MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE BOARD OF ZONING APPEALS HELD ON WEDNESDAY, SEPTEMBER 4, 2013

1. The meeting was called to order by Chairman Chandler at 7:00 p.m.

2. Roll Call Showing: Emery Long, Kenneth Mientkiewicz, Donald Morris, Melvin Zilka & Sheldon Chandler
   Also in attendance: Carol Maise, City Planner & Linda McNeil, Sr. Secretary

3. Motion by Zilka supported Morris to approve the agenda as presented. Roll Call Vote: Zilka, Morris, Mientkiewicz, Long & Chandler. Nays – none. Motion Carried.

Agenda

1. Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
   A. Approval of the minutes of the special meeting of the Board of Zoning Appeals held on August 7, 2013.
5. Petitions
   A. BZA-2013-007; Taco Bell requesting a variance to the City of Romulus Sign Ordinance Section 29-7 to allow three (3) additional wall signs for a total of four (4) signs with a total square footage of fifty six (56) square feet. The subject property is located at 9920 Wayne Road. D.P. # 82-80-065-99-0049-005.
6. Old Business
   A. Rules of Procedure
7. New Business
8. Communications
   A. City Planner's Status Report
9. Discussion
10. Adjournment

4. Motion by Mientkiewicz supported by Long to approve the minutes of the regular meeting of the Board of Zoning Appeals held on August 7, 2013. Roll Call Vote: Ayes - Mientkiewicz, Long, Morris, Zilka & Chandler. Nays – None. Motion Carried.

5. Petitions

A. BZA-2013-2013-007; Taco Bell requesting a variance to the City of Romulus Sign Ordinance Section 29-7 to allow three (3) additional wall signs for a total of four (4) signs with a total square footage of fifty six (56) square feet. The subject property is located at 9920 Wayne Road. D.P. # 82-80-065-99-0049-005.

Mr. Eric Iverson, Desine Inc., Engineer, came forward representing the petitioner.

- Mr. Iverson stated that the front elevation includes the standard signs that Taco Bell utilizes for all their restaurants which includes the Taco Bell verbiage with the swoosh and the actual Taco Bell "bell". Taco Bell standards normally include the same signs on the side elevations with the exception of the swoosh but they have reduced that signage to comply with the City of Romulus Sign Ordinance. The only signs on the side elevations are the Taco Bell verbiage. Each piece is a separate sign according to the ordinance, and the slates that the Taco Bell verbiage and the swoosh signs are attached to stick out further then the remainder of the building creating two separate elevations. He showed the sign location on the site plan and on the building. He noted the landscaping and pole sign in relation to Wayne Road and stated that the petitioner feels that the side elevation signs may be difficult to see as their customers are approaching at forty-five (45) mph. After speaking with the City Planner prior to the meeting, Mr. Iverson noted that she felt that the proposed signage on the side looked small and out of scale, and he expressed the petitioner's desire to have the "bell" located on each side elevation as well. He finished by saying that the two (2) additional "bells" on each of the side elevations would be an additional forty-six (46) square feet and the petitioner would be happy if the Board would approve the additional square footage.

Chairman Chandler asked if anyone wished to speak on this matter. No one came forward.

Let the record show an affidavit of first class mail has been shown and is on file.

Chairman Chandler closed the public comments portion of the meeting and opened it up to comments from the Board members.

- Mr. Zilka questioned whether the size of Taco Bell verbiage could be increased for better viability.
- Mr. Iverson replied that the size of the Taco Bell verbiage and the Taco Bell "bell" is the standard size that they utilize for each site.
- Mr. Zilka asked whether there is room to add the Taco Bell "bell" on each side elevation.
- Mr. Iverson answered yes.
- Mr. Zilka questioned whether that would help with visibility.
- Mr. Iverson answered yes and stated that it was on the original site plan that was submitted.
- Mr. Zilka stated that with the speed limit of 45 mph and the location of the building it is his opinion that it may be difficult to see the signage on the front elevation.
- Ms. Maise noted that the Taco Bell "bell" logo is going to be the identifier and will help tremendously.
- Mr. Morris questioned whether there would be a ground sign utilized.
- Mr. Iverson answered that they would be utilizing a pole sign and showed on the site plan where it would be located.
- Mr. Morris questioned what the size of the pole sign would be.

- Mr. Iverson answered that he did not know the square footage of the pole sign. Taco Bell utilizes the same size for all sites and that it did not exceed the requirements of the sign ordinance. He asked Ms. Maise what square footage the ordinance allows.
- Ms. Maise answered that the ordinance allows forty-five (45) square feet per side.
- Mr. Iverson stated that the proposed pole sign would be thirty-nine (39) square feet per side.
- Ms. Maise questioned whether the pole side would be nine (9) feet in height.
- Mr. Iverson answered yes.
- Mr. Chandler inquired if the building signs were lighted.
- Mr. Iverson answered yes.
- Mr. Chandler questioned how they are lighted.
- Mr. Iverson responded that they are lighted internally.
- Mr. Morris stated that he thinks this project will be very nice for the community and that he has no problem with a bell on both side elevations since it is not a huge amount of square footage.
- Mr. Chandler questioned whether Mr. Iverson could have a bell on both the front and side elevations.
- Mr. Iverson stated that the bells were removed from the side elevations in order to comply with the ordinance. Although it was not stated on the application he is now asking if the Board will allow a bell on both of the side elevations.
- Mr. Chandler commented that it looks like it should go with the Taco Bell verbiage.
- Mr. Long stated just like the front elevation.
- Mr. Morris agreed since it's not a huge amount of square footage.
- Ms. Maise stated that it would not include the swoosh.
- Mr. Zilka noted that the bells would really set it off.
- Mr. Zilka suggested that Mr. Chandler ask the other commissioners how they feel about the additional bells.
- Mr. Chandler said that it is open for discussion.
- Mr. Mientkiewicz noted that he does not have a problem with the additional bells and questioned whether Mr. Iverson is requesting to include the swoosh on both side elevations as well.
- Mr. Iverson answered that Taco Bell does not include the swoosh on the side elevations.
- Mr. Zilka questioned whether Ms. Maise would have a problem with the addition of the bell on both side elevations.
- Ms. Maise replied that she did not and that she herself thought that the bell would make the side elevations more in proportion with the front elevations.
- Mr. Chandler said that the main sign will be pole sign identifying the property to the approaching traffic.
- Mr. Zilka asked whether all the commissioners are in agreement with the addition of the bell to both side elevations.
- Mr. Chandler noted that this is the consensus of the Board.
- Mr. Long questioned whether the petition would have to be amended.
- Ms. Maise answered no and stated that it would not be an additional variance. The maker of the motion would simply make the motion to include verbiage recommending three (3) signs with the addition of the bell on both side elevations.

Motion by Zilka supported by Morris to approve the variance request for BZA-2013-007 for Taco Bell located at 9920 Wayne Road to allow for three (3) additional wall signs including the Taco Bell "bell" on both sides of the building.

Roll Call Vote: Ayes –Zilka, Morris, Mientkiewicz, Long & Chandler. Nays – None. Motion Carried.

6. Old Business

A. Rules of Procedure

- Ms. Maise addressed the BZA Rules of Procedure and noted that she has been reviewing them with City Attorney, Kevin Watt. During the review a few things came up and the Planning Consultant was brought in for clarification. "Ex Parte Contact" has been added to Section 7 which defines contact between the petitioner and the Board members when site visits are being conducted. This is the same standard language that is in the Planning Commission By-Laws and endorsed by the City attorney. There were other minor additions along with changes to Section 5 numbers 7 and 10 to be consistent with the latest 2011 Zoning Ordinance change that came about due to some new state laws.
- Mr. Zilka questioned whether he could still talk to the property owners when he is conducting his site inspections.
- Ms. Maise answered that when the petitioner submits their application for a variance or site plan they give written authorization on the application for the City representatives to enter onto the property. We have industrial sites that may not be safe for the Board members to be walking around without supervision and there are circumstances where we may need to make contact with the property owner to do a site visit. She stated that if there is a case where the Board members need to get on site for further information then the Board member or members will need to contact her and she will make contact with the property owner and let them know that the Board needs to enter the site in order to make a good decision of their case. We would then notice it under the Open Meetings Act so we are not in violation of the act and make sure that there is not a quorum on site at any one time. What the Board cannot do is schedule something or show up on site and take a tour or ask questions with the property owner or developer. Although it does happen, this can be awkward and what the Board member/members need to do then is submit a written report that is then brought back to the remainder of the board members so that it can be made a matter of record. The intent is to make sure that all the Board members are hearing the same information when making a decision and that it would not be fair if one particular Board member was privy to information that others were not.
- Mr. Chanlder stated that most of the time he does not even get out of his car.
- Ms. Maise stated that it is amazing these days what you can find on Google Earth and the internet to help know more about a site.
- Mr. Zilka said that when doing a previous site inspection he discovered that they had signs indicating that there were cameras on site. He feels that he should notify the owner that he will be looking things over.
- Ms. Maise replied that they are expecting city representatives by simply filing the development application and they know people could be coming. For example, she noted that she was with Planning Consultant Brad Strader yesterday looking at sites.
- Mr. Zilka stated that he does not want the applicant calling the police on him when he is out doing a site inspection.
- Ms. Maise commented that they have signed the application authorizing city representatives to enter the site so there shouldn't be any issues.
- Mr. Zilka replied that he understands that but that he still feels that he should make contact with the owner when entering the site. He will not ask any questions but simply let them know that he will be on the site doing his inspection.

- Ms. Maise commented that he can do that however he must be careful not to make too many inquires of the property owner whereby the Board member gets more information that the other members don't get. She finished by saying that there will be sites where you do have to go to the office to gain access.
- Mr. Chandler stated that is the purpose of the City of Romulus identification cards when reporting yourself to the front desk or office.
- Ms. Maise questioned whether all the Board members have their City of Romulus identification cards.
- Mr. Long and Mr. Morris answered that they have not received theirs as of yet.
- Ms. McNeil replied that she is willing to make the appointments with the Human Resource Department in order to get that done.

- Mr. Mientkiewicz questioned if the petitioner is granted the variance and does not comply within the twelve-month period whether they come back before the Board of Zoning Appeals for a continuance or do they have to make another presentation.
- Ms. Maise answered that they will have to come back before the Board of Zoning Appeals and request an extension on the variance. Something may have changed by that point that the Board of Zoning Appeals may want to reconsider granting the variance.

- Mr. Chandler questioned whether the copy of the Rules of Procedure that the board received is a draft copy.
- Ms. Maise answered yes and stated that in order to finalize it we would need to delete the draft changes.
- Mr. Chandler asked whether there was anything the Board needed to do at this point.
- Ms. Maise replied that a motion would be in order to approve the draft Rules of Procedure as presented and that no Public Hearing is required.

Motion by Zilka supported by Mientkiewicz to approve the Rules of Procedure for the City of Romulus Board of Zoning Appeals as presented.

Roll Call Vote: Ayes – Zilka, Mientkiewicz, Morris, Long & Chandler. Nays – None. Motion Carried.

7. New Business – None.

8. Communications

- Ms. Maise reported that Special Tree is requesting a Planned Development Area in a Single Family Residential District with multiple uses. The Board of Zoning Appeals previously granted a non-conforming status change and use variances. Special Tree has purchased an additional fifteen (15) acres and wants to expand the rehabilitation facility to include duplexes and another Large Care Group Home. They would have to come back before the Board of Zoning Appeals to get the use variance amended as the Large Care Group Home is not permitted. In working with the Ordinance however, it was determined that rezoning the property and designating it a PDA will give us the ability to make sure the development is cohesive and coordinated. She suggested that the Board members visit the site as they have done a very nice job with it.
- Mr. Morris stated that they have their own road and that the site is great for them and everybody else.

- Ms. Maise stated that they have been very accommodating to the surrounding single family residents and are a wonderful resource for not only the community but the surrounding area.
- Mr. Chandler questioned the difference between a PDA and the Aerotrpolis Development.
- Ms. Maise answered that the Aerotropolis is a much bigger development initiative incorporating multiple communities and that they use zoning techniques and economic development tools to guide communities to establish development.

9. Discussion – None.

10. Adjournment

Motion by Zilka supported by Morris to adjourn at 7:28 p.m. Roll Call Vote: Ayes – Zilka, Morris, Mientkiewicz, Long & Chandler. Nays – None. Motion Carried.

lm

Donald Morris, Secretary
Zoning Board of Appeals