

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).

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).

A meeting of the Oshtemo Charter Township Zoning Board was held on Tuesday, May 26, 2015, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Cheri Bell, Chairperson
Bob Anderson, Second Alternate
Millard Loy
Neil Sikora, First Alternate
L. Michael Smith
James Sterenberg

ABSENT: None

Also present were Greg Milliken, Planning Director; James Porter, Attorney; Ben Clark, Zoning Administrator; Martha Coash, Meeting Transcriptionist; and seven interested persons.

Call to Order and Pledge of Allegiance

Chairperson Bell called the meeting to order and the "Pledge of Allegiance" was recited. Due to Mr. Larson's resignation from the Township Board, a vacant on the ZBA was created, and Mr. Sikora was called upon to act as a sitting member for the meeting.

Public Comment on Non-Agenda Items

There were no comments on non-agenda items.

Approval of the Minutes of February 24, 2015

The Chairperson asked if there were any additions, deletions or corrections to the minutes of February 24, 2015. No changes were noted.

Mr. Sikora made a motion to approve the minutes of February 24, 2015 as presented. Mr. Smith seconded the motion. The motion was approved unanimously.

Chairperson Bell moved to the next item on the agenda and asked Mr. Milliken for his review.

Mr. Milliken confirmed with Attorney Porter that in order to unify discussion it would be appropriate to review items 5 – 7 together as long as separate motions were made and separate actions were taken on each item by the Board. Mr. Porter agreed.

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).

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Mr. Milliken said items five and six request variances to allow parking spaces to be located within the required 20 foot green space near the southwest corner of Century Avenue and West Michigan Avenue and to allow the installation of 875-watt light fixtures within the commercial development. Item seven is a request for site plan review.

Mr. Milliken told the Board the subject property is located in the Corner @ Drake commercial development. The specific building site within the development is the westernmost site located at the southwest corner of Century Avenue and West Michigan Avenue. The lease area is 5.43 acres and includes 367 feet of frontage on West Michigan Avenue.

He explained the proposal is to construct a new 50,000 square foot retail store for Field & Stream, an outdoor recreation retailer, and retail is a permitted use in the C district. The site plan includes 246 parking spaces. The proposed site plan requires two variance requests.

He said the setback on West Michigan Avenue is 70 feet from the road right of way, and the building is located 70 feet from the right of way at its closest point. The setback from Century Avenue, a private drive, is 15 feet from the easement boundary. The east façade of the building is located 31 feet from the Century Avenue easement.

Similar to Costco next door, he said, the building site is fairly unique and requires that the structure be a four-sided structure, which is challenging for a large building and use that requires loading facilities. Like Costco, the northern, West Michigan Avenue frontage will house the loading and unloading facilities. A screening wall is located there extending west from the edge of the building to screen the loading dock as well as the dumpster and compactor. As will be described later, enhanced screening, including a berm, is proposed along West Michigan to screen these facilities from the adjacent right of way.

Mr. Milliken noted access to the property is via Century Avenue, a private access drive that connects West Michigan Avenue to Drake Road. The parking lot to the south will also continue and tie into adjacent development creating shared parking and access opportunities. Access to Century Avenue is provided in two locations: one at the north end of the lease area immediately north of the building and one at the very south end of the lease area.

He explained retail uses are required to provide one parking space per 150 feet of net floor area. The minimum number of spaces required is 234. The applicants have provided 246 spaces. All spaces and drive aisles satisfy the minimum dimensional requirements of the Ordinance.

Mr. Milliken felt the applicants proposed an interesting concept to the rear / north side of the building. For this type of use, it is common place for customers to visit in larger vehicles including RV's and trucks with trailers. These can create challenges for maneuvering in parking lots as well as in terms of parking lot occupancy. To address this, they have designated specific spaces to the rear of the building for the parking of these oversized vehicles.

He said the non-motorized plan for the Township calls for a sidewalk on the north and south side of West Michigan Avenue. This plan was updated following the approval of the site plan for Costco. A sidewalk facility already exists along Century Avenue.

He noted for the north side greenbelt requirement, a 20 foot wide greenbelt is required with a minimum of six canopy trees, nine understory trees, and 12 shrubs.

For the east side greenbelt along Century Drive, a 15 foot wide greenbelt is required with a minimum of seven canopy trees and 13 understory trees. A number of trees are already located here having been planted with the installation of the roadway. The applicant is proposing installation of seven canopy trees and four understory trees to supplement the existing trees already installed.

For the west side greenbelt along 131, a 20 foot wide greenbelt is required. Again, a berm is proposed. Section 75.130.C of the Zoning Ordinance allows for a 25% reduction in plant material when a berm is included in the proposed landscaping. A three foot berm is proposed here to minimize the view of vehicles and the parking lot while maintaining visibility of the store. For the greenbelt, 15 canopy trees, 22

understory trees, and 29 shrubs are typically required, but with the 25% reduction, those numbers become 12, 17, and 22 respectively. The plan proposes installation of 13 canopy trees, 24 understory trees, and 70 shrubs.

Mr. Milliken explained that along this west side, the applicant is in talks with MDOT to secure the ability to install and maintain the landscaping in the MDOT right of way between the subject property and the adjacent freeway ramp. This will further extend the greenway and add additional greenspace and landscape material under similar control.

He said this is noteworthy as one of the variance requests involves the location of parking within the required greenspace area. The Zoning Ordinance does not permit parking within greenspace areas (Section 75.130.D). However, the parking along the west side of the site encroaches within this 20 foot area to various degrees. Thus, much of the proposed landscaping here is within MDOT right of way as agreed to between MDOT and the applicant.

Mr. Milliken said the parking lot, requires a total of 7,380 square feet of landscape area along with 37 canopy trees and 74 shrubs. The site plan includes over 8,000 square feet of landscape areas, 37 canopy trees, and 75 shrubs. Five of the canopy trees are shown at the south end of the site. These are in an area that will be an island as the development continues south. Staff is comfortable counting them towards this plan with the understanding that they will not be able to be counted towards the landscape requirement for a future development. Section 75.180.A requires 75% of the canopy trees and 30% of the other landscape elements be native plants. Staff review of revised plans submitted, satisfies these requirements.

For consistency, he said, the applicant is proposing use of the same outdoor lighting fixtures in the parking lot utilized by Costco. The proposed fixtures are cut-off box lights 35 feet in height at 875 watts per bulb. The Ordinance has a limit of 400 watts per bulb. Therefore a variance is required for this as well. Costco received a variance for the use of these fixtures.

Mr. Milliken said the photometric plan shows the footcandle distribution of light on the site. The Ordinance requires that light be maintained on site and no more the 0.1 footcandles spill on to adjacent properties or rights of way. The applicant is working to adjust the plan to eliminate this spillover.

He told the Board no substantial issues were raised by the Fire Marshall or the Township Engineer regarding the proposed plan.

Mr. Milliken reviewed the greenspace variance. He said the site plan calls for parking along the west side of the site within the required 20 foot side greenspace area (Section 75.130.D of the Zoning Ordinance). This area is required along the US-131 right of way area. In the northern portion of the site, the encroachment is significant, hitting a maximum of 18 feet. As the site continues south, the amount of encroachment

is reduced with only three to five feet of the parking lot encroaching into the greenspace area.

He noted the landscape plan calls for satisfaction of the required landscaping material as well as installation of a berm for additional screening. This is possible due to an agreement with MDOT allowing for planting within the right of way area. In addition, the applicant is pursuing additional rights to plant and maintain landscaping even further down the right of way to ensure continuity of material and appearance.

He felt with the addition of the space already allowed from MDOT along with space under negotiation with MDOT within the right of way, it is likely that the applicant will have control of greenspace along the west side of the property significantly greater than the 20 foot requirement. Thus, the intent of ensuring perimeter landscaping around sites is secured. Similar logic was used when a variance was granted last year to allow parking in the greenspace along the West Michigan Avenue frontage of Costco. West Michigan Avenue has an oversized right of way, and the applicant secured permission from the Road Commission to allow the ability to plant and maintain material in the right of way.

Mr. Milliken said, as stated previously, the applicant is proposing to use the same lights and fixtures in the parking lot as was used and approved for Costco in order to maintain a consistent appearance in the center. The Costco fixtures are 875 watts, which exceeds the 400 watt limit for outdoor lighting provided in Section 78.720 in the Zoning Ordinance. To date, Staff has not received complaints about the lighting at the Costco facility.

He indicated all Standards of Approval are met and concluded by saying this is the second outbuilding development at the Corner @ Drake development, and would provide another anchor draw to the center. The proposed development is consistent with plans proposed during review of the overall development as well as with the requirements of the Zoning Ordinance.

Mr. Milliken explained the two required variances are in concert with similar requests made and granted for the Costco site within the same development and should be considered first before considering the site plan.

Chairperson Bell thanked Mr. Milliken for his review and asked if anyone had questions.

In response to a question from the Chairperson, Mr. Milliken indicated that if parking spaces were not permitted in the greenspace area, it is likely all of the parking spaces on the west side would be eliminated. He explained that if the variance was not granted, the entire site plan would need to be reconsidered to try to find where parking spaces could be added back into the plan. Given the space restrictions, the spots would need to be smaller and the result would be that there would be more than 11 spots lost which would result in not achieving the minimum number of parking spots required.

Mr. Sterenberg asked about the agreement with MDOT to use their space to extend the buffer.

Mr. Milliken said MDOT agreed to plantings and a berm on their right of way and that Township staff is comfortable with that since the intent is to provide perimeter landscaping. A lay person would not know where the lines are drawn. He indicated the Township will obtain a copy of the applicant's agreement with MDOT. He also noted the tenant would prefer to have control of maintenance of that area.

Mr. Milliken confirmed the light pole heights are the same as those installed by Costco.

There were no further questions from the Board. Chairperson Bell asked if the applicant wished to speak.

Mr. Joe Gesmundo, AVB Developer, 4200 W. Centre Street, reviewed his vision for the property for the Board. He noted the special location with easy access from most of the county including the two main retail corridors of West Main Street and Westnedge Avenue, is attractive to large national retailers despite a smaller population in the area than they usually require. Costco's success over the last year, which is 20% greater than anticipated, has made the property attractive to businesses we do not currently have in the area, the types of retailers it was hoped would become part of the Corner @ Drake from the beginning.

He explained that Field & Stream's standard requirements for parking were modified to accommodate the space available and to meet Township ordinance. They are excited to have the RV parking for customers. He also noted the plan provides a significant buffer, screening the building, lights and headlights from Michigan Avenue.

He said it was a challenge to keep to .01 lumens of light at the edge of the property, that it was being worked on, but that lights from the highway ramps might be an added factor and he hoped the Board might give Staff some flexibility in that standard if needed. He will make an effort to get information on the lighting MDOT plans to use on the ramps.

Mr. Gesmundo also said they are talking with MDOT about keeping the hillside area natural, looking like a prairie by planting some shrubbery and wildflowers and noted that MDOT has been more than cooperative and as a result well over the 20 foot minimum requirement will be achieved.

Chairperson Bell determined there was no one else who wished to speak and moved to Board Deliberations.

Mr. Smith and Mr. Sterenberg both felt the greenspace request meets the spirit of the law by getting the space required back from MDOT.

The Chairperson wanted to have the agreement with MDOT in writing and on file in the Township.

Attorney Porter suggested that should be part of a motion.

Mr. Smith felt approval of the variance was acceptable based on the staff report and the conditions listed there.

Mr. Smith moved approval of the greenspace variance request, based on Board discussion and with the condition that the written agreement with MDOT be placed on file with the Township. Mr. Sterenberg supported the motion. The motion was approved unanimously.

Mr. Loy spoke about the lighting variance request. He felt they should come very close to the .01 requirement; that has been firm for many years and reiterated the desire to find out the ramp light wattage from MDOT. He felt it would be acceptable if the poles were the same height and provided the same wattage as the Costco lights.

Mr. Gesmundo noted the Costco lights are not LED since although the bulbs last longer, the drivers have a relatively short life. A 10 year warranty is in the works for LED drivers and if that occurs, they will go with LED which would result in less wattage.

Mr. Smith asked if the motion could make approval of the lighting wattage conditional with Staff approval.

Attorney Porter said that could be done.

Chairperson Bell addressed the substantial justice standard of approval, noting the applicant is working to meet the requirement, and that variances were granted to others in the past. She was comfortable with staff approval on this point.

Mr. Milliken pointed out the variance request was for wattage, not footcandles and if that is an issue he would not be comfortable making a decision on footcandles without noticing the public.

Mr. Sterenberg agreed the current variance request is for wattage only and that if footcandles become an issue that would need to come back to the Board as a separate issue.

Mr. Smith moved approval of the outdoor lighting variance to allow 875 watt light fixtures, contingent upon Staff approval. Mr. Sterenberg supported the motion. The motion was approved unanimously.

Chairperson Bell asked Mr. Milliken to address conditions in the Staff memo regarding sidewalks in the site plan.

Mr. Milliken said when the conditions were written it appeared there was a gap in the sidewalk to the east from the front of the store to the existing sidewalk on Century Drive, which was why #1 was included as a condition; he has learned that gap does not exist, so condition #1 is not necessary.

He addressed condition #5 in the Staff memo, saying it is important to try to implement the non-motorized plan. As amended the plan calls for sidewalks on the north and south sides of Michigan Avenue. The site plan should adhere to the non-motorized plan. There are challenges with that, but it is required to do so. A commitment is the best way as this is in the Road Commission's jurisdiction. The width of the bridge is an issue. The non-motorized plan was not in effect when Costco was built, so a sidewalk will not likely be installed in the immediate future, but having a commitment in place is appropriate, whether by escrow or an agreement for a special assessment.

Mr. Gesmundo said he would not oppose commitment to a sidewalk along the West Michigan Avenue frontage and suggested it might be done in connection with the tax capture for the Drake Road trail system

Attorney Porter said an option would be a commitment to develop a sidewalk at the time Drake Road is upgraded, which would necessitate Costco coming in as well.

Mr. Sterenberg moved approval of the Site Plan as presented, including the following conditions:

1. Site plan approval is contingent upon approval of the variance requests for outdoor lighting and parking in the greenspace area. If the variances are not granted, the site plan shall be modified accordingly to be in conformance with the Ordinance.
2. No overnight camping or storage of recreational vehicles and trailers shall be permitted in the extended spaces on the north side of the site.
3. Provision of a commitment for a sidewalk along the West Michigan Avenue frontage either through an escrow, agreement not to oppose a special assessment, or commitment to provide at the time the Drake Road sidewalk is installed.
4. Securing and maintaining an easement from MDOT for the required landscape material along the west side of the property.
5. Replacement of any dead or dying landscape material previously installed in the overall development.
6. There be no light spillover in excess of 0.1 footcandles onto adjacent properties or rights of way caused by lighting from the proposed development.

7. Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.
8. Site plan approval is subject to the review and acceptance of the Township Engineer.

Mr. Loy 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 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).

Chairperson Bell said the next item was a request for sign deviation to allow the installation of a 280 square foot wall sign on the south façade of a new retail store near the southwest corner of Century Avenue and West Michigan Avenue. She asked Mr. Milliken to review the application.

Mr. Milliken said the applicant is requesting a sign deviation in order to install a wall sign on the south façade of the newly approved Field & Stream store that exceeds the maximum square footage permitted by Ordinance. The ordinance allows wall signage to be a maximum area of one square feet for each foot in length of the wall to which it is affixed. The wall is 235 feet wide and the sign is 280 square feet. Therefore, a deviation is required.

He said the building is really a four-sided building with frontage on three roads and a main entry to the south at the parking lot. To the north, east, and west where the building faces adjacent roadways, the building will have a 130 square foot wall sign. This sign area is compliant with the width of the facades in these areas.

