

Present: Chairperson Ostrowski; Members: Borowski, Drummond, Grinnan, Ruprich, Stempien, Wilensky

Absent: Vice-Chairperson Westerlund, Member: Jensen

Also Present: Planning and Zoning Administrator, Wilks  
Planning Consultant, Borden  
Council Liaison, Abboud

Chairperson Ostrowski called the regular Planning Commission meeting to order at 7:30 p.m. in the Southfield Township municipal building at 18550 W. Thirteen Mile Road.

**AMENDMENTS TO AGENDA/APPROVE AGENDA**

Motion by Borowski, second by Stempien, to approve the agenda as published.

Motion passed.

**REVIEW AND CONSIDER APPROVAL OF PLANNING COMMISSION MINUTES OF MEETING HELD JUNE 22, 2016.**

Motion by Borowski, second by Stempien, that the minutes of the regular Planning Commission meeting held June 22, 2016, be approved as submitted.

Motion passed.

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

None.

**ELECTION OF OFFICERS**

Ostrowski opened the floor for nominations for the office of chairperson of the Planning Commission. Borowski nominated George Ostrowski for the position of Planning Commission chairperson. Ostrowski accepted the nomination. There being no further nominations, Ostrowski was elected chairperson by acclamation.

Ostrowski opened the floor for nominations for the position of vice-chairperson of the Planning Commission. Stempien nominated Patrick Westerlund for the position of Planning Commission vice-chairperson. Ostrowski accepted the nomination on behalf of Westerlund. There being no further nominations, Westerlund was elected vice-chairperson by acclamation.

Ostrowski opened the floor for nominations for the position of secretary of the Planning Commission. Ostrowski nominated Vince Borowski as secretary of the Planning Commission, and the nomination was accepted by Borowski. There being no further nominations, Borowski was elected secretary by acclamation.

**DISCUSSION ON PROPOSAL FROM GIBBS PLANNING GROUP FOR SOUTHFIELD CORRIDOR MARKETING PLAN**

Ostrowski inquired of Abboud if the Council subcommittee ever convened and reviewed the proposal. Abboud stated that they had not, and that Wilson handled the proposal administratively. Ostrowski explained that before them was the submitted proposal. Abboud explained that if the Planning Commission agrees with the proposal, it would then go before Council.

Drummond arrived at the meeting at 7:34 p.m.

Borowski expressed concern regarding the “Conditions of Agreement: b. All plans and documents prepared by GPG under this agreement shall be exclusively owned by GPG” and how it related to “Task Two: Master Plan Update: Based upon the findings of Task One, GPG shall prepare an update to the Village Town Center Master Plan. This plan shall include revisions to the proposed landuse, building footprints, open-space, vehicular and pedestrian circulation. The deliverable of this task shall be a scaled master plan, a birds-eye view, one watercolor charter drawing and a 2 page promotional brochure.” He is not opposed to co-owning the documents but would like better clarifications on the Village’s ownership and usage of said documents.

Grinnan would like to see it stated in the contract that the Village has full use of the documents.

Borden suggested that the Commission ask for clarification whether Gibbs will be recommending revisions or presenting them related to “Task One: Code Peer Review: GPG shall review the existing master plan, zoning code and plan prepared by others and supplied by you. Based on our experience with similar town centers and our understanding of the Beverly Hills real estate market, GPG shall recommend revisions to the codes and plans to encourage private sector investment while maintaining the design intent of the plan. As a part of this task, GPG shall be available to conduct interviews with up to four property owners. GPG shall also present its finding to Village officials.” Borden also suggested that Gibbs not use “master plan” when he means regulatory plan and concept plan. The language should be consistent and accurate through the document.

Abboud would like to see the cost broken down by task.

Ruprich would like it made clear that this is regarding the Southfield Overlay Plan, and not the recently updated Village Master Plan.

Ostrowski stated that he does not want to see this proposal put before Council until it is perfect, he will edit with the changes discussed tonight and forward it to Wilson for revision with Gibbs.

**DISCUSSION ON A TREE PROTECTION ORDINANCE**

Ostrowski explained that there is currently no way to regulate tree protection or removal in the Village. He shared that, via email, Jensen expressed concern that single property lots could be adversely affected by this ordinance. Ostrowski explained that homeowners would not be impacted unless it was a landmark tree, this ordinance pertains to development properties.

Borden felt that this was a good foundation for the ordinance. He would like to see Section 17.01 condensed to under five points. He suggested that in Section 17.02 #10, the definition of “grade”

should align with the Zoning Ordinance definition, and #14 should define a “regulated tree” instead of a non-tree. He noted in Section 17.03 (a)(3) forest is not defined, consider using “wooded area”; (b)(1) it is unclear what is a tree; (b)(5) this section is unclear; this needs to specify that the removal of a prohibited tree is exempt; (e)(4)(a) should avoid listing specific zones; (f) the Commission had approval authority.

Borden explained that typically the money collected is a flat rate and goes into a fund that is designated for trees and beautification only. He would also like to verify the legality of enforcement and violations.

Grinnan felt this is a good draft of an ordinance and it seems to offer good clear guidelines. Borowski would like the Commission to move forward with the next draft.

### **DISCUSSION ON A CONSTRUCTION FENCE ORDINANCE**

Wilks explained that the Village is experiencing an increase in construction activity, as well as complaints with regard to site maintenance and safety. Especially in areas where the lots are small and dense, the orange, mesh construction fencing does not provide adequate protection for neighboring properties. The Village does not currently have an ordinance that would require additional barriers, unlike neighboring communities, Birmingham and Royal Oak. She further explained that upon discussion with the Village Manager, an ordinance requiring a physical barrier when there is an area of excavation is in the best interest of the Village and the developer to ensure public safety and welfare during construction.

Wilks shared the proposed language for discussion as follows; Barrier: Every excavation and/or area of construction on a site shall be enclosed with a barrier not less than six feet high to prevent entry of unauthorized persons. All barriers shall be of adequate strength to resist wind pressure as required by the building official. The barrier must remain in place at all times except when work is proceeding on construction. Excavations shall not be open for more than 30 days.

Borowski asked if there was a standard for construction fences, and Drummond responded that there was not.

Drummond said the current ordinance requires four-foot-high fence; what they want to avoid is residents having a construction fence up for an indefinite time period. Wilks stated that the fence would be required only when there was excavation or an open hole, and that for other work there is a reasonable expectation of responsibility on the part of the builder to ensure a safe site.

Members agreed that the language “need for fence except when work is proceeding on property” is vague and needs more specificity. Stempien explained that Birmingham requires a “Builders Code of Conduct” posted at sites, and would like the Village to consider some of that language as well.

Wilensky shared that the noted bond cost might provide the Village with specific ways to correct a bad situation.

**DISCUSSION ON FRONT YARD SETBACK REQUIREMENTS OF SECTION 22.24 AND SECTION 22.24.010 (a)**

Wilks explained that the Village Council requested the Planning Commission review the ordinance language in Section 22.24 relative to front yard setbacks and open space requirements. Specifically, the impacts of Section 22.24.010 (a) on the stated minimum front yard open space in the regulations chart of Section 22.24. Currently all single family residential districts have a front open space minimum of 40ft.

*22.24.010 (a). Front Open Space. Where a front open space of greater or less depth than forty feet (40') exists in front of a single family residence or residences presently on one side of a street in any block and within two hundred feet (200') of the lot or parcel, the depth of the front open space of any building subsequently erected or remodeled on that side of the street in that block shall not be less than the average depths of the front open space of such existing residences.*

Wilks explained this language effectively renders the stated minimum meaningless because there are varying front setbacks within 200ft of any given home and none are precisely 40ft. Further, this language allows the activity on a property to render neighboring homes nonconforming should they build a new home farther back on the property. By requiring property owners to comply with the average setback where it is greater than the stated minimum, an ordinance has been created where 100% compliance is unattainable. Also, this language is contradictory and leads to confusion. Typically, communities use similar language to allow encroachment into a stated minimum without requiring a variance for areas which few/none of the homes meet the stated minimum. An example in Beverly Hills would be the R-3 district of Birwood and Kirkshire where all the homes within the block have a front setback of approximately 25ft.

Borden explained this problem is prevalent in neighborhoods with several 200ft setbacks. Typically, there is an established minimum and when an exception to the norm exists it allows the building to come forward as opposed to going farther back. In his opinion, a neighborhood or district study needs to be done to give a clear picture of the complications, and then possibly address setbacks on a district by district basis.

Borowski pointed out the west side of the Village has some great rebuilds, and some potential for rebuilds. It is imperative to consider fairness for all parties and what role this plays in the redevelopment of the Village. He feels the Commission has an obligation to guide the Village as it changes and redevelops.

Wilks suggested that setbacks might need to vary according to zones, similar to the side space ordinance. Borden suggested that they eliminate the 40ft specification and make it an average within limitations of the study area, based on survey results of each zone. Conversation followed citing examples of properties that do and do not meet compliance.

Borden and Wilks agreed to work with Wilson to set up some study areas to find patterns among the zones.

Stempien left the meeting at 8:48 pm.

**PUBLIC COMMENTS**

Resident Bill Wegert, Westlady Drive, commended the Commission for the construction fence ordinance. It is something he agrees needs to be addressed. Wegert thinks the trouble with setbacks is that in some areas the setback is easy to see, and once they change, it loses some of the uniformity of the neighborhood.

Resident Bob Walsh, Smallwood Ct., has seen setback issues in his neighborhood, and thinks that the Commission should just remove the words “or less” from the current ordinance.

**LIAISON COMMENTS**

Abboud shared that a concerned resident from Devonshire spoke to the Council about the removal of a large tree and the process by which the Village chose to remove said tree. Abboud welcomed Wilensky to the Commission. Abboud suggested that if/when the BP gas station renovations begin they should consider a “Welcome to Beverly Hills” sign in the corner island.

**ADMINISTRATION COMMENTS**

Wilks welcomed new member Wilensky to the Commission, Wilensky previously served on the Zoning Board. She outlined the 2017 meeting calendar, and asked the Commission if they were interested in changing the start time of their meetings.

Wilks reported that Detroit Country Day would be going before the Zoning Board in July for a building height and fence variance. BP Gas Station had expressed interest in meeting, but no meeting has been set.

Wilks reported that the contract with the Royal Oak Building Department will expire in mid-August, 2016 and the proposal for a contract with SAFEbuilt will go before Council on August 2, 2016.

**COMMISSIONER’S COMMENTS**

Wilensky introduced himself; he is a trial attorney, majored in urban planning in college and previously served on the Zoning Board.

Drummond and Grinnan both thanked Ostrowski for all his work on the draft of the tree ordinance.

Borowski and Ostrowski both congratulated the Commission on the Master Plan.

Motion by Ostrowski, second by Borowski, to adjourn the meeting at 9:20 pm.

Motion passed.

**George Ostrowski**  
**Planning Commission Chairperson**

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

**Elizabeth Lyons**  
**Recording Secretary**