

**City of Rochester Hills
Department of Planning**

STAFF REPORT TO THE SIGN BOARD OF APPEALS

March 17, 2008

M59-Crooks Business Park Off-Premises Real Estate Sign	
APPLICANT	Avon Star LLC 26100 American Drive, Suite 600 Southfield, Michigan 48034
LOCATION OF PROPOSED SIGN	Northwest Corner adjacent the parcel located at Crooks Road and Avon Industrial Drive
SIDWELL	15-29-228-004
FILE NO.	06-013
ZONING	B-3 (Shopping Center Business)
STAFF	Derek Delacourt, Deputy Director
REQUEST	Off-Premises Real Estate Sign

SITE DESCRIPTION

The M59-Crooks Business Park is located on the south side of Avon Industrial Drive, and is comprised of Parcel Identification Numbers 15-29-276-005 through 010.

The location of the proposed off-premises real estate sign is in the public right-of-way of Avon Industrial Drive. The parcel immediately adjacent to the public right-of-way is zoned B-3 (Shopping Center Business). The sign will be located adjacent to the southeast corner of that parcel which consists of a strip mall and a bank.

The northeast corner of Crooks and Star Batt Drive is zoned I-1 (Light Industrial); the southeast corner of Crooks and Avon Industrial is zoned B-5 (Automotive Service), and the immediate southwest corner of Crooks and Star Batt is zoned B-5 (Automotive Service).

SUMMARY

The applicant is requesting an off-premises real estate sign advertising the M59-Crooks Business Park. The business park is located on the south side of Avon Industrial Drive, behind the Classic Lanes Bowling Alley, and is not readily visible from the corner of Crooks Road and Avon Industrial Drive. The M59-Crooks Business Park does not have any property along Crooks Road where a sign could be located.

In August, 2006, the applicant previously obtained permission from the property owner of Parcel No. 15-29-228-004 to locate an off-premise sign identifying the business park on that parcel. At that time, the Sign Board of Appeals granted the off-premises sign permit to locate the sign in the proposed location of the plans submitted at that meeting.

Since that time, the owner of the strip mall has changed and the new owner will not allow the applicant's sign on the strip mall property.

The applicant is, therefore, requesting the Sign Board of Appeals to allow him to place the sign in the public right-of-way immediately adjacent to the strip mall property.

Section 134-109(b) (Signs in public rights-of-way) states, in part:

“It shall be unlawful for any person to post or place any sign within any public right-of-way within the city, except signs authorized by the county road commission, the state transportation commission or the city.”

Section 134-115(a) of the City's Sign Ordinance prohibits off-premises signs.

Section 134-115(c) prohibits off-premises signs in public rights-of-way.

REQUESTED ITEMS

Item #1: A request to allow one (1) off-premise real estate sign permit to be located in the right-of-way located immediately adjacent to Parcel Number 15-29-228-004, pursuant to Section 134-109(b) of the Code of Ordinances, to advertise the M-59-Crooks Business Park. The Business Park is located on the south side of Avon Industrial Drive, and consists of Parcel Numbers 15-29-276-005 through 15-29-276-010.

Item #2: A request to permit one (1) off-premises real estate sign pursuant to Section 134-115(a) of the Code of Ordinances, which prohibits the maintenance of any sign that is not an on-premises sign.

Item #3: A request to permit one (1) off-premises real estate sign to be located in a public right-of-way pursuant to Section 134-115(c) of the Code of Ordinances, which prohibits off-premises signs from being located in the public right-of-way.

ANALYSIS

The applicant is requesting one (1) off-premises sign to advertise the M-59-Crooks Business Park. The sign is to be located on in the public right-of-way of Avon Industrial Drive, west of Crooks Road, immediately adjacent to parcel 15-29-228-004, which is located at the northwest corner of Crooks Road and Avon Industrial Drive.

Off-Premises signs are prohibited by the City's Sign Ordinance unless permitted by the City's Sign Board of Appeals.

The business park is physically situated behind the Classic Lanes Bowling Alley, and has no direct exposure or visibility to Crooks Road.

Although the applicant previously had permission to locate an off-premises real estate sign on the property belonging to the strip mall located at northwest corner of Crooks Road and Avon Industrial Drive, the current owner of the strip mall has withdrawn that permission.

Section 134-41 (Variances) of Chapter 134 (Signs) of the City's Code of Ordinances states:

(a) *Findings of fact.* A variance to this chapter may be allowed by the sign board of appeals only in cases when competent, material and substantive evidence in the official record of the appeal supports all the following affirmative findings:

- (1) *Special conditions.* That special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
- (2) *Deprivation of rights.* That literal interpretation or application of the provision of this chapter would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of this chapter.
- (3) *Substantial justice.* Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual difficulties that will be suffered by a failure of the sign board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the public purpose and general intent and purpose of this chapter.

The applicant shall be required to receive a permit from the City's Building Department prior to installation of the requested sign.

SAMPLE MOTION:

(to be modified by the Board based on discussion held during the meeting)

MOTION in the matter of File No. 06-013, that a request for one off-premises real estate sign to be located in the public right-of-way of Avon Industrial Road, west of Crooks Road, pursuant to Section 134-109(b) of the Code of Ordinances, **BE GRANTED / DENIED** for the applicant, Avon Star, LLC, on behalf of GVA Strategis, with the following Findings and Conditions: [conditions only applicable if variance granted]

Findings:

1. A special condition or circumstance exists for this applicant in that the property the sign advertises (the M-59/Crooks Business Park) does not front upon a major thoroughfare and has no visibility at the intersection of Avon Industrial Drive and Crooks Road.

OR: A special condition or circumstance **does not** exist for this applicant that are peculiar to the buildings involved which are not also applicable to other buildings in the same district.
2. Strict application of the provisions of this chapter would deprive the applicant of property rights commonly enjoyed by other properties in the same district.

OR: Strict application of the provisions of this chapter **would not** deprive the applicant of property rights commonly enjoyed by other properties in the same district.
3. Substantial justice will be done by allowing this approval. This approval will not be contrary to the public purpose and the general intent of the Sign Ordinance. Specifically, the sign will not endanger the public in terms of location and will assist the public in finding the area, and minimize traffic problems in that particular location.

OR: Substantial justice **will not** be done by allowing this approval. Approval would be contrary to the public purpose and the general intent of the Sign Ordinance.

Conditions: *[only necessary if approval granted]*

1. The approval is granted for the period of one (1) year from [date of meeting]. Annual renewals of this sign permit will be authorized by the City's Building Department as set forth in Section 134-147 (real estate signs) of Chapter 134 (Signs) of the City's Code of Ordinances.
2. The sign must meet all Ordinances and requirements specific for a temporary real estate development sign.

3. The sign will be specifically for GVA Strategis for the M-59/Crooks Road Business Park.
4. The sign will be no greater than 35 square feet, as depicted on the plans dated received February 27, 2008.
5. The sign is to be located in the public right-of-way as shown on the plans submitted by the applicant dated February 27, 2008, subject to the requirements of the City's Engineering Department.
6. The location must conform to all applicable Ordinances and laws.