

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

Absent: Chairperson Drummond; Member: Copeland

Also Present: Planning and Zoning Administrator, LaPere
Planning Consultant, Borden
Village Attorney, Ryan
Council Liaison, Hrydziuszko
Council Member, George

Vice-Chairperson Westerlund 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 Ostrowski, second by Borowski, to approve the agenda as published.

Motion passed.

REVIEW AND CONSIDER APPROVAL OF REGULAR PLANNING COMMISSION MINUTES OF MEETING HELD SEPTEMBER 25, 2019

Motion by Ostrowski, second by Stempien, to approve minutes of a regular Planning Commission meeting held September 25, 2019.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Laura Lamb, Embassy, reported safety concerns related to the pedestrian crosswalk on 13 Mile and Embassy.

REVIEW AND CONSIDER RECOMMENDATION TO COUNCIL ON PRELIMINARY CONDOMINIUM SITE PLAN FOR BEVERLY SQUARE, VACANT PARCEL TH-24-02-427-006, LOCATED AT 31655 SOUTHFIELD ROAD

Robertson Brothers Homes has submitted revisions to their proposal for preliminary site plan approval to redevelop the vacant lot at 31655 Southfield Road, parcel ID TH-24-02-427-006, to construct 24 attached single-family residential homes. This is proposed as a condominium development with individual ownership of the townhouse unit while the open space will be maintained by a homeowner's association. A copy of the revised plans and additional submittal details are attached.

This project is within the Village Overlay District (VCOD), where the Village has adopted a plan to encourage mixed-use development and associated zoning regulations to create a pedestrian-friendly, downtown area. As a condominium development this requires a multi-step approval process as described in Village Ordinance, Section 22.25. This request is for preliminary site plan approval and requires review and recommendation by Planning Commission and Village Council review and consideration for approval.

The second stage is final approval which will also require review and recommendation by Planning Commission to Village Council for final review and consideration for approval. Robertson Brothers submitted a written response to the comments and feedback from the Planning Commission meeting held August 28, 2019. The Village Planning Consultant, Village Fire Marshal, and the Village Engineer have reviewed the revised submittal for compliance with applicable codes.

Borden reviewed the revised preliminary condominium plan submittal from Robertson Brothers Homes proposing a townhouse development on the former McDonald's site (plans most recently dated 10/4/19). The project entails a full redevelopment of the site, including 24 residential units contained in 6 separate buildings, landscaping, a small greenspace, and vehicular and bicycle parking. The VCOD identifies the site as a Mixed-Use Zone, which allows for any of uses permitted in the underlying zones of the Overlay, including attached single-family residences.

1. Streets and access. Access is provided by a proposed driveway connection to Southfield Road. The curb cut location and design are subject to review by the Village Engineer, while approval ultimately lies with the Road Commission for Oakland County. No new streets are proposed as part of this project, though the VCOD Regulating Plan depicts a north/south street connection for cross-access. The Village has the discretion to modify this requirement based upon the standards in Section 22.33.11(b) Allowed Flexibility.

In response, the applicant has added an 11-foot wide cross-access easement adjacent to the rear parking area for the development immediately south of the subject site along Southfield Road. The intent is to provide a half width easement that could be matched by the adjacent property should it be redeveloped at some point in the future.

3. Uses. The Mixed-Use Zone of the VCOD allows for any of the uses permitted in the underlying zoning districts. In this instance, the corresponding use is that of a multiple-family development under the RM District, which allows up to 7.5 dwelling units per acre. The proposal entails a density of 15.9 dwelling units per acre. As such, the applicant requests a modification in accordance with Section 22.33.11(b) Allowed Flexibility.

4. Streetscaping. The plans have been reviewed for compliance with the standards of Section 22.23.8(a), as follows:

a. Sidewalks. The revised plan includes a 7' wide concrete sidewalk along the Southfield Road frontage, as well as a 5' wide concrete sidewalk along the fronts of Units 8-16, which face Gould Court. If deemed necessary, the Village may require extension of the sidewalk along Gould Court from the westerly property line to the Southfield Road sidewalk.

c. Street lights. Decorative street lighting is required along the primary street frontage (Southfield Road) with spacing at 30' intervals. The revised plan includes 2 decorative lights, as opposed to the 4 that are required. The submittal does not include details of said fixtures, but indicates that the applicant will work with the Village to provide the type of fixture desired by the Village. Lastly, the revised submittal states that each unit will include coach lights on the front and rear of each Unit.

5. Site layout. The plans have been reviewed for compliance with the standards of Section 22.23.8(b), as follows:

a. Minimum street frontage. The Ordinance requires that buildings occupy not less than 75% of a Primary Street frontage, while the plan provides a ratio of 59.3% along Southfield Road. As such, the plan must either be modified for compliance or the applicant must request modification by the Village in accordance with Section 22.33.11(b) Allowed Flexibility.

c. Lot size. The VCOD does not provide minimum lot size or maximum lot coverage regulations; however, stormwater management requirements must be met. We defer to the Village Engineer for review/comment on this aspect of the proposal.

e. Parking circulation and driveways. Driveways are to provide not less than 150' spacing from other driveways, though the plan provides spacing of approximately 62' (center to center) from the existing driveway to the south. We defer to the Village Engineer for review/comment on the driveway placement.

6. Building requirements. The plans have been reviewed for compliance with the standards of Section 22.23.8(c), as follows:

a. Front yard build-to zone. The Ordinance requires buildings to be within 20' of the front lot line. The building fronting Southfield Road provides a front yard setback of 20' to 24' (from north to south). As such, the majority of the building does not meet this requirement and the plan must either be modified for compliance or the applicant must request modification by the Village in accordance with Section 22.33.11(b) Allowed Flexibility.

e. Building height. Each of the proposed buildings exceeds the minimum 2-story height requirement by providing 3-story buildings. The VCOD identifies the majority of the site as 3-story, though a portion of the rear of the site is within the 2-story category. Based on our estimation, Units 13-20 lie within the 2-story area and modification from this standard is needed in accordance with Section 22.33.11(b) Allowed Flexibility.

h. Building design and facades. The Ordinance includes requirements for articulation, windows, entrances, and building materials. The revised submittal includes a letter from the project architect, as well as color renderings, example materials and floor plans. The primary building materials are to be brick, stone, or fiber cement (or better) siding, while the submittal includes brick and different types of vinyl siding. The applicant must explain to the Village how the use of vinyl siding is in keeping with the standards of the VCOD.

8. Parking. The Ordinance requires 54 parking spaces for the proposed development, while the plan provides a total of 57 spaces – 48 within garage spaces and 9 surface spaces throughout the development. The notes on Sheet SP2 indicate 58 spaces are provided, though 1 space has been removed in the revised plans. The plans must be corrected for consistency.

9. Loading. As a residential development, we do not believe a dedicated loading zone is necessary. There is sufficient ample room around the site for short term delivery vehicles and the plan provides mailbox kiosks, as opposed to individual mailboxes on each unit. The revised plans include a truck turning plan and the existing asphalt ramp connecting with the adjacent site to the south will be removed and replaced with lawn/landscaping. However, Sheet SP3 must be revised to remove the need for a truck to cross over the property line.

11. Landscaping and Screening. The revised submittal includes a more detailed landscape plan and notes that full details will be included with the final plan submittal. There are 3' tall decorative fence segments proposed in front of 3 of the 4 units fronting Southfield Road. Additionally, a detail and note are included for 6' privacy fencing along portions of the southerly lot line, while the existing fencing in this area will be removed. Lastly, notes have been added that the existing masonry walls along the northerly and westerly lot will be retained and refinished.

12. Additional Considerations. In response to our initial review letter, the applicant has indicated that refuse and recycling will be accommodated by individual unit pickup via the Village's waste hauler. Additionally, the applicant has noted that bins will be required to be stored within individual garages except for pickup days.

13. Allowed Flexibility. As referenced throughout this review, the VCOD includes a section allowing flexibility from the specific requirements given that certain site conditions may preclude strict compliance. The instances where the applicant seeks flexibility are to be evaluated in consideration of the following criteria:

- The proposed development is consistent with the Village Center Plan, as amended.
- The proposed development is consistent with the Purpose and Development Principles listed in Section 22.23.3.
- The proposed modification will not prevent or complicate logical extensions of streets, parking, open space, or development of adjacent properties consistent with the Village Center Plan and Regulating Plan.
- The modification is the minimum necessary to allow reasonable development that is consistent with the purpose of the Village Center.
- The proposed development will not impair public safety.
- The modification is not simply for the convenience of the development.

Tim Loughrin and Jim Clarke from Robertson Brothers reviewed the revised submittal as outlined by Borden. They noted the density requested is the minimum necessary to have a viable project.

Commissioners inquired about ordinance requirements for items including fencing, street frontage ratios, and interconnectivity. Borden clarified that the fencing is within VCOD requirements; however the building closest to Southfield Road only provides 59.3% street frontage while 75% is required and the proposal calls for a partial access easement, both of which require deviations to be granted. Upon further questions, Borden explained that items such as lighting details and architectural requirements (e.g. siding material) are typically addressed during final site plan approval.

Borowski expressed his concerns about the density and height of the buildings and the impact that will have on surrounding properties. There was discussion relative to the findings by CORE group and the permissibility of the proposed building heights at the west side of the development. Grinnan inquired whether pedestrian access was fully considered.

Ron Reynolds, legal representative of the Gould Ct. residents, believes that east-west connectivity should be a priority as this would allow access for Gould Ct. residence. The residents continue to be concerned about impacts of the development due to the increased traffic and parking, and impacts to property values. Reynolds cited sections of language from the Master Plan and Village Center Overlay District as evidence that this development was not in line with the Village's vision for this area.

Steven Satovsky, owner of the Beverly Hills Club and Lot 5 on Gould Court, has been in conversations with Robertson Brothers and is hopeful that an agreement can be reached between them. He believes that a fair market rate is being offered to the residents of Gould Court. His major concern is avoiding landlocking Gould Court.

Laura Lamb, Embassy, is concerned that the density is not compatible with the density of the Village. She also believes that six spots would not be enough guest parking.

Clarke stated that they have been advised by their title company and legal counsel that they have no access rights to improve Gould Court. He also pointed out that they are proposing 10% open space, above the VCOD requirements, and that the property is within a commercial area. He contends that this development has low density for an urban/downtown area.

Ostrowski referred to the proforma that was submitted by CORE Properties which noted projected costs made the area unrealistic to develop and the suggestion by CORE was to increase allowable density. He believes increased density is in keeping with the vision for a walkable downtown area.

Westerlund and Borowski expressed concerns about the traffic circulation on site, especially for larger delivery or refuse trucks and emergency vehicles.

Stempien acknowledged the challenges related to this specific lot; therefore, the modifications in building street frontage and build to setback does not concern him. However, he noted concerns about the design of first floor garages, density relative to massing at the street, and generally whether the architectural design is in keeping with the character of the Village.

Grinnan thanked Loughrin and Clarke for their responsiveness in answering questions providing revisions. She noted that Robertson Brothers is known for quality building, generally and is not overly concerned with the density proposed. She expressed her concerns about the height of the buildings as well as the six-foot fence potentially cutting off pedestrian traffic.

Wilensky observed that the majority of the concerns related to this project are minor, and the submittal of plan revisions show the good faith and due diligence of the Robertson Brothers. He contends that this design is keeping with the Master Plan, and the density is appropriate and is beneficial for development of this entire area. He opined that this development could spur demand for additional redevelopment and that no project will be perfect. He is concerned that the space will continue to be an eyesore.

Clarke committed to working with a subcommittee of Planning Commission to ensure the architectural design and materials are agreeable to the Village. He reiterated that the building height and overall density are necessary to make this a viable project for Robertson Brothers.

Satovsky inquired about potential east-west connectivity via Gould Court and expansion of the road to the north versus to the south. There was discussion about the feasibility of DTE relinquishing rights to property at the existing substation.

Ostrowski noted that the role of the Planning Commission is to make a recommendation to Village Council that is based on the ordinance requirements and the vision and intent of the Village Overlay District.

Upon the Commission finding each requested modification meets the Allowed Flexibility standards of Section 22.33.11 enumerated below:

- The proposed development is consistent with the Village Center Plan, as amended.
- The proposed development is consistent with the Purpose and Development Principles listed in Section 22.23.3.
- The proposed modification will not prevent or complicate logical extensions of streets, parking, open space, or development of adjacent properties consistent with the Village Center Plan and Regulating Plan.
- The modification is the minimum necessary to allow reasonable development that is consistent with the purpose of the Village Center.
- The proposed development will not impair public safety.
- The modification is not simply for the convenience of the development.

Motion by Borowski, second by Wilensky, to recommend conditional approval of the preliminary condominium site plan for Beverly Square, vacant parcel TH-24-02-427-006, located at 31655 Southfield Road, with the following modifications:

- To allow an overall density of 15.9 units per acre, where conventional standards are limited to 7.5 units per acre;
- To allow a building/street frontage ratio along Southfield Road of 59.3%, where a minimum of 75% is required;
- To allow a building setback of up to 24 feet along Southfield Road, where a maximum setback of 20 feet is permitted;
- To allow 3-story buildings at the rear of the site (Units 13-20), where the regulating plan calls for 2- story buildings; and
- To allow a partial cross-access easement in lieu of providing a physical north/south street connection along with future consideration for an east/west connection to the adjacent property to the west.

The recommended approval is conditional upon final architectural details to be in harmony with the Village Character as determined by a subcommittee of the Planning Commission and upon compliance with any and all Village Engineering and Public Safety requirements.

Roll Call Vote:

Ruprich	no
Stempien	yes
Westerlund	no
Wilensky	yes
Borowski	yes
Grinnan	yes
Ostrowski	yes

Motion passed (5-2)

SUBCOMMITTEE UPDATES

A. PLANNED UNIT DEVELOPMENT (PUD) AND CLUSTER DEVELOPMENT

The subcommittee continues to work with Administration and intends to have a draft for the November meeting.

B. REZONING STANDARDS AND CONDITIONAL REZONING

A draft of the ordinance was provided to the Commission for review. Westerlund asked for clarification on a few sections.

C. PRINCIPAL AND SPECIAL LAND USES IN O - OFFICE AND B – BUSINESS DISTRICTS

A draft of the ordinance was provided for the Commission to review. LaPere provided an overview of the proposed changes, and rationale for updates to all the Zone Districts.

Motion by Borowski, second by Wilensky, that the Planning Commission directs administration to notice a public hearing for November 20, 2019 for proposed modifications to sections of the Zoning Ordinance that regulate rezoning and land use.

Motion passed.

D. OFF-STREET PARKING REGULATIONS

Administration will confer with the subcommittee and updates will be provided at an upcoming meeting.

PUBLIC COMMENTS

None.

LIAISON COMMENTS

Hrydziuszkowski reported that Detroit Country Day's request for a guard house and tennis court refinishing were approved by Council.

ADMINISTRATION COMMENTS

LaPere reported due to the holidays, the November meeting will be held on the 20th, and December meeting will be held on the 18th.

COMMISSIONERS COMMENTS

None.

Motion by Ostrowski, second by Stempien, to adjourn the meeting at 9:45 p.m.

Motion passed.

Patrick Westerlund
Planning Commission
Vice-Chairperson

Kristin Rutkowski
Village Clerk

Elizabeth M. Lyons
Recording Secretary