

BOARD OF ZONING APPEALS MINUTES

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, May 1, 2019 in Council Chambers, 23600 Liberty, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 1976.

Chairperson Bertin called the meeting to order at 7:16 p.m.

ROLL CALL

PRESENT: Bertin, Craft, Crutcher, Pitluk, Schiffman

ABSENT: Aren, Gensheimer

A quorum of Commissioners were present.

CITY OFFICIALS PRESENT: Director Bowdell, Recording Secretary Murphy

APPROVAL OF AGENDA

MOTION by Schiffman, supported by Crutcher, to approve the agenda as presented.

Motion carried, all ayes.

MINUTES OF PREVIOUS MEETING OF SEPTEMBER 5, 2018

MOTION by Schiffman, supported by Crutcher, to approve the minutes of September 5, 2018

Motion carried, all ayes.

MINUTES OF PREVIOUS PLANNING COMMISSION MEETINGS

Receive & file minutes of Previous Planning Commission Meetings of August 13, 2018, September 10, 2018, October 8, 2018, December 10, 2018, January 14, 2018, February 11, 2019 and March 11, 2019.

APPEAL OF:

**James Barnas, Applicant/Owner
Orchard Lake MOB, LLC
8273 W. Grand River Avenue, Suite 150
Brighton, MI 48114**

**Orchard Trail Medical Location
23133 Orchard Lake Road
Farmington, MI 48336**

Chairperson Bertin introduced this item and turned it over to staff.

BOARD OF ZONING APPEALS MINUTES -2-

Director Bowdell stated that he wanted to clarify a couple of things before the Applicants present their request.

He stated he has no idea what transpired before he came to the City of Farmington as Building Director. He said that John Koncsol trained him a little bit and he attended a Zoning Board Meeting before he officially started the job.

He indicated he thinks there is a difference in interpretation of how he himself interprets the City's Zoning Ordinance and how Mr. Koncsol interpreted the Zoning Ordinance, in this case the sign portion of the Ordinance. He said if he continued on in the same fashion as Koncsol did, he would have to do it his way forever and he doesn't believe that's what the language of the ordinance intends. He said if he is incorrect in his interpretation, the language needs to be changed and then he can interpret it that way.

He stated the Applicant this evening had a meeting long before the addition on the building was ever built and went after getting tenants and so on. He said he was not in attendance at that meeting and he doesn't know what was or was not said at that meeting but the Applicant had a preconceived notion that certain things would be allowed and proceeded and went and rented to tenants under the notion of what he perceived from the meeting with Koncsol. So naturally he was surprised when he came and I indicated no.

So tonight before you, you have a request for variance and you have two packets that have been given to you, one that says "Per Ordinance" and one that says "Proposed Signs."

Originally I believe Koncsol interpreted the ordinance that on each side of a building you could have a sign 10 percent of the square footage of that side. And nowhere in the ordinance can he find that. It says you can have a sign there. Now you can have signs on the parking lot side, street sides, alley sides and the front, but it only talks about calculating the square footage and when it talks about that, it's talking about the square footage of the front building, the address side of the building, which is how I interpreted it anyway. And therefore you see kind of a big amount that he's requesting as additional signage. And if you do the math for what I'll call the old way, he's under, but my way says he's over, so that's a variance request for footage.

The second request is similar to the one we had a few months ago. The ordinance says that if you don't have a suite or a business with a door directly to the outside, you don't get a sign. Now, he has a number of suites in that building, more than four, but these are his four major tenants and like the Freedom Plaza, he wants to have his four major tenants have a sign on the building.

Bertin asked Bowdell to specifically point to or name examples in the City.

Bowdell replied that all along Grand River everybody that has a double entrance, they have a sign on the front and a sign on the back and they're both big. You can't have that many signs. By my reading you only get the square footage on the front, on the main address side, whatever the address is, you get that façade frontage, 10

BOARD OF ZONING APPEALS MINUTES -3-

percent, and if you choose to split it three ways because you have a parking lot and a back door you can. But the one that's really, I think the one that throws it off is the one that's on the side of a building. The front of the building 15 feet high and 20 feet wide, that's not that much signage, that's 300 square feet. Well, the side of the building is 75 feet long and 15 feet high and you could have this enormous sign on the side of the building, I don't think that was ever the intent of whoever wrote this. My normal reading of ordinances throughout my career have been, you get the front of the building and you do your division problem.

Bertin stated that's the way it's been with the various cities he's worked with.

Bowdell stated he doesn't want to stray from that on his first one and muddy the waters for everything going forward which is which why he asked Mr. Barnas to come here this evening.

Chairperson Bertin opened the floor for questions from the Commissioners. Hearing none, he called the Applicant to the podium.

Jim Barnas, Orchard Lake Medical Office Building, came to the podium. He stated they have pretty much have finished the building addition, if you've been over there the landscaping is done, the parking lot we have to cap this Saturday. And we kind of transformed that corner. Now, Ken, you'll know when we were here for site plan approval a year, signage was really important. He owns a number of buildings, many of them are medical, and signage is important to a tenant because it attracts patients and patients therefore feed the practice that keeps the business going. The worst thing you can do is have no signs, and a physician practice and you have no patients. So signage is really important.

He stated when they came for site plan approval, they had met with John Koncsol, and talked about signage and if you look at the drawings that were approved in the Planning Commission package, it's exactly shown the way we're proposing it. So, we're still consistent with what we had talked about a year ago. Based on that interpretation, leases were signed major tenants and fortunately or unfortunately what I promised them is what is on this drawing to the major tenants. So it's important because if not, there will be issues with the tenants.

So because this is kind of an oddball site with three main thoroughfares, Mooney Street, Shiawassee and Orchard Lake, it does, if you look per the ordinance it does allow some kind of strange signage. There's a lot of signage that's on here. What they're looking to do is really simplify it and what you show is the signage that's on the proposed and the big issue to me is the four building signs. Now, if you look at the elevations, I'm an architect, it's very important to me that we have good, classy architecture in a building that looks good. So, some people argue that a building sign on the face of a building detracts from it, I disagree if it's done nicely and if it's done with very good signage, you could still make it look classy. So, what we propose is the two major tenants, which is Beaumont and Farmington Family Physicians to have the Orchard Lake signage, where most of the traffic is, and then there's two signs, one on the north, one on the south, that we need for other tenants. One of which is we just signed the lease with Cataract Eyes, all of these tenants are coming from Farmington Hills so it's good for Farmington, so we're

BOARD OF ZONING APPEALS MINUTES -4-

attracting them. And one of their first questions is can I get a building sign? Very important. He stated he's a big picture guy and he will leave the technical stuff to the others. So really simply what John and he did, is we put these two side by side comparisons together that showed what the ordinance allows and what we're proposing, and I believe what we're proposing is simpler, cleaner, it's less and it's going to be done very classy. What we propose, and I heard a couple variances and I don't remember exactly technically what they are, so I will leave that to John to go through. He welcomed questions from the Commissioners.

Chairperson Bertin asked Barnas about the comment he made about the need for signage on a medical office building and stated that it seems to him that people don't just walk in transient and start knocking on doors for doctors. Generally they're calling somebody, they're looking around, they've been told that this is a good doctor to go to, they go to the address, and once they've gone there and they become patients they never look at the sign again.

Barnas replied that's true for existing patients. So you have new patients and you have existing patients. There's no question for existing patients, that's absolutely true. But practices are trying to get that first time customer and if they see a sign on the side of the building they'll go hey, what's in that. Or if you see Farmington Family Physicians, that's a new family medicine. So it does absolutely attract tenants in terms of keeping them there.

Crutcher asked to clarify if the medical practices have a walk-in patients and Barnas responded they may. Barnas said he honestly doesn't know, it's not like an urgent care that does. Crutcher said for an urgent care or an emergency room, I can see a walk-in, I'm bleeding, I need help. But walking down the street and seeing Beaumont, I can't see going in and saying let's see what doctors are in here. If I'm looking for an eye doctor, I'm going to find an eye doctor, I'm not going to see the sign and say there's an eye doctor, let's see what he does, he doesn't see that happening.

Bertin said when you would do an examination or a search for a medical physician based on what you're looking for, not generally by driving around and looking for signs. And for identification most office buildings have pylon that exactly say who is in the building. In fact, the office doctor he goes to out on Northwestern, Orchard Lake and Middlebelt, and I don't know that there's a sign on that building at all except the address and inside is the directory that lets you know where to go. And typically when you call a doctor up to make an appointment, because you're not going to just walk in and get an appointment, you call up, make an appointment, and they're going to tell you where to go inside the building or wherever. He stated he personally does not like a lot of signs visible on a building, it starts to muddy it up and when a tenant is gone, you've got holes to patch and all kinds of stuff that you've got to do in order to make it look right.

Barnas replied been there, done that, he agrees.

BOARD OF ZONING APPEALS MINUTES -5-

Bertin continued that pylons could be an answer to that, that's an easy thing that can be changed. So to him the way to do this is to add another pylon on the corner with the names of the tenants on it and have it pointing to west entrance, east entrance. So once the person comes and looks for that address, and they say okay, east entrance, west entrance, and you pull into the parking lot and you see those two signs, that part he agrees with, you need to have two because you have two entrances there. So once you go in the certain entrance you're looking for, there really ought to be an electronic directory to tell you whether it's first floor, second floor, where it's at. Once you get in the building that's what you need to find, where's that office at, upstairs, downstairs, where? Once you've found it and once you've been there, made that first appointment, after that you pretty much know where you're going. So to have the kind of signage on a building, let's say a general office building, you truly need those kinds of signs more than that, because most general office kinds of offices, the clients turn over rather rapidly from project to project, so they're always coming and going there. That's a different kind of a situation. They may want to have a lot more signs on their building and yet you don't see that except for the major tenant in the building will have the name on the top and that's it. The rest are on a pylon sign. So, he sees a lot of stuff going on here, especially on the Orchard Lake side elevation and the big question is does this exceed what Mr. Bowdell is interpreting as the ordinance so that's a concern because if we open that up and it opens Pandora's box and then everyone is going to want to come in and say well, they got a lot of signage, we want that, too. So he is very concerned about this.

John Nagel, Brighton, came to the podium stating that he is the sign contractor and has been doing this for twenty-six years, and multiple projects with Mr. Barnas and several others. His company does a lot of medical work, they do a lot of Beaumont work. And speaking as a marketing person, because sign companies are in the marketing arena, going to the point of signage and office buildings, it's true in many respects but when he talks to the marketing directors for Beaumont, for St. Joe's, for U of M, for any of the larger hospitals and larger organizations, if they don't get signage on the building they're not coming. Period. It's a big thing for them. So, that is an issue. You're not going to open up a McDonald's without the golden arches. Beaumont has got the same concept.

Again, what we're looking for is signage for the four major tenants. If I can lay this out, the proposed signs and the per ordinance, a couple things I want to add. As far as the directory type signage and getting people in the parking lot, if you look at the site drawing, there's a considerable distance just from the handicapped parking signs to the entrances. That's why we're requesting the 14-square foot sign that has clearly marked where they're going. You look at the Proposed Signs, it's about 180 feet. That's very directional, that's something I think we should have. I don't think we want people coming out from handicap parking or anybody going into the facility, having to walk on crutches and walking to the wrong exit where it's the west or the east. And it doesn't matter what they put on with their promotional products or what they send out, people are going to go to the closest door unless it's clearly marked.

BOARD OF ZONING APPEALS MINUTES -6-

As far as what Jeff was talking about and the 150 square foot signage, there are several buildings in the area that have more than 150 square feet on all corners. Zap Zone is one of them. If you look at the Zap Zone building, that thing is well over 150 square feet if you count all the signs, on all four of them. There's a few others out there. So, when I sat down with John Koncsol when we proposed this, it was 150 per side.

If you want to go to the proposed signs we're looking at, you've got the most recent one with revisions, basically if Jim wanted to, he could put a 37.5 square foot sign on each side of the building that could say Orchard Trails Medical Complex, that's per the ordinance, is that correct, Jeff?

Bowdell responded yes, because he has four signs, correct.

Nagle said they're allowed 37.5 square feet or 150 square feet and when it is divided all up it's 37.5 which is a pretty small sign. So we're going to 90 square feet or 70 square feet, Beaumont has requirements that 90 square feet per Beaumont requirements. That's what they want to see on their building. In their marketing package, if they don't get it, again, they're probably not coming. Farmington Family, 70 square foot sign. Let's quickly go to the east/west entrance signs, these are both the panel signs, they're changeable, direction type signage. They'll match the existing signs that are out there that we installed a month ago, so they will be real nice. They're in the landscaped area and they're really not visible from the road, but they're really visible from inside the parking lot for the 14 square foot directory directional signs.

Where we want to get to is the nuts and bolts, is the actual signs we're proposing for the building. If you look at the page, the 69 and 90 square foot signs, what we want to build is an aluminum cabinet, with an aluminum base. The face, the letters, logos are routed out and we're using 1-inch thick acrylic, it projects up past the face about three-quarters of an inch. The face of the letter will have opaque vinyl on it. Which means the face of these letters will not light. All the lights project out the side. So, at night it's not lighting up the street, you're going to get a really nice halo effect, a real classy look, it looks nice. It's not a big channel letter, it's not lighting up the whole face of the building, you're seeing an outline of the letters.

So if you turn the page, I have the Fast Braces sign which is one we did. This particular case, the Fast Braces in Brighton. The face of the letters is opaque, we did a mat one, their logo is translucent, so that's the only face that lights at night. You can pick that sign up from a long ways away and it's not lighting the parking lot, it's a pretty nice look. This is the type of sign we're proposing. So we also did that, there's a couple other versions there. The St. Joseph Mercy, and the WS Academy, the WS Academy is the only one that has translucent vinyl on it, it's the same technique, burst through acrylic, halo lit, face lights.

Commissioner Pitluk asked what is the need for translucent signs that light up? Are these practices that are open past 5:00 or 6:00 p.m.; why would you have signs that are lighting?

BOARD OF ZONING APPEALS MINUTES -7-

Nagel replied he wouldn't what their hours are but as far as a marketing standpoint, you want your sign to be lit up and you want the recognition if a car is driving by at night, that's pretty important to the tenant.

Commissioner Craft asked essentially they're asking for four signs, there are two proposed that you've already done and you just signed the third tenant, so you have one that is 69 and one that is 90 square feet, what is the square footage of the two other signs?

Nagel said if you look at the north elevation and the south elevation are just showing then in location, that red box is indicated 90 square feet, we're asking for four 90-square foot signs. If you take Farmington Family Physicians, because of the logo and the size, about 76. The Beaumont requested the 90-square foot sign, that's where this all started back a year and a half ago or a year ago, that's within their marketing plan, so that's where the 90 started.

Craft said so four times 90 versus four times 37.5 and Nagel responded yes.

Nagel then indicated I don't think the 69 square feet is not a big issue, and that was designed for the space of the panels above, for the distance, the visual distance of people coming down the road and being able to recognize and read it from the proper distance. A 32 square foot sign is just going to get washed out when you put it above the second floor.

Craft stated he didn't have the proposal in front of him and just wanted to make sure he understood that they are requesting four 90 square foot signs in front of the Zoning Board tonight, plus the pole signs and 14 square foot versus four square foot and Nagle stated yes.

Nagel said monument signs, they don't have the impact that the wall sign does for traffic, for visibility and Craft said he tends to agree with that.

Commissioner Craft then stated he thinks that an important component of ownership of a building is to have signs, is to have signs that are readable from a reasonable distance. Based on the Freedom Plaza, that was the same situation and very much the same and that's got tenants who are looking to be recognized and understood. I understand this is a medical facility right now but it could be something else and then something else is going to want it more so even, if it ended up something else as far as nonmedical. Those are my thoughts. I don't think this is an unreasonable request and that's my personal opinion but I do think that we have precedent all over the City for signs that are much larger than this and that I think it's a reasonable request for somebody who has invested this kind of money into our community and made a commitment based on previous conversations which we do not have to honor, but I think it's something to consider that we've got a landlord here who has made a huge investment in our community, he acted based on conversation by a previous employee of the City, and I think it's reasonable to consider this considering it's something that's not unreasonable, so that's my thoughts.

BOARD OF ZONING APPEALS MINUTES -8-

Commissioner Schiffman asked Nagel with respect to the tenants that are requiring signs, so I can understand you correctly, Farmington Family Physician is requesting two signs?

Barnas replied that Beaumont has been in the building for thirty some years, and they have 10,000 square feet, so that's a given. Farmington Family Physicians just moved in about a month ago, they have roughly 7,000 square feet. Another tenant that's not on here that just signed a lease about two weeks ago, is Cataract Eyes of Michigan, they're out of Farmington Hills. In their lease it says they can have the choice of the north or south sign. And then I have one vacant space that I've actually had two tenants on but they both died and actually both of them wanted a building sign, it was very important to them.

Schiffman asked how big are those tenant spaces and Barnas replied that the Cataract is roughly 4,000 and the remaining space is about 3,500.

Barnas stated that any new tenant that comes in, one of the first questions is can I get a building sign? It's very important from a branding standpoint.

Bertin stated once you've taken the lid off Pandora's Box every tenant that comes in is going to want a sign. If there are rules and laws and ordinances that you say I'm sorry, we can't do that because it exceeds the ordinance and I know the commission is not going to go that far with it because you can't just keep giving and giving and giving just because another tenant comes into a building. And that's the concern that I have about opening this thing up like that is because we're going to get a reputation that don't worry, we'll get you whatever sign you want. That's literally what you're saying. If Beaumont says well, I want that thing twice that big because I want my name to be prominent on the building, what would you say to them?

Barnas replied he wouldn't be here asking for the variance if he didn't do the research a year ago, and we came in, we thoroughly talked, we thought we had the interpretation correctly and based on that interpretation I included it in the lease, if anybody knows anything about leasing it's very important and needs to be on a lease. If for some reason I don't get the variance, I'm sure I'll be in litigation because it is very important. So I realize you don't have to honor it, but I will tell you that I did the research and based on that assumption we submitted, came in to submit for permit signs based on that interpretation and that's when Jeff flew the flag up in the air and says well, we may have an issue, and that's why we're here today.

Bertin stated that what they ended up doing with the last review is we got the tenants to agree and the owner to agree that they would not come back for any more signs and Barnas responded that he would accept that condition.

Barnas said he is not asking for any more or less than what you see on this proposed drawing.

BOARD OF ZONING APPEALS MINUTES -9-

Crutcher said the intent of the ordinance and I know it's been revised recently; it intended to reduce or limit the amount of signage that goes on to a building and if possible reduce the amount of signage. He went on to ask Bowdell to clarify his interpretation.

Bowdell stated that John Koncsol had explained to him how he did it and that he's certain based on his explanation, and based on that type of interpretation of the ordinance, they would get 10% of each building façade up to 150 square feet, which I'm sure you can see real quickly is 600 square foot of signage on this building and that isn't anything near what he's asked for because that will look ugly on his building. And that's how I understood John interpreted it. And when I started I wanted to make sure that I don't trip moving forward because I think I can accomplish the goal later of reducing the amount of signage just by enforcing the ordinance's words, it's just that in this particular case, this thing basically was started, John was still here, he gave me the building plan and he said here, review this. You will be inspecting it, you review it. So I came in just as they were starting to dig the hole so to speak.

Crutcher said that's what he wants to clarify that we are looking at a variance to the ordinance and they're requesting the variances because of a condition that was not necessarily created by you because you were under the impression that you didn't need it in the first place but you found out now that you do need to get a variance because you're not in compliance. Because I don't want to set a precedent that we're going to allow anybody to come in and get more and increase the signage just because they want to because the tenant needs it or wants it or is willing to pay for it or whatever. But if we were to grant the variances it would be because of that hardship that was created not by your doing, but because of the interpretation.

Craft stated that is one of the conditions, is hardship.

Bertin stated that it has really become clear that the sign ordinance is not clear and I would suggest you take this back to Planning to clarify what that sign conditions are so there would less interpretation by tenants or by people looking at the ordinance so that should be clarified.

Crutcher stated that he hadn't actually read the language of it and now it's clear that that's the intent.

Bowdell stated that Director Christiansen had informed his that the City has recently gone through some Master Plan stuff here and you're almost at the tail end of it and at the end of the Master Plan, once that goes into effect, the next thing is a review of the ordinance to make sure that it lines up with the Master Plan and Christiansen has indicated based on my interpretation of these, he does want to clean up anything that's not quite right and we're going to make a list. So I think your intent is going to happen in some steps.

BOARD OF ZONING APPEALS MINUTES -10-

Following discussion by the Commissioners, the following motion was made:

MOTION by Craft, supported by Schiffman, to move to approve the requested variances for the signs located at 23133 Orchard Lake Road, Farmington, Michigan 48336, for the Orchard Trail Medical Location, that the approval is limited to four signs, no more than 90 square feet in size, that the signs would be built as proposed, with one colored back or panel nonilluminated, with white LED backlit, opaque face, with push through acrylic lettering, that the signs be a maximum of 54 inches in height and 240 inches in width; that the signs will have a solid color with multi-colored text or logo; and further, to move to approve the requested variance for the directional signs, maximum area to allow 14-square feet instead of the 4-feet allowed; further, to approve the four tenants in the multi-floor, multi-tenant office building to have an individual wall sign on exterior of building where there is only communal access into and out of the building; and further, that the approval is subject to no additional requests for signage approval or variances.

The variances were granted for the following reasons and finding of facts:

1. That a hardship exists due to the interpretation of the sign ordinance.
2. Denial of the variance would have severe consequences for the Petitioner because tenant leases were written based on the interpretation of the ordinance as presented at the time of site plan approval.

A roll call vote was taken on the foregoing motion with the following results:

AYES: Bertin, Craft, Crutcher, Pitluk, Schiffman

NAYS: None

Motion carried, all ayes.

2019 SCHEDULE OF ZONING BOARD OF APPEALS MEETINGS

Director Bowdell stated that the Zoning Board of Appeals Meetings will be held on the first Wednesday of each month as requested.

PUBLIC COMMENT

None heard.

BOARD OF ZONING APPEALS MINUTES -11-

ADJOURNMENT

MOTION by Crutcher, seconded by Schiffman to adjourn the meeting.
Motion carried, all ayes.

The meeting adjourned at 8:11 p.m.

Jeffrey Bowdell, Building Inspector