

Present: Chairperson Ostrowski; Vice Chair Westerlund; Members: Abboud, Borowski, Jensen, Peddie, Ruprich

Absent: Freedman and Stempien

Also Present: Village Manager, Chris Wilson
Planning Consultant, Brian Borden

Chairperson Ostrowski 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 Ruprich, to approve the agenda as published.

Motion passed.

PUBLIC COMMENTS

None

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A PLANNING COMMISSION MEETING HELD MAY 28, 2014

A correction was made to the minutes to indicate that Chairman Ostrowski called the meeting to order.

Motion by Westerlund, second by Ruprich, that the minutes of a regular Planning Commission meeting held on May 28, 2014 be approved as amended.

Motion passed.

RECONSIDER SIGN REQUEST FROM HEAR USA

At its April 23, 2014 meeting, the Planning Commission denied the sign permit request from HearUSA for a panel to be added to an existing sign for the multi-tenant office building at 31000 Lahser Road. The proposal was to place a 2.6 square foot sign in the one remaining empty portion of the multi-tenant sign. Reconsideration of this sign was an agenda item for the May Planning Commission meeting. At that time, Village Attorney Tom Ryan voiced his opinion that the Planning Commission might want to reconsider its denial of the sign request. Following discussion by Commission members and Ryan, a motion was made to place an item on the agenda of the June Planning Commission meeting to discuss and reconsider the HearUSA sign permit request.

Ostrowski called for discussion on the HearUSA sign. Jensen suggested that discussion and possible reconsideration of this sign application be tabled until the next meeting when member Robert Stempien would be present because he was instrumental in crafting the sign ordinance.

Ostrowski reviewed that the Village Attorney's interpretation was that substitution of the sign panel itself was a legally permitted use in the sign ordinance. It has been suggested that there is some vagueness in the ordinance language, and perhaps it should be revisited. At some point, the

Village has to deal with what it has in front of it and respond accordingly. Ostrowski would prefer to reconsider this sign application now and discuss sign ordinance amendments later in the meeting. The Commission needs to discuss how to rectify and clarify some of these contentious issues that come up. Westerlund concurred that further review should be given to consistency in applying the sign ordinance.

Commission members discussed the sign ordinance. It was suggested that a business could be allowed to keep its nonconforming sign until