

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD JULY 26, 2011

Agenda

**METRO TOYOTA - INTERPRETATION – WALL SIGN – 5850 STADIUM DRIVE -
(PARCEL NO. 3905-25-180-015)**

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, July 26, 2011, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Roger Taylor, Chairman
Cheri Bell, Vice Chair
Grace Borgfjord
Robert Anderson
L. Michael Smith
Neil Sikora, First Alternate
James Sterenberg, Second Alternate

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Linda Ignasiak, Staff and two other interested person(s).

Call to Order/Pledge of Allegiance

The meeting was called to order by the Chairman at approximately 3:00 p.m., and the "Pledge of Allegiance" was recited.

Minutes

The Chairman said the next item on the Agenda was approval of the minutes of June 28, 2011. Ms. Borgford made a motion to approve the minutes, as submitted, and the motion was seconded by Mr. Smith. The Chairman called for a vote on the motion, and the motion passed unanimously.

METRO TOYOTA - INTERPRETATION – WALL SIGN – 5850 STADIUM DRIVE - (PARCEL NO. 3905-25-180-015)

The Chairperson indicated that the next item on the agenda was consideration of the request by Jeff DeNooyer, of Metro Toyota for an interpretation of a wall sign to determine whether an illuminated structure is a wall sign or an architectural feature.

The Chairperson called for the Staff report, which is incorporated herein by reference. Ms. Stefforia told the board this request came about when Staff received the elevation drawings for the forthcoming renovation of the Metro Toyota dealership. The plan showed a new entrance with the front face made primarily of 4' x 4' panels of tempered safety glass. The panels are back-lit creating a diffused glow of light through them to illuminate the new entrance area. On the illuminated façade are the name Toyota as individually mounted channel letters and the Toyota logo directly above it and also the dealership name, Metro.

Ms. Stefforia noted the Zoning Ordinance does not define façade but asked the board to consider what it does provide, such as definitions for sign, sign area and wall sign as well as structure. She also noted the Zoning Ordinance does have provisions for outdoor lighting of buildings and structures as well as interior lighting that is visible from the outside. Ms. Stefforia showed the board a drawing of the new entrance area noting the area is physically attached to and part of the building.

The Zoning Ordinance allows fixtures for the purpose of illuminating a façade, up to 400 watts per lamp. Ms. Stefforia noted Kohl's as an example. Kohl's has parking lot poles that shine towards the building with their sole purpose of illuminating the building. The amount of light on the building façade is not to exceed 20 foot candles. The lighting demonstration the applicant provided shows they meet this limitation.

Ms. Stefforia reminded the board of the ordinance provision created when Menard's put its interior lighting displays in front of a bay of windows, the illumination of which is visible off site for quite a distance. The provision requires shielding and screening so that there is no glare that is objectionable to neighboring properties or a distraction to motorists driving by.

The Chairperson asked if there were Township Ordinances which regulated the content of signs. Ms. Stefforia said the only stipulation was the content had to relate to the business on the property on which it was displayed.

Mr. Sterenberg inquired as to other municipalities in which this had occurred and what their decisions were. Ms. Stefforia had been in touch with the City of Grand Rapids to inquire about this and they said they would have had the same question as Oshtemo, if it had been caught, but it had gone through the building process without anyone noticing. He then asked if it is determined to be an architectural feature does it meet code. Ms. Stefforia said that the lighting limits are met.

Ms. Stefforia stated the ruling applies to this site but will likely have Township wide implication and asked the Board to keep the applicant in mind but not limit their decision to just this site for that reason. Mr. Sterenberg asked if this determination would create a need for the Township to amend the ordinance. Ms. Stefforia agreed that it might.

Mr. Sikora needed to confirm that the board was to concentrate on the new illuminated area and not the other new lettering on the building. Ms. Stefforia pointed out that only the illuminated part was in question.

The Chairperson asked if there were any other questions for staff. With no further questions, he asked the applicant to introduce himself.

Jeff Denooyer, from Metro Toyota introduced himself as well as his spokesperson, Brian Hickie from Toyota Motor Sales in Cincinnati, Ohio. Mr. Denooyer said he asked Mr. Hickie to come because he works with other dealerships on these same issues and could speak on the building aspect of the facade. Mr. Denooyer also wanted the board to know that they were doing this as a part of a design element that Toyota is requiring as part of the facade. He said the new entrance portal is attached to the building and the back lighting is not very bright, but more of a glow. The Chairperson wanted to confirm that this is a design that is being required by their franchiser. Mr. Denooyer confirmed that it was.

Mr. Hickie then introduced himself as being in the market representation area and currently works with dealerships in Michigan and Ohio on their reimaging program. He said in 2004 Toyota rolled out a new reimaging package and it includes what they call a new "entry portal". They found that customers were seeking a direction into the building and working with their architect, they came up with this design element. He said this portal wall has its own foundation, but is physically part of the building. He said that about half of their dealerships across the country have completed the reimaging process. Mr. Hickie had been at another municipality meeting for this same reason and they called it an architectural element.

Mr. Hickie said the word Toyota and the logo above it would be illuminated but the word Metro would not. The word Metro would use the glow from the portal. He also said that part of the Scion letters are illuminated, but they are not on the portal.

Mr. Sterenberg asked if the lighting came through to the inside of the building as well. Mr. Hickie said it did not. Mr. Sterenberg asked about the outcome from the other

municipality. Mr. Hickie said they were more concerned about the hours of operation. They did not want the lighting on all hours of the night, so they determined a time when that element could be used.

Ms. Borgfjord asked if a sensor determined how the lights came on or how did that work since it was dark earlier, for example, in the winter than in the summer. Mr. Hickie said there was a photo electric cell in the portal but he thought you could override it with a timer. Mr. Sikora needed clarification on what area exactly is illuminated. It was made clear the entire area around the portal was lit. He repeated the letters in the word Toyota and the logo above it were self-illuminated and the word Metro stood out by the glow from the fascia. The Chairperson clarified that the only lighting associated with the letters Metro was the back lighting, which comes from the glow behind them.

Ms. Bell said the overall question was whether the illuminated area was all a sign or was the illuminated area an architectural feature of the building and asked Ms. Stefforia to confirm. Ms. Stefforia said that was correct. Ms. Bell noted that in the past we allowed buildings to be illuminated from the ground (as in Kohl's), or from the inside (such as Menards), so this is a unique, new way coming in from the wall.

The Chairperson asked for any comments from the public. Hearing none, he announced they would now be going into board deliberation.

Ms. Borgfjord said the Menards issue was not a sign and Ms. Bell agreed it was a lighting issue and not sign related. Ms. Bell asked if the sign was lit during the day. The Chairperson explained that the lights come on when a photo cell determines it is dark enough.

Mr. Anderson saw the entire element just as much of an architectural feature as it is a sign. Mr. Taylor agreed by complementing the design, but thought might be setting precedence and further down the road, for example, another dealership would have the entire front of their building covered in light panels. Ms. Borgfjord reminded the board that as long as the lighting ordinance was met, and there were no signage on the panels, there would be no need for an interpretation. Her concern was how intense the illumination was at night and how far it was visible, because during the day all you would be able to see is the word Toyota and the Logo. She said that at night, when it light up, if it starts to become offensive is when the board needs to be concerned.

The Chairperson thought signs, by definition, are meant to attract attention and when this entire portal is illuminated at night it starts fighting for attention, hence earlier when he inquired as to the regulation of content.

Mr. Anderson thought the sign above the Educational Community Credit Union's (ECCU) entrance was similar by color contrast and thought it looks nice. Mr. Smith sees the panel lighting aspect as an architectural feature and noted there are other means to draw attention, like with offensive design and we couldn't stop that. He thought this was attractive and while it only lit up at night, it was not bright.

Ms. Borgfjord asked if we could prevent Kohl's, if they decided to turn their sign into an entire illuminated wall. Ms. Stefforia said we could not stop them, nor could we stop them from putting up 100 illuminated poles in their parking lot shining directly at their building as long as the lights did not exceed 400 watts each and the illumination level on the building did not exceed 20 foot candles.

Ms. Stefforia said then maybe it is more of an architectural feature because it is back lit instead of front lit. Lights can also be placed on the ground and directed to light up the entire building.

Mr. Smith agreed the Toyota lighting area was much more defined. He thinks it is an architectural feature and if the size is met, the rest is tastefully done.

Mr. Sikora asked, if the decision is made to be an architectural feature, would it prevent anyone else from coming to the board or could Ms. Stefforia make that decision from this action. Ms. Stefforia said it would be based on the proposal and if she were comfortable that it fell within the board's interpretation.

Mr. Sikora asked if signs with blinking lights were allowed. Ms. Stefforia said the ordinance does not permit blinking, flashing or rotating lights period, whether on a sign or not. The Chairperson said he is mainly concerned about setting a precedent regarding illuminated buildings. He said this was the first step and it was tasteful, however future applicants may not choose to attract in this pleasant of a manner.

The Chairperson said that what they choose to light, makes it a sign. The Township doesn't regulate the content and they just choose to leave a lot of white space. Mr. Sikora agreed to the sign related aspect, but in this case he thinks it is more of an architectural feature. His concern was the light intensity.

Ms. Borgfjord made a motion to find that this particular item is an architectural feature and not a sign. Mr. Sterenberg seconded the motion. The Chairperson called for any further discussion, and hearing none, called for a vote on the motion. The motion passed 4-to-1, with the Chairperson in opposition.

Public Comment on Non-Agenda Items

None.

Any Other Business

Ms. Stefforia said that currently there are no applicants and the next meeting may be cancelled. Ms. Bell apologized for missing the last meeting. Mr. Taylor announced he would not be at the next meeting.

Ms. Borgfjord gave her appreciation towards Ms. Stefforia for bringing tonight's item to the board for discussion instead of taking it upon herself to make this difficult decision. The Chairperson inquired as to whether the Zoning Board of Appeals could request the Planning Commission study "glow in the dark" buildings and ways of skirting our sign ordinance to determine if any amendments may be necessary. Ms. Stefforia said the Zoning Board of Appeals liaison, Bob Anderson, can carry back a recommendation to the Planning Commission.

A time limit was suggested and Ms. Bell said Kohl's has no time restriction and their building is lit all night long. She said she sees the township as being full of "glow in the dark" buildings someday. The Chairperson said he thinks the board will regret having made this decision. Mr. Sikora agreed that further study was necessary.

Mr. Sikora asked if Instant Interiors was allowed to park their company trucks along the road, being that the company name was on them. He said the board had visited these instances in the past and trucks were made to be moved if they looked as if they were being used as signage. Ms. Stefforia noted that they have always done that, including before they had other parking options on site. The ordinance states that if other areas, such as the side or the rear as an option, they must park in those areas.

Adjournment

There being no further business to come before the Board, the Chairman adjourned the meeting at approximately 4:00 p.m.

Minutes Prepared:

July 28, 2011

Minutes Approved:

August 23, 2011