

Present: Chairperson Ostrowski; Members: Copeland, Drummond, Grinnan, Ruprich, and Wilensky

Absent: Vice-Chairperson Westerlund; Member: Borowski and Stempien

Also Present: Village Manager, Wilson
Planning Consultant, Borden
Council Liaison, Hrydziuszko

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 Wilensky, second by Grinnan, to approve the agenda as published.

Motion passed.

REVIEW AND CONSIDER APPROVAL OF REGULAR PLANNING COMMISSION MINUTES OF MEETING HELD NOVEMBER 28, 2018

Motion by Wilensky, second by Ruprich, to approve minutes of a regular Planning Commission meeting held November 28, 2018.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

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

The Village has received revised plans, dated December 13, 2018, from Detroit Country Day School (DCDS) for approval to keep a playground and basketball court on the Middle School grounds, and add a guard house in the Middle School parking lot. Village Ordinance, Section 22.14.030 requires special land use approval for accessory structures at a private school in a Single-Family Residential Zone District. Additionally, Section 22.08.300, j requires any modifications to the site after approval that are not in accordance with the approved site plan to obtain special land use approval.

The Planning Commission held a public hearing on October 24, 2018 for plans submitted by DCDS to keep the playground and basketball court previously installed on the Middle School grounds. In the interim, the school has revised their request and is also seeking approval to add an additional accessory structure, guard house, in the Middle School parking lot area concurrent with the request to retain the recreational structures already installed. Due to the addition of a new structure, the Village has noticed a public hearing on the revised submittal for the Planning Commission meeting to be held January 23, 2019.

Procedurally, after conducting a public hearing on the special land use request, the Planning Commission can make their recommendations for approval, approval with conditions, or denial of the site plan and/or special land use requests to the Village Council. A public hearing on the special land use request will be held by the Council prior to rendering a decision on the requests for special land use and site plan approval.

In addition to the revised site plan and response letter, the Commission was provided with documentation from DCDS, there is a review letter from the Village's Planning Consultant, correspondence sent to the Village upon request from the Michigan DEQ regarding work conducted on site, a copy of the approved site plan dated August 12, 2016, and excerpts of the minutes of the Zoning Board of Appeals, Planning Commission, and Council meetings held in 2016 relative to the approval of the variance, special land use, and site plan for the addition to the Middle School.

Ostrowski opened the Public hearing at 7:36 p.m.

The following residents spoke in opposition of the playground and sports court on the middle school property.

John Fath, Lincolnshire
Jon Everly, Lincolnshire
Natalia Petraszczuk, Lincolnshire
Camille Fath, Lincolnshire
Dawn Moss, Lincolnshire
Paul Prentis, Lincolnshire
Tyrone Henry, Hillview

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 63 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, and a violation of an agreed upon good faith compromise that was reached between themselves and DCD, which was approved by the Planning Commission and Village Council in 2016. 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.

A complete copy of this letter and all signatures is available for review at the Village Offices.

No one else wished to be heard, therefore, Ostrowski closed the public hearing at 8:08 pm.

REVIEW AND CONSIDER RECOMMENDATION ON SPECIAL LAND USE APPROVAL TO RETAIN A PLAYGROUND AND SPORTS COURT AND ADD A GUARD HOUSE 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 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 sports court and playground areas are being used by the middle schoolers, with hours limited to 10:30 am - 12:30 pm, and occasional after school use from 3:30 pm - 4:30 pm. 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.

Following a third-party safety and security audit commissioned by DCD, they discovered that there was a need for the security shack at its proposed location. They were unwilling to share the results of the security study due to confidentiality reasons.

The Commission 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.

Grinnan expressed disappointment that a redacted copy of the security audit was not provided for review by the Commission. She stated that had the sport court and playground been part of the original submittal, she would have insisted on a full evaluation of alternative locations within the property, and had this site been considered, would likely have rejected it due to the high impact on the closely adjacent neighbors. Had this location been favored by other members, she would have required much more greenbelt screening. She expressed a concern that DCD's actions have deprived the Village of its right to the use of our full process to evaluate alternative sites within the property. These violations are not minor discrepancies but are in fact major deviations.

Drummond questioned whether other locations had been considered on the property. He also expressed frustration at the lack of adherence to the site plan review process in the Village. Although he could support the placement of the security shack, he cannot support the full site plan approval. Ashley explained that although other spaces were considered, due to safety and security reasons it was constructed in that location.

Ruprich was surprised by the lack of additional green screening along the retaining wall and property line. Ashley explained that plantings are planned for the spring.

Ostrowski suggested more greenscreen for the sports court and that DCD work with the neighbors to mitigate the impact of the playground.

Wilensky continues to be troubled with why DCD chose to not follow the appropriate procedure for changes to approved site plan.

Copeland questioned the current security measures in place and Ashley explained that they have a patrol truck.

Motion by Drummond, second by Grinnan, that the Planning Commission recommends the Village of Beverly Hills Council deny the special land use request to retain a playground and sports court and add a guard house at the middle school grounds at Detroit Country Day School, 22305 W 13 Mile Road, due to non-compliance with Village requirements for approval including the violation of Section 22.08.300(h) which says in location, size and intensity of the principal and/or accessory operations, the land use must be compatible with adjacent uses and zoning of land.

Roll Call Vote:

Copeland yes
Drummond yes
Grinnan yes
Ostrowski no
Ruprich yes
Wilensky yes
Motion passed (5-1)

REVIEW AND CONSIDER RECOMMENDATION ON AN AMENDMENT TO A SITE PLAN TO RETAIN A PLAYGROUND AND SPORTS COURT AND ADD A GUARD HOUSE AT THE MIDDLE SCHOOL GROUNDS AT DETROIT COUNTRY DAY SCHOOL, 22305 W 13 MILE ROAD

Motion by Drummond, second by Grinnan, that the Planning Commission recommends the Village of Beverly Hills Council deny the special land use request to retain a playground and sports court and add a guard house at the middle school grounds at Detroit Country Day School, 22305 W 13 Mile Road, due proximity to nearby neighbors.

Roll Call Vote:

Motion passed (6-0)

DISCUSSION ON TOPICS FOR JOINT PLANNING COMMISSION-COUNCIL MEETING

Ostrowski instructed the Commission to submit their suggestions to him via email.

PUBLIC COMMENTS

None.

LIAISON COMMENTS

Hrydziuszko reported that ordinance amending Chapter 22, Section 22.08.100 Accessory Buildings, Structures, and Uses was not passed, however with a few minor changes it could come back before Council.

ADMINISTRATION COMMENTS

None.

COMMISSIONERS COMMENTS

Drummond would like to see sidewalks required at DCD and Woodside.

Motion by Wilensky, second by Ruprich, to adjourn the meeting at 10:06 p.m.

Motion passed.

George Ostrowski
Planning Commission
Chairperson

Chris Wilson
Village Clerk

Elizabeth M. Lyons
Recording Secretary