

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

Absent: Freedman and Stempien

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

Chairperson Jensen 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

The agenda was approved as published.

PUBLIC COMMENTS

None

CONSIDER APPROVAL OF MINUTES OF A PLANNING BOARD MEETING HELD FEBRUARY 22, 2012

Motion by Westerlund, second by Borowski, that the minutes of a Planning Board meeting held February 22, 2012 be approved as submitted.

Motion passed (7 – 0).

CONSIDER APPROVAL OF MINUTES OF A JOINT COUNCIL/PLANNING BOARD MEETING HELD FEBRUARY 8, 2012

Motion by Westerlund, second by Borowski, that the minutes of a joint Council/Planning Board meeting held February 8, 2012 be approved as submitted.

Motion passed (7 – 0).

CONTINUED REVIEW/DISCUSSION OF OUTDOOR SALES ORDINANCE

Planning consultant Brad Strader provided Manager Wilson with feedback that has been incorporated into a draft ordinance that allows temporary seasonal outdoor sales or storage of goods and outside seating to be handled through an administrative permit process. Wilson referred to a handout including current ordinance language and additional ordinance sections. The draft contains language for a proposed ordinance with sections including Purpose, Application for Permit, Required Information and Plans, Procedure, Criteria for Approval and Permits and Fee Options. The ordinance language has yet to be redrafted into the Village Ordinance format by Attorney Tom Ryan.

There followed discussion on wording relative to the fee structure, required information, and the need for guidelines in terms of what administration is allowed to approve. Wilson remarked that handling the plans administratively will end the issue of last minute additions to an outdoor sales request.

Westerlund remarked that the Village has no regulations pertaining to outdoor sales. The Board agreed that the ordinance should provide more clarification and regulations as to what is permitted in terms of outdoor sales and café seating so that the Village can control what is going to occur.

Suggestions from Board members on regulations that need further consideration were as follows:

- Maximum percentage of outdoor sales space. There were suggestions to base this on size of the property, lineal feet of store frontage, or a maximum space from the building.
- Maximum hours of operation for café seating.
- Define structures such as tents.
- Lighting and sound regulations.
- Require a copy of an approved site plan drawn to scale accurately representing existing conditions on the site and proposed temporary structures associated with the permit.
- Expand on limit of two temporary outdoor sales.
- Stacked items should not create a visible blockage of windows nor create blind spots.
- Fire lanes

Abboud will compare ordinance standards and definitions from area municipalities. The Public Safety Department will be consulted for direction on what could be considered hazardous relative to outdoor sales.

Planning consultant Brian Borden questioned the five day turnaround time for the permit process indicated in the ordinance language. He suggested 10-15 business days. Borden also proposed referring to a fee schedule as adopted by Council rather than including fees in the ordinance. This will be an agenda item for the next Planning Board meeting.

CONTINUED DISCUSSION ON SIGN ORDINANCE

Planning consultant Brian Borden reviewed that the Planning Board has provided input on changes to the sign ordinance, which resulted in LSL drafting revised ordinance language for further consideration. After discussion at last month's meeting, it was suggested that Board members take a broader perspective and examine the current sign regulations and identify concerns, issues, and problems.

As part of this project and Southfield Road Corridor work, Board member Stempien reviewed the City of Birmingham sign code and marked it up with his comments in order to provide insight into Village sign regulations. Board members were asked to reexamine the entire sign ordinance and address their concerns at the next meeting with Stempien. Borden said that the intent was to promote further discussion and analysis by Board members on current regulations. Board members can email their comments and suggestions to Borden.

UPDATE ON SOUTHFIELD ROAD CORRIDOR PROJECT

Borden related that his goal as stated at the last Planning Board meeting was to keep the full Board informed of what is discussed at monthly subcommittee meetings. He will provide a memo or handout in the Board's information packets. There is little to report after the first subcommittee meeting following the project kickoff. Council approved the Southfield Road

Overlay District Proposal, and LSL Planning is moving forward. A subcommittee meeting was held earlier in March and had productive discussion that set the guidelines for the project. In terms of product, LSL has already prepared the 3-D model for the corridor. Borden will have an LSL staff member who does computer graphic and design work attend the next Planning Board meeting to make a presentation. The Board can start moving buildings around to determine alternatives.

A big achievement was a meeting between and Chris Wilson, Brad Strader, Patrick Westerlund and two Road Commission for Oakland County representatives. There was good input and positive feedback provided in terms of general concepts such as complete streets, walkability, pedestrian safety and access management.

Westerlund elaborated on the status of the Road Commission with respect to the three-phased Southfield Road boulevard project from 9½ Mile Road to 13 Mile Road. The environmental analysis has begun for this project, and the Road Commission is in the process of signing the paperwork. The section from 13 to 14 Mile Road will not be part of the project for a couple of reasons. The roadway is too new and not in a state of disrepair. The amount of traffic flow on the roadway does not give the Road Commission enough credit points towards the overall package submitted to the federal government for funds.

The downside is that all that is transpiring on Southfield Road from the Road Commission standpoint will exclude Beverly Hills. On the positive side, the Road Commission is going to deal with the Thirteen Mile and Southfield Road intersection. It will encompass going slightly north of the intersection extending beyond The Corners shopping center to the cemetery.

Westerlund reported that the Road Commission representatives were open to a lot of ideas. There was agreement that a five-lane roadway was not necessary from 13 to 14 Mile Roads; they are open to the possibility of a three-lane roadway. The Road Commission would consider having the road shift to the east along the cemetery in order to achieve more right-of-way on the west side for what is being proposed along Southfield Road. They encourage continuing conversations about design suggestions and ideas including a slip road. Road Commission staff talked positively about roundabouts, if they are done properly. There was discussion about a narrow median. Overall, it was a promising meeting in light of the Village's design ideas. The Road Commission was open to how Beverly Hills could make this work for its version of the Southfield Road corridor. The downside is how to pay for the improvements. The current Southfield Road median project is projected out to 2018.

Dollars would be available at the time the Village's stretch of Southfield Road qualifies for a reconstruction project. If the Village could work out a design, the five-lane reconstruction project could change to a narrower road reconstruction, which would reduce the cost. Communication is open with the Road Commission. They will invite Village representatives to meetings associated with the environmental assessment, a process that will take 24 months.

Wilson related that the Road Commission was amenable to taking the Village's overlay district into consideration when designing Southfield Road improvements. They suggested that Beverly Hills could set design standards to require a developer to do this reconstruction if it involved a big enough project. The Road Commission strongly encouraged the Village to take into consideration what it wants the roadway to look like in its overlay district and to do what it can to incorporate the design. Wilson commented on what appears to be a new direction for the Road Commission.

Westerlund added that part of the new direction of the Road Commission is that roads are no longer designed for peak rush hour traffic counts; the roadway is sized appropriately for the average number of vehicles.

Ruprich questioned who is responsible for the accuracy of the data on which road design is based. Westerlund stated that a traffic simulation model is contained in the Phase 2 scope of work plan submitted by LSL Planning. It will analyze how traffic moves through the corridor. Ostrowski asked about alternative funding for roadway construction, which was addressed by Wilson.

Borden stated that the Planning Board is likely to receive an update before its next meeting on preparation for the May public workshops. The first one is tied to the property owners and will involve a focused effort on those individuals. The second workshop will bring the public in for an update on the project plans. They are working on establishing dates and locations.

CONTINUED REVIEW OF GARAGE SALE ORDINANCE

Before the Planning Board for consideration was a draft Garage Sale Ordinance submitted in Village ordinance form. Wilson questioned the hours set for garage sales included in Section 12.03 (c). The Board agreed to change the start time for garage sales from 9 am to 8 am.

Motion by Peddie, second by Westerlund, that the Planning Board recommend Council approval of An Ordinance to Amend Village of Beverly Hills Municipal Code, Chapter 35, Outdoor Gatherings to add Section 35.12 Garage Sales with a change to allow garage sales to start at 8 am.

Motion passed (7 – 0).

REVIEW AND CONSIDER SECOND DRAFT OF ORDINANCE CHANGING THE PLANNING BOARD TO PLANNING COMMISSION STATUS

Board members are in receipt of a draft ordinance from Brian Borden regarding the transition from a Planning Board to Commission. This language incorporates much of what Attorney Ryan proposed while retaining the current ordinance form. Wilson related that it is a requirement of the Zoning Enabling Act for a planning commission to elect a secretary from its members. He thought that the draft ordinance submitted by Brian Borden was in line with what the Planning Board wanted to do. The Board agreed to a change in Section 21.01 (b) Membership to make the language gender neutral.

It was questioned whether a planning commission is an approving body or a recommending body with this ordinance change. Borden responded that the change from Planning Board to Planning Commission is essentially in name only. Wilson stated that a change that would permit the planning commission to approve a site plan rather than recommend approval would be at the discretion of the Village Council. Jensen suggested that Council consider a change in authority to allow the Planning Board to review applications and make a recommendation to Council on Planning Board appointments.

The Planning Board requested that administration direct the Village Attorney to put the ordinance language submitted by Borden into ordinance form for consideration at the next Planning Board meeting.

PLANNING BOARD COMMENTS

Abboud commented that he did not see anything about sale of firearms in the draft Garage Sale ordinance. Wilson responded that this type of sale is not allowable by state or federal law.

PUBLIC COMMENTS

None

ADMINISTRATION COMMENTS

None

Motion by Abboud, second by Borowski, to adjourn the meeting at 8:50 p.m.

Motion passed (7 – 0).

David Jensen, Chair
Planning Board

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary