

Present: Chairperson Jensen; Vice-Chair Ostrowski; Members: Abboud, Borowski, Freedman, Peddie, Ruprich, Stempien and Westerlund

Absent: None

Also Present: Village Manager, Wilson
Planning Consultant, Borden

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

APPROVE/AMEND AGENDA

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

Motion passed.

PUBLIC COMMENTS

None

CONSIDER APPROVAL OF MINUTES OF A PLANNING COMMISSION MEETING HELD MARCH 27, 2013

Motion by Borowski, second by Ostrowski, that the minutes of a Planning Commission meeting held March 27, 2013 be approved as amended.

Motion passed.

UPDATE ON SOUTHFIELD ROAD CORRIDOR PROJECT

Planning consultant Brian Borden introduced Sherrin Hood from LSL Planning, who is a certified form based code writer/expert. The goal tonight is to have Ms. Hood present a slideshow that will review the concept plan and design guidelines and to discuss the form based code. The Planning Commission members will have a look at the code, which is essential to developing the corridor into what they think it can be and want it to be. The form-based code is a departure from the Village's conventional zoning ordinance. Hood will walk the Planning Commission through the code and address questions.

Sherrin Hood said that the presentation is intended to inform the Planning Commission and encourage feedback and questions before talking about the next steps. The presentation will be conducted using the Village's new 70" Interactive Display Screen.

Hood reviewed the Town Center Vision, which is to promote the development of the Village's unique character while enhancing its economic base by assisting in the retention and expansion of community valued businesses and encouraging new business to locate in Beverly Hills. Coordinating resources to create a "sense of place," expand the tax base for the economic benefit of the community, and elevate the quality of life of each of our citizens. Hood said that it was important to look at a different way of zoning. The form-based code can help the village achieve a more specific vision than a conventional approach.

Hood recapped elements that the Planning Commission has already accomplished, which include working with the Road Commission on considering improvements and redesign of Southfield Road. This has been worked into the concept plan with room for flexibility. A master plan and vision was created for the Town Center as well as Design Guidelines. The next steps include developing a new “form-based” code and implementing that code by promoting incentives and investment.

A drawing of the before and after look of the corridor was displayed. The redevelopment plan incorporates taller mixed-use buildings, structures closer to the street, improved traffic flow, better places to walk, coordinated parking/access, and green gathering spaces. The form-based code should be flexible enough to provide an incremental change over time.

Hood listed the menu of items that are addressed in the Design Guidelines: Orientation/Setback; Massing/Scale/Height; Windows; Landscaping; Lighting; Signage/wayfinding; Building materials; Utilities; Street furnishing; Access/streets; and Parking lots/decks.

Form Base Code (FBC) Structure incorporates a Regulating Plan that is based on the Concept Plan. Another element is a Building Height Plan. The Southfield Road redesign is a part of the FBC; an image of the current road design concept for the corridor is incorporated in the document. The form-based code includes: Standards for New Development; Permitted Uses; Dimensional Requirements; Administrative Provisions. Hood discussed the elements of the FBC in some detail as she went through the presentation.

Required Streetscaping is referred to in the FBC with some guidance provided. This element is addressed in more detail in the Design Guidelines, which incorporates sidewalks, curb lawn, street trees and street lights. Questions and comments from members were addressed by Hood. There was discussion on where a bike lane would be placed if it was included in the design. The Commission thought that it should start thinking about design guidelines in terms of benches, light poles, and other elements in order to promote cohesion with every development. Hood remarked that the Planning Commission could develop a pattern book that was more prescriptive.

FBC Standards was another topic of discussion. Under Permitted Uses, uses within the underlying zoning category are allowed within the mixed use district. The Village could allow additional residential that is consistent with the concept plan. Lot and Building Standards follow the design guidelines. The Design Guidelines are fairly specific when it comes to the placement of buildings, style, and character. Some of the guidelines are codified; there are areas with more flexibility. The Code is prescriptive about parking, circulation and driveways.

Hood addressed the topic of how this redevelopment is going to occur over time. The Village does not want to scare existing business owners from improving their site or modernizing their building. However, if a property owner wants to expand by more than 10%, the code will require that they locate that addition consistent with the code as much as possible. This may involve a discussion between the Planning Commission and planning consultant. The idea is to encourage significant increases in existing developed sites to be consistent with the form-based code. If there is a new development, the property owner will be asked to conform entirely to the code. There is a tiered approach to the redevelopment process so that existing businesses do not feel like they cannot expand or modify their buildings.

Modifications is another FBC element. Flexibility is allowed to ensure consistency with the Plan. The Planning Commission has the discretion to be flexible in certain cases. Existing conditions will be considered. The criteria appears as follows: Consistency with Concept Plan; Consistency with Development Principles; Will not prevent logical development; It is the minimum modification necessary; Will not impair public safety, and; Not simply for convenience.

Hood displayed a retrofit example showing a before and after drawing of a site development using the Town Center concept. All of the elements of the Code come together to create wider sidewalks on the primary frontage, it depicts a store front building with upper floors that may have a mixed use office or residential use above. The drawing incorporates ideas for signage included in the Design Guidelines; there is consistency along the street.

Hood outlined the Next Steps:

1. Refine Form-Based Code
2. Make a recommendation to the Council (public hearing)
3. Adoption of form-based code
 - Established like a PUD (Planned Unit Development)
 - Allows flexibility, as needed to achieve the Plan Vision
4. Approve Concept Plan as Preliminary Site Plan
5. Market the incentives and opportunities
6. Consider Improvement District (TIFA)
 - Streetscaping
 - Catalyst projects
7. Ongoing communication with Road Commission for Oakland County

Hood addressed questions from Commission members on the following issues: Planned Unit Development process; how to incentivize existing property owners; development of the slip road; explanation of TIFA; and the overlay zone concept and whether this will be an optional or mandatory code.

There followed a discussion on the applicability of the form based code and how the different categories would relate to recent development and improvements on Southfield Road. A business is exempt from complying with the form-based code if there is a change of use or expansion by less than 10 percent. If the site plan involves a minor expansion (10-25%), the Village has the ability to require minor improvements on the project to bring it more in keeping with the Town Center vision. A major expansion (over 25%) or new development must meet all requirements except where the Planning Commission/Village allows for some flexibility.

In response to inquiries regarding how the street frontage would figure into new development, Hood said that the code is written so that the streets would be part of the site plan. The requirement remains to build a streetscape in front of the property. If there is an existing development that would prevent that from happening, the Village would obtain an easement over the property so that it has the right to prescribe where the street is located when redevelopment occurs and so that there would be the ability to construct a connection across the properties. The idea is that we are allowing for an intensification of use that will hopefully offset some of those extra costs. There followed discussion on how the form-base code would apply to the sites on Southfield Road in terms of redevelopment, road right of ways and streetscapes.

Jensen proposed revisiting the same Form-Based Code material at next month's meeting at which time urban planner Robert Gibbs will also be present to provide input to the Planning Commission regarding the Village's Town Center Plan.

Stempien reported that he met with Village Code Enforcement officer Dan Gosselin and went over some of the sign ordinance violations that are currently existing in the Village. At the request of the Village Council, Gosselin is taking photographs of every business to document the signage for future reference before the new sign ordinance goes into effect. This will help determine which signs can be grandfathered to a certain extent.

Stempien reviewed some of the sign violations. He mentioned that Starbucks will be vacating the Market Fresh building, and the Starbucks signage will be removed. This led to a discussion as to whether this was a trigger for Market Fresh to install a ground sign in lieu of the existing pole sign in order to conform to the new sign ordinance. The 31333 building has an existing pole sign with a blank sign face. It was questioned whether a new sign could be placed on this pole sign. It was noted that the new sign ordinance goes into effect on Saturday, April 27.

Wilson stated that the Village sent out notifications to every business owner who had a nonconforming issue with the current sign ordinance prior to the new ordinance going into effect. He said that there may be people attending the next meeting to address this issue with the Planning Commission.

There was agreement that the Planning Commission needs to be clear about the language and the Village's obligation under the new sign ordinance. The Village will have to follow the sign ordinance to determine property owners' rights and responsibilities relative to nonconforming signs.

DISCUSS/REVIEW DRAFT RESPONSE PROVIDING COUNCIL WITH A WRITTEN POSITION TO REFER TO ROAD COMMISSION FOR OAKLAND COUNTY REGARDING THE SOUTHFIELD ROAD REHABILITATION AND ROUNDABOUTS

Borden did not have a revised letter to distribute to the Planning Commission at this time. Wilson updated the Commission on a joint meeting held on April 8 with the city councils of Southfield, Lathrup Village and the Beverly Hills Village Council. The Road Commission would like the three municipalities to work on a joint position statement to present to the RCOC regarding the Southfield Road rehabilitation. Wilson volunteered to provide a draft to the administration of the other two communities. The three communities agreed that, if they were not united on a joint vision for the design of Southfield Road, the RCOC would select its preferred plan.

INITIATE DISCUSSION ON ZONING REGULATIONS FOR SCHOOLS IN OFFICE/BUSINESS DISTRICTS

Wilson stated that the Building Department received a request to locate a charter school in the 31333 building on Southfield Road. The Municipal Code references nursery schools, but there are no other considerations in the office and business district regulations. Wilson informed the applicant that the ordinance does not allow the charter school use, but indicated that he would discuss the matter with the Planning Commission at tonight's meeting.

It was noted that the concept of a charter school did not exist when the ordinance was written. Cities typically do not want non-profit entities taking up large pieces of land in the commercial district. Charter schools would be a tax paying entity. Wilson questioned if there was a willingness on the part of the Planning Commission to take a look at this zoning and determine whether to change the ordinance to allow a use like a charter school in that building.

Jensen expressed the view that an ordinance should be in place in advance of a request of this type. This is an issue that could be forwarded to the planning consultant to determine whether an ordinance update is needed to accommodate this use. Planning consultant Borden added that there are a number of uses that are not addressed in the business district.

It was questioned whether the charter school use would fit into the Southfield Road corridor now and into the future. Jensen concluded that the answer for now is that the charter school use is prohibited under the Village ordinances.

PLANNING COMMISSIONERS' COMMENTS

Peddle thought that there was another tenant going into the 31333 building. Wilson responded that there was a tenant that made application to use a portion of the building.

Ruprich stated that Beaumont Hospital has put out a RFQ to developers for the Thirteen Mile and Woodward site. Beaumont has identified a 13 acre parcel and turned it over to developers with an outline of desirable uses that would be anywhere from residential, hotel, retail, and dining. Beaumont is in the process of interviewing developers for redevelopment of that space. The lease expires on the Northwood shopping center at the end of the year. Ruprich suggested that the Northwood redevelopment might encourage additional development on Southfield Road.

Abboud commented on the Congress for the New Urbanism. CNU is the leading organization promoting walkable, mixed-use neighborhood development, sustainable communities and healthier living conditions. Abboud referenced points included in the guidebook developed by this organization.

Borowski remarked on the fact that Starbucks is leaving the Market Square building. Further, the Mobil station at the Thirteen Mile and Southfield Road intersection in Southfield is expanding into a larger convenience store. Borowski highlighted redevelopment projects going on in Grosse Point, Midtown Detroit, and Novi. There are a number of communities with teams of people working on long term projects in order to make their communities more viable. They all have development issues that require change, money and challenges. Beverly Hills will not be alone in its struggle with redevelopment. Borowski stated that there is a risk going forward but more of a risk standing still. We should be enthusiastic about our redevelopment project.

ADMINISTRATION COMMENTS

Wilson talked about issues the Village is having with the nail salon on Southfield Road. The business erected a sign without a permit and has been notified that it has to come down. Wilson is working with the Royal Oak building official on posting an “unfit to habitat” notice tomorrow for both the nail salon and what they refer to as a blow dry bar. The nail salon took it upon themselves to open up an entrance from the nail salon to the back area where the former scrapbooking store had operated. No site plan was submitted. There are unknowns in terms of square footage, requirements for the new business, loading requirements, parking, bathroom

facilities, etc. The nail salon owners will not be able to occupy the building until further notice. The Village will have to be satisfied that all ordinance requirements are met before the business can reopen.

PLANNING CONSULTANT COMMENTS

Borden reminded members that the annual Oakland County Planning/Zoning training seminar is scheduled for May 18, 2013. There is no charge for Planning Commission and Zoning Board members.

PUBLIC COMMENTS

None

Motion by Freedman, second by Abboud, to adjourn the meeting at 9:14 p.m.

Motion passed.

David Jensen
Planning Commission Chair

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary