

Present: Chairperson Ostrowski; Vice-Chair Westerlund; Members: Borowski, Freedman, Jensen, Peddie, Stempien

Absent: Abboud and Ruprich

Also Present: Village Manager, Wilson
Planning Consultant, 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 Westerlund, second by Stempien, to approve the agenda as published.

Motion passed.

PUBLIC COMMENTS

None

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A PLANNING COMMISSION MEETING HELD JUNE 26, 2013

The correction was made to indicate that Vice-Chair Ostrowski called the meeting to order. A change was made to the motion on page 4. The word 'should' in the fourth line was changed to 'must be'.

Motion by Jensen, second by Westerlund, that the minutes of a regular Planning Commission meeting held June 26, 2013 be approved as amended.

Motion passed.

PUBLIC HEARING ON PROPOSED AMENDMENT TO CHAPTER 22, SECTION 22.08.220 OF THE ZONING ORDINANCE ESTABLISHING REGULATIONS FOR USE OF TEMPORARY AND PORTABLE MOVING AND STORAGE CONTAINERS

The draft ordinance amendment distributed for this meeting reflects modifications suggested at the June meeting. Planning consultant Brian Borden from LSL Planning outlined the changes made to address considerations raised by the Board.

Ostrowski opened the public hearing at 7:36 pm.

Bill Brownfield of 32355 Bellvine Trail stated that a neighbor of his has had a storage pod on his corner lot for over a year. This led to his inquiry regarding the Village's regulations addressing the extended use of a storage pod. Brownfield applauded the Planning Commission for moving quickly and efficiently to draft an ordinance amendment incorporating conditions for use of portable storage containers.

Carolyn Brownfield remarked that extended use of storage pods adversely affects property values. She thanked the Planning Commission for their prompt action on this issue.

No one else wished to be heard; the public hearing was closed at 7:40 pm.

REVIEW AND CONSIDER A RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING APPROVAL OF PROPOSED AMENDMENT TO CHAPTER 22, SECTION 22.08.220 TEMPORARY AND PORTABLE BUILDINGS, USES AND STRUCTURES

Commission members discussed the draft ordinance amendment. Questions and comments regarding ordinance enforcement, corner lot issues, and portable toilet restrictions were addressed by planning consultant Brian Borden.

Borden related that the current ordinance Section 22.08.220 Temporary and Portable Buildings, Uses and Structures is enforceable. The ordinance requires Zoning Board of Appeals approval of a storage pod that meets the definition of a temporary portable structure. The following amendment could be in effective within 30 days of Council adoption.

An exception to the above regulations shall be made for the use of portable moving and storage containers meeting all of the following conditions:

- 1. No more than one (1) such container may be used per property at any given time.*
- 2. Such containers must be placed on a paved surface in a side or rear yard of an occupied lot and shall not be located in an easement or right-of-way.*
- 3. The maximum duration for use of such containers shall be fourteen (14) days within any six (6) consecutive months. A property owner may seek a longer duration in accordance with the provisions above whereby Zoning Board of Appeals approval is required.*
- 4. A container may be located in a front yard and/or on an unpaved surface for a period of no more than forty-eight (48) hours within the fourteen (14) days allowed in paragraph 3 above.*

If passed, residents will be advised of the ordinance amendment regarding storage pods by means of area newspapers, quarterly Villager newsletter, GovDelivery email messages, and the Village website.

Motion by Westerlund, second by Jensen, that the Planning Commission recommend Council approval of an ordinance amendment to Village of Beverly Hills Ordinance Section 22.08.220 Temporary and Portable Buildings, Uses and Structures establishing regulations for the use of portable moving and storage containers.

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

SOUTHFIELD ROAD CORRIDOR SUBCOMMITTEE REPORT

Ostrowski reported that subcommittee members Westerlund, Ruprich, and he met with Sherrin Hood from LSL Planning to discuss the Southfield Road redevelopment plan in light of the comments made by urban planner Bob Gibbs at the June 4 special Planning Commission meeting.

Westerlund and Ostrowski highlighted some of the conversation regarding the corridor plan. There was discussion relative to how a developer might address the future aspect of a slip road planned for the corridor. The Road Commission for Oakland County (RCOC) may not reconstruct Southfield Road north of 13 Mile Road for 10-15 years. How that plan incorporates into the current roadway is a reality that has to be addressed. Representatives from RCOC, LSL Planning and the Planning Commission will be involved in developing concepts and options for implementation of the slip road idea as part of property development. Building height was also a topic of discussion. Westerlund described the concept in terms of the corner property being at the highest point and stepping down towards the neighborhoods moving north and west of the intersection.

The subcommittee was concerned with the regulating plan depicting streets, which could be viewed as a specific layout of the area. It was proposed that the language in the code be modified to refer to the streets as a service, vehicle, or pedestrian connection that could join some of the parcels.

The subcommittee also talked about having engineering firm Hubbell, Roth & Clark, Village Public Services Director Meszler, and the Drain Commissioner's office involved early in the stage to talk about storm water management relative to the roadways in the district.

The timeline in terms of the scope of the project was reviewed. Based on conversations with Brad Strader and Sherrin Hood from LSL, Borden believed that the Planning Commission could address some of the immediate concerns of the subcommittee and have a draft ready to consider quickly. There are bigger picture items that are not going to be addressed at this point. There has been talk about a market study, a regional storm water plan, etc. that do not need to occur before the ordinance is adopted. LSL can have an updated draft ordinance before the Planning Commission for a public hearing as early as next month. The concern was that the Village may miss a redevelopment opportunity if the form based code is not in place when projects are proposed.

Ostrowski said that design guidelines were talked about at the subcommittee level in terms of building materials, utilities, specific street lights, benches, landscaping, etc. as means of tying the town center plan together. The subcommittee along with other interested members could develop these guidelines separately from the form based code. There was agreement that the code should be adopted in short order and followed up with draft design guidelines. The corridor subcommittee may meet again before the next commission meeting to review the final draft of the code before it is presented for public hearing.

Interested individuals who attended previous public information meetings including business owners, property owners, and residents will be notified of the public hearing via email. The thinking was that it would be better to present the form based code and give people their first opportunity to comment on it at the Planning Commission level rather than at the Council level. Borden said that the applying the overlay to a geographic boundary will be part of adopting the form based code and amending the zoning map. That process requires notification of affected property owners.

PLANNING COMMISSIONERS' COMMENTS

Stempien reported that the Village code enforcement officer has done a good job of reviewing all nonconforming signs in the community. There are a few outstanding signs that have not been brought into compliance. He questioned the status of the 31333 building pylon sign. It is a nonconforming pole sign without a sign face.

Wilson indicated that he spoke with the building owner about the sign. Individuals representing Nexus Academy came before the Zoning Board of Appeals requesting variances for signage. The wall sign was approved and the request to use the pole sign with a new face was denied. Wilson related that the building owner had no knowledge of these sign applications coming before the Village. The owner disagrees with the Village's interpretation of the sign ordinance, which may be addressed at a later date. The owner also had concerns about the amount of wall signage approved for Nexus Academy, considering the amount of signage available to the building as a whole and the percentage of building being used by the charter school.

Borowski welcomed the new Planning Commission officers, George Ostrowski and Pat Westerlund. He recognized the dedicated service of David Jensen as long-time chairperson of the Planning Commission and acknowledged his accomplishments over the years.

Jensen thanked the members for their commitment over the last 12 years and thanked George Ostrowski for his faithful service as vice-chair. He thought that George Ostrowski and Pat Westerlund would make a dynamic duo.

ADMINISTRATION COMMENTS

Wilson stated that Village Attorney Ryan has prepared a draft fireworks ordinance. Wilson plans to bring this ordinance directly to Council. The ordinance addresses areas allowed by the State in terms of regulating fireworks.

Wilson announced that there will be another Environmental Assessment meeting for Southfield Road on August 19. The time and location have yet to be determined. The head of the steering committee will send out materials two weeks prior to the meeting; Wilson will pass the information along to Commission members. The meeting will include a presentation of the final traffic analysis report, detailed graphic exhibits of each roadway alternative, and a draft matrix of evaluation criteria that will assist the committee in comparing the benefits and impacts of each alternative. Wilson encouraged Planning Commission members to attend. He plans to attend the meeting.

On Monday, July 22, there was a meeting in the council chamber with representatives of Nexus Academy, a charter school that is a tenant of the 31333 building on Southfield Road. Wilson reviewed his communication with the State Department of Licensing and Regulatory Affairs regarding the applicability of local government regulations to a proposed public school use. He expressed concern regarding the impact of this use on traffic and other matters and requested clarification on how the State allocates jurisdiction for site plan review, building plan review, and inspection and fire safety inspection in a multi-tenant structure containing a public charter school.

The State agency responded to the points made in his letter indicating agreement with the Village on many items, most importantly that an Impact to Traffic Study would be required for the property. That report is required to be submitted to the State and to the Village. The State will require that a driveway access permit be received from the Village. The tenant will have to comply with Village sign requirements. The State clarified the position that, while it retains site plan and fire code review for the section of that building that is part of the charter school, the remainder of the building will fall under the zoning and fire safety responsibility of the Village of Beverly Hills.

As a result of this decision by the State, Nexus will have to go through various processes with the Village before they open their school. Wilson related that there is a 60-year-old cross parking arrangement between the shopping center plaza and the 31333 building. He commented on changes that will be made relative to the guard rail between the properties and the configuration of parking spaces in order to achieve better access management and allow for cross parking use.

The State is not allowing the build out by Nexus until the Village signs off on the site plan. Wilson contacted the State and indicated that there was adequate space for the charter school to operate according to the Village's analysis. However, Nexus needs to work on access management in terms of flow and control. The Village is agreeable to the build out pending its final approval. In response to an inquiry, Wilson said that Hubbell, Roth & Clark is conducting the analysis of access management for Nexus at their expense.

Wilson remarked that the State agency has not been consistent in their response to inquiries on guidelines regarding its regulations.

Wilson commented that he received a proposal for the use of a large undeveloped property in the Village, adding that there may be a site plan coming before the Planning Commission in the next couple of months.

PUBLIC COMMENTS

None

Motion by Jensen, second by Stempien, to adjourn the meeting at 8:38 pm.

Motion passed.

George Ostrowski
Planning Commission Chairman

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary