



Department of Planning and Economic Development
 Staff Report to the Sign Board of Appeals

October 6, 2011

1488 N. Rochester Road	
REQUEST	A variance of 28 inches to permit an exterior wall sign that projects 40 inches from the face of the wall
APPLICANT	BL Rochester Hills, LLC c/o JME Consultants, Inc. 2958 Crestwood Drive East Lansing, MI 48823
AGENT	Lee J. Klein
LOCATION	Southeast corner of Rochester and Tienken Roads
FILE NO.	98-047.2
PARCEL NO.	15-11-103-004
ZONING	B-2 General Business PUD Overlay
STAFF	Jim Breuckman, AICP, Manager of Planning

In this Report:

Requested Variance..... 1
 Site Description 1
 Summary 2
 Analysis..... 2

Requested Variance

A variance of 28 inches from Section 134-181(c) (Standards Table) of the Code of Ordinances, which limits an on-premises sign to project not more than 12 inches from the wall or surface to which it is mounted. The applicant proposes a sign that would project 40 inches from the face of the building.

Site Description

The site is located at the southeast corner of Rochester and Tienken Roads in the City Walk development. City Walk was approved in 2005 as a PUD prior to the adoption of the new zoning ordinance, which established a FB-2 Flexible Business Overlay district on the site. The approved City Walk PUD requires compliance with the City's sign ordinance.

Of the three buildings in the City Walk development that have Rochester Road frontage, the Bar Louie will be located in the center building (in the former Shield's Pizza space).

Summary

The City Walk development is to some extent unique among the various commercial developments in the City. The majority of commercial developments in the City are designed as conventional suburban shopping centers which have the automobile as their primary unit of design. These centers feature buildings, parking lots, and signs that are oriented towards and designed to be visible by those traveling in vehicles. Accordingly, most of the City's ordinances and development standards are designed to permit such vehicle-oriented development.

The City contains two notable exceptions: the Village of Rochester Hills and City Walk. The Village of Rochester Hills is designed as a traditional, walkable street and has its own set of sign design standards. City Walk is designed more as a hybrid-style center which combines elements of a conventional suburban shopping center with more walkable, pedestrian-oriented elements.

Increasing demand for walkable or hybrid-style commercial developments is a national trend, and the City's Master Plan and Zoning Ordinance were updated to respond to that fact in 2007 and 2009, respectively. The City's Zoning Ordinance specifically includes three FB (Flexible Business) overlay districts which set forth design standards to permit more walkable, mixed-use development in existing commercial areas of the City. The FB districts are overlay districts, and property owners may develop their property under the conventional zoning district standards or the FB district standards at their choice.

With respect to signs, there are different sign design alternatives that are appropriate based on the intent and context of the building to which they are attached. First and foremost, signs must be designed to be legible to their intended viewers, and secondarily they must be compatible with the overall design intent and context of the building and its setting. The new FB district standards recognize this fact, and permit a range of signs that are not permitted elsewhere in the City. One such sign is perpendicular banner signs, which may project up to 36 inches from the building.

The site was not approved under the FB district standards because they did not exist at the time, however, the City Walk center is designed consistent with the intent and standards of the FB district. Those standards would permit a sign similar to that which is proposed by the applicant (with a somewhat smaller projecting being allowed in the FB districts than is proposed by the applicant).

The submitted application identifies the criteria to be granted a variance and the applicant's reasons for the request. A potential motion will be provided for your review the night of the meeting.

Analysis

The Sign Board of Appeals may vary or modify the requirements of the City's Sign Ordinance only in cases when the following considerations are met:

1. **Special Conditions.** *That special conditions or circumstances exist which are peculiar to the land, structure, or building and which are not applicable to other lands, structures or buildings in the same district.* The City Walk development is different from other commercial developments located in the B-2 district by the fact that it was designed to incorporate walkable, lifestyle-center elements. It was approved as a PUD which is a unique circumstance that sets it apart from other B-2 zoned properties in the City.

2. **Deprivation of Rights.** That literal interpretation or application of the provisions of Chapter 134 (signs) would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of Chapter 134. Denial of the requested variance will not deprive the property owner of the right to have signs on their building.
3. **Substantial Justice.** Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by Chapter 134 (signs), 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 Chapter 134 (signs). With the understanding that a sign that is essentially similar to that being proposed by the applicant is permitted in the FB-2 district, and further that the vast majority of B-2 zoned properties in the City are also located in a FB-2 overlay district, approval of the variance will not grant a special benefit to the applicant because the FB-2 district confers the ability for any property owner to have a similar sign.

In the applicant's particular circumstance, the existing center is designed consistent with the FB-2 standards, but in order to use the FB-2 district sign standards the applicant would have to abandon their PUD and obtain approval by the City under the FB-2 standards.

A variance of 24 inches to permit a sign that projects 36 inches from the building face would be a more appropriate request to ensure that substantial justice would be done if the variance is approved.