

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

Absent: Jensen

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**

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

Motion passed.

#### **PUBLIC COMMENTS**

None

#### **REVIEW AND CONSIDER APPROVAL OF MINUTES OF A PLANNING COMMISSION MEETING HELD AUGUST 27, 2014**

A correction was made on page 5, paragraph 3, line 1, to change the word ‘obscure’ to ‘obsolete’.

Motion by Westerlund, second by Borowski, that the minutes of a regular Planning Commission meeting held on August 27, 2014 be approved as amended.

Motion passed.

#### **REQUEST FROM MICHIGAN BEER GROWLER COMPANY, 31215 SOUTHFIELD ROAD, TO INSERT SIGNAGE ON EXISTING MONUMENT SIGN**

Planning consultant Brian Borden stated that the proposal before the Planning Commission is for the Michigan Beer Growler business to install a replacement panel on an existing nonconforming monument sign at 31215 Southfield Road. In the nonconforming sign provision of the ordinance, there is one section that says that changing the sign face on a nonconforming sign to an equal or lesser area is permissible. However, there is wording in another section of the ordinance that references that nonconforming signs are to be brought into compliance upon site plan review or request for new signage. The Planning Commission has discussed the interpretation of sign ordinance language at recent meetings. Modifications to this section of the ordinance have been suggested to clarify the Village’s position.

Borden related that Michigan Beer Growler received a conditional approval for a wall sign at the May Planning Commission meeting. There is an ordinance requirement stating that signs cannot be within 20 ft. of each other. Representatives from Michigan Beer Growler received a variance from the Zoning Board of Appeals in July based on an existing hardship considering that the center of their storefront is only 18 ft. from the side of either of the adjacent signs. The wall sign has been erected.

Commission members have received copies of the sign permit and a rendering of the monument sign with the tenant panels for Michigan Beer Growler Company on both sides of the existing multi-tenant ground sign. The size of the panels will be 23.5” x 119.25”, or just under 20 sq. ft. The 24 Hour ATM panels will be eliminated and the Dog Grooming panels will be relocated to the vacant space on the bottom row of the sign to accommodate the new panels.

Borden observed today that the Michigan Beer Growler store is displaying a “Grand Opening” sign in their window. That sign requires Planning Commission approval.

Paul Deters from Metro Detroit Signs stated that the business owner is requesting to install tenant panels on the existing ground sign for the shopping area. Deters addressed questions from members regarding the position of the sign panels and the active businesses along that strip. He stated that the layout of the sign panels has been approved by property manager Jerry Moyer representing the landlord Broder & Sachse.

Motion by Westerlund, second by Grinnan, that the Planning Commission approve the sign permit application from Michigan Beer Growler Company at 31215 Southfield Road to allow tenant panels on the ground sign as submitted.

Roll Call Vote:

Westerlund	- yes
Abboud	- yes
Borowski	- yes
Grinnan	- yes
Ostrowski	- yes
Peddie	- yes
Ruprich	- yes
Stempien	- no

Motion passed (7 – 1).

Business owner Janae Condit questioned how to proceed with respect to the existing Grand Opening sign. Manager Wilson suggested that she contact him at the Village offices tomorrow regarding use of a temporary sign with a 30-day time limitation.

**REQUEST FROM PREMIER PET, 31215 SOUTHFIELD ROAD, TO INSERT SIGNAGE ON EXISTING MONUMENT SIGN**

Planning consultant Brian Borden stated that Premier Pet Supply at 31215 Southfield Road is requesting Planning Commission approval of a tenant sign panel that has been installed on the nonconforming ground sign at the shopping plaza. The Premier Pet Supply pylon panel is at the upper level of the sign, formerly occupied by Lois Gross Cleaners. The sign is approximately 13.5 sq. ft. Premier Pet has an existing wall sign and a sign in the window, which was authorized by the Zoning Board of Appeals within the past year.

Commission members voiced their displeasure with the size of the Premier Pet wall signage. Borden mentioned that the existing wall sign is nonconforming following adoption of new sign ordinance standards that reduce allowable sign area.

Mike Palmer from Premier Pet Supply commented that the wall sign was approved by the Planning Commission and was within the parameters of what was allowed prior to adoption of the new sign ordinance. Premier Pet occupies 33% of the plaza. The window signage is actually a shade that was allowed by the Zoning Board of Appeals.

Palmer agreed that the monument sign could be considered an eyesore, yet it is signage that is available for the tenants of the plaza. It is important to have that signage due to the expansion of Market Fresh in recent years to extend 20 ft. in front of the Premier Pet store. Palmer related that his store is no longer visible from 13 Mile Road and is difficult to see by Southfield Road traffic. Lois Gross cleaners has been closed for almost a year. Palmer thought that people would rather see a current business sign displayed. He could use the exposure to bring people into the store.

Palmer apologized for not applying for a permit to install his tenant panel on the existing ground sign. He had assumed that replacing the current sign panel was allowed. Palmer said that he strives for cohesiveness with the Village and makes an effort to be a part of the community.

Ostrowski stated that the Village recently adopted a Southfield Road corridor overlay district with the intent of stimulating redevelopment of the entire corridor and creation of a Village Center. There was agreement on the Commission that the monument sign is an eyesore.

Stempien questioned whether Broder & Sachse Real Estate Services was aware of the new Beverly Hills sign ordinance. Wilson stated that he contacted the landlord on a couple of occasions as well as site manager Jerry Moyer. It puts Beverly Hills and the tenants in a bad spot when the landlord agrees to something that is not approved or allowed by the Village. Stempien added that property owners need to be aware of ordinance regulations. Westerlund suggested that the tenants put pressure on the property owner who manages the sign to make sure that it stays in good condition.

Peddie asked if the window sign was approved for a fixed period of time. Wilson thought that there may have been a one-year time limit on that signage. He will review the record and confirm this.

Motion by Grinnan, second by Peddie, that the Planning Commission approve the sign permit application from Premier Pet Supply at 31215 Southfield Road to allow tenant panels on the ground sign as submitted.

Roll Call Vote:

Abboud	- yes
Borowski	- yes
Grinnan	- yes
Ostrowski	- yes
Peddie	- yes
Ruprich	- yes
Stempien	- no
Westerlund	- yes

Motion passed (7 – 1).

**PUBLIC HEARING TO RECEIVE COMMENTS ON PROPOSED ORDINANCE REGARDING AMENDMENT TO CHAPTER 22 TO ADOPT ORDINANCE REQUIRED BY MDEQ TO ADD MAINTENANCE AGREEMENTS TO THE SITE DEVELOPMENT SECTION**

Chairperson Ostrowski opened the public hearing at 8:07 p.m. to receive comments on an Amendment to Chapter 22 of the Village Municipal Code regarding maintenance agreements to the site development requirements. No one wished to be heard; the public hearing was closed at 8:07 p.m.

**REVIEW AND CONSIDER RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING CHAPTER 22 PROPOSED ORDINANCE ADDING MAINTENANCE AGREEMENTS**

Manager Wilson stated that Council adopted an ordinance amendment to add a chapter to control surface water drainage in the Village. The MDEQ is currently auditing the practices and policies of all certificate of coverage holders for storm water management. That ordinance will bring the Village's ordinances into compliance with the requirements of State Law. The proposed ordinance amendment addresses maintenance agreements as part of the Village's Site Plan Development Requirements related to storm water discharge.

The Ordinance to Amend Chapter 22 of the Village Municipal Code adds a section regarding maintenance agreements under site development requirements. The proposed Ordinance will require the Planning Commission and Council to approve a Storm Water Management Agreement for any new development. The new Section 22.090.080 reads as follows: "*A maintenance agreement shall be required for all vegetative and structural best management practices (BMPs) to be constructed on site.*"

Wilson has provided members with copies of Ordinance #352, an ordinance to establish Chapter 30, Surface Water Drainage. He referred members to Section 30.08, which contains language on Watercourse Protection. Wilson addressed questions and comments from Planning Commission members regarding maintenance agreement requirements as part of site plan approval and Chapter 30 Surface Water Drainage. There were questions regarding requirements and prohibitions relative to surface water drainage and examples of best management practices (BMPs). Wilson responded that engineers from Hubbell, Roth & Clark would most likely review these standards and requirements as part of the site plan process.

Motion by Westerlund, second by Borowski, that the Planning Commission recommend approval of an Ordinance to Amend Chapter 22 Section 22.09 Zoning Ordinance–Site Development Requirements to add Section 22.090.080 Maintenance Agreements.

Roll Call Vote:

Motion passed (8 – 0).

**PUBLIC HEARING TO RECEIVE COMMENTS ON PROPOSED PRIVATE ROAD AT 31805 EVERGREEN ROAD**

Manager Wilson reviewed that the Planning Commission scheduled a public hearing for this evening to receive comments on a private road application for 31805 Evergreen Road. He related that there was some confusion among Village staff regarding the notification process for the

Planning Commission public hearing. Notices did not go out to all residences within 500 ft. of the property in question within the 15 day notification requirement. In addition, the Village received objections to the public hearing date from an attorney representing a neighbor's property and others in the immediate area because the hearing was scheduled on the first night of Rosh Hashanah. Wilson thought that this was a fair concern because interested parties would not be able to participate in the public hearing.

Wilson has communicated with the developer; Tom Ryan has had contact with the attorney representing the developer. The public hearing will be held at the next regular Planning Commission meeting of October 22. Wilson will ask Council to schedule a public hearing on this matter for November 3, 2014. The petitioner has agreed with this.

The Board is in receipt of a letter from Marc Drasnin, attorney representing the Bergs, who own property to the north of 31805 Evergreen. Drasnin has reviewed the private road plans and expressed concerns regarding the proposed driveway, which does not tie into the existing driveway on that property. The Village's position is that the proposed driveway does give the Bergs access to the property and will be allowable. The Bergs have concerns about having to reconfigure their driveway. Wilson did not think that this was a factor for consideration of the private road application review process.

Commission members have received a review letter dated August 21, 2014 from HRC regarding the application to construct a private road.

Motion by Westerlund, second by Stempien, to postpone the public hearing to receive comments on a proposed private road at 31805 Evergreen Road until the October 22, 2014 Planning Commission meeting.

Motion passed.

**REVIEW AND CONSIDER RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING PROPOSED PRIVATE ROAD AT 31805 EVERGREEN ROAD**

Motion by Westerlund, second by Stempien, to postpone Planning Commission review and recommendation on a proposed private road at 31805 Evergreen Road until the October 22, 2014 Planning Commission meeting.

Motion passed.

**DISCUSS MASTER PLAN**

Borden related that the Master Plan subcommittee met with him and Kathleen Duffy from LSL Planning prior to tonight's Planning Commission meeting. Kathleen Duffy outlined some of the stations that will be set up for the public workshop scheduled for October. Planning Commission members were asked to consider the dates of October 23, 27 or 29 for their participation in the workshop. It was proposed to conduct the event outside of the municipal building, possibly at Beverly or Greenfield school.

Borden explained that the workshop will begin with a brief presentation of the Master Plan review project. LSL and Commission members will make themselves available for questions and comments as people visit various stations. It is anticipated that there will be comments and feedback from those attending so that their opinions could be compiled and considered by the subcommittee members as they work on the master plan update.

When the workshop date is selected, the Village will get the word out using the Village website, GovDelivery notifications, the Village's Facebook page, and word of mouth. Wilson will announce the workshop at the next couple of Council meetings. It was suggested that the next Villager newsletter include an article informing residents about the Master Plan update and soliciting comments from those who are interested.

Borden mentioned that LSL Planning has completed a draft of the Existing Conditions chapter. It will go to the subcommittee for review before it comes before the Planning Commission as a whole.

#### **DISCUSS POSSIBLE SIGN ORDINANCE AMENDMENT**

Stempien referred to a letter from Attorney Tom Ryan dated September 19, 2014 regarding clarification of the sign ordinance. Ryan emphasized the amortization aspect noting that, whenever you sunset nonconforming uses, there will be some kind of payment provided to people who will be losing their signs. It is unlikely that Village funds would be allocated for this purpose.

Stempien suggested that, if the proposal is to tighten up the sign ordinance, the Commission must be in agreement on its vision for the ordinance. He asked if the members want to arrive at a way of decreasing the nonconformance. Wilson remarked that there is a mechanism in the ordinance for decreasing nonconformity when property is repurposed. There followed discussion on what can be considered a change of use, parking considerations, and elements of site plan review. Westerlund thought that ordinance language could be modified with respect to how nonconforming signs are handled as part of a site plan review. It should be made clear that, when the trigger occurs, all nonconforming signs must be brought into conformance.

There was discussion on whether the Village should adopt an ordinance that requires businesses to be licensed, which would involve a zoning compliance process before a new business can move into a site. The Village would inspect the site to determine conformance with ordinances and regulations including the sign ordinance, parking, etc. Wilson concurred that a business license process is something that should be pursued; many communities require businesses to be licensed. Westerlund said that he would contact other communities to research their process of licensing businesses; he will follow up with Wilson.

Borden proposed focusing on two sections of the zoning ordinance in terms of reworking the language. One is the trigger for site plan review. The second is the nonconforming chapter of the sign ordinance. This could be revised to provide a better mechanism to drive change and eliminate nonconforming signs. Borden will coordinate with Robert Stempien and bring proposed amendments to the Commission for consideration next month.

**COMMISSIONERS' COMMENTS**

Abboud announced on behalf of the Senior Advisory Council for Oakland County that there will be a free conference for aging adults and their advocates or caregivers at Walsh College (Troy campus) on October 8, 2014 from 9:30-2:00 p.m. It is a beneficial event featuring experts and keynote speakers on various topics of interest.

Stempien commented that he will reach out to Broder & Sachse Real Estate Services relative to the dilemma with nonconforming signs and determine whether they would be open to doing something with their ground sign at the shopping plaza.

**ADMINISTRATION COMMENTS**

Wilson offered information on the leaf collection program that the Village will initiate next month. Residents will receive a flyer detailing the schedule for leaf collection and procedures to be followed. Leaf collection will begin the week of October 20. Each resident will receive a total of four collections.

Wilson informed the Commission that he has yet to receive a submittal from Timothy Patrick Development regarding a request for conditional rezoning of property at 19600 W. 13 Mile Road from R-1A to R-3 zoning. The applicant has indicated that they will submit a proposal for consideration at the October Planning Commission meeting.

Wilson has made contact with the property owner of Market Fresh regarding their ground sign. That individual has indicated a willingness to make a change to the pole sign on Southfield Road. Wilson will keep the Planning Commission informed.

**PUBLIC COMMENTS**

None

Motion by Westerlund, second by Stempien, 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**