MAYOR
JOHN CHIRKUN

MAYOR PRO TEM
ROBERT TAYLOR

CITY COUNCIL
SALVATORE AIUTO
JAN HAGGERTY
FRANK A. MAISANO
COLLEEN MCCARTNEY
BILL SHOEMAKER

City of Roseville

CITY MANAGER
STEPHEN A. TRUMAN

CITY CLERK
RICHARD M. STEENLAND

CITY TREASURER
CATHERINE J. HAUGH

ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

Tuesday, June 21, 2011
7:00 p.m.

ROLL CALL:

PRESENT:	Mayor	John Chirkun
	Board Member	Salvatore Aiuto
		Jan Haggerty
		Frank Maisano
		Colleen McCartney
		Bill Shoemaker
ABSENT:	Mayor Pro Tem	Robert Taylor

OTHERS PRESENT:

City Attorney	Tim Tomlinson
City Clerk	Richard M. Steenland
City Manager	Stephen Truman
Building Director	Glenn Sexton

Mayor John Chirkun called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER FRANK MAISANO seconded to excuse Mayor Pro Tem Robert Taylor.
MOTION CARRIED UNANIMOUSLY

I. ROUTINE MATTER

1. Approval of minutes of meeting held May 17,2011.

BOARD MEMBER FRANK MAISANO moved, BOARD MEMBER JAN HAGGERTY seconded to approve the minutes of May 17, 2011.
MOTION CARRIED UNANIMOUSLY

II. NEW BUSINESS

1. Public Hearing and Board consideration for variance to continue to erect a freestanding sign 200 feet in area having a height of 35 feet on the property at 30820 Little Mack, Allied Signs, Inc, Patrick Stieber, representative.

   Patrick Stieber and Brian Terry of Allied Signs appeared on behalf of this request and answered the Board Member's questions.

   City Clerk Richard M. Steenland received no correspondence.

   No one from the Public wished to be heard.

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER JAN HAGGERTY seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER FRANK MAISANO moved, BOARD MEMBER SALVATORE AIUTO seconded to approve the petitioner's request for a variance to continue to erect a freestanding sign 200 feet in area having a height of 35 feet on the property at 30820 Little Mack, Allied Signs, Inc.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION TO ERECT A FREE STANDING SIGN 200 SQUARE FEET IN AREA HAVING A HEIGHT OF 35 FEET ON THE PROPERTY AT 30820 LITTLE MACK, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-10-101-006 VAR. #0611
will be in harmony with the general purpose and intent of Zoning Ordinance No. 264 Section 5a (1) (b) and (c), will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby granted.
MOTION CARRIED UNANIMOUSLY

2. Public Hearing and Board consideration for variance to park a commercial vehicle (Michigan Exhaust Cleaning Box Truck) in driveway on the property at 28075 Pinehurst, Dave Ott, petitioner.

   Dave Ott, petitioner, appeared on behalf of this request and answered the Board Member's questions.

   City Clerk Richard M. Steenland received four letters in favor of this request.

   The following individuals spoke:
   - William Whitely, 28101 Pinehurst, is in favor of this request

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER FRANK MAISANO seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve the petitioner's request for a variance to park a commercial vehicle (Michigan Exhaust Cleaning Box Truck) in the driveway on the property at 28075 Pinehurst, Dave Ott, petitioner with the following stipulation:
- Vehicle to be kept in the rear yard.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION TO PARK A COMMERCIAL VEHICLE (MICHIGAN EXHAUST CLEANING BOX TRUCK) IN THE DRIVEWAY ON THE PROPERTY AT 28075 PINEHURST, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-17-180-025 VAR. #0711
will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 2304-11, will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby granted.
MOTION CARRIED UNANIMOUSLY

3. Public Hearing and Board consideration for variance to erect a freestanding off- premise sign having a 365 foot setback from residentially zoned property on the property at 17995 E. 11 Mile Road, International Outdoors, Inc, Randy Oram, representative.

   Randy Oram, Attorney James Walsh, and Mr. Depa appeared on behalf of this request and answered the Board Member's questions.

   Mayor John Chirkun advised the petitioner he had the right to proceed to table the request to a future meeting as only 6 members are present. Mr. Oram stated he wished to proceed.

   Mr. Oram requested the items be heard in the order of setback, size and height. Mr. Oram was granted this request.

Mr. Oram made the following statement:
"Thank you again. As many of you members of Council and Mr. Mayor know through the staff I represent a company called International Outdoor. International's been proud to be a tenant for the City of Roseville in two locations since 2007 in good standing and I feel that we're a great tenant for the last four years. I'm coming before you today in the process of this ordinance in addressing the overlay district and asking for these variances. As many of the Council Members know we were I feel instrumental in providing countless hours of data and information to address the Council. I have one of my associates passing out again some artist renderings and some improvised photos. I do believe that a pictures worth a thousand words. So, in order to try to explain my story a little bit better, what we've done is provided some photos and some maps as I've done in the past when Council was considering the overlay district and just trying to give you some data and information. And if allowed I'll be able to walk you through it. Again, I mentioned with respect to asking for this sign variance you'll look at the exhibits and I'd like to explain those as well. What we have here is some unique and special circumstances associated with this location. It's my hope that the following presentation, you'll see why these variances are needed and grant them. That's our goal today. In looking at the exhibits the item documented as exhibit one what I'd like to do is point out some variables with respect to the property. In what we're looking at is the property otherwise known as Solid Ground, located at 17955 11 Mile Road. And if you're looking at the map itself there's a couple of different things that I'd like to point out. It's an irregular shaped piece of property as you can see; the buildings on one side, there's a parking lot on the other, there's a cell tower in the middle of the property in the middle around the existing Solid Ground property. What we're proposing with the billboard location it's going to go to the east of the property adjacent to the Costco parking lot, behind the Costco gas pumps and then the measurements not on here but the measurement from the sign to Gratiot Avenue is approximately 300 feet by itself. If you're looking at the distance to the east you're looking at 750 feet to the east and with the overlay district it meets the zoning requirements of a B-3. The unique part about this property and I say special circumstances is that you're dealing with two major thoroughfares. One is Gratiot Avenue. With Gratiot Avenue you have eight to ten lanes of travel, you also have a boulevard median and you're 670 feet away from the residential on that side. What we've done is we've identified in traveling approximately 920 feet for viewing distance with the Gratiot overpass on 696 and because the freeway is below the grade so the sign itself which plays in, these variance all kind of roll into each other, but what you're looking at is with the 920 feet that's the visibility for the sign. At 50 feet you wouldn't have any visibility at that sign for 696 travelers travelling east. So the 20 feet which we're asking for I believe will allow the viewers for 696 heading eastbound. The other thing that that will do is that will take away from the Gratiot visibility and it won't be a part of the landscape and look like an on-premise sign. The billboard sign is unique in itself. And the other thing on top of that is we do have, and I know that a lot of people don't have issues with billboards, they have issues with content on billboards and when we did our agreement with the City here that was a great concern. Just to let this Board know and Council that we do have that same restriction with this particular landlord. So as far as something that is nudity and adult clubs we don't do that as a company philosophy. And again this landlord has, we have those restrictions in there, as far as that goes. Again looking at the map to the north, or to the south I'm sorry, what we've done here is we've also given you three viewing points and these are artists improvised photos and what we've tried to do is measure the height and the width of the building and take a look at the sign and the pole which is at 140 feet the cellular tower pole. And we tried to position the billboard at 50 feet and 70 feet. The three letters on their reflect the three different viewing points. But if you look to the south we've got an eight lane plus the right-of-ways, you've got the MDOT right-of-ways, you've got eight lanes of travel, you've got an entrance ramp and exit ramp. So when you're looking to the south the shortest point to residential is 390 feet. And it goes from there to 450, 460, 450 and these are approximate again as I mentioned but I do feel that they're pretty close. So that kind of tells you a little bit about the location of the sign and with respect to the variance with respect to the distance from residential.

We believe that the billboard itself is consistent with the intent of the overlay district. It's gonna be located in a very dense commercial area. I shop at that Costco too. I get gas there. It's pretty busy. Now the billboard doesn't create any noise or doesn't create any hardships. Then on top of that the lighting is going to be facing towards the sign as we've done in our other units itself. It's not going to be out of character and pretty much in scale with the existing cell tower that's next to the proposed site. It's gonna be significantly buffered from property used and or zoned as residential being that Gratiot Avenue and also the freeway and the Costco to the east. In our studies we found that five residents fall short of the 500 feet spacing. So when you're talking about it being densely populated with residential it's very minimal and of those I mentioned the difference, the different, distances. The billboard, of course, makes no noise and is less of a disturbance than the different uses around the property. That's pretty much it on the front page.

And if you look at exhibit A what you'll look at is a view and this is, look at the map on exhibit A, this is this is the property we've tried to go 500 feet to the east across the street or across the freeway. And again this is an artist improvised photo and it's been zoomed in because when we took the photo from so far back at 500 feet you could barely see the buildings. So if you look at the bottom we've zoomed in dramatically to try to show the example and we've tried to compensate for that zoom. But actually the view is a little bit less than this because we had to zoom in other than that you'd be looking sort of like the map that we have in the front. And what we've done is the top portion of the sign, that's at a height of 70 feet, and we tried to estimate that pole is at a 140 feet the cell tower behind it. And what we tried to do is estimate where the height would be at 70 feet. And then below it you'll see a little yellow block, a yellow box, the yellow box is what's a matter of right at 50 feet. So the ordinance allows for a 50 feet height and what we've done here is we've gone to 70 feet just to try to show you the difference. And the difference is really not that significant from a size format as far as height but for us as a billboard company in being that the grade as you can see starts to go downward if you're heading westbound; eastbound it's already dramatically below grade. So when you're looking at that I think there justifies the height variance on that.

Exhibit number B again is a head on shot the way the overlay district allows for it's a 30 foot V and again I mentioned that to Mr. Truman in some meetings prior to the. This is pretty much the industry standard as far as signs and the reason for that is they're angled so that they can generate visibility towards the traveled thoroughfare. In this instance the traveled thoroughfare is going to be 696. It's not going to be the other avenues even though you will be seeing it upon Gratiot Avenue and I looked at it today on the way here. Prior to the White Castle you've got a bunch of trees, you really don't sneak a peek of that sign visibility until you get around the White Castle so prior to Gratiot Avenue visibility and then on top of that when you're on Gratiot it's 300 feet off of Gratiot Avenue to the right. You've really gotta twist your head and turn around if you really want to look at something like that. Again we also improvised this photo of 70 feet and then we tried to do our best to show the 50 feet height.

Visibility shot number C is looking again from the corner and that would be the southwest corner of Gratiot and 696. And again this shot was zoomed in so not only were we standing on the corner but we had to zoom in to try to give a better flavor of the visibility of it and actual reality it will look a lot less. And again with that sight there we've got some impediments and what we've got, we've got the cell tower which is gonna be in front of it. On top of that you've also got the different roadways as far as Gratiot Avenue and that overpass going over it. So when you're looking at that shot we tried to represent to you exactly the best that we could that it would look.

Outside of that what I've done is also provided for you a map. And what we did is we studied the different sizes. And as I mentioned earlier these variances are sort of intertwined and if you look at the map what we've done is we've mapped out with a yellow triangle. These are 12 by 24 boards and their height is 32 for the City of Roseville. The 14 by 48 boards are standard along Groesbeck Highway and some of them along the freeway thoroughfares. In the past we've asked for and got granted the 20 by 60 variance on the I-94 sites and these are similar hardships here with the freeway going under the

Gratiot overpass you need that height restriction, you need that height variance and no restriction. To try to stay in line with not being overpowering as far as size wise what we've done is we've suggested and are asking for a 14 by 48 which is 672 square feet total. In the past on the City property we've gotten 20 by 60 and that's 1200 square feet so it's quite a bit more overpowering. And in light of the fact of this particular location what we're asking for is 672 square feet which is considered the industry standard for our industry. You do need to go bigger in size when you're dealing with certain particulars as in the Marsack site we were dealing from a huge distance from the roadway, in some instances 200 feet from the roadway and the overpass at Masonic of about 35 feet I think so when we went there we went to 80 feet. So when you're looking at that that's the details with respect to the location and what we've identified with the blue signs, blue dots is the 20 by 60's, the green square is the requested location. If you look at that I do believe that we're going to be in compliance with what is pretty much standard out there really a little bit less on the freeways. The other issue that for the height variance is going to be that there's trees planted along the MDOT right-of-way and we do believe that those trees will grow in time. With the 70 feet it will allow us at this point in time to stay above the visibility standards there. And to the east of the property there's also a pedestrian bridge so when you're looking at the pedestrian bridge there's another added there which I think will impact the visibility. We believe that the billboard will not in any way whatsoever adversely impact or intrude on the quality of life, health, safety and welfare of the residents or neighborhood in general. Again as I mentioned to you all that we do have the content restriction. The billboard is not a departure from what we've gotten approved in the past with respect to size and I know that one of the concerns mainly amongst residents as well as Council and Board members is the content restriction and we do have the content restriction in there. We believe that it's been consistent with what it is that the industry standard is and we're not going overboard by asking for a 20 by 60 what we'd like to do is stay at a 14 by 28 and try to stay consistently within that. We hope to, we hope to build this, you know this location, and create an opportunity. On top of that again this particular location while it doesn't generate actual rent as a tenant it does generate additional property taxes for the City of Roseville. That's pretty much it as far as the different exhibits and so forth and I welcome any questions. I know that you have some other people that would like to speak as well.

Councilman Aiuto:
Thank you for the maps and it does help with the understanding of what you're trying to do but has your company done any studies on, especially when we look at this map, the number of signs, the demographics and when is it overpopulated with signs?

Mr. Oram:
No we wouldn't, we wouldn't do that. I think that's something that Council would look at but if you're looking at overpopulation. You're looking at billboard signs serving a purpose in keeping the public informed and you're along the thoroughfares. If you look at along I 94 and I-696 in the City of Roseville from what I see on 696 there's only realistically just the one. We're asking for one more on 696. What that does it allows, it allows for more competition, it allows for more options and also this sign, Councilman, is smaller that we're proposing than the sign that is already there. And if you're looking at billboards they're primarily where people travel and the demographics of the people on the roadway. So I mean it's all about a community on when enough is enough but when you're looking at it I think what I would ask is that Council take a look at the location and the circumstances surrounding the location. You know you've got the Costco there to the east. It's very busy as you know and it doesn't really promote, the signs not going to promote anything that's going to be negative. You've got the tenants in the middle with the motorcycle club, you've got the cell tower, you've got Solid Ground, you've got a viable business area there. We're not necessarily, I believe that we're serving the public and the ordinance in the overlay district I thought was designed for visibility towards the freeway. And when you're looking at that I don't think we're impairing the quality of life for your residents at all

because as shown in the map you've got your buffered by 696, you're buffered by Gratiot Avenue, you're 300 feet away from Gratiot Avenue. So okay I don't know the law but I think the gentleman here has an answer for that question.

Attorney James Walsh:
I've had the privilege of representing billboard companies for many years. I think Mr. Tomlinson knows I sent him the opinion where I sued the City of Roseville 30 years ago on the issue of size sign but and that was resolved. I think to answer Councilmember's question, the State law deals with that overpopulation if you will by requiring 1000 foot spacing between billboards along freeways and interstates and that is the way Michigan law addresses the overcrowding, excessive number of signs, that was up until about 10 years ago 500 feet and the legislature expanded it to 1000 feet. And if you notice I think it's exhibit 4 or the last one this would the third sign, no that's the Lamar site, that would be, this would be the third billboard along the stretch of 696 in the City of Roseville and from what I can tell because of residential zoning that's found along 696 this might be the last perhaps there could be one more along that stretch. And looking at that same exhibit if there might be an overpopulation of signs it's on Groesbeck but certainly not on 696.

Councilman Aiuto:
Through the Chairman does this fall and qualify with the overlay zone that we've just recently passed?

Building Director Glenn Sexton:
The sign structure does fall within the overlay zone, however, it does not fall within the distance from residential required by the overlay zone.

Councilman Aiuto:
I just recently had the pleasure of driving back and forth to Florida. Through about a 10 mile stretch of the State of Georgia it was billboard heaven and 90% of those billboards said available, available, available, available. And that's what I'm asking you, is when do I look down our Groesbeck and our Gratiot and our 696 and our 94 and see available, available, available, available or a sign that just never changes and fades? And that's what my concern is.

Attorney James Walsh:
I think Mr. Oram as a businessman has investigated that, determined that he's willing to make a substantial investment, as you might expect a billboard on a 3 foot diameter monopole is not cheap.

Councilman Aiuto:
Understood.

Attorney James Walsh:
Although I'm certainly aware that a while back, at least when I was driving on 696, a billboard that this body approved about 8 or 9 months ago had available or the equivalent on it. But I don't think Mr. Oram's (cut off by Mr. Oram)

Mr. Oram:
I can address that. Councilman Aiuto it's, you guys know I'm local, and we are actively involved. You will very rarely see a premium billboard which is what we're looking at. We are limited as far as locations. I'm not the CVS or Lamar that has 7,000 structures in the state. I live, you know I look at it, I pay corporate income taxes in one of the very few companies in southeast Michigan that does that. What we do is rather than looking at, we do have some that say available, and that's where you know you're going through hard times. In 2007 we could barely collect our payments you know, it was easy

to sell a billboard; it was challenging to try to collect from that same customer. But as I've explained to you guys you know this Honorable Body before we're local. I mean we do, like right now we're part of the "I am a believer" campaign in Detroit, we're part of the "Autism Alliance of Michigan", we do public service and we try to promote public service as well on the billboards so that because when there is "available" on their it's not desirable for a new buyer either. So whether or not we put somebody on there, whether they're paying or not is really not really something, so what we do try to do is and we try to do tasteful creative art. And again I mentioned the content restriction I think it's very; very important because not many companies will even do that or allow that but we live in this community. I travel and shop in this community so for me it's important. We don't advertise any of those clubs or anything like that It's really not an issue. I think here I'm asking this Honorable Body to look at the circumstances. Each situation is different in its own. Here we're so far removed from the 365 or you know the 500 feet. We're so close to it and previously in discussions you know we had done a study and I had asked this Body to consider as far as the overlay district at 300 feet because even at 300 feet it seems reasonable but you know you guys decided at 500 feet so we're here today to try to get that variance but you'll find that it's not intrusive on anybody, the content is not going to be distasteful. And if that depends on the people like I said you know, I have A & B Motors has a client right on the corner here. We're in this community so we try to sell to local people as well as you know the bigger national tenants and we can't predict the economy just like nobody else can a few years ago but hopefully it will come back. We're looking at this as we did the other one. It's a strategic location.

Councilman Aiuto:
That's all I have Mayor.

Mayor Chirkun:
Any other questions for the petitioner?
Mr. Tomlinson.

City Attorney Tim Tomlinson:
Actually just a couple of clarification points. Mr. Oram in particular in your presentation we're talking about the distance from the residential area and you had indicated that there are five residents at most within 500 feet of viewing I believe is the way you said it and correct me if I'm wrong, if I've misspoke, of this location. When you say five residents are you talking homes, are you talking particular individuals, just for clarification purposes? Cause I know just from this diagram that we've got multiple families in there and I would find it hard to believe that there's only five residents or residences.

Mr. Oram:
It is property. Homes.

City Attorney Tim Tomlinson:
Homes themselves?

Mr. Oram:
Correct.

City Attorney Tim Tomlinson:
What about the multiple? Are you counting that in there as well the number of units?

Mr. Oram:
No.

City Attorney Tim Tomlinson:
Okay. Alright so there may be more than five. It's five homes are within that area but then you have the apartment buildings that are also within that 500 foot limitation.

Mr. Oram
Unintelligible

City Attorney Tim Tomlinson:
Okay. Alright I just wanted to clarify that issue. Second thing is I think one of the concerns that you, actually you're presentation brought to mind was this is obviously much different from the standpoint of some of these other locations because of the location of Gratiot Avenue. Wouldn't you agree from that standpoint? You've got a pretty busy; I mean you've talked about it, how busy it is in that area.

Mr. Oram:
Right but the viewing intended area is 696 it's not for Gratiot Avenue.

City Attorney Tim Tomlinson:
Okay.

Mr. Oram:
As a matter of fact one side of the sign really can't see at all if you're on 696 traveling westbound that's (interrupted by Mr. Tomlinson)

City Attorney Tim Tomlinson:
Granted you would of (interrupted by Mr. Oram)

Mr. Oram:
So you'd be looking at the back of the structure if we were to request one side.

City Attorney Tim Tomlinson:
Okay

Mr. Oram:
That's one. The other thing is the cost by the time you factor in the rent cost, the structure cost, you really are probably 75 to 80% of the way there with a single face monopole sign. That's mostly just putting it on the back corner. It brings down all the variables as far as that goes.

City Attorney Tim Tomlinson:
But unlike many of the other locations there's not the same number of off ramps and lanes, I think you indicated it was 8 to 10 lanes of travel including exist ramps and entrance ramps right in that particular corner and that location.

Mr. Oram:
That's correct. It provides a good buffer I mean if you're looking at freeway travel you guys know when 696 was put in. You've got the (unintelligible) you've always got issues with sound. So that was (unintelligible) pretty well there on its way down.

City Attorney Tim Tomlinson:
And the last question I had on this is just out of my own curiosity because I come this way all the time. The two old signs we have at Marsack do those now, are those owned by or operated by CVS because I thought I saw a placard for CVS on those?

Mr. Oram:
We changed the plaques. What we do is, right now who's in control implies that's paying.

City Attorney Tim Tomlinson:
Okay

Mr. Oram:
That is actually who is in control of the deal.

City Attorney Tim Tomlinson:
Okay. So there's like sub-lease agreements with whomever may be (interrupted by Mr. Oram)

Mr. Oram:
Correct. What we do is we put it out on the open market and if they have a client then we come to an arrangement on revenue sharing as far as that goes.

City Attorney Tim Tomlinson:
Gotcha.

Mr. Oram:
Keep in mind busy until we don't try to keep (interrupted by Mr. Tomlinson)

City Attorney Tim Tomlinson:
But they're still owned by you as International Outdoor.

Mr. Oram:
We still market those as well (interrupted by Mr. Tomlinson)

City Attorney Tim Tomlinson:
Okay.

Mr. Oram:
As International Outdoor and what you'll find is that imprint will change depending on who gets the client.

City Attorney Tim Tomlinson:
Fair enough. That's why I was curious. I knew you still had ownership because we didn't' have an agreement otherwise.

Mr. Oram:
No. No that's (unintelligible) changes on a regular basis it depends where your guys find to the table and with us being a small company we don't have a national outreach that they do but we do have a location so it's a matter of just trying to come up with some type of agreement that's a win win and it's worked out pretty well. We've worked with both of the Warren and CVS being that we're a small company.

City Attorney Tim Tomlinson:
Mayor I don't have any further questions.

Mayor Chirkun:
Councilwoman McCartney

Councilwoman McCartney:
Mr. Oram, on this exhibit that we had in our packet it says 365 from residential on this side but on here I see 390, then 670 going to the west and then I see 450. Is this, did you move the sign or how does it?

Mr. Oram:
No. What I think you're looking at is the fact that when we first were doing the measurements we were looking at it from the travel lane the right of way on the side and then what we realized is the houses are further back. So we weren't compensating for the distance to the home itself. When you're looking at the other one, the previous renderings that we had done, we were measuring them from the side of the service drive there. Again they're approximate, what we did is we tried to plant out and tried to use a couple of different measurements on this.

Councilwoman McCartney:
Thank you.

Mayor Chirkun:
Councilman Shoemaker.

Councilman Shoemaker:
Mr. Mayor through you to the Building Director Mr. Sexton, if we, let's say let's use the number 350 for a setback would that open up many more locations in Roseville? At 350 setback?

Building Director Glenn Sexton:
I don't know the answer to that question. It probably would open up several more sites. Was your question about this particular site?

Councilman Shoemaker:
No. Just say if this was approved then let's say someone down the road comes back and there's a 350 foot as far as starting a precedent.

Building Director Glenn Sexton:
The answer to your question is that there are other sites within the overlay zone that would be between 365 and 500 feet from residential property.

Councilman Shoemaker:
It would stop us from them coming in and using precedence on that.

City Attorney Tim Tomlinson:
If I could just add to that Mayor. Obviously each one of these locations regardless of where they may be are looked on a case by case basis, you're looking at all the different factors whether it's the aesthetics, any concerns with regards to traffic flow, impact on the residential areas and the like. So you're gonna look at any, whether it was 350 or let's say this approved, that it's not necessarily a strong argument to say there's one down the street here cause every location is different. With that said they can obviously point to the fact that hey a location very similar to this one has been utilized

and we have the same factors that are applicable to this and use it as a base to try to argue that it's in harmony with the area. But in general you should be looking at these all on a case by case basis based upon the merits of the particular location presented. But that's a good question.

Mayor Chirkun:
Mr. Oram, one thing, you did have some input when we did our overlay zone. You came up and gave the opinion from the sign owner's standpoint or business owner and were you aware that we had did the setback at 500?

Mr. Oram:
Yes, eventually Mr. Truman (interrupted by Mayor Chirkun)

Mayor Chirkun:
Okay, because I know one meeting you were here and you made a presentation and subsequent there was a meeting some of your people that work with you came and I don't think you were here. You couldn't' make it that time.

Mr. Oram:
Correct. That was I think the last hearing when you guys were passing the ordinance on the overlay district. I couldn't make that particular day but yes I was aware of it, the staff here, the City Manager, Mr. Sexton, have been very accommodating as I mentioned. We have been a great tenant with the City. And with respect to Councilman Shoemaker what I would ask is that you do address, as Mr. Tomlinson mentioned, each situation as I started out in this presentation, look at the circumstances, look at the property, look at the distance. I've studied the City of Roseville you know in my opinion there's you know we've I think originally presented like six different locations that met the old ordinance. What we've decided to bring is the one that we feel that meets the criteria and the way that you guys are looking at the ordinance. You know there's only one other site that I would even recommend and that's on City owned property and I've already recommended it to Council. We've been fortunate enough to develop two sites that you guys gave us that opportunity. We're a great tenant in good standing and I believe that we're the best position to try to build another one that we found through research that we've looked at and we've already approached Mr. Truman on seeing whether or not this Honorable Body would like us to proceed on moving forward but if you look at the City of Roseville Councilman Shoemaker all I see is potentially two sites that meet these particular unique circumstances. I know the City pretty well, there's a lot of other sites before would have met it but at this point in time there's two that really don't involve residential and you know they're unique circumstances. And that's what I'm asking for today is these variances based on, as Mr. Tomlinson is saying, take a look at each site, take a look at the circumstances with Costco, with 696 and that's the intended purpose of the overlay district was to try to appeal towards the freeway. Well this is, you can't get any closer appealing towards the freeway and it's 300 feet away from Gratiot. And there's gonna be some impediments if you're on Gratiot not until you get to that White Castle with the trees that you even see anything. And then you've got to take a look and go 300 feet it's not like 50 feet setback. It's quite a distance.

City Attorney Tim Tomlinson:
Mayor, just for clarification, just so the records clear when those other sites we're talking about Mr. Oram has brought up they may have met the requirements of the off-site premise sign distance requirements but they did not lie within the appropriate zoning issue areas. So to say that automatically would have qualified is not an exactly correct statement. I'm sure that was just an oversight.

Mr. Oram:
I didn't think it came out that way but the way you put it Mr. Tomlinson I guess it did.

Councilman Shoemaker:
One more question to the Mayor to the attorney, so this won't create any, he already said it wouldn't, but this create any problems with set a precedence for Gratiot Avenue.

City Attorney Tim Tomlinson:
For Gratiot Avenue if it meets the off-site sign ordinance then it meets the off-site sign ordinance.

Councilman Shoemaker:
Well I mean this is one of our conditions because it is along the freeway though I would make that (interrupted by Mr. Tomlinson)

City Attorney Tim Tomlinson:
You shouldn't address, it really shouldn't affect Gratiot corridor.

Councilman Shoemaker:
That's all. I know it's kind of a dumb question but I just wanted to ask it.

Mr. Oram:
Councilman with respect to that we're 300 feet away from Gratiot and as Mr. Walsh mentioned there's 1000 feet spacing on State thoroughfares so as far as on 696 there it wouldn't create anything and I'm in agreement with Mr. Tomlinson with respect to my understanding of it as well.

Councilman Shoemaker:
Thanks and since you're at the podium that's 1000 feet on either side of the street it doesn't have to (interrupted by Mr. Oram).

Mr. Oram:
Correct.

Councilman Shoemaker:
Be lineal?

Mr. Oram:
It's lineal but my understanding of the new ordinance is its radial but you guy's ordinance here. That's my understanding I don't know if it's different.

Mayor Chirkun:
Mr. Sexton.

Building Director Glenn Sexton:
It's radial as far as our ordinance goes.

Mr. Oram:
But State thoroughfare it's lineal on the same side of the roadway.

Councilman Shoemaker:
What about the other side is that different?

Mr. Oram:
That's the same thing. Its 1000 feet lineal so they could, if the State law allows them to be, you know gateway'd you know one on each side but your City ordinance doesn't allow that so you can't. We do have the necessary permits with the State we haven't applied for any of course until this body gives us some directions but we do have the necessary State permits in escrow to allow us to build the sign.

Councilman Shoemaker:
Thank you.

Mayor Chirkun:
Councilman Maisano

Councilman Maisano:
Mr. Mayor thank you. What would preclude you from moving the sign back 50, 60 feet then you would meet the requirement of 500 feet?

Mr. Oram:
Councilman, no matter where you put it on that particular property it won't meet that 500 feet requirement because of the proximity to residential. If you're looking at the outer edge of the property then those numbers are less than the sheet that I showed. I think it's what Councilwoman McCartney on previous sheets where we were looking at the edge of the properties not necessarily the homes. And if you did move it back Councilman what you'd have to do is get a bigger size and more height because now when you're looking at the Gratiot overpass and on 696 for viewing eastbound I don't believe that it would be in the spirit of the ordinance the overlay district that you guys just passed to try to push that sign that much further back because the intent is for the visibility on I-696 not necessarily to push it back and make it harder for the viewers to view. Oh, the gentleman's just informing me if we moved it back that much further it would be off Common Ground property. Solid Ground, I'm sorry.

Councilman Maisano:
If you move it back, in other words everything here is just assuming that it's on the edge of the property. If you go to A (interrupted by Mr. Oram).

Mr. Oram:
The intended viewing is for 696 so you want to be as close to the freeway as possible. Other than that that's where getting into size variances bigger than 14 x 48. What we're asking for is 672 square feet and as you've seen it's not uncommon for a super size board where it would be 20 x 60.

Building Director Glenn Sexton:
Councilman Maisano, the overlay district only extends 100 feet from the right-of-way, from the MDOT right-of-way and it must be the first parcel adjacent to the right-of-way so you couldn't move that sign back and contain it within the overlay district.

Councilman Maisano:
Thank you.

Mayor Chirkun:
Any other questions?

Mayor Chirkun:
Do you have anything further Mr. Oram?

Mr. Oram:
No. I do think that some other people would like to.

Mayor Chirkun:
Are they part of your contingency?

Mr. Oram:
Yes you have Frank here from Solid Ground.

Mr. Tenkel:
My name is Frank Tenkel I'm a volunteer for something like seven years, Mr. Maisano, at Solid Ground. I am also an officer and on the Board of Directors. We've been working with (interrupted by Mayor Chirkun).

Mayor Chirkun:
Could I get your address for the record sir?

Mr. Tenkel:
My address is 32 Roslyn, Grosse Pointe Shores, Michigan. Our Board of Directors has been working with International since last fall on the sign proposal. We've looked at quite a few sign proposals and finally came up with something that we felt was acceptable especially in regards to the content. There was quite a bit of discussion about that as you know we house families with women and children in the building. We're also a faith based organization and they were very accommodating to us as Randy has mentioned. This sign and the rental of it represents a very significant passive source of income for our facility and as you know now a days with what's going on with non-profits and the like we have to exhaust all possible sources of income to keep our operation going satisfactorily. So we certainly support it and we hope that you can support it for us. Thank you.

Mayor Chirkun:
Do you have any questions for the gentleman from Solid Ground?

Mayor Chirkun:
Thank you. Mr. Clerk while we're waiting for the next speaker to come up is there any correspondence on this matter?

City Clerk Richard M. Steenland:
Mayor the only correspondence is the one letter that was received from Solid Ground.

Mayor Chirkun:
Okay. Alright. Go ahead Sir.

Mr. Depa:
Good evening Mayor and Council. My name is Patrick Depa. I live at 12447 Inkster Road, Taylor, Michigan. I spoke before you briefly at the, during when you were adopting the ordinance. I've been an independent consultant with outdoor advertising companies for quite a while. I've been working with Mr. Oram and International Outdoor. My background I stated briefly before but I'm a Certified Planner, I've been working as a planner for 12 years, worked in the City of or Township of Canton as a

planner, City of Taylor as the City Planner and planning department also (unintelligible) as their Planning Director. In that time I've wrote a couple of ordinances, couple of zoning ordinances during that time as well as a couple of master plans, so a multiple of ordinance amendments. And I want to touch on something a little bit later or mention it but I've been involved in researching a lot of these sites from the beginning as we started looking at Roseville for prospective sites and I'm kind of go off a little script here but to answer some of the questions of location and setting precedent. We had pretty much what we had given to the Building Department previously as far potential sites which I believe it was six were about the only particular sites you could, that would even at the time before the overlay district would be an acceptable site until and that was due to what's been already mentioned here as far as MDOT regulation as far as spacing goes, as far as zoning. As you know the City's quite built down, you got a lot of the residential and commercial directly adjacent to. This particular site when researching Roseville, the Solid Ground site, was probably the most compatible with having a billboard meaning that is was surrounded by commercial uses. The other uses of that pretty much dropped off the map the overlay was adopted, they were directly adjacent, they were right next to residential. And if you remember some of the ones that we had proposed those won't even be considered anymore because of their way too close, they're adjacent, we know the City's sensibility to that proximity. But in this particular case looking at Solid Ground as being like again the most compatible it's surrounded by commercial development, it's existing and still even has potential for growth there. that we looked at this as meeting the criteria for geographical hardship, practical hardship in that area. Particularly the roadway itself the 696 corridor, the MDOT right-of-way which spreads out into the two service drives, as well as the plantings that are there but also primarily the depression, the geographical depression of the road which is standard, pretty much common landscape of 696 through Roseville. And when you are looking at variances on this billboards need to be viewed quickly it's a matter of safety. A lot of ordinances they start at a lower square footage their okay if you're pretty much at grade you can catch a look. It's about safety, you want your eyes to view the message it's there it's I mean obviously billboards are common in all communities but the primary thing is that the ordinance addresses that the right to be there and advertise but also the right of safety and size, the viewing angle that we want to get the height and size is to accommodate that those types of attributes. We want it to be a safe, viewed, but not intrusive or not out of scale or not out of character with the surrounding zoning district and that's what we've been working with International Outdoor to accomplish. In the past, as mentioned I worked on a couple zoning ordinances and master plans actually in all the Cities that I've worked at, well actually two of the three, worked with commissions to change the sign ordinances. Basically because of similar circumstances, the distance from the roadway, width of the road, roads that the medians or just the widths of very high traveled roads where they increased the speed on the roads. You know, Taylor, Inkster, you've got Telegraph, Michigan Avenue, I-94 all go through there and we addressed all the same similar issues with those with billboards and signage in those areas because again it was about getting the visibility for the signage but also keeping in mind the safety and health of the drivers themselves. So we're just, that we believe it just meets the criteria obviously because of the geographical landscape of having 696 being depressed in the City or below grade and the width, talking about you know it's been mentioned before the 8 lanes. But also getting back briefly to the setting a precedent, we don't believe this will set a precedent because this is, like I said, probably the most compatible area that the sign could go up. The other areas that were even close or even could be considered were adjacent to residential and as Mr. Sexton knows we completely just dropped those off. We knew that that wasn't going to be acceptable. It wasn't something that we wanted to have a similar situation to having a board in someone's backyard. We were looking to have this be compatible within scale to the commercial district and the fact that it's across the 8 lanes and the service drives from the and the distance as we've pointed out in the handouts that it won't be intrusive to that neighborhood. In fact that neighborhood the houses are actually facing the side streets so they won't even, they won't even, you know it wasn't something that you're going to be looking out your front window at.

Mayor Chirkun:
Sir, did you say Canton Township was one of your (unintelligible). Do you know off the top of your head what their setback is for signs?

Mr. Depa:
No cause that was back 99 I was working with them.

Mayor Chirkun:
When you do these studies for the billboards do you ever get public feedback?

Mr. Depa:
We had a

Mayor Chirkun:
Before the sign goes up?

Mr. Depa:
Well, with some of the stuff that we're talking about we were looking at the same things. We were taking pictures, we were looking from the standpoint of safety and can you see the sign when you're going down. Even arterial roads 40 miles an hour when you've got or when you have strip malls, multi tenant malls, that obviously all the parking's in the front and the buildings are set way to the back and you have a 30 you know for instance 32 square foot sign. It's hard to see even at 40 miles an hour. So, well what we did was we looked at what would be an acceptable and we looked at other ordinances, I mean study and the research is done on basically what's out there. I mean none of this stuff is usually created out of thin air or through a lot of (unintelligible) you look at other ordinances what works, what looks good but looking at distances of what's a safe distance to see. Is there a Radio Shack back in there? Can you see the sign even at 40 miles an hour? And if 20 square feet's not enough how do you increase it? And we came up with things just you know per frontage, one square foot per one foot of frontage so that's I know going off topic there but it wasn't really scientific it was taking little bits and pieces of everything that worked, evaluating it and then applying it.

Mayor Chirkun:
Okay. Are there any questions for this gentleman?

Councilwoman McCartney:
I don't really have a question, I just had a statement. You said sensitivity, you used the word sensitivity, and I believe sensitivity to our residents is why we set the setback to where it was. I think that is important. And you said safety and being that close to Gratiot with all the on and off I do think that there could be a safety issue there. With all the ramps on and off, the 8 lanes of traffic, I think that might be a safety issue and I'm just wondering.

Mr. Depa:
When I say safety it's about the size to where they look and then they actually get back onto the road. It's any size, it's anything that distracts a driver and you know I mean any signage (interrupted by Mr. Oram).

Mr. Oram
There are studies that show that first off it's gonna be a static sign not a digital sign or a moving sign in any way, shape or form. There are numerous studies that show that billboards are not a distraction to

drivers so in fact it's the outdoor advertising association I think the (unintelligible) that's that situation. Then when you're talking about sensitivity to residents I would agree with you with respect to a couple of different things. One is content, I think people, in my experience in doing billboards now on my own for 12 years and doing it with my family for the last 30, most residents are concerned with the content not necessarily the billboard. The other thing is with this particular location, as mentioned before, please consider the circumstances that are regarding this situation. You've got Costco to the east, you've got the gas station to the west, so and you're looking at whether or not the billboard will be intrusive and you're talking about Gratiot. You know you're looking at signage. I believe that more of a distraction is the smaller signs that have the message readers on them or the digital signs that are moving all over the place. Those to me are more of a distraction than something that's 672 square feet where, as the gentleman just mentioned, the viewing side is 5 seconds and that's the max or average, max is 7 to 8 seconds, minimum is 3 seconds. So when you're looking at 3 seconds or 5 seconds you're not necessarily looking at something that's moving so with respect to what, I've been in it for a long time, and we've never had any issues with respect to the signs that we've built in the past so I ask that you look at the circumstances with this particular property and that's exactly what it is.

Attorney James Walsh:
It's interesting because the size of the sign and its location and its connection with traffic safety was the issue in the case that I handled against the City of Roseville in 1981 in Judge Chrzanowski's Macomb County Circuit Court. Determined based on the evidence that a 672 square foot sign along a freeway was safer than the 300 square foot sign because a motorist could keep his eyes on the road and glance at the sign, get the message. These things are read like that. You know the messages aren't, you don't study them you see them as you drive by. And so I think in this instance the variances that are being sought would enhance safety. A 50 foot high 300 square foot sign at this location would not be as safe as a standard size 672 square foot highway sign.

Mayor Chirkun:
Sir, I have a question for you because of the sign everybody seems to think Roseville's a mecca for signs lately. You have these signs that are in escrow and I think Mr. Oram has said that and he has to go to the State. How many left in the State of Michigan if you deal with most of the cases?

Attorney James Walsh:
There are no new sign permits. I don't know if anybody knows for sure maybe someone at MDOT could tell you but it's my impression that there are probably less than, well less than 1000 permits in escrow. I don't think it's even close to that.

Mayor Chirkun:
Okay. But I just don't want them to end up in Roseville that's all. Along with what Mr. Aiuto's said.

Attorney James Walsh:
Well and I think the Councilmember's concern I think most people want to spread their signs around and but you do have in this community Lamar, CVS Outdoor, International Outdoor. But I know that Lamar has is gonna be building a couple new signs in Madison Heights so I think diversion is what the companies want.

Mr. Oram:
In closing if I may Mayor and Council, notices were sent out and I know that billboards in Roseville have been a hot topic and you keep mentioning that. You know if this was something in somebody's backyard I could see this place filled with residents and coming out and speaking against it. Notices were sent out and they were sent out to what's allowed by the ordinance and again it's these

particular circumstances that I see that we're not going to impede on the quality of life of the people. This is something that you're going to be viewing as you're traveling a major thoroughfare; 696 has 80,000 cars a day plus, Gratiot has you know another 30,000 cars a day plus so it's not necessarily something that you know you're going to be looking at (unintelligible). The other thing is it's part, it's acceptable on a freeway. I think that's when you see it out in the middle of nowhere that you say "wow". In this situation it's acceptable up and down 696 you know people commute, the commute is 25 to 27 miles. If you're living in southeast Michigan you're gonna run across a billboard along the freeway around that mileage period so I think when you're looking at something like that I do appreciate and that's why we're coming here with this form prior to this overlay district and me giving you guys this information. We're coming here with one and the only site that I think that would fall in line with the spirit of the ordinance. There's one other site on City property and I've mentioned that (unintelligible) but other than that we're not coming here you know saying.

Mayor Chirkun:
Councilwoman Haggerty.

Councilwoman Haggerty:
Do have a proposed tenant lined up or is this just the beginning stages?

Mr. Oram:
No, Councilwoman. We've been in conversations with a local bank I think it's called First Place Bank here in this area as far if they have an interest but we need locations as the attorney's mentioned. We need it so as far as we're concerned it'd be something. When we're selling sites we're selling every site is special to us because we don't have you know take your pick one of two hundred. We have one site here, two sites there, ten sites here so I believe that we'll get a qualified tenant and we have local sales people including myself that go out into the local community so we try to sell to local community. The good part is the national community right now has the big bucks and they pay their bills on time. You know today's environment with the local business community is still challenged.

Councilwoman Haggerty:
Thank you. That's all I have Mayor.

Mayor Chirkun:
Okay. Thank you. This is a public hearing. Is there anybody from the public wish to be heard regarding the consideration for a variance to erect a free standing off-premise sign having a 365 foot setback from residential zoned property on the property at 17955 E 11 Mile Road? Yes sir.

Mr. Otto Wilhelm:
Good Evening Mayor, Zoning Board of Appeals members. My name is Otto Wilhelm I've lived at 16405 Charleston for over 30 years in the City of Roseville. First I've got a couple of; my first issue is a question to the City Attorney whether this meeting was properly noticed. I always believed that was supposed to be a 15 day requirement be it this notice did not go out in the newspaper until the 8th of June, this is the 21st of June. Last time I took a math class with my grandkids that's only 13 days and not 15 days. So I'm questioning whether anything you do this evening is actually appropriate. My second question is regarding the three variances and then all of a sudden I started hearing that you might want a "v" billboard so you're looking at four variances for this person here. Is that a real variance request or is that a zoning change? Everybody else even the first person that sign going up was only asking for two variances, they're asking for three possibly four. My second issue is your responsibility to that one time driver that's coming from Taylor going to Sarnia to gamble so he can see a Budweiser sign that it's the King of Beers or is your responsibility to the residents in this

neighborhood? These people have lived there some for only a few years, some for their whole life. Is it alright for you guys to allow a sign to be put up where every morning the person that used to walk out and see the sunrise now all of a sudden sees a sign in his face? Where that grandfather at night showing his great-grandchild where the big dipper is and all he does is look up and see the lights from the sign? There was also some comparisons to the cell tower pole. This City has always required that the cell tower be a single pole, not lattice work, has always required that that pole be painted a neutral color so at night you can't see it at all, during the daytime if it's cloudy or sunny it blends in with the background. We have also always required that that pole not go over 200 feet so there's no light on top, nowhere in the City of Roseville do you see a light, a warning light required that the FAA on top of any of our poles because they are under that requirement. But that's my question, I, Mr. Oram and his attorneys have all said yes they are only looking at one other spot. That's Mr. Oram and his attorneys. They also mentioned their CVS signs, Lamar signs, International Outdoor and I don't know how many other sign companies. These other sign companies are gonna see that you allowed, even though City sign overlay zone, that you allowed that these signs go up. What is to keep you from saying, from somebody else coming in here saying I want a sign over here, I want a sign over there. Right now they originally were only supposed to be in industrial zoning what's with this going into a "B" zoning what is to keep anybody else out of "B" zoning? Those are my questions. Thank you.

Mayor Chirkun:
Thank you. Mr. Sexton in regards to the time frame for the notice?

Mr. Sexton:
Mayor Chirkun there was a notice provided, advertised, in the paper, prior to the one that Mr. Wilhelm is referring to. There was an error in that advertisement that showed the wrong date of the meeting so we republished it at the very next available opportunity which was only 13 days prior to the meeting. It was advertised twice.

Mayor Chirkun:
Was the meeting date and time the same on both?

Mr. Sexton:
The meeting date and time was not the same on both. That was the reason for republishing.

Mayor Chirkun:
Okay. Mr. Tomlinson, are we running into any legal problems here?

City Attorney Tim Tomlinson:
To be honest with you I'd have to look at that issue, I haven't had the opportunity I wasn't even aware that occurred. Obviously the public is put on notice that this issue is going to be addressed, the location and the property is provided in there, and of course the telephone number for the City, is available for them to review, so I think the essential matters would have been definitely what I would consider substantial compliance with that if nothing else. And the fact that we published twice instead of once if anything else it could be argued that it gave greater notice that this issue is coming to the forefront.

Mayor Chirkun:
Okay. Anybody else from the public wish to be heard?

Mrs. Kay Cooney:
I'm Mrs. Kay Cooney and I live at 26331 Grandmont Street in Roseville. I live two and a half blocks south of the 696 expressway, almost directly across the street from that giant monstrosity that you just put up between Barkman and Academy. And I'm here to belatedly protest the approval and installation of that sign. I understand that it was advertised in the paper according to law and notices were sent to people within 300 feet. I do live two and a half blocks south of the expressway, I can see it clearly (interrupted by City Attorney Tim Tomlinson)

City Attorney Tim Tomlinson:
Mayor, with all due respect, that is something that she may bring up during the general hearing of the public but this does not germane to this sign.

Mayor Chirkun:
Do you have anything to this sign?

City Attorney Tim Tomlinson:
Correct. She can address this sign.

Mrs. Kay Cooney:
This sign in particular. Okay, with the regard to that sign there, I do think that as a, it is, it does provide visual clutter. That particular corner already has a National Coney Island sign, the BP sign, the Solid Ground sign, it has the White Castle. It's very, if you get off the expressway and that's the first thing that you see when you enter our City I think not only is all that signage confusing but it is visual clutter and I think it is too much clutter for that corner.

Mayor Chirkun:
Thank you. Does anybody else from the public wish to be heard this evening?

Mr. Gerald Caparo:
My name is Gerald Caparo, I live at 18233 East 11 Mile Road. I know I'm too far to say anything about this sign that they want to put up because I'm the third house from Costco's but I think that Council and everybody should look when you don't have residents to speak for themselves I think you should open it up more than 300 foot. Now I talked to my neighbors, they couldn't come tonight but they didn't even know anything about this because they say if they're over 300 foot you don't get notified unless you read the paper or watch the TV. Now I don't like all these signs going up. I think they're a big pain. But I think that Council should look at giving a little bit more extension from 300 back a little bit. That's why they don't have a fistful of people here tonight because they weren't really invited because they're over the 300 foot mark. And the people that live on the other side of 696 when they wake up once that sign goes up Good Lord that's what they're gonna look at every single day. Thank you.

Mayor Chirkun:
Thank you. Anybody else from the public wish to be heard this evening? Anybody else from the public wish to be heard regarding this matter? Seeing none I have a motion to close the public hearing.

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER JAN HAGGERTY seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

Mayor Chirkun:
Public hearing is closed. Mr. Oram is there anything else you'd like to say?

Mr. Oram:
I would like thank this Board and Mayor for the opportunity to come before you again. I respect the resident's concerns. I do believe that we would be great tenant. I don't' think the impact is as impactful as Mrs. Cooney just mentioned with respect to the size. You know you're looking at a 20 x 60 and the gentleman at 18233 East 11 Mile referring to the people across the freeway as the improvised photos show it's very minimal and it's gonna be something that's gonna be tasteful. And again I ask that you guys look at the circumstances with this particular location. Every site is going to be different. It's not going to be that it's gonna be literally spread all over the place. It's gonna serve a purpose. So with that I ask that you guys proceed and move forward and if we could format as we discussed earlier on the approvals or denials.

Mayor Chirkun:
Are there any other questions for Mr. Oram this evening?

Councilman Shoemaker:
For the attorney.

Mayor Chirkun:
Councilman Shoemaker has one for Mr. Tomlinson.

Councilman Shoemaker:
Mr. Tomlinson, I voted approval on the one down the, near Club 11, and in my opinion this sign he's presenting today is a little bit better suited than the one down the street. Could that become a problem down the road if they decide to sue us or something if we voted no?

City Attorney Tim Tomlinson:
As I indicated to you previously, you have to look at each one of these signs locations. Any type of variance you need to look at on a case by case basis. That's what you need to do because every site has different circumstances that are dealt with. So, no, I don't. Do I look at it as a problem, no. I think the law would state any ZBA or any variance request is looked on a case by case basis and you make a determination as policy maker as to whether or not you think this should be approved or not.

Councilman Shoemaker:
I guess for the public then I personally feel this one's better suited than the other ones. So, this is a decision I have to make. Thank you, Mr. Tomlinson.

Mayor Chirkun:
Any other questions? Seeing none what are the wishes of the Council?

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER FRANK MAISANO seconded to deny the petitioner's request for a variance to erect a freestanding off-premise sign having a 365 foot setback from residentially zoned property on the property at 17955 E. 11 Mile Road, International Outdoors due to the fact that no undue hardship, unique circumstance or practical difficult exists, or if it does it was directly caused by the petitioner's actions. My findings are based upon an undue hardship, unique circumstances or practical difficulty that may exist is self-created by the petitioner's desire to erect an off-premise sign at this location. Construction of the off-premise sign being 365 foot setback from residential zoned property. The aesthetics inconsistent with the area especially in relation to the view of the residents in the area. The location near Gratiot causes added driving distraction and visual blight and the location with a great deal of

congestion. And the sign would be a significant traffic hazard due to its location and proximity to Gratiot and the numerous on and off ramps.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION TO ERECT A FREESTANDING OFF-PREMISE SIGN HAVING A 365 FOOT SETBACK FROM RESIDENTIALLY ZONED PROPERTY ON THE PROPERTY AT 17955 E. 11 MILE ROAD, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-17-454-023 VAR. #1011

will not be in harmony with the general purpose and intent of Zoning Ordinance No. 1243 Section 1700 – 1 (3), will be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby denied.

MOTION CARRIED UNANIMOUSLY

Mayor Chirkun:
Thank you gentlemen.

Mr. Oram:
Is that on all three?

Mayor Chirkun:
No we have to address each one.

City Attorney Tim Tomlinson:
No you're going to have to address each one individually unless they're going to withdraw the other two. That's up to them.

Mr. Oram:
We're already here might as well just go ahead on all three.

Mayor Chirkun:
That's fine.

City Attorney Tim Tomlinson:
We should follow the same procedure and if their comments are related to the previous public hearing petitioner can just assert that the same arguments that they presented at that point are applicable to this public hearing

4. Public Hearing and Board consideration for variance to erect a 672 square foot freestanding off-premise sign on the property at 17955 E. 11 Mile Road, International Outdoor, Inc., Randy Oram, representative,

Randy Oram, petitioner, James Walsh, attorney, and Mr. Depa appeared on behalf of this request and answered the Board Member's questions.

Mr. Oram:
Just to save everyone time if we could incorporate the comments that were made earlier and our responses to any questions posed to us.

Mayor Chirkun:
Are there any questions, any further questions about the square footage? Seeing none this is a public hearing is there anybody from the public wished to be heard this evening in regards to this matter? Seeing none a motion to close the public hearing.

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER FRANK MAISANO seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER FRANK MAISANO moved, BOARD MEMBER JAN HAGGERTY seconded to deny the petitioner's request for a variance to erect a 672 square foot freestanding off- premise sign on the property at 17955 E. 11 Mile Road, International Outdoor, Inc. due to the fact that no undue hardship, unique circumstance or practical difficulty exists or if it does it was directly caused by the petitioner's actions. My findings are based upon any undue hardship, unique circumstance or practical difficulty that may exist is self-created by the petitioner's desire to erect an off-premise sign at this location. And further, an off-premise sign with the area of 672 square feet will not be in harmony with other structures in the area. An off-premise sign with an area of 672 square feet is aesthetically inconsistent with the area especially in relation to the view from residents in the area.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION TO ERECT A 672 SQUARE FOOT FREESTANDING OFF-PREMISE SIGN ON THE PROPERTY AT 17955 E. 11 MILE ROAD, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-17-454-023 VAR. #0811
will not be in harmony with the general purpose and intent of Zoning Ordinance No. 1064 Section 264-6 A(1)(c), will be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby denied.
MOTION CARRIED UNANIMOUSLY

5. Public Hearing and Board consideration for variance to erect a freestanding off-premise sign having a height of 70 feet on the property at 17955 E. 11 Mile Road, International Outdoor, Inc., Randy Oram representative.

Randy Oram, petitioner, James Walsh, attorney, and Mr. Depa appeared on behalf of this request and answered the Board Member's questions.

Mr. Oram:
We would again ask that you consider and incorporate our comments and answers to questions.

Mayor Chirkun:
Do we need his name and address for the record?

City Clerk Richard M. Steenland:
I have it Mayor.

Mayor Chirkun:
Alright, thank you. Are there any questions for the gentlemen regarding this? Seeing none this is a public hearing. Is there anybody from the public that wishes to be heard this evening? Seeing none a motion to close the public hearing is in order.

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER JAN HAGGERTY seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to deny the petitioner's request for a variance to erect a freestanding off-premise sign having a height of 70 feet on the property at 17955 E. 11 Mile Road, International Outdoor due to the fact that no undue hardship, unique circumstance or practical difficulty exists or if it does it was directly caused by the petitioner's actions. My finding is based upon an undue hardship, unique circumstance or practical difficulty that may exist is self-created by the petitioner's desire to erect an off-premise sign at this location. Construction at the requested height will not be in harmony with other structures in the area and construction at the requested height is aesthetically inconsistent with the area especially in relation to the view of the residents in the area.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION TO ERECT A FREESTANDING OFF-PREMISE SIGN HAVING A HEIGHT OF 70 FEET ON THE PROPERTY AT 17955 E. 11 MILE ROAD, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-17-454-023 VAR. #0911
will not be in harmony with the general purpose and intent of Zoning Ordinance No. 1064 Section 264-6 A(1)(c), will be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby denied.
MOTION CARRIED UNANIMOUSLY

III. HEARING OF THE PUBLIC

The following individuals spoke:

1. Kay Cooney, 26331 Grandmont
2. Gerald Caparo, 18223 11 Mile Road

IV. ADJOURNMENT

BOARD MEMBER COLLEEN MCCARTNEY moved, BORAD MEMBER JAN HAGGERTY seconded that the agenda having been acted upon; the meeting is hereby adjourned at 8:36 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Richard M. Steenland, City Clerk

* ***Attached is a summary of petitioner's commentary on Agenda item's 3, 4, and 5 presented to the City Clerk during the meeting.***

* Received at Zoning Board of Appeals meeting 6/21/11

ROSEVILLE CITY COUNCIL
BZA MEETING
17955 ELEVEN MILE RD. (SOLID GROUND)
TUESDAY, JUNE 21, 2011
FACTS IN SUPPORT OF VARIANCES
PRESENTED BY INTERNATIONAL OUTDOOR, INC

GOOD EVENING MR. MAYOR, CITY COUNCIL MEMBERS AND OTHER CITY OFFICIALS PRESENT.

DESPITE THE ORDER LISTED IN THE BZA AGENDA, I AM ASKING YOUR PERMISSION TO ADDRESS THE VARIANCES IN THE FOLLOWING ORDER: 1) THE 365' SETBACK FROM RESIDENTIALLY ZONED PROPERTY; 2) THE 372' VARIANCE REGARDING THE SIGN FACE AREA AND FINALLY 3) THE 20' VARIANCE FOR HEIGHT.

INTERNATIONAL OUTDOOR, INC. IS A FULL-SERVICE, LOCALLY-BASED OUTDOOR ADVERTISING COMPANY.

IN 2007 INTERNATIONAL OUTDOOR DISCOVERED, ENGINEERED AND BUILT TWO (2) BILLBOARDS ON PROPERTY OWNED BY THE CITY OF ROSEVILLE AT MARSACK GRAVEL. WE HAVE ENJOYED A CORDIAL AND RESPECTFUL RELATIONSHIP WITH THE CITY SINCE THAT TIME. WE ARE THANKFUL FOR THIS RELATIONSHIP AND HAVE HONORED OUR COMMITMENTS REGARDING OUR CONTENT RESTRICTIONS, THE ANNUAL RENT PAYMENT AND BELIEVE WE ARE A TENANT IN GOOD STANDING.

WE HAVE SPENT COUNTLESS HOURS OF RESEARCH IN THIS MARKET, AND BELIEVE OUR INPUT PLAYED A SIGNIFICANT ROLE IN SHAPING THE FINAL OUTCOME OF THE OVERLAY DISTRICT NOW IN PLACE.

WE HOPE TO BUILD ANOTHER BILLBOARD IN THE CITY OF ROSEVILLE AND HAVE APPLIED TO ERECT A BILLBOARD LOCATION 17955 ELEVEN MILE RD. (SOLID GROUND) WHICH IS WHY WE COME BEFORE YOU TODAY.

I WANT TO TAKE A MOMENT UPFRONT TO EXPLAIN EXHIBITS 1-5, WHICH YOU HAVE BEFORE AND WHICH WILL BE REFERENCED THROUGHOUT THE PRESENTATION. PLEASE NOTE THAT WHILE WE USED OUR BEST EFFORTS AS WELL AS TECHNOLOGY AVAILABLE, ALL MEASUREMENTS ARE AN APPROXIMATION

LET ME FIRST STATE THAT THERE ARE SEVERAL UNIQUE AND SPECIAL CIRCUMSTANCES ASSOCIATED WITH THIS LOCATION AND IT IS MY HOPE THAT FOLLOWING THIS PRESENTATION, YOU WILL SEE WHY THE VARIANCES ARE NEEDED AND SEE FIT TO GRANT THEM. THAT IS MY GOAL HERE TODAY.

WE HAVE THE LAND ITSELF WHICH IS IRREGULAR AND "U" SHAPED (REFER TO EXHIBIT 1).

WE HAVE THE NEIGHBORING CELL TOWER WHICH WOULD INTERFERE WITH VIEWING FOR THE EASTBOUND TRAFFIC. IT SHOULD BE NOTED THAT THE DISTANCE FOR VIEWING FROM THIS DIRECTION IS ALREADY APPROXIMATELY 920' GIVEN THE PRESENCE OF THE GRATIOT AVE. OVERPASS (REFER TO EXHIBIT 1).

WE HAVE THE PRESENCE OF I-696 (AN 8 LANE FREEWAY) WHICH BUFFERS THE RESIDENTIAL TO THE SOUTH; GRATIOT AVE, (AN 8-10 LANE THOROUGHFARE) WHICH BUFFERS THE RESIDENTIAL TO THE SOUTH; AND COSTCO WHICH BUFFERS RESIDENTIAL TO THE WEST (REFER TO EXHIBIT 1)

I WILL DISCUSS EACH OF THESE AND MORE IN FURTHER DETAIL IN A MOMENT

INTERNATIONAL OUTDOOR IS SEEKING 3 VARIANCES WHICH ARE ALL INTERTWINED:

THE FIRST VARIANCE REQUESTED IS A DISTANCE SETBACK VARIANCE OF 135 ' FROM PROPERTY "USED AND/OR ZONED AS RESIDENTIAL". THE ORDINANCE REQUIRES A SETBACK OF 500' AND WE ARE PROPOSING A SETBACK OF 365'. (REFER TO EXHIBIT 1)

WE UNDERSTAND AND APPRECIATE THAT THE INTENT AND SPIRIT OF THE OVERLAY DISTRICT ORDINANCE IS TO KEEP BILLBOARDS IN COMMERCIAL DISTRICTS AND AWAY FROM ANY CURRENT AND FUTURE RESIDENTS.

WE BELIEVE THE PROPOSED BILLBOARD IS CONSITENT WITH THAT INTENT AS:

1. IT WOULD BE LOCATED IN A DENSE COMMERCIAL AREA AND NO MORE OUT OF CHARACTER OR SCALE THAN AN EXISTING CELL TOWER ADJACENT TO THE PROPOSED SITE.

2. IT WOULD BE SIGNIFICANTLY BUFFERED FROM PROPERTY "USED AND/OR ZONED" AS RESIDENTIAL.

   TO THE SOUTH RESIDENTIAL WOULD BE 365' AWAY AND BUFFERED BY I-696 (AN 8 LANE FREEWAY);

   TO THE WEST RESIDENTIAL WOULD BE 670' AWAY AND BUFFERED BY GRATIOT AVE. (AN 8-10 LANE THOROGHFARE);

   AND TO THE EAST RESIDENTIAL WOULD BE 750' AWAY AND BUFFERED BY THE VAST COSTCO PARKING LOT AS WELL AS COSTCO ITSELF.

   IN FACT, ONLY 5 RESIDENTS FALL SHORT OF THE 500' DISTANCE RESTRICTION WITH ONE RESIDENT BEING APPROXIAMTELY 390'; THREE APPROXIMATELY 450' AND ONE APPROXIMATELY 460'. ALL RESIDENTS FACE AWAY FROM THE I-696 FREEWAY AND THE COMMERCIAL DISTRICT TO THE NORTH (REFER TO EXHIBIT 1).

3. THE LIGHTS WOULD BE ORIENTED DIRECTLY TOWARD THE FACE OF THE BILLBOARD AND WOULD NOT SHINE OUTWARD OR IN ANY MANNER WHICH WOULD AFFECT THE RESIDENTS.

4. THE BILLBOARD, OF COURSE, MAKES NO NOISE AND IS LESS OF A DISTURBANCE THAN THE NEIGHBORING MOTORCYCLE CLUB; THE TRAFFIC GENERATED BY COSTCO OR THE HIGH VOLUME OF CARS ON I-696 WHICH CONTINUOUSLY PASS BY THE AREA.

5. WE HAVE CONTENT RESTRICTIONS AND DO NOT ADVERTISE ITEMS THAT ARE DISTASTEFUL OR CONSIDERED LEWD AND LASCIVIOUS.

THE SECOND VARIANCE REQUESTED IS A SIGN FACE AREA VARIANCE OF 372 S.F. THE ORDINANCE ALLOWS FOR A TOTAL SIGN FACE AREA OF 300 S.F. (REFER TO EXHIBIT 5)

THE PURPOSE OF THE NEW OVERLAY DISTRICT IS TO ALLOW BILLBOARDS ON FREEWAYS FOR FREEWAY VISIBILITY. THIS VARIANCE WOULD ALLOW EASIER VISIBILITY FOR MOTORIST AS THEY TRAVEL ALONG THE FREEWAY.

AS INDICATED ON THE MAP BEFORE YOU (EXHIBIT 5):

SIXTEEN (16) OF TWENTY (20) BILLBOARDS CURRENTLY LOCATED IN ROSEVILLE EXCEED THE AREA ALLOWED BY ORDINANCE;

THIRTEEN (13) HAVE A SIGN FACE SIZE OF 14' X 48' OR 672 S.F. (INDICATED IN RED); AND

THREE (3) HAVE A SIGN FACE SIZE OF 20' X 60' OR 1,200 S.F. (INDICATED IN BLUE).

ADDITIONALLY, ALL OF THE BILLBOARDS FACING I-696 AND I-94 HAVE A SIGN AREA FACE OF AT LEAST THE THE SAME SIZE THAT WE ARE REQUESTING AND SOME ARE LARGER AT 1,200 S.F.

THE THIRD VARIANCE REQUESTED IS A HEIGHT VARIANCE OF 20'. THE ORDINANCE ALLOWS A SIGN HEIGHT OF 50' AND WE ARE PROPOSING A HEIGHT OF 70'. (REFER TO EXHIBITS 2, 3, AND 4)

LIKE THE SIGN FACE VARIANCE, THIS VARIANCE WOULD ALLOW EASIER VISIBILITY AS MOTORIST TRAVEL ALONG THE FREEWAY WHICH AGAIN IS THE INTENDED PURPOSE OF THE OVERLAY DISTRICT.

FOUR FACTORS HINDER VISIBILITY AND ACCOUNT FOR THE DIFFICULTY IN VIEWING:

1. THE GRADE DIFFERENTIAL BETWEEN THE FREEWAY AND ELEVEN MILE RD.;
2. TREES PLANTED ALONG THE MDOT RIGHT-OF-WAY;
3. THE PEDESTRIAN BRIDGE FROM THE WESTBOUND VIEWING (SHOWN IN EXHIBIT 1); AND
4. THE GRATIOT AVE. OVERPASS FROM THE EASTBOUND VIEWING (SHOWN IN EXHIBIT 1).

AS INDICATED ON THE MAP BEFORE YOU (EXHIBIT 5):

FIVE (5) OF TWENTY (20) BILLBOARDS LOCATED IN ROSEVILLE EXCEED A HEIGHT OF 50'; THREE (3) HAVE A HEIGHT OF 80'; AND TWO (2) HAVE A HEIGHT OF 70'.

IN CONCLUSION:

THE PROPOSED BILLBOARD WOULD NOT IN ANYWAY WHATSOEVER ADVERSELY IMPACT OR INTRUDE ON THE QUALITY OF LIFE, HEALTH SAFETY AND WELFARE OF THE RESIDENTS OR NEIGHBORHOOD IN GENERAL.

THE PROPOSED BILLBOARD IS NOT A DEPARTURE FROM WHAT THIS BOARD HAS APPROVED IN THE PAST.

IT IS ALSO CONSISTENT WITH WHAT HAS PREVIOUSLY BEEN APPROVED FOR BILLBOARDS ON CITY-OWNED PROPERTY (MARSACK GRAVEL).

WE HOPE TO BUILD THIS SITE AS WELL AS OTHERS WE HAVE PROPOSED ON CITY-PROPERTY.

THANK YOU FOR YOUR TIME AND CONSIDERATION.