

Present: Vice-Chair Ostrowski; Members: Peddie, Ruprich, Stempien and Westerlund

Absent: Abboud, Borowski, Freedman and Jensen

Also Present: Planning Consultant, Borden

Vice-Chair Ostrowski 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 Westerlund, second by Stempien, to amend the agenda to add item 7a: “Discuss results of Special Planning Commission Meeting with Robert Gibbs held on June 4, 2013”.

Motion passed.

PUBLIC COMMENTS

None

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A PLANNING COMMISSION MEETING HELD MAY 22, 2013

Motion by Westerlund, second by Peddie, that the minutes of a regular Planning Commission meeting held May 22, 2013 be approved as submitted.

Motion passed.

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A SPECIAL PLANNING COMMISSION MEETING HELD JUNE 4, 2013

Motion by Westerlund, second by Stempien, that the minutes of a special Planning Commission meeting held June 4, 2013 be approved as submitted.

Motion passed

REQUEST FROM NEXUS ACADEMY 31333 SOUTHFIELD ROAD TO ERECT PERMANENT WALL AND GROUND SIGNS

Planning consultant Brian Borden stated that LSL Planning has reviewed the application from Nexus Academy requesting new signage on the building at 31333 Southfield Road. The submittal includes two separate applications – one for a wall sign and another for a new sign face on a portion of an existing nonconforming pole sign on the front of the property. The proposal has been reviewed for compliance with the requirements of the Village Zoning Ordinance. If the signs are approved by the Commission, the applicant must obtain a permit prior to installation.

Borden stated that the table in Section 22.32.110 permits wall signs as a permanent business sign type. The proposed black and orange sign is 5’ tall by 7.5’ wide, resulting in an area of 40 square feet, which exceeds maximum height and area requirements of the Village Zoning Ordinance. The ordinance limits the height and area of such signs to 3’ high and 30 square feet in area.

Borden related that, during his review of the sign request, he did not see the word ‘Academy’ between ‘Nexus’ and ‘of Royal Oak’ in the drawing submitted. He suggested that removing the space between that wording could potentially bring the sign into area and height compliance. The petitioner may want to remove the words ‘of Royal Oak’. The Village would need to see a revised plan that shows the sign in compliance with the ordinance.

Dave Dempster, Director of Projects for Nexus Academy, stated that they are willing to bring the wall sign into compliance with the ordinance in terms of height and square footage. Also present was Jack Hemp from Signs by Tomorrow and Dale Bernard, principal of Nexus Academy.

Borden stated that there is a maximum wall projection requirement, and confirmation is needed on the side elevation view. It was indicated by the petitioner that the letters are 2” from the wall. The sign will not be illuminated. Dempster agreed to using the words ‘Nexus Academy’ on the building and eliminate ‘of Royal Oak’. Westerlund questioned the colors proposed for the sign. It was indicated that ‘Nexus’ will be black and ‘Academy’ will be orange.

In response to an inquiry, Principal Dale Bernard stated that Nexus Academy will be ready to open its doors for operation on September 3, 2013. There will be an open house in mid-August, depending on the construction status.

Bernard provided some background information on the charter school. Nexus Academy is a tuition-free public high school. It is a blended learning model, which means that students attend half day four hour sessions for on ground instruction primarily in math and English; the remainder of the core courses as well as electives are taught in online format with online teachers. The blended learning model is research based and proactive. It allows students the flexibility to design customized programs for their future endeavors.

Questions from Commission members were addressed by Mr. Bernard. The anticipated enrollment cap is 300, with 150 students in each session. Enrollment is anticipated to be 60-100 students in the first year; full capacity is expected by the third year. Statistically, about 60% of students use public transportation.

Motion by Westerlund, second by Stempien, that the Planning Commission approve a wall sign for Nexus Academy, tenant in the building at 31333 Southfield Road, with the stipulation that the sign be redesigned to a size no greater than 30 square feet with a height not to exceed 36” and with a maximum two color scheme as submitted. The sign verbiage will be ‘Nexus Academy’ as identified by the applicant.

Roll Call Vote:

Motion passed (5 – 0).

Borden stated that the second part of the petition is to exchange part of the sign face of an existing pole sign. Section 22.32.091(13) lists pole signs as prohibited signs in all zoning districts. Since the sign in question was installed prior to the effective date of this prohibition, it is nonconforming as defined by the Village Zoning Code.

As has been discussed at previous meetings, Paragraph 3 of Section 22.32.120 permits the “changing of surface sign space to a less 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.” If the Planning Commission views this as a new signage approval, the sign needs to be brought into compliance, which would mean replacing the pole sign with a monument sign.

Westerlund referred to Section 22.32.120 paragraph 4(b): “If the owner of a sign or the premises on which a sign is located structurally alters a building, changes the location of a property line or sign, or changes the use of a building, or otherwise alters site features, so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Section.” Being that this is an educational facility, it is a change of use of that building from business use. Westerlund added that this change warrants the approval and permitting process to be transferred to the State Department of Licensing and Regulatory Affairs and the Bureau of Fire Services. In the Village building code, a school is under educational use. Westerlund understood this paragraph to confirm that a change of use triggers the requirement to bring the sign into conformance.

Borden stated that the Nexus Academy is not occupying the entire building. The school portion of the building is regulated by the State of Michigan, whereas the balance of the building remains under local jurisdiction. It makes it more of a complex site to consider for zoning purposes.

Stempien clarified that there is no sign face on the existing pole sign. Paragraph 3 of Section 22.32.120 states that you cannot extend the area greater than the existing sign in place. The sign face is not existing. Stempien views this as a new sign request rather than replacing a sign that is grandfathered. The sign structure is also nonconforming because the building has been vacant for over 90 days. This sign should have been taken down 15 years ago.

Ruprich commented that this is the landlord’s pole sign. He questioned how the determination would be made relative to the percentage of signage allocated to Nexus Academy. There are two or three other tenants that would have to share the second half of the sign face. Borden said that the property owner would have the option of a center identification sign or a ground sign that listed multiple tenants.

Dempster related his interpretation of Section 32.22.120 (b), which was that the new sign face was allowable on the existing pole structure. Nexus Academy wants to be a good tenant and an asset to the community. Hemp added that the existing sign base has integrity and is in good shape.

Ostrowski noted that the sign does not currently comply with other aspects of the sign ordinance, specifically the requirement for a landscaped area around the sign. Borden responded that the sign is nonconforming for multiple reasons including height, area, internal lighting, and no landscaping around the sign base.

Borden asked the petitioners if there was a willingness on the part of the owner to consider replacing the existing pole sign with a new structure that complies with the current ordinance. Dempster said that this has not been discussed with the landlord. It was their understanding that the proposal to replace the existing sign face met the provisions of the ordinance in terms of grandfathering. In response to an inquiry from Hemp, Borden outlined the ordinance requirements for a monument style sign.

Borden said that the owner has the option of a development identification sign for a multi-tenant building or a ground sign for an individual business. Given that there is other available tenant space, this may be a recommendation for the landlord.

Westerlund stated that the intent of the revised sign ordinance was to bring signage particularly on the Southfield Road corridor more into compliance with new sign standards. The Planning Commission would like to welcome Nexus Academy to the community. They could erect an attractive ground sign in addition to the wall sign. The intent of the sign ordinance adopted by the Village was to eventually bring signs into conformance recognizing the misuse of the previous sign ordinance. It is believed that the proposal before the Village represents a change of use of the building.

Ostrowski referred to the letter to Manager Chris Wilson from the Department of Licensing and Regulatory Affairs. It states that “The current use group of the entire building is “B” (business) under the 2009 Michigan Building Code. The portion of the building intended for school purposes would be required to undergo a change of use or occupancy to Use Group E (educational) under the state construction code....”. These triggers come into play and it is within the purview of the Planning Commission to consider these factors. The decision before the Planning Commission is to either expand the nonconformity and allow this sign panel or deny it because it is a nonconforming sign based on the interpretation outlined at this meeting.

Motion by Westerlund, second by Peddie, that the Planning Commission deny the application for a new sign face on an existing pole sign for Nexus Academy at 31333 Southfield Road based on the fact that there is a change of use of the building from business to educational, and the sign must be brought into conformance with the Zoning Ordinance.

Roll Call Vote:
Motion passed (5 – 0).

DISCUSS ESTABLISHING ORDINANCE REGULATING TEMPORARY STORAGE UNITS (PODS) AND SET PUBLIC HEARING DATE

There was discussion at the regular May meeting of the Planning Commission regarding restrictions relative to the duration of storage pods in the community. Based on that discussion, planning consultant Brian Borden prepared a working ordinance amendment draft for review and input by Commission members.

Borden indicated that there is an existing ordinance provision 22.08.220 entitled “Temporary and Portable Buildings, Uses and Structures”. If temporary storage units are currently a nuisance in the community, this section addresses their use by requiring Zoning Board of Appeals approval.

22.08.220 TEMPORARY AND PORTABLE BUILDINGS, USES AND STRUCTURES. The Zoning Board of Appeals may permit temporary buildings, structures, and uses for a period not to exceed six (6) months provided that all requirements and conditions relative to the type of structure and use, and timing and arrangements for termination and removal, are met. The Board of Appeals may require safeguards related to setbacks, screening, off-street parking considered necessary to protect the health, safety, welfare and comfort of inhabitants of the Village. Further, the Zoning Board of Appeals may require site plan approval and performance guarantee as conditions of approval. Trucks, truck trailers, vans or other passenger vehicles shall not be used for storage, warehousing, retail sales or service or offices.

There may be instances where the existing provision should still apply. Borden proposed adding a distinction to this section indicating that an exception to the regulations shall be made for the use of portable moving and storage containers. If certain standards are met, the use is an exception to the Zoning Board of Appeals process.

The Commission discussed the conditions proposed by Borden and suggested a few modifications. There will be a condition that no more than one container may be used per property at any given time. Such containers must be placed on a paved surface in a side or rear yard of an occupied lot and shall not be located in an easement or right-of-way. The Planning Commission agreed to add a provision to permit a storage container to be placed on an unpaved surface for a period of up to 48 hours.

There was agreement that the maximum duration for use of such containers should be 14 days in any period of six consecutive months. A property owner may seek a longer duration in accordance with the provisions whereby Zoning Board of Appeals approval is required.

Borden will draft a revised ordinance provision based on comments and suggestions from the Commission. The Planning Commission set a public hearing date of Wednesday, July 24, 2013 at 7:30 pm on an Ordinance Amendment regulating the use of portable moving and storage containers.

DISCUSS RESULTS OF SPECIAL PLANNING COMMISSION MEETING WITH ROBERT GIBBS ON JUNE 4, 2013

Westerlund reviewed some of what was discussed at a special meeting with urban planner Robert Gibbs for the benefit of the members who were not present. Bob Gibbs proposed that the Planning Commission consider rethinking a couple basic assumptions relative to the Southfield Road corridor redevelopment plan. Westerlund proposed bringing some of these ideas to the attention of the Board as a whole before the subcommittee meets with LSL staff to consider incorporating new ideas into the plan.

Gibbs had questioned whether Beverly Hills wants the image of a village or a city, which is critical in terms of how to develop the corridor. He observed that some components of the plan were designed to be more city-like including building height. The redevelopment would look like a city if there were tall storefronts along Southfield Road. Gibbs suggested providing some

undulation of building heights with walkways and eating areas around the structures. The slip road condition should be incorporated into the redevelopment plan, because it will impact future development.

Gibbs suggested that the Planning Commission obtain information from the Urban Land Institute seeking out information on the tipping point for residential redevelopment in terms of density requirements for residential development based on the purchase of a piece of land. A developer needs to have enough units on a piece of land to balance his investment. The Planning Commission should give due consideration to how it stipulates density requirements.

Gibbs made the suggestion that the first story should be at least 14 ft. high in order to accommodate a variety of uses, with the other stories at lower heights. He referred to the floors as stories rather than referring to them in terms of number of feet high. Gibbs referenced a T-4 development and provided information on the type of buildings that would constitute a T-4 development. He encouraged the Planning Commission to be definitive about what it wants and stick to high standards because that will attract developers.

Westerlund expressed the view that the Planning Commission was correct in terms of going in the direction of making the Form Based Code mandatory. However, when the plan was developed, the process was subject to the design and goals of a developer. Westerlund thought that the Planning Commission might need to spend some time vetting out the master plan for the Southfield Road corridor, taking into account some of the suggestions from Bob Gibbs.

Peddie proposed that the Planning Commission should be thinking about increased density at some point and what people will be looking for in their community in 10 and 20 years into the future.

Ostrowski said that a comment from Gibbs that impacted him was the suggestion of using language such as slip street instead of slip road. Street has a more village friendly connotation than road. The redevelopment plan should possibly be referred to as village center rather than town center. Ostrowski mentioned that Bob Gibbs has indicated that the current draft of the redevelopment plan is not that far off from where it needs to be. The subcommittee can meet and consider a few necessary modifications in a short amount of time.

Borden concurred that Bob Gibbs opened our eyes to a few new key elements. The code and the concept plan need to be tweaked accordingly. He proposed that Sherrin Hood from LSL meet with the subcommittee to review input from Bob Gibbs. Borden proposed setting up a meeting with the subcommittee prior to the July Planning Commission meeting.

ELECTION OF CHAIR, VICE CHAIR AND SECRETARY

Vice-Chair Ostrowski opened the floor to nominations for the office of chairperson of the Planning Commission.

Stempien nominated George Ostrowski to the position of chairperson of the Planning Commission for the next year. There were no further nominations. George Ostrowski was elected chairman by a unanimous roll call vote.

Ostrowski opened the floor for nominations for the position of vice-chairperson. Stempien nominated Patrick Westerlund as vice-chair of the Planning Commission. There were no further nominations. Westerlund was elected vice-chairperson by an unanimous roll call vote.

Ostrowski opened the floor to nominations for the office of secretary. Ostrowski nominated Lee Peddie to the office of secretary of the Planning Commission. There were no further nominations. Peddie was elected secretary by a unanimous roll call vote.

PLANNING COMMISSIONERS' COMMENTS

In response to an inquiry from Westerlund, Borden stated that it would take a simple majority of members present at the meeting to pass a motion.

Stempien requested that the office staff require people to use the new sign application form, which contains information pertinent to the new sign ordinance. Borden will talk to the Village staff to determine whether the correct form appears on the Village website.

Stempien distributed an updated list of sign violations with strikeouts through those signs that have been brought into compliance.

ADMINISTRATION COMMENTS

None

PLANNING CONSULTANT COMMENTS

None

PUBLIC COMMENTS

None

Motion by Westerlund, second by Stempien, to adjourn the meeting at 9:05 pm.

Motion passed.

George Ostrowski
Planning Commission Vice-Chair

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary