses a lot of road frontage signage into a very few attractive signs. They would be tasteful and illuminated from within.

There were no questions for the applicant; the Chairperson moved to Board Deliberations.

Chairperson Bell cited the past sign deviations given as examples and felt the circumstances here are unique enough to set it apart from a 200 foot parcel with road frontage.

Attorney Porter suggested looking at the site in light of other development of the same nature.

Mr. Loy said he hated to see signs larger than what already exist.

Chairperson Bell asked about a sign at the south corner.

Mr. Milliken said he was not encouraging more signs and would discourage them from coming forward – he noted only one sign is being presented at this time.

Mr. Sterenberg asked if a larger sign is granted now whether smaller signs would be requested in the future.

Mr. Milliken said the game plan is for three financial institutions, each with one ground sign on Drake Road and a strip commercial center proposed for Drake Road that may or may not have a smaller version of the proposed sign. He noted the Ordinance has provisions for that.

Mr. Sterenberg commented the whole project and the sign are unique. He would rather see one large sign than 200 smaller ones.

In answer to a question from Mr. Sterenberg, Attorney Porter indicated a motion could say the deviation is granted in the spirit of the Master Plan.

Mr. Anderson moved approval of the sign deviation request as presented based on the reasons set forth in discussion, that it is treated similar to other multi-tenants in the Township and in the spirit of the Master Plan. Mr. Loy supported the motion. The motion was approved unanimously.

Chairperson Bell moved to the next item on the agenda.

PUBLIC HEARING. APPLICANT (SIGNART, INC. FOR MAPLE HILL LEASEHOLD, LLC) REQUESTS A SIGN DEVIATION TO ALLOW THE INSTALLATION OF SIX WALL SIGNS, TWO MORE THAN THE MAXIMUM PERMITTED BY SECTION 76.170 OF THE ZONING ORDINANCE. SUBJECT PROPERTY IS IN THE C-LOCAL BUSINESS DISTRICT AT 5622 WEST MAIN STREET (PARCEL NO. 3905-13-180-035).

Chairperson Bell said the final item was a request for sign deviation to allow the installation of six wall signs, two more than the maximum permitted at 5622 West Main Street. She asked Mr. Milliken to review the proposal.

Mr. Milliken said the applicant is requesting a sign deviation on behalf of Maple Hill Auto. As part of their site improvements and expansion, the property owner desires to update the signage in concert with the updates to the architecture of the building. These updates are also required by the auto companies as conditions of maintaining

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OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD MARCH 9, 2004

Agenda

**WEST MAIN MALL - SIGN DEVIATION - FREESTANDING SIGN - WEST MAIN MALL -
(PARCEL NO. 3905-13-430-036)**

**MC SPORTS - SIGN DEVIATION - WALL SIGN AREA - WEST MAIN MALL - 5157 WEST MAIN
STREET - (PARCEL NO. 3905-13-430-038)**

A special meeting was conducted by the Oshtemo Charter Township Zoning Board of Appeals on Tuesday, March 9, 2004, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Millard Loy, Chairperson
Grace Borgfjord
Dave Bushouse
Duane McClung
James Turcott

MEMBERS ABSENT:None

Also present were Mary Lynn Bugge, Township Planner; Jodi Stefforia, Planning Director; James W. Porter, Township Attorney; and approximately six other interested persons.

CALL TO ORDER

The meeting was called to order at 3:00 p.m.

MINUTES

The Board considered the minutes of the meeting of February 24, 2004. Mr. McClung made a motion to approve the minutes as submitted. The motion was seconded by James Turcott. The Chairman called for a vote on the motion, and the motion passed unanimously.

**WEST MAIN MALL - SIGN DEVIATION - FREESTANDING SIGN - WEST MAIN MALL -
(PARCEL NO. 3905-13-430-036)**

The Chairperson said the next item up for consideration was the request brought by Tim Timmons on behalf of Meyer C. Weiner Co., LLC. The Chairperson noted that the property was located in the "C-1" Local Business District along West Main Street, (Parcel No. 3905-13-430-038). He said that the request was for a sign deviation to allow an increase in the sign area for the freestanding sign on West Main Street.

The Chairman called for the report from the Planning Department. Ms. Jodi Stefforia noted that her husband worked for the sign company which would perform the work if the request was granted. She wanted that known in order to avoid any claims of impropriety. Ms. Bugge presented her Report to the Board dated March 9, 2004, and the same is incorporated herein.

Ms. Bugge provided the Board with an overview of the area, including an overhead showing Land Section 13 and the property at issue. She noted for the Board that, on December 6, 1999, the developer had been granted a variance for sign area, setback and the number of freestanding signs for this property. A copy of the minutes was attached to the report, showing the applicant was allowed four signs at that time, with a total square foot area of 620 feet. One sign is on West Main Street and three others are located on North Drake.

Ms. Bugge said that the current request was to expand the pylon sign on West Main Street to allow an increase in sign area and height. She said that applicant was requesting to increase the total height of the sign from 25 feet to 30 feet, and expand the sign area by an additional 67 square feet. Ms. Bugge then showed the Board, on an overhead projector, the sign as it currently exists and the sign as proposed. She then outlined what multi-tenant commercial centers were currently permitted under the Township Zoning Ordinance.

Ms. Bugge did note for the Board that Maple Hill Mall was granted a variance in 1998 for a 30-foot-high sign containing 340 square feet. She also noted that West Century Center had a 30-foot-high sign, with a total square footage of 308 square feet.

Ms. Bugge then provided the Board with an overhead, showing the location of the stores in the West Main Mall area in relationship to West Main Street and Drake Road.

Ms. Bugge provided the Board with the following standards of approval for a sign deviation, to-wit:

- (1) The granting of the requested deviation would not be materially detrimental to the property owners in the vicinity.

- (2) The hardship created by a literal interpretation of the Section is due to conditions unique to that lot, building site, or parcel and does not apply generally to other properties in the Township.
- (3) The granting of the deviation would not be contrary to the general purposes of this Section or set an adverse precedent.

Mr. Turcott asked, if the Maple Hill or Century signs would have to comply with the current zoning standards if they were modified. Ms. Bugge said that the Maple Hill sign would not, in that, it had a variance which would run with the land.

The Chairperson asked if there were any other questions of Ms. Bugge. Hearing none, he asked for a presentation from the applicant.

Mr. Josh Weiner said he was there to represent WestMain 2000, LLC, the owner of the property. He began by thanking the Board for the special meeting, and thanked Ms. Bugge for her thorough presentation. He said that, if he knew at the time of the original application what he knew now, the original sign request might have been different. Mr. Weiner noted that the property had unique characteristics. He said that the site was approximately 47 acres, rectangle in shape, with a small amount of frontage on West Main and a much larger frontage along Drake Road. Mr. Weiner said, given the shape of the parcel, the property could only be developed to accommodate approximately 380,000 square feet of retail space, as opposed to approximately 700,000 square feet of retail space if the property were square rather than a rectangle.

Mr. Weiner also said that there were changing conditions which affected overall property development and that the development had not gone as originally planned. He said, because of the smaller number of tenants, with larger retail spaces, more of the tenants had a regional draw which impacted upon the need for road signage. He said that people coming in from outside the area, looking for a business, needed to have directional signs in order to locate these larger retail centers.

He asked that the Board take into consideration the competitive disadvantage that West Main Mall business would have in comparison to West Century Center and Maple Hill Mall if they were not allowed a sign of equal size. He said he thought that their proposal was consistent with the other signs in the area, given the height and total square footage being requested. He noted that the proposed sign would be no taller than either the West Century Center sign or the Maple Hill Mall sign, and relatively similar in size.

Mr. Weiner told the Board that no lease had been signed with MC Sports yet and that the applicant was not making any presumptions with regard to the granting of the proposed variance. He said the only reason they had chosen to begin construction of the potential building for MC Sports was to get a jump on the weather, but that MC Sports had not committed to a lease of any kind.

Mr. Weiner asked if the Board had any questions.

Ms. Borgfjord asked Mr. Weiner to locate his property on the Zoning Map attached to the Planning Department's report. Mr. Weiner, along with the Township Planner, identified the particular properties owned by Mr. Weiner's company, as well as the land owned but leased to Lowes.

Ms. Borgfjord asked if Mr. Weiner thought they had lost an advantage with regard to the signs due to the leasing to Lowes. Mr. Weiner said that was a good point in that they could, in theory, divide the property up and acquire additional signage, but they simply did not want to develop the property in such a fashion. However, he said they did need identification on West Main Street for the businesses because of the small frontage on West Main, the lack of visibility from West Main Street, and the topography of the property.

Ms. Bugge pointed out to the Board that there were certain conditions attached to the grant of the original variance and wanted the Board to be aware of the same. The Board members noted the conditions attached to the previous grant of variance on page 5 of the minutes from December 6, 1999.

Mr. Weiner asked the Board again to consider equity and fairness in making their decision. He noted that West Century had a sign almost equal in size to what they are proposing, yet had a retail space that was one-quarter of the West Main shopping center.

The Chairperson asked if there would be additional buildings built directly adjacent to Drake Road. Mr. Weiner said he did not believe there would be any additional buildings. He said, not only would they need site plan approval to add any additional buildings, but there were certain restrictions in the leases with Kohl's and Lowes that would prohibit having additional buildings other than those already proposed.

Ms. Borgfjord asked, if there were future development, whether the applicant would be asking for additional signs. Mr. Weiner said that one can only go to the well so many times, and that he did not believe they would be making any further request for road signage. He also noted that any additional tenants would likely be small enough in size that they would not command the need for a freestanding road sign.

The Chairperson asked if there was any further input from the applicant. Mr. Gerald Klein of MC Sports, introduced himself to the Board. He told the Board that the proposed store design was unique in that it had limited store frontage of 100 feet, with a depth of approximately 200 feet. He said, given the limited frontage that they have on Drake Road, he thought that it was an absolute necessity to have a pylon sign on West Main Street. He also noted that the store would be set back from Drake Road approximately 600 feet, and they would be significantly elevated in relationship to Drake Road. He said, given those unique circumstances, a large sign was needed in order to direct traffic to the site.

Ms. Borgfjord asked how far back the buildings were set from West Main Street. Mr. Weiner said he thought MC Sports would be set back more than a 1,000 feet off West Main Street. Ms. Bugge noted that MC Sports would not be visible from West Main Street regardless of the setback because it faced Drake Road.

The Chairperson asked if there were any comments from the public, and hearing none, he called for deliberations.

Mr. Bushouse said he was concerned about granting additional road signage because of other requests in the area, such as the Prairies, having made similar requests. He said he thought granting the variance might set a precedent, and he was concerned about increasing overall sign size.

The Chairperson asked for clarification with regard to the extent of the deviation. Ms. Bugge noted that it would be an increase in height of 5 feet and an increase of 67 square feet. The Chairperson then said he thought if the Board stayed within what had been granted on both sides of the road, for similar signs, that he did not believe that the 30-foot height would be a problem. Mr. McClung said it would be consistent with what they had granted to the property next door. He said he did not see a problem in this area with the proposed increase, and since the stores on Drake Road could not be seen from West Main Street, he thought they needed appropriate signage to make themselves known to potential customers.

Ms. Borgfjord inquired as to whether or not granting this increase in height would precipitate requests from other property owners for similar increases in sign height. Ms. Bugge said yes, unless there was some distinguishing feature in that the signs of the applicant's, West Century Center and Maple Hill Mall were all shopping center signs and were used for multi-tenant commercial centers. The Chairperson said he thought it was significantly different in that all three were multi-tenant signs used for commercial shopping centers, and that a single business asking for a similar variance would be entirely different.

Mr. Turcott noted that the Board had denied Target's request for a variance, but that was for a single sign, for a single property. The Chairperson concurred, but noted that, in this case, they were talking about six tenants versus one tenant, and that he thought that was a significant difference. He said he did not believe the Board would be setting a precedent unless there was a similar commercial development making the same type of request. He said, in this case, the applicant was not requesting anything larger than the existing signs in the area, and he thought it would be appropriate.

Ms. Borgfjord asked about Pearle Vision having street signage. Mr. Weiner said that Pearle Vision, being a national retailer, felt they had to have street signage, but it was relatively small in comparison to the overall signage.

The Chairperson asked if there was any further discussion. Hearing none, he said he would entertain a motion to approve or deny the variance request. Mr. McClung made a motion to approve the request with the stipulation that there be no increase in the sign area in the future. Mr. Turcott seconded that motion, asking that the Board make the distinction between the present sign because it serves a multi-tenant commercial shopping center and not just a single retail business. Mr. McClung also noted that, due to the unique characteristics of the property, the businesses on the property had limited visibility from West Main Street, and therefore, in this case, road signage on West Main Street was warranted.

The Chairperson called for further discussion, and hearing none, called for a vote on the motion. The motion passed 3-to-2 with Mr. Bushouse and Ms. Borgfjord in opposition.

MC SPORTS - SIGN DEVIATION - WALL SIGN AREA - WEST MAIN MALL - 5157 WEST MAIN STREET - (PARCEL NO. 3905-13-430-038)

The Chairperson announced that the next item on the Agenda was the consideration of MC Sports for a sign deviation to allow a wall sign that exceeds the area permitted. He said the request was for the property located at 5157 West Main Street, (Parcel No. 3905-13-430-038). He noted that the property was in the "C-1" Local Business District. The Chairperson called for a report from the Planning Department. Ms. Stefforia again noted her husband's relationship with the sign company involved.

Ms. Bugge presented her report to the Board dated March 9, 2004, and the same is incorporated herein. Ms. Bugge noted for the Board that MC Sports was the proposed new tenant adjacent to Harding's Marketplace and Kohl's at the West Main 2000 Shopping Center. She said it would face Drake Road, similar to Harding's. She stated that the Township Zoning Ordinance allows commercial tenants within a multi-tenant development, one wall sign per exterior wall, and a sign area of one square foot per lineal foot of tenant space width. Since MC Sports had a space width of 100 feet, they would be allowed a 100-square-foot wall sign. The applicant was requesting to exceed that sign square footage by 67.6 square feet, for a total sign area of 167.6 square feet.

Ms. Bugge reviewed the standards with the Board, to-wit:

- (1) The granting of the requested deviation would not be materially detrimental to the property owners in the vicinity.
- (2) The hardship created by a literal interpretation of the Section is due to conditions unique to that lot, building site, or parcel and does not apply generally to other properties in the Township.
- (3) The granting of the deviation would not be contrary to the general purposes of this Section or set an adverse precedent.

Ms. Bugge noted that Hardings Marketplace had been granted a deviation for wall sign area. However, it was an existing use at the subject site moving to a new space, and the deviation was



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To: Zoning Board of Appeals **Meeting Date:** March 9, 2004

From: Planning Department **Agenda Item:** 3

Applicant: Tim Timmons on behalf Meyer C. Weiner Co. LLC

Property: West Main 2000
Permanent Parcel Number 3905-13-430-038

Zoning: C-1, Local Business District

Request: Sign Deviation to allow an increase in the sign area for the freestanding sign on West Main Street

Section(s): 76.500

Department Report:

Background Information:

A sign package for West Main Mall, including variances for area, setback and number of free standing signs, was approved with conditions on December 6, 1999, Minutes are attached. The package was considered under the previous sign provisions which permitted a height of 25 feet for freestanding signs.

The applicant is requesting a deviation for the pylon sign on West Main Street to allow an expansion of sign area and increase in height. The proposed area is an expansion of 67 square feet and the height is an increase of five feet, for a total height of 30 feet. The applicant is requesting the additional sign area to provide identification for two additional tenants. A sketch of the sign and letter from Josh Weiner regarding the request is attached. No change is proposed to the other free standing signs on the site. An existing pole sign adjacent to the northerly Drake Road driveway has unutilized space for tenant signs.

Under the current Ordinance, multi-tenant commercial centers are permitted one 20-foot high pole sign with an area of 80 square feet. However, properties with frontage on two streets may have one sign on each street with a maximum area of 60 square feet for one sign and 30 square feet for the other.

Additional Information

Maple Hill Mall has one, 30 foot high, pylon sign contain an area of 340 square feet. This sign is allowed in accordance with a variance granted on September 14, 1998.

West Century Center has a pylon sign of 308 square feet. Sign height was not available and will be related at the meeting.

Department Review:

The ZBA should review the following standards in considering the deviation requests.

Standards of Approval of a Sign Deviation:

Standard: The granting of the requested deviation would not be materially detrimental to the property owners in the vicinity.

Comment: Consider the proposed sign in relation to existing signs for similar uses in the vicinity.

Standard: The hardship created by a literal interpretation of the Section is due to conditions unique to that lot, building site, or parcel and does not apply generally to other properties in the Township.

Comment: Consider if the request for additional sign height and area is the result of conditions unique to the subject site.

Standard: The granting of the deviation would not be contrary to the general purposes of this Section or set an adverse precedent.

Comment: Consider the Statement of Purpose of the Sign Ordinance, a copy is attached.

Consider if granting the deviation would set an adverse precedent.

Attachments:

- application
- letter
- Minutes 12/6/99 (excerpts)
- Statement of Purpose
- sign sketch
- zoning map

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION MEETING**

**MINUTES OF A WORK SESSION AND PLANNING COMMISSION MEETING
HELD JULY 26, 2018**

PLANNING COMMISSION WORK SESSION

Agenda

DISCUSSION OF ZONING ORDINANCE RE-ORGANIZATION

- a. Re-Organized Code – Distribution of Notebooks**
 - b. Agritourism**
-

A work session of the Oshtemo Charter Township Planning Commission was held on Thursday, July 26, 2018, commencing at approximately 6:05 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Cheri Bell, Chairperson
Fred Antosz
Dusty Farmer, Secretary
Micki Maxwell
Mary Smith
Bruce VanderWeele, Vice Chairperson

MEMBERS ABSENT: Ollie Chambers

Also present were Julie Johnston, Planning Director, James Porter, Attorney, and one interested person.

a. Re-Organized Code – Distribution of Notebooks

Ms. Johnston outlined the contents of the notebooks, indicating the re-organized Ordinance has been completed. She pointed out to the Board members how each tab of the notebook was a larger grouping of the Ordinance, for example all of the Zoning Districts are now organized separate from the Overlay Zones. She then noted each tab has a table of contents if there was more than one Article located within the tab.

Ms. Johnston had several questions related to the re-organized ordinance she posed to the Board members. These included the following:

1. Discussion of “motorized vehicle roadways,” which is included in a larger use group in the RR: Rural Residential District but not within this same use group in other residential districts. The Board decided to remove this use from the RR District and consider writing language at a later date within the industrial district.

2. Several ordinances have a heading called “limitations” or “design standards,” which generally outline development standards for that particular zoning district. The Board decided to change all of these headings to “Development Standards.”
3. Discussion was had regarding Special Exception Uses (now called Special Land Uses), which were included in the old Section 60.000 but were not specifically called out in the zoning districts in which they were permitted. It was decided to add these uses to the individual zoning districts.
4. Finally, Ms. Johnston indicated she added some information to the Special Land Uses Article called “Review Criteria.” The intent was to improve the criteria the Planning Commission would use in deciding whether a use should be approved. The Board members discussed the recommended language and made suggested changes to be reviewed at the August 9th meeting.

Ms. Johnston went on to discuss next steps, which would include a review at the August 9th meeting and then a public hearing at the first September meeting. She also indicated she would speak with Supervisor Heiny-Cogswell about getting the re-organized ordinance on the Township Board’s work session agenda in September.

b. Agritourism

Having exhausted the time allowed for the work session, Agritourism was tabled until the next work session.

The Planning Commission work session ended at approximately 7:00 p.m.

REGULAR PLANNING COMMISSION MEETING OF JULY 26, 2018

Agenda

PUBLIC HEARING: SPECIAL EXCEPTION USE – DIMENSIONAL DEPARTURE FROM THE SIGN ORDINANCE
CONSIDERATION OF A DIMENSIONAL DEPARTURE REQUEST BY ALLIED SIGNS, INC., ON BEHALF OF OSHTEMO HOTELS, LLC, FROM SECTION 76.170 OF THE TOWNSHIP ZONING ORDINANCE, TO PLACE THE TOP OF A WALL SIGN HIGHER THAN THE PERMITTED 30 FEET, PER SECTION 60.405 OF THE PLANNED UNIT DEVELOPMENT ORDINANCE. THE SUBJECT PROPERTY IS LOCATED AT

5724 WEST MAIN STREET, KALAMAZOO, MI 490098, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-13-130-030.

PUBLIC HEARING: SPECIAL EXCEPTION USE – TEMPORARY OUTDOOR EVENT CONSIDERATION OF AN APPLICATION FROM THE LAWTON RIDGE WINERY TO ALLOW A FOOD TRUCK AT 8456 STADIUM DRIVE IN THE I-1: INDUSTRIAL DISTRICT. PARCEL NO. 3905-33-402-161.

SITE PLAN REVIEW: LANGELAND FUNERAL HOME CONSIDERATION OF AN APPLICATION FROM THE LONG ISLAND PARTNERSHIP TO DEVELOP A NEW CREMATORIUM AT 3926 SOUTH 9TH STREET IN THE VC: VILLAGE COMMERCIAL DISTRICT. PARCEL NO. 3905-35-330-018.

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, July 26, 2018, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Cheri Bell, Chairperson
Fred Antosz
Micki Maxwell
Dusty Farmer, Secretary
Bruce VanderWeele, Vice Chairperson
Mary Smith

MEMBER ABSENT: Ollie Chambers

Also present were Julie Johnston, Planning Director, James Porter, Attorney, Martha Coash, Meeting Transcriptionist, and nine interested persons.

Call to Order

The meeting was called to order by Chairperson Bell at approximately 7:10 p.m.

Pledge of Allegiance

Chairperson Bell invited those in attendance to recite the Pledge of Allegiance.

Approval of the Agenda

Chairperson Bell asked if there were any additions or deletions to the agenda. Hearing none, she asked for a motion.

Mr. Antosz made a motion to approve the agenda as presented. Mr. VanderWeele supported the motion. The motion was approved unanimously.

Public Comment on Non-Agenda Items

There were no public comments on non-agenda items.

Approval of the Minutes of the Work Session and Regular Meeting of June 28, 2018

Chairperson Bell asked if there were additions, deletions or corrections to the Minutes of either the Work Session or the Regular Meeting of June 28, 2018.

Hearing none, Chairperson Bell asked for a motion.

Mr. VanderWeele made a motion to approve the minutes of the Work Session and the Regular Meeting of June 28, 2018 as presented. Mr. Antosz supported the motion. The motion was approved unanimously.

PUBLIC HEARING: SPECIAL EXCEPTION USE – DIMENSIONAL DEPARTURE FROM THE SIGN ORDINANCE **CONSIDERATION OF A DIMENSIONAL DEPARTURE REQUEST BY ALLIED SIGNS, INC., ON BEHALF OF OSHTEMO HOTELS, LLC, FROM SECTION 76.170 OF THE TOWNSHIP ZONING ORDINANCE, TO PLACE THE TOP OF A WALL SIGN HIGHER THAN THE PERMITTED 30 FEET, PER SECTION 60.405 OF THE PLANNED UNIT DEVELOPMENT ORDINANCE. THE SUBJECT PROPERTY IS LOCATED AT 5724 WEST MAIN STREET, KALAMAZOO, MI 490098, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-13-130-030.**

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston for her presentation.

Ms. Johnston indicated the applicant, Oshtemo Hotels, LLC, submitted a request to the Zoning Board of Appeals for a variance to allow a wall sign at a height taller than the permitted maximum. The building in question is the Holiday Inn Express currently under construction within the Westgate Planned Unit Development (PUD) located at the northeast corner of US131 and West Main Street. The Westgate PUD is zoned C: Local Business District with a PUD overlay. Per the Sign and Billboard Ordinance requirements, Section 76.170, wall signs for hotels are restricted to a maximum height of 30 feet.

The applicant was seeking a variance from Section 76.170 to allow the placement of two wall signs located near the top of the Holiday Inn Express building, which has a maximum height of 45 feet 4 inches. Both the west and south facing signs would have a maximum wall sign height of approximately 39 feet 11 inches, 9 feet 11 inches above the maximum allowed placement for a sign.

The applicant indicated the variance was needed due to the distances the building is setback from both US131 and West Main Street. They intend to construct

only two signs when four are allowed and plan to located them facing US131 and West Main Street. The request was to ensure maximum visibility for the two planned signs.

During discussions with the Zoning Board of Appeals, Staff pointed out the hotels are located within a planned unit development, which has a mechanism for dimensional departures from the code. Section 60.405 of the PUD ordinance allows the Planning Commission to grant dimensional departures from the ordinance if the departure meets the purpose and intent of the PUD ordinance. After much discussion regarding the variance and the PUD ordinance, the Zoning Board of Appeals made a motion to refer the request to the Planning Commission, indicating the PUD ordinance was a more appropriate tool as the Westgate development could be reviewed more holistically.

She noted developers are often attracted to PUDs because of this inherent flexibility, but the departures should be beneficial to the development's patrons and the community in general.

For this particular request, Ms. Johnston explained the applicant contended:

1. Allowing the signs to be closer to the roof of the building will increase visibility for motorists passing on West Main Street and US131.
2. The wall signs will be the main signs for the hotels; ground mounted signs will be incorporated into the entire Westgate development, with no stand-alone ground mounted signage for the hotels.
3. The location of the signs near the top of the building is typical to the Holiday Inn brand and standard in the hotel industry.
4. The Holiday Inn brand normally develops signs on three sides of the building, the applicant is only asking for two wall signs to limit the light pollution to the residential neighbors to the east.
5. As the first project in the Westgate PUD, other developments may obscure the sign, particularly the one facing West Main Street, if it was placed at the 30-foot height. The taller elevation helps to alleviate this concern.

Ms. Johnston said the thought-provoking component of this request was the disparity in the Zoning Ordinance between heights of buildings and placement of signs. Building height in Oshtemo Township is based solely on the ability to meet setbacks. On the other hand, the Sign Ordinance limits height to 30-feet, not allowing signs to develop at a proportional height to the stature of the building, clearly seen with this application. The property in question was of a large enough size to allow setbacks to accommodate the approximate 46-foot-tall structure. Placing the signs at the 30-foot height would locate them more at the third-floor level of the structure than the top floor, where it is more expected and generally the industry standard.

She said in the past, the Planning Commission has granted departures from the sign ordinance for another commercial PUDs. The Corner@Drake property received a departure for Trader Joe's to allow three wall signs when only two were permitted and for the height of the ground sign on Drake Road to allow accommodations for many of the internal PUD uses. In both cases, it was determined that the dimensional departures made for a more coordinated, cohesive, and user-friendly commercial development meeting the spirit and intent of the PUD ordinance.

An argument could be made that the 145-foot utility corridor located between the PUD and the right-of-way of US131 represents a unique condition in this area. Without this dedicated utility corridor, the Westgate PUD and the hotel would have more direct frontage on US131. The distance of the hotels from US131 pavement is approximately 375 feet and 1,700 from the pavement of West Main Street. With these distances, locating the sign at a height of 39 feet 11 inches as opposed to 30 feet would not likely be a noticeable difference.

To conclude, she said the intent of the PUD ordinance is to allow flexibility within the development that promotes more creativity and imaginative design. The second Holiday Inn building, currently under construction and not included in the applicant's original application, reaches a maximum height of 67 feet. Locating the wall sign at 30 feet, or the approximate mid-point to the building, would not only be out of character to the standard sign placement, it would also look awkward on the structure. Allowing the signs to be raised to a point closer to the roof line is more in keeping with generally accepted placement of a wall sign. In addition, due to the scale of the development, 86-acres, and its setbacks from the major thoroughfares, it is not likely that the increased height would be considered out of character.

While the current application is only for the Holiday Inn Express, it is very likely that this same request will be made for both hotels, if not other later developments within the PUD. She suggested the Planning Commission consider reviewing this request not just for the current application, but for the entirety of the PUD. The difficulty with that review is the unknown extent of future development, for example how tall future structures will be.

Ms. Johnston said Staff recommended the Planning Commission allow a dimensional departure for the height of wall signs within the Westgate PUD. The departure will not impede public health, safety, and welfare, and would be in keeping with the flexibility allowed within the PUD ordinance. Staff's recommendation is as follows:

For those buildings with heights taller than 35 feet within the Westgate PUD, the top of any wall sign, including its superstructure, shall be no higher than five feet below the roofline/parapet wall of the building to which the sign is attached.

She said in the future, as other buildings are developed over 35 feet in the Westgate PUD, this would apply.

Chairperson Bell thanked Ms. Johnston for her report and asked whether there were questions from the Board.

Answering a question from Ms. Smith regarding whether there would be free-standing post signs for this project, Ms. Johnston said pole signs would be permitted by Ordinance, but that isn't the intent by the developer, though a post sign may be possible on West Main or Maple Hill Drive. This request is about the placement of wall signs.

Ms. Farmer asked if the Planning Department wants to revisit the sign ordinance again and whether it could be hired out.

Ms. Johnston said it needs to be addressed and will be after the agritourism ordinance has been completed. Even if hired out, work on it is still a few months out and must be included in the Planning Commission schedule.

Chairperson Bell noted that it is likely that when the Sign Ordinance was written there were no buildings taller than 30 feet in the Township.

Ms. Johnston said several ZBA members were ready to approve the variance, but the group felt that because the development is in the PUD, which has provision allowing dimensional departures, it would be better for the Planning Commission to consider the entire PUD then review variance after variance for sign height.

Attorney Porter agreed, saying the ZBA thought the PC should look at the whole PUD rather than end up with multiple variance requests. He said Ms. Johnston's proposal would provide more consistent and uniform decisions.

Hearing no further questions, Chairperson Bell asked whether the applicant wished to speak.

Mr. Patrick Stieber, Allied Signs Inc., 33650 Giftos, Clinton Township, said he felt an oversight in the code itself was the reason they were here. The signs meet Ordinance requirements except for the height requested. They need to be visible from U.S.-131. He said Holiday Inn would be the next hotel to be built in the PUD and they would have the same situation. The sign fits well with the hotel design and image of the new Holiday Inn hotels and he felt the recommendation should be approved.

Mr. Phil Sarkasian, Amerilodge, 8988 Royce Drive, Sterling Heights, said the hotel has vast corporate experience and will be a good neighbor. He indicated a pole sign will not be included in the plans. He noted a letter of support from AVB and asked for consistency with other communities. Only two wall signs are requested so the apartment complex to the east will not be affected. The lights are not bright enough to cause light pollution so will cause no harm. The project will stimulate the PUD.

There were no other speakers; the Chair moved to Board Deliberations.

Ms. Farmer said neither the letter of support from the builder nor consistency with other Townships were of concern to her. She is more concerned with the neighbors. Consistency within the PUD is important and felt an overall decision within the PUD was needed.

Chairperson Bell said what stood out to her was the PC approval of the sign at the Corner@Drake.

Attorney Porter said it is true that consistency in decisions is important. If there are different standards approved for PUD, standards must be articulated with reasons for the decision. The criteria in this case may be different than the Corner@Drake situation. Different PUDs can have different decisions, but there need to be good reasons for treating them differently.

Ms. Farmer noted the signs on the hotel will not face residential area that is immediately adjacent to the hotel.

Chairperson Bell said sensitivity is needed regarding the location of signs; Feedback is not always positive about this development and care needs to be taken when making decisions so people understand why the PC is doing what it is doing.

Ms. Farmer said Westport feedback indicates concern about more traffic noise as the PUD is developed.

Mr. VanderWeele explained the ZBA was very much in favor of approving the sign variance, but felt the PC was the better route to take to avoid further variances and indicated his support for the recommendation.

Mr. Antosz commented the visibility of signage from 131 is impacted by Consumers Power equipment being in the way.

Chairperson Bell determined there were no further comments and asked for a motion.

Ms. Farmer made a motion to approve the recommendation from Staff to allow a dimensional departure for the height of wall signs within the Westgate PUD as follows: "For those buildings with heights taller than 35 feet within the Westgate PUD, the top of any wall sign, including its superstructure, shall be no higher than five feet below the roofline/parapet wall of the building to which the sign is attached." Mr. VanderWeele supported the motion. The motion was approved unanimously.

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES OF A MEETING HELD JUNE 26, 2018

Agenda

PUBLIC HEARING: SIGN VARIANCE REQUEST

A VARIANCE HAS BEEN REQUESTED BY THE VERNON GROUP, FROM SECTION 76.420.C OF THE TOWNSHIP ZONING ORDINANCE, TO ERECT A FREESTANDING SIGN WITH ZERO SETBACK FROM THE WEST MAIN STREET RIGHT-OF-WAY WHEN TEN FEET IS TYPICALLY REQUIRED. THE SUBJECT PROPERTY IS LOCATED AT 5945 WEST MAIN STREET, KALAMAZOO, MI 49009, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-14-435-011.

PUBLIC HEARING: SIGN VARIANCE REQUEST

A VARIANCE HAS BEEN REQUESTED BY ALLIED SIGNS, INC., ON BEHALF OF OSHTEMO HOTELS, LLC, FROM SECTION 76.170 OF THE TOWNSHIP ZONING ORDINANCE, TO PLACE THE TOP OF A WALL SIGN APPROXIMATELY 43 FEET ABOVE GRADE WHEN ONLY 30 FEET IS ALLOWED. THE SUBJECT PROPERTY IS LOCATED AT 5724 WEST MAIN STREET, KALAMAZOO, MI 49009, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-13-130-030.

SITE PLAN REVIEW: HURLEY & STEWART OFFICE ADDITION

HURLEY & STEWART, LLC IS REQUESTING SITE PLAN APPROVAL FOR A 2,227 SQUARE FOOT ADDITION TO THEIR EXISTING OFFICE BUILDING AT 2800 SOUTH 11TH STREET, PARCEL NO. 3905-25-153-140.

A meeting of the Oshtemo Charter Township Zoning Board was held Tuesday, June 26, 2018 at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: James Sterenberg, Chair
Bob Anderson
Neil Sikora, Vice Chair
Anita Smith
Bruce VanderWeele

MEMBER ABSENT: Nancy Culp

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. Seven other persons were in attendance.

Ms. Johnston indicated the applicant has not indicated the size ground sign they wish to install, but they will have to conform with the maximum allowed by Ordinance, which is 60 square feet.

Hearing no further comments, the Chair closed the public hearing and moved to Board Discussion.

There was discussion about whether there might be a viable alternative for sign location that could be accomplished within the Ordinance and without granting a variance request that would be acceptable to all involved. It was felt more information was needed prior to a vote to be able to evaluate the situation effectively.

Hearing no further discussion, Chairperson Sterenberg asked for a motion.

Mr. Sikora made a motion to table the variance request from the minimum 10-foot sign setback from the West Main right-of-way down to zero feet by the Vernon Group to the next Zoning Board Authority meeting on July 24, 2018, in order to explore other possible options prior to making a decision on the request. Mr. VanderWeele supported the motion. The motion was approved unanimously.

PUBLIC HEARING: SIGN VARIANCE REQUEST
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Chairperson Sterenberg asked Ms. Johnston for her review of this application.

Ms. Johnston said the building in question was the Holiday Inn Express and Suites currently under construction within the Westgate Planned Unit Development (PUD) located at the northeast corner of US131 and West Main Street and consists of approximately two acres. The Westgate PUD is zoned C: Local Business District with a PUD overlay. Per the requirements of Section 76.170 of the Signs and Billboard Ordinance, wall signs for hotels are restricted to a maximum height of 30 feet.

The applicant was seeking a variance from Section 76.170 to allow the placement of two wall signs located near the top of the Holiday Inn Express and Suites building, which has a maximum height of 45 feet 4 inches. Both the west and south facing signs would have a maximum wall sign height of approximately 39 feet 11 inches, 9 feet 11 inches above the maximum allowed placement for a sign.

The applicant indicated the variance is needed due to the setback of the building. They state on their application that due to the setback of the building, the sign needs to

be installed towards the top of the building for maximum visibility. The application goes on to state the requested change is for the sides of the building that face US-131 and West Main Street.

She said Staff believes the applicant was not referring to the actual zoning ordinance required setback for the building, which is from their property line. Instead, they believe the applicant was referring to the distance of the buildings from US-131 and West Main Street, which is approximately 375 feet from the pavement of US-131 and 1,700 from the pavement of West Main Street.

The Zoning Enabling Act of Michigan outlines when considering a variance request the Zoning Board of Appeals must ensure the “spirit of the ordinance is observed, public safety secured, and substantial justice done.” Michigan courts added that variances should only be granted in the case of a practical difficulty for a nonuse (dimensional) variance. In addition, applicants must demonstrate their plight is due to the unique circumstances particular to the property and the problem is not self-created.

Ms. Johnston said the request by the applicant is a nonuse variance and that the ZBA should review the following standards in considering the variance request:

Standards of Approval of a Nonuse Variance (practical difficulty):

*Standard: Conformance Unnecessarily Burdensome
Are reasonable options for compliance available?
Does reasonable use of the property exist with denial of the variance?*

Comment: The requested variance to alter the height of the proposed wall sign does not impact the reasonable use of the property. The development of the hotel may still proceed without the approval of the sign variance. In addition, conformance to the maximum required height for the wall sign can still be met. Based on the application provided there are no building issues that would stop the sign from being placed at the 30-foot maximum height requirement.

*Standard: Substantial Justice
Applied to both applicant as well as to other property owners in district.
Review past decisions of the ZBA for consistency (precedence).*

Comment: The requirements of Section 76.170 of the Sign Ordinance apply to all commercial and office developments within the Township.

Staff was able to find two past instances where hotels located near US131 requested similar variances from the Zoning Board of Appeals. Both applications were for hotels located on 11th Street. Following is a brief summary of these cases:

- Best Western; 2575 South 11th Street; March 17, 2009:
Best Western requested a variance to both increase the height and size of their east and west facing wall signs. The applicant indicated the request was to help increase visibility from US131 even though the hotel did not directly abut the highway. The ZBA granted the variance for increase height and size for the sign facing US 131 but not the west facing sign.
- Value Place Hotel; 1647 South 11th Street; October 24, 2006:
Value Place Hotel requested a variance to increase the height and size of their wall signs to allow for better visibility from US131. The ZBA indicated that they did not see any basis for a variance to either the height or size of the signs and denied the request.

One application was approved while the earlier application was denied. Similar to the current application, the request from the hotel without direct frontage on US131 was the application that received approval.

Standard: Unique Physical Circumstances
Are there unique physical limitations or conditions which prevent compliance?

Comment: While not an existing physical hardship found on the property in question, an argument could be made that the utility corridor represents a unique condition in this area. A 145-foot utility easement sits between the Westgate PUD property boundary and the right-of-way for US131. Without this dedicated utility corridor, the Westgate PUD and the hotel would have more direct frontage on US131. This added distance is the setback staff believes the applicant is referring to in their request. However, because it is a utility corridor, visual encumbrances like tall trees do not obstruct views to the hotel.

The request for the additional sign height for the south facing wall sign does not have a unique physical circumstance related to the request. The location of West Main Street and its distance from the hotel was known when Oshtemo Hotels, LLC purchased the property for development.

Standard: Self-Created Hardship
Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?

Comment: Technically, the height of the sign could be placed in compliance with Ordinance standards. But, the applicant has no ability to alter the utility corridor adjacent to their development.

Standard: Will the spirit of the Ordinance be observed, the public health, safety, and welfare secured, and substantial justice done if the variance is granted?

Comment: Raising the sign height should have little to no effect on public health, safety, and welfare.

The difficulty with this request is the disparity in the Ordinance between heights of buildings and placement of signs. Building height in Oshtemo Township is based solely on the ability to meet setbacks. The Ordinance states the minimum setback distance between any nonresidential building and any rear or interior property line shall be 20 feet or the height of the building at its heights point, whichever is greater. If a development had the ability to accommodate 100-foot setbacks from all sides, the building could technically be 100 feet tall.

The Sign Ordinance, on the other hand, limits height to 30-feet. This disparity does not allow signs to develop at a proportional height to the stature of the building. This can be clearly seen with this application. The property in question was of a large enough size to allow setbacks that would accommodate the approximate 46-foot-tall structure. Placing the signs at the 30-foot height would locate them more at the third-floor level of the structure than the top floor, where it is more expected and generally the industry standard.

Based on this assessment, Ms. Johnston said Staff would recommend the ZBA request the Planning Commission consider reviewing the Sign Ordinance for possible text changes. Having a height requirement that is proportional to the building height might be a consideration, eliminating the need for future variances to this section of the code. If an ordinance change was contemplated, any variance considered by the ZBA for this application might allow this request to become compliant in the future.

Ms. Johnston summarized by saying Staff was presenting the following relevant information for the Zoning Board of Appeals to consider:

1. If you find that substantial justice can be achieved due to the height variance provided to the Best Western Hotel in 2009 than a variance could also be warranted for this request.
2. If you find that the unique condition of a utility corridor found adjacent to the project site supports a practical hardship, which is not experienced by other commercially zoned properties in the area, then the variance for the west facing sign is supported.
3. If you find that the requested variance does not meet one or more of the criteria for approval noted above and that compliance with the Ordinance is not unnecessarily burdensome, then the application should not be supported.

She said given the above findings, the variance request before the Zoning Board of Appeals would require careful deliberation. Staff presented the Board with three possible courses of action:

1. Deny the variance, based on the fact that the practical hardship in this case does not make compliance with the ordinance unnecessarily burdensome.
2. Approve the variance for the west facing sign, acknowledging that there is a unique circumstance with the location of the utility easement, but deny the request for the south facing sign.
3. Approve the variance for both wall signs, indicating substantial justice based on the 2009 Best Western Hotel precedence and the unique condition of the utility easement.

Ms. Johnston indicated a fourth possible course of action:

4. Because the project is located in a PUD, that Ordinance allows the Planning Commission to grant dimensional departures from the code if they make sense in the overall design of the PUD. Past sign requests that were outside current ordinance standards but were located within a PUD, similar to the applicants request, have been presented to the Planning Commission for consideration. The ZBA could consider referring this application to the Planning Commission.

Ms. Johnston said regardless of the final deliberation, staff would suggest the Zoning Board of Appeals request the Planning Commission consider Sign Ordinance amendments related to maximum sign heights in relation to the height of the structure.

Chairperson Sterenberg asked whether Board Members had any questions.

In answer to questions, Ms. Johnston said the sign would be measured from grade up to the top of the sign. The applicant cites hardship due to the setback distance from the right-of-way for visibility from US-131. In addition, a utility corridor between the highway and the hotel also impacts visibility. Visibility hardship from West Main is more difficult to argue. A variance would improve visibility from both US-131 and West Main.

The Chair noted the property curves to the east because of the US-131 ramp and that the area is full of electrical structures. Hearing no further questions from Board Members, he asked whether the applicant wished to speak.

Mr. Patrick Stieber, Allied Signs, 33650 Giftos, Clinton Township, MI, said the variance is asking for relief which he did not feel was excessive and would allow greater visibility which is impeded by the utility easement. The signs meet all other requirements. He pointed out you don't ever see hotels with low signs; he felt that was overlooked about when the Ordinance was written. It is imperative to raise the signs so they can be seen.

Mr. VanderWeele asked whether there would be directional signs closer to West Main Street.

Mr. Curt Ardema, AVB, 4200 W. Centre Street, explained the entire parcel encompasses 86 acres to accommodate with signage. Multi-tenant signs are being explored. Multiple retailers and restaurants will have advertising signs on the buildings themselves. The intent is to utilize some directional signage for the hotel, but the main signs will be the wall signs that are intended to draw in regional traffic.

Mr. Phil Sarkissian, representing the AmeriLodge Group, 8988 Royce Drive, Sterling Heights, referenced many hotels operated by this group and that they are very responsible corporate citizens who look forward to working in the community. He noted they are spending millions of dollars in this project which will be a state of the art "Formula Blue" hotel and will stimulate the area, adding new jobs in increasing tax revenue. He indicated they have the support of Westgate AVB and reiterated the need for visibility particularly with the US-131 easement. He said this is the first but not the last project in which sign visibility will be a problem, referred to the precedent of the Best Western Hotel in 2009 and asked the Board to be forward thinking.

In answer to questions from Mr. Sikora, Mr. Sarkissian said although their hotels normally have signs on three sides of the building, they are asking for only two where they will be most effective; the signs will not be mounted any higher than the top of the roof line, and signs are built to corporate standards with no deviations allowed.

Ms. Samantha Bell, 529 Newman Rd., Lake Orion MI and a lobbyist, said the sign and location of the sign are according to corporate standards and that to recreate the sign dimensions for installation lower on the building would make them different from any of their other hotels and would result in delays.

Mr. Stieber agreed that the signs and location as described in the variance request are the corporate standard required by Holiday Inn. To move them lower on the building would necessitate redesign for a smaller sign and for wiring which would be burdensome. He said they have never had to ask for a sign height variance from a Board before, that the sign fits within the design of the building.

At this point Chairperson Sterenberg moved to public comment.

Mr. Ardema emphasized AVB's support for this request and said the setback from US-131 is a key corridor for the hotel. The height of the building is fully approved, the sign fits aesthetically, yet the sign Ordinance language does not consider the fit with the height of the building. The intention is a first class mix of tenants; many more signs will need to be accommodated. It has been determined the most traffic comes from the south, northbound on the highway, and it is critical to place signs for maximum visibility.

Hearing no further public comment, the Chair moved to Board Deliberations.

There was discussion supporting the higher sign variance request, but a general acknowledgment of the fact that a variance could be avoided if addressed through the PUD ordinance by the Planning Commission; it might be more appropriate for them to consider this request within the PUD rather than a variance through ZBA.

Ms. Johnston pointed out that another hotel is under construction and they will probably want the same consideration. The Planning Commission might be able to look at the situation holistically through the PUD.

Mr. Sterenberg indicated he was inclined to approve the variance request because two conditions, 1) the unique circumstances of the power line easement and 2) in the spirit of the Ordinance have been met.

Mr. VanderWeele expressed concern about more variance requests in the future.

Mr. Sterenberg said by the time they are received, hopefully the Planning Commission will have reviewed the Sign Ordinance.

Ms. Smith agreed the Ordinance should be revisited by the Planning Commission to avoid similar problems in the future.

Mr. Sikora thought at least half of the five criteria should be met for the ZBA to approve the request.

Mr. Sterenberg felt there was enough substantial justice to approve the variance.

Hearing no further comments, the Chair asked for a motion.

Mr. VanderWeele made a motion to refer the applicant's request to the Planning Commission for review through PUD provisions. Mr. Sikora supported the motion. A Roll Call Vote was taken. The motion was approved 3 – 2.
Yes: Mr. Sikora, Ms. Smith, Mr. VanderWeele. No: Mr. Anderson, Mr. Sterenberg

Ms. Johnston agreed she will inform the Planning Commission of the ZBA's request for them to consider reviewing the Sign Ordinance for text changes, possibly to provide a height requirement that is proportional to building height.

SITE PLAN REVIEW: HURLEY & STEWART OFFICE ADDITION
HURLEY & STEWART, LLC REQUESTED SITE PLAN APPROVAL FOR A 2,227
SQUARE FOOT ADDITION TO THEIR EXISTING OFFICE BUILDING AT 2800
SOUTH 11TH STREET, PARCEL NO. 3905-25-153-140.

Chairperson Sterenberg asked Ms. Johnston for her review of the application.

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES OF A SPECIAL MEETING HELD MARCH 17, 2009

Agenda

BEST WESTERN - VALLEY CITY SIGN - SIGN DEVIATIONS - 2575 SOUTH 11TH STREET - (PARCEL NO. 3905-25-405-020)

A special meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, March 17, 2009, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Duane McClung
Dave Bushouse
Robert Anderson
Cheri Bell
Neil Sikora, Alternate

MEMBERS ABSENT: Roger Taylor
Mike Smith, Alternate

Also present were Mary Lynn Bugge, Senior Planner; James W. Porter, Township Attorney, and one other interested person.

Call to Order/Pledge of Allegiance

The meeting was called to order by Mr. McClung, the Vice Chair, and the "Pledge of Allegiance" was recited.

