

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

Absent: Freedman

Also Present: Village Manager, Chris Wilson  
Planning Consultant, Brian Borden

Chairperson 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**

Ostrowski proposed changing the heading of agenda item #5 to indicate ‘land division’ in place of ‘site plan’.

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

### **PUBLIC COMMENTS**

None

### **REVIEW AND CONSIDER APPROVAL OF MINUTES OF A PLANNING COMMISSION MEETING HELD DECEMBER 11, 2013**

Motion by Jensen, second by Stempien, that the minutes of a regular Planning Commission meeting held December 11, 2013 be approved as submitted.

Motion passed.

### **REVIEW AND MAKE RECOMMENDATION TO VILLAGE COUNCIL REGARDING APPROVAL OF PROPOSED LAND DIVISION FROM MERRITT DEVELOPMENT**

At its November 2013 meeting, the Planning Commission reviewed a conceptual presentation from Jim Merritt on an application for land division of property consisting of two parcels under common ownership into four separate parcels along a proposed private roadway. At that time, planning consultant Brian Borden provided an overview relative to the process and ordinance standards. The site is located on the east side of Lahser Road just south of 14 Mile Road. The two parcels described as 24-03-101-009 and -010 contain a total area of 4.152 acres. There is an existing residence on the northerly parcel (-009) that would be demolished to accommodate the project. The site and adjacent properties are zoned R-A Single Family Residential District.

A revised submittal from Mr. Merritt addressed all outstanding items included in a review letter from LSL Planning Inc. dated January 22, 2014. Based on the revised materials provided to the Village, Borden indicated that all of the applicable standards from a planning and zoning perspective were met by Mr. Merritt and his project team. They have demonstrated compliance with the dimensional requirements of the R-A district; they have provided the documentation of vehicular accessibility; they have prepared a document to address the character of surrounding development standard. The only elements that Borden cannot speak to are those related to potential engineering and public works utility issues. If the Planning Commission were to refer

this proposal to Council for approval, Borden would suggest a condition that any issues identified by the Public Services Department or engineering consultant Hubbell, Roth & Clark be addressed by the applicant.

Questions from Commission members were addressed by Jim Merritt. He noted that there will be a sidewalk on Lahser Road but none constructed in the interior development.

Motion by Westerlund, second by Jensen, that the Planning Commission recommend that the Village Council approve the land division request from James C. Merritt with the condition that any issues identified by the Public Services Department, Hubbell, Roth & Clark, or Oakland County Road Commission be addressed by the applicant.

Roll Call Vote:  
Motion passed (7 – 0).

**REVIEW SIGNAGE REQUEST FROM “GET SOME FITNESS” AT 31119 GREENFIELD ROAD TO ERECT A NEW PROJECTING SIGN**

Petitioner Joel Stempien has submitted an application for a new projecting sign for Get Some Fitness, which is a gym located at 31119 Greenfield Road. This sign will replace an existing sign on the face of the building. A projecting style of sign was not permitted under the ordinance in August of 2012 when the existing sign was approved.

Planning consultant Borden reviewed the proposed sign for compliance with the requirements of the Village Zoning Ordinance. Based on the information provided, the minimum clearance is met; however, the sign slightly exceeds both the area (10.66 square feet plus the size of the boxing gloves) and projection (5'-10") limitations. Additionally, the light fixtures shown do not appear to be shielded. Borden remarked that this sign could be brought into compliance with the ordinance with minor modifications. He mentioned that this is the type of unique sign that is promoted under the new sign ordinance.

The petitioner Joel Stempien explained that extending boxing gloves from the sign will promote the fact that there is kick boxing available at his gym. Following discussion with the members, Stempien related that he would cut the steel sign down to meet the dimensional standards of the ordinance.

Motion by Jensen, second by Peddie, that the Planning Commission approve a new sign submitted by Joel Stempien for Get Some Fitness at 31119 Greenfield Road contingent upon submission and approval of a revised sign drawing to Village Administration meeting dimensional and lighting standards of the Zoning Ordinance.

Roll Call Vote:  
Motion passed (7 – 0).

Abboud entered the meeting at 7:50 pm.

**REVIEW SIGNAGE REQUEST FROM STATE FARM INSURANCE, 16231 W. 14 MILE ROAD FOR NEW FACE ON EXISTING GROUND SIGN AND A PROPOSAL FOR A NEW WINDOW SIGN**

Planning consultant Brian Borden referred to the review letter from LSL Planning regarding an application requesting a new sign face on an existing ground sign for the office building located at 16231 W. 14 Mile Road. The submittal also proposes a new window sign for the business.

Based on information provided and a site visit, Borden believed that the sign was nonconforming in terms of size, illumination and setback. Assuming the existing sign is nonconforming, he noted that paragraph 3 of Ordinance Section 22.32.210 permits “changing of surface sign space to a less or equal area” as is requested. It is the opinion of LSL Planning that this element of the request is allowable. Ultimately, it is up to the Planning Commission to approve this sign permit.

Window signs do not require a permit, although there are regulations limiting their size to no more than 10 square feet or up to 25% of the window area, whichever is less. Borden stated that the window sign is 6 square feet in area; however, there is no information provided with respect to the size of the window.

Bob Bongiorno from B-B Signs, Inc. was present on behalf of the petitioner, State Farm Agent Meg Spinale, requesting a face change of the existing sign. He explained that State Farm has changed its corporate logo nationwide and is requiring that all agents comply with the updated logo. Ms. Spinale rents this property and requests a simple face change of the existing sign.

With regard to the window graphics, Bongiorno clarified that the drawing submitted represents signage on the applicant’s suite door and window on the interior of the building, which is not visible from the street. Questions from the Commission were addressed by Bongiorno.

Motion by Westerlund, second by Stempien, that the Planning Commission approve the sign application from tenant Meg Spinale with State Farm Insurance at 16231 W. 14 Mile Road for the replacement of an existing sign face with a new corporate logo for State Farm.

Roll Call Vote:  
Motion passed (8 – 0).

**DISCUSSION FOR JOINT MEETING WITH COUNCIL ON WEDNESDAY, FEBRUARY 12, 2014**

Commission members discussed topics for the agenda of the joint meeting between the Planning Commission and Village Council scheduled for February 12, 2014. Members came to a consensus on significant discussion items and proposed projects for the next fiscal year. As part of the process, Borowski will compile a list of priority items identified last year and notes on what has been accomplished or is in process.

- Summary of unfinished business:
  - Southfield Road Corridor – finalize pattern book and corridor design details.
  - Tree Preservation ordinance

- Master Plan Update – This is a primary discussion item for the joint meeting. Tasks, scope and budget will be considered. Borden stated that LSL Planning will prepare a draft scope and budget for the master plan review for consideration by the Planning Commission and council.
- Policy relative to forwarding projects to Planning Commission or Zoning Board of Appeals
- Ordinance Enforcement – civil infraction aspect of code enforcement
- Policy to place projects on the Council agenda to be referred to the Planning Commission for review
- Legislative update on medical marijuana
- Cottage Housing Ordinance

#### **MASTER PLAN UPDATE**

Borden stated that LSL Planning will prepare a draft scope and budget for the master plan review for consideration by the Planning Commission and Council at the upcoming joint meeting in February.

#### **PLANNING COMMISSIONER’S COMMENTS**

Ruprich suggested Planning Commission discussion at a future meeting about marketing opportunities for the redevelopment of Southfield Road and creation of a Village center. This will be an upcoming agenda item.

Abboud referred to a development proposal for the former McDonalds property on Southfield Road. He mentioned that the residents of Gould Court have not been contacted regarding a proposal that would impact them.

#### **ADMINISTRATION COMMENTS**

Wilson mentioned two issues brought forth at the January 21 Council meeting. Before Council for consideration was a request from Michigan Beer Growler Company to obtain a Quota Tavern Liquor License and a SDM (Specially Designated Merchant) License in order to open a retail establishment to sell beer growlers. A Beverly Hills resident proposes to lease property at 31215-31225 Southfield Road, formerly Lois Gross Cleaners, to offer a large selection of Michigan craft brews, hard ciders, some wine and high quality soft drinks. The establishment will be operating with 1,500 square feet and proposed a seating capacity of 26. Growlers are commonly sold at breweries and brewpubs as a means to sell take-out craft beer. In order to sell growlers for consumption off premises, a licensee must have an on premise license.

Wilson related that there was some concern from Council on the operation of this store. The request for a Quota Tavern Liquor License and a SDM License was denied by a 3-3 vote. The applicant may or may not resubmit an amended application based upon reduced seating and a limitation on hours. If Council were to approve an amended proposal, the site plan would come before the Planning Commission for review.

It was mentioned during this discussion that the Village does not have a liquor ordinance, but that the City of Birmingham revised its liquor ordinance within the last couple of years. Wilson recalled that Council did not choose to address this ordinance in past years, but may reconsider. Wilson will defer to the opinion of Village legal counsel and planning consultant on whether this is a municipal code issue.

Wilson informed the Planning Commission that the Village received a site plan application for the former McDonalds property on Southfield Road for a mixed use development with a retail aspect and a large self-storage facility located to the rear of the property. Village Administration has been working with the petitioner on this proposal for some time. The petitioner was waiting for the overlay district to be approved before submitting an application for site plan consideration.

After reviewing the uses allowed in the business district with Attorney Tom Ryan and representatives from LSL Planning, it was determined that the storage facility was not an allowable use under the Village Ordinance. Wilson submitted a letter to the petitioner and received a response. The application will not be forwarded to Council at this time for the reason that the primary use is not an allowable use. There were other issues involving the status of Gould Court.

The attorney representing the petitioners came before Council at the January 21 meeting and stated that it was their opinion that the Village Manager did not have the authority to administratively deny a site plan request and that he was required to pass it on to Council for referral to the Planning Commission. The Village countered that there is a well established process for consideration of site plans that do not meet zoning codes.

Wilson remarked that this recent development proposal relates to the issue of how to process a site plan application that has noncompliance issues. Commission members commented on this topic.

#### **PUBLIC COMMENTS**

None

Motion by Borowski, second by Ruprich, to adjourn the meeting at 9:04 p.m.

Motion passed.

**George Ostrowski**  
**Planning Commission Chairman**

**Ellen E. Marshall**  
**Village Clerk**

**Susan Bernard**  
**Recording Secretary**