

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

Absent: Member: Stempien

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

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 Borowski, to approve the agenda as published.

Motion passed.

REVIEW AND CONSIDER APPROVAL OF REGULAR PLANNING COMMISSION MINUTES OF MEETING HELD SEPTEMBER 24, 2018

Motion by Westerlund, second by Browski, to remove the duplicate phrase “second by Wilensky” on page 7 and approve minutes of a regular Planning Commission meeting held September 26, 2018 as amended.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Dave Wolicki, Amherst, thanked Saur, Code Enforcement Officer Dan Gosselin, and Village Attorney Tom Ryan for their assistance with resolving chickens being kept on a neighboring property.

Wilensky arrived at 7:39 pm.

PUBLIC HEARING ON REQUEST FROM DETROIT COUNTRY DAY (DCD) SCHOOL, 22305 W 13 MILE ROAD, FOR SPECIAL LAND USE APPROVAL TO ADD A PLAYGROUND AND SPORTS COURT AT THE MIDDLE SCHOOL GROUNDS

Borden reviewed the submittal from Detroit Country Day School for a playground and sport court associated with the Middle School (plans dated 9/18/18). The proposed outdoor recreation facilities are located in the southwestern portion of the DCDS property and west/southwest of the recently expanded Middle School building, which was approved in 2016. Private schools and accessory elements are permitted with special land use approval in the R-1 District. In accordance with Section 22.08.300, modifications to the site after approval require a new special land use approval, as well as site plan review/approval.

Special use review. Section 22.08.300(h) provides the following standards for consideration by the Commission in its review of uses permitted after special approval:

Be compatible with the natural environment and conserve natural resources and energy.

The project area is not within a flood plain or wetland. Inclusion of these structures resulted in some modifications to the most recently approved landscape plan (2016). As such, a revised landscape plan is required with this submittal. Any trees that were removed to accommodate the structures, must also be identified.

Protect the public health, safety, and welfare as well as the social and economic well-being of those who will use the land use, activity, residents, businesses and landowners immediately adjacent and the Village as the whole.

The primary concerns related to outdoor recreation facilities are light intrusion and noise generation. The proposal does not depict any new lighting beyond what was approved along the emergency access drive in 2016; however, the applicant must confirm that neither facility will be lit. Additionally, given the proximity of the facilities to the adjacent residences, screening is another important element of the project. The submittal does not include a landscape plan, which is required for this project. The applicant should provide for additional screening (landscaping, walls or fencing) in the project area to help protect the nearby residences from excessive noise generation. Lastly, the applicant must provide an operational description of how and when these structures will be used.

Be of such design and impact that the location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping on the site shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

Additional information is needed with respect to existing and proposed screening. Additionally, both facilities include chain link fencing; however, no details are provided.

Site plan review. Section 22.08.290 identifies the process and review standards applicable to site plans. The proposal has been reviewed for compliance with the applicable Ordinance standards:

The plans include several elements that were part of the 2016 special land use/site plan approval for the Middle School addition that are already constructed. In order to ensure clarity and consistency, the applicant must amend the plans such that these items are identified/depicted as existing, as opposed to new or reconfigured.

Lighting

The submittal does not identify any exterior lighting proposed in conjunction with the playground or sport court. The applicant must confirm that no new lighting is proposed as part of this project.

Landscaping and Screening

The submittal does not identify existing or proposed landscaping/screening within the project area. This information must be provided to determine the impacts of the request, as well as compliance with current Ordinance standards.

Fencing

Fencing is proposed as part of this project, but details are not provided. Depending on the specific details, Section 22.08.150(E) requires Planning Commission authorization for fencing taller than 7 feet that encloses an institutional playground, athletic field or similar use.

Engineering

The review of site grading, drainage and utilities is deferred to the Director of Public Services and Village Engineer.

Ostrowski opened the Public hearing at 7:51 p.m.

The following residents spoke against the approval of the playground and sports court on the middle school property.

John Fath, Lincolnshire
Jon Everly, Lincolnshire
Stewart Mandell, Highbank Drive
Natalia Petraszezok, Lincolnshire
Carl Gilmer-Hill, Lincolnshire
Don McDonald, Foxboro Way
Dawn Moss, Lincolnshire
David Ruby, Lincolnshire

Each of the residents explained that the playground and sports court were already constructed, and this construction was not approved with the middle school site plan submission, or permitted with the approvals provided by the Planning Commission and Village Council in 2016. They contend that DCD was not working with the neighbors, and had no intention of doing so. Each cited the high levels of noise multiple times a day, the height and expanse of the equipment, the lack of green screen as previously promised, the violation of the DEQ flood plain requirements, lights in the evenings on the property, and the continued events creating traffic and noise in the evenings.

A letter was submitted signed by the residents listed outlining their opposition to the proposed site plan deviation. Cited in the letter was the lack of conversation with neighbors related to the proposed site plan, noise concerns, that an agreed upon good faith compromise was reached between themselves and DCD, which was approved by the Planning Commission and Village Council in 2016. Despite that DCD constructed two retaining walls in the sloping area that had been previously deemed too steep for a play area, erected a large playscape and full sized basketball court closely behind and adjacent to the Georgetown neighborhood homes in a portion of the land that on the Village approved original site plan called for the installation of a landscaped sloping greenbelt buffer between the school and its Georgetown neighbors.

Mary and Michael Ryan, Lincolnshire
John and Wendy Kreitz, Lincolnshire
Tristian and Dawn Moss, Lincolnshire
John Kalt and Natalia Petraszczuk, Lincolnshire

Jon and Amy Everly, Lincolnshire
Carl D. Gilmer-Hill, Lincolnshire
Peter and Bettina Denner, Lincolnshire
Pauline O’Shaugnessy, Lincolnshire
John and Camille Fath, Lincolnshire
Tom and Meg Gordy, Lincolnshire
Erica Cambridge, Lincolnshire
Dave and Sue Ruby, Lincolnshire
Stewart and Barbara Mandell, Highbank Drive
David and Adrine Dulio, Highbank Drive
Amy and Mike Kruntovski, Highbank Drive
Josh and Catherine Emerick, Cedar Hollow
Steve and Laurie Hix, Lincolnshire
Jeff Rogers and Anne Feighan, Lincolnshire
Tracy and Brian Frink, Highbank Drive

No one else wished to be heard; therefore Ostrowski closed the Public Hearing at 8:22 p.m.

REVIEW AND CONSIDER RECOMMENDATION ON SPECIAL LAND USE APPROVAL AND AN AMENDMENT TO A SITE PLAN TO ADD A PLAYGROUND AND SPORTS COURT AT THE MIDDLE SCHOOL GROUNDS AT DETROIT COUNTRY DAY SCHOOL, 22305 W 13 MILE ROAD.

Sam Ashley, Cunningham-Limp, spoke representing DCD, he explained that the residents, representatives from DCD and his company, and a landscape architect reviewed and verified all plantings and plans for plantings. Scrub trees and bushes were removed, per homeowners’ request, and before the completion of the project the intention is to complete all the plantings in compliance with the original site plan. The only deviation from the original plan is the construction of the playscape and sports courts. He explained that final inspections by the DEQ have not been performed as construction continues and the permits remain open.

Borowski, Drummond, Wilensky, Grinnan, and Westerlund all questioned the decision by DCD to violate their initial site plan. They expressed disappointment that DCD would build, without permission, structures not represented on the approved site plans.

Ruprich requested that Administration review all past motions related to construction and site plan approval to verify compliance by DCD. He requested that DCD submit a landscape plan, as well as documents from the DEQ related to compliance.

Motion by Borowski, second by Grinnan, to table the discussion until further information can be provided by Detroit Country Day.

Roll call vote:

Motion passed (8-0)

PUBLIC HEARING ON DRAFT LANGUAGE AMENDING VILLAGE MUNICIPAL CODE, CHAPTER 22, SECTION 22.08.100 ACCESSORY BUILDINGS, STRUCTURES, AND USES.

Ostrowski opened the public hearing at 9:10 p.m.

No one wished to be heard; therefore Ostrowski closed the public hearing at 9:11 pm.

REVIEW AND CONSIDER RECOMMENDATION ON DRAFT LANGUAGE AMENDING VILLAGE MUNICIPAL CODE, CHAPTER 22, SECTION 22.08.100 ACCESSORY BUILDINGS, STRUCTURES, AND USES.

Westerlund requested further consideration on regulations related to attached garages; particularly related to prohibiting them as accessory structures in front yards, as well as setback requirements and door size ratios.

Motion by Westerlund, second by Grinnan, to postpone recommendation pending discussion of language focused on attached garages.

Roll Call Vote:

Ostrowski	no
Ruprich	no
Westerlund	yes
Wilensky	yes
Borowski	no
Copeland	yes
Drummond	yes
Grinnan	yes
Motion passed (5-3)	

PUBLIC HEARING ON DRAFT LANGUAGE AMENDING VILLAGE MUNICIPAL CODE, CHAPTER 22, SECTION 22.24 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS, SCHEDULE OF REGULATIONS.

Borden explained that an updated draft based on subcommittee work and Commission feedback is what is being reviewed. The amendment contains opportunity for a resident to receive additional coverage allowance based on meeting conditions of using low impact design practices, or the ratio does not exceed the mean average coverage ratio for properties within 300 feet.

Ostrowski opened the public hearing at 9:34 p.m.

Kay Michel, Kirkshire, spoke on behalf of the Concerned Owners of Kirkshire, expressing their support of the low impact design principals. She suggested that the homeowners be required to meet both stipulations not just one. She also would like to see long term stainability and that there is controls in place to ensure continued compliance over time. She believes that the 35% allowance on R3 properties should be set at 25%.

Tracy Breen, Riverside Drive, suggested in 22.24.010.q it read “The Building Official OR PLANNING COMMISSION OR ADMINISTRATION...”

No one else wished to be heard; therefore Ostrowski closed the Public Hearing at 9:41 p.m.

REVIEW AND CONSIDER RECOMMENDATION ON DRAFT LANGUAGE AMENDING VILLAGE MUNICIPAL CODE, CHAPTER 22, SECTION 22.24 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS, SCHEDULE OF REGULATIONS.

Westerlund questioned the intent of 22.24.010.q, and it was clarified that a homeowner can only have a maximum of 5% increase contingent on meeting one of the requirements. It was agreed that only the Building Official was qualified to make the assessment for Section 22.24.010.q.

All plans submitted by a homeowner are reviewed by Engineering for compliance. The Village does not currently have guidelines for low impact design, but may want to consider doing so in the future.

Motion by Westerlund, second by Wilensky, that the Planning Commission recommends the Village of Beverly Hills Council approve language amending Village Municipal Code, Chapter 22, Section 22.24 Area, Height, Bulk, and Placement Requirements, Schedule of Regulations, with the (Sq. Ft) in the header of the “Lot Minimums Area Width” Colum only listed as (Sq. Ft. and Feet).

Roll Call Vote:
Motion passed (8-0)

SUBCOMMITTEE UPDATE – RECREATIONAL MARIJUANA.

Wilensky provided a summary of the proposed ballot initiative and potential impacts to the Village if passed. He reported that if approved a municipality can opt out by enacting a total prohibition, or can make regulations that limit the total number of licenses available.

Copeland noted that there is potential that Village Zoning Ordinances could prohibit certain types of businesses.

PUBLIC COMMENTS

None.

LIAISON COMMENTS

Aboud reported he will be attending the upcoming MML general assembly meeting.

ADMINISTRATION COMMENTS

Saur updated the Commission that there was no December meeting scheduled, but could be held if necessary. She also reported that the 2019 November and December meetings would be held the third Wednesday of the month.

COMMISSIONERS COMMENTS

Grinnan asked for clarity on the follow up procedure for denied fence applications.

Westerlund reiterated the need for a PUD ordinance.

Drummond thanked all the subcommittees for their hard work.

Borowski reminded everyone to vote on November 6th.

Motion by Borowski, second by Ruprich, to adjourn the meeting at 10:30 p.m.

Motion passed.

George Ostrowski
Planning Commission
Chairperson

Chris Wilson
Village Clerk

Elizabeth M. Lyons
Recording Secretary