

MINUTES  
CITY OF FARMINGTON HILLS  
ZONING BOARD OF APPEALS  
CITY HALL – COUNCIL CHAMBER  
SEPTEMBER 11, 2018

**CALL MEETING TO ORDER**

Chair Seelye called the meeting to order at 7:31p.m. and made standard introductory remarks explaining the formal procedure, courtesies and right of appeal.

**ROLL CALL**

The Recording Secretary called the roll.

Members Present: Barnette, King, Lindquist, Masood, O’Connell, Rich, and Seelye

Members Absent: Irvin and Vergun

Others Present: Attorney Morita and Zoning Division Supervisor Randt

**SITE VISIT SEPTEMBER 9, 2018**

Chair Seelye noted when the Zoning Board of Appeals members visited the site.

The Sunday site visit begins at 9:00a.m. at City Hall. It is an advertised open, public meeting under the Open Meetings Act, is only for informational purposes; the Board members abstain from any action, hearing testimony, or any deliberations.

Chair Seelye called for a moment of silence to honor those lost on September 11<sup>th</sup>.

**APPROVAL OF AGENDA**

**MOTION** by Masood, support by Lindquist, to approve the agenda as published.

**MOTION CARRIED 6-0.**

**NEW BUSINESS**

A. ZBA CASE: 8-18-5645  
LOCATION: 34505 Twelve Mile  
PARCEL 1.D.: 23-16-104-012, -013  
REQUEST: Special exceptions are requested to build a third free-standing sign 14.5 foot tall, 84 square foot next to a thoroughfare in an OS-4 zoning district. 1. Special exception for a 3<sup>rd</sup> sign, 2. A 8.5 foot special exception to the 6 foot height limit, 3. A 52 square foot special exception to the 32 square foot area limit.  
CODE SECTION: 34-5.5.3.A.i. & A.iv  
APPLICANT: Friedman Management Company c/o Warren Hudson  
OWNER: Arboretum II, L.L.C.

Utilizing overhead slides, Zoning Division Supervisor Randt presented an aerial view of the property, renderings of the property showing the layout of the buildings, location of the proposed sign and a drawing of the proposed sign.

Chair Seelye called Alternative Member O'Connell to sit in place of Member Vergun who had not yet arrived.

Warren Hudson, Freidman Management Company, 34975 12 Mile Rd, explained that Arboretum is an office complex comprised of five office buildings with just over a half a million square feet and four years ago they purchased four of the buildings and subsequently built out the vacant building #3 for TRW and during that time they worked closely with the City to come up with a site plan that worked for everyone. He stated that since taking over Arboretum they have invested more the 15 million dollars into the project, as they have taken the entire office complex and turned it around from being mostly vacant to a class A office complex with 75% occupancy.

Mr. Hudson explained that one of the more consistent requests they receive when leasing or renewing tenants is that of signage, as corporate tenants are proud to be in Farmington Hills and want brand visibility, particularly along the freeway. He stated that the property is an anomaly because of the size of the complex and location backing up to I-696. He noted that they recently installed some small signs, which were approved by the City, along 12 Mile Rd at each entrance but those serve more as directional signs to show visitors where to pull into the complex.

Mr. Hudson commented that when looking at the property, the buildings are more suited for a single tenant user, as the zoning ordinance provides for ground and wall signage, and when looking at the TRW building it works well having their name on the building because they are the sole tenant but what becomes problematic is when a tenant has only a floor so they are not the marquee tenant that would get their name on the building, but they still wish to have visibility. He noted that the proposed sign will benefit all five buildings; it is 12 feet tall, 7 feet wide and 84 square feet and will facilitate 6 tenant names and each of the five buildings on the property will have a prorated share to use the sign.

Mr. Hudson provided the Board with photos of larger but similar sign they installed in Troy and explained that along a six lane freeway with traffic going 70mph, a 200 square foot sign is not too large, it is tasteful and fits in with the architecture of the building. He added that the example sign is much larger than what they are requesting. He stated that the design of the proposed sign is consistent with the design of the building and slightly larger but similar to the signs on 12 Mile Rd.

Mr. Hudson thanked the Board for hearing the case and noted that the request is due to the unique nature of the property abutting I-696, the square footage of the property and buildings that were designed for a single tenant campus environment that are now multi-tenant buildings. He stated that the sign will not negatively impact any of the surrounding properties and they feel the design of the sign is keeping with the design of the building, it will be tasteful and not detract from the City in any way.

Chair Seelye commented that one of the issues he has with the request is that the City does not have many other signs along I-696 and if they allow this sign it will open a floodgate and he is not in favor of having one sign after another along I-696. He also sees a traffic hazard and does not feel it is compatible with any other signs because they are not any.

Chair Seelye asked the applicant how this sign will do substantial justice to this property and other properties. Mr. Hudson responded that it does substantial justice to their property by making it marketable as there are a lot of tenants that require signage and want brand visibility, particularly on a major thoroughfare, and if they do not have the ability here they may go to other cities that do. He noted that the sign they are proposing is smaller than the other signs in the immediate vicinity on I-696.

Member King noted that he has difficulty with the request because the applicant has not given the Board an understanding of why this development needs it other than the fact that the tenants want it. He noted his greatest concern is that he does not see the sign being legible from the highway and from his own professional experience you need an inch of letter height for every ten feet and when looking at the proposed sign the letters are about 16 inches high in a 20 inch space which means they would only be legible from 160-170 feet. He added that from a sign design standpoint, he believes it would be more of an eyesore and if the tenant names were more than 7-8 letters long or on two lines they will not be legible and with this, he finds it hard to see that the tenants would get any benefit from having their name on this sign.

Mr. Hudson stated that from the perspective of a smaller tenant who may not have a logo, he understands that, however, they have found at other properties with signage like this, it is typically for tenants like Xerox or Microsoft that have a logo and brand identity to desire this type of signage.

Chair Seelye questioned the number of tenants in the buildings. Mr. Hudson responded stating that he does not have the complete rent roll but he believes there is 15-20 in buildings #1 and #2, TRW in building #3, a single tenant in building #4 and building #5 is part of TRW, so approximately 40-50 tenants.

Chair Seelye asked how they would pick which 6 tenants get a place on the sign. Mr. Hudson responded stating that this comes up in lease negotiations or renewals and they typically give signage to the larger tenants. He noted that in the past they do not give signage away right away as it is usually a bargaining chip with tenants coming in or expanding.

Chair Seelye asked if they will charge for the sign. Mr. Hudson responded that he was not sure they would charge specifically for the sign, it would be part of the lease agreement.

Member O'Connell questioned if the two signs on 12 Mile Rd meet code. Mr. Hudson responded stating that they do and they were permitted by right of the zoning ordinance.

Member O'Connell asked if they could erect a third sign on 12 Mile Rd. Mr. Hudson responded stating he believes he would have to come before the Board for a third sign.

Member O'Connell noted that it seems it would be more important to have signage on 12 Mile Rd, that could be read and help people locate the businesses as opposed to on the freeway going 80mph and not paying attention.

Mr. Hudson commented that one goal is to get people into the property and have them find the correct building and to that end the 12 Mile Rd signage is helpful, but the larger tenants want the brand identity when going by on the freeway.

Member Masood questioned the 84 square feet of signage. Mr. Hudson responded stating that the 20 inch tall tenant slot was a dimension that made sense; they worked with their sign company to come up with a sign that both matches the building as well as the signage on 12 Mile Rd. so the 84 square feet was a function of design for six tenant slots plus the Arboretum logo.

Member Masood noted that the signage is 84 square feet and asked staff if the border was taken into consideration. Attorney Morita responded that usually what you see is a monument sign that is on a 6-8 or 12 inch base and the base is not included in the square footage of the sign itself.

Zoning Division Supervisor Randt noted that the base would be considered part of the height, not square footage.

Attorney Morita mentioned that the 20 inches is in part based on how fast the traffic is going on the neighboring thoroughfare and the speed of I-696 requires 20 inches at a minimum.

Member Masood asked where the sign would be located on the property. Zoning Division Supervisor Randt pointed out on an aerial map the location of the sign.

Attorney Morita informed the Board that they were provided a blow up of the location of the sign and noted it was marked in yellow.

Member Barnette noted that there are two signs on 12 Mile Rd but he did not see any logos or signage indicating the tenants on those signs and he feels they are not taking advantage of the signage they currently have.

Mr. Hudson stated that was correct, at this time the tenant names have not been put on those signs yet.

Member Barnette commented that he understands the desire to have signage on I-696 but if they would have leveraged everything they currently have and the tenants were still asking for more identification, in his mind, that would carry more weight.

Member Rich questioned if the sign is going to be placed perpendicular to I-696 so that people will be facing it as they are driving and if it will be two-sided. Mr. Hudson responded stating that was correct and it will be a two-sided sign.

Member Rich noted that the slats on the western side of the sign would not be visible by anyone because it would only be visible from eastbound traffic and there is a barrier wall there. Mr. Hudson responded stating that was correct and the visibility would depend on the height of the vehicle and what lane they were in.

Member Rich stated he was concerned with the placement of sign; on one hand it is off in the corner so it does not interfere with parking spaces but on the other hand it appears to be off in the corner almost as an afterthought and questioned why that location was selected. Mr. Hudson responded stating that it was to avoid taking out parking or having a situation where the sign is in the parking lot which creates a problem with cars but they are willing to move the sign if it is an issue with the Board.

Member Rich mentioned that the document the Board received today indicates that there is a fence on that corner portion of the property and asked how high the fence was and if it will block any of the sign. Mr. Hudson responded stating that it was a MDOT open wire fence that was about 3-3.5 feet high and has very wide wire so it will not interfere with the visibility of the sign.

Chair Seelye asked if trees would be removed with the installation of the sign. Mr. Hudson responded that he is not sure that has been decided but he imagines there will be some trimming that will happen.

Member Lindquist noted that the applicant had mentioned being successful in revamping and getting tenants into these buildings and asked how not having this sign precludes them from attracting tenants, as this sign is in no way directional and once you pass the sign it is 3.5 miles before one can get off I-696 to attempt to go back to Arboretum, therefore, he does not see the value of the sign and it gives more of an appearance of a billboard in a section of I-696 where this type of signage is sparse.

Mr. Hudson responded stating that they have been successful especially with the TRW occupancy and they have other tenants that do not require signage but the number one thing they are asked when approached by a major company is the availability of signage. He added that the proposed sign is less directional and more branding along the freeway.

Member O'Connell asked, for clarification, if the two existing signs on 12 Mile Rd have no tenants listed. Mr. Hudson responded stating that the signs were installed in the last few months and have not been filled with tenant names yet.

Member O'Connell asked if had been decided which tenants would be listed on the signs. Mr. Hudson responded that the leasing department has begun having discussions with tenants but nothing has been finalized. He added that they wanted to figure out the totality of the available signage on the property before they started giving away the 12 Mile Rd signage.

Chair Seelye opened the public portion of the meeting. There being no public comments, Chair Seelye closed the public portion of the meeting.

Member Lindquist confirmed there was an affidavit of mailing on file with 32 returned mailers.

Member Barnette commented that he feels the City is against putting up signage along the freeway.

Chair Seelye stated that he does not feel that is the case, he feels that the City does not want signs over 6 feet tall.

Attorney Morita mentioned that it depends on the location, zoning district and many other factors and every site is fact specific.

**MOTION** by King, support by Barnette, in the matter of ZBA Case 8-18-5645, to **DENY** the petitioner's request for three special exceptions because the petitioner did not demonstrate that the requirements for a special exception existed in this case in that they set forth facts which do not show that:

- i. That the request is based on circumstances or features that are exceptional or unique to the property and that are not self-created;
- ii. That failure to grant relief would result in substantially more than mere inconvenience or financial expenditures;
- iii. That the application of the regulations in this section without a special exception will unreasonably prevent or limit the use of the property or will unreasonably preclude the visibility or identification of a non-residential building on the property;
- iv. That the special exception will not result in a sign or condition that is incompatible with or unnecessarily interferes with adjacent or surrounding properties, will result in substantial justice being done to both the applicant and adjacent or surrounding properties, or is not inconsistent with the spirit and intent of this chapter; and
- v. When taken on its own, or in combination with other existing conditions on the property or in the area, the special exception will not result in a sign or condition that has an adverse effect on the essential character or aesthetics of the establishment or surrounding

area, is detrimental to or negatively affects the character of surrounding residential development, or compromises the public health, safety or welfare.

**MOTION CARRIED 7-0**

**PUBLIC QUESTIONS AND COMMENTS**

There were no public questions or comments.

**APPROVAL OF AUGUST 14, 2018 MINUTES**

**MOTION** by Rich, support by King, to approve the Zoning Board of Appeals meeting minutes of August 14, 2018.

**MOTION CARRIED 7-0.**

**PROPOSED 2019 ZONING BOARD OF APPEALS MEETING SCHEDULE**

**MOTION** by Masood, support by Barnette, to approve the 2019 Zoning Board of Appeals meeting schedule as amended; moving the October 8, 2019 meeting to October 1, 2019 in observance of Yom Kippur.

**MOTION CARRIED 7-0.**

**ADJOURNMENT**

**MOTION** by Rich, support by Barnette, to adjourn the meeting at 8:08pm.

**MOTION CARRIED 7-0.**

Respectfully submitted,

Erik Lindquist, Secretary  
Zoning Board of Appeals

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