Election of Officers

Mr. McClung said the next item on the Agenda was the election of officers for 2009. Ms. Bell made a motion to nominate Duane McClung as Chairman. The motion was seconded by Mr. Anderson. The Vice Chairman asked if there were any other nominations, and hearing none, closed the nominations for Chairman.

Mr. McClung said he would entertain a motion for Vice Chair. Mr. Bushouse made a motion to nominate Robert Anderson as Vice Chair. The motion was seconded by Ms. Bell. Mr. McClung asked if there were any other nominations. Hearing none, he called for a vote on both motions for the offices of Chairman and Vice Chair, as submitted. The motions carried unanimously in favor of the officers submitted.

Minutes

The Chairman stated that the next item on the Agenda was the approval of the minutes of November 18, 2008. Ms. Bell noted, on page 5, paragraph 6, located in the middle of the page, that there is a reference to Mr. Anderson asking what percentage of the apartments were rented and inquiring whether the building was needed, when it was she who had asked. The Chairman asked if there were any other changes. Hearing none, Ms. Bell moved to approve the minutes, as revised. The motion was seconded by Mr. Anderson. The Chairman called for a vote on the motion, and the motion passed unanimously.

BEST WESTERN - VALLEY CITY SIGN - SIGN DEVIATIONS - 2575 SOUTH 11TH STREET - (PARCEL NO. 3905-25-405-020)

The Chairman said the next item was a request for sign deviations for Best Western hotel submitted by Valley City Sign. The subject property is formerly known as the Hawthorn Suites located at 2575 S. 11th Street, Parcel No. 3905-25-405-020. The Chairman asked to hear from the Planning Department. Ms. Bugge submitted her report to the Zoning Board of Appeals dated March 17, 2009, and is incorporated herein by reference.

Ms. Bugge began by noting that the requests relating to the oversized pylon sign on the east side had been withdrawn from the application. Therefore, the request for a second pylon sign was not needed. Therefore, she said she would focus specifically on the other requested deviations, specifically, the west wall sign and the east wall signs. She said on the west wall, the applicant is requesting a height deviation of eight (8) feet. Ms. Bugge noted that on the east wall, a nine (9) foot height deviation for the Best Western sign was being requested, along with a .6 square foot sign area deviation. With regard to the LED message center on the east wall, the applicant is requesting an eight (8) foot height deviation and a 95 square foot deviation on the requested sign area size. Ms. Bugge then proceeded with her report, comparing and contrasting the proposed request to others which had been granted under previous Zoning Ordinance provisions.

At the conclusion of Ms. Bugge's report, the Chairman asked if there were any questions of Ms. Bugge. Hearing none, he asked to hear from the applicant.

Ms. Melanie Gray of Valley City Sign, on behalf of Best Western, introduced herself to the Board. Ms. Gray explained the two pylon signs were removed from their

proposal to bring the property more into conformance with the Township Zoning Ordinance. She said they needed the sign height increase, particularly on the east side of the building, in order to be visible from U.S. 131. She said she realized that the subject property did not abut U.S. 131, but was similarly situated to other hotels and motels in the area, and in order to be equally competitive, the deviations on height and size were necessary.

Ms. Gray then took the Board through a review of photographs showing the proposed signs on the subject building. Ms. Gray specifically noted the fact that, given the trees, as well as the other buildings fronting on U.S. 131, it was absolutely necessary to have the sign displayed on the fourth floor versus the third floor in order to be visible by the motoring public traveling on U.S. 131.

Ms. Gray also provided photographs to the Board of other hotels and motels in the area, reiterating the fact that she felt to be competitive with others bordering or near U.S. 131, the applicant needed the requested deviations. She did concede that on the front sign, there was not a compelling reason, other than aesthetics, that the sign needed to be located on the fourth floor level.

The Chairman asked if there were any questions of the applicant or Ms. Bugge.

Mr. Benson asked for a recap on the proposed deviations. Ms. Bugge directed him to page 2 of her report, specifically citing the request for the two wall signs on the east side of the building, as well as the one wall sign on the west side of the building.

The Chairman asked if there were any further questions. He noted that there was no public to comment, and therefore, asked for Board deliberations.

Mr. Anderson said he thought it was important for the applicant to be seen from the highway, and therefore, he would not object to the proposed height increases. The Chairman asked if that was on the highway side of the building. Mr. Anderson indicated it was.

Mr. Sikora said he thought the signs needed to be visible from the highway, but he was somewhat concerned by the fact that the subject property did not immediately abut the highway. Mr. Bushouse said, in the last few years, in his travels, many of the hotels and motels were not putting up large highway signs anymore, and he did not see a need for the sign deviations. He also noted that the Hotel could use the highway travel directory signs which were available to the motoring public on the interstate highways.

The Chairman said he, unlike Mr. Bushouse, did like to see the large signs to know where he was going when he left the interstate. Therefore, he felt that the signs were necessary.

Ms. Bell asked if the height provisions for signs had been increased. Ms. Bugge said that the wall sign height was increased to 30 feet just a couple of years ago. Ms. Bell expressed some concern about granting additional height deviations.

Ms. Gray asked if she could respond. She explained to the Board that, since they were not asking for a pylon sign on the east side, she thought what they were requesting, in the way of sign height deviation and area, was reasonable and would only match what the competitors already had in the area. Ms. Bugge pointed out that the applicant could utilize LED display in their pylon sign on 11th Street and on their wall signs as long as they met the permitted size.

Ms. Bell asked if they could take each request one at a time. The Chairman said he thought that would be appropriate. Ms. Bell said, given that they could have a LED display on the 11th Street sign, she certainly would not support adding 95 square feet of LED sign on the east side of the building. However, she noted that, given the topography and the Westwood Park buildings, she thought the fourth floor location for the sign on the east side of the building was appropriate.

Mr. Sikora asked if she would favor the LED sign. Ms. Bell indicated she would not. He asked if she would favor the requested height of the sign on the east side of the building, to which Ms. Bell indicated that she would.

Mr. Anderson said he agreed with Ms. Bell; he would approve the increased height and wall sign area on the east side, but not the LED sign.

With that, the Chairman said he would entertain a motion. Ms. Bell made a motion to permit one sign on the east wall of the subject building to have a nine (9) foot height deviation to 39 feet and a sign area of 69.6 square feet, but deny the LED sign on the east side of the building for the reasons stated in the record. The motion was seconded by Mr. Anderson. The Chairman called for a vote on the motion. The motion passed unanimously.

The Chairman asked about the height of the sign on the west wall. Mr. Anderson said he thought it looked better at the increased height. Ms. Bell said if the decision was based on symmetry, that would be true, but there were no justifiable reasons set forth in the record. Mr. Bushouse said he saw no reason to grant a deviation for the wall sign on 11th Street. Mr. Anderson made a motion to deny the request for an increase in wall sign height on the west side of the building, and leave it at 30 feet. Mr. Sikora seconded the motion. The Chairman called for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

None.

Adjournment

Hearing no further business, the meeting was adjourned at approximately 4:05 p.m.

Minutes Prepared:
March 24, 2009

Minutes Approved:
_____, 2009