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May 7, 2020

HONORABLE CITY COUNCIL

RE: Sign Ordinances Chapter 50, Zoning and Chapter 4, Signs - Further analysis of post initial public hearing (**FOLLOW-UP**)

At the March 5th public hearing relative to the amendments to Chapters 4 and 50, several speakers raised comments and concerns related to the proposed ordinances' allowances for advertising signs outside of the Central Business District. At that same meeting, support was mentioned for alternate provisions that had been suggested by Council Member Castaneda-Lopez.

Subsequent to the public hearing, City Planning Commission (CPC) staff and Council Member Benson's staff had the opportunity to review some of the concerns raised at the hearing and in response, we prepared and submitted a follow-up memo to Member Benson dated March 31, 2020 (attached).

Institutional land

Several speakers, including former CPC director, Marsha Bruhn, questioned the desirability/appropriateness of allowing off-premises advertising signs on land classified as "Institutional" by the Master Plan. Institutional land is one of the classifications that comprises the "Low-density commercial/Institutional Sign District."

CPC staff has found the following relative to sites classified as "Institutional" per the Master Plan:

- There are 213 locations in the City of Detroit classified as "Institutional"—typically, schools/educational institutions, religious complexes, hospitals, community centers.
- The proposed Chapter 4 Sign Ordinance would permit advertising signs outside of the Central Business District (CBD) on land classified as "Institutional," subject to spacing requirements (500 feet from historic districts, schools/educational institutions, parks/playgrounds; 125 feet from dwelling units), provided no other advertising sign oriented to the same flow of traffic is within 1,000 feet.
- Of the 213 "Institutional" locations:
 - 34 are currently zoned in Business or Manufacturing districts where advertising signs have historically been permitted.

- 179 are currently zoned in Residential, Business, or Special districts where advertising signs have historically been prohibited:
 - 154 on land zoned R1 – R6.
 - 1 on land zoned B1.
 - 24 on land zoned PD, PC, SD1, SD2 (special districts)

Further Analysis

It is not often that this office is happy to report a flaw in our analysis, but such is the case with regard to the expected impact of the proposed Chapter 4 sign amendment upon future advertising signs outside of the Central Business District (CBD).

In the March 31st report, we indicated that of the 179 institutional locations where advertising signs have historically been prohibited, 149 of those locations would still be ineligible for advertising signs but that 30 of those locations would be newly eligible for advertising signs. The Law Department’s review of the CPC report revealed that our findings were based on a long-held and now known to be flawed application of the sign ordinance’s method of measurement for spacing between advertising signs and sensitive uses (schools, parks/playgrounds, historic districts, dwelling units).

The CPC staff analysis of the impact of spacing was based on measuring the distance between the sensitive use and the actual sign structure as currently provided for in the Zoning Ordinance (Secs. 50-6-72, 50-6-80, 50-6-82, 50-6-83, 50-6-86). Law points out that the measurement between two features is to be taken from the perimeter of one premises to the perimeter of the other premises as specified in the proposed to be revised Sec. 4-4-6 and in Sec. 4-4-103 as well as in the current Zoning Ordinance, Sec. 50-12-127(c).

The Planning and Development Department (P&DD) was asked to re-compute and map the impact of the Chapter 4 provisions based on premises-to-premises measurement. The difference between the two methods of measurement is appreciable.

- CPC staff had reported that the February 7th draft of the Chapter 4 ordinance would result in **7,622 acres** of land (11.91 square miles) outside the Central Business District would be eligible for consideration of an advertising sign, subject to the proximity of the nearest advertising sign oriented to the same flow of traffic.
- Measuring from the perimeter of the premises (or lot line) of a proposed lot line to the perimeter of the premises of a sensitive use, **2,316 acres** of land (3.62 square miles) outside the Central Business District would be eligible for consideration of an advertising sign, subject to the proximity of the nearest advertising sign oriented to the same flow of traffic.

Detailed review of the most recent mapping shows that each of the 30 sites classified as Institutional that we had earlier determined to be newly eligible for consideration for an advertising sign is likely, in fact, to be rendered ineligible by the corrected method of measurement.

This revised analysis also has implications with respect to the suggestion of Council Member Castaneda-Lopez to eliminate land classified by the Master Plan as “Light Industrial” from the mix of areas eligible for advertising signs. Not only does the corrected method of measurement benignly affect land classified as institutional, it removes a noticeable amount of light industrial property from “billboard eligibility.”

Digital signs

A second area of concern that was raised related to the broad permissibility of dynamic (digital) advertising signs outside of the CBD.

Scenic Michigan, in its testimony, spoke to the findings of Sterling Heights, Michigan with respect to advertising signs. Their surveyors found that a digital sign was visible from a distance of 3,600 feet (0.68 miles). CPC staff verified this information as noted in the Sterling Heights Board of Zoning Appeals report (attached) pertaining to a proposed digital sign in its community.

This underscores the casual observation of CPC staff that a digital sign's impact far exceeds that of a conventional, externally illuminated billboard. As noted from the purple glow from the Ford Field roof that is viewed as far away as southwest Detroit, a digital sign's illumination can be expected to reach nearby residential areas, not just the vehicular traffic, which is its target audience.

Many municipalities prohibit the digitization of billboards except upon removal of a specified number of static billboards. Council Member Benson's suggestion of adding such a provision at the March 5th Council meeting certainly deserves further consideration. We understand that the Law Department has had the opportunity to examine the "digital/static" swap provisions in the sign ordinances of cities such as Grand Rapids and Kalamazoo and may be able to provide guidance in this matter.

Public benefit

CPC staff has noted in earlier reports that advertising signs, including dynamic advertising signs, inside the CBD are potentially mitigated with regard to adverse aesthetics by the public arts funding contribution that may be required for specific locations. No such mitigation measure is provided for the adverse aesthetics of advertising signs outside the CBD.

While the benefit to traditional billboard companies is clear, their ability to continue to commercialize and digitally illuminate the public realm outside the CBD, often at the expense of residential quality of life, is difficult to characterize as a benefit to the public.

We hope the information in this updated report is helpful as the Chapter 4 ordinance is fine-tuned for scheduling of the next City Council public hearing.

Respectfully submitted,



Marcell R. Todd, Jr., Director
M. Rory Bolger, Staff

cc: Amanda Elias, Mayor's Office
Daniel Arking, Law Department
Tonja Long, Law Department
Arthur Jemison, Chief of Services and Infrastructure

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TO: Council Member Scott Benson
FROM: Marcell R. Todd, Jr., Director
M. Rory Bolger, Staff
RE: **Follow-up to Chapter 4 public hearing; further findings**
DATE: March 31, 2020

At the March 5th public hearing relative to the amendments to Chapters 4 and 50, several speakers raised comments and concerns related to the proposed ordinances' allowances for advertising signs outside of the Central Business District. At that same meeting, community support was mentioned for alternate provisions that had been suggested by Council Member Castaneda-Lopez.

Subsequent to the public hearing, City Planning Commission (CPC) staff and Mr. Wimberley of your office had the opportunity to review some of the concerns raised at the hearing and in response to Mr. Wimberley's request for further information we provide the following:

Institutional land

Several speakers, including Marsha Bruhn, questioned the desirability/appropriateness of allowing off-premises advertising signs on land classified as "Institutional" by the Master Plan. Institutional land is one of the classifications that comprises the "Low-density commercial/Institutional Sign District."

CPC staff finds the following relative to sites classified as "Institutional" per the Master Plan:

- There are 213 locations in the City of Detroit classified as "Institutional"—typically, schools/educational institutions, religious complexes, hospitals, community centers.
- The proposed Chapter 4 Sign Ordinance would permit advertising signs outside of the Central Business District (CBD) on land classified as "Institutional," subject to spacing requirements (500 feet from historic districts, schools/educational institutions, parks/playgrounds; 125 feet from dwelling units), provided no other advertising sign oriented to the same flow of traffic is within 1,000 feet.
- Of the 213 "Institutional" locations:

- 34 are currently zoned in Business or Manufacturing districts where advertising signs have historically been permitted.
- 179 are currently zoned in Residential, Business, or Special districts where advertising signs have historically been prohibited:
 - 154 on land zoned R1 – R6.
 - 1 on land zoned B1.
 - 24 on land zoned PD, PC, SD1, SD2 (special districts)
- Of the 179 locations where advertising signs have historically been prohibited:
 - In 149 locations, the prohibition of advertising signs would be preserved under the Chapter 4 sign ordinance;
 - In 30 locations the prohibition would be removed to permit advertising signs, subject to the proximity of the nearest advertising sign oriented to the same flow of traffic.
- Of the 30 locations classified as “Institutional” that would be newly eligible for advertising signs subject to the proximity of the nearest advertising sign oriented to the same flow of traffic:
 - 16 are adjacent to streets other than freeways;
 - 14 are adjacent to freeways.

Mapping

As was done for other possible iterations of the sign ordinance, we asked staff from the Planning and Development Department (P&DD) to illustrate the permissibility of advertising signs in the City of Detroit if land classified as “Institutional” were subtracted from the mix of areas that would allow for advertising signs outside of the CBD. That mapping effort is attached.

P&DD found that the elimination of Institutional land would still allow for advertising signs to be considered by BSEED on 7,084 acres of land in the city—that’s 538 fewer acres than allowed under the currently proposed Chapter 4.

Because land classified as Institutional is typically comprised of multi-acre, rectangular sites rather than long ribbons of land, like the commercial corridors, the 125-foot setback from dwelling units does not provide the same level of protection for those sites, which are typically zoned residential.

In short, allowing the consideration of advertising signs in Institutional areas departs from the status quo outside of the CBD; subtracting Institutional areas from consideration for advertising signs helps preserve a measure of the status quo that does not fully benefit from the 125-foot spacing.

Digital signs

A second area of concern that was raised related to the broad permissibility of dynamic (digital) advertising signs outside of the CBD.

Scenic Michigan, in its testimony, spoke to the findings of Sterling Heights, Michigan with respect to advertising signs. Their surveyors found that a digital sign was visible from a distance of 3,600 feet (0.68 miles). CPC staff verified this information as noted in the Sterling Heights Board of Zoning Appeals report pertaining to a proposed digital sign in its community.

This underscores the casual observation of CPC staff that a digital sign's impact far exceeds that of a conventional, externally illuminated billboard. As noted from the purple glow from the Ford Field roof that is viewed as far away as southwest Detroit, a digital sign's illumination can be expected to reach nearby residential areas, not just the vehicular traffic, which is its target audience.

Many municipalities prohibit the digitization of billboards except upon removal of a specified number of static billboards. Your suggestion of adding such a provision at the March 5th Council meeting certainly deserves further consideration.

Public benefit

CPC staff has noted in earlier reports that advertising signs, including dynamic advertising signs, inside the CBD are potentially mitigated with regard to adverse aesthetics by the public arts funding contribution that may be required for specific locations. No such mitigation measure is provided for advertising signs outside the CBD.

While the CBD advertising signs purposefully bring revenue to building owners who have withstood difficult times and whose buildings are a key attractive element of downtown's built environment, it is not clear what benefit the public derives from the likely increase in advertising signs outside the CBD in (typically sensitive zoning districts) where billboards have been heretofore prohibited.

While the benefit to traditional billboard companies is clear, their ability to increasingly commercialize the public realm outside the CBD, often at the expense of residential quality of life, is difficult to characterize as a benefit to the public.

We hope this information is helpful as the Chapter 4 ordinance is fine-tuned for the scheduling of the next City Council public hearing.

Attachment

CC: Council Member James Tate
Council Member Gabe Leland
Council Member Raquel Castaneda-Lopez
Kerwin Wimberley
Karen Gage, PDD, Director of Zoning

Agenda Item	Case	Meeting
8.A	PZBA18-0029 Outdoor Media LLC - Joe Oram 6699 Metropolitan Parkway	January 24, 2019

Executive Summary

The proposed application has been revised to request an electronic message billboard to be located on the north side of Metropolitan Parkway (6699 Metropolitan Parkway). The applicant appeared before the Zoning Board of Appeals at the October 2018 Zoning Board of Appeals meeting and was postponed to this meeting to address concerns raised by the Board in regards to the need for the sign, the size, configuration, etc. The applicant has revised the request to include a sign that is now proposed to be seventy (70) feet tall (overall), the actual sign being thirty seven (37) feet tall and twenty seven (27) feet wide for a total area of 1,000 square feet, making it by far the largest sign in the City. The maximum allowable area for an onsite sign, per the City’s sign ordinance is sixty five (65) square feet. The proposed location would not be a logical place for a billboard knowing it would be visible in each direction up to a mile in distance given lumination during non-daylight hours. If fact, without foliage, the sign could be visible from residential areas. To be eligible for a use variance, the applicant must demonstrate all of the following: 1) that the site has peculiar circumstances that are specific to the property and not the general neighborhood, 2) that the property cannot be reasonably used or yield a reasonable return, 3) the request will not alter the character of the area, 4) the problem is not self created, 5) the spirit of the Zoning Ordinance will be observed, public safety and welfare secured, and substantial justice done.

The Office of Planning review finds that the petitioner’s amended request fails to demonstrate facts meeting any of the required standards necessary to grant petitioner’s request for a use variance, and therefore recommends denial of the request.

Agenda Item	Case	Meeting
8.A	PZBA18-0029 Outdoor Media LLC - Joe Oram 6699 Metropolitan Parkway	December 20, 2018

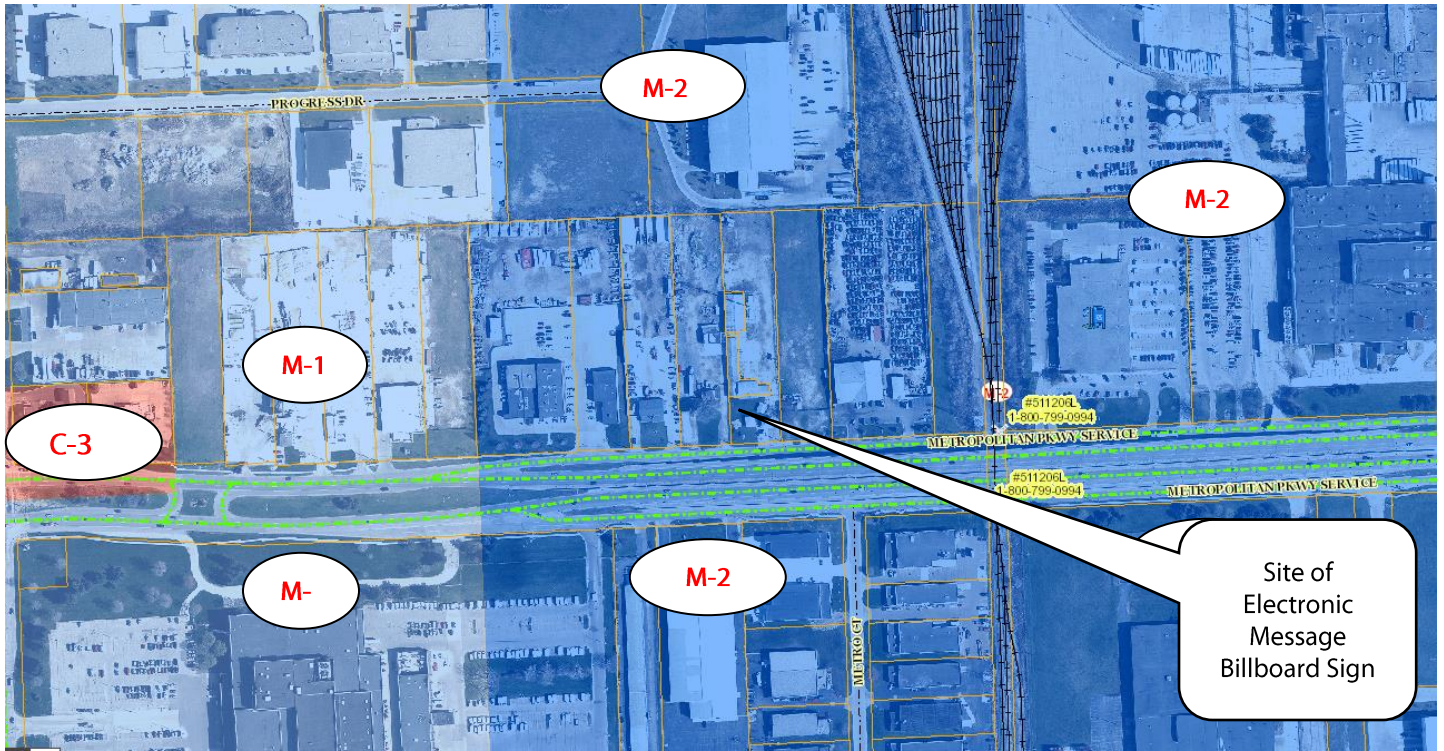
Requested Action	Proposal	Location – 6699 Metropolitan Parkway
Requesting board approval for a variance which if granted would permit an electronic message billboard (off premise sign) in an M-2 Heavy Industrial District.	The applicant is proposing to construct a freestanding electronic message billboard sign on the side of Metropolitan Parkway.	North side of Metropolitan Parkway between Van Dyke and Mound Road.

