

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

Absent: None

Also Present: Village Manager, Chris Wilson  
Assistant Manager/Village Clerk, Ellen Marshall  
Council Liaison Alternate, Brian LaFerriere

Chairperson Jensen called the meeting to order at 7:32 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

#### **APPROVE/AMEND AGENDA**

Motion by Westerlund, second by Peddie, to approve the agenda as published.

Motion passed (9 – 0).

#### **PUBLIC COMMENTS**

None

#### **CONSIDER APPROVAL OF MINUTES OF A PLANNING BOARD MEETING HELD SEPTEMBER 28, 2011**

Motion by Westerlund, second by Ostrowski, that the minutes of a regular Planning Board meeting held on September 28, 2011 be approved as amended.

Motion passed (9 – 0).

#### **REVIEW AND CONSIDER APPROVAL OF A WALL SIGN PETITION FROM BEVERLY HILLS NAIL SPA, 31645 SOUTHFIELD ROAD**

Nick Eid of Sterling Heights was present on behalf of the Beverly Hills Nail Spa requesting to install a wall sign facing east on the building located at 31645 Southfield Road. It was noted that this building was the former location of the Detroit Deli.

Manager Wilson said that planning consultant Brian Borden questioned whether the sign would face east or south. Mr. Eid confirmed that the sign would face east toward Southfield Road. Another clarification was that the sign would not be more than 12” from the wall, which is in compliance with the ordinance. The wall sign will be black and white. The petitioner was informed that he would have to apply for a separate permit for signage to be located on the pole sign.

Motion by Westerlund, second by Abboud, to approve the wall sign for 31645 Southfield Road contingent on the permit being adjusted to indicate the actual dimensions of the front face of the sign to the wall.

The applicant assured the Board that the owner was informed that the electronic changeable message sign in the storefront is prohibited by the Village Zoning Ordinance.

Motion passed (9 – 0).

**CONTINUED DISCUSSION OF THE VILLAGE SIGN ORDINANCE**

Wilson distributed an updated draft of the sign ordinance prepared by planning consultant Brian Borden, which reflected comments made at the last Planning Board meeting. Jensen proposed that members read the revised draft and be prepared to comment at the November 9 meeting.

Westerlund reported on the size of several signs along the Southfield Road business corridor.

Emile Salon	8' x 5'	40 square feet
Vestevich building	9' x 7'	63 square feet
McDonald's	9' x 6'	54 square feet
31645 building	8' x 7'	56 square feet
Bed, Bath & Beyond	6' x 7'	42 square feet
Beverly Hills Grill	4' x 10'	40 square feet

**DISCUSS RECOMMENDATION OF GARAGE SALE ORDINANCE**

Peddie related that she has received complaints about people holding frequent garage sales, particularly on the east side of the Village. She distributed copies of garage sale regulations in neighboring communities and discussed their differences. Some ordinances allow only two garage sales a year; they require a permit and a small fee; a fine is charged for exceeding the limit.

Wilson talked about enforcement and penalties. He mentioned that residents are currently required to register and pay \$3 to participate in the Village-wide garage sale held once a year; they receive two signs. The Village garage sale is advertised in the local newspaper. Board members discussed provisions that should be included in a Beverly Hills ordinance. The majority of Board members were interested in moving forward with ordinance regulations. Peddie will draft a garage sale ordinance for the Board's review at the next meeting.

**DISCUSS REQUEST FROM THE ZONING BOARD OF APPEALS TO REVIEW CURRENT PROCEDURE TO ALLOW BUSINESSES TO HAVE SEASONAL OUTSIDE SALES**

Wilson referred to Ordinance Section 22.22.020 (d) regarding uses permitted in the business district. Section d. states that "the uses permitted herein shall be conducted without the outside sale or display of products, goods or services or the outside storage of goods, material or equipment". This topic comes up every year because Market Fresh goes before the Zoning Board of Appeals with a request for seasonal outside sales. It has become an accepted practice. Starbucks has also requested a variance from the ordinance for the last several years in order to provide outside seating in front of their store. The Zoning Board has suggested that the Village ordinance allow outside sales or storage of goods and outside seating to be handled administratively through a permit process.

Board members discussed whether to draft an ordinance section that would list standards for limited outdoor sales in the business district addressing sidewalk clearance, restricted access, fees, etc. The concern was expressed that the Village would lose flexibility and control in terms of outdoor sales once zoning regulations are established. Wilson mentioned that the Zoning Board of Appeals could legally approve a variance that would give a business the option to perform certain services for a specific period of time on an annual basis subject to conditions. If a use changes sufficiently, the variance would no longer apply.

Jensen suggested reviewing ordinances from neighboring communities that refer to regulation of outdoor sales. Wilson said that the special use permit process would be another option for handling outdoor sales. It would put the application within the Planning Board's purview. Board members questioned whether the outdoor sales permit should be reviewed annually. This will be a topic for the November or December meeting.

### **CONTINUED DISCUSSION OF THE SOUTHFIELD ROAD CORRIDOR**

Westerlund related that he recruited Clerk Marshall's assistance to search for material in the Village office related to past work on the Southfield Road corridor. Written material was found indicating that the Village Council asked the Oakland County Planning Department to assist the Village Women's Club with its Southfield Road Beautification Project in 1983. An existing conditions drawing was prepared along with a site analysis and a conceptual design. Some of their recommendations were similar to what this Planning Board has discussed relative to poles and power lines. Discussion took place at that time about reclaiming some private property to create a greenbelt. There was talk about eliminating ingress/egress points along the corridor.

It is interesting to note that the topic was discussed in the past. One improvement that resulted from the 1983 effort was an assessment district for landscaping, maintenance, and irrigation along the business corridor. Westerlund is continuing to compile information on the Southfield Road corridor.

Stempien commented that he been observing business districts in various cities in terms of what makes them distinctive. He has found that the use of indirect lighting and no self-illuminated signage creates a unique character in a community. The self-illuminated signs along Southfield Road suggest a strong sense of commercialism.

### **PLANNING BOARD COMMENTS**

Peddie remarked that she plans to take photos in the commercial areas of other communities while on the road for work related travel.

Westerlund inquired about the notification received regarding the Royal Oak Master Plan. Wilson responded that Royal Oak is required to notify Beverly Hills of any change to its Master Plan.

Stempien observed that mulch was used in the planting areas at Market Fresh in place of the sod approved in the site plan. Wilson will look into this and require compliance with the site plan.

Stempien mentioned that the McDonald's parking lot, sidewalk, and roof are in a state of disrepair. The site needs improvement. Borowski commented that the McDonald's Corporation must have standards and occasional inspections.

### **ADMINISTRATION COMMENTS**

Wilson reported that he is having preliminary discussions with the City of Birmingham about the potential for contracting services with their building department to provide building, electrical, mechanical and plumbing inspections for Beverly Hills. The Village currently contracts for those services with individual contractors using the same State Code as the City of Birmingham. Birmingham's building official, Bruce Johnson, compared the fee schedules from both communities and suggested developing one fee schedule for both communities if the Village

Council and City Commission agree. Wilson thought that something could be arranged as early as January 1, 2012.

Wilson noted that building activity was low when the building official position was eliminated in Beverly Hills. The impetus for an agreement with Birmingham is that permit issuance has doubled since last year. Beverly Hills will either need to hire its own building official or contract for those services. The Village will still perform some permitting under its local ordinance with respect to fences, concrete driveways, and rental inspections.

Jensen had a concern about the Birmingham building department being slow to issue permits. Westerlund suggested that a time frame be worked out between the communities relative to inspections and turnover for plan review.

**PUBLIC COMMENTS**

Alternate Council liaison LaFerriere suggested that the Planning Board look at Colonial Williamsburg for architectural inspiration for the Southfield Road corridor.

Motion by Westerlund, second by Ostrowski, to adjourn the meeting at 9:08 p.m.

Motion passed (9 – 0).

**David Jensen, Chair**  
**Planning Board**

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

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