

SPRINGFIELD TOWNSHIP
ZONING BOARD OF APPEALS
March 19, 2014

Meeting is called to order at 7:30 pm by Chairperson Skip Wendt.

In attendance: Dean Baker, Zoning Board Member
Virginia Fischbach, Zoning Board Member
Denny Vallad, Zoning Board Member
Skip Wendt, Chairperson
Bill Whitley, Zoning Board Member

Absent:

PUBLIC COMMENT: None

AGENDA: Board agreed to proceed with agenda as presented

CONSENT MOTION: Minutes of the February 19, 2014 meeting.

Board member Whitley moved to approve the minutes of February 19, 2014 meeting as presented. Supported by Board member Fischbach. Voted yes: Baker, Fischbach, Wendt, Whitley. Voted no: None. Abstain: Vallad. Absent: None. Motion approved.

NEW BUSINESS:

1. Request from RCL Properties, 6761 East Knollwood, West Bloomfield, 48332 for variances for signs at the Springfield Town Square for an expanded and relocated Kroger Fuel station and a new McDonalds restaurant, and for a relocated and enlarged Business Center multi-tenant sign.

a. Relocated Kroger Fuel station—Variance to allow two (2) ground signs rather than the one (1) allowed; variance to allow one of the ground signs to serve as a Business Center sign for future development and be eighteen (18) feet in height rather than the maximum ten (10) feet allowed and one hundred twenty eight (128) square feet per side in area rather than the maximum fifty (50) square feet per side allowed; and a variance to allow one hundred and nine (109) square feet of combined building signage rather than the maximum one hundred (100) square feet allowed.

b. McDonalds restaurant—Variance to allow eight (8) ground signs rather than the one (1) ground sign allowed and to allow sign area to be one hundred fifty four (154) square feet per side rather than the maximum fifty (50) square feet allowed; and a variance to allow seventy (70) square feet of combined building signage rather than the maximum forty-six and one half (46.5) square feet allowed.

c. Relocated existing Business Center sign—Variance to allow a sign that is eighteen (18) feet in height rather than the fifteen (15) feet allowed and one hundred twenty-eight (128) square feet per side in area rather than the maximum seventy five (75) square feet per side allowed.

All variance requests pertain to provisions of Section 40-751 of Chapter 40, Springfield Township Code of Ordinances. The property that is the subject of the request is located on the west side of Dixie Highway, south of Davisburg Road in Springfield Township and is zoned C-2, General Business. P.I. #07-14-101-024.

Mr. Danny Kurzmann introduced himself to the Board. He introduced his business partner and J.D. Damrath, Engineer. He thanked the Board for tabling the motion at the August 2013 meeting to allow them time to review the signage taking the Board's comments into consideration. Mr. Kurzmann reviewed the criteria for getting a variance. The first is existing special conditions and circumstances which are peculiar to the land and buildings which are not applicable to other land and buildings in the zoning district. He pointed out that in the case of Kroger and McDonalds, they are both unique businesses requiring unique signage like menu boards which are specific to their businesses and are not applicable to other businesses. He received positive feedback at the last meeting but the Board indicated that the amount of signage was too great. They revisited with Kroger and McDonalds to reevaluate their signage. They were able to renegotiate with McDonalds and bring the request from 167% increase to 49% increase that is asked for this evening. Almost all they are asking for are menu boards which are critical to their business. Kroger decreased the signage they are asking for from a 212% increase over what was allowed and their current request is 8.83%. The small shops that make up the rest of the development are set back from the road by a considerable distance. He stated that the signage is critical and it offers safe guidance into the shopping center. After they reviewed the signage request, they are now asking for 18 feet high signs for the 2 monument signs. One replaces an existing and the second is a new monument sign.

Mr. Kurzmann continued with an additional variance criteria being does literal interpretation of the provisions of the code deprive the development of rights commonly enjoyed by others. He pointed out that there are a number of businesses including Bordines, Frosty Freeze, Lakeland Building Supply and Chinese Carryout that enjoy the rights that they do not have. He stated that they submitted pictures of two signs right across the street that are 26 foot and 3 inches tall and 21 foot 6 inches tall and tenants for those developments have between 45 and 60 square feet each to display their sign. He stated that their request tonight is to increase a tenant to 16 square feet. The tenants currently have 2.8 square feet.

Mr. Kurzmann continued with the criteria for a variance and stated that they have to demonstrate the variance requested is the minimal variance that will make possible the reasonable use of the land and buildings. He explained the photographs present in the

Board packets depicting the view at 75 feet increments as a driver approaches the existing monument sign. He described that every second that you travel by car at 50 miles per hour you travel 75 feet and that is why he provided 75 foot increments. He stated that they are asking for 16 square feet for each one of their tenants and the only way that they can accomplish this is by adding height to the current monument sign and the reason behind adding a second monument sign. He added that the next criteria asks them to demonstrate that the granting of the variance is in harmony with Master Plan, Springfield Township Code of Ordinances and it will not be injurious to the neighbors or otherwise detrimental to the public welfare. The signs will not obstruct pedestrian or motor traffic and the areas for commercial use and signage is expected by the public and the variances will prevent lost travelers, help driver's safety and help travelers navigate the road. They will have their eyes on the road longer and will not be making last second decisions as often. The signs that they are proposing are pleasing and will blend in with the existing development.

Chairperson Wendt stated that he can understand the need for signage to allow travelers to find a business, but the large Kroger fascia sign on the side parallel to the road doesn't make sense.

Mr. Kurzmann concurred and stated that this is the same case for the existing First Merit Bank sign that is parallel to Dixie Highway. This is allowed by ordinance and it should face the Kroger store so that shoppers could see that it was there, but it is their choice on where they put their sign. If Kroger wants the lettering on the fascia and it is allowed by ordinance, this is what they choose to do and he can't stop them from doing it. He stated that the signs aren't worth anything because a driver traveling at 50 miles per hour doesn't see these signs that are parallel. He stated that the only signs drivers are going to see while driving are monument signs, but the problem is, the existing monument sign is too small.

Board member Fischbach asked how tall the current monument sign is.

Mr. Kurzmann answered approximately 10 feet.

Ms. Gail Hamilton, resident of Pebble Creek, stated that she came to the August 2013 ZBA meeting when the sign variances were considered and she thought the request was outrageous. She stated that she knows they cut back the request somewhat but she still thinks it is too much. She stated that people who live in this area know what is located in the development and a 3 year old can identify a McDonalds. She stated that regardless of speed, people are usually slowing down because of the traffic in front of the grocery store and now they are going to have the traffic light which is going to stop everyone and for the most part, it is local people that are going there. She stated that she doesn't think that people are going to exit off the highway to go there that don't live right here in the area and there is a Kroger down the street. She stated that she doesn't think they need to go so much bigger and they have the ordinances for a reason and she thinks they should stick with them.

Board member Whitley stated that he has comments to make which will lead into a motion. The request as published has 3 subparagraphs with various variances in each subparagraph. For paragraph a.) there are 5 variances being requested. They are requesting 2 ground signs instead of one, second business center sign on the same street, there is a request for the business center sign to be 18 feet high, a request for the business center sign to be 128 square feet rather than the allowable 50 square feet and with a business center sign allowed up to 75 square feet and the request for the combined building signage to be 109 square feet rather than the 100 square feet that is allowable. There are 5 variances in paragraph a. In paragraph b., there appears to be 3 variances requested. The first is for 8 ground signs rather than one allowed, a request for 154 square feet in ground signage rather than the 50 square feet that is allowed and a combined building signage of 70 square feet rather than the 46.5 square feet allowed. In paragraph c. there are 2 variances requested. The first is for a ground sign to be 18 feet high rather than the 15 feet height allowed, presuming that it is a business center sign on an area greater than 5 acres. The second variance requested is for a sign area of 128 square feet rather than the 75 square feet allowed, presuming that it is a business center sign on a parcel greater than 5 acres. He stated that there are 10 individual variances requested. He stated that he will start with a motion.

Board member Whitley moved:

Paragraph a.) Kroger Fuel Station:

APPROVE two (2) Business Center Ground signs at a height of 15 feet, not the 18 feet requested. This is suggested recognizing that this is a growing Business Center and it is approving the variance of one additional (1) Business Center sign.

DENY variance request for 9 additional square feet of building signage due to not meeting the minimum requirement clause that is put in front of the Zoning Board of Appeals to find the minimum variance required to fit the needs.

Paragraph b.) McDonalds Restaurant:

DENY the variance request for eight (8) ground signs, only approving three (3) ground signs recognizing the need for two (2) menu boards and one (1) presale as reasonable request for drive-through restaurant and find the other five (5) signs are for directional purposes and the variance that was requested was to accommodate an advertising logo on the signs which does not meet standard of minimum variance required to meet the needs and the ordinance does provide for directional signs being allowed already and this meets the form and function requirement of the development.

DENY the combined building signage variance of 70 square feet as it does not meet the minimum requirement standard that is charged to the Zoning Board of Appeals.

Any variance request for signage include a stipulation that any sign of electronic or otherwise changeable nature such that the sign can be changed does not allow for change more frequently than once every 24 hours.

Paragraph c.) Relocated Business Center:

APPROVE the second Business Center sign with the stipulation that it must meet ordinance requirements of 15 feet height and 75 square feet per side and this is consistent with paragraph a.) and the specific requests in paragraph c) of the published Notice would be denied.

Board member Whitley stated that this ultimately represents an increase of 50% of allowable sign area due to the fact that the parcel is greater than 5 acres. The ordinance allows for a Business Center sign to have a height and size 50% greater than the underlying zoning ordinance and the conclusion is that the business area is greater than 5 acres and further represents a further doubling of the allowable area as subsection 3(c) of the Springfield Township Code of Ordinances stipulates that the Business Center signs must meet the maximum standard allowed in the ordinance combined and with what is proposed in the motion, it actually doubles that because each of those Business Center signs would be allowed to be 15 feet and 75 square feet as opposed to half of that so the net is really 341% of the area specified under the ordinance and 200% of the quantity specified by the ordinance. The motion further represents two Business Center signs on a single street rather than the way the ordinance stipulates which is Business Center signs have to be on two separate streets.

Supported by Board member Wendt.

Board member Baker asked about the number of signs at the McDonalds restaurant.

Petitioner and Board members discussed the number of McDonalds ground signs requested and agreed that there were eight (8) ground signs requested. Board members explained that the presence of the logo on the directional sign made it a “ground sign” not an allowable directional sign. If petitioner eliminates the logo from the directional signs, they no longer need a variance for these 4 directional signs.

Mr. Kurzmann summarized the motion made by Board member Whitley. He stated that they will not be able to get anything done if the logo directional signs are not approved; McDonalds will not go forward without the signs that they requested.

Board members and petitioner discussed the four directional signs.

Mr. Damrath stated that they took these signs to be more identification than advertisement and it allows a traveler to know which drive goes where especially with the possible development in the back.

Board member Vallad stated that he agrees that the directional signs become important for if and when the back lot develops, not now. Even though that is the only thing there now, entering an area like this can be confusing. He stated that he does not have an issue with the 18 feet as opposed to the 15 feet; the petitioner has done a great job working with their clients to reduce the signage appropriately. The pictures that they have

provided are detailed examples of what the eye sees and he agrees with the conclusion that traveling at 50 miles per hour, you do not have time to get into the appropriate lane for entry and it is not just local people that live around the complex that are using it. He stated that all of the requests have been well studied, reviewed by the Planning Commission and he agrees with all of the requests.

Board member Baker stated that the appropriate sign size relative to the adjacent roadway has been a topic for the Planning Commission and they recognize that they do not take that into account in our current ordinance. They have recognized that this has a limiting factor for businesses on a 50 miles per hour road. He stated that he agrees with the 18 foot sign. They are aesthetically pleasing and are not out of character with other signs in the area of one or possibly two tenants as opposed to multiple tenants as the petitioner represents. He agreed with the two Business Center signs and the 18 foot height. He stated that he does not understand the need to have the logo on the directional signs and suggested coloring the directional signs in McDonalds colors.

Board member Whitley asked if Board member Vallad and Board member Baker concur with the larger size area proposed.

Both Vallad and Baker answered yes.

