

CLINTON TOWNSHIP BOARD OF APPEALS

REPORT OF MEETING

WEDNESDAY, JULY 24, 2019

PRESENT: Francis Marella, Chairperson
Michael Deyak, Vice-Chairperson
Robert M. Campbell, Secretary
James D'Angelo
Ronald DiBartolomeo
Thomas Mill
Kenneth Pearl

ABSENT: None

STAFF: Matt Wallace, AICP, Assistant Director
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

The meeting was called to order at 6:30 p.m. and the Pledge of Allegiance was recited.

APPROVAL OF AGENDA

Motion by Mr. Pearl, seconded by Mr. Campbell, to approve the agenda as presented.
Motion carried.

Mr. Marella explained the parameters under which this Board can act and how the public hearing will be conducted. He further explained that, as stipulated in the Township Ordinances, all variances granted by the Board of Appeals are subject to several standard conditions as follows: 1) The petitioner must comply with all applicable requirements of Township ordinances; 2) The project work requiring the variance must be completed within two years of the date that the variance was granted; 3) The project work must be completed substantially in accordance with the plans submitted to the Board of Appeals; and 4) The variance is valid only for the useful life of any structure(s) on the property for which variance is granted.

**0.865 ACRE AT THE SOUTHWEST CORNER OF GRATIOT AVENUE & HALL ROAD,
ADDRESSED AS 44975 GRATIOT AVENUE (PARCEL #16-11-01-201-020)**

- **APPEAL: BP GAS STATION (LUCKY STAR LLC)
FILE #19-6896: PETITIONED BY MR. ANDY KAISS, LUCKY STAR LLC
REPRESENTED BY MR. ERIK HEIDERER, POLYARCH**

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated June 21st, 2019 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 80 owners and/or occupants of property located within 300 feet of the land in question, with 1 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Erik Heiderer, of Polyarch, Inc., 44045 Gratiot Avenue, Clinton Township, Michigan 48036, explained his client would like a variance to permit a second sign. He stated the gas station is on the corner of Gratiot and Hall Road, and the existing sign is on an angle, facing toward Gratiot. Motorists traveling eastbound on Hall Road cannot see that sign, mainly because it is at an angle, and also TCF Bank has their trees planted in such a way that it makes it difficult to see the gas station. They are proposing a monument sign along Hall Road, just past the driveway approach, so that when motorists are at the traffic light, they will be able to see the gas station site. He pointed out that if they had 250 feet of frontage along Hall Road, they would automatically be permitted the second sign. He added that they are splitting the unit, so there will also be a Dunkin' Donuts in that building.

Mr. Campbell complimented the owner on the relatively clean gas station site. He commented that gas stations and party stores typically have many extra signs, and he noticed only two cardboard signs wrapped around the light poles at this location. He explained that one of the standard conditions of variances granted by this Board is compliance with all other Township ordinances, and those signs would need to be removed.

Mr. Heiderer assured they will remove the illegal signs.

Mr. Campbell questioned why they need the additional ten feet in height.

Mr. Heiderer replied they want it to be a little higher because when traveling eastbound on Hall Road, there are a lot of trees at TCF that block the entire view. He added that the BP Gas Station will be posting their prices on that sign, and Dunkin' Donuts will be advertising on that sign as well.

Mr. Campbell commented that the diagram submitted indicates space for two additional messages at the bottom of the sign.

Mr. Heiderer replied that there is additional space on the sign for one or two lines, depending on the size of the Dunkin' Donuts panel. He noted Dunkin' Donuts has the ability to utilize that entire portion of the sign.

Mr. Campbell agreed that a sign is clearly needed at the proposed location.

Mr. Heiderer noted that this is a pre-made sign from their corporation, and they have specific sign requirements. They have to expand on that to include the bottom portion for Dunkin' Donuts.

Mr. Campbell commented that it would have been nicer if the sign met the height requirements. He questioned whether the existing angled sign will be moved or changed.

Mr. Heiderer replied that the existing lawn sign will remain as is. They wanted to try to manipulate the angle, but he indicated that would ultimately not give them more visibility.

Mr. Campbell stated that he would reluctantly support a motion to approve the variance for the additional height, but he felt it would be better if they could stick to the 8-foot height.

Mr. Pearl felt they need the 10-foot height for the sign on Hall Road.

Motion by Mr. Campbell, supported by Mr. Pearl, with reference to File #19-6896 and application from Mr. Andy Kaiss, of BP Gas Station (Lucky Star LLC), 44975 Gratiot Avenue, Clinton Township, Michigan 48036, as represented by Mr. Erik Heiderer, of Polyarch, Inc., 44045 Gratiot Avenue, Clinton Township, Michigan 48036, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(1)-A-2 and 1488.02-(e)-(2), Signs, Definitions and Restrictions, "Commercial sign", "Lawn sign", concerning 0.865 acre of land located at the southwest corner of Hall Road and Gratiot Avenue, addressed as 44975 Gratiot Avenue (Parcel #16-11-01-201-020), that variance be granted to permit the installation of a lawn sign for an existing commercial business in the B-3 General Business District (BP Gas Station, aka Lucky Star LLC): 1) Having a height of ten (10) feet, being two (2) feet in excess of the maximum permitted height of eight (8) feet; and 2) Being a second pylon sign or lawn sign for the site, which is one (1) pylon or lawn sign in excess of the maximum permitted one (1) pylon or lawn sign permitted; further, this grant of variance is based on claimed hardship that the additional height is needed for public safety and visibility for traffic on a very busy road to be able to identify the establishment and for the safety of the drivers; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Pearl, D'Angelo, Deyak, DiBartolomeo, Mill, Marella. Nays – None. Absent – None. Motion carried.

1.419 ACRES OF LAND FRONTING THE SOUTH LINE OF WILLIAM P. ROSSO HIGHWAY, EAST OF GRATIOT, ADDRESSED AS 24910 WILLIAM P. ROSSO HIGHWAY (P/PARCEL #16-11-01-226-010)

- **APPEAL: PANERA BREAD @ PARTRIDGE PLAZA
FILE #19-6897: PETITIONED BY PANERA BREAD LLC**

REPRESENTED BY MS. DONNA HOLKE, INTERCITY NEON

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated May 23rd, 2019 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 22 owners and/or occupants of property located within 300 feet of the land in question, with 2 of those returned as undeliverable. There were no written replies received in response to the mailing.

Ms. Donna Holke, of Intercity Neon, 23920 Amber, Warren, Michigan 48089, explained they are requesting a second sign for the east elevation of the building where Panera Bread is located, adding that this is a new strip retail center. She noted that westbound motorists on Hall Road cannot see the building until they are directly in front of it, so they feel the second sign will provide them with more visibility. She stated that Kensington Church is behind this retail center, and there is a major road there as well. She pointed out there are several trees on the greenbelt which also make it difficult to see the front sign. There is a monument sign further down, but she reiterated the westbound travelers on Hall Road would not see that sign until they are almost past the site. Ms. Holke explained that Panera Bread opened yesterday so they already have the front sign up.

Mr. DiBartolomeo stated he watched this development from the beginning because it started with the Planning Commission, and he agreed it is difficult to see all of those stores because of the way it is positioned on Hall Road. He assured he does not have an issue with this request and felt it will provide better visibility for people to see the sign before they are in front of the location.

Mr. Marella agreed, noting that he drove there and claimed it “appeared suddenly”. He felt there is room for more identification, and he expressed support of the variance request.

Mr. Campbell noted that with the bushes and swamp area to the east of the development, he did not feel much of the second sign will be visible. He admitted it may be visible but added that it is hard to tell whether they will “get their money’s worth” from the additional sign.

Ms. Holke clarified that the drive-thru can be seen now, and the sign will be closer to the road than the drive-thru, so she felt motorists will see the sign sooner.

Mr. Campbell noticed the plans submitted indicate they are proposing awnings, and he cautioned that any lettering or symbols on awnings counts as signage.

Ms. Holke stated the landlord is handling the awnings, and she assured there is no lettering or designs on them.

Mr. Pearl stated he has no problem with the sign request. He inquired as to whether this is a corporate store.

Mr. Scott Marsh, Senior Construction Manager, 5256 Woodside Drive, Hamilton, Michigan, replied this is a corporate store and they have no plans to transition it to a franchise store.

Mr. Pearl stated he would love to see more Panera signs throughout the Township. He noted this is the first Panera Bread location in the Township, but they would love to see more of their restaurants in other areas of the Township. He understood that they generally locate where traffic counts are heavier, but he felt there are a lot of people who would like to visit a Panera Bread on Garfield, Gratiot, Groesbeck and other major street in the Township.

Mr. Marsh confirmed this is their first location in Clinton Township, and their real estate department is working on other locations. He noted they are currently working on a location in St. Clair Shores, which is not too far from Clinton Township.

Mr. Pearl stated there is one not too far away on Gratiot in the City of Roseville.

Mr. Marsh noted they have an aggressive plan for more locations in the next couple of years and they currently do not have enough property acquired.

Mr. Pearl suggested that they contact the Planning Department to help them find some properties.

Mr. Campbell commented that their menu has recently changed and he belongs to a group that typically gets carryout's from Panera Bread once a month. He expressed disappointment that their Italian Sub has been removed from the menu.

Mr. Marsh explained they change their menu two or three times a year, which they refer to as "Celebration" menus. He believed it is seasonal. He addressed a question about the size of their restaurant, noting their goal is to be free-standing, but if that is not possible, they want to be on an endcap so they can accommodate a drive-thru window.

Motion by Mr. Campbell, supported by Mr. DiBartolomeo, with reference to File #19-6897 and application from Panera Bread LLC, 3630 Geyer Road, #1100, Sunset Hills, Missouri 63127, as represented by Ms. Donna Holke, of Intercity Neon, P. O. Box 3762,

Centerline, Michigan 48015, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(2), Signs, Definitions and Restrictions, “Commercial sign”, concerning 1.419 acres of land fronting the south line of William P. Rosso Highway, east of Gratiot Avenue, addressed as 24910 William P. Rosso Highway (Part of Parcel #16-11-01-226-010), that variance be granted to permit the installation of two (2) wall signs for a commercial business in the B-3 General Business District (Panera Bread @ Partridge Plaza), which is one (1) wall sign in excess of the maximum permitted one (1) wall sign; further, this grant of variance is based on claimed hardship of the need for identification for the high volume of traffic on westbound M-59; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, DiBartolomeo, D’Angelo, Deyak, Mill, Pearl, Marella. Nays – None. Absent – None. Motion carried.

REPORT OF MEETING

-- APPROVAL OF JUNE 19TH, 2019 REPORT

Motion by Mr. Deyak, supported by Mr. Pearl, to approve the minutes of the June 19th, 2019 Report of Meeting, as presented. Motion carried.

BOARD OF APPEALS MEETING SCHEDULE

-- CONFIRMATION OF NEXT MEETING’S AGENDA AND ATTENDANCE: WEDNESDAY, AUGUST 21ST, 2019 AT 6:30 P.M.

Mr. Wallace confirmed the next Board of Appeals meeting will be on Wednesday, August 21st, 2019 at 6:30 p.m.

Mr. Wallace stated there is one application, which is for a detached garage within a side yard setback at a single-family residence.

ADJOURNMENT

Motion by Mr. Deyak, supported by Mr. D’Angelo, to adjourn the meeting. Motion carried. The meeting adjourned at 6:48 p.m.

Respectfully submitted,

Robert M. Campbell

Robert M. Campbell, Secretary
CLINTON TOWNSHIP BOARD OF APPEALS

ces:07/25/19

ces:08/01/19

Approved 08/21/19