

Mt. Pleasant Zoning Board of Appeals  
Minutes of Regular Meeting  
July 25, 2012

Chairman White called the meeting to order at 7:01 p.m.

**I. Roll Call:** Staff called roll.

Members Present: Ellertson (Vice-Chair), Fetting, Fokens, Kulick, Palm, Quast, White (Chair)

Staff: Kench, Murphy

**II. Approval of Agenda:**

Motion by Kulick, support by Ellertson to approve agenda. Motion approved unanimously.

**III. Approval of Minutes from June 27, 2012:**

Commissioner Palm had one correction to the minutes on page 10 as follows:

*She further stated that because this process has ~~went~~ gone on for so long with this particular case, it sends a message to the developers that the Board does not easily consider more than one additional occupant.*

Motion by Kulick, support by Ellertson, to approve the minutes from the June 27, 2012 meeting with noted change. Motion approved unanimously.

**IV. Communications:**

Staff reported that there were no communications to share at this time.

**V. Public Comments:**

Chairman White opened the floor for public comments.

There being no one who wished to address the Board, the Public Comments session was closed.

**VI. Public Hearings:**

Chairman White explained board proceedings, noting that a quorum was present.

**A. Case ZBA-13-2012 - 1218 S. Mission.**

Staff introduced Case ZBA-13-2012, submitted by Terry Burns of Chalou Design, on behalf of Happy's Pizza. Staff reported that the applicant is asking for a variance to increase the allowable sign area. The building is the site of the former Grand Traverse Pie Company and is part of a shopping center. Staff reported that the business recently was granted a Special Use Permit by the Planning Commission to operate as a Class I Restaurant with drive-thru service. Staff noted that the property is zoned C-3, as are the surrounding properties, with the exception of the property to the West which is part of CMU's campus and is zoned M-2. The future land use has been designated as Commercial.

Staff shared the site plan and again noted that the applicant was seeking a variance from Section 154.146H of the Zoning Ordinance, which would allow the applicant 50 square feet of building signage (*one square foot of signage for every one foot of building width* fronting on Mission Street). The applicant is asking to increase this amount to allow a second sign to be placed on the south side of the building. Staff referred the Board to the revised information submitted by the applicant. Staff further noted that the 1:1 ratio is just for building signage and does not include the pylon sign.

Commissioner Kulick asked if the applicant was proposing any signage on the north elevation. Staff stated they were not.

Chairman White questioned the size of the pylon sign for this restaurant.

Terry Burns, Chalou Design, addressed the Board on behalf of Happy's Pizza. Mr. Burns stated that the panel on the pylon sign is 3' x 8'. He further commented that Happy's Pizza felt that the pylon sign was inadequate and they are willing to give up their panel on the pylon sign if the Board felt that was necessary to allow the additional wall signage.

Mr. Burns explained the applicant's desire to have a sign where the drive thru is located and where it would be visible for traffic on Preston Street going to and from the University. Mr. Burns also referred to neighboring businesses; i.e., Arby's, Pizza Hut and Taco Bell who all have something facing the south.

Chairman White questioned the placement of the sign on the south side, noting the amount of traffic approaching from the north. Mr. Burns noted that they felt the east elevation was sufficient for southbound traffic and again noted their desire to be visible to traffic on Preston. Chairman White commented that there would be a clear line of vision to the pylon sign. Mr. Burns again noted that Happy's Pizza did not feel the size of the pylon sign was sufficient, noting that the logo itself is an intricate part of the signage and takes up significant space.

Commissioner Kulick asked for clarification that the applicant was willing to give up any signage on the pylon. Mr. Burns acknowledged that was correct.

Chairman White noted that the proposed south elevation signage did not mention a drive-thru. Mr. Burns agreed that was true; however, noted that he felt that would not be necessary once people knew it was there.

Commissioner Kulick asked if a menu board would be exempt. Staff acknowledged that it would be exempt.

Commissioner Fokens asked about the placement of the menu board. Mr. Burns noted that there would not be an exterior menu board, that the menu board would be located inside. He further stated that the menu was too massive to put on the drive-thru and they rely more on advertising and mailers to advise patrons of menu selections. Commissioner Fokens asked for clarification, asking if patrons would need get out and go in to make their selections before using the drive-thru. Mr. Burns stated that generally people using the drive-thru already know what they want. He claimed this has been very successful for them at other locations and also noted that the drive-thru would be used to pick up call-in orders as well.