Board member Fischbach concurred. She stated that the two monument signs proposed are visually much more pleasing than what exists across the road and she has no problem with them. She stated that she agrees with reducing the number of directional signs or removing the logo from them. She stated that she agreed that you cannot read the current sign traveling at a normal speed.

Mr. Kurzmann stated that typically Kroger draws most of its business from a 2 mile radius but this store is completely different; it draws from a much larger area.

Board member Whitley stated that it is important to note that the density is nowhere close to an urban area and this is indicative of the area. It has to be put in the context of the community in which it is located.

Mr. Kurzmann and Board members discussed the McDonalds directional ground signs.

Commissioner Baker stated that they are charged with granting variances that are the minimum required. In the same way that they discussed the Kroger logos on the Kroger fuel station pumps, they are superfluous and were removed for this application. It is part of McDonalds marketing and putting the logo on them forces them to put the directional signs into the total signage calculation.

Board member Whitley asked how Mr. Kurzmann arrived at the 128 square feet for the Business Center sign.

Mr. Kurzmann stated that he used logic to determine the size that a sign would need to be to be seen while traveling and then he determined how many tenants he could fit on the Business Center sign and what the ideal size would be per tenant.

Board member Whitley reiterated that it is as simple as saying there are six signs that are 4' by 4' and one sign that is 4' by 8' and this adds up to 128 square foot.

Mr. Kurzmann concurred.

Board member Whitley AMENDED the motion to read:

Paragraph a.) Kroger Fuel Station:

APPROVE two (2) Business Center Ground signs at a height of 18 feet with an area of 128 square feet per side as requested. This is suggested recognizing that this is a growing Business Center and it is approving the variance of one (1) additional Business Center sign.

DENY variance request for 9 square feet additional building signage due to not meeting the minimum requirement clause that is put in front of the Zoning Board of Appeals to find the minimum variance required to fit the needs.

Paragraph b.) McDonalds Restaurant:

DENY the variance request for eight (8) ground signs, only approving a variance for three (3) additional ground signs recognizing the need for two (2) menu boards and one (1) presale as reasonable request for drive-through restaurant and find the other five (5) signs are for directional purposes and the variance that was requested was to accommodate an advertising logo on the signs which does not meet standard of minimum variance required to meet the needs and the ordinance does provide for directional signs being allowed already and this meets the form and function requirement of the development.

DENY the combined building signage variance of 70 square feet as it does not meet the minimum requirement standard that is charged to the Zoning Board of Appeals.

Any variance request for signage include a stipulation that any sign of electronic or otherwise changeable nature such that the sign can be changed does not allow for change more frequently than once every 24 hours.

Paragraph c.) Relocated Business Center:

APPROVE the second Business Center sign allowing it to be 18 feet height and 128 square feet per side.

Seconded by Board member Wendt.

Board member Whitley stated that there are still significant variances that are being granted.

Mr. Kurzmann explained to the Board the need for the logo directional sign at the western side of the drive based on decreasing stacking and creating better traffic flow.

Board member Fischbach stated that she agrees with allowing this one directional sign. Board member Whitley stated that Mr. Kurzmann has demonstrated the need for the one directional sign with logo at the western exit.

Board member Whitley AMENDED the motion relative to ground signs in b) of the published Notice:

Paragraph b.) McDonalds Restaurant:

DENY the variance request for eight (8) ground signs totaling 154 square feet, only approving five (5) ground signs, as follows:

1 monument sign of 38.22 square feet

1 pre-sale sign of 8.7 square feet

2 menu signs of 38.8 square feet each

1 directional sign with an advertising logo to be located at the north western drive of 5.75 square feet

Total square footage of ground signs not to exceed 131 square feet. The Board recognizes the need for two (2) menu boards and one (1) presale as a reasonable request for drive-through restaurant. The variance that was requested for the additional directional signs accommodate an advertising logo on the signs which does not meet standard of minimum variance required to meet the needs because the ordinance already provides for directional signs that meet the form and function requirement of the development.

Supported by Board member Wendt.

Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.

ADJOURNMENT:

Board member Whitley moved to ADJOURN the meeting at 8:39 PM. Seconded by Board member Baker. Voted yes: Baker, Fischbach, Vallad, Wendt, Whitley. Voted no: None. Absent: None. Motion approved.

Erin Mattice, Recording Secretary