

Present: Council: President Mercer; Members: Kelly, LaFerriere and Mooney  
Planning Commission: Chairperson Ostrowski; Vice-Chair Westerlund;  
Members: Abboud, Borowski, Freedman, Jensen, Ruprich and Stempien

Absent: Council: Briggs, Burry and Oen  
Planning: Peddie

Also Present: Village Manager, Wilson

Vice-Chairman Westerlund called the meeting to order at 7:34 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road. It was noted that three members of Council were present, which does not constitute a quorum. No action will be taken by Council unless a quorum is present.

#### **ADDITIONS TO AGENDA/APPROVE AGENDA**

Freedman suggested that item #12 “Medical Marijuana Update” be removed from the agenda in the absence of attorney Tom Ryan, who was to present an update on this topic.

Motion by Jensen, second by Freedman, to approve the agenda as amended.

Motion passed.

#### **PUBLIC COMMENTS**

Paul Deters, Village resident and owner of Metro Detroit Signs, related that he appeared before the Village Zoning Board of Appeals on Monday, February 10 on behalf of Northbrook Presbyterian Church. The church at 14 Mile and Lahser Roads proposed to erect an electronic message sign to replace an existing manually changeable message sign. The new sign is not allowed under the Village sign ordinance. Deters added that the sign request would also have to go before the Planning Commission for review and approval.

Deters stated his case to Council and Planning Commission members to permit electronic message signs of the type proposed, which would be understated with no flashing, scrolling or animation. The sign would be used in a respectful manner and harmonize with the spirit of the ordinance. He related that electronic message signs are practical, energy efficient and easier to operate. Technology is changing to digital and LED; the fluorescent illumination used in many signs will eventually be phased out. The Village has the ability to write ordinance language to control how messages are delivered and the level of illumination. Deters questioned how the applicant and sign company might proceed in order to have this issue revisited by those charged with drafting and adopting the sign ordinance.

Westerlund commented that recent revisions to the Village Sign Ordinance upheld the prohibition of electronic message signs. The Village is attempting to be forward thinking yet develop a certain aesthetic within the community. This does not mean that the Commission would not look at new alternatives. Use of electronic message signs could be a topic for a future Planning Commission meeting.

**REVIEW PLANNING COMMISSION PROGRESS SINCE THE 2013 JOINT MEETING**

Vince Borowski distributed a handout outlining the accomplishments of the Planning Commission over the course of the last year. The Village Sign Ordinance was revised and finalized; the Planning Commission considered, drafted and recommended its written position on Oakland County Road Commission's plan for renovation/improvements on Southfield Road; there was continued work on the Southfield Road Corridor/Village Center. The Commission drafted and finalized the Village Center Overlay District ordinance; they reviewed and drafted an ordinance amendment on portable container use in the Village; the Commission is working on Design Standards for the Overlay District; there were multiple sign reviews and a site plan review for the Merritt land division project.

The Village implemented a new Sign Ordinance in the last year. The handout included a list of improvements that resulted in reducing visual pollution and adding new and creative signage. Some of the sign ordinance changes will require continued activity on the part of the Village in terms of enforcement.

**DISCUSS MASTER PLAN UPDATE**

The Michigan Planning Enabling Act requires a municipality to review its master plan every five years and determine whether updates are needed. The Planning Commission has discussed the current state of the Village Master Plan with planning consultant Brian Borden from LSL Planning. There was a consensus that the current document contains historical data and existing conditions without providing the type of vision that a master plan should provide to the community.

At the direction of the Planning Commission, LSL Planning submitted a project plan dated February 10, 2014 outlining their approach to rewriting the Village's Master Plan. The proposal will result in preparing a more action oriented and progressive plan to help guide future redevelopment in a recovering economy. A plan rewrite will respond to new trends, integrate the Beverly Hills Village Center subarea plan, and create a more forward looking public document. The letter outlines the activities proposed under the headings of audit existing conditions; public visioning open house; revise vision; goals and objectives; draft a plan; and adoption process.

Westerlund proposed that the Planning Commission discuss the LSL Master Plan proposal at an upcoming meeting and forward a recommendation to Council. It was noted that the fee to prepare the extent of updates outlined by LSL was \$25,000. Wilson remarked that the cost for the previous master plan update prepared by LSL Planning about seven years ago was \$17,000. That fee covered an update on a far smaller scale than what is being proposed.

Council and Board members discussed the scope of the master plan update. It was suggested that there are steps that should take place in light of the overlay district, the aging housing stock, and the potential for redevelopment of residential property in the Village. Mooney commented that the only way to attract people to the Village was to offer the residential land uses and business opportunities that would make them comfortable living in Beverly Hills. There was agreement among Council to conduct a more comprehensive update of the Village master plan and to spend the funds to do the job correctly.

Council member Kelly entered the meeting at 8:03 p.m. A quorum of Council was present.

**DISCUSS SITE GUIDELINES AND PATTERN BOOK FOR THE RECENTLY ADOPTED VILLAGE CENTER OVERLAY DISTRICT**

Westerlund stated that the Planning Commission is working on design standards and a pattern book for the Village Center. Members have been looking at examples of site furnishings for use in the Village Center development including light fixtures, signs and bollards, benches, waste receptacles, etc. Next month, the Commission will be solidifying decisions on site furniture with the goal of making a consistent statement throughout the center. The next step will be to discuss the architectural styles of the buildings.

**DISCUSS VILLAGE LIQUOR CONTROL ORDINANCE**

Manager Wilson reviewed that there was an issue before Council recently involving a request for a Quota Tavern Liquor License for an establishment on Southfield Road. The application was approved by Council, and the site plan was forwarded to the Planning Commission for review and recommendation. The Village has seven Class C liquor licenses allotted to it based on population. If the current application receives approval, there will be three remaining quota licenses available in the community. Many surrounding cities have used all their quota licenses, and additional licenses have been purchased from outside of the community.

The cities of Birmingham, Farmington Hills, and a few other area communities have adopted liquor ordinances. Given some of the questions that arose during discussion of the recent application as well as the peculiarities of Michigan's liquor law, Wilson thought it might be timely for the Village to consider adopting a liquor control ordinance. It was noted that there could be a land use aspect of this issue given how the small area of Beverly Hills where these liquor licenses could be used.

George Ostrowski entered the meeting at 8:15 p.m.

Wilson suggested that liquor control regulations would go into the Municipal Code and not the Zoning Ordinance. Council could direct the Planning Commission and LSL Planning to provide input on the content of this type of ordinance. There are sample ordinances from other communities. In a February 7, 2014 memo, Attorney Tom Ryan recommended that the Village consider adopting a liquor ordinance.

**REVIEW AND CONSIDER RECOMMENDATIONS FOR POLICIES AND PROCEDURES OF SITE PLAN PROCESS, ENFORCEMENT, APPLICATION AND PERMIT FEES AND USE INTERPRETATION ISSUES**

Westerlund stated that the Planning Commission has discussed the Village's process of handling site plans. When a site plan is submitted to the Village, it goes before the Council. Council then recommends the site plan to the Planning Commission for review and recommendation back to Council for consideration. Commission members are suggesting a review of various procedures that applicants go through in order to achieve site plan approval, particularly in light of the Village Center overlay district. Consideration should be given to whether the Village has a formal site plan process that can be easily followed by an applicant.

Another issue of concern to the Planning Commission was the process by which Administration must decide whether a project should go to the Zoning Board of Appeals prior to being reviewed by the Planning Commission. An example was a request from Taco Bell for a parking variance that was granted by the Zoning Board, which thwarted efforts of the Planning Commission in terms of requiring the applicant to comply with site plan regulations for parking lot landscaping.

With regard to the Southfield corridor overlay district, there is a likelihood that a modern land use will not be proscribed in the current language of the ordinance. Ostrowski expressed the view that the land use interpretation issue should come before the Planning Commission so that body can lay the groundwork for a Zoning Board decision. Westerlund added that the Planning Commission may have the opportunity to negotiate some aspect of a site plan before proceeding to the Zoning Board. Following a joint discussion on Village ordinances, there was agreement that the ordinance is outdated with respect to permitted land uses.

The Planning Commission is requesting Council direction on moving forward next year to review and draft proposed policies and procedures that would assist applicants to move through the redevelopment process. Council concurred that some of the procedures should be streamlined. The Planning Commission was authorized to study this and forward their recommendation to Council for consideration.

#### **DISCUSS ZONING ORDINANCE UPDATE**

Westerlund remarked that zoning ordinance updates are regular priority items discussed at annual meetings of the Planning Commission and Council. There is always a reactionary item that results from a recent issue. Land use is one of those issues this year. There has been discussion relative to updating definitions and uses we want to see in the Village that would eliminate the need for use interpretation.

Wilson suggested that another item that warrants discussion and consideration by the Planning Commission is the average front open space requirement. He noted that Tom Ryan has proposed that there is a need for the Village to review and consider adoption of a lot coverage ordinance.

The Master Plan update is a high priority due to the State requirement for reviewing and updating a community master plan every five years. Policies and procedures are another important issue. Westerlund questioned whether land use is a topic that Council would like the Planning Commission to undertake. Council proposed that updating land uses could be undertaken in conjunction with the master plan update.

#### **DISCUSS CREATION OF VILLAGE ESCROW FUND FOR “CONTRIBUTIONS IN LIEU” AS DETERMINED BY THE VILLAGE CENTER OVERLAY DISTRICT AND TREE FUND**

Ostrowski stated that the Southfield Corridor Overlay District established a “Contributions in Lieu” section. Where desired by the applicant or where required by the Village, payments in lieu of certain physical elements may be made in accordance with the ordinance. These improvements include streets, streetscaping, parking, landscaping and public open space.

Ostrowski added that, if the Village adopts a tree protection ordinance, an escrow account would also be needed to deposit funds from developers who cannot accommodate replacement trees on their site. The funds would go towards planting trees on Village property or in the park.

There was agreement that the Village needs to establish a dedicated escrow account for this purpose. Wilson responded that this will be addressed by Village Administration.

#### **DISCUSS ESTABLISHMENT OF A TREE PROTECTION ORDINANCE**

A tree protection ordinance is needed to protect trees outside of a special land use. If a developer clears trees from a site, they would be required to contribute to a tree fund. The intent of the tree protection ordinance would be 1) to protect existing trees on site; 2) to replace trees removed on site; and 3) to establish a tree fund whereby payment could be made when trees cannot be accommodated on site.

Wilson suggested considering instances when trees in the Village right-of-way adjacent to residential property are either taken down by residents or situations where a resident does not want a dangerous tree removed. There are times when replacing a tree would be in everyone's best interest, but it is prohibited by the ordinance. A tree protection ordinance could also consider these types of regulations.

#### **VILLAGE MANAGER'S COMMENTS**

Wilson reported that, on Monday, February 10, the Village received a petition to be heard by the Zoning Board of Appeals from the individuals who submitted a proposal to develop the former McDonalds site on Southfield Road. The application appears to be challenging the Village Manager's authority as zoning administrator to deny their application for site plan review based on the fact that the proposed use is not allowable under the Village zoning ordinance.

The attorney for the developer is of the opinion that the Village Manager should be required to bring their proposal to the Village Council and that the Council is required to forward the site plan to the Planning Commission for review and recommendation. Wilson did not believe that the application to go before the Zoning Board was challenging whether or not their proposal was an allowable use. Wilson will recuse himself from presenting this case to the Zoning Board for the reason that the applicant is directly challenging his decision. Mooney did not think that the Zoning Board had the authority to determine the powers of the Village zoning administrator.

#### **PLANNING COMMISSION COMMENTS**

Abboud stated that he serves on a County Senior Advisory Council. A recent guest speaker, retired Circuit Court Judge Mentzer, spoke on dementia and diseases of the mind suffered by baby boomers. Abboud informed those present that he will be advocating awareness of these diseases.

Commission members thanked Council members for their attendance tonight and for their insight.

#### **COUNCIL COMMENTS**

Mooney commented on the importance of maintaining the viability of this community as a good place in which to live. He advocated that the Council and Planning Commission not skimp on what needs to be done to be visionaries and to invest in the future of Beverly Hills.

Kelly commended Planning Commission members on their experience and dedication, noting that they play an important role in the community.

LaFerriere, liaison to the Zoning Board of Appeals, encouraged the Planning Commission to review ZBA cases in order to become aware of what items may need to be addressed by their body for the good of the community.

Mercer commented on the importance of annual Council and Planning Commission meetings to discuss topics essential to the Village. The work done by Commission members is among the most important work done in the community, which is appreciated by Mercer.

**PUBLIC COMMENTS**

None

Motion by Freedman, second by Westerlund, to adjourn the meeting at 9:27 p.m.  
Motion passed.

**George Ostrowski, Chair**  
**Planning Board**

**Tim Mercer**  
**Council President**

**Ellen E. Marshall**  
**Village Clerk**

**Susan Bernard**  
**Recording Secretary**