

Present: Chairperson Ostrowski; Vice-Chairperson Westerlund; Members: Borowski, Drummond, Grinnan, Stempien, Ruprich, and Wilensky

Absent: Member: Jensen

Also Present: Planning and Zoning Administrator, Saur
Planning Consultant, Borden
Council Alternate Liaison, Peddie
Council Member, Nunez

Chairperson Ostrowski called the regular Planning Commission meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

AMENDMENTS TO AGENDA/APPROVE AGENDA

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

Motion passed.

REVIEW AND CONSIDER APPROVAL OF REGULAR PLANNING COMMISSION MINUTES OF MEETING HELD MAY 24, 2017

Grinnan requested that page 1, “Discussion on Fence Ordinance”, fourth paragraph, last line, be amended to read “Grinnan supported this idea.”

Motion by Westerlund, second by Grinnan, that the minutes of the regular Planning Commission meeting held May 24, 2017 be approved as amended.

Motion passed.

Borowski arrived at 7:32 pm.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

REVIEW REQUEST FOR A SIGN PERMIT FOR A NEW WALL SIGN AT 31119 GREENFIELD, RAHMA RELIEF FOUNDATION

Borden explained the Village received an application for a new wall sign for Rahma Relief Foundation, located at 31119 Greenfield Road. The proposal was reviewed and the sign exceeds allowable area. He would like additional information regarding the spacing between neighboring signs, and he would like the applicant to provide further information with respect to illumination. The applicant submitted a modified plan at the meeting reducing the sign square footage to be compliant.

Alharazi, Illusion Sign and Graphics, was present to represent the applicant and he explained the sign would be backlit except for the logo which would be internally illuminated while meeting the allowable maximum of 30% internal illumination.

Wilensky arrived at 7:38.

Ostrowsk suggested the applicant center the sign over the first bank of windows north of the awning to maximize spacing between the proposed sign and the existing signage.

Upon discussion, it was determined that the applicant could illuminate both the logo and tag line internally without exceeding 30% allowed per ordinance. The applicant agreed to the revised location and illumination modifications.

Motion by Westerlund, second by Grinnan, that the Planning Commission approves the wall sign for Rahma Relief Foundation, located at 31119 Greenfield Road as submitted on June 28, 2017 conditionally provided the sign is centered over first bank of windows north of the awning, backlit letters “RAHMA”, and internally illuminated logo and tag line not to exceed the 30% illumination allowance.

Roll Call Vote:
Motion passed (8-0)

DISCUSSION ON FENCE ORDINANCE

Saur reported at the Planning Commission meeting held May 24, 2017 a discussion regarding fencing regulations in single family residential districts resulted in a request for additional information on Zoning Board of Appeals cases by district, and information about fencing regulations in neighboring communities.

Pursuant to that request, Zoning Board of Appeals cases from 2009 through 2016 were reviewed and below is a table outlining requests by zone district.

Zone District	Section of 6ft, solid fence
R-A	3
R-1	2
R-1A	0
R-2	1
R-2A	7
R-2B	6
R-3	3
Total Requests	22

Of the 22 requests for a section of privacy fencing, 16 (73%) were from R-2A, R-2B, and R-3 districts which have smaller lot widths (40-75ft minimums) and have building setbacks of 5ft and 10ft on the sides. Requests for a variance from fencing are almost exclusively for a section of taller/solid fencing and not a request to enclose the entirety of a rear yard in privacy fencing.

Borden reviewed ordinances from surrounding communities and found allowances for 6ft, solid fencing in every community. There is variation in the extent of fencing permitted, locations, etc. but none have an outright prohibition of privacy fencing.

The Village of Beverly Hills has historically prohibited taller, solid privacy style fencing outside of a handful of specific locations along major thoroughfares. However, there is a significant number of fences that do not comply with the current ordinance in some neighborhoods. Given the desire to maintain the general openness of the community while also acknowledging the desire among residents in some areas to allow a degree of privacy fencing, the intent is to modify the existing ordinance such that it serves as a compromise to those potentially conflicting goals.

The existing ordinance permits “privacy screens” which currently are limited in length to 25% of the rear property line and require setback of 10ft from any lot line. The residents in areas most frequently seeking privacy screening are on lots that may only be 40ft in width. The ordinance, as currently written, does not function well to serve those smaller lots. Saur provided draft language modifying the existing privacy screen regulations to eliminate the setback requirement and permit a privacy screen along one, side or rear, lot line in R-2A, R-2B, and R-3 zone districts only. All other districts would remain subject to the existing privacy screening regulations.

Westerlund stated the submitted draft language was a great starting point for modifying the ordinance. He suggested the Commission use this opportunity to update the ordinance with concise language and include graphics where necessary. Several Commission members agreed they would like the ordinance to be more user friendly with graphics when necessary.

Ostrowski suggested the Commission also needed to address walls, fences in easements, and maintenance between fences. He questioned limiting the ordinance to certain zones. Borden explained that would address the problems without making a complete overhaul. The ordinance could be simplified, but the parameters would need to be determined.

Grinnan stated that in 1996 there were 136 nonconforming fences constructed without a variance. She questioned if the issue was with fence requests or code enforcement. In driving around the Village she found many examples of green screens generating additional height for privacy.

The Commissioners discussed the merits of allowing a six (6) foot fence on one side of the property.

Ostrowski noted that even if the ordinance change is enacted there will continue to be compliance issues. He felt a broader revision was necessary and could be an example of how an overhaul of the entire Zoning Ordinance could proceed. He would like to see the online ordinance be more user-friendly. It was also suggested input from the Zoning Board of Appeals (ZBA) could be helpful.

The Commission agreed they would like clarification from Council regarding the extent of modifications to the fence ordinance, particularly privacy fences, and whether expanding applicability is desired.

DISCUSSION ON COUNCIL COMMENTS ON THE PROPOSED ORDINANCE AMENDING CHAPTER 17 TREES, ARTICLE II – TREES ON PRIVATE PROPERTY

Ostrowski attended the June 20, 2017 Council meeting with a memo providing an explanation of the Commission’s rationale and goals of the ordinance and to answer questions from Council members. Westerlund, Grinnan, and Stempien were also in attendance.

Ostrowski explained Council is concerned with the need for an ordinance; however he felt this is a proactive ordinance to mitigate potential for future loss of trees.

Several members of the Commission agreed that they would like to reconsider the diameter breast height regulations for landmark trees. After consideration of the trees that exist within the Village, the removal of even a few landmark trees could negatively impact the canopy. The Village has a mature tree population, and the need for environmental stewardship is outlined in the Master Plan with recommendation to adopt a woodland ordinance to protect existing conditions for future generations.

Stempien left the meeting at 8:58 p.m.

Peddie explained Council was concerned about placing restrictions on homeowners and making property modifications difficult. They do fully support tree protection against developers and would like the ordinance linked to site development.

Westerlund left the meeting at 9:00 p.m.

Ostrowski explained that this permit would be a minor use permit and only require administrative approval. Any reasonable use of property would be justifiable and granted a permit.

Nunez suggested more aggressive tree planting in the Village rights-of-way and public spaces.

The Commission agreed they would review the landmark tree and single family residential sections of the ordinance for further discussion.

PUBLIC COMMENTS

Nunez felt that the Commission should focus on the big picture when modifying the tree ordinance.

LIAISON COMMENTS

None.

ADMINISTRATION COMMENTS

Saur reported Get Some Fitness did change the face of their sign; however the sign company that submitted the original request did not make the modification.

She reported that a corrective update to the penalties section of the zoning ordinance was needed to properly reflect all violations as civil infractions and not misdemeanors. Commissioners agreed to hold a public hearing on the ordinance amendment at their July meeting.

Saur thanked member David Jensen for his 18 years of service on the Planning Commission.

COMMISSIONERS COMMENTS

Commissioners thanked Jensen for his service as a member and as chairperson on the Planning Commission. They expressed disappointment that he was not reappointed to another term. He

brought a helpful perspective and insight to discussions, had valuable knowledge to offer, and he will be missed.

Motion by Borowski, second by Wilensky, to adjourn the meeting at 9:36 p.m.

Motion passed.

George Ostrowski
Planning Commission Chairperson

Ellen E. Marshall
Village Clerk

Elizabeth M. Lyons
Recording Secretary