

Present: Chairperson Ostrowski; Vice Chair Westerlund; Members: Borowski, Drummond, Grinnan, Jensen, and Ruprich

Absent: Members Chegash and Stempien

Also Present: Planning Consultant, Borden  
Village Manager, Wilson

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 Jensen, to approve the agenda as presented.

Motion passed (7 – 0).

**REVIEW AND CONSIDER APPROVAL OF MINUTES OF PLANNING COMMISSION MEETING OF MAY 27, 2015**

Motion by Borowski, second by Westerlund, that the minutes of a regular Planning Commission meeting held on May 27, 2015 be approved as submitted.

Motion passed (7 – 0).

**REVIEW AND CONSIDER RECOMMENDATION TO COUNCIL ON SITE PLAN AND CLUSTER DEVELOPMENT OPTION AT 19600 W. 13 MILE ROAD (TREMONT LANE)**

Planning consultant Brian Borden, of LSL Planning, reviewed the Tremont Lane project. The site received approval for conditional rezoning from R-1 to R-3 as well as qualification and conceptual plan approval under the Village's cluster option (Zoning Ordinance Section 22.26). The Planning Commission held a public hearing at their meeting of May 27, 2015 on the final site plan review of the cluster housing option. The matter was tabled to June 24, 2015 in order to provide the petitioner with an opportunity to revise the site plan considering the feedback received at the Planning Commission meeting. Comments were tied specifically to the rear of the property. The plans presented last month included large perimeter fencing to provide screening between the development and existing property and to prevent people from cutting through the abutting property. The direction from the Planning Commission was to remove the fencing and provide additional screen plantings in those areas. The petitioner has revised the plan accordingly for presentation this evening.

Chairperson Ostrowski presented a letter addressed to the Planning Commission from Dahlia Schwartz and Kathleen Moltz, 31170 Sunset Court. The letter is in favor of the proposed changes with the exception that they would like assurance that the plant material will be preserved in the future.

Village Manager Chris Wilson noted there has also been a revision drafted for the turn-around at the end of the street. The change resulted from a meeting with engineering and public safety.

The turn-around, as originally presented in a cul-de-sac design, would not accommodate our fire truck or ladder truck. The T-design on the revised draft should eliminate some of the concerns and better handle trucks that may have to use it on occasion. Public Safety agreed to that modification. There was also discussion at the last meeting on whether a public road for this development is an option. Currently Village standards allow for nothing less than a 60' right-of-way for a public road. Those standards could change, but the submission of 30' is unacceptable. The set-backs will not work here. The other issue related to comments regarding the master deed. There was a revision provided today from their attorney addressing one of the issues raised by Dahlia Schwartz and Kathleen Moltz about the maintenance of the greenery. Attorney Ryan is reviewing this with their attorney. There is another issue regarding water and sewer services originally identified as private. Those would have to be dedicated as public with easements provided to the Village. We will provide private laterals for the homes, but any service lines have to be considered public with an easement. The leads to the individual units would be the responsibility of the home owners.

Patrick O'Leary and Tim Stapleton, representing Timothy Patrick Homes, developers of Tremont Lane, reviewed the changes in the site plan, including the T-design for the turn-around and landscape plan. The trees that can be saved are included, and they have added pine trees and evergreen shrubs, that are considered to be best for fill-ins, as directed at the last meeting. This should help block headlights on the road. Along the western property line they show 14' pines and 15' on center. In the natural buffer area, they have placed 6' pines that would create a prickly barrier to discourage people cutting through the area. On the lots, they have put in evergreens shrubs in-between the trees to screen views of adjacent properties. He reviewed a typical plot plan for unit 3 and for unit 19, illustrating the typical house placement with garages on the far side of the property. These samples provide more information, as requested by the Commission, on house placement, roof overhangs, and other details. They did modify the master deed and bylaws to prohibit trespassing from this property into the neighbors. If there is an issue, it can be addressed by the association. They also added in a 12-month warranty as an obligation of both the developer and the association for landscaping and plantings.

The Tremont Lane landscape plan was provided to the public present for review. The Commission further discussed home placements, driveway locations on the higher side of each lot, utilities, swales, catch basins, sewer lines, and tree protection. The ordinance doesn't require tree protection, but it is encouraged. The applicant discussed their intent to save as much as possible and protect the trees. Borden noted if the Commission would like to include tree protection in their recommendation on the plan, it would be in order. Chairman Ostrowski extended thanks to Patrick O'Leary and Tim Stapleton for their cooperation and for addressing the concerns of the neighbors and the Planning Commission.

Chairman Ostrowski invited the public to present comments.

Ann Baker-Zainea, 19559 Waltham, stated she is very concerned with the T-design change. The road is now closer to her property. There is no longer a 50' buffer as previously discussed. Even though the developer has put in some plantings, she is concerned about car lights shining into her windows. She is also anxious about noise when construction begins.

It was noted that residents may also add trees on their own property. Wilson discussed the noise ordinance, which lists specific allowable days and hours, and applies to construction noise.

Mike Zainea, 19559 Waltham, asked if the distance indicated for the T-design for the turnaround is the minimum requested by the fire department or if it could be extended. He is concerned with the road now being closer to their property.

Wilson explained that the other intention for the change in the turnaround was to try to move the mail boxes closer to the front. This will be at the Postmaster's discretion with a decision to be worked out prior to construction. The intent is to utilize the road as little as possible.

Discussion followed regarding the 50' buffer, the conditional land use, engineering standards, inclusion of grass pavers, and the amount of space required for fire truck turn around. Borden noted in the concept plan, which was part of the conditional rezoning, the original cul-de-sac encroached on the 50' buffer. The intent was that the building will not encroach on the 50' buffer.

Dan Hubert, 31610 Waltham, President of Westwood Homeowners Association, stated his appreciation for work done by the developer, especially on lots 7-10, and the addition of greenery. He questioned whether the greenbelt is as dense as previously shown.

Both renderings were presented to Mr. Hubert for review. It was noted that the current drawing shows the elimination of the 6' fence and additional trees.

**RECOMMENDATION TO COUNCIL ON SITE PLAN AND CLUSTER DEVELOPMENT OPTION AT 19600 W. 13 MILE ROAD (TREMONT LANE)**

Motion by Jensen, second by Grinnan, to recommend Council approval of the modified site plan and cluster development option, received on June 24, 2015, for 19600 W. 13 Mile Road (Tremont Lane) with a request that all of the existing trees at the north property line be protected while under construction; and subject to inclusion of remarks from HRC in their review, as stated in their communication dated April 22, 2015.

Roll Call Vote:

Ayes: Borowski, Drummond, Grinnan, Jensen, Ostrowski, Ruprich, Westerlund  
Nays: None  
Absent: Chegash, Stempien

Motion passed (7 – 0).

Manager Wilson stated a Public Hearing on the Tremont Lane Project is scheduled for the Village Council Meeting of July 21, 2015.

**PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING CHAPTER 22.32, SIGNS, OF THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS.**

Planning Consultant Borden provided updated draft sign ordinance language revisions, based on previous discussions by the Planning Commission. He referred to his handout with proposed

changes to 22.32.020, Definitions; 22.32.095, Standards for All Signs; 22.32.110 District Regulations; and 22.32.120 Nonconforming Signs. The amended language would allow collective ground signs. He noted the intent is to identify a center by a common name and not by a tenant name. Borden stated additional changes have been made to the section on Development Identification Signs. The prominent change is a proposal to eliminate the distinction between commercial and office. A question was raised regarding live/work units and whether individual businesses would be allowed to have ground signs. Borden stated the intent is if it is an individual business on an individual site, it would be permitted; but if it is a building with multiple businesses, it would not be permitted. A ground sign with multiple tenants is allowed.

Discussion followed on whether “collective ground sign” should be defined in the definition section, or whether it should be phrased in a way that is self-explanatory, such as “multi-tenant ground sign”. Borden stated it would be regulated as a ground sign. The changes will allow for multi-tenant ground signs. We are not requiring that development identification signs be used. Under the multi-tenant sign option, they are restricted by the size of the ground sign. We still have the three color regulation per sign. The intent is that the sign is the structure, and three colors are allowed. A sign may have known tenants and blank space for additional tenants. The issue of existing non-conforming signs was addressed. Some signs were non-conforming because there were no provisions for multi-tenant signs. Size of existing signs may still be a problem. The intent is all nonconforming signs shall be brought into compliance when an existing building is expanded by 25% or more, when a new building is constructed, or when development under the Village Center option is pursued. The Nexus Academy sign was used as an example of a sign that is still non-conforming.

Borden reviewed the table for 22.32.110, District Regulations. This allows a larger site development identification sign if a building has two or more street frontages with a minimum separation between signs of 300’. Just like now, they could have two ground signs if they met the same parameters. The Commission discussed how spacing is measured.

Wall signs were discussed by Borden. He noted this is a new change. It deals with the intent for a larger business to have a greater wall sign area. This is an issue that came up with a past request from Market Fresh. It makes sense to have an increase in the height of the sign while maintaining the ratio. These standards only apply to businesses with 15,000 square feet or more.

Borden addressed a provision in 22.32.095 that requires 20’ spacing between signs. This was an issue with Michigan Beer Growler. They received a variance from the Zoning Board. He suggested either reducing the spacing in the ordinance, or providing some Planning Commission discretion to reduce the spacing. Westerlund relayed a preference expressed to him by Member Stempien for a reduction to 12’. It was noted that new businesses should meet the 20’ requirement, but this is a problem for existing businesses. It was the consensus of the Commission to leave it at 20’ and include discretion for the Planning Commission to reduce this requirement for existing buildings.

Wall sign dimensions were addressed by the Commission. A 6’ sign may be too high, or disproportionate. Discussion ensued on leaving it at 3’ with discretion by the Commission for a larger size. Borden expressed the need to include a maximum size, such as 4’. It was noted it is

a formula of proportions. The sign for Market Fresh was discussed. Elimination of maximum size requirements was considered. Chairman Ostrowski polled the Planning Commission members regarding whether a height restriction should be included in provisions for wall signs. The majority of Planning Commission members supported no height restrictions for wall signs with Borowski and Ostrowski opposing.

Chairman Ostrowski opened the public hearing at 8:30 p.m. There being no persons present who wished to speak, the public hearing was closed at 8:31 p.m.

Borden stated he will provide a revised draft ordinance amending Chapter 22.32, Signs, of the Municipal Code of the Village of Beverly Hills, to be forwarded to Council with a provision allowing for Planning Commission discretion for spacing between signs, and no height restrictions for wall signs.

**RECOMMENDATION TO COUNCIL ON A PROPOSED ORDINANCE AMENDING CHAPTER 22.32 SIGNS OF THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS**

Motion by Jensen, second by Drummond, to recommend Council approval of the revised draft three, ordinance amending Chapter 22.32, Signs, of the Municipal Code of the Village of Beverly Hills.

Motion passed (7 – 0).

**SET PUBLIC HEARING DATE OF JULY 22, 2015 FOR DETROIT COUNTRY DAY SCHOOL PROPOSAL FOR MULTIPURPOSE FIELD IMPROVEMENTS**

Village Manager Wilson stated Detroit Country Day School has submitted a request for multipurpose field improvements. One issue that will come up is their request for light stanchions similar to those around their football field. The field will also be used as a baseball field, and it would be an improvement for that site, but the light stanchions may be of concern to surrounding neighbors. The subject field is between the lacrosse field and the football stadium, south of the football field. It is not adjacent to a residential area and is shielded by a building. However, it has a higher elevation than the football field. The Commission reviewed the field site and further discussed elevation, parking, lighting, and use of the field in winter. It was noted there is the potential for rental of the field. Borden recommended discussing potential usage of the field with Detroit Country Day School. Special land use provides the ability to attach conditions to meet the standards to protect the neighborhood character and surrounding residents. In response to questions from the Commission regarding how the public hearing is going to be described to citizens and availability of information to the public, Wilson and Borden reviewed the public notice process. The information is available now, and the public notice will indicate availability of the plans at Village offices. As a special land use, this requires a 15-day notice to be published and mailed to property owners within 300'. The public hearing date will be set by Administration.

**DISCUSSION ON DRAFT AMENDMENTS FOR NONCONFORMING AND TEMPORARY STRUCTURE REGULATIONS**

Planning Consultant Borden presented proposed amendments to Section 22.30.040, Nonconforming Structures; and 22.08.220, Temporary and Portable Buildings, Uses and Structures, of the Municipal Code of the Village of Beverly Hills. He stated the issue is with interpretation of the current language on when someone can or cannot add on to an existing structure, typically a residential structure. The revisions are to provide clarity and state that if someone has a nonconforming structure, they can add on to that structure without a variance provided that what is built complies with the current ordinance. For example, if the residence encroaches into the front-yard setback, and they want to do an addition to the rear where there is plenty of room, they can do so. If the residence encroaches into the side-yard setback and they want to expand further in the rear along that side-yard setback, they cannot do so. A front-yard encroachment cannot be continued with a vertical expansion. The Commission discussed other variations of potential expansions. Wilson stated the revision provides clarity. There have been a number of ZBA cases requiring interpretation, and this change helps Administration and the ZBA. The need to have a case-by-case review was discussed. There was concern expressed about the long-term image of the Village. Borden stated a public hearing is required prior to further action by the Planning Commission. At the request of the Planning Commission for ZBA review, Village Manager Wilson will provide the revisions to the ZBA for their review next month.

Planning Consultant Borden reviewed Section 22.08.220. This was amended a couple of years ago to address the POD (portable moving container) situation. It is currently a ZBA approval function. That is not working well. There have been some function and enforcement issues. This revision changes the approval process from ZBA to the Village Manager, or designee. Borden explained that the first paragraph is the existing ordinance and refers to temporary and portable structures, other than a POD. The second paragraph applies to a POD. It was suggested that the word “structures” in the second paragraph be changed to “containers”. The Commission questioned the need for the first paragraph. Discussion followed on whether permits should be issued for a POD. It was noted that tents require a variance. Wilson discussed the issuance of approximately 150-200 field corrections per year. Borden will review Section 22.08.220 further to determine whether the first paragraph is needed.

**DISCUSSION ON SOUTHFIELD ROAD CORRIDOR MARKETING PLAN**

The Planning Commission has been authorized by Council to pursue an aggressive corridor marketing plan to encourage interest in developing a Village Center. Chairman Ostrowski stated he would like for someone, possibly Council Member Abboud, to contact the Village Council, to try to get this moving along. Discussion followed on whether this would be a formal plan and if a market analysis is needed to provide to potential developers. Comments included the notation that this would not be an RFP. The property is not owned by the Village. The point is to advertise an overlay district to establish alternative land development. The place to start may be with the property owners. Performing real estate is already in place. Care should be taken so businesses don't think the Village is trying to drive them out.

It was noted that urban planner Bob Gibbs included a marketing plan in the Village Center Plan document. The Commission would like to see the Gibbs' material. It was suggested that Bob

Gibbs be brought back to further address the Southfield Road Corridor Marketing Plan. Jensen stated he will contact Bob Gibbs and ask him to prepare a proposal to give to Council.

**DISCUSSION ON VILLAGE MASTER PLAN UPDATE**

Planning Consultant Borden reported that progress is being made on the Master Plan. The subcommittee met, and a draft will be ready soon.

**PUBLIC COMMENTS**

None

**LIAISON COMMENTS**

None

**ADMINISTRATION COMMENTS**

Wilson reported on lane striping on Riverside and Beverly and the negative response received from the public. The double yellow line may have to be re-evaluated. They are working with the contractor on this. Riverside has become a cut-through road with cars passing each other. Wilson is conducting interviews for the planning and zoning administrator position and hopes to have the position filled soon.

**COMMISSIONER’S COMMENTS**

Ruprich extended thanks to the Village Council for his reappointment to the Planning Commission. Westerlund noted the City of Houston has no zoning ordinance. Grinnan expressed the hope that we are moving toward the elimination of private roads for developments, in the Village of Beverly Hills, in the future. Ostrowski noted private roads are under review in the Master Plan.

Motion by Westerlund, second by Grinnan, to adjourn the meeting at 9:28 p.m.

Motion passed (7 – 0).

**George Ostrowski**  
**Planning Commission Chairman**

**Ellen E. Marshall**  
**Village Clerk**

**Sandra Gadd**  
**Recording Secretary**