Chairman White noted that if the restaurant relies so much on advertising, then people will know where they are and questioned the need for additional signage.

Commissioner Fokens stated he understands the applicant's desire for signage on the south side, and suggested removing the signage from the front since they are allowed signage on the pylon. Mr. Burns stated that it is key to have signage on the front of the building and suggested that if they were the only tenant that might be workable, but with multiple tenants, the panel is too small to be effective.

Commissioner Fetting asked if the applicant had considered a ground sign. Chairman White suggested that because of the congestion at that particular intersection, a ground sign would likely pose a problem.

Chairman White asked if the applicant could reduce the size of the sign on the south elevation and add the words "drive-thru". Mr. Burns stated that with so many letters it would be too small. Chairman White suggested that if the logo was as recognizable as Mr. Burns indicated, then perhaps they wouldn't need so much verbiage.

Commissioner Quast expressed concern over what would happen to the empty panel on the pylon sign if they didn't take the space. Chairman White agreed that this was a concern for him as well.

Commissioner Quast commented that although Arby's and Pizza Hut are both allotted more signage, they are single businesses on the site versus this one which is part of a multiple-tenant site.

Chairman White opened the public hearing. There being no one who wished to address the Board, the public hearing was closed.

#### Board Discussion:

Commissioner Palm commented that Buffalo Wild Wings and Rite Aid both had signage similar to what the applicant is asking. Chairman White reminded the Board that those properties are free standing businesses whereas this one is part of a shopping center.

Vice-Chairman Ellertson stated he didn't have a problem with the request and stated that the Board could consider Commissioner Kulick's comments that if you consider reducing the request by the square footage of pylon signage that the applicant has offered up (considering both sides of the pylon panel), the request would only be for an additional +- 4 ft. of signage.

Commissioner Quast suggested looking at the criteria that needs to be met to consider the variance. She also commented that within the few years that she has been in town, this property has had a lot of turnover and reiterated her concern with this tenant giving up the pylon space. She indicated she feels that is more of a landlord decision on which tenant is allotted that space. Commissioner Quast acknowledged that the 50 square feet allowed does not seem like a lot when compared to the other signage on the neighboring buildings; but reiterated that the other buildings are on stand alone sites.

Chairman White noted that most of the existing signage is grandfathered in and indicated he is not in favor of inundating the community with signage. He feels businesses should rely more on marketing and landmarks rather than signage.

Commissioner Kulick stated he feels street numbers are more important than signage as it is sometimes difficult to know what block you are in. He suggested if the Board were to grant this variance, that they should also ask for the street numbers to be prominently displayed.

Commissioner Quast referred to the criteria needed to grant the variance request and responded to the first point:

(1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes or uses in the same zoning district; exceptional or extraordinary circumstances or conditions normally include:

- (a) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter;
- (b) Exceptional topographic conditions or other extraordinary situation on the land, building or structure; or
- (c) Use or development of the property immediately adjoining the property in question.

Commissioner Quast stated that although she doesn't disagree with the applicant's response as stated (see below), she is not sure it applies in this instance.

*1. The 1 sqft to 1 foot of lineal frontage allotment for signage is inconsistent with the proportional needs of businesses along this important business corridor. Signage which is "in-scale" (proportional) is the industry accepted method used to adequately (conspicuous, visible, legible, and readable) identify and/or brand a location.*

*This is a Gateway Entry for 10's of thousands of new visitors each year who require signs of sufficient size (in scale) and number to identify businesses which serve their immediate needs for food and comfort.*

*Brand images (signs) are 'short hand' for American consumers which are valuable aids in identification and decision making. Signs (Brand images) which are in scale with the property, building, and adjacent properties provide travelers with safe identification devices to efficiently and carefully navigate new environments.*

Chairman White suggested that rather than comparing it to free standing businesses, the Board should consider whether it is in scale with other similar type plazas.

Commissioner Quast stated that if the Board feels that this criteria isn't met, there isn't any sense in continuing discussion as the applicant needs to meet all of the criteria.

Chairman White referred to a similar request in 2010 submitted by MC Sports for additional signage, which was approved. Commissioner Kulick recalled that with that particular request the proposal included an upgrade to the facade for the entire shopping plaza, whereas this request is strictly for this unit. In addition, he noted that the request was for a larger sign on the front but not for additional signage on another elevation.

Staff also noted that with that particular request the Board considered the proportion of the allowed signage to the amount of storefront and concluded that the proportions were not appropriate.

Vice-Chairman Ellertson asked if they would be able to do the menu board, stating he would like to see them be successful.

Staff stated they could, as menu boards are except from the sign regulations.

Motion by Quast, support by Ellertson to approve Case Number ZBA 13-2012 filed by Terry Burns of Chalou Design, on behalf of the owner Sprint Master Funding II, LLC for a variance to increase the allowable sign area from 50 square feet, permitted under the section 154.164 D of the zoning ordinance, to 100 square feet. The approval will allow a second sign to be installed on the south elevation to advertise the new Happys Pizza restaurant proposed at 1218 South Mission Street - Suite 17.

Roll call vote: Nays 6, Yays 0. Motion denied unanimously.

Motion by Quast, support by Fokens, to deny Case Number ZBA 13-2012 filed by Terry Burns of Chalou Design, on behalf of the owner Sprint Master Funding II, LLC for a variance to increase the allowable sign area from 50 square feet, permitted under the section 154.164 D of the zoning ordinance, to 100 square feet. The approval will allow a second sign to be installed on the south elevation to advertise the new Happy's Pizza restaurant proposed at 1218 South Mission Street - Suite 17.

Motion to deny approved unanimously.

## **VII. New Business**

None

## **VIII. Other Business**

**A.** August Meeting - We have one prospective case for the August agenda. Deadline for submissions is Tuesday, July 31.

**B.** Zoning Amendments:

Staff reported that the Planning Commission is reviewing the status of their 2012 goals and they will be looking at the recent requests from the ZBA in regards to Ordinance Amendments. Staff shared information regarding the requests the ZBA has made to the Planning Commission to review and consider amendments to the Zoning Ordinance. Staff noted that the Planning Commission has asked the ZBA to review the list and offer any feedback. The Planning Commission will be considering this list at their next meeting and will be determining how to proceed.

Staff noted that the Planning Commission has asked the ZBA to review the list and offer any feedback. The Planning Commission will be considering this list at their next meeting and will be determining how to proceed.

Staff provided some background on some of the cases that prompted the list.

Commissioner Quast questioned whether to add Monument Signs to the list as the current ordinance isn't sufficient. She further noted that the Board had struggled trying to determine acceptable sizes for ground signs, and noted that now that the Belle Tire sign is in it looks good. She further noted that the new CVS Pharmacy sign will soon be in and will give the Boards a better idea of what they may want to see in future ground signs. Commissioner Kulick suggested that this be revisited at a later meeting once both signs are in and Commissioners have a chance to look at them prior to making any request to the Planning Commission.

Commissioner Kulick commented that at one time there was a committee assigned to review the sign ordinance, and they recommended that it be de-coupled and become a regulatory ordinance, which would allow provisions for requiring existing non-conforming signs to be removed within a certain time-frame. He commented that this met with a lot of resistance from the area businesses and further noted that this would involve a major re-write of the ordinance.

Commissioner Kulick also noted that if the Planning Commission could look at doing something in the M-2 zoning district similar to the Mission Redevelopment Overlay Zone it would allow them to make determinations on the redevelopments that have recently come before the ZBA. Chairman White suggested that it may also open up allowances for city staff to make some of the calls as well.

Staff noted that the Planning Commission is not looking to do a major re-write of the ordinance at this time, but will look at some housekeeping issues. Staff commented that they may be willing to look at getting something in place for ground signs if the ZBA recommends that. In regards to the M-2 Redevelopments, staff noted that this would be a huge task and further noted that the M-2 Redevelopment Standards and Procedures document was put in place to allow the Boards to work together on these requests while the Planning Commission works on the Master Plan.

Commissioner Kulick suggested that the setbacks in the Industrial districts should be a relatively easy one to look at.

Board consensus was to acknowledge the list provided by Jeff Gray was complete at this time, and asked staff to place a review of ground signs on the November agenda.

**C. Resignation of Board Member.** Staff reported that he had received a resignation letter from Commissioner Fetting, who will be moving to Grand Rapids, therefore this will be her last meeting. Staff thanked Commissioner Fetting for her service on the Board.

Motion by Kulick, support by Palm, to officially thank Commissioner Fetting for her contributions to the Zoning Board of Appeals. All Ayes.

Commissioner Kulick stated for the viewers that if anyone is interested in serving on the Zoning Board of Appeals to go to the City's website for an application.

## **Adjournment**

Motion by Kulick, support by Ellertson to adjourn.

Motion approved unanimously.

Meeting adjourned 8:15 p.m.