He explained a larger sign is proposed on the south side of the building. This is the primary entry and has a substantial entry feature associated with the architecture. The sign is mounted on the entry feature over the entry doors and does not seem oversized or out of place considering the surrounding building elements. The 280 square foot sign has five foot letters at their largest and is internally illuminated. The sign requires a sign deviation due to the fact that the width of the south façade is 235 feet.

Mr. Milliken said it should be noted the south side of the building will not be visible from West Michigan Avenue, Drake Road, or likely Stadium Drive. It will be

visible from US-131. With the increased distance to the highway and higher speed of traffic along the road, the applicant is seeking the deviation for the increased sign size.

He addressed Standards of Approval, saying the granting of the requested deviation would not be materially detrimental to the adjacent property owners or tenants. As stated, the sign will not be visible to properties or drivers on West Michigan Avenue or Drake Road and likely will not be visible from Stadium Drive except from the freeway overpass. While larger than permitted, the proposed sign fits with the architecture and proportions of the proposed building.

He continued, saying the site is unique. Field & Stream is not the only large box retailer in the Township, but there are not a ton either. An analysis of 10 other similar size retail facilities in the Township found that only one had a wall size with an area that exceeded the length of the wall upon which it was affixed. All others were compliant with the 1:1 requirement. Two other similar deviation requests had been denied. That being said, "Field & Stream" is a longer name than "Target" or "MC Sports".

He said particularly unique however is the frontage of the building. Most of the other similar uses are located on West Main Street or Drake Road. The primary goal of the sign is to attract traffic from the parking lot or from the adjacent road that is a couple hundred feet away with traffic travelling 35 mph or less. For the proposed sign, the primary goal for attracting off-site traffic will be to grab vehicles from the freeway before the interchange, which will be about a half mile away with traffic travelling twice as fast.

He emphasized this is very unique. It is not anticipated this situation will present itself again within this development. No other outlot in the Corner @ Drake development has this type of frontage on the freeway. As the West Main Street / US-131 interchange redevelops / develops in the future, there may be a similar situation arise there, but that would really be the only opportunity for this scenario to emerge again without substantial changes to the zoning and existing development pattern.

Mr. Milliken concluded by saying the Board and the Township has traditionally held a firm line on wall sign deviation requests. This, however, is a very unique case considering the location and orientation of the sign. The Board should consider this and determine if it is in fact unique and whether that sets an adverse precedent for future wall sign deviation requests.

Chairperson Bell thanked Mr. Milliken for his comments and asked if Board Members had any questions.

Mr. Sterenberg asked if the sign is a standard size for the franchise.

Mr. Milliken said the sign proposed is a reduced version of the standard Field & Stream sign but suggested that question be directed to the applicant.

There were no further questions for Mr. Milliken. Chairperson Bell asked if the applicant would like to speak.

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

the franchises. In doing so, the applicant desires to install six wall signs on the southern building that houses the Hyundai, Subaru, and Volvo dealerships and maintenance facilities. The Ordinance allows a maximum of four wall signs per building.

He indicated the subject property is located at 5622 West Main Street on the north side of West Main Street just west of Maple Hill Drive. Maple Hill Auto serves as the local dealership for five automobile brands. It is currently undergoing substantial improvements as the dealership upgrades the appearance and layout of the facility to satisfy requirements of the various brands and franchises.

Mr. Milliken explained this is the original building that existed on the site, and at some point in its history an addition was made onto the east side of the building. Because the addition was separated from the original building by a fire wall, it was interpreted by staff at the time that they were two separate buildings. Therefore, while there were four existing wall signs already in place on the original building, the interpretation allowed for two additional signs to be located on the east façade of the addition. Thus a total of six signs existed on the southern building prior to the current redevelopment project.

He said the proposed improvements eliminate the eastern addition and remove any internal separation between sections of the building. As a result of these changes, the allowance for additional wall signs is removed, and the limit is set at four. The applicant has requested the deviation in order to maintain the level of signage present at the site prior to redevelopment as well as to meet the manufacturer's requirements.

Mr. Milliken told the Board the applicant is proposing to install a series of new signs as part of the redevelopment project. Six of these signs count as wall signs. Four of those signs are located on the south (West Main Street) façade: "Volvo", "Hyundai", "Subaru", and Subaru logo. The other two, "Subaru" and "Pre-Owned" are on the east side. Other signage on the south façade is considered incidental and are not counted toward the number of wall signs. The sign area is compliant with Ordinance requirements. The maximum square footage is limited to the length of the wall upon which it is affixed. On both the south and east walls, the area meets this 1:1 requirement.

Mr. Milliken suggested the ZBA should review the following points regarding Standards of Approval in considering the request for deviation.

The granting of the requested deviation would not be materially detrimental to the adjacent property owners or tenants. If approved, the facility will have the same number of wall signs as previously existed. The area of the signage is compliant with Ordinance requirements. It is located in an intense commercial area, and the wall signs have been well designed to match the new architecture

The unique issue with the subject property is the fact that due to the previous configuration of the building it was permitted to have six wall signs. Now with the

proposed improvements and the change to the building configuration, the building is only permitted to have four signs.

The Board should consider the fact that the reason this request is coming forward is because the property owner is undergoing a substantial improvement project, something we generally want to encourage. The Board should also consider that the number of wall signs is not changing from what existed at the site previously.

Chairperson Bell asked if there were questions for Mr. Milliken.

Mr. Milliken confirmed these are new, updated signs, necessary to meet requirements of the auto manufacturers.

In answer to a question from Mr. Sterenberg regarding why four signs are allowed per building, Mr. Milliken said he believes that with four sides to a building it was established to allow one sign per side. There is no requirement about how to allocate the signs – all four could be on one side of the building, but the area of the signs on one side of the building cannot exceed the width of that side of the building.

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

Mr. Steve VanderSloot said he was the Sign Art contractor for previous signs at Maple Hill. The request is a result of major re-vamping demands from the various car lines Mr. VandenBerg represents. It took a long time to get the sign deviation request to the Board since for every line carried a different sign vendor was used. If the request for deviation is not approved, there will be consequences for the dealership. He noted the signs meet area requirements based on a 1:1 standard. All signs are internally illuminated and will not take on a different characteristic than currently.

Mr. Jim VandenBerg, Maple Hill Auto Group, 5622 West Main Street, said he operates under five different manufacturers. Three of the five need improvement or he faces penalties in reduced payments or bonuses. He explained he has had to ask each individual manufacturer to keep requirements the same and asked for the Board's help and consideration.

In answer to a question from Mr. Sikora, Mr. VanderSloot said each sign is shifted over somewhat from its previous position, pretty much in the same order to the space they serve. He noted "Used" Cars was changed to "Previously Owned."

There were no further comments from the applicant or the public; Chairperson Bell moved to Board Deliberations.

It was the consensus of the Board that just because a firewall was removed internally it shouldn't affect outside signage. This request for deviation is needed only because of a technical difficulty and it meets the Standards of Approval.

Mr. Smith moved approval, based on Board discussion. Mr. Sikora supported the motion. The motion was approved unanimously.

Any Other Business / ZBA Member Comments

Chairperson Bell noted Maple Hill's situation did not involve separate buildings.

Attorney Porter explained that in the code a structure is designated as a separate structure if there is a firewall.

Mr. Milliken said at this point he has no agenda items for a June meeting but will keep Board Members informed.

Attorney Porter noted the Township Board will address replacing Mr. Larson on the ZBA at its June 9 meeting. He added that when there is a 5th person back on the Board, the alternates will not vote.

Mr. Loy reminded the Board of a drop-in session for preliminary study of a five-year plan at the Drake House and invited them to attend to provide their input.

Adjournment

Chairperson Bell noted the Zoning Board of Appeals had exhausted its Agenda, and with there being no other business, adjourned the meeting at 5:08 p.m.

Minutes prepared:
May 28, 2015

Minutes approved:
June 23, 2015