

Present: Vice Chair Westerlund; Members: Abboud, Borowski, Freedman, Jensen, Peddie, Ruprich and Stempien

Absent: Ostrowski

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

Vice Chair Westerlund 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 Jensen, second by Borowski, to approve the agenda as published.

Motion passed.

PUBLIC COMMENTS

Robert Ellwood of 20046 Ronsdale was present concerning an agenda item that came before the Planning Commission for review at its February 26, 2014 meeting. The Commission reviewed a land division application for 31805 Evergreen Road and referred it to the Village Council for approval with conditions. Council reviewed and approved the land division proposal contingent upon approval by the Planning Commission, Administration and Council of the private road as part of the site plan review for this project and subject to other conditions.

Ellwood expressed the view that the votes of both the Planning Commission and Council may have been in error because the petition failed to meet the ordinance requirements. The parcel map failed to include all existing easements and rights-of-way. Further, the proposed private road connecting the properties may have been in noncompliance relative to site clearance. Ellwood obtained legal counsel from Jeffrey Haynes from Beier Howlett. A letter from Mr. Haynes outlining the contested issues was distributed to Commission members. Ellwood asked that the Planning Commission be diligent in its scrutiny of the site plan submitted as part of the land division proposal for 31805 Evergreen Road. He suggested consideration not only of area and building envelopes, but of the effect of the project on the Master Plan and the surrounding property owners.

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A PLANNING COMMISSION MEETING HELD MARCH 26, 2014

Motion by Borowski, second by Jensen, that the minutes of a regular Planning Commission meeting held March 26, 2014 be approved as submitted.

Motion passed.

PERMANENT SIGN ALTERATION REQUEST BY HEAR USA, 31000 LAHSER ROAD, SUITE 5

The Planning Commission is in receipt of a sign permit request that includes photographs and renderings of the proposed Hear USA sign that would be added to an existing sign for the multi-tenant office building at 31000 Lahser Road. The proposed sign is 2.6 square feet in area and would be placed in the one remaining empty portion of the multi-tenant sign.

Planning consultant Brian Borden stated that the current sign ordinance Section 22.32.095 limits signage at a shopping center or integrated group of stores to one freestanding development identification sign. The existing multi-tenant ground sign identifying each tenant is nonconforming. The proposal is to place the new tenant's identification in the blank space on the multi-tenant sign. The ordinance does not allow nonconforming signs to be altered or reconstructed in a way that does not comply with the provisions of Section 22.32.120 Nonconforming Signs. Borden thought that this sign request would be permissible under the language that allows "changing of surface sign space to a less or equal area".

Borden suggested that it would improve the area if the owner planted low rise landscaping around the sign base. Landscaping is not required by the ordinance but would hide the metal base and concrete block.

The petitioner Robert Bongiorno from B-B Signs & Lighting explained that there is an existing blank sign panel on the monument sign for that group of offices. A new tenant is moving in and proposes to place their store identification on that sign panel.

Commission members discussed the circumstance where a request is made to locate new signage on an existing nonconforming multi-tenant sign. A decision will have to be made on whether to allow replacement of an existing panel with a new tenant identification.

Borden said that the structure would not be changed or expanded and would remain a nonconforming sign. The proposal is to add letters onto a blank space.

The Commission questioned whether to permit a new sign panel on the basis that it would add to a nonconforming multi-tenant sign. There were members who were opposed to continuing to perpetuate nonconforming signs following the adoption of the revised sign ordinance. Westerlund commented that the Commission should consider the intent of the ordinance and what they are trying to achieve with a multi-tenant building. He referenced the 'Medical Village' sign that serves as identification for approximately 30 suites contained in the center.

Motion by Jensen, second by Freedman, to deny the application for sign permit by B-B Signs & Lighting for Hear USA at 31000 Lahser for the reason that the sign is nonconforming.

Roll Call Vote:

Abboud	- no
Borowski	- yes
Freedman	- yes
Jensen	- yes
Peddie	- no
Ruprich	- no
Stempien	- yes
Westerlund	- yes

Motion passed (5 – 3).

PRE-APPLICATION DISCUSSION WITH TIMOTHY PATRICK DEVELOPMENT REGARDING A CONCEPTUAL DEVELOPMENT ON 13 MILE ROAD

Planning consultant Brian Borden stated that he and Manager Wilson have had preliminary meetings with the project team present this evening. Individuals from Timothy Patrick Development will be presenting ideas for development of a parcel on the north side of 13 Mile Road just east of Evergreen Road between a church and an apartment building.

Patrick O’Leary, 30450 Forest Drive in Franklin, was present on behalf of Timothy Patrick Development. He recognized his partner Tim Stapleton in the audience and engineer for the project, Fazal Kahn. O’Leary said that they are proposing to develop a four acre parcel that is currently zoned R-1. The site is surrounded by multi-family to the west, a church to the east, and a congregate care facility across the street.

O’Leary related that there is a strong market for empty nester condominiums without attached walls, which led the developers to pursue a smaller lot concept rather than attached units. They are proposing to rezone the property to R-3 zoning. The developers believe that they can accomplish this project without requiring any variances. It will be a benefit to those who reside in the new homes as well as for the greater community.

A concept drawing of the development was displayed. The proposal is for a straight road surrounded by 22 homes with a cul-de-sac at the end. The project is designed with pocket park areas and a retention pond in the center of the site. The homes will have three bedrooms and two-car garages. The main floor footprint will be the same for all homes with an expandable option. The square footage will be roughly 2,000 sq. ft. on the first floor. A cape cod style could be 2,300 sq. ft. A high end community will be created by providing architectural interest so the units will not all look the same.

Commission members discussed the preliminary plan. Questions and comments regarding the project were addressed by O’Leary. The point was made that this proposal represents a low impact development that makes use of a challenging piece of property. It was suggested that the plan is a better choice than constructing multi-family attached units.

Engineer Fazal Kahn addressed comments regarding the long, straight design of the road and how it could be altered to provide a slight ‘S’ curve for more visual interest. The parcel is only 246 ft. wide. He mentioned that any deviations to the road may result in the need for variances from the required 40 ft. rear yard setback on some of the homes. The applicants are willing to work with the Planning Commission on design solutions.

Wilson asked if there would be any consideration given to interior sprinkling of these units for fire suppression considering the proposed density of the project. He had some concerns about fire access between units. O’Leary did not think a detached unit with full access from the street would require fire suppression measures. Public safety involvement in the site plan process will be part of this project.

Borden stated that the intent of this agenda item was to allow the developers to present their ideas and to receive input from the Planning Commission. It is a preliminary discussion at this point with no action being sought. Westerlund thanked the developers for their presentation.

DISCUSSION OF SOME ASPECTS OF THE SIGN ORDINANCE

Planning consultant Borden acknowledged that there has been discussion on the new sign ordinance related to the number of nonconforming signs that have been created by adoption of the new regulations. The Village is finding itself in a predicament in terms of what to do when sign permit applications are submitted. Borden suggested that the nonconforming section of the sign ordinance be reviewed and reworked to provide better direction to the Planning Commission, planning consultants, and Village staff.

Borden also expressed concern about the legal perspective of the ordinance and the potential of having to defend the sign ordinance. The document should provide guidance based on sound principles that will hold up if challenged.

Commission members discussed the subject of how to address requests to modify existing nonconforming signs. Issues raised by members included: whether all property and business owners have been informed of the revised sign ordinance; should the onus be on business owners to invest in improving signs in the community; the abundance of nonconforming pole or pylon signs in the Village.

Wilson thought that the ordinance should be clarified if the Village is not going to allow sign face changes on nonconforming signs. The fact that the Planning Commission has discussions on sign permit requests that result in a split vote demonstrates that there is a problem. Wilson questioned whether the sign ordinance has been enforced consistently since its adoption. If the ordinance language is rewritten to state that sign faces on existing nonconforming signs cannot be changed, business and property owners should be notified of that ordinance change.

Westerlund requested that planning consultant Borden draft revised language for the nonconforming section of the sign ordinance for review by the Planning Commission at its next meeting. The Commission would like direction from Borden and review comments from the Village Attorney.

Code Enforcement Officer Dan Gosselin asked how the Planning Commission would like the Village staff to proceed in terms of sign permit requests and enforcement of the new sign ordinance. He outlined some of the problems and issues faced when someone comes in requesting a sign. Gosselin thinks that the Village can do better than asking for the \$65 permit fee and informing an applicant that they have to talk to the Planning Commission. Staff can inform a person on how to proceed with a shed, garage, sewer or culvert, but not a sign.

DISCUSSION OF VILLAGE CENTER SITE DETAILS

Westerlund displayed images of Village Center site details on the smart board so that members could narrow down their previous choices and make final selections on park benches, trash containers, bike racks and lighting. He provided costs associated with the items. These site details will become standardized and required as part of future development throughout the Village center.

The Planning Commission selected a bench style, trash can and bicycle rack in the dark green color. Lighting was discussed with consideration given not only to the decorative style of the fixtures, but how they light space and create ambiance. There may be instances where lights should be directed down or up to illuminate building facades.

It was suggested that members observe how lamps look at night and consider the ambiance of reflected light. Lighting can be functional and create atmosphere. There was agreement to postpone a decision on lighting to an upcoming meeting.

PLANNING COMMISSIONERS' COMMENTS

Planning Commission members made further comments supporting their views on the enforcement of the new sign ordinance with respect to nonconforming signs.

ADMINISTRATION COMMENTS

Manager Wilson commented on issues Village staff has faced when processing sign permit applications and attempting to interpret the new sign ordinance with consistency.

PUBLIC COMMENTS

Cynthia Rubin of 31020 Rivers Edge Court expressed disappointment that the Commission did not allow Hear USA to erect an identification panel on the existing multi-tenant sign. Signage is important to the success of a new business. Rubin also suggested that new businesses should be welcomed into the Village.

Motion by Jensen, second by Abboud, to adjourn the meeting at 9:24 p.m.

Motion passed.

Patrick Westerlund
Planning Commission Vice Chair

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary