

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES OF A SPECIAL MEETING HELD JUNE 12, 2014

Agenda

MOPHIE, LLC -REQUEST FOR SITE PLAN REVIEW OF A PROPOSED 37,000 SQUARE FOOT ADDITION TO AN EXISTING WAREHOUSE AND DISTRIBUTION FACILITY ON A 6.17-ACRE PROPERTY - 6244 TECHNOLOGY DRIVE – “I-R” INDUSTRIAL DISTRICT RESTRICTED - PARCEL NOS. 3905-35-450-003, -004, -205

SIGN ART FOR WEST CENTURY CENTER, LLC – REQUEST FOR DEVIATIONS FROM THE REQUIREMENTS FOR POLE SIGNS AT MULTI-TENANT COMMERCIAL CENTERS AS PRESENTED IN SECTION 76.170 – 5015 WEST MAIN STREET – “C” LOCAL BUSINESS DISTRICT – PARCEL NO. 3905-13-430-041

A special meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Thursday, June 12, 2014, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBER ABSENT: Lee Larson

Also present were Karen High, Zoning Administrator; James Porter, Attorney; and three interested persons.

Call to Order and Pledge of Allegiance

The meeting was called to order by Chairperson Bell at approximately 3:00 p.m., and the “Pledge of Allegiance” was recited.

Public Comment on Non-Agenda Items

Chairperson Bell called for public comment on non-agenda items. Hearing none, she proceeded to the next agenda item.

Approval of the Minutes of May 27, 2014

The Chairperson asked if there were any changes or revisions to the minutes of May 27, 2014. Hearing none, she called for a motion. Mr. Smith made a motion to approve the minutes as submitted. Mr. Loy seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

MOPHIE, LLC -REQUEST FOR SITE PLAN REVIEW OF A PROPOSED 37,000 SQUARE FOOT ADDITION TO AN EXISTING WAREHOUSE AND DISTRIBUTION FACILITY ON A 6.17-ACRE PROPERTY - 6244 TECHNOLOGY DRIVE – “I-R” INDUSTRIAL DISTRICT RESTRICTED - PARCEL NOS. 3905-35-450-003, -004, -205

The Chairperson said the next item for consideration was the site plan review of Mophie, LLC, for a proposed 37,000 square foot addition to an existing warehouse and distribution facility on 6.17 acres at 6244 Technology Drive located in the “I-R” Industrial District Restricted. The Chairperson asked to hear from Ms. High.

Karen High submitted the staff report to the Board for its review, and the same is incorporated herein by reference. She explained that Mophie was proposing to attach a 37,000 square foot addition to the existing 47,200 square foot building on Units 3 and 4. She said this was due to substantial growth at Mophie. Ms. High then took the Board through the Standards for Approval as set forth in Mr. Milliken’s report addressing Section 82.800 of the Zoning Ordinance. Ms. High concluded with a recommendation that the site plan be approved with the four conditions as stated in the report.

The Chairperson asked if there were any questions of Ms. High, and she began by asking about the proposed conditions. Ms. High said they were standard precautionary conditions for almost all site plans.

The Chairperson asked to hear from the applicant.

Mr. Todd Batts of Dreisinga Associates introduced himself to the Board on behalf of Mophie, LLC. Mr. Batts said when Mophie purchased its building 14 months ago, they thought it would serve their needs indefinitely. But due to the high growth rate, they were expanding once again. He said they wanted to combine all of their distribution operations under one roof, and in order to do that, they needed to expand. He said the expansion would allow a shipping dock, a receiving dock, and a coordinated flow throughout the building.

Mr. Batts reviewed the reconfiguration and the issues addressed with storm water run-off, which he said was coordinated with the Township Engineer. He also said they had coordinated their construction in accordance with the Fire Marshall recommendations. He noted the new utility lead which would be constructed internally on the property, and he said the property would be sprinkled. Mr. Batts noted that the AVB Construction Manager was present, as was Don Danielson from Mophie if there were any questions.

Mr. Loy asked about the loading and unloading and whether there would be any stored trucks. Mr. Batts indicated there would be no trucks parked on site.

The Chairperson asked if the distribution center would remain after the headquarters was constructed in the BTR Park. Mr. Danielson said that it would.

Mr. Anderson asked if the new part of the building would be the same height as the existing. Mr. Batts said it would within a matter of inches.

The Chairperson asked what the time line might be for construction. Mr. Batts said they would like to begin construction in mid-July and be completed by year end.

Hearing no further questions, the Chairperson asked if there was any public comment. Hearing none, she called for Board deliberations.

Mr. Smith said he thought the proposal was quite clear and thought it was an excellent plan, and is well laid out.

Mr. Sterenberg said he thought that the site plan was excellent.

Mr. Sikora made a motion to approve the site plan with the following four conditions:

1. A sign permit is required before any new signs are installed on site, and all signage shall conform to the requirements of the sign chapter of the Zoning Ordinance.
2. Submittal of the environmental checklist and hazardous materials information.
3. Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.
4. Site plan approval is subject to the review and acceptance of the Township Engineer as adequate.

Mr. Loy seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

SIGN ART FOR WEST CENTURY CENTER, LLC – REQUEST FOR DEVIATIONS FROM THE REQUIREMENTS FOR POLE SIGNS AT MULTI-TENANT COMMERCIAL CENTERS AS PRESENTED IN SECTION 76.170 – 5015 WEST MAIN STREET – “C” LOCAL BUSINESS DISTRICT – PARCEL NO. 3905-13-430-041

The Chairperson indicated the next item on the agenda was Item #6, sign deviations for West Century Center. She said the applicant was requesting sign deviations for a pole sign 24 feet, 11 inches where the maximum height allowed is 20 feet; a pole sign with a sign area of

246.06 square feet where the maximum area is 90 square feet; and a second pole sign with an area of 119.83 square feet where the maximum area of a second pole sign is 30 square feet. She said the property is located at 5015 West Main Street in the "C" Local Business District. The Chairperson asked to hear from Ms. High.

Ms. High submitted the staff report, and the same is incorporated herein by reference. Ms. High noted that the applicant was seeking two variances for the pole signs for the West Century Center Plaza. She said the current large pole sign, which identifies most if not all of the tenants within the Center, is located along West Main Street. It is currently 30 feet tall and 375 square feet in size, and it is a legal non-conforming sign. She said the applicant is proposing to redesign that sign by reducing its height to 24 feet, 11 inches and reduce its square footage to 246.06 feet. She said that, while the proposed pole sign would not satisfy the current Zoning Ordinance requirements, it would bring the pole sign closer into compliance with regard to height and area. Ms. High stated that the second smaller sign on Drake Road is currently in conformance with Ordinance requirements for height and area. However, the requested change to this sign would expand the 30 square foot sign to 119.83 square feet.

Ms. High then took the Board members through a sign history and comparison of signs in the area, a number of which had been granted deviations, in part due to the previous signs on site for West Main Mall and Maple Hill Mall. Next, Ms. High took the Board through a review of the Standards of Approval of a nonuse variance, as is more fully set forth in the staff report.

Mr. Sterenberg said he was a bit confused and asked for clarification on the signs and the dates which they were constructed. Ms. High noted that the original large sign on West Main Street was originally constructed in compliance, but would not meet current sign regulations. The sign on Drake Road is limited to 30 square feet and is currently in compliance. Ms. High noted that the applicant was seeking to reduce the one sign in size area but increase the area of the sign on Drake Road.

The Chairperson asked about the rules regarding pole signs and ground signs. Ms. High clarified that ground signs allowed a larger area, but that pole signs had to be smaller. The Chairperson asked if the poles counted toward the sign area, and Ms. High indicated that they did not.

Mr. Sterenberg noted that the property was unique in that it could be split, and the applicant, in theory, could have two main signs, one on Drake Road and one on West Main Street. Mr. McNees, on behalf of West Century Center, said that was how most of his tenants looked at this issue, and that is why they are asking for the larger sign on Drake Road.

Mr. Sikora asked about Taco Bell and whether it was on a separate parcel. Ms. High indicated that it was, and that is why they were allowed a separate sign.

The Chairperson asked if there were any further questions of Ms. High. Hearing none, she asked to hear from the applicant. Mr. Steve VanderSloot introduced himself to the Board and explained that West Century Center was working on a complete renovation and wanted to redo its signs to match the new building facade.

He took the Board through a review of the first sign, noting that they would be reducing the sign by approximately 125 square feet. He said the new sign design would give it a more modern look and improve the lighting.

Mr. VanderSloot said the second sign was designed in such a way as to be proportional to the sign on West Main Street, but it was, in fact, smaller than the West Main sign. He said he thought there were unique circumstances in this case and noted the fact that West Main Street has an average daily vehicular traffic of 35,000 vehicles and Drake Road traffic has tripled in the last three years to 30,000 vehicles per day. He also noted the relatively high vehicle speed limits in the area. He stated with the hill and the fact that a portion of the complex does not actually face Drake Road made it difficult to identify the businesses on the property.

Mr. VanderSloot said a ground sign would not work in this location due to topography, the amount of traffic, and Drake Road being a five to six-lane highway. He stated they were not asking for equal-size signs, but they did need additional signage on Drake Road for the viability of the facility.

The Chairperson asked if there were any questions of the applicant.

Mr. Loy asked, other than the back lighting, whether the signs would meet the Township's Ordinance, i.e., no flashing lights, etc. Mr. VanderSloot assured the Board that they would meet all other aspects of the Sign Ordinance, other than those items for which they are requesting a variance.

Mr. Loy asked about the type of lighting. Mr. VanderSloot explained how they were switching most of the lighting over to LED because of the longevity of that type of lighting versus standard fluorescent.

Mr. Sterenberg asked why the legs on the second sign were not eight feet. Mr. VanderSloot explained that he would prefer that the legs be eight feet, but he kept them under eight feet in order to meet the height limitations of the Township Ordinance.

Mr. Sterenberg asked Mr. VanderSloot if he was asking for the pole sign because of visibility. Mr. VanderSloot said that they felt it was absolutely necessary to go higher because of the right-of-way and the fact that the sign would not be visible unless it was a pole sign because of traffic and the topography in the area.

Attorney Porter noted for the Board's consideration the fact that the staff report had presented each of the requested variances separately. However, he said he did not think there was anything improper if the Board considered the variance requests together. He said in doing so, the Board could look at this matter as a reduction in signage, given that the two signs together would be approximately 405 square feet, and even with the larger sign on Drake Road, the combined square foot requested was only 366 square feet. He said if the Board found other factors supporting the variances, he felt comfortable with the Board treating the variances as a single variance request.

Mr. McNees with West Century Center, explained to the Board that, in addition to reducing the overall signage, that Plaza Corp had created tighter restrictions to make sure that the tenants would comply with Township Ordinances with regard to their store front signage.

The Chairperson asked if there were any further questions, and hearing none, she called for Board deliberations.

The Chairperson said she wanted to begin by taking note of the fact that, in addition to screening and visibility from the road, she thought that, given what was done for others in the area, that substantial justice would warrant granting a deviation for the subject property. She thought in all fairness, because of what was done for West Main Mall and Maple Hill Mall area, that this applicant should receive some type of relief.

Mr. Loy said he thought that the way the property was situated along Drake Road, as well as the topography, warranted a higher pole sign rather than a ground-mounted sign. Mr. Loy also noted that the fact that the applicant was reducing the sign on West Main Street warranted an increase in the size of the sign on Drake Road.

Mr. Smith said normally he is reluctant to increase signage, but he thought, in this area, it was only fair to make the sign along Drake Road larger. He also noted the fact that the West Main sign was being reduced in size, bringing it more into conformance also warranted some relief for the applicant concerning the sign on Drake Road.

Mr. Sterenberg asked if all the neighboring property owners were notified and whether they had any comment. Ms. High said they were all notified, and the Township had received no feedback.

The Chairperson clarified that the applicant would be reducing the total signage from approximately 405 square feet to approximately 366 square feet. The applicant, Township counsel, and the Township Zoning Administrator concurred.

Mr. Sterenberg said he thought that there was less signage and that this property faced two separate roads warranted a deviation from the sign size requirements, and he would be in favor of granting a variance.

Mr. Loy said he thought to be fair, he would like to see a variance granted and a larger sign along Drake Road.

Mr. Sikora said he saw the signs as serving different purposes, that is, the one sign serves the motorists on West Main Street, and the other sign services the motorists on Drake. He thought that the signs had to be of adequate size to serve the motoring public. Therefore, he would be in favor of the variance.

The Chairperson called for further discussion, and hearing none, she called for a motion.

Mr. Loy made a motion to grant the applicant's variance request to permit the West Main Street sign to be 24 feet 11 inches in height with a size of 246.0 square feet, and the Drake Road sign to be 20 feet tall and 119.83 square feet in size for the reasons stated on the record; namely:

1. It would not be detrimental to neighboring properties;
2. This property was unique in that it faced two roads;
3. The topography, speed, and size of Drake Road interfere with the ability to read a ground sign;
4. The applicant was actually bringing the total signage more into conformance with the Township Ordinance; and
5. Granting a variance would be doing substantial justice with regard to similar deviations granted in the area.

The motion was seconded by Mr. Sterenberg. The Chairperson asked for further discussion. Hearing none, she called for a vote on the motion. The motion passed unanimously.

Any Other Business / ZBA Member Comments

There were no comments from ZBA members.

Adjournment

Chairperson Bell noted the Zoning Board of Appeals had exhausted its Agenda, and with there being no other business, she adjourned the meeting at approximately 4:20 p.m.

Minutes prepared:
June 16, 2014

Minutes approved:
July 22, 2014