

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

Absent: Ruprich

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 Westerlund, 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 JULY 23, 2014

A correction was made on page 2, paragraph 1, line 3 as follows: “there is a church to the east and another church at the corner of 13 Mile and Evergreen.”

Motion by Westerlund, second by Grinnan, that the minutes of a regular Planning Commission meeting held on July 23, 2014 be approved as amended.

Motion passed.

REVIEW AND CONSIDER APPROVAL FOR DETROIT COUNTRY DAY SCHOOL TO ERECT TEMPORARY SIGNS

The Planning Commission is in receipt of a memo dated July 9, 2014 from Detroit Country Day School along with a copy of a sign permit application for temporary banner signs for a period of ten days to two weeks. It was noted that a similar sign request was reviewed and approved by the Planning Commission last year.

Banner signs are requested to advertise an Open House for the Middle School and Upper School in October, 2014 and in January of 2015. A banner sign is requested to be erected to promote the Celebrate the Arts event in April, 2015. Sign descriptions and sizes are provided in the memo; the material submitted includes photographs of the banners erected last year. It was noted that 15 sq. ft. temporary banners would be displayed below a permanent wooden sign on the corner of Hillview Lane and Lahser Road (Middle School Campus). Two banners are hung on a V-shaped wooden sign that can be seen from both directions.

Motion by Westerlund, second by Stempien, that the Planning Commission approve the application from Detroit Country Day School for temporary signage as outlined in a memo dated July 9, 2014. The Commission recognized that the two 15 sq. ft. banners for

the Middle School Campus are allowed for the reason that they will be displayed on a V-shaped wooden sign that can be seen from both directions.

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

Jensen entered the meeting at 7:45 p.m.

INITIAL REVIEW OF PROPOSED AMENDMENT TO CHAPTER 22 REGARDING MAINTENANCE AGREEMENTS TO THE SITE DEVELOPMENT REQUIREMENTS

Manager Wilson stated that Council is working on 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. The proposed ordinance will bring the Village's ordinances into compliance with the requirements of State Law. The proposed ordinance addresses maintenance agreements as part of the Village's Site Plan Development Requirements related to storm water discharge.

At its last meeting, Council referred an Ordinance to Amend Chapter 22 of the Village Municipal Code adding a section regarding maintenance agreements under site development requirements to the Planning Commission for review and comment. The Planning Commission is required to hold a public hearing on the ordinance amendment. 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 will read as follows: "A maintenance agreement shall be required for all vegetative and structural best management practices (BMPs) to be constructed on site."

Wilson addressed questions and comments from Planning Commission members regarding maintenance agreement requirements as part of site plan approval. The ordinance will provide a mechanism to enforce maintenance aspects of the site plan after the fact. In response to a concern about specific requirements and prohibitions relative to surface water drainage, Wilson will provide members with a list of best management practices provided by the State.

SET PUBLIC HEARING DATE OF SEPTEMBER 24, 2014 TO DISCUSS PROPOSED AMENDMENT TO CHAPTER 22 REGARDING MAINTENANCE AGREEMENTS TO THE SITE DEVELOPMENT REQUIREMENTS

Chairperson Ostrowski set a public hearing date of September 24, 2014 to receive comments on an Amendment to Chapter 22 of the Village Municipal Code regarding maintenance agreements to the site development requirements.

SET PUBLIC HEARING DATE OF SEPTEMBER 24, 2014 TO DISCUSS PROPOSED PRIVATE ROAD LOCATED AT 31805 EVERGREEN ROAD

Council approved a land division application for property at 31805 Evergreen Road. The site is located on the west side of Evergreen Road north of Ronsdale Drive and across from Beverly Road. The owners split the property into four parcels. There is one existing house to the rear (west) of the property. The owners plan to construct homes on the remaining three parcels, all situated on a private road off of Evergreen. Because this section of Evergreen Road is under the jurisdiction of the Village, all new roadways and driveways must be approved by the Village.

Wilson related that issues were identified regarding the private road access to that property particularly with the existing driveway. The petitioner's plan for a private road was denied by the Planning Commission and Council. The applicant has resubmitted a second proposal for a private road with a location roughly on the south end of the property that would abandon the existing driveway and attach a driveway entrance to the private road for the property owner to the north.

The Village's engineering consultant firm Hubbell, Roth & Clark is reviewing the private road application for site distance issues. Administration is requesting that the Planning Commission set a public hearing for the private road application. It is anticipated that the Planning Commission will refer its recommendation to Council on the private road at that time if there are no issues raised by HRC and Administration.

Wilson added that there was discussion regarding a site plan submittal for that parcel. The attorney representing the property owner has informed Wilson that the developer who submitted the private road application will not be developing the property. The plan is to construct the road, install utilities, and sell the parcels as buildable lots. Whoever builds the homes will be responsible for the site plan review process.

The Planning Commission set a public hearing date of Wednesday, September 24, 2014 to discuss the private road application for property located at 31805 Evergreen Road.

DISCUSS MASTER PLAN

Planning consultant Brian Borden related that the Master Plan Update Subcommittee met on July 30 to kick off the planning process. The schedule and deliverables throughout the process were discussed. The Existing Conditions Chapter is underway and will include recent census data. The current schedule provides for a Public Open House in October.

The subcommittee discussed key topics that have surfaced since the last Master Plan review. Borden asked for input from the full Commission to ensure that the issues and opportunities most important to the Village are addressed. Following is the list of topics compiled by the subcommittee:

- Tree ordinance
- Southfield Road plans
- Residential redevelopment – look at non-residential areas as target areas, transitions, residences that front major streets
- Aging in place (accommodating various housing types i.e. cottage residential)
- “Complete Streets” non-motorized planning (sidewalks and bikeways) and connections to parks and public places
- Place making (reinforce Village Center planning principles to be incorporated as its own chapter.
- Infrastructure: low-impact design
- Green building practices

Questions and comments from members regarding these topics were addressed by Borden. Borden commented that the new master plan will have an implementation chapter; a matrix will list recommendations and designate who is responsible for them. It will include prioritization.

DISCUSS POSSIBLE SIGN ORDINANCE AMENDMENT

At its last meeting, Planning Commission members discussed the possibility of revising sign ordinance language to clearly address their intent in terms of nonconforming signs. It was suggested that Robert Stempien, who was instrumental in drafting the ordinance, be requested to clarify and rework problematic text.

Stempien remarked that there are specific areas of the ordinance that need to be addressed. The sign spacing standard requiring that no wall sign be nearer than 20 feet to any other sign or structure should be revised. Multi-tenant signs are also a sticking point to be revisited. Stempien questioned the direction of the Planning Commission with regard to allowing or prohibiting additions to an existing nonconforming multi-tenant sign.

Wilson stated that the problem of how to handle modifications to nonconforming signs is causing major issues for Administration. Wilson's interpretation of the ordinance is that it does allow nonconforming signs to be modified and allows sign panels to be changed on nonconforming signs. However, nonconforming signs must be replaced when they meet a certain threshold of redevelopment on the site. This is enforceable. If the direction of the Planning Commission is not to allow modifications of nonconforming signs, it needs to be spelled out clearly in the sign ordinance. Wilson did not think there was complete agreement among commission members at the last meeting on how to proceed with reworking sign ordinance language.

Jensen talked about establishing a moratorium on nonconforming signs and designating a specific sunset date. Borowski mentioned that Village legal counsel indicated that it would be difficult to defend a moratorium on nonconforming signs based on the way the ordinance is written. Westerlund recalled that there was a split vote at the last Planning Commission on how far to go in terms of phasing out nonconforming signs.

Borden observed that there are several worst offending signs in the Village that represent what the Commission does not want to see in Beverly Hills. It has been suggested that the Village reach out to the landlords and business owners and ask them what can be done to improve signage and what incentives would encourage them to bring their signs into conformance. Borden suggested that sign regulations be removed from the Zoning Ordinance if it is the intention of the Planning Commission to eliminate nonconforming signs and not allow grandfathering. There would be a need to discuss a sunset clause.

Wilson concurred that, either the Planning Commission needed to change the ordinance or take the sign ordinance out of the zoning code. There are some triggers as to how signs get replaced, but they are tied to the redevelopment of the property, not the signage. Wilson said that it should be clearly spelled out in the sign ordinance if the Planning Commission is going to apply a strict interpretation of the ordinance that prohibits the replacement of a panel on a nonconforming multi-tenant sign. The Village would have to be prepared to live with a sign that has blank sign panels.

Stempien outlined four nonconforming sign scenarios in the Village. There is a blank sign; there is a sign with a message on one-half of the sign area; there is a sign that is 20% filled; there is a multi-tenant sign that is 90% filled. He questioned how the ordinance could address situations like these. Stempien proposed trying to eliminate nonconforming signs.

Commission members talked about a strategy for how to proceed with reworking the sign ordinance. Members discussed whether it was their intention to hold a hard line on replacing a section of multi-tenant signage. How to handle blank signs should be clarified. A suggestion was made to include a threshold or trigger that would require a nonconforming sign to be replaced. A trigger could be a site plan submittal of any kind. It would be a matter of defining a standard and determining how long nonconforming signage would be acceptable.

It was questioned how nonconforming signs become obsolete under the ordinance. Borden responded that the Village establishes a time frame for when it wants everyone to be in compliance. Language could be written to address interim signage, but the long term goal is that everyone comes into compliance under a sunset clause. The community would need to be prepared for that sunset day, which could involve potential payment to business owners. Village legal counsel should be consulted as to how the Village can be on safe footing based on the intention to remove nonconforming signs.

The ordinance could say that a business cannot add to a sign that is nonconforming. The concern with vacant signs was discussed. Both landlords and the community have a vested interest in not wanting buildings in Beverly Hills that appear vacant. It was suggested that tenants will eventually escalate the issue to property owners and will want them to provide a conforming sign so they are not leasing space in a building that appears empty. If a business is continually denied a spot on a multi-tenant sign, they might pressure the owner to correct the situation or break their lease. Members talked about how to go about making property owners and tenants aware of the new ordinance language.

Wilson noted that there is limited case history of sunset clauses in Michigan. There are political consequences to implementing a sunset clause. The Village would be subject to anti-property rights and property owner backlash. He added that redevelopment would solve all nonconforming issues in time.

It was the consensus of Commission members to direct Stempien to strengthen the ordinance language to reflect elimination of nonconforming signage so it complies with the intent of the sign ordinance. The Commission asked that Attorney Ryan be informed of what they are trying to achieve so that the Village does not continue to experience interpretation issues.

Wilson concluded that he will have a conversation with Tom Ryan about the treatment of nonconforming multi-tenant signs. Ryan will be advised as to how the majority of Planning Commission members want to proceed with respect to nonconforming signage. The current ordinance language does not reinforce their intent.

Wilson informed the Commission that sign applications from Premier Pet and Michigan Beer Growler will be agenda items for next month's meeting.

COMMISSIONERS' COMMENTS

Abboud mentioned that the Village has an ordinance that requires a property owner to apply for a permit to rent their home. He questioned whether an ordinance could be adopted whereby an inspection would be required prior to a landlord or business owner leasing the premises to a new tenant. The Village would then inspect the site to determine conformance to various ordinances and regulations including the sign ordinance.

Westerlund remarked that other communities issue zoning compliance permits and require a zoning compliance process before a new business can move into a site.

Wilson said that the Village does not issue business licenses. Most communities issue a business license that is renewed on an annual basis. When there is an ordinance violation, the license does not get renewed.

Stempien noted that a resident came before the Zoning Board of Appeals recently requesting a variance from the ordinance regulating the time period requirements for a portable storage container. The Zoning Board denied the request for extending the time period for use of the applicant's storage unit.

Westerlund commented on the need for monitoring businesses in a community for building permit violations.

ADMINISTRATION COMMENTS

Wilson outlined a recent meeting and discussion between Village administration, Brian Borden, and the applicant who requested a conditional rezoning of property at 19600 W. 13 Mile Road from R-1A to R-3. Legal counsel representing Timothy Patrick Development understood that they were proposing a significant zoning change from a low density to a high density residential development. The applicant is attempting to develop the site through use of a conditional rezoning option allowed by the State. Wilson emphasized the need for the Planning Commission and Council to have an understanding of what type of product is being proposed. It would behoove both parties to do the rezoning and site plan review at the same time. This may come before the Planning Commission again at its October meeting.

Wilson referred to recent Planning Commission discussion about drafting a cottage housing ordinance. He reiterated his position that the Village could accomplish a lot of what it wants in this type of ordinance by tweaking its R-M ordinance to allow for a detached product.

Beverly Hills Club has talked to Wilson and Borden about requirements for a façade improvement on the front of their building. A minor façade improvement can be approved administratively. Final plans have not been submitted to the Village.

Westerlund questioned why the Village does not have a PUD (Planned Unit Development) ordinance as Beverly Hills moves towards redevelopment of the Southfield Road corridor. Jensen thought it would be easier to modify the multiple family ordinance. Wilson suggested that the Planning Commission look at its cluster ordinance as well.

PUBLIC COMMENTS

None.

Motion by Borowski, second by Westerlund, to adjourn the meeting at 9:25 p.m.

Motion passed.

George Ostrowski
Planning Commission Chairman

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary