

**FINAL
CHARTER TOWNSHIP OF COMMERCE
ZONING BOARD OF APPEALS MEETING**

Thursday, January 28, 2021

2009 Township Drive
Commerce Township, Michigan 48390

A. CALL TO ORDER: Rusty Rosman, Chairperson called the meeting to order at 7:00pm.

ROLL CALL: Present: Rusty Rosman, Chairperson
Robert Mistele, Secretary
Rick Sovel
Bill McKeever
Absent: Clarence Mills, Vice Chairperson (excused)
Also Present: David Campbell, Planning Director
Jay James, Engineer/Building Official
Paula Lankford, Assistant to the Planning Director
Debbie Watson, Recording Secretary
Jacob Batlemente, Meeting Moderator, Merge Live

Chairperson Rosman – Did you want to tell the public about raising hands?

Jacob Batlemente – If we have anyone in the public tonight, it will be *9 to raise your hand and then *6 to unmute yourself.

Chairperson Rosman introduced the Members of the Board to those present.

B. APPROVAL OF MEETING AGENDA

MOTION by Sovel, supported by Mistele, to approve the Zoning Board of Appeals Regular Meeting Agenda for January 28, 2021, as presented.

ROLL CALL VOTE

AYES: Sovel, Mistele, Rosman, McKeever

NAYS: None

ABSENT: Mills

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MEETING MINUTES:

MOTION by Mistele, supported by Sovel, to approve the Zoning Board of Appeals Regular & Special Meeting minutes of November 19, 2020 as presented.

ROLL CALL VOTE

AYES: Mistele, Sovel, Rosman, McKeever

NAYS: None

ABSENT: Mills

MOTION CARRIED UNANIMOUSLY

D. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA:

Chairperson Rosman opened to Public Discussion of Matters Not on the Agenda.

Jacob Batlemente – I do have a hand up, from number -1098. Again, it is *9 to raise your hand and *6 to unmute.

Dave Campbell – I want to remind everyone that we are going to have a public hearing specific to the Zerbos petition. So, this would be an opportunity for anyone from the public to discuss anything that's not part of that public hearing.

Jacob Batlemente – Caller -1098, you are unmuted if you'd like to speak. Please state your name and address.

Bennett Lublin – Hi, I believe I'm going to be speaking on the Zerbo's application. Therefore, I am unmuted early. I will speak then.

Chairperson Rosman – Okay, we'll speak to you a little later. Thank you, Bennett.

Bennett Lublin – Thank you, Rusty.

Chairperson Rosman closed to the public as there were no other callers.

E. UPDATE OF ACTIVITIES IN COMMERCE TOWNSHIP:

Rick Sovel – Township Board & Library

- Fire Station #3 on Welch Road has been torn down. We're in the process of rebuilding it. The fire trucks have been moved out to the City of Walled Lake Fire Department station on Maple Road. We're working out of that location.
- Unfortunately, last week, Mark Stacey our Downtown Development Director passed away. We had a meeting on Tuesday this week, and also about an hour ago, the DDA met. We both have approved Deb Watson, who is sitting in the meeting right now, to be the Interim DDA Director for the next 90 days. During that time, both Boards will decide if she's going to be the permanent DDA Director, or what are other options are. She will be wearing multiple hats for the next 90 days.

Chairperson Rosman – She can do it.

Bill McKeever – Planning Commission

- At our last meeting, we approved a Special Land Use and site plan for 84 Lumber on Pioneer Drive, at the old marine repair shop. That's at 4158 Pioneer Drive, and the two lots to the north.

F. OLD BUSINESS:

None.

G. NEW BUSINESS:

Chairperson Rosman – First, I want to tell everybody in attendance that every Board member has physically been to the property in question. If any of us had any questions, we spoke to Paula, Jay and/or Dave, so we are up to the minute on what it is that you're asking for, and what the ordinance allows.

Chairperson Rosman reviewed the seven applicable standards of Article 30 that the ZBA must consider when making a motion for a sign exception.

ITEM G1: PA20-03 – ZERBOS – PUBLIC HEARING

Roman Bonislawski representing Ryan Adams with Zerbos Bistro & Market of Commerce MI is requesting sign exceptions from Article 30 of the Commerce Township Zoning Ordinance to: exceed the number of wall signs allowed, exceed the number of window signs allowed, exceed the allowed square footage for both window and wall signage, allow wall signage on an elevation other than the front addressed elevation, and exceed the maximum projection out from the surface of the building located at 3000 E. West Maple Road. Sidwell No.: 17-25-453-013

Chairperson Rosman – Roman, are you here?

Roman Bonislawski – I am.

Chairperson Rosman – Hi. It's your turn to make your presentation. When you are all finished, I will ask Ryan if there's anything he'd like to add. At the end of that, I'm going to close your portion of the meeting. Then, I'm going to ask the public if there is anyone who would like to speak to the issue this evening, but they will only be talking to the Board. We don't have back and forth discussions between you and the public. When the public is finished, I will close the public portion, and then I will turn to the Board members. Each will have an opportunity to speak or ask questions. Then of course, we turn to Dave, Jay and Paula for any input. Then I will call for a motion, second, discussion and a vote.

Roman Bonislawski – Thank you very much. I have Nicole Adler with me, my Associate. We've been working on this project for years. I hope that during your visit, you had the opportunity to also go inside and check out the facility as it is coming along. I know we have Ryan here also, and you mentioned that once Nicole and I have made our presentation, you'll also speak with him.

It has been a long time coming, and now we're really getting down to understanding how Ryan's business is going to operate. The fact is that we've got a unique condition with a restaurant and a market together. Part of our difficulty is with the way the building is configured and where the restaurant is. Am I able to share my screen?

Jacob Batlemente – Yes, sir. You should be able to.

Roman Bonislawski – We know that we have a big plateful of things in front of you. For the sake of everybody, I will discuss this from a priority standpoint, because our duty is to deal with our client and his needs for the business. We've been playing a compromising role through this process to try to come up with something which can address some of his concerns.

The first thing I would like to mention, just in general layout, we are configured in such a way that the market is oriented towards Maple Road, and then the entire restaurant component of the project is oriented towards the parking lot. The main entry of the project is at the parking lot side. We've looked at this from Day 1 in our original layout because of the configuration of Maple Road. We have beautiful visibility of the restaurant façade and also a great view of the market façade; and similarly for eastbound traffic along Maple, right down from M-5, the western portion of the façade is very significant.

I'm sure the Board has reviewed this in detail, that we have a number of things going on. I'll start with the fact that we have some signage that we're proposing, which if in fact we were able to put it on the Maple Road side, wouldn't even be an issue, but because of the hardship that we believe we're facing with the way that the restaurant is oriented, we are pursuing that item.

We have a number of banners along the front. That's a separate discussion. Then we have a Bistro and a Market sign that we're proposing here, because we opted not to pursue a monument sign, which would be permitted by the ordinance and that we, in fact, believe is just clutter on the street and could potentially pose some issues of safety, way more than a wall sign would.

Just to clarify, Maple Road runs along this area. This is the market entrance, with shopping carts. You come in, checkout and you end up leaving through the automatic doors. This is our restaurant entrance which brings you into a host point, and then the restaurant is comprised of the southern and eastern portions of the facility.

Part of what we're proposing is some embellishment on the building because it's a rather extensive building, and those things we'll discuss, such as the banners out front and the signage on the other end. Most critical for us is what ends up occurring at the entry itself. This restaurant is set up in such a way where this façade... again, there's our market entry and here is our restaurant entry. This sign specifically, if we were to place it on the façade facing Maple, would be an allowable sign. Architecturally, we believed that this was a better location for the sign. It's oriented to announce the building, both to Maple Road, as well as to the parking field. We're not asking for any kind of area exception; this is specifically a location issue. The most important thing from an operational standpoint is the ability to announce the Market entry and the Bistro entry right here, because it's the only device that leads you in any way to understand where the restaurant entry is at.

With regards to the western façade, facing M-5, we have a window sign. We didn't want to blast Zerbos all over the place, so this is very subtle, just in the glass. Then we're proposing a Bistro and a Market sign, which in fact is the allowable area of signage should we decide to put it out on a monument, but again, we prefer not to put it on the monument because it actually improves the appearance of the building by giving it detail, as well as orienting it beautifully against eastbound traffic on Maple Road. A moment ago, I pointed out to you that this signage orientation happens to be oriented toward westbound Maple Road.

The banners become an issue. Throughout these years of design, we were considering some sort of bracket embellishment, maybe some art pieces, maybe a chicken, an avocado and a banana, to indicate that it was a market. We opted for the simpler version because there's a nice dimensionality occurring along the building front. These trellises have trumpet vine, which is being propagated along the front and in a matter of a few years, this becomes an abundant blanket of orange trumpet vines along this entire façade. So, we have some depth there. In lieu of doing some sort of bracketed sign, which is much more sign-like, we opted to do the banners. These become an issue because we're proposing verbiage on them. Again, depending on how our conversation goes, if these didn't have verbiage on them, then we're allowed to have the banners, just with color for instance.

Overall, because of the fact that we're proposing these two locations, all those tick marks of all the number of items that we're proposing seems so overwhelming. From our standpoint, this is such a critical component to Ryan's business. We have two tenancies here, but it's not two real tenancies because they're actually occupied by the

same ownership. If this was a building that the landlord would lease out and we have proof of separate ownership of the operations occurring there, this would not be an issue because we would have different leniency in how we could approach the signage in that instance.

With regard to a summary of all the components, I will address the items, Rusty, that you had mentioned. Because of all the exceptions we're asking for, let it be known that even with the overall signage area, I believe... Nicole, how much are we over?

Nicole Adler – In terms of wall signs, it was just...

Chairperson Rosman – 31.25'.

Nicole Adler – 31.25', there we go.

Roman Bonislowski – Right. So, for instance, with regards to the signage areas that we're showing on the banners, the removal of one of those components could remove that exception, that variance request, with regards to the overall signage area.

I quickly jotted down, Rusty, as you were speaking, the six items that we should be addressing. With regards to danger and safety, walls sign locations don't play into that conversation. The only consideration would be the western facing Bistro and Market signage, which again, if we opted to put this on a monument sign, we would be permitted the monument sign. But it's our opinion that the monument is actually one more appurtenance on the road that could be avoided. It's just one more device that could potentially be hit by a vehicle.

We don't have any visibility issues because this is a rather large building. When we look at it from a site planning standpoint, both facades are extremely visible. This was a brand new development. We met the development standards for the project so we don't have that issue relevant to us.

You mentioned that the granting of such a variance would not be adverse or out of place. Specific to the signage that's happening here, if this was a strip development with two tenancies in there, the second tenancy, if owned by a separate operator, would be permitted its own sign. So, in terms of whether or not granting such an exception would be adverse or not in keeping with the spirit of the ordinance, I believe that there's an operational logic to this because it is nice to be able to know where to enter the restaurant on a project of this sort.

The least necessary to accomplish what we would need to do would be the ability to be able to identify the entrance to the restaurant. Again, just trying to meet this criteria that you described for us. The fact that we have a unique condition per the site itself, where half of the building is oriented towards where a majority of the parking field is, and because of the configuration of Maple Road, it actually has street visibility from it, we believe that we're meeting the intent of the code with branding the entire project here. Our option would be to incorporate that into this small area, or onto this façade facing the road, and then we get into some trickiness because that façade is back here, and then the balance of the building would be blocking the signage for all eastbound traffic heading on Maple Road.

Regarding the banners, whether the verbiage remains on there or not, markets have always been associated with canvas and softness. In lieu of doing awnings out over those windows, we believe that our proposed treatment of that, by incorporating this opportunity for the plantings that occur there, that helps soften the hard construction.

The ability to have some fabric there that moves in the air, it speaks to being a market. That's all that we're trying to convey with that piece right there. I've already discussed this end of the building itself.

Finally, the purpose is to preserve the aesthetics. I want to point out one point to everybody. Once you're dealing with a building that's as extensive as this, it's hard to imagine that we're 32' over-signed, because visually, the building does not appear to be over-signed. It gets absorbed by the mass of it. We believe that there are certain circumstances specific to this project that warrant us pursuing this with you and trying to have this dialogue. It makes so much sense from an architectural standpoint, from a business standpoint, the identification of the entry, the configuration of the property on the street and the area considerations that I discussed with you.

Nicole, have I missed anything?

Nicole Adler – The only other point for discussion with the Board would be what is considered signage on the windows. We have leaf components that were not intended as signage, but could potentially be interpreted as signage. Also, that apple portion on the west window as well.

Roman Bonislawski – With regards to the windows, they were designed for the purpose of bringing a lot of light into the market, and those of you who have had the opportunity to go inside, it's a church to markets. It's really an incredible space on the interior.

Chairperson Rosman – I'm looking forward to Monday.

Roman Bonislawski – Yes, I know. So, during these four years when Ryan walks the interior of the store, thinking about everything, believe me, I think he has figured out operations very well. It was discovered that there was some issue with the light coming in, in certain areas, and damaging product. Remember this was designed four years ago, and he didn't have a good layout understood yet for how product gets distributed through the market. In lieu of blacking out the windows, which is contrary to the entire purpose of installing windows, we opted to use that perforated graphic material there and treated the three gables as artistic with a bit of whimsy on that.

We were going to carry over that exact same concept onto the west elevation. Over time, that became the little apple symbol, which in the case of this one window, we understand that's part of the Zerbos logo, so there's a discussion to be had on that. Regarding the fronts, that was treated completely from the standpoint of getting a graphic in the window to help screen. It's a perforated dot pattern printing that, when you're on the interior, you can see out, but it cuts up to 60% of the light from coming in which would otherwise hurt some products.

Without taking up more of this Board's time, because I know there's going to be lively discussion about this, that's as good as I could respond to you. Rusty, thank you for outlining those points up front. I look forward to answering any questions.

Jacob Batlemente – I have Ryan unmuted.

Ryan Adams – I'm here.

Chairperson Rosman – Hi, Ryan. What would you like to add what Roman and Nicole had to say?

Ryan Adams – Hello, Rusty. I don't have a ton. I think Roman hit all the buttons. I'm just looking forward to moving forward, so I'll let you guys take it over.
Chairperson Rosman – Thank you very much.

Chairperson Rosman opened the public hearing.

Jacob Batlemente – If anyone in the public is going to be speaking tonight, it is *9 to raise your hand to let me know you'd like to speak, and then *6 to unmute. Please address the Board with your name and address before speaking. We do have one caller that we had earlier. I'm going to unmute him now, -1098.

Chairperson Rosman – Bennett, is that you?

Bennett Lublin – Hello, yes it is, Bennett Lublin, 613 Pine Tree Court, Walled Lake. That's where I live, and I'm also a landowner along E. West Maple in Commerce Township. I just want to say that I support the requested sign variances. I'm a neighbor in this Maple Road corridor, east of M-5. I'm excited for Monday's opening. The building site is extremely unique. I think it should be treated differently. It's a significant curve throughout the property. It's over 1,000 lineal feet of frontage. The building really has three sides of frontage, because of the way the road is and the curve. Of course, good signage is needed. It will be helpful. It's a 40,000 square foot building, new commercial, which is almost unheard of today. If there were eight separate 5,000 square foot units, which is a pretty substantial size unit in itself, there would be eight signs. This building is different and it should be treated differently. Ryan and the applicant have spared nothing with the construction. It is truly magnificent. I walked every inch and was just floored by some of the inputs throughout. The applicant needs help and I think he has earned it. Thank you, Board.

Chairperson Rosman – Thank you very much. Jacob, do you see anybody else?

Jacob Batlemente – No, I do not. So, you may continue if you'd like.

Chairperson Rosman closed the public hearing as there were no additional questions or comments.

There were -0- returns and -0- letters.

Board Comments:

Sovel – I do believe this does have some uniqueness to it. I do have one question on the west side of the building, the side where it says Bistro and Market. Are any of those signs illuminated?

Roman Bonislowski – Yes, those two are proposed as illuminated signs.

Chairperson Rosman – Is that a 24-hour illumination?

Roman Bonislowski – They're internally illuminated, but the word Zerbos, which is the window sign, is not illuminated. So, these two are proposed as illuminated. I think they

would be 24-hour illumination because they're white faced letters, and against that corrugated cement product that we're using, they'll stand out beautifully.

Sovel – If it was approved, would you be willing to agree to wording that you would not be allowed to have any other road type sign?

Ryan Adams – Yes, so you're talking about the monument sign?

Sovel – Correct.

Ryan Adams – Right, yes. I could not do a monument sign to have the other signs implemented.

Sovel – Those are the only questions I have.

Mistele – I think the ordinance is really clear on the conditions that must be met, and in order to grant a sign variance. The way the road curves around the building, I do see a potential visibility issue, should the main sign be forced to be put on the north side of the building. I would not have a problem with allowing the sign to be put on the east side of the building.

Chairperson Rosman – East or west?

Mistele – East, a wall sign put on the east side of the building, instead of on the north side. I would be okay with that. If the Board wanted to pursue an option of putting an additional wall sign on the west side, I would make that conditional as well on no monument sign, which I think is what Rick was getting at as well.

McKeever – I just didn't pick up that the site was that difficult. I think they're really pushing the boundaries of the sign ordinance. I've tried to apply the seven items, and I honestly can't get any of them to apply. I think it's too much. I don't know where we've signed a building this much anywhere in the Township.

I think the main complaint I'm hearing seems directionally related, which directional signs are different and staff can walk them through directional signs in the parking lot. This is all just advertisement. I think we'd be opening a can of worms throughout the Township given that information.

Chairperson Rosman – It's very interesting to me what you've asked for and where you've asked for it to be on the building. The banners; I don't have a problem with them being there, but I do have a problem with wording on it. That's now allowed. I do not want wording.

I agree with Rick in that if you give to get, and to have two signs, that you're willing to sign off on ever having a monument sign, which by the way, runs with the land. I understand why you want the Market and Bistro. I do not want to see the apple logo. I understand the leaves and the purpose to cut down the light, but if we agree to that, then you could never put a logo on it. You can't put wording on it. It always needs to be a design, without anything to do with a logo and/or what the business is. I could live with that.

I believe exactly as what Bill said, that you're asking for an awful lot. It is a big building and I understand the curve of the road. I also know that you're going to be doing advertising. I also know that people will know very shortly what Zerbos is and what it does. For me, the wall sign, I can live with it going on the east side of the building, rather than the west side. It's supposed to be on the north side, but I will not go with the extra 31.25'. You are allowed a maximum of 200 and that's what I believe it should be. With the window sign, you're allowed coverage of only 25% of each window. You are asking for between 64.8% and 94.3%. You're asking an awful lot.

The wall projection; we allow 12'. You're asking for 30'. I don't understand why it needs to be so far. What I am looking for is a lot less than what you're asking for, understanding why you are asking for the distinction of the Bistro and the Market. Now, I'm going to turn back to other Board members, based on what all 4 of us have said, I'm going back to Rick. Is there anything you would like to talk about?

Sovel – I see on the west side of the building, the illuminated Bistro and Market sign.

Chairperson Rosman – That's east.

Sovel – On the east side...

Jay James – That's the west side.

Sovel – That's the west side, yes.

Chairperson Rosman – I'm confused. I'm talking about the illuminated ones that they want on the east side. You're talking the west side that they want to go up with the logo. I don't want any of that there.

Sovel – I'm talking about the one that has Zerbos in the glass. I'm asking, since we don't have a Board consensus, would you consider eliminating the Zerbos and leaving the Bistro and Market? By the way, it does take three members to get approval.

Chairperson Rosman – I'd go the other way.

Sovel – The reason I'm saying that is because it's illuminated, so at night you'll be able to see it. I don't know if you'll be able to see the Zerbos sign at night in the window.

Ryan Adams – I would like to have the Zerbos sign in the window, over the Market and Bistro, and I would light it with a ground light.

Chairperson Rosman – We'll talk about that in a minute.

Dave Campbell – Ryan, it is a true window sign, right? So it would also have light from the back projecting on it from the interior of the store?

Ryan Adams – Light from the store, from the interior, will make it translucent. You will not be able to see it if there is light coming from the inside because it's perforated. If it's bright outside and dark inside, you'll be able to see what's on the window. If it's

opposite, bright inside and dark outside, you'll actually see right through it. You won't even see anything on it, you'll see inside.

Dave Campbell – Got it.

Chairperson Rosman – All right, going back to Rick. Are you comfortable still with keeping the Zerbos in the glass, based on what we just learned about illumination?

Sovel – Yes. I'm trying to find a compromise, something to work with. I'm neutral on the wording on the banners. I don't see it as setting a precedent or anything, because of the way it-

Chairperson Rosman – It's just not allowed in the ordinance.

Sovel – I understand. But there's also some things that are unique about this building. I do agree with the fact that if there were multiple tenants, that they would have more signs. That's how I'm looking at it. Other than that, I'm good.

Chairperson Rosman – Thank you. Bob Mistele?

Mistele – I don't see the need to have the banner signs. I think just having the blank banners would be sufficient to draw the eye, which is what they're looking at doing, and giving that market feel.

McKeever – I don't see where that's going to make a big difference, as far as the criteria that we're given, that I'm trying to hold to. I still would not be in favor of it.

Chairperson Rosman – I'm not happy about the Zerbos, on the Bistro and Market, on the west side. Is that the west side?

Roman Bonislawski – Facing M-5?

Chairperson Rosman – Yes, facing M-5. I'm not happy about that. We're already giving you what you want on the east side. I just don't see it. The fact that you've chosen not to do a monument sign, for anybody coming either direction, is your choice if you want the Bistro and the Market, but I don't see this extra sign. While I recognize, if it was a shopping mall center with multiple, but it's not. It was built this way knowing it was one market, knowing what the ordinance said. Kroger would love to put up more signs. We've said no to those. I need to be consistent, as close as possible, knowing what the difficulties are, understanding the flow of the traffic, but the ordinance is what leads it. I don't see a hardship, that's my problem. I see choices, but I don't see a hardship. For me, I understand the Bistro and the Market and identifying that, but I don't see most of the other things that you're asking for. Now I'd like to turn to Jay. Could you speak to this for us?

Jay James – Which ones in particular?

Chairperson Rosman – Let's do them all. Let's go with the two with the Market and the Bistro, the signs on the east side.

Jay James – Per our ordinance, as we put in the report, they're allowed one wall sign on the street side face, which would be the north side. That's one of the variances, allowing it not to go on the north, and in this case, to go on the east side, and it's their main Zerbos sign. They would be allowed one, up to 200 square feet. If you're going to allow them more than one wall sign, and they're going to go on different facades... Roman mentioned earlier that if you look at it right now, it doesn't look overwhelmed by signage, which I might agree with, but that's because you're taking all the wall signs and distributing them across three facades of the building. If you put them all on the north face, I think it would look overwhelmed. That's why it doesn't look overwhelmed right now.

There's a lot of moving parts here, so bear with me. I'd like to break them apart. The window signs themselves; I would like your input. I deem the leaves to be signage. I can see the argument that it's not and that it's an architectural feature. That's one thing I think you need to decide on. If that's the case, the window sign goes away and that issue goes away, except for possibly on the west side where it says Zerbos with the apple feature.

The banner signs that you've addressed, again if you don't want verbiage on it, then they can have it and it's an architectural feature. Putting words on it brings it into a sign, and it then projects out farther than we allow the signs. So, that will take care of that one.

On the east side, they've got the Zerbos main wall sign, but then the Bistro and Market entrance sign. They're allowed directional signage. We allow directional signage on the building, but it gets limited in size of 20 square feet. They're asking for more than that. In this case, the two doorways are only separated by 15-20'. It's not like there's one entrance at the opposite end of the building, and another 200' away. These are literally right next to each other; one goes into the Market, one goes to the Bistro. Putting a smaller directional sign to direct people once they're there, as to which door to go in for the Market or Bistro, they can do that per our ordinance. But the sign that they've proposed for the Bistro and Market far exceeds what we would allow for a directional sign.

Chairperson Rosman – Okay, I'm hearing you. Let me just say it back to you to make sure I've got it right. They are allowed a wall sign up to 200 square feet. They're asking for 231. The window signs, you are considering those as signage and that's something for us to interpret. If they do not have any words on the banners, they still need to be the 12" from the...

Jay James – They could remain. If they just remove the words, those banners can go in.

Chairperson Rosman – Okay. And on the east side, they want to do the wall sign and that is a second wall sign, correct? Also with 200 square feet?

Jay James – Yes. So-

Chairperson Rosman – Going back to the Bistro and Market sign, they are allowed those without any variance, so long as the two of them together equal 20 square feet, or is each one 20?

Jay James – Directional signs can go up to 20 square feet.

Chairperson Rosman – Okay, so each one.

Jay James – If they had done a single wall sign that said Zerbos, and underneath it, Bistro and Market, and made it one sign, then they could put a smaller 20 square foot directional sign at the door to direct people to enter here to go to the Market, and here to enter the Bistro, they could do that. That would, in essence, eliminate a wall sign because they would be combining the two that they have now, on the east side, into one. Do you follow me?

Chairperson Rosman – I think I follow you. Talk to me again about the west side and the window signs, the Zerbos in the window.

Jay James – They are allowed window signs. They're only allowed a maximum of 50 square feet total of window signage. That's where it is pertinent to decide whether or not the leaves on the north side are window signs. They're allowed 50 total square feet for the building, but they're not allowed to put more than 25% on any one window.

Chairperson Rosman – The Zerbos that's in the windows right now, does it exceed the 25%? Each window?

Jay James – With the logo, it does.

Chairperson Rosman – Just the letters, Z-E-R-B-O-S.

Jay James – Just the letters, I think meets the 25% and is under the 50 square feet total, if the leaves in the other windows do not count as window signage.

Chairperson Rosman – I appreciate that. Thank you very much. Now, I would like to go to Dave Campbell.

Dave Campbell – There's four of you here tonight, so any action take would have to pass by either a 4-0 vote, or a 3-1 vote. A 2-2 vote would be a failed motion, so I just want to clarify that.

I agree with Jay's interpretation of the window sign on the west side of the building, the Zerbos lettering is of a size that it would be allowed on that westerly window. Where it exceeds is by adding the logo, that half apple logo, just below where it says Zerbos. If it did not have the logo, then that sign would be permitted. On the west side of the building, where they're going over is the signs on either side of that window that say Bistro and Market.

I think it would be a good idea for the ZBA to make a determination on the three windows on the north side of the building, which don't have any verbiage on them, but have that apple leaf pattern, and make a determination of whether that apple leaf pattern constitutes branding and a commercial sign, or whether that apple leaf pattern is just something of a generic, decorative pattern on the window, which would then make it allowed and would eliminate the need for any ZBA action on sign exceptions for those three northerly window signs.

Chairperson Rosman – All right, north windows.

Dave Campbell – That might be a good place to start, and start moving toward a decision, is an interpretation of those three northerly windows. Are those signs, or is that just a generic, I think Roman called it a whimsical pattern, on those three northerly windows.

Sovel – Is it only the apple and the wording? The other two are not considered signs?

Dave Campbell – We're talking on the west side, Rick?

Sovel – No, the whimsical ones you're talking about.

Chairperson Rosman – North.

Dave Campbell – On the north side of the building, which is the side facing Maple Road, there's the three windows. Each of those windows are covered with a vinyl, perforated graphic that has leaves on it. The question is, are those apple leaves, and then are those meant to be consistent with their logo, which is an apple? Or, is that just more of a generic, decorative leaf pattern? Could that just as easily be clouds or a picture of a meadow?

Sovel – Maybe I'm misinterpreting. If it has letters in it, it makes it a sign.

Dave Campbell – The window sign on the west side, I don't think there can be any argument that that's not a window sign. It says Zerbos and then underneath it is their logo. I don't see how you can call that anything other than a window sign.

Sovel – The other three, Jay and Dave, are you considering those signs right now, or not signs? I'm not sure I'm hearing...

Jay James – Right now, I've considered them signs. That is up to some interpretation by you. If you determine that you do not believe that it is a sign... Like Dave said, if they were clouds, I don't think I would have interpreted it as a sign, because a cloud isn't associated with Zerbos as a Market or as a Bistro. But with the apple in their logo, I considered it a sign. If you don't believe that is a sign, and as Dave said, that's good place to start, then that eliminates one of the issues with going over the 50 square feet total for the building.

Sovel – What's your interpretation, Dave?

Dave Campbell – My opinion is that those leaves are relatively generic. I don't see anything proprietary about them. I think there's a reasonable conclusion that those could be considered a generic art pattern to prevent some of the sunlight from coming in those windows and baking the inventory on the inside.

Sovel – So if I were to make a motion, what is the correct term?

Chairperson Rosman – Hold onto that for a moment. While you're thinking about that, can I go to one more person?

Sovel – Sure.

Chairperson Rosman – Okay, Paula? Is there anything that you would like to add to anything that we're talking about?

Paula Lankford – No, I think they've got it all right.

Chairperson Rosman – Okay, Rick, I'm back to you. I'm not ready for the motion yet because I've got some more-

Sovel – Well, I agree that we should separate this one issue first, so I was going to make a motion. Whatever the vote, it goes wherever it goes.

Chairperson Rosman – Except, it's all one motion.

Sovel – I disagree with that.

Dave Campbell – It doesn't have to be.

Chairperson Rosman – It doesn't have to be?

Dave Campbell – If you're ready to do so, someone could make a motion just on the issue of whether those three window signs on the north elevation; are those truly signs, or are they more of just a generic window covering? A motion on the interpretation.

Sovel – That's what I'd like to do, but I'm asking, what do I call those?

Dave Campbell – Window coverings.

Jay James – Window coverings.

Chairperson Rosman – Bill or Bob, anything you want to say about these leaves, these windows before Rick gets going on this?

McKeever – I don't.

MOTION by Sovel, supported by Mistele, to interpret the north three window coverings not to be signs. Any change in design would require Administrative approval by the Building Department.

Discussion –

Rosman stated that the coverings are just to dissipate light going through and should not have words or the logo. Rosman and Sovel discussed amending the motion to include the requirement for Administrative approval by the Building Department of any changes in design. *[So amended.]*

ROLL CALL VOTE

AYES: Sovel, Mistele, Rosman

NAYS: McKeever

ABSENT: Mills

MOTION CARRIED

Chairperson Rosman – Okay, so that did go. They can be there, they just can't have any apple or anything that makes them look like part of the logo. Is there anything anybody would like to say before we move onto working on a motion?

Sovel – Between Dave and Jay, now that we've eliminated that, does that change any of the other numbers as far as the variance requests?

Dave Campbell – It would change the dimensions on the overage for window signs, because now the only overage for window signs applies to that window sign on the west side of the building, which says Zerbos with the apple logo below it.

Chairperson Rosman – They can't have the apple. Is it in that same window, or is it a different window?

Jay James – It's all in the same window, and basically on the window on the west elevation, they would be limited to no more than 50 square feet, and it cannot occupy more than 25% of that window.

Chairperson Rosman – So that's going to be considered a window sign, and it is on the west side. Tell me again, 25% is permitted.

Jay James – 25% of the total window, and no more than 50 square feet.

Sovel – It didn't change.

Jay James – It doesn't change, except for the fact that before, they exceeded the 50 square feet overall.

Chairperson Rosman – Yes, 219 feet though. Is there anything anybody would like to say before we get to the motion?

Jay James – Rusty, you talked about possibly allowing the Bistro and Market on the west side, in lieu of any monument sign.

Chairperson Rosman – Correct.

Jay James – I just want to make sure, if they were to get another tenant in that building, which I believe from the original site plan, that they did have intentions of having other tenants in that building. Maybe Ryan can address it. Normally those tenants would get a sign based on their frontage, with a minimum of 20 square feet, and then they would also normally get signage on the monument sign. So, if they get a new tenant, are they going to be allowed another sign on the building, or is that something that is going to be included in this?

Chairperson Rosman – That also brings up, if they stay to the 20 square feet for the Market and Bistro names, and therefore they don't need a variance for that because they're directional signs, does that then take away? We had asked him not to have a monument sign if we gave him those, but since he's entitled to those, that brings back the monument sign.

Jay James – I thought you were talking about allowing the sign on the west side, the Bistro and the Market, if he wasn't going to have a monument sign. You would allow those wall signs.

Sovel – Yes, but Ryan said he'd prefer to have the Zerbos sign and give up the Bistro and the Market, and he also said he wanted to have illuminated, which we said we were going to talk about. I think someone wanted to address the illumination.

Jay James – What I want to make clear before we get a final motion is, what if there are other tenants? Is this motion tonight going to encompass those, or will that be a separate issue when those tenants come in?

Chairperson Rosman – Rick, I want to go back to the monument sign for a moment. If they agree to the 20 square feet for the directional signs... Remember you said if we gave them the Bistro and the Market, would they be willing to give up the monument? But if they go to the 20 square feet, that then brings back into play the monument. Am I correct?

Sovel – I was thinking the same thing. If we eliminate enough things, then they will be back to where they can have a monument sign.

Chairperson Rosman – Exactly, so if they have another tenant down the road, they can then visit the idea of having a monument sign.

Sovel – Or they can use it for themselves. I'd still like to make it clear, if it makes a difference on the signage, if we're going to eliminate the Bistro and Market on the west side, and just leave the window Zerbos illuminated from the ground.

Chairperson Rosman – How do we feel about illuminating it? Are they allowed to illuminate it from the ground, Jay?

Jay James – Yes, they're allowed to illuminate a wall sign, internally or from the ground.

Sovel – If it's a window sign, does that still meet the criteria?

Jay James – I may have to look that up Rick. Paula, do you know that off the top of your head? I don't believe a window sign itself can be illuminated, but usually you're talking about illuminated letters within the window and not illuminating it from an exterior light.

Dave Campbell – I think they would just be illuminating the west side of their building that happens to have a window on it.

Jay James – Right.

Sovel – That's what I was going to ask.

Jay James – That would be fine.

Chairperson Rosman – And that’s out of our hands. That’s not part of a motion, because they could do that anyway.

Jay James – They could do that, yes.

MOTION by Rosman, seconded by Mistele, to deny, with exception, Item PA20-03, Zerbos, the request by Roman Bonislowski of Ron & Roman Architects representing Ryan Adams with Zerbos Bistro & Market of Commerce MI for sign exceptions from Article 30 of the Commerce Township Zoning Ordinance to: exceed the number of wall signs allowed, exceed the number of window signs allowed, exceed the allowed square footage for both window and wall signage, allow wall signage on an elevation other than the front addressed elevation, and exceed the maximum projection out from the surface of the building located at 3000 E. West Maple Road. Sidwell No.: 17-25-453-013
We the ZBA find that the applicant has not satisfied the standards for all the exceptions sought, but we do find the standards for some exceptions have been satisfied.

- The exception sought for the ability to move the wall sign from the north to east side is granted, because the following standards, have been satisfied:
 - Granting the exception will not be adverse to the character or appearance of the surrounding buildings, properties or neighborhoods; and,
 - The requested exemption is the least necessary to reasonably accomplish the sign’s purpose; and,
 - That’s because the parking and the entrance for the business is located on the east side of the building; and,
- Additionally, it is noted that:
 - Per Section 30.05.D.2., the sign cannot exceed the 200 square feet; and
 - The three wall projection banners on the north elevation are going to be allowed, without any writing on them.
- We further find that the standards have not been satisfied for the following exceptions sought, and these exceptions are denied. Specifically, the two wall signs on the west elevation, that included the words Bistro and Market, are denied because the following standards have not been satisfied.
 - Granting this exception is adverse to the character or the appearance of the surrounding buildings, properties or neighborhoods because it is over signage, and that pertains to the west side of the building.
- Now regarding the wall sign on the east side; the Bistro and Market signs are allowed as directional signs in the ordinance for a maximum of 20 square feet each. Therefore Bistro and Market signs for the east side of the building are allowed, so long as they do not exceed what the ordinance allows. As to wall sign location, we have determined that it can go on the east side of the building.
- ~~• Now I'm going to address the west side of the building under window signs. The standards have not been met for window signs for the following reasons:
 - On the west elevation, they're asking for a total of 219 square feet of window sign, and they are allowed no more than 50 square feet.
 - The window sign that now has Z-E-R-B-O-S with the apple will not be permitted because they are permitted 25%, and they are not more than the 50 square feet. Anything over that will not be allowed. This is also conditional upon the fact that no sign will be placed on the north side of the building. This does not prevent the applicant from putting up a monument sign in the future on the north side of the building. [Strike this~~

paragraph per discussion below, as this sign will need to meet the ordinance]

- ~~On the north elevation, the three window signs;~~
 - ~~It has been determined by the Zoning Board of Appeals that the leaves do not constitute a sign. It is just decoration and they will not be allowed to be anything other than decoration. Therefore, no logo, no food pictures, nothing like that. They're just there to be pretty and to handle the light in the window. [Strike this paragraph per discussion below as these were covered in the previous interpretation motion]~~

If anything changes by way of the business, and/or additional tenants, than the applicant is required to go to the Building Administrator for Administrative approval of any changes to any of these signs.

Discussion –

Sovel – Why are we putting the interpretation into this variance request motion when we already did the interpretation on the north three windows? The wall coverings, the ones that you said are there to be pretty. We did that separately as an interpretation, so that shouldn't be part of this variance request.

Rosman – Yes, but he has windows on the north side also.

Sovel – We handled that already in a previous motion that was already passed.

Rosman – Yes, but if he changes his mind and takes the Zerbos out, then he can't do the logo.

James – That's a different sign.

Rosman – Okay. Does it matter that it's in there?

Sovel – What's the point of going through the interpretation? I would say yes, because Dave said that by making that interpretation it changes the dimensions of the size that they're allowed.

Rosman – Dave, can you fix this?

Sovel – Just eliminate the part about what you said about the three north windows.

Campbell – I think that's the solution is to strike any reference to the three north windows.

Rosman – Strike the references that I made to the north windows.

Watson – Thank you, I've definitely got that.

Sovel – Then also I want to clarify, on the west side, did you give us two different motions on that. You said they're allowed to have the sign, but then I thought you said they're not allowed to have it. They can have it if they're under 50 square feet, but then you also said they're not allowed to have the Bistro and Market.

Rosman – No, only the window signs. No other signs. Bistro and Market were going to be placed on the building. They weren't part of the window.

Sovel – I thought you said they could have it not to exceed the 50 square feet.

Rosman – Which they already have with the window. The window equals that, according to Jay.

James – On the west elevation, they're allowed a window sign that cannot exceed 50 square feet, or encompass more than 25% of the window area.

Rosman – And do they?

James – I believe it encompasses more than 25% of the window area with the apple logo as part of it. If they just do the Zerbos wording, they would be fine.

Rosman – Then let's take the apple out and just leave the Zerbos. That way, we're not giving an exception. They can fit into the ordinance. They don't have to have the apple.

People who are going to Zerbos are looking for Zerbos. They may buy apples, but they're not looking for an apple.

Sovel – You're putting in as an exception or as a variance for something that they don't need an exception or variance for.

Rosman – Fix it with Debbie, please. What did I say, Deb?

Sovel – I don't think you can mention the 50 on the west side if it's within the variance.

Watson – I'm going back.

Sovel – And I'm good with everything else.

James – If I could, you don't even have to mention the window on the west side. You've already determined the windows on the north are not signs, therefore they just have to meet the ordinance on the west window. You don't need an exception. They just have to meet the ordinance.

Sovel – I'm asking to remove that from your motion.

Rosman – Okay, I'm willing. I'm looking to do the least amount of variance necessary.

Watson – I have two wall signs on the west elevation, Bistro and Market are denied because the standards are not satisfied. Those could be directional signage for a maximum of 20 square feet each?

Sovel – No, they can't be directional.

Rosman – East and west are mixed up here.

Campbell – My understanding of Rusty's motion was that the window sign on the west side of the building could not exceed the 25% maximum and could not exceed the 50 square feet, which essentially means that the apple logo on the west window sign cannot be there. Only the Zerbos lettering above it.

Sovel – And then it meets the ordinance.

Campbell – Yes.

Sovel – And we don't need a variance, we don't need to mention that part.

Rosman – Therefore, the only variance that we really have done is to move the logo sign from the north part of the building to the east side of the building.

Mistele – Yes.

Rosman – Okay, so everything else has to meet the ordinance by way of size of the sign or how much coverage of the windows. So, we've only given them one variance. We've moved the sign from the north to the east, is that correct?

James – Yes.

Sovel – Remove all that, so there's no wording stating that they cannot have a monument sign.

Rosman – Let me redo this entire thing. Can I do that?

Watson – You can.

MOTION WITHDRAWN

MOTION by Rosman, seconded by Mistele, to approve one sign exception in Item PA20-03, Zerbos, the request by Roman Bonislowski of Ron & Roman Architects representing Ryan Adams with Zerbos Bistro & Market of Commerce MI for sign exceptions from Article 30 of the Commerce Township Zoning Ordinance to: exceed the number of wall signs allowed, exceed the number of window signs allowed, exceed the allowed square footage for both window and wall signage, allow wall signage on an elevation other than the front addressed elevation, and exceed the maximum projection out from the surface of the building located at 3000 E. West Maple Road. Sidwell No.: 17-25-453-013

We the Zoning Board of Appeals find that the applicant has not satisfied the standards for all of the exceptions sought. We do however find that the standards for one

exception have been satisfied, which is moving the wall sign from the north side of the building to the east side of the building, and the sign will not exceed 200 square feet as per the ordinance. Everything else asked for can meet ordinance standards. This is conditional upon no wall sign on the north elevation.

If anything changes by way of the business, and/or additional tenants, than the applicant is required to go to the Building Administrator for Administrative approval of any changes to any of these signs.

ROLL CALL VOTE

AYES: Rosman, Mistele

NAYS: Sovel, McKeever

ABSENT: Mills

MOTION FAILED 2-2

Sovel – My no-vote is because I'd like to have a little more flexibility. So I'll take Rusty's motion, and I want to add to allow the west side signs... What was the original size?

Jay James – On the west elevation.

Sovel – Was it 246 or something like that?

Jay James – Window sign or wall sign?

Sovel – The two wall signs. Were they over the 50?

Jay James – The total building is allowed 200 square feet. You can have them divide it up amongst the signs however they want.

Sovel – Is it the total that I need to give a variance on? What is the correct wording to allow those two signs.

Dave Campbell – They would need an extra 31.25 feet.

Sovel – So I'll take Rusty's motion... I'm getting waved at by Roman.

Roman Bonislowski – That's incorrect. Dave, I'm sorry to step on what you just said, but the minute we removed the wording on the banner signs, we took away that extra 31 square feet. So right now, with the banner verbiage gone, we're at less than 200 square feet on everything that's shown, except for the apple logo which exceeded both the maximum area and the intent of that.

Dave Campbell – But the apple logo is a window sign, so that's calculated differently than the wall sign. Based on Roman's calculations, which I can accept, then they're not asking for more sign area. They're just asking for two additional signs, and, for those two additional signs to be on the west side of the building.

Roman Bonislowski – Correct.

Jay James – Yes.

Chairperson Rosman – I just want to clarify, on the east side, plus the west side, totals 200 square feet or less.

Roman Bonislawski – That's correct.

Chairperson Rosman – Thank you. Rick, back to you.

Sovel – This is a confusing one. I'll take Rusty's previous motion, and I would add the two west signs to be allowed.

MOTION by Sovel, seconded by Mistele, to approve sign exceptions in Item PA20-03, Zerbos, the request by Roman Bonislawski of Ron & Roman Architects representing Ryan Adams with Zerbos Bistro & Market of Commerce MI for sign exceptions from Article 30 of the Commerce Township Zoning Ordinance to: exceed the number of wall signs allowed, exceed the number of window signs allowed, exceed the allowed square footage for both window and wall signage, allow wall signage on an elevation other than the front addressed elevation, and exceed the maximum projection out from the surface of the building located at 3000 E. West Maple Road. Sidwell No.: 17-25-453-013
We the Zoning Board of Appeals find that the applicant has not satisfied the standards for all of the exceptions sought. We do however find that the standards for some exceptions have been satisfied:

- A. Moving the wall sign from the north side of the building to the east side of the building, and the sign will not exceed 200 square feet as per the ordinance. Everything else asked for can meet ordinance standards. This is conditional upon no wall sign on the north elevation.
- B. To allow two wall signs, "Bistro" and "Market", on the west elevation, subject to the prohibition of a monument sign.

If anything changes by way of the business, and/or additional tenants, than the applicant is required to go to the Building Administrator for Administrative approval of any changes to any of these signs.

Discussion –

Rosman – That now makes a problem down the road if they rent out the spa they talked about years ago to a third party who is allowed a sign.

Sovel – Just like any other business that modifies, they'll have to come back to Building and Planning.

Campbell – We'll address the issue, if and when it comes up.

James – Yes, it would be up to the owner then. They are allowed 200 square feet of signage. They can distribute it how they see fit. You're allowing them an extra two signs on the west. If they come in for another, they may have to reduce some of the other signs if they can to put a tenant sign up.

Sovel – Or give up one.

Rosman – I'm thinking about Kroger facing Commerce Road and when they came to us years ago about additional signs.

James – They had not reached their maximum signage, so they were allowed a tenant sign separately and it wasn't an issue.

Rosman – I know, but they wanted a big Kroger sign on the west side, and we said no to them for that. I'm looking for consistency.

ROLL CALL VOTE

AYES: Sovel, Mistele

NAYS: McKeever, Rosman
ABSENT: Mills

MOTION FAILED 2-2

Chairperson Rosman – I don't want those two signs over there. You're asking for more than anybody else really gets.

Sovel – When we come to a stalemate, one of the downsides of us having 4 members, we may have to table it until Clarence is here, someone else who has a compromise.

Chairperson Rosman – But they want to open on Monday and they need signs, so let's talk. Dave, if we took out the Bistro and Market sign on the west side for the motion tonight, could they come back another time and ask for those exceptions? That would get them started on what they need to get opened on Monday.

Dave Campbell – I want to say that our Zoning Ordinance says that you cannot ask for the same variance within the same 365 days, but this is not a variance. This is a sign exception, so I know of no reason why they couldn't again request that sign exception.

Chairperson Rosman – Rick are you willing to take that out?

Sovel – Is Ryan, the applicant, willing to do that? They'd have to pay a fee again and go through that whole process.

Ryan Adams – If I don't get the Market and Bistro on the wall, I'm just going to put it on a monument sign.

Rosman – You're entitled to a monument sign.

Ryan Adams – Right, I'm entitled to it. I'm just saying, if you guys don't want the monument sign, allow me to put it on the building.

Rosman – I'd rather you have a monument sign.

Ryan Adams – Okay, then I'll just put it on the monument sign. I think the discussion should be whether the apple can be included or not. If the apple can't be included, then it's just going to say Zerbos, and then I am in compliance. I would think I should be able to get the apple.

Rosman – Well, it doesn't fit and there is no compelling reason, other than you want it. But, it can go on your monument sign if it fits.

Ryan Adams – The only other thing is, because of the wetlands behind me, I was forced to build this building close to the road. That's just another reason too that cars need to see it from the east and west. That's really what I'm asking for, for this exception. Otherwise I'm in compliance and I don't need...

Rosman – We want you to be.

Dave Campbell – My suggestion would be, and I think we can do this, is to table any action on the two wall signs on the west elevation, the Bistro and Market wall signs, table action on those until we have a full 5 members so we avoid the stalemate scenario. We can table that action and try to get off center on all the other exceptions.

Mistele – When we have a full board, I don't think Clarence can vote on this because he wasn't here for part of the discussion. I only know that because as the alternate, I couldn't step in when we tabled something, even though I was at the previous meeting, I wasn't acting as a member.

Sovel – I agree. That's why we need to get this alternate back.

Chairperson Rosman – Well, Rick, here's the other thing.

Sovel – I want them to open. I was hoping I could maybe get you to change your mind, Rusty, but I think I'm losing that battle.

Chairperson Rosman – No, but Ryan said he's willing to go with the monument sign and that gives him all kinds of options.

Sovel – Would you prefer to have a monument sign or a wall sign? I'd prefer a wall sign.

Chairperson Rosman – I would prefer to have the monument sign because it's allowed in the ordinance and Ryan is not going to be having anything that anybody else isn't having. Think about when Suburban came to us and they wanted Gerber, they wanted both and we didn't want it there. It's the same thing.

Sovel – No it's not.

Chairperson Rosman – There's no reason.

Sovel – Ryan is not asking for both. He's saying I'll take one or the other. I'm willing to take the wall sign, which is less obtrusive. It's a better safety issue from cars driving down the road. Am I correct, Dave, he may have to have a variance to have it within the setback, but he could then have an illuminated sign that has letters and sales, et cetera., which would be a distraction to people driving? He would be entitled to that, correct?

Dave Campbell – He is entitled to a monument sign that has to be a certain height and a certain size, and a certain distance from the road. When you talk about sales and other things, all those things would have to be within the sign area allowances, but yes, he could have a monument sign.

Sovel – What I mean is he could have a sign that has graphics and letters, a changing sign. What I'm getting at, that sign, like the ones we have on Union Lake Road and some other ones, those to me are distracting to drivers. You drive around a curve and you're going to have a sign that gets people's attention. If he goes that route, I'm thinking from a health, safety and welfare standpoint, that it would be safer, in this case, if you have an applicant willing to give up that, which he has a right to have, the

monument sign is in exchange for going with a static wall sign. I think that's a safe trade off for the residents of the Township. That's my point. This is unique. How often do we have someone that comes to us and says, *I'm willing to give up a monument sign for a wall sign*. This is unique.

Chairperson Rosman – Okay.

Sovel – Most people want, like you said, like Gerber; they want both.

Chairperson Rosman – Yes. Let me turn to Bill and get your opinion on what Rick just said.

McKeever – I think it's a stretch. I'm not voting for it. I don't know what else to add. I've seen too many applicants come in and plead their cases for additional signage, and have all walked away without a variance because it doesn't meet the criteria. That's my feelings.

Chairperson Rosman – Mine too. Rick, I hear you. I don't agree at all. Which brings us back to the 2-2. So, Ryan I'm going to you for a moment. You're comfortable with going with the monument sign if need be?

Ryan Adams – Yes, if that's my only option.

Chairperson Rosman – Okay, thank you. Rick, are you willing to change your motion at all, or make another motion?

Sovel – Or the other option is to take Dave's suggestion and approve what we can tonight, and then table the other part.

Dave Campbell – I have to withdraw that suggestion. Mr. Mistele is right and God bless him for it. If we were to have a meeting with Mr. Mills, because he was not here this evening, he would not be allowed to take up a tabled action on a matter that was discussed at the meeting that he was absent for.

Now, going back to what I think Mr. Sovel's suggestion was, could they just come right back in a month or two with a request for a sign exception on the two wall signs? Yes, they could. There's no 365-day limit for them to do that.

Chairperson Rosman – Would they have to pay again? We could make an exception.

Sovel – Tell me if I'm correct in my interpretation. If they come back as a new item with a new number that we would use, it would be a new hearing, therefore we'd be starting from scratch, public hearing and everything. Therefore, Clarence would be able to ... if we have 5 members, it would be a full 5 members that could then hear that case because it would be considered different than this case.

Dave Campbell – True, and we would have to put a new notice in the newspaper. That of course costs money and it would be on the applicant to cover that cost.

Sovel – Ryan, are you willing to do that? Or do you want us to just approve what we have for this current motion, the one that will pass? Then, if you do want a wall sign, you'll have to come back. If you want the monument sign, you don't have to come back, unless it falls into a setback issue, which is a possibility.

Ryan Adams – Right, okay. I don't really want to come back to it. I thought that I was doing something by giving up a monument sign, but like you said, everyone wants a monument sign. I thought I was giving up something huge. If you'd rather me have a monument sign, that would be fine. I would still be willing to give up the monument sign to have the apple be part of the window sign.

Dave Campbell – I think this is interesting, so Ryan, say it again. You're saying you would not want the two walls signs on the west side of the building, but if you could have the apple logo in the window sign on the west side of building, you would trade that for a monument sign?

Ryan Adams – That's what I'm saying. I'm saying that if you're not going to allow any of this, and I'm going to end up putting a monument sign up, and I thought I was giving up something huge by not putting a monument sign up. If you're considering the apple to be part of my logo, then I would rather keep it and give up my monument sign.

Dave Campbell – In that scenario, the west side of the building would not have any wall signs, but it would have a full window sign with the Zerbos lettering at the top and the apple logo below it?

Ryan Adams – Correct.

Chairperson Rosman – So no Bistro, no Market on the west side?

Ryan Adams – Correct.

Sovel – How do you feel about that one, Rusty?

Chairperson Rosman – Okay, I could live with that. How much variance are we asking for on the logo? That's a Jay question.

Ryan Adams – I would like to mention something. The apple itself is not a huge... it's big, but it's not a full apple. It's just an outline of part of an apple. Can you bring it up on the screen? When you're considering the footage, are you considering just a square foot, because the design is really... if you added it all up, it's probably only 3'.

Jay James – Yes, Ryan, the issue is that our ordinance requires us to box in any part of the sign, so we have to create a box around that apple logo. That's why it creates such a large thing. What I'm hearing, if you guys said they're allowed the window sign on the west elevation, as proposed, in lieu of a monument sign, I think that would cover it and we would be good to go. Paula, I don't know if you have the exact measurements there.

Paula Lankford – I do. The entire window is 300 square feet, but the apple rectangle itself is 181 square feet. I don't have the square footage on Zerbos itself, but it takes up that window.

Jay James – It was 75 if I remember right.

Paula Lankford – 5x15, yes.

Jay James – Yes, 75. So, their total is...

Paula Lankford – 181 plus 75, they're at 256. You need 206 square feet of variance.

Chairperson Rosman – Wow, Rick. That's not little.

Dave Campbell – Yes, but it keeps it moving forward.

Jay James – And there's no monument sign.

Mistele – Does it make it worse for another tenant, though?

Dave Campbell – We'll figure that out when that day comes.

Chairperson Rosman – We're not going to worry about the other tenant. I will live with that, for the health, safety and welfare of Commerce Township residents.

Sovel – Thank you, Rusty. Deb, can you amend the motion?

Chairperson Rosman – Make a new one.

Dave Campbell – The motion failed, so we need a new motion.

Sovel – I'll take Rusty's second motion, with the additional wording, to allow the apple west window sign, and no monument sign.

Chairperson Rosman – And a total on the west side of 256 square feet.

Sovel – Whatever the number is.

Chairperson Rosman – Maximum of 256. Does that include the-

Dave Campbell – For a window sign.

Jay James – That's good on the window sign. You're good with that.

Chairperson Rosman – Does that include the boxing?

Jay James – Yes.

Sovel – And once again, this is unique. I'm not sure if we're going through this exception issue.

Chairperson Rosman – In exchange for not having a monument sign, due to the fact that it would be too close to the road, for the health safety and welfare consideration of Commerce Township residents and others.

Watson – Are we concerned about the clause with returning to the Building Department if they had a tenant or needed a change?

Jay James – We'll handle that.

Dave Campbell – We'll address that when that day comes.

MOTION by Sovel, seconded by Mistele, to approve two sign exceptions, with conditions, for Item PA20-03, Zerbo's, the request by Roman Bonislowski of Ron & Roman Architects representing Ryan Adams with Zerbo's Bistro & Market of Commerce MI for sign exceptions from Article 30 of the Commerce Township Zoning Ordinance to: exceed the number of wall signs allowed, exceed the maximum allowable sign area for window signs, exceed the maximum allowable sign area for wall signs, allow wall signage on an elevation other than the front addressed elevation, and exceed the maximum projection out from the surface of the building located at 3000 E. West Maple Road. Sidwell No.: 17-25-453-013

We the Zoning Board of Appeals find that the applicant has not satisfied the standards for all of the exceptions sought. We do however find that the standards for two exceptions have been satisfied as follows:

1. To allow for the wall sign, not to exceed 200 square feet as per the ordinance, to be moved from the north side of the building to the east side of the building, conditional upon the following three items:
 - a. No wall signs on the north elevation; and,
 - b. No lettering on the three banners; and,
 - c. The directional signs for the "Bistro" and "Market" will be no more than 20 square feet as allowed in the ordinance; and,
2. The west window sign, Zerbo's and the apple logo, will be allowed as proposed, with a maximum total of 256 square feet for the window sign, conditional upon there being no freestanding monument sign.

The Zoning Board of Appeals finds that this is a unique situation. The exception is granted in exchange for not having a freestanding monument sign, due to the fact that it could be too close to the road, and elimination of the freestanding monument sign is in consideration of the health safety and welfare of Commerce Township residents and visitors.

Discussion –

Chairperson Rosman – In total, we have made two sign exceptions; one, moving the wall sign from the north to east, and two, allowing the apple to go on the west side window, in exchange for no freestanding monument sign. Are we agreed?

The ZBA members agreed.

The motion was read back for the record.

Sovel – Roman and Ryan, since this has been a confusing one, I want to make sure we've covered everything and we're good... clarity.

Roman Bonislowski – Ryan’s the boss. If he says so, then that’s correct. I think you have got all the nomenclature and the numbers correct in everything that you were describing.

ROLL CALL VOTE

AYES: Sovel, Mistele, Rosman

NAYS: McKeever

ABSENT: Mills

MOTION CARRIED

Chairperson Rosman – We have now passed this. Well done everybody. I’m excited, and Ryan, we all wish you the very best. We remember you from six years ago when you came for the original variances to build the building. Congratulations.

Ryan Adams – Thank you very much. I appreciate it.

Chairperson Rosman – You’re welcome, and I’ll look forward to seeing you there.

Roman Bonislowski – Thank you all very much. It’s always a pleasure appearing in front of you. It was a very nice conversation and discussion today. Thank you very much.

Chairperson Rosman – Thank you very much.

Sovel – One comment to Deb is that after this, DDA Director should be a piece of cake.

ITEM G2: ZONING BOARD OF APPEALS BYLAWS

Chairperson Rosman – The Bylaws have been sent to us and had been marked up so everybody could see the changes. Is there anything that anybody would like to make a comment about? If so, please tell us what page.

Sovel – Dave, from our Tuesday Board meeting talking about how ZBA members must be residents of the Township. Is that in here?

Dave Campbell – It is not because this draft was created before that Tuesday night discussion. I’d have to think about that, Rick. Is that a ZBA decision, or is that more of a Township Board policy decision?

Sovel – I know that was what we were talking about, but I’m not clear myself if each Board gets to make that decision, or if it’s the Township Board. The Township Board doesn’t approve this.

Chairperson Rosman – No, but the Township Board appoints.

Dave Campbell – Right.

Sovel – I understand, but the question came about from a member on another Board that is an active participant and has moved out of the community, and wanted to know if they could stay on the Board. That’s what prompted that issue and discussion with the Township Board. The Township Board’s feeling, other than in the DDA which has very specific State statutes dealing with that was that, yes, we want people to be Township

residents. We understand from an appointing standpoint, we can handle that, but if someone were to move out of the Township, that was the question.

Dave Campbell – Rick, also the State law, the Michigan Zoning Enabling Act, which establishes how you create and maintain membership of a Zoning Board of Appeals, specifically says that the members of a ZBA, other than the member that's the representative of the Planning Commission, so in this case, Mr. McKeever, all those members must be electors within the municipality. The State law is already requiring what the Board is wanting to do here. In that sense, I don't see the harm in including it in the Bylaws, but it goes without saying based on State law.

Sovel – Okay, thanks for checking into that.

Mistele – On Page 2, Section 3, that one procedure in the blue text. I believe instead of *Scheduled ZBA Meetings* that should probably say "*Special*". I mentioned that to Dave and Paula.

Dave Campbell – He did. We talked to Bob earlier today. I think he's right. I want to verify that with Hans. All these changes are verbiage that the Township Attorney created, but I'm guessing Bob is right.

Chairperson Rosman – Bob, you're good.

Dave Campbell – He's showing off that he actually read it.

Chairperson Rosman – Well I did, but I didn't pick up on that. Are we voting on this?

Dave Campbell – Every year in January, the ZBA looks at the Bylaws and decides whether those are the Bylaws that you want to go with for another year. Typically we don't make a lot of changes. This is obviously a significant change that dovetailed nicely with our January meeting anyway. This is a significant change that the Township is making to the Bylaws or Rules of Procedure for all the Boards and Commissions. The Planning Commission already did this. This is something that's intended to bring the Bylaws into compliance with the recent changes to the State's Open Meetings Act, and also with the Township's Procedures for Electronic Meetings and Attendance.

Chairperson Rosman – Rick brought up a very interesting point, and so did Bob, that we table our vote on this until March and give the Township time to address it, and give Hans time to address the correction. Would that be acceptable?

Dave Campbell – It's acceptable. I think that the correction that Mr. Mistele found is the right correction and I think it can be done. Other than that, I don't know of any pressing reason why it should be tabled.

Sovel – I would just vote on it and if it turns out that it's wrong, we can bring it up again.

Dave Campbell – Other than that one correction, I don't know of anything being wrong.

Chairperson Rosman – Bob, would you make a motion to accept these with the correction in 3.1, to change the word *Scheduled* to “*Special*”?

Mistele – I will, however, I did notice that the change we made in 2019 is not reflected on these Bylaws, in Section 3.3, Item C.

Dave Campbell – Yes, the Township Attorney inadvertently used the year-old Bylaws to make his edits. We will be sure that these changes are made to the latest version of the Bylaws.

Sovel – I don't know if Larry is listening. After this, I will be talking to the Supervisor to see if we can get our alternate back in place because it would have been really helpful for tonight.

MOTION by Mistele, seconded by Sovel, to approve the Zoning Board of Appeals Bylaws with the follow changes:

1. Section 3.1, change the verbiage from *Regular or Scheduled ZBA Meetings* to *Regular or “Special” ZBA Meetings*;
2. Section 3.3, Item C. about alternate members, where they are required to attend regular meetings. I believe we removed the part, *as determined by Chairperson*.

Discussion –

Dave Campbell – That's correct.

ROLL CALL VOTE

AYES: Mistele, Sovel, McKeever, Rosman

NAYS: None

ABSENT: Mills

MOTION CARRIED UNANIMOUSLY

H. OTHER MATTERS:

Sovel – Because of what happened tonight, I will reach out to George Weber. I think tonight showed me there's an opportunity, although it's very rare, but if we have an applicant that is willing to give up a monument sign for an additional wall sign, I'd like the Planning Commission to look at that and consider if they would be willing to change the ordinance to allow that. I'd like if you can start that process, to have the Planning Commission look at that item.

Dave Campbell – We can do that. We've got a series of changes that we want to make to our sign regulations, and we can include something to that effect with those.

Chairperson Rosman – Larry Gray, it is our pleasure to have you with us this evening. We're delighted and we wish you the very best in the coming years. We look forward to working with you.

I. CORRESPONDENCE:

None.

J. PLANNING DIRECTOR'S REPORT:

Dave Campbell shared the following with the Board:

- The 84 Lumber project finally got to something close to the finish line. They had to get a Conditional Rezoning approved, which they were able to do, and then they came back to the Planning Commission with their site plan, and that got approved. Hopefully by this time next year, you'll see an 84 Lumber store where we currently have an outdoor boat storage yard.
- The southwest corner of Glengary and Wixom Roads is currently an undeveloped 35-acre property that will soon be a developed property by Pulte. They're doing a new neighborhood called Oak Hills. It will be 78 single-family homes on that property. They did it with the cluster option, which as the name implies, the lots are clustered together in an effort to preserve open space around the perimeter of the site.
- Two projects that are going to come before the Planning Commission on Monday evening are:
 - The proposed townhomes, also by Pulte, on the east side of Martin Road, just across from Township Hall on the property that used to be the driving range. They are proposing 103 attached townhomes. They also had to do a Conditional Rezoning which was approved. They're now coming back to the Planning Commission for their site plan.
 - Also, the Reserve at Crystal Lake, which is 203 new single-family homes on what we call the gravel pit property. That property is 160 acres, including a 40-acre manmade lake. They want to do a lakefront community. They're doing it as a PUD, and they will have their formal public hearing with the Planning Commission on Monday.
- The Fetter property, on the west side of Haggerty, just north of 14 Mile, north of the Newberry Plaza with Kroger and Panera, that property is likely to move ahead as a PUD with retail along the Haggerty Road frontage, and apartments to the rear. The unit count is still in flux, but something in the neighborhood of 180 luxury apartments on that undeveloped property.
- Lastly, the Township has been working with Oakland County on their Restaurant Relief Program. The County took some of their Federal CARES Act money, and then also contributed money from the County's general fund to get out to restaurants to try to keep them afloat during the pandemic and the shutdowns.
 - That money can be used for a number of different things, but primarily for outdoor seating, furniture, heaters, igloos, greenhouses and these things that you see going up in the parking lots of many restaurants. The Township was allotted some of that equipment and we're able to distribute that to the restaurants.
 - The next phase of that is a reimbursement program. The County is going to allocate a certain amount of dollars to the Township, and then restaurants can come with their receipts for the equipment that they've had to buy to get through COVID, and they would be eligible for reimbursement for at least some of that. I don't know if there will be enough money to reimburse everyone for everything, but it's a decent amount of money that can be reimbursed to the restaurant owners.

Chairperson Rosman – That's wonderful. The first thing I have, I wanted to say how happy I was to see the banners that Barrington put up about now renting, that those

came down. Jay, good job. The second thing is have you heard anything about Hiller's? I get asked that all the time.

Dave Campbell – I don't have any news about Hiller's. There's a ground lease that the landlord really has no motivation to renegotiate, because Kroger is obligated to pay it whether they've got someone in there or not. Kroger would love to have someone take that ground lease off their hands, but so far they haven't found anyone. I think that lease goes through 2025.

Chairperson Rosman – Any RCOC news to share? Anything in Commerce?

Dave Campbell – The one item that came up, relative to the project at the gravel pit, is the goofy intersection of Wixom, Duck Lake and Sleeth Roads, where there's that double traffic signal. That is going to be reconstructed, they think, in the year 2024 with a roundabout. That's going to be a significant project on the western edge of the Township.

Next year, Union Lake Road is going to get shut down for a number of months while they replace the culverts, south of Wise Road, where Sally's Bar was and where Matter of Taste is. That's the overflow for Union Lake to flow into the Union Lake Golf Course on the other side of the road. The culvert is undersized and is failing.

K. ADJOURNMENT:

- **NEXT REGULAR MEETING DATE: MARCH 25, 2021 (potentially electronic only)**

MOTION by Sovel, supported by Mistele, to adjourn the meeting at 9:00pm.

ROLL CALL VOTE

AYES: Sovel, Mistele, McKeever, Rosman

NAYS: None

ABSENT: Mills

MOTION CARRIED UNANIMOUSLY

Robert Mistele, Secretary