

FRG Enterprises, LLC
13559 Brint Rd
Berkey, OH 43504

November 18, 2020

Township Board of Pittsfield Charter Township
6201 W. Michigan Avenue
Ann Arbor, Michigan 48108

Dear Township Board Members,

We are owners of FRG Enterprises, LLC (FRG), which is currently under a franchise agreement with Marco's Franchising, LLC to operate a new Marco's Pizza restaurant. We have recently obtained the necessary permits and have begun construction on the store, the space for which is currently under lease at 3238 Ann Arbor Saline Road, in Pittsfield Township. Based on the progression of our construction, we plan to open the store at the end of December 2020.

It has come to our attention the township has instituted a temporary moratorium on the permitting of all outdoor signs, as resolved in the Pittsfield Charter Township RES #20-38 titled "Resolution Instituting a Temporary Moratorium on Approval of Outdoor Signs". It is also stated within the Resolution "that during the effective period of the deferral, any aggrieved property owner or business shall be entitled to a hearing for the purpose of attempting to demonstrate to the Township Board that the temporary deferral pronounced in this Resolution will result in the preclusion of any viable economic use of their property, or otherwise violates applicable provisions of State or Federal law."

While we understand the purpose of the moratorium in light of the Supreme Court decision (*Reed v Town of Gilbert*) and similar litigation occurring over sign ordinances, we are respectfully requesting a hearing with the Board to discuss the permitting of a "Marco's Pizza" sign to be allowed at the location noted above. At the hearing, it is our intention to prove to you why we believe a sign is essential to our business and cannot wait for the end of the moratorium. Facts supporting this claim include, but are not limited to, the following:

- Marco's Pizzas is a quick service Italian-cuisine restaurant, that operates by selling pizza and other food items to the general public. As such, the nature of the Marco's Pizza business relies on clear and evident identification of our store location by the public. It is our opinion a sign at our location is the only viable option for clear identification.
- Without a sign, other similar food establishments in the township would have a clear and unfair advantage in their ability to attract and serve customers.
- Our lease on the space of the store location has begun and cannot be delayed due to the absence of a sign. Based on the terms of our lease and FRG's franchise agreement, the leased space cannot operate as anything other than Marco's Pizza. Given the lease

commitments and other construction costs, opening a fully functional store is the only viable economic use of this space.

- FRG is family owned, recently created, holds no other business interests, and is solely dependent on the operation and viability of this Marco's Pizza store.

Based on the facts outlined above, we believe the lack of a sign will preclude the necessary and sustaining operation of our company. Attached for your reference are our proposed signs at the front and back of our store. Time is of the essence in this request since, as noted previously, the store is on track to open in late December 2020. The sooner the community knows that a Marco's Pizza will be opening at our location, the greater the opportunity is for a successful and strong opening.

Finally, we would also like to note our opinion that allowing the permitting of the sign will also be mutually beneficial to the township as it assists in the opening of our new business and will have a positive impact on the community with the creation of numerous jobs and payment of taxes.

We look forward to your response and working with you to find a suitable solution to this issue. Please feel free to contact us directly at 419-250-5067 or markflis8@gmail.com.

Sincerely,

Robbin Flis
Mark Flis
Andrew Flis