Existing Zoning	Existing Land Use	Master Plan Designation
M-2 (Heavy Industrial District)	Truck Repair	Industrial

Adjacent	North	West	South	East
Zoning	M-2 Heavy Industrial	M-2 Heavy Industrial	M-2 Heavy Industrial	M-2 Heavy Industrial
Land Use	Fisher Corporation	Truck Yard	Metropolitan Parkway / GMR Stone	Storage Yard



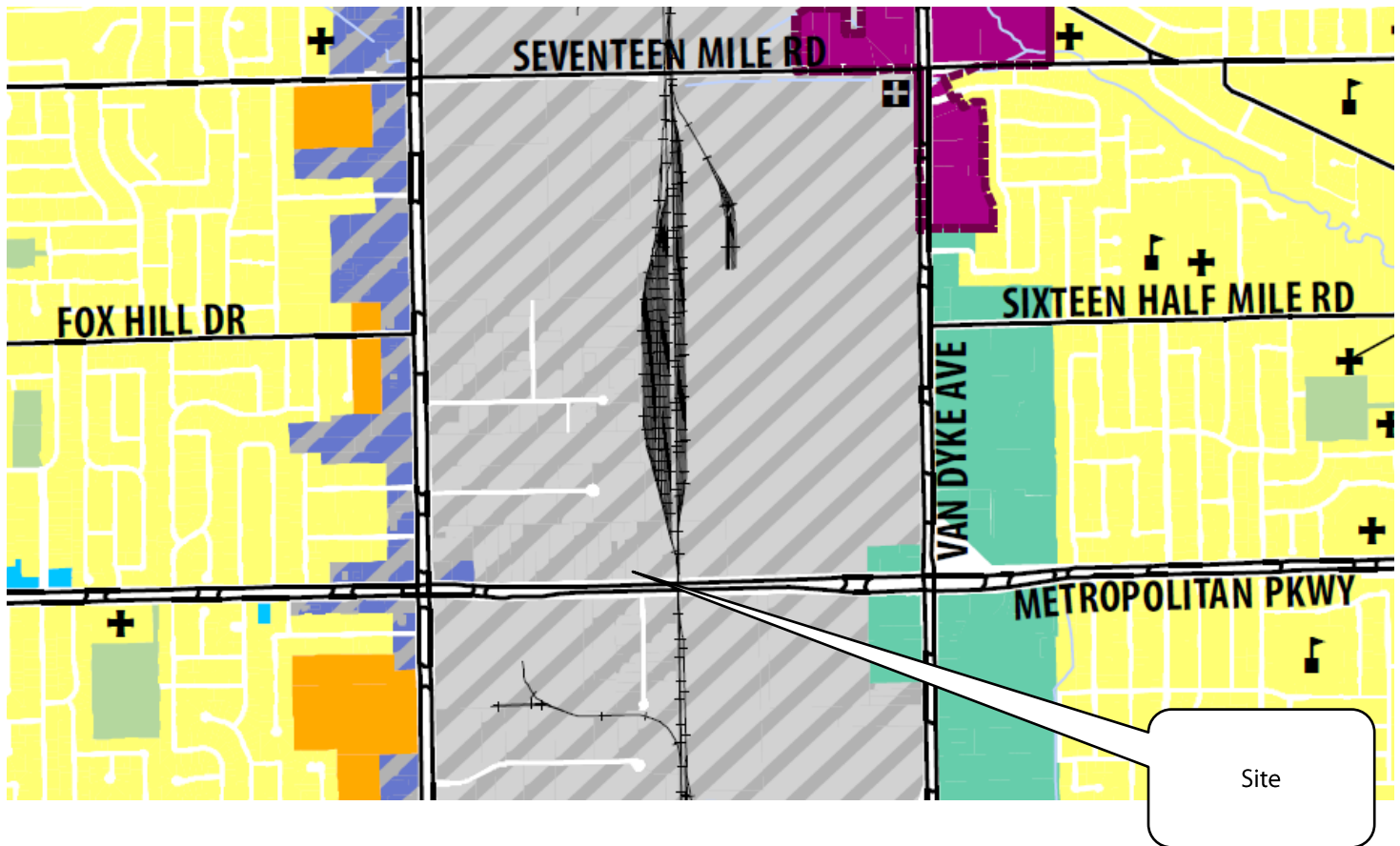
Zoning Map of the Property and Surrounding Area



Zoning Ordinance

The current Zoning Ordinance and Zoning Map were adopted in 1989 and have been subsequently amended by numerous conventional as well as conditional rezonings over time. The properties in each direction are zoned M-2 Heavy Industrial District.

Master Plan Map of Property and Surrounding Area



Master Land Use Plan

At the February 2017 Planning Commission meeting, the Planning Commission adopted the City's most recent Master Land Use Plan. The Master Land Use Plan generally designates the area as Industrial. The Industrial designation is intended to permit traditional industrial uses including large manufacturing operations, research and development plants, and high-tech industries, smaller light industrial operations inside and outside of planned industrial parks, warehousing, light manufacturing, and other common industrial uses.

Master Land Use Plan Conclusion:

Based on the designated land use within the adopted Master Land Use Plan, the use of the property as currently utilized is generally consistent with the land use envisioned for this area of the City.

PROPOSAL

The subject site is located at 6699 Metropolitan Parkway. The site has approximately one hundred and thirty one (131) feet of frontage along Metropolitan Parkway (via the Metropolitan Parkway service drive). The overall site area is approximately two (2) acres. The property contains a number of existing buildings (five (5) total) some of which are approximately thirty five (35) feet from the front property line.



The original application proposed the construction of a thirty by forty (30'x40') foot electronic message billboard atop a forty (40) foot tall monopole. The overall height of that sign was approximately eighty (80) feet and the area was proposed to be 1,200 square feet. The applicant since the initial meeting of the ZBA has revised the application to depict a sign that is ten (10) feet less in height, being a total of seventy (70) feet in height and an overall size of thirty seven (37) feet in height and twenty seven (27) feet in width. These dimensions equate to an overall sign area of approximately 1,000 square feet. The size of the sign proposed is still significantly larger than any off site or billboard sign in the immediate area or anywhere within the City. For example, the signs located at the intersection of M-53 and M-59 are only fourteen (14) feet by forty eight (48) feet (672 square feet), which is approximately only 2/3 of the size of the sign being proposed here.



The travel lanes on Metropolitan Parkway are elevated due to the overpass for the rail corridor. However, the applicant has not provided any significant data (other than a note on the plan) relative to the height elevation of the overpass immediately in front of the site to justify the height of the sign being proposed. Based on information submitted by the City's Engineering department, the overall overpass height is approximately twenty three to twenty four (23-24) feet in height to the road surface, then an additional 2-3 feet for the barrier. Again, this height is to the crest of overpass and the applicant's property is not located at the crest, but rather further to the west where the overall height will be less than the twenty three to twenty (23-24) feet. The applicant is proposing the bottom of the site to be approximately thirty three (33) feet to the bottom of the sign. The clearance to the bottom of the sign is likely excessive based on the height of the overpass, particularly relative to the property's position to the west of the crest of the overpass.

In addition, the site already has an existing sign along the frontage. The existing sign is a pylon sign with permanent signage at the top as well as a non-digital reader board at the midpoint of the sign post. The existing sign is approximately forty six (46) feet in height based on microfilm records. However, based on the applicant's drawing/rendering, the height of the proposed sign appears to be similar to the thirty three (33) foot dimension to the bottom of the proposed sign. With the lack of technical drawings, the actual heights cannot be clearly depicted and compared with existing and proposed conditions. It is noted that the submitted site plans indicate that the existing sign at the front of the site would be removed and replaced with the proposed sign if approved.

Metropolitan Parkway is a six (6) lane divided roadway between Van Dyke and Mound Road. Further, the main travel lanes of Metropolitan Parkway are elevated near the area of the proposed sign. At grade, there are an additional two (2) service lanes on both the north and south sides of the overall roadway providing local access to the properties that are impacted by the elevated roadway. As a six (6) lane divided roadway, Metropolitan Parkway is one of the larger physical roadways within the community. In addition, based on road counts provided by SEMCOG (Southeast Michigan Council of Governments) the average traffic on Metropolitan Parkway is approximately fifty three (53,000) vehicles per day. The most recent traffic count data for Metropolitan Parkway is from 2011.

USE VARIANCE CRITERIA

The Zoning Board of Appeals may grant a use variance to authorize a land use which is not otherwise permitted by the Zoning Ordinance in the district where the property is located upon the concurring vote of five (5) members of the Zoning Board of Appeals.

An application for a use variance shall not be submitted or considered unless the applicant has (i) received a written determination from the Office of Planning and Zoning that the proposed land use is not permitted under the Zoning Ordinance in the district where the property is located, or (ii) received a final decision from the City Council denying a rezoning of the property to a zoning district where the proposed land use would be permitted under the Zoning Ordinance.

Note: In this case, the Office of Planning and Zoning did determine that the proposed land use for an electronic message billboard in the M-1 Light Industrial District is not currently permitted under the Zoning Ordinance.

A use variance shall not be granted unless the Zoning Board of Appeals finds on the basis of substantial, competent, and material evidence presented by the applicant that there is an **unnecessary hardship** in the way of carrying out the strict letter of the Zoning Ordinance. In determining whether an unnecessary hardship exists, the Zoning Board of Appeals must find that:

- (i) The property in question cannot be reasonably used or cannot yield a reasonable return on a prudent investment if the property were to be used only for a purpose allowed in the zoning district where the property is located:

Currently, the site is being utilized as a commercial truck repair facility and as the home to a cellular tower near the center of the site. Therefore, the site has, and will continue to have, these two (2) legitimate commercial uses. As a result, the Office of Planning has determined that this standard has not been met by the applicant.

- (ii) The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions:

As was discussed at October's meeting, the applicant believes that the proposed location is a proper one for an electronic message billboard (off premises sign) within the City. However, there is no true distinction between this property and any other property to the immediate west or east of this property along Metropolitan Parkway. In addition the properties in this general area on the south side of Metropolitan Parkway share many of the same characteristics. Therefore, the circumstances particular to the subject property are not specific to this site, and therefore the Office of Planning has determined that this standard cannot be met by the applicant.

- (iii) The use to be authorized by the variance will not alter the essential character of the area and locality:

The applicant is proposing a very tall, large area sign. In addition, the applicant is also proposing a sign that in its very nature will cause brightness and glare as an electronic message billboard sign. The other signs in the area may have additional height as compared to other areas in the City, but the signs do not necessarily have the additional area nor are the existing signs electronic message

billboard signs that will cause excessive brightness and extraction. If the sign is approved at the proposed height, proposed area, and in the currently proposed configuration as an electronic message billboard sign, the sign will not be “in character” with the area.

Again, based on the fact that the sign will be so unique, so large and so tall and completely out of character for the area, the Office of Planning has determined that the proposed use does not meet this requirement.

- (iv) The problem is not self-created;

The applicant is requesting the installation of a sign that advertises businesses that are off-site and such a sign is not required to be located at this particular location. Therefore, the very essence of the application is that the application is self-created and as noted above, there are other legitimate uses on the site already. Therefore, a sign that advertises off site businesses and other interests is not required at this location, and the Office of Planning has determined that the “problem” presented by the applicant has been created by the applicant.

- (v) The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done:

The intent of the ordinance is to limit the number of new off-site/billboard signs within the City but allow existing billboard signs to remain and be maintained. Therefore, the Office of Planning has determined that the sign proposed here does not meet the spirit of the ordinance.

- (vi) There is compliance with the standards for discretionary decisions set forth below.

The Zoning Board must determine whether the above criteria have been met. If so, the Zoning Ordinance also requires an affirmative finding on the following standards for discretionary decisions:

- a. The proposed use will, when approved:

- i. Promote the intent and purpose of the Zoning Ordinance;
- ii. Be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance and in operation with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the building structure or land use, and the community as a whole;
- iii. Be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainageways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service sufficiently;
- iv. Not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property, or the public welfare; and
- v. Not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

- b. In addition, the proposed variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the city's inhabitants.

As noted above, the Office of Planning has determined that the proposed use does not promote the intent and purpose of the Zoning Ordinance, because its goal is to limit off-premises signage and billboards to protect aesthetics and safety within the City. The proposed sign will not be harmonious with the character of the area, police and fire protection could be a serious issue if the sign were to fall, the light pollution (and falling) could be hazardous or disturbing to existing and future uses (as well as drivers), and long-term code enforcement could become a public cost as the sign eventually becomes worn and falls into disrepair.

VARIANCE ANALYSIS

A variance to permit an electronic message billboard to be installed on an industrially zoned property.

Section 28.13 of the City's Zoning Ordinance sets forth the guidelines and regulations for signage. The ordinance specifically prohibits electronic message billboards as freestanding signs. The sign ordinance sets the standards for electronic message boards that advertise onsite information under Section 28.13 (H) (6) (a-c). The standards ensure that any electronic message boards (advertising onsite information) minimize the potential for driver distraction and minimize negative impact to surrounding uses by limiting their size, brightness, and transition time. Further, the Ordinance indicates in Section 28.13(K)(B) that all new billboards are prohibited based on the rationale contained within the Section, specifically, that billboards can be perceived as an aesthetic harm and may negatively affect road safety, among other reasons. Both of these provisions would be applicable to the subject property.

The applicant has indicated that the hardship for this particular case is that the City does not allow for electronic message billboards anywhere within the City. The prohibition of billboards does not constitute an "unnecessary hardship." Rather, the applicant must show as a part of the above noted use variance criteria that the property cannot be utilized as zoned and that there is no viable use of the property. For example, if the site were a small, unusable parcel, perhaps even landlocked, it might qualify as being a site with no other viable use (depending on any other factors involved, of course). Here, though, the current site does have existing buildings and existing uses located upon it, including a semi-truck repair use located within the building(s) and a cellular tower located near the middle of the property. These two (2) uses clearly demonstrate that the site does not meet the required review criteria that the property cannot be utilized as zoned.

Further, the City already has an existing electronic message billboard sign located on Metropolitan Parkway. The sign serves as the main sign for the Michigan Lottery Amphitheatre (Freedom Hill) but is also utilized for the display of additional advertising messages. This sign has both a stationary display depicting the amphitheater name and graphics and also has a significant electronic message board on the bottom of the overall display. The overall sign is approximately thirty (30) feet in height and has a width of approximately thirteen (13) feet based on the latest sign permit.

The sign located at Freedom Hill when illuminated during dusk or night hours can be seen from the intersection of Utica and Metropolitan Parkway. The distance from the location of the sign to the intersection is approximately 3,600 feet as measured on the City's GIS system. Again, this sign is only approximately thirty (30) feet in height and thirteen (13) feet in width. The total area of the sign based on the maximum dimensions is approximately four hundred (400)

square feet. This is one third (1/3) of the size of the originally proposed sign and still forty (40%) percent of the size of the revised sign proposal. In addition, as noted the Freedom Hill sign is only thirty (30) feet in total height, slightly more than one third (1/3) of the overall height of the originally proposed sign.

At the height and size proposed, even with the elevation change of Metropolitan Parkway, the proposed sign will be visible in each direction for significant distances. Again, the existing Freedom Hill sign is visible over ½ mile away. The height of the proposed electronic message billboard sign even at the reduced seventy (70) feet in height will raise the sign above the surrounding buildings, structures, and abutting overpass in the area. This will allow the sign, particularly at night when fully illuminated, to be seen to the west and east for a significant distance. Again, a much smaller and lower sign located on Metropolitan Parkway to the east at the Freedom Hill site is visible from over 3,600 feet away.

Finally, the City's Zoning Ordinance does recognize the existence of existing billboards within the City and allows them to be maintained as nonconforming uses/structures. Therefore, the Ordinance does not exclude billboards within the City as the applicant suggests, it merely restricts them for place and manner in order to preserve safety and aesthetics throughout the community.

Another consideration here is the fact that the installation of an electronic message center billboard is not in keeping with the City's 2030 visioning plan which includes the following statement and principles:

Vision Statement: A vibrant, inclusive community for residents and businesses that is safe, active, progressive and distinctive. Sterling Heights - a bold vision for an exceptional quality of life.

Guiding Principles:

- Safe, well maintained and desirable neighborhoods enhanced by great schools
- Plentiful leisure and recreation opportunities featuring fully utilized parks
- Abundant pathways for biking and walking
- Focal points that are both public and private to serve as destinations for residents and visitors
- Well maintained and aesthetically pleasing roads and green spaces
- Successful, vibrant and attractive commercial centers with unique offerings
- Destination for high-tech and emerging industries and entrepreneurs

The installation of such a significant sign within the road right-of-way is not consistent with the principle of providing aesthetically pleasing roads and greenspaces. The opposite can be said in that the size of the structure, the light pollution that will be cast, and the overall distraction that will be generated by such a large and intense sign so close to the roadway and in an area of the City that is not only congested but has significant elevation change. In addition, the City has made significant investments in the Van Dyke and Mound Road corridors and is preparing to spend significantly more within the Mound Road corridor to improve the roadway and its efficiency, safety, and overall aesthetics. The installation of a sign of the proposed size and nature is contrary to the objectives sought by such investments in the roadways.

Moving to an analysis of the specifics underlying the proposal, the applicant has not indicated whether the electronic message billboard will have a full color package. This typically provides an unlimited use of fonts, colors, and graphics. The applicant should state the type of electronic message billboard being proposed. Further, the applicant should also indicate whether the proposed electronic message billboard will otherwise comply with the City's electronic message board requirements, including brightness and change rate should the application be approved. The lack of definition in the application as well as the potential for the type and size of the sign raises concerns about safety of motorists, given the roadway configuration (both the main travel lanes and the service lanes) for Metropolitan

Parkways in this location. The applicant should provide information as to how frequently the sign copy will change, and the Zoning Board of Appeals (ZBA) may wish to impose longer display times as a condition of any approval to lessen any driver distraction. However, the City has limited ability to monitor the billboard for frequent changes. Therefore, the board should consider whether these conditions could be effectively enforced.

The purpose of the electronic message billboard is for general advertisement and the dissemination of instant information for media/social events and emergency alerts (as noted in the applicant's application). The applicant should explain why an electronic board is needed in this location and at this particular size and configuration, and how granting the variance will promote the public health, safety, and welfare of the City.

Typically, billboards, regardless of type of billboard, are located in roadways that are more significant and carry a significant number of motorists. While Metropolitan Parkway is a large roadway, there are larger roadways within the City that may be better suited for a billboard. Many billboard signs are typically located along expressways and interstates. Metropolitan Parkway is not classified as either of these.

The site also has a cellular tower near the middle of the site. The cell tower is approximately one hundred and forty five (145) feet to the midpoint of the topmost antennae. Three wireless service providers are currently located on the tower. No information has been provided relative to whether the owners/operators of the cellular tower have any input into the addition of the proposed billboard. The applicant should verify whether he has sought input and approvals for his proposal from the wireless service providers. In addition, having another significant structure on the site may impact the fall-zone or collapsing characteristics of either the cellular tower or of the sign (if approved) should either of the structures fail and fall into the other. This is a serious safety concern and should be addressed.

The applicant should provide clarification as to what types of messages will be displayed on the electronic sign, and the frequency of message changes. The applicant should also explain why the electronic sign is being requested as opposed to other forms of advertisement.

