

Present: Chairperson Jensen; Vice-Chair Ostrowski; Members: Abboud, Borowski, Freedman, Peddie, Ruprich, Stempien and Westerlund

Absent: None

Also Present: Planning Consultant, Borden

Chairperson Jensen called the meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

APPROVE/AMEND AGENDA

Motion by Ostrowski, second by Westerlund, to amend the agenda to move items #6 and #7 to be ahead of item #5.

Motion passed.

Motion by Westerlund, second by Freedman, to approve the agenda as amended.

Motion passed.

PUBLIC COMMENTS

None

CONSIDER APPROVAL OF MINUTES OF A PLANNING COMMISSION MEETING HELD APRIL 24, 2013

A correction was made on page 4, second paragraph, to change the first sentence to read, “Stempien reported that he met with Village Code Enforcement Officer Dan Gosselin and went over some of the sign ordinance violations that are currently existing in the Village.”

Motion by Ostrowski, second by Stempien, that the minutes of a Planning Commission meeting held April 24, 2013 be approved as amended.

Motion passed.

SIGN PETITION FROM BEVERLY HILLS BLOW DRY BAR, 31645 SOUTHFIELD ROAD, REQUESTING PERMISSION TO REPLACE FACES ON EXISTING MONUMENT SIGN

Planning consultant Brian Borden from LSL Planning stated that he has reviewed the application requesting a new sign face for the nonconforming pole sign for the Beverly Hills Blow Dry Bar (formerly Beverly Hills Nail Salon) located at 31645 Southfield Road. He remarked that replacement of a sign face on a nonconforming sign was common prior to adoption of the new Sign Ordinance. There is language in the new ordinance that permits the replacement of nonconforming sign faces if it does not increase the size.

Section 22.32.120 establishes the regulations for nonconforming signs. Paragraph 3 of this section permits the “changing of surface sign space to a lesser or equal area” as is requested. However, paragraph 4 (c) states that “all nonconforming signs shall be brought into compliance as a requirement of site plan and/or new signage approval.” It is the understanding of LSL that

the intent of the recently amended ordinance is that a request for replacement of an existing sign face does not constitute a request for “new signage approval” and is, therefore, allowable provided it is the same size or smaller.

Borden thought that the proposed sign face replacement was consistent with the requirements of Paragraph 3 of Section 22.32.120 of the Zoning Ordinance. However, he related two concerns with this request. The proposed use has not yet been authorized to his knowledge. There may be an issue with parking at this site for the proposed use. Secondly, it was the understanding of LSL that this site has been the subject of several sign ordinance violations. Borden suggested resolution of these two issues be included as conditions of any motion approving the proposed sign face replacement. The Commission may decide to table the request until the Planning Commission receives additional information and verification that both of the issues are resolved.

Jensen noted that Village Manager Chris Wilson was not present this evening to provide information on the current status of the property in question. The City of Royal Oak is issuing sign permits for the Village on the basis of compliance with the municipal code. It was questioned who was responsible for reviewing use and parking requirements associated with a sign permit. There was an inquiry on whether the nail salon and blow dry bar are two different businesses; it was noted that you can walk from one into the other.

Stempien stated that the proposal is to modify a nonconforming sign. The intent of the sign ordinance is to get rid of some of the signs that are in noncompliance and move towards a sign ordinance that is more uniform with new signs that are being proposed. The wall sign is 50 sq. ft.; the ordinance allows 30 sq. ft. The total square footage of the pole sign is 70 sq. ft.; the new ordinance allows 30 sq. ft. for a ground sign. Stempien suggested that the issues mentioned by the consultant be resolved before a sign permit is considered by the Planning Commission.

There was agreement that the Village should resolve issues with the use of the building and address existing violations.

Motion by Ostrowski, second by Westerlund, to table the application for sign permit from Beverly Hills Blow Dry Bar of 31645 Southfield Road until such time as the proposed use has been authorized and all existing sign ordinance violations have been addressed to the satisfaction of the Village.

Motion passed.

SIGN PETITION FROM TUBBY’S SUBMARINE, 15600 W. 13 MILE ROAD, TO REPLACE EXISTING PYLON FACE PANEL

Store manager Carrie Robinson was present requesting a new sign face for the existing pole sign for the Tubby’s Submarine restaurant located at 15600 W. 13 Mile Road.

Planning consultant Brian Borden has reviewed the application to install a new sign face on a nonconforming pole sign. It was his understanding that the intent of the recently amended ordinance was that a request for replacement of an existing sign face does not constitute a request for “new signage approval” and is, therefore, allowable provided that it is the same size or smaller.

Members reviewed the diagram submitted with the application. In response to an inquiry, Ms. Robinson indicated that the dimensions given were measured from the top of the panel and did not represent a measurement of the lettering; she did not have the dimensions for the lettering alone. Robinson thought that the “Drive Thru” sign would be removed.

Stempien commented that this existing nonconforming sign is grandfathered. It could not be modified to meet the new sign ordinance short of removing it and installing a ground sign.

It was noted that there are two floodlights affixed to the top of the pole. The sign is also internally lit. Robinson explained that the store is located at a dark intersection and that the floodlights are actively used for safety reasons.

Motion by Freedman, second by Peddie, to approve the application for sign permit dated May 6, 2013 from Tubby’s Submarine restaurant at 15600 W. 13 Mile Road.

Roll Call Vote:

Abboud	- no
Borowski	- yes
Freedman	- yes
Jensen	- yes
Ostrowski	- yes
Peddie	- yes
Ruprich	- yes
Stempien	- no
Westerlund	- no

Motion passed (6 – 3).

UPDATE ON THE SOUTHFIELD ROAD CORRIDOR PROJECT

Jensen reviewed that urban planner Robert Gibbs was not able to attend tonight’s Planning Commission meeting to offer his resources and provide input on the Beverly Hills Town Center Plan. Jensen has requested that Mr. Gibbs meet with the Southfield Road Corridor Subcommittee and planning consultant at a time that fits his schedule, which would be during the day. The idea would be to present the slide show prepared by the subcommittee and to review project material with the assistance of the LSL planning staff.

After some discussion, there was agreement that the meeting be held at the Village offices so that other interested members could attend the session. The meeting would be posted in accordance with the Open Meetings Act.

Ostrowski reviewed that staff from LSL was present at the April meeting with a presentation that recapped elements of the Town Center Plan that have been completed followed by a detailed description of the Form Based Code. Commission members have not yet had the opportunity to respond to the content and elements of the FBC document presented at that meeting. There are topics that may need to be explored in more depth by members including building height, road widths, and the fact that it is not an overlay plan.

Jensen suggested that the Form Based Code issues be brought up during the session with Bob Gibbs to profit from his input on these and other aspects of the redevelopment plan. Another topic will be to explore how the Town Center Plan could be implemented most effectively. Jensen asked Ostrowski to prepare a list of the open issues for examination and consensus at the June meeting.

DISCUSS/REVIEW DRAFT OF RESPONSE PROVIDING COUNCIL WITH A WRITTEN POSITION TO REFER TO THE ROAD COMMISSION FOR OAKLAND COUNTY REGARDING SOUTHFIELD ROAD REHABILITATION/ROUNDABOUTS

Before the Planning Commission for review is a revised version of a draft letter that will be sent to the Road Commission for Oakland County from the Village of Beverly Hills Council. Freedman edited the letter to strengthen it in terms of what the Village envisions for the Southfield Road project that extends into Beverly Hills.

There was agreement that the preference for use of the median design identified as Alternative #4 be supplemented with an attachment showing that specific design as presented by the RCO or an inclusive description of Alternate #4. A modification to the wording in the fourth item on the list was made at the suggestion of Borowski.

INITIATE DISCUSSION REGARDING TEMPORARY STORAGE PODS

Commission members received an email from Manager Wilson regarding an issue in the Village relative to the duration of storage pods on residential property. Abboud conducted some research and distributed material regarding storage pods and their regulation. Planning consultant Borden distributed a sheet setting forth three examples of ordinance language used in other communities to regulate portable moving and storage containers. The idea is to provide the Commission with examples to prompt discussion of the issue. Borden thought that any concerns could probably be resolved by a minor tweak to the existing ordinance.

In the event that this becomes a larger issue, there is a provision in the Beverly Hills Zoning Ordinance that speaks to temporary and portable building structures and uses. It is probably not the best use of resources in that it states that the Zoning Board of Appeals can grant approval for a temporary portable building structure for a six month time frame. This period is too long for a residential neighborhood. This section could apply to storage pods, but it is not written for this problem.

Commission members talked about the typical use of storage pods, location on a property, duration, and whether they must be placed on a paved surface. What should be permitted in the Village in terms of storage pods was discussed. Whether storage pods are allowed for short-term construction or for long-term storage will be explored. Jensen asked Borden to prepare a reasonable draft ordinance regulating storage pods based on his experience for review and discussion at the next meeting.

ADMINISTRATION COMMENTS

Wilson sent an email to members indicating that he noticed that a sign was erected at the 31333 Building advertising enrollment in a Charter School to be located at that address. Neither the sign nor the use of that building for a Charter School have been approved. Wilson informed the Committee that he will be addressing this matter.

PLANNING COMMISSIONER’S COMMENTS

Peddie has observed that people on the east side of the Village have been parking cars in their easement. If members object to this, she will do some research and draft ordinance language to regulate this activity.

Ruprich reminded everyone about the Memorial Day Parade and Carnival in Beverly Park on Monday, May 27. The parade starts at 11 am.

Westerlund referred to an article regarding an International Parking Institute conference and expo in Florida on May 19-22. It should be noted that parking is the first impression and last impression for a commuter. With respect to the redevelopment of the Southfield Road corridor, the Village needs to think about parking as more than a utilitarian aspect of the project.

Westerlund related that, when filing for a building permit for an existing tenant space, there is a trigger used in many communities whereby the building department verifies that the zoning is correct for that business and that there is adequate parking. A building permit is not issued unless the planning department has signed off on zoning.

Stempien distributed an updated list of sign ordinance violations in the Village. Signs that have been taken care of by the code enforcement officer have been indicated. There are still a number of sign violations that have not been addressed. The handout includes photos of current violations. Stempien urged the Village to be diligent in addressing these sign violations.

Stempien made a suggestion that would avoid confusion on what should and should not be grandfathered in term of signs. He proposed striking an ambiguous sentence in Section 22.32.120, paragraph 3 that alludes to the fact that you can modify a nonconforming sign. Borden responded that a change to an adopted ordinance would require going through the process of an ordinance amendment.

PUBLIC COMMENTS

Applicant Hao Zheng representing the Blow Dry Bar asked for clarification on action taken to table his sign request. Mr. Zheng was given a copy of the LSL review letter dated May 15, 2013 regarding the Beverly Hills Blow Dry Bar sign review. He was advised to contact Manager Wilson regarding the planning consultant’s concerns with the sign request.

Motion by Westerlund, second by Abboud, to adjourn the meeting at 8:44 p.m.

Motion passed.

David Jensen
Planning Commission Chair

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary