

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS AGENDA
JULY 11, 2017 7:00 PM
VAN BUREN TOWNSHIP HALL
Board of Trustees Room
46425 Tyler Road**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Chair Robert McKenna	_____	Vice-Chair Amos Grissett	_____
Corresponding Secretary Joe Barnabei	_____	Commissioner Edward Miller	_____
PC Representative Byron Kelley	_____	Commissioner David Senters	_____
Trustee Kevin Martin	_____	Director Ron Akers	_____
Alternate Aaron Sellers	_____	Deputy Director Matthew R. Best	_____
Recording Secretary Anna Halsted	_____		

ACCEPTANCE OF AGENDA

MINUTES: Approval of minutes from February 14, 2017

CORRESPONDENCE

PUBLIC COMMENT

UNFINISHED BUSINESS

NEW BUSINESS

1) MEIJER INC.

Case # BZA 17-002
Location: Parcel Number V-125-83-058-99-0006-705 (9701 Belleville.) The site is located on the east side of Belleville Road between Tyler Road to the north and I-94 to the south.
Requesting: The applicant is requesting a variance from the following sections of the Charter Township of Van Buren Zoning Ordinance:

- **Article 8, Section 8.105(c): Height. The height of light fixtures shall be measured**

from the finished grade to the top of the fixture. All lighting fixtures in non-industrial districts shall not exceed twenty-five (25) feet in height. In industrial districts and the OT, Office Technology District, the Planning Commission may approve lighting fixtures up to a maximum height of thirty-five (35) feet if the proposed lighting over twenty-five (25) feet in height has no adverse impacts on the surrounding land uses and on the natural environment. The proposed height of the lighting fixtures will be 32.5 feet.

- A. Presentation by Township Staff.
- B. Presentation by the Applicant.
- C. Public Hearing
- D. Board of Zoning Appeals discussion.
- E. Board of Zoning Appeals action.

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION

ADJOURNMENT

CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS
Tuesday - February 14, 2017
MINUTES

The Meeting was called to order at 7:02pm in the Board of Trustees room by Chairperson McKenna.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: McKenna, Grissett, Martin, Sellers
Absent Excused: Barnabei, Kelley, Miller, Senters
Staff: Best, Akers, Halstead
Audience: 4

ACCEPTANCE OF AGENDA:

Motion to accept agenda as presented Martin, Seconded by Grissett.
Motion Carried

APPROVAL OF MINUTES: Motion to approve minutes from December 13, 2016 Grissett, Seconded by Sellers.
Motion Carried

CORRESPONDENCE: None

PUBLIC COMMENT: None

UNFINISHED BUSINESS: None

NEW BUSINESS

1.) MENARD, INC.

Case # BZA 17-001
Location: Parcel Number V-125-83-061-99-0005-721, which is vacant. The site is located on the west side of Belleville Road between Tyler Road to the north and I-94 to the south.

The applicant is requesting a variance from the following sections of the Charter Township of Van Buren Zoning Ordinance:

- **Article 13, Section 13.03(c)(5): All materials stored outdoors shall not be piled to a height of more than 6 feet.** The proposed height of the uncovered materials stored outdoors on the south and west sides of the building is 14 feet.
- **Article 4, Section 4.23 (Total Signage): The total permitted area of outdoor signage is 339 square feet.** The total proposed signage is 407.7 square feet.
- **Article 4, Section 4.23 (Building Wall Signage): The total permitted area of**

wall signage on a building is 200 sq. ft. The proposed wall signage on the principal building is 317.7 square feet.

- **Article 4, Section 4.23 (Directional Signage):** Directional signage is permitted, provided they do not exceed 6 sq. ft. in area of 4 feet in height. 1 “IN” and 2 “OUT” signs are proposed to be 17.5 feet high, 1 lumber yard entrance sign and 1 thank you sign are proposed to be 24 sq. ft. and 19 feet high.

Best gave the staff recommendation for approval of the requested variances by Menards Inc. He stated the variances have expired due to lack of work commencement after their approval on February 9, 2016.

Representative, Scott Nuttelmen, from Menards Inc. gave a presentation of their request for variances. He went over the changes to their signage.

Motion to open Public Hearing Martin, Seconded by Grissett. Motion Carried. Public hearing opened at 7:27.

Comment from audience regarding the traffic and safety of the sidewalk connection. The audience concerns were addressed after the meeting due to it nor pertaining to the variance request.

Motion to close Public Hearing Grissett, Seconded by Sellers. Motion Carried. Public hearing closed at 7:30

Martin motioned, seconded by Sellers to approve the following...

1. Approve the requested variance from Article 13, Section 13.03(c)(5) to permit outdoor storage of materials to a height of 14 feet – 8 feet greater than the maximum height of 6 feet permitted, based on the following findings and conclusions:
 - a. All outdoor storage greater than 6 feet in height will not be “piled” as regulated by the Ordinance. The materials will be stacked, organized, securely bound, and palletized within an engineered steel rack specifically designed to bear the load of materials, and will only be accessed by employees. To allow outdoor storage higher than 6 feet that is contained in the proposed rack system, and not in piles as limited by the Ordinance will do substantial justice to the applicant and other property owners in the district.
 - b. All outdoor storage will be screened by the main building, the warehouse building, the 14-foot high pallet racking building, and 14-foot high fence which will enclose the outdoor storage area. Light, air and public safety will not be negatively impacted if the variance is granted.
 - c. Strict compliance with the 6 foot height limit on piled materials stored outdoors is unnecessarily burdensome in this case where the outdoor storage is stacked,

organized, securely bound, and palletized within an engineered steel rack, not in piles as regulated by the Ordinance

- d. The proposed outdoor storage meets all the standards of Sections 19.07.3 and 19.07.4 of the Zoning Ordinance, as stated in the McKenna letter.
2. Approve the requested variance from Section 4.23 to permit the total area of outdoor signage to be greater than the area permitted, to a total of 407.7 square feet, based on the following findings and conclusions:
 - a. Permitting an area of 407.7 square feet for total outdoor signage meets all the standards of Sections 19.07.3 and 19.07.4 of the Zoning Ordinance, as stated in the McKenna letter.
 - b. Requiring compliance with the maximum permitted outdoor signage area of 290 square feet is unnecessarily burdensome.
 - c. Allowing total signage of 407.7 square feet does do substantial justice to surrounding commercial property owners and does substantial justice to the applicant.
 - d. Drivers along Belleville Road can identify Menards from the conforming 90-square foot monument sign along Belleville Road.
 3. Approve a modified variance from Section 4.23 to permit 317.7 square feet of wall signage on the main building – 117.7 square feet greater than the maximum area of 200 square feet permitted, based on the following findings and conclusions:
 - i. With Section 4.23 permitting 339 square feet of outdoor signage and the maximum allowable monument signage of 90 square feet proposed, 249 square feet remain which can only be used for building signage; however, the Zoning Ordinance only permits a maximum area of 200 square feet.
 - ii. Limiting the main wall sign to be not more than 200 sq. ft. is unnecessarily burdensome and would not do substantial justice to the applicant and surrounding property owners.
 - iii. A unique circumstance exists because the Menards building is setback about 500 feet from Belleville Road and will be somewhat screened from direct view from Belleville Road when the out lots are developed in the future. A larger wall sign area than permitted by the Zoning Ordinance will improve visibility of the building from Belleville Road, and will do substantial justice to the applicant and to other property owners in the district.
 - iv. Permitting an area of 317.7 square feet for wall signage on the building meets all the standards of Sections 19.07.3 and 19.07.4 of the Zoning Ordinance, as stated in the McKenna letter.
 4. Approve variances from the maximum height (4 feet) and area (6 square feet) requirements for directional signs in Section 4.23 to permit the 1 "IN" and 2 "OUT" signs to be 17.5 feet high, and 1 lumber yard entrance sign and 1 "Thank you" sign to be 24 square feet and 19 feet high, based on the following findings and conclusions:

- a. Permitting the requested area and height of directional signs meets all the standards of Sections 19.07.3 and 19.07.4 of the Zoning Ordinance, as stated in the McKenna letter.
- b. A practical difficulty exists because strict compliance with the height and area limits for directional signage is unreasonably burdensome for a large home improvement store that relies on higher and larger directional signage to promote safe ingress to and egress from the yard area for large trucks and customers. As such, a unique circumstance exists for this property as well as any other property of a large home improvement store that must have directional signage for customer traffic to and from a yard area.
- c. The area and height of the proposed directional signage is the minimum necessary to be visible to vehicles approaching the yard entrance/exit area.

Motion carried with four votes. Variances Approved.

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION: Martin thanked Mr. Nuttleman for being at the meeting and representing Menards Inc.

Akers let commission members know of the classes/training available to them.

Motion Grissett, seconded by Sellers to adjourn at 7:42 p.m.

Motion Carried

Respectfully submitted,

Anna Halstead, Recording Secretary



Memo

TO: Van Buren Township Board of Zoning Appeals

FROM: Matthew R. Best, M.S.
Deputy Director of Planning and Economic Development

RE: BZA 17-002 – 9701 Belleville - Meijer

DATE: June 30, 2017

Staff has reviewed the above referenced application submitted by the owners for the upgrade of existing lighting poles with new lighting poles and LED fixtures, which are proposed to be installed in the parking lot at 9701 Belleville. The lot is 39.38 acres and is zoned C-2, Extensive Highway Business District.

BACKGROUND

The subject site is located south of Tyler Road, east of Belleville. The lot is approximately 39.38 acres and is zoned C-2 (Extensive Highway Business District). There is an existing Meijer store on the property surrounded by off-street parking. The parking lot is currently lit with lighting poles of various heights, 20 to 35 feet. The applicant proposes to upgrade all the lighting in the parking areas with new lighting poles and LED fixtures. The proposed lighting would include eighteen (18) new 30 foot poles with LED fixtures.

The Zoning Ordinance requires all lighting fixtures in non-industrial districts shall not exceed twenty-five (25) feet in height.

VARIANCE REQUESTED

Article 8, Section 8.105(C) (Exterior Lighting Height): All lighting fixtures in non-industrial districts shall not exceed twenty-five (25) feet in height.

Property has eighteen existing lighting poles of various heights (20 to 35 feet) and the applicant is proposing to replace all the existing poles with 30 foot poles with new LED lighting. These poles will sit on existing electrical circuit bases, making the total proposed height 32.5 feet.

COMMENTS

In accordance with Sections 19.07.3 and 19.07.4 of the Van Buren Township Zoning Ordinance, the BZA must determine whether a practical difficulty has been demonstrated and make findings regarding several factors prior to acting on a proposed variance. Additional information brought

forward by the Board, the applicant, and/or during the public hearing should be incorporated into the record prior to any findings being made. Staff comments on each of the requested variances are as follows:

1. Reasonable and Necessary

That strict compliance with the area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose and would render the conformity unnecessarily burdensome for other than financial reasons.

The applicant could install new lighting on the property in compliance with the height limits permitted in the Zoning Ordinance. This would require installing 22.5 foot tall poles on the existing bases. This would create areas in the parking lot without sufficient lighting. Without adding additional light poles to allow to the parking area, you would still not be in compliance with the zoning ordinance. Adding lighting poles for strict compliance with the zoning ordinance would cause a loss of required parking spaces and significant excavation and reconstruction of the parking lot. Therefore, strict compliance with the Zoning Ordinance would unreasonably prevent the owner from using the property and it would render conformity to the Zoning Ordinance unnecessarily burdensome.

2. Substantial Justice

Granting the variance would do substantial justice to the applicant, as well as to other property owners in the district.

Granting the requested variance from the 25 foot lighting fixture height limit would provide the applicant with a benefit and relief, and would do substantial justice to the immediately adjacent property owners who may have to replace existing fixtures with new ones in the future in order to comply with the Zoning Ordinance, while also reducing light pollution caused by the higher, existing poles.

3. Plight of Owner Due to Unique Circumstances

The plight of the owner is due to the unique circumstances of the property.

Based on our review, there is a unique circumstance associated with configuration of the site that warrant granting the requested variance from the 25 foot lighting fixture height limit to allow for the poles to be replaced with a higher pole. The property has 12 acres that are required to be lit 24 hours a day. The 12 acres currently have poles that are 35 feet in height that cause significant light pollution to adjacent properties. Replacing the poles on the existing bases with a down facing LED fixture will require a higher pole than allowed under the ordinance in order to stay in compliance with the lighting requirements.

4. Self-Imposed

The problem is not self-created.

The existing lighting met ordinance requirements when it was installed years ago. The current ordinance height restrictions were put in place June 2, 2017. The existing structures were legal non-conforming. The requested variance utilizes the existing light

pole bases while bring the existing non-conforming lighting closer to compliance for light coverage, height and reduction in light pollution.

5. Environmental Impacts

Will not impair an adequate supply of light and air to adjacent property or increase congestion on public streets.

The granting of the requested variance would not reduce the supply of light and air to the site and adjacent properties. Traffic congestion on the streets will not be impacted if the variances are granted.

6. Public Safety

Will not increase the hazard of fire or flood or endanger the public safety.

While granting of the requested variance improve the lighting on the site, which benefits the provision of public safety services in the area.

7. Property Values

Will not unreasonably diminish or impair established property values within the surrounding area.

The granting of the requested variance is not expected to significantly diminish or impair established property values within the surrounding area.

8. Community

Will not impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.

The granting of the requested variance will not have negative impacts on the community as a whole because while granting the requested variances may set a precedent for similar situations within the area, zoning district, and the Township as a whole, the variance allows exiting business with parking lots to replace lighting fixtures with more efficient LED lights that reduce light pollution while still maintain proper safe lighting levels.

9. Character of the Neighborhood

Will not alter the essential character of the neighborhood.

The granting of the requested variance will not alter the essential character of the neighborhood.

RECOMMENDATION

Based on the above analysis, Staff recommends the BZA take the following action:

Approve the requested variance from Section 8.105(c), **All lighting fixtures in non-industrial districts shall not exceed twenty-five (25) feet in height**, to allow for the height of 32.5 feet.

which reduces the non-conformity, keeps safe lighting levels and reduces light pollution in the area.

Based on the information submitted and the above analysis, the following findings are pertinent to the recommendation:

1. The applicant has demonstrated practical difficulties or unique circumstances for the requested variance as summarized in the comments above.
2. The granting of the requested variance would do substantial justice to other property owners in the district who will be required to comply with the Zoning Ordinance in the future.
3. The granting of the requested variance would decrease the existing legal non-conformity.
4. Granting of the requested variance would not reduce the supply of light and air to the site and adjacent lots. In fact, it would maintain safe lighting levels and reduce light pollution off site.

Respectfully submitted,

Matthew R. Best, M.S.
Deputy Director
Planning & Economic Development
Charter Township of Van Buren

CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS
July 11, 2017
7:00 P.M.
PUBLIC HEARING

The Charter Township of Van Buren Board of Zoning Appeals will hold a public hearing at Van Buren Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111 for the following variance request at the July 11, 2017 regular meeting:

1. **Case 17-002:** A request by Meijer, Inc., 9701 Belleville (Parcel ID# V-125-83-058-99-0006-705), otherwise known as Meijer, for a variance from the maximum allowable light pole height of 25 feet to a proposed 32.5 feet (Section 8.105(C).)

Please address any written comments to the Van Buren Township Board of Zoning Appeals at, 46425 Tyler Road, Van Buren Township, MI 48111 or via email at rakers@vanburen-mi.org. All materials relating to this request are available for public inspection at the Van Buren Township Hall prior to the hearing.

Van Buren Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Van Buren Township Planning & Economic Development department at 734-699-8913 at least seven (7) days in advance of the meeting if you require assistance.

Posted: June 22, 2017
Published: June 22, 2017



Case number _____

Dated submitted _____

Board of Zoning Appeals Application

APPLICANT AND CONTACT INFORMATION

Applicant Matthew Levitt Phone 616/791-3909

Property Owner (if different than applicant) Meijer, Inc. Phone 616/791-3909

Address 9701 Belleville Rd. Fax _____

City, State Belleville, MI Zip 48111 E-Mail Address mat.levitt@meijer.com

SUBJECT AND PROPERTY INFORMATION

Property Location: On the east Side of Belleville Road; Between Tyler Road and I-94 Road. Size of Lot Width 1,100 FT. Depth 1,095 FT. Acreage 26

Date Property Acquired and the Type of Ownership 1990; Fee Simple

State all deed, subdivision improvement and property restrictions in effect at this time, together with dates of expiration:

Wetlands Conservation Easement - perpetual (Liber 24508, page 741)

REASON FOR APPEAL

Variance to Zoning Ordinance Section (s) 19.07

Explanation of the Practical Difficulty of the Property as defined in Section 19.07 Please see attached Cover Letter

Explanation of request for Administrative Review Interpretation Please see attached cover letter

PHOTOGRAPHS AND PLANS

Photographs of the building and/or structures on site
Sketch plan or plot plan showing the dimensions of the lot and the existing and proposed setbacks

COMPLETION OF APPLICATION

Matt Levitt on behalf of
Print Property Owners Name Meijer, Inc.

Matt Levitt
Signature of Property Owner

6/9/17
Date

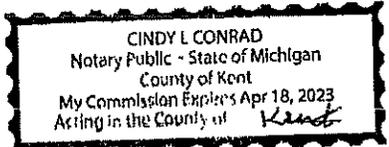
STATE OF MICHIGAN
COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this 9th day of June 2017.

Cindy L. Conrad Notary Public, Kent County, Michigan

My Commission expires April 18, 2023



Planning Fee Schedule Worksheet

6/13/2017

Project Name:		Meijers Parking Lot Lights Variance Request			
Project Number:		Case #17-002			
Acres, Units & Trees:	# of Acres:		Official Woodland Acres:		
	# of Units:		# of Trees Outside Wood.:		

ITEM	#	TOWNSHIP BASE	CONSULTANT BASE	AGRE FEE	UNIT FEE	TOWNSHIP TOTAL	CONSULTANT TOTAL	LINE ITEM TOTAL
Rezoning		\$600.00	\$600.00	\$10.00		\$0.00	\$0.00	\$0.00
Conditional Zoning Amendment, Reviews, Rezoning Contract and Conditions		\$1,500.00	\$1,500.00	\$30.00		\$0.00	\$0.00	\$0.00
Conditional Rezoning Contract and Conditions			Cost+20%				\$0.00	\$0.00
Special Land Use (new development)		\$800.00	\$800.00	\$10.00		\$0.00	\$0.00	\$0.00
Special Land Use (existing building, no site changes)		\$500.00	\$500.00	\$10.00		\$0.00	\$0.00	\$0.00
Concept Plan Review Only		\$350.00	\$350.00			\$0.00	\$0.00	\$0.00
*Additional Reviews by Consultant			Cost+20%					
Engineering Concept Plan Review Only			\$500.00	\$25.00				
							Sub-Total:	\$0.00
Site Plan Application (Non-Residential)								
Commercial Development		\$2,500.00	\$1,000.00	\$150.00		\$0.00	\$0.00	\$0.00
Industrial Development		\$2,500.00	\$1,000.00	\$150.00		\$0.00	\$0.00	\$0.00
Public or Semi-public Development			\$875.00	\$125.00	\$150.00	\$0.00	\$0.00	\$0.00
changes to Existing Use or Addition to Existing Use)		\$400.00	Minor Change			\$0.00	\$0.00	\$0.00
		\$1,250.00	\$500.00	Major/New Structure		\$0.00	\$0.00	\$0.00
* Additional reviews by Consultant			Cost + 20%					
Initial Engineering Deposit			\$2,500.00	\$25.00			\$0.00	\$0.00
							Sub-Total:	\$0.00
Site Plan Application (Residential)								
Site Condominium		\$2,500.00	\$750.00		\$15.00	\$0.00	\$0.00	\$0.00
Cluster Housing Development (PRD)		\$4,000.00	\$450.00		\$10.00	\$0.00	\$0.00	\$0.00
Multiple Family		\$3,000.00	\$400.00		\$10.00	\$0.00	\$0.00	\$0.00
Mobile Home Park		\$3,000.00	\$800.00		\$10.00	\$0.00	\$0.00	\$0.00
Condominium, PRD, Subdivision Documents			Cost +20%			\$0.00		
*Additional Reviews by Consultant			Cost+20%			\$0.00	\$0.00	\$0.00
Initial Engineering Deposit			\$2,500.00	\$25.00			\$0.00	\$0.00
Dev. Insitigated Rev. Approved Plat, Architectural Rev. Existing Developments		\$400.00	Cost	\$15.00	\$15.00	\$0.00	\$0.00	\$0.00
							Sub-Total:	\$0.00
Subdivision/Plat Review								
Sketch Plan Review		\$400.00	\$350.00		\$30.00	\$0.00	\$0.00	\$0.00
Site Plan Review(Tent. Preliminary Plat)		\$2,000.00	\$700.00		\$30.00	\$0.00	\$0.00	\$0.00
Preliminary Plat Review		\$600.00	\$500.00		\$15.50	\$0.00	\$0.00	\$0.00
Final Plat Review		\$700.00	\$600.00		\$15.50	\$0.00	\$0.00	\$0.00
*Additional Reviews by Consultant			Cost +20%				\$0.00	\$0.00
Initial Engineering Deposit			\$2,500.00	\$25.00		\$0.00	\$0.00	\$0.00
							Sub-Total:	\$0.00
Special Meetings								
Expedited Review		150% of cost	Cost+150%					\$0.00
Planning Commission		\$560.00	Cost + 20%			\$0.00	\$0.00	\$0.00
Board of Zoning Appeals-(Single Family Res.)		\$400.00	\$350.00			\$0.00	\$0.00	\$0.00
Board of Zoning Appeals(Non-Res./Multiple)		\$400.00	\$350.00			\$0.00	\$0.00	\$0.00
							Sub-Total:	\$0.00
Other Fees								
Variance Review-Single Family Residential & Agricultural		\$200.00	Cost			\$0.00	\$0.00	\$0.00
Variance Review-Multi-Family, Commercial, & Industrial		\$350.00	Cost					\$350.00
Zoning Verification		\$75.00				\$0.00		\$0.00
Replat/Change to Master Deed		\$250.00	\$250.00		\$75.00	\$0.00	\$0.00	\$0.00
Woodlands/Tree Removal		\$350.00	\$700.00	\$60.00	\$3.00	\$0.00	\$0.00	\$0.00
Tree Replacement(per tree)					\$350.00	\$0.00	\$0.00	\$0.00
Lot Split Review		\$75.00	\$350.00			\$0.00	\$0.00	\$0.00
Accessory Structure Modification		\$250.00				\$0.00		\$0.00
Fire Department Site Plan Review		\$400.00						\$0.00
Temporary Land Use/Special Event Permit		\$1,250.00				\$0.00		\$0.00
Wireless Equipment Administration Review		\$400.00	\$450.00			\$0.00	\$0.00	\$0.00
Grass & Weeds Mowing/Blight/Property Maintenance Administrative Fee (Ordinance)					Cost+ \$100.00			\$0.00
Developer Initiated Master Plan or Zoning Amendments		\$1,500.00	cost+20%			\$0.00		\$0.00
							Sub-Total:	\$0.00
Grand Total:								\$360.00
Sub-Total by Fee Category		Township Fee Total	Consultant Fee Total	Engineering Fee Total	Fire Department Total			
		\$350.00	\$0.00	\$0.00	\$0.00			
Account No.		101-000-485-001	101-000-286-000	592-000-286-000	101-000-628-001			



Meijer Real Estate

Matthew Levitt
Real Estate Manager-Property Sales
Telephone: (616) 791-3909
matt.levitt@meijer.com

June 13, 2017

Van Buren Township Board of Zoning Appeals
c/o Mr. Ron Akers, Director of Planning and Economic Development
46425 Tyler Rd.
Van Buren Twp, MI 48111

Dear Board Members:

This letter is in support of Meijer's request for the granting of a variance regarding the height restriction of site lighting in the parking lot at the Meijer store located at 9701 Belleville Rd. Meijer is currently seeking to upgrade the existing site lighting poles and fixtures at its store and replace the older style lights with brand new LED fixtures. Under the previous ordinance when the existing fixtures were installed, Meijer met all of the requirements for height and have thus far been grandfathered as the height restrictions have been reduced.

Currently, there are poles ranging from 20 feet to 35 feet tall on the Meijer property. Meijer does not plan to exceed the existing heights with the new poles, and in fact is looking to reduce all of the 35' poles to 30' tall and then match all of the other pole heights as existing. The benefit to the new LED lights are significant: there will be better light coverage in the parking lot and drive areas, the lighting will be far more energy efficient, and the lights will eliminate light pollution leaving the Meijer property.

It is Meijer's understanding that the current height limit for site lighting is 30'. The need for the variance stems from the fact that Meijer will continue to use the existing electrical circuit, which is housed in two and a half feet tall bases where each light pole exists and new poles will be installed. This means that with the 18, 30' tall poles to be installed, they will exceed the height restriction by a mere 2.5 feet.

Under Section 19.07 of the Belleville Township Zoning Ordinance, the Zoning Board of Appeals is able to grant relief from the ordinances if the applicant is able to demonstrate certain criteria. Each criteria is responded to in order as follows:

- a) Strict compliance would cause Meijer to be under lit and would present safety issues for the store to continue operating. Lighting would be at insufficient levels outside of areas directly under polls if they were all at a height that met site lighting restrictions. Vehicles and pedestrian traffic, both of which are present in the parking lot, may struggle to see each other, which is an unacceptable risk.
- b) Allowing Meijer to proceed with the proposed heights would provide substantial justice to the applicant by approving an appropriate site lighting plan and actually



would help neighboring properties as well because the light pollution that is currently seeping off of the Meijer site with the older fixtures would be reduced, if not eliminated.

- c) The Meijer property is unlike almost any other property in the area as it is approximately 26 acres in size and more than half of that needs to be lit as Meijer operates in a 24 hour format. The store is approximately 27 years old and a requirement to reformat the lighting to different areas would be extremely disruptive to operations as well as neighboring properties. Where most operators only have lights surrounding their parking areas, Meijer has lights throughout the areas where customers park and walk.
- d) The existing system is grandfathered in as it was conforming when built, but the new restrictions instituted by the township now create a scenario that Meijer did not create. It is important for Meijer to continue modernizing and improving energy efficiency as that is an expectation of customers and municipalities.

As for the standards of approval to be addressed, Meijer believes that its application should be granted for the following reasons:

- a) This project will have no effect on neighboring properties or public streets. This will better work in conjunction with existing surrounding systems and infringe less upon other businesses.
- b) This variance would not increase fire or flood danger, and would actually increase public safety as the site will now be lit to industry standards instead of having dark areas in the parking lot if height restrictions were met with the new poles.
- c) This is a capital investment on Meijer's part that will have no effect on property values in the vicinity.
- d) This will be a noticeable benefit, and will have no drawbacks to the community.
- e) The site will be brighter and better lit, the spillage that currently exists will be eliminated.

Enclosed with this cover letter and application, I have included a couple of exhibits for review by the board members. Exhibit A is a letter from our consultant for this project explaining the reasoning for Meijer's plan being designed the way it is. Exhibit B is a photometric study that shows light levels should Meijer's plan be approved and installed.

Meijer looks forward to working with the ZBA to address any concerns this application may raise and continue to provide the community with a safe place to shop.

Thank you for your time.

Sincerely,

A handwritten signature in black ink that reads "Matthew Levitt". The signature is written in a cursive style.

Matthew Levitt
Real Estate Manager
Meijer, Inc.



Michigan Lighting Systems West
2741 North Rockledge Dr.
Grand Rapids, MI 49508

Phone: 616-725-1115
Fax: 616-725-1122
www.michiganlightingsystems.com

08/06/2015

Meijer
Properties/Capital Projects Construction
2350 Three Mile Rd. NW
Grand Rapids MI 49544
Attn: Nathan Hewer

Re: Store 72 LED Lighting Upgrade

Dear Nathan ,

The area lighting at this location consists of 400 watt and 1000 watt Metal Halide fixtures. Our proposed design to replace the luminaires with LED Edge HO products will result in substantial energy savings and full cutoff lighting control. This will result in a more uniform lighting environment without any light emitted above 90 degrees into the night sky . The existing fixtures have a large luminous lens, which appears as a bright object from all viewing angles on the property and beyond. The proposed LED fixtures have a very low profile and do not have a bright luminous lens that can be viewed from a distance.

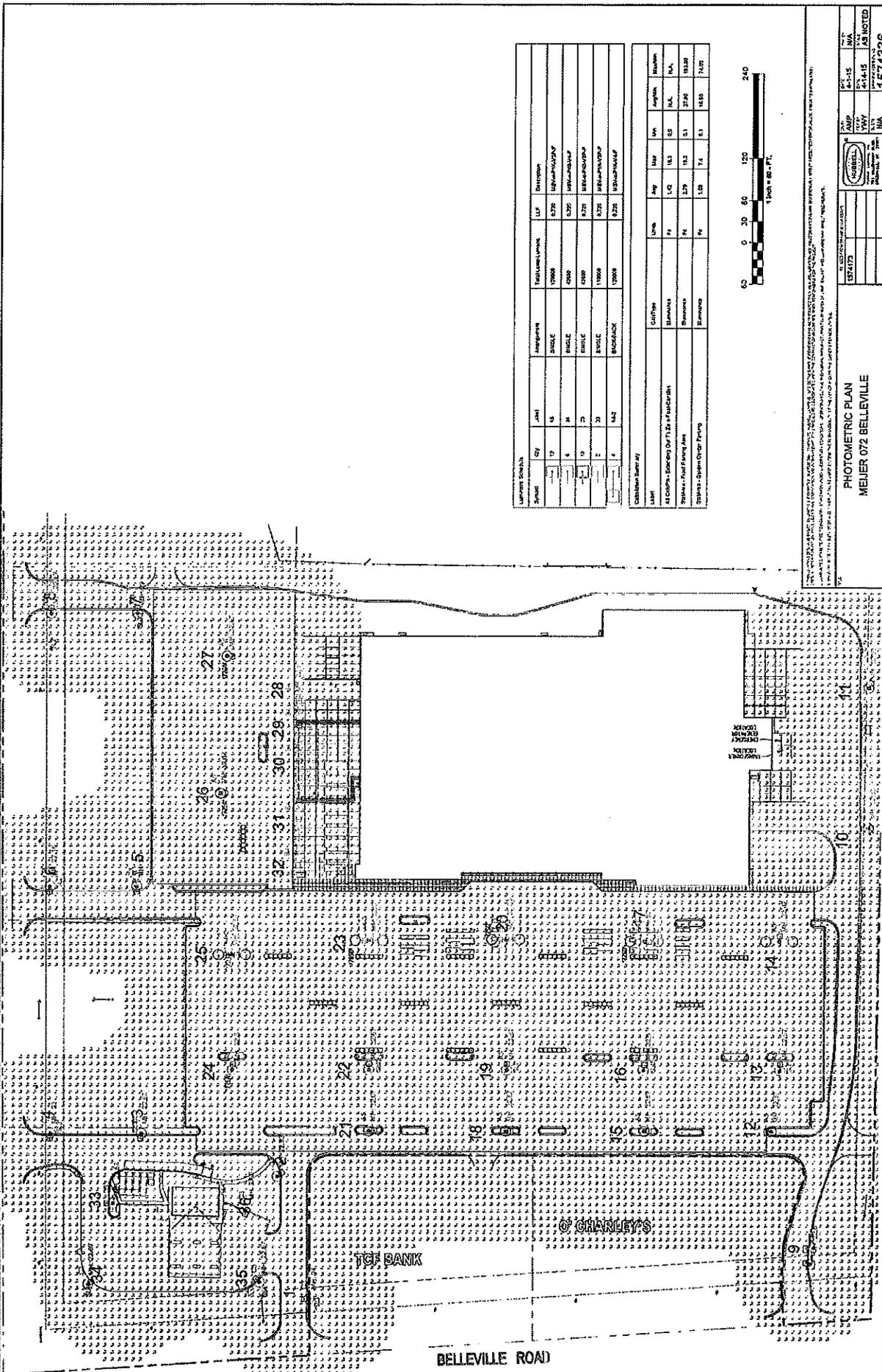
We reduced the existing 35' and 39' pole locations to 30' and still met IES (Illuminating Engineering Society) recommended lighting levels for parking lot /drive aisle applications. We do not advise lowering the mounting height any lower at these locations as we will not meet minimum lighting criteria for customer safety, especially mid-point areas between poles. Adding fixtures on shorter poles will still not raise the mid-point light levels, in addition we would exceed recommended lighting uniformity ratios.

If you have any questions regarding the proposed LED lighting design, please feel free to call me.

Regards,

Jeff Adams
President
Michigan Lighting Systems

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Spot/	City	Height	Dist	Dist	Dist
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
7	7	7	7	7	7
8	8	8	8	8	8
9	9	9	9	9	9
10	10	10	10	10	10
11	11	11	11	11	11
12	12	12	12	12	12
13	13	13	13	13	13
14	14	14	14	14	14
15	15	15	15	15	15
16	16	16	16	16	16
17	17	17	17	17	17
18	18	18	18	18	18
19	19	19	19	19	19
20	20	20	20	20	20
21	21	21	21	21	21
22	22	22	22	22	22
23	23	23	23	23	23
24	24	24	24	24	24
25	25	25	25	25	25
26	26	26	26	26	26
27	27	27	27	27	27
28	28	28	28	28	28
29	29	29	29	29	29
30	30	30	30	30	30
31	31	31	31	31	31
32	32	32	32	32	32
33	33	33	33	33	33



PHOTOMETRIC PLAN
 MENIER 072 BELLEVILLE

DATE: 11/15/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: 1574336

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area so as to not interfere with the vision of persons on adjacent highways or adjacent property. Such lighting shall be shielded in such a manner as to minimize or eliminate light pollution and sky glow.

- (C) **Height.** The height of light fixtures shall be measured from the finished grade to the top of the fixture. All lighting fixtures in non-industrial districts shall not exceed twenty-five (25) feet in height. In industrial districts and the OT, Office Technology District, the Planning Commission may approve lighting fixtures up to a maximum height of thirty-five (35) feet if the proposed lighting over twenty-five (25) feet in height has no adverse impacts on the surrounding land uses and on the natural environment.
- (D) **Signs.** Illumination of signs shall be in accordance with Article 11.
- (E) **Prohibited Lighting.**
 - (1) **Flashing or Moving Lights.** All illumination of outdoor features of a flashing, moving, or intermittent type are prohibited.
 - (2) **Recreational Facility Lighting.** No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m., except to conclude a permitted recreational or sporting event or other activity already in progress prior to 11:00 p.m.
 - (3) **Outdoor Building and Landscaping Lighting.** Unshielded illumination of the exterior of a building or landscaping is prohibited except outdoor residential lighting of 100 watts (or equivalent) or less and outdoor non-residential lighting of 50 watts (or equivalent) or less.
 - (4) **Mercury Vapor and Wall Pack Lighting.** The installation of mercury vapor fixtures is prohibited. Wall pack fixtures are also prohibited, except where the lens is fully shielded.
 - (5) **Laser Source Light.** The use of laser source light or any similar intensity light for outdoor advertising or entertainment is prohibited.
 - (6) **Searchlights.** The operation of searchlights for advertising purposes is prohibited.
- (F) **Exempt Lighting.** The following exterior lighting fixtures and systems are exempt from the regulations of this section. The Planning Director reserves the right to enforce standards to minimize glare, reduce light pollution, and otherwise protect the health, safety, and welfare of the public.
 - (1) Light fixtures places by a governmental agency on public property.
 - (2) Decorative holiday lighting fixtures.
 - (3) Pedestrian walkway lighting.
 - (4) Light from the burning of fossil fuels, such as in gas lamps.
 - (5) Temporary festival and civic lighting.