

PHONE: 810-231-1000  
FAX: 810-231-4295



P.O. Box 157  
10405 Merrill Road  
Hamburg, Michigan 48139-0157



**To: Planning Commissioners**

**From: Amy Steffens, AICP**

**Date: March 15, 2023**

**Agenda Item: 7b**

**Project Address and description: 9700 Chilson Commons Circle (TID 15-22-402-001) and 9528 Chilson Commons Circle (TID 15-22-402-007)**

**Waiver to the sign regulations to permit four wall signs on the east front elevation of Kroger grocery store, totaling 481.2 square feet, and two wall signs on the south side facade totaling 31.65 square feet (one wall sign with a maximum size of 198 square feet permitted per Section 36-477) at 9700 Chilson Commons Circle (TID 15-22-402-001)**

**Waiver to the sign regulations to permit four wall signs on an existing gas station canopy totaling 113.5 square feet (one sign with a maximum size of 48 square feet permitted per Section 36-477) at 9528 Chilson Commons Circle**

**Owner: Topvalco Inc.**

### **Site Description**

The subject site is the Kroger grocery store on the east end of the Chilson Commons shopping center at 9700 Chilson Commons Circle and the Kroger gas kiosk on the west end of the shopping center at 9528 Chilson Commons Circle. Single-family dwellings are located to the north across M-36, Livingston County Wildlife and Conservation Club is to the east. The Kroger store received site plan approval in 2021 to expand the store footprint from 61,600 square feet by 29,950 square feet on the east side of the existing building.

### **Proposed Signs**

The current application is a sign waiver for wall signs. A sign waiver for an additional 50-square foot sign panel on the existing freestanding sign at the entrance to the Chilson Commons Shopping Center was granted by the Planning Commission through the site plan approval for the building expansion. No wall signage was considered at site plan review, however.

The table below summarizes the existing and proposed signage for the pharmacy.

Sign	Type	Existing	Proposed	Requires	Status
<b>East elevation (main entrance)</b>		(in square feet)			
A	wall	unknown	290.5	198 maximum	waiver
B	wall	unknown	45	not permitted	waiver
G	wall	unknown	120.7	not permitted	waiver
J	wall	unknown	25	not permitted	waiver
<b>South elevation</b>					
E	wall	none	3.9	exempt	permitted
F	wall	none	2.75	not permitted	waiver
H	wall	none	28.9	not permitted	waiver
<b>Gas station canopy</b>					
K1	wall	10.5	11.25	not permitted	waiver
L1	wall	22.5	45.5	permitted	
K2	wall	10.5	11.25	not permitted	waiver
L2	wall	22.5	45.5	not permitted	waiver

A user in a multi-tenant development is permitted one wall sign, with a size not to exceed one square foot per two lineal feet of frontage; maximum 198-square foot wall sign permitted on the newly-expanded Kroger façade. Signs A, B, G, and J will be wall signs on the east (main) entrance of the Kroger store. Sign A will be a 290.5-square foot store identification sign; B will be a 45-square foot sign indicating the location of the pharmacy drive through window; G will be a 120.7-square foot sign indicating grocery pick up location; J will be a 25-square foot sign for an ancillary store tenant. The applicant is proposing three signs and 283 square feet of signage beyond what is permitted by the Ordinance.

Signs E and F, 3.9 and 2.75 square feet, respectively, will be wall signs over the pharmacy drive through window canopy on the newly expanded south elevation; these signs will indicate the entrance and exit to the drive through window. Sign H will be a wall sign on the south façade of the canopy and will indicate the location of the pharmacy drive through window. Staff does not believe that sign E will be visible from off-site views and would be exempt from the sign ordinance.

Signs K and L will be wall signs on the gas station canopy of the Kroger gas kiosk at 9528 Chilson Commons Circle. One wall sign no larger than 48 square feet would be permitted. The

applicant proposes two Kroger logo signs and two electronic gas station price signs for a total of 113.5 square feet.

Sign P in the packet provided by the applicant is a replacement of the store name on the existing, previously approved freestanding sign at the entrance to the shopping center from M-36 and is not a subject of this request.

All signs will be internally illuminated channel set letters with the exception of the gas station canopy prices signs which will be backlit LED.

Additionally, there are proposed parking lot signs that are exempt from the sign ordinance requirements because they are not intended to be visible from the right-of-way (Section 36-473).

### **Site Plan Review Standards**

#### **Section 36-73 (7) Standards for Site Plan Review:**

**L. 7. Signs, landscaping, lighting and other site elements shall be coordinated and compatible with the building design, as well as harmonious with other nearby developments. Developments shall provide site features such as decorative entry signs, ornamental lighting, pedestrian plazas and/or pedestrian furniture.**

The freestanding monument sign was approved through the HPUD approval and the channel letter change is permitted under the current zoning ordinance.

The wall signs, other than the gas station canopy signs, will all be coordinated, proportional to the building facades to which they are affixed, and compatible to the building design. The gas station canopies are typical gas price signs and are no larger than the width of the canopy face. The signs will not be obtrusive to the motorists on M-36 or Chilson Commons Circle.

### **Sign Ordinance Regulations:**

The channel set letters on the freestanding sign and all proposed wall signage, except for the gas price canopy signs, will be internally illuminated channel letters. All illuminated signs are required to meet the following sign ordinance requirements from **Section 36-472:**

1. **Timer Controls:** Illuminated signs shall be equipped with a functional timer control. Signs shall not be illuminated after 10:00 pm or one half (1/2) hour after the use of the site ends for the day, whichever is later, nor before 6:00 am or one half (1/2) hour before the beginning of the use of the site for the day, whichever is earlier.
2. **Backlighting:** Signs with internal illumination shall have the lettering and graphics in a lighter color than the background to the maximum extent practical.
3. **Frequency:** On signs with messages that change, they may change no faster than once every 10 seconds.
4. **Flashing and Animation:** Flashing or animated affects are not allowed, including but not limited to scrolling, fading in, video clips, moving characters or lettering.

5. Illumination used to attract business is only permitted as allowed above. All other illumination to attract business is not allowed except through Section 36-479. (examples: Spot or Search Lights, Lights strips around windows and doors, etc.)

Additionally, the signs lighting standards from Section 36-295, below, must be met.

**Sec. 36-295 (e) Sign Lighting Standards.**

1. Indirect illumination of signs, canopies and buildings is permitted provided a maximum 125-watt bulb is utilized and there is no glare.
2. The use of laser light source, searchlights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
3. Luminous tube and exposed bulb fluorescent lighting is prohibited as part of a sign provided the proposed luminous tube or exposed bulb fluorescent lighting is determined to be consistent with the architectural character of the building.
4. Internally illuminated signs shall have a minimum of 60% of the sign face composed of an opaque surface which allows no light to transmit through.

**Section 36-479: Sign Regulation Waivers**

The Planning Commission shall have the ability to waive or modify any of the regulations in Article XIII, provided that the following criteria are met. A waiver granted under this section shall apply for the lifespan of the sign in question, but shall not be transferable to any other sign or premises.

- 1) If more than one sign is proposed as a part of the project or the sign is part of a non-residential multi-tenant development the signs shall be submitted as a part of a sign program for the entire site.**

The information submitted for the proposed signs does not offer alternative sign designs so the submitted sign package would be considered the sign program for these sites. Any future wall signage would have to follow the same color scheme, channel set letters, at this height and size and in the proposed locations on the east and south facades, as well as the gas station canopy and the freestanding sign. Other than signs that fall under Section 36-473, Exempt Signs, no further signage would be permitted at this site without amending the sign program and approval of the Planning Commission.

Suggested condition: all non-permitted signage, including banners, flags, and temperate signage shall be removed prior to issuance of final zoning compliance for the sign permits.

- 2) The proposed sign does not endanger the public health, safety, and welfare by virtue of being distracting to drivers, obscuring vision, being unnecessarily bright, being designed or constructed poorly, or in any other way.**

None of the proposed signs will endanger the public health, safety, and welfare by virtue of being distracting to drivers, obscuring vision, being unnecessarily bright, being designed or constructed poorly, or in any other way.

The existing freestanding monument was approved as part of the HPUD agreement.

The wall signs are not likely to be distracting to drivers due to being unnecessarily bright, nor are they likely to pose a safety hazard to pedestrians due to poor design or installation.

Sign G for the grocery pick-up area and signs E, F, H identify the pharmacy drive through and will aid in moving traffic through the area in an organized manner.

**3) A sign meeting the regulations of this Article would not meet the needs of the use on the subject site.**

Given the building setback from the right-of-way M-36, the curve along this portion of M-36, and the height of the building granting the waiver requests for the wall signs for the east and south Kroger facades would not be inappropriate. The building is set back from M-36 by approximately 350 feet, and the four larger wall signs would not be conspicuously large or out of scale to the building or surrounding area.

Additionally, sign F on the south elevation will be a minor size compared to the facade (sign F is 3.9 square feet) and will not likely impact the property adjacent to the east and will likely not be visible from the M-36 ROW. Signs E, F, and H will help direct flow of traffic to and through the pharmacy drive through area.

The gas station price signs, while an increase in size beyond what is existing, will help aid motorists on M-36 and Chilson Commons Circle in identifying the gas station and gas prices. The two signs of this type are not uncharacteristic for gas station and are not likely to be distracting or detract from the aesthetic of the shopping center.

The sign ordinance does not contemplate larger retail users such as Kroger. Staff believes that granting a waiver for the additional proposed wall signage is appropriate for identifying the services that the store provides.

**4) The proposed sign utilizes high quality materials and design.**

The existing monument sign is consistent with the elevations of the shopping center. The wall signs are internally illuminated channel set letters and will be high quality materials.

**5) Signs shall be in harmony and consistent with the architecture of the building and relate to the features of the building in terms of location, scale, size, color, lettering, materials, and texture.**

The architectural design of the existing freestanding monument sign does match the architectural façade treatment of the building, which received Planning Commission approval. The scale, size, color, letter, materials, and texture of all signs under consideration for the waiver, both the freestanding and wall signs, all are consistent with the design of the building, the scale of the building, and the materials relate well to the façade treatment.

**6) The design of the sign shall be consistent with the character of the surrounding area.**

The proposed signs are consistent with the character of the surrounding area in terms of quality of design, materials, size, and scale.

**7) The sign does not block the view of other nearby signs to the extent that it would harm**

**the ability of neighboring businesses to operate.**

This standard would apply to the freestanding monument sign. The monument sign does not block the view of other nearby signs and was previously approved with the HPUD agreement.

**8) The sign will not be a nuisance to any residential uses.**

All signs are more than 450 feet away from the nearest residential use and are not likely to be a nuisance to those uses due to brightness, number, location, or size.

**Recommendations:**

The Planning Commission should review and discuss the proposed sign waiver and make a motion to approve or deny the waivers for signs A, B, E, F, G, H, J, K, and L.

**Motion to approve waiver at 9700 Chilson Commons Circle:**

The Planning Commission approves the requested sign waivers at 9700 Chilson Commons Circle to permit (*please indicate specific signs A, B, E, F, G, H, or J*) because the project meets the sign waiver requirements in Section 36-479 in the township zoning ordinance as stated at the meeting and in the staff report.

**Motion to approve waiver at 9528 Chilson Commons Circle:**

The Planning Commission approves the requested sign waivers at 9528 Chilson Commons Circle to permit (*please indicate specific signs K or L*) because the project meets the sign waiver requirements in Section 36-479 in the township zoning ordinance as stated at the meeting and in the staff report.

**Motion to deny waiver at 9700 Chilson Commons Circle:**

The Planning Commission denies the requested sign waivers at 9700 Chilson Commons Circle to permit (*please indicate specific signs A, B, E, F, G, H, or J*) because the project does not meet the sign waiver requirements in Section 36-479 in the township zoning ordinance as stated at the meeting and in the staff report.

**Motion to approve deny at 9528 Chilson Commons Circle:**

The Planning Commission denies the requested sign waivers at 9528 Chilson Commons Circle to permit (*please indicate specific signs K or L*) because the project does not meet the sign waiver requirements in Section 36-479 in the township zoning ordinance as stated at the meeting and in the staff report.

**Exhibits:**

Exhibit A: Site Plan Application and materials for the proposed sign waiver