Based on the newly submitted site plan, the proposed sign will be twenty five (25) feet from the front property line. The renderings provided by the applicant inaccurately depict the sign being located twenty (20) feet from the curb of road. This would place portions of the sign over the sidewalk and road right-of-way and nearly into the roadway itself. The setback as proposed is not acceptable. Typical setbacks for freestanding signs are twelve (12) feet from the front property line. Assuming the setback for a standard sign would be met, the centerline of the pole would need to be twenty seven (27) feet from the front property line. Moreover, the above noted setback requirement only contemplates a typical, 15-foot tall monument sign, whereas here, the proposed sign is a seventy (70) foot tall monopole. Requiring an additional setback would be justified due to the size and configuration of the sign.

In addition, the rendering provided appears to depict the sign being located on the south side of the eastbound service lane for Metropolitan Parkway, rather than the north side of the westbound service lanes. A more accurate rendering of the sign proposal should be provided for the Zoning Board of Appeals to review.

The overall height of the proposed electronic message billboard sign will be approximately seventy (70) feet. Based on this height and the overall size of the sign the applicant should provide information as to how the sign will be constructed. The massive size of the sign will likely have a significant wind load and therefore need a significant base/pole structure to support its size, weight, and wind loads. Due to all of this, the foundation for such a structure is very important and should be addressed by the applicant. At this time no information relative to the supporting structure or foundation has been provided.

Also due to the height of the structure, it may be appropriate to determine the "fall zone" should the pole structure collapse. Currently, the site plan indicates that structural details would be determined later by others. Based on the

preliminary setbacks shown for the sign, if the pole and sign were to collapse from the base, the actual sign could potentially fall onto either the service lanes or the actual main travel lanes of Metropolitan Parkway. Therefore, the applicant should provide collapse characteristics of the support structure. Depending on those characteristics, the setback of the sign (if approved) should be adjusted to ensure the sign does not collapse into the road right-of-way. The sign should be designed to either fall onto the subject property or collapse upon itself, much like a cellular tower's construction.

The site is currently void of any frontage landscape. The City requires a total of seven (7) trees and sixteen (16) shrubs along the frontage. This would be in addition to the landscaping shown at the base of the sign on the recently submitted site plan. If approved, a landscape plan should be required to bring the site frontage into compliance with current City requirements. The site was recently tagged by the City's Code Enforcement Department for long grass. The City, through its contractor, cut the grass and charged the landowner. The applicant should clarify whether it has reimbursed the City for cutting the grass.

SUGGESTED MOTION

Based upon the fact that the applicant has not substantiated a hardship within the materials provided or within the public hearing, the Office of Planning suggests that a denial motion is appropriate here:

In the case of PZBA18-0029 Outdoor Media LLC, 6699 Metropolitan Parkway, I move to DENY the variance to allow the construction of an electronic message billboard on the subject site for the following reasons:

- 1) The denial of the variance does not prevent the owner from using the property for a permitted purpose, nor do the current sign restrictions impose unnecessary burdens on the applicant because the applicant currently has a pylon sign on the property that advertises the use of the property. The property is currently utilized for a truck repair shop and for a cellular tower.
- 2) The proposed electronic message billboard sign will not benefit other property owners in the surrounding zoning district, nor in the general vicinity, and could instead cause others in the area and throughout the City to seek the same variance despite no identifiable hardship due to the applicant's sign potentially blocking the view of other business' complying signs.
- 3) The problem is self-created, there are no unique circumstances on the property, and the applicant faces no burden in maintaining the current signage.
- 4) Advertisement messages that are not directly related to the specific site do not create the necessary burden to justify an electronic billboard sign, and no neighboring uses utilize (or need) electronic billboard signs.
- 5) Granting the variance creates concerns regarding public health, safety, and welfare, specifically regarding roadway safety, and the applicant has not provided any data or studies to suggest otherwise.
- 6) Granting the variance would give substantial relief to only the applicant, and will not benefit surrounding property owners in the zoning district.
- 7) The applicant has not provided a proper site plan depicting the existing conditions of the site and the proper proposed location of the sign nor detailed drawings of the sign itself.
- 8) The applicant has not provided any information relative to the construction of the proposed sign, including the structural attributes which are essential in determining an appropriate setback to ensure the public right of way of Metropolitan Parkway is maintained in a safe manner.
- 9) The applicant has proposed a setback that would essentially place the edge of a seventy (70) foot tall sign only feet away from the curb of the service drive for Metropolitan Parkway.
- 10) The applicant has not provided any information relative to the impact of the sign and the potential fall zone or other impacts of the proposed sign and the existing cellular tower.

- 11) The proximity of the proposed sign to very busy roadways, a cellular tower, other businesses, and a long row of lines carrying electricity and/or utility services would create an unreasonable danger that the public should not be asked to risk.

[Continue to #11 only if the maker of the motion would like to add additional facts that were made part of the record during the hearing; if not, skip #11]

- 12) The following additional facts have been established as part of the record:

ALTERNATE MOTION - TO POSTPONE

MOTION TO POSTPONE – Additional Information:

In the case of PZBA18-0029, Outdoor Media LLC – Joe Oram, 6699 Metropolitan Parkway, I move to **POSTPONE** the applicant’s variance request to the next regular meeting for the following reasons:
