

Present: Council: President Mooney; Members: Abboud, Kelly and Delaney

Planning Commission: Chairperson Ostrowski; Vice-Chair Westerlund;  
Members: Borowski, Chegash, Drummond, Grinnan and Ruprich.

Absent: Council: Mueller, Peddie, Oen  
Planning: Jensen, Stempien

Also Present: Village Manager, Wilson  
Planning consultant, Kathleen Duffy

Council President Mooney called the meeting to order at 7:32 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

### **ADDITIONS TO AGENDA/APPROVE AGENDA**

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

Motion passed.

### **PUBLIC COMMENTS**

None

### **REVIEW PLANNING COMMISSION PROGRESS SINCE THE 2013 JOINT MEETING**

Ostrowski recapped last year's Planning Commission activities. Work on updating the Master Plan has commenced; a public workshop was held on 10/27/14. A subcommittee of the Planning Commission was created to expedite the draft process with staff from LSL Planning. Work on the Master Plan will be a large part of the 2015 work program.

The Planning Commission reviewed and made a recommendation to Council on the first conditional rezoning request in the Village from Timothy Patrick Homes for property located on 13 Mile Road. Detroit Country Day School came before the Commission for review of plans for a mechanical equipment building expansion. Work on that project has started.

The Planning Commission reviewed and recommended approval of a land division request for 18414 and 18450 Warwick. A land division proposal on Evergreen Road came before the Village for review and recommendation. This development included a private road review, which has been a topic of discussion at multiple Planning Commission meetings. A recommendation has been made to Council.

There have been multiple sign requests in the last year. Review of these sign proposals raised issues of concern with the current sign ordinance. Matters related to nonconforming signs will be an agenda item for today's meeting. There has been continued discussion regarding Village ordinances that need to be updated and revised to expedite and allow for better oversight on the Village's behalf.

## **MASTER PLAN DISCUSSION**

Planning consultant Kathleen Duffy from LSL Planning presented an overview of the master plan process and work schedule. Analysis of existing conditions has been completed. Progress is being made by the subcommittee on the vision and goals. Work is moving ahead on writing the plan, which will include recommendations and implementation strategies.

Duffy distributed a handout representing the first portion of the master plan including the Table of Contents and Introduction. The Existing Conditions section has been completed. Work is proceeding on future land use and character, recommendations, and establishment of an action plan. The new master plan will be more graphic and concise; text has been edited. The trend is to use a master plan as a marketing piece for the community. The Village Center sub-area plan will be adopted as part of the new master plan.

Ostrowski noted content that the current master plan lacks and that should be pursued in the revised plan. There is a need for environmental standards. The Village has no ordinance that mandates preservation of trees, wetlands or natural features. The new plan should contain options to promote housing diversity for a changing demographic in the Village. Adoption of a PUD ordinance could be considered. There is also a need for flexibility in ordinances.

With regard to an anticipated timeline, Ostrowski stated that the Planning Commission is not far from the originally proposed timeline for completion of the master plan.

There followed discussion by Council and Commission members regarding natural feature preservation measures and language related to housing diversity. Ostrowski clarified that housing diversity would address the ability to utilize small or large lots in the Village while providing developers with some flexibility to creatively develop parcels and offer a product that fills a need in the community. Mooney commented that he has no problem with ordinance flexibility as long as Council can exercise some interpretation on the matter.

Mooney concluded that the goals and objectives of the master plan appear to have reasonable support from Council. He would encourage making the future goals of the Village achievable. The Planning Commission will provide regular updates and presentations to Council so that they are aware of the final content of the master plan.

## **SOUTHFIELD ROAD CORRIDOR**

### Corridor Marketing Opportunities

Ostrowski stated that Planning Commission members have been advocating the idea that the Village should market the new Overlay District and Village Center plan. There is need to make area developers aware of the opportunities for redevelopment of the Southfield Road Corridor. The balance between supporting existing business owners and encouraging redevelopment under new standards should be a consideration.

Mooney concurred that the Village's overlay zoning district should be made known to interested developers. There is poor use of space along Southfield Road and opportunities for improvements that would fit into the Village Center plan.

Ideas for promoting the overlay district included holding an open house, sending out a mailer, and communication with developers. Ruprich suggested that the open house could include property and business owners as well as developers. Representatives of the Village could explain how the Village could facilitate redevelopment aspirations of property owners and developers. There was agreement that this would be the way to begin publicizing the corridor plan.

Mooney suggested that the planning liaison from Council meet with a Planning Commission member and Administration to start working on a marketing strategy as a subcommittee. LSL Planning should be consulted for its input. Ostrowski suggested submitting an article in a Detroit area periodical such as Crain's Detroit Business including photos of the corridor and the vision of the community for this commercial strip. It was noted that the Village Center Plan and implementation strategies for the Southfield Road Corridor will be included in the revised Master Plan. This will assist with reinforcing what the Village is promoting.

#### RCOC status on Southfield Road

Wilson stated that progress on the plan for developing the Southfield Road corridor largely from M-39 to 13 Mile Road has been slow. The Road Commission for Oakland County (RCOC) has prepared an outline that includes a boulevard concept that will run from M-39 to 13 Mile Road. It will eliminate all direct lefts and institute Michigan left turns at intersections. There will be little change to the Southfield Road/I-696 Interchange. Roundabouts at the intersections were considered but removed from the final design.

The RCOC has realized that the corridor functions differently in various areas. There will be slightly diverse designs and boulevard lanes for each section. The biggest problem will be the portion through Lathrup Village from I-696 north in terms of parking within the right-of-way. The section that affects Beverly Hills from 12 mile to 13 Mile Road and slightly north into the Village will include a boulevard system. The Road Commission claims that it will make the intersection at 13 Mile and Southfield function better; there will be some traffic safety benefits.

Wilson expected that the Southfield Road plan was at least a year away from being finalized. At that point, the County will be seeking funding from the federal government to get it done. This project will probably be implemented in phases over a period of at least five years.

In response to an inquiry, Wilson stated that the current proposal would extend about 800 ft. north of 13 Mile Road, roughly to the Beverly Hills Grill property. The rationale for not taking the boulevard to Beverly Road was questioned. Wilson affirmed that Village representatives have pushed for extending the boulevard further. It could probably be accomplished in cooperation with the RCOC but without federal funding. Mooney asked Wilson to keep the Planning Commission and Council informed on the status of the Southfield Road reconstruction plans.

### **CODE AND ORDINANCE ISSUES**

#### Sign Ordinance

Ostrowski related that the Sign Ordinance continues to be problematic in terms of language interpretation. Upon adoption of the revised Sign Ordinance, it was the understanding of the Planning Commission that nonconforming signs should not be promoted; approving sign panels on nonconforming signs continues the nonconformities. The Commission has considered

revisions to the ordinance language to reflect elimination of nonconforming signage so it complies with the intent of the sign ordinance. If the direction of the Village is not to allow modifications on nonconforming signs, it needs to be spelled out clearly in the sign ordinance. There are some triggers as to how signs get replaced, but they are tied to the redevelopment of property, not signage.

Consideration has been given to establishing a moratorium on nonconforming signs and designating a specific sunset date. The community would need to be prepared for that sunset date, which could involve potential payment to business owners. Ostrowski said that the Planning Commission would like to hear Council's thoughts on a sunset clause or revising existing ordinance language.

Westerlund added that the majority of signs along Southfield Road are nonconforming pole signs including panels for multiple businesses. The thought was to deny requests to replace a sign panel on the nonconforming sign. An existing business would be allowed to update a sign, but a new business could not be added to the sign. Eventually, the property owner might agree to rebuild the sign to meet current standards. There has been discussion about how to eliminate nonconforming multi-tenant signs without creating unintended consequences that are undesirable. The concern would be how a partially blank tenant sign in Beverly Hills would look during this transition period.

If the Village implemented a sunset clause, nonconforming signs would have to be brought up to code or the Village would remove the sign and offer some remuneration. The nonconforming sign problem would cease if a property was redeveloped. The Planning Commission needs direction from Council on how to proceed with clarifying the sign ordinance and whether to implement a sunset clause on nonconforming signs. The goal is to have a consistent look throughout the Village in terms of signage.

Commission and Council members discussed the components of a sunset clause. Council member Kelly said that she saw the PowerPoint presentation on nonconforming signs in the Village, which depicted what the Southfield Road corridor could look like. She would be in favor of a sunset clause in five year if the business owners received some reimbursement for their signs.

Mooney thought that elimination of nonconforming signs through a sunset provision deserves study and consideration by Council; Village legal counsel should be consulted for an opinion. Mooney suggested that a cost/benefit analysis be conducted.

Establish business licensing for ease of code enforcement

Westerlund stated that business owners have said that they did not know that a permit was required to modify their signage. Currently, the Village requires a tenant to come before the Planning Commission to receive sign permit approval.

The Planning Commission has been discussing whether the Village should adopt an ordinance that requires businesses to be licensed on an annual basis. It would involve a zoning compliance process for an existing business or a new tenant before they can move into a site. Ostrowski said that the Village should be aware of when a business use or tenant is changing. Many other

communities use business licensing as a means of code enforcement. This allows the Village to review the site for compliance with parking, signage, trash receptacles, heating and cooling, etc. Ostrowski suggested that the new building and zoning official could oversee this licensing process.

Wilson related that licensing would require a tenant to register every year. It becomes a tool for code enforcement. If the Village has ongoing issues with a business regarding their signs or other problems, the ordinance can state that a building license is not renewed until the business is brought into compliance with all outstanding codes and ordinances. If the tenant does not comply, they can be ticketed for operating a business without a license and taken to court. Wilson thought that this was a good tool that the Village could and should use to address compliance issues on a routine basis.

Mooney stated that Council will take the establishment of annual business licensing under advisement. There appears to support of this action from both Administration and Council.

#### Private Road Discussion

Ostrowski related that private road issues were brought to the attention of the Planning Commission during discussion of the Timothy Patrick development on Thirteen Mile Road. Commission member Grinnan raised the issue of private roads and future funding by present and future homeowners. Ostrowski added that the Village will need some flexibility in road regulations to allow for optimum development of the Village Center Plan. There are examples of other communities adopting neighborhood road ordinances that consider right-of-way width and safety considerations without having to dedicate a 60 ft. right-of-way.

Grinnan suggested that private roads were sometimes encouraged in Beverly Hills in new developments in lieu of public streets. It seemed like a good idea because private roads would relieve the Village from the cost of plowing and maintenance of roads. Grinnan expressed the view that private roads have had unintended consequences. Residents who live on private roads pay taxes at the same rate as everyone else. After time, those residents question why the Village does not plow their roads or repair their street using tax dollars.

Grinnan related that she has lived in two neighborhoods with private roads. She has heard private road residents say that they will never vote on an issue that will increase their taxes because they did not have the same services as other residents. People become negative about their community. Eventually, private road residents have to hire an engineer to solicit and evaluate bids and to supervise their road project. This is a huge burden on neighborhoods. In addition, there are policing issues that are more difficult to obtain for a private road. Grinnan thought that private roads in Beverly Hills should be revisited.

Wilson said that he has experience dealing with private roads. Perhaps the first buyers on these roads understand the implications of living on a private road, but the second or third buyers do not understand what living on a private road means. If private roads are allowed going forward, the Village could be more proactive about making sure that the covenant is set up properly on a site plan and funds are set aside for road maintenance. Those rules may not have been in place in some of the Village's developments.

Administration is in a bad spot when private road residents ask the community to take over a road that is in poor shape and requires costly improvements. The Village would be taking on a liability for everybody else in the community. There is merit to adding a private road to the Village road system and receive funding from the state for road maintenance. If property owners requested to turn over a private road that is in acceptable shape to the Village, Administration would probably try to make that happen. Wilson said that private roads are a liability and responsibility to everyone who lives along them. He asked for Council input on how to proceed.

Mooney affirmed that the private road issue merits further review and consideration.

**PUBLIC COMMENTS**

None

**ADMINISTRATION COMMENTS**

Wilson referred to an earlier discussion regarding the current role of administration in ordinance interpretation. He explained the process whereby the Village’s zoning administrator reviews applications that come before the Village for completeness and compliance with the ordinance before they are referred to the Planning Commission for review. Wilson has assumed the role as zoning administrator in the absence of a building official or zoning and planning administrator.

**COMMISSIONER’S COMMENTS**

On behalf of the Planning Commission, Ostrowski extended his thanks to Council for taking time to meet with the Commission. It was helpful to the Planning Commission in terms of providing direction.

**COUNCIL COMMENTS**

Mooney thanked the Planning Commission for participating in a joint meeting. Council appreciates everything the members have done for the Village and appreciate the vision of the Planning Commission.

Motion by Westerlund, second by Delaney, to adjourn the meeting at 8:53 p.m.

Motion passed.

**George Ostrowski, Chair  
Planning Board**

**John Mooney  
Council President**

**Ellen E. Marshall  
Village Clerk**

**Susan Bernard  
Recording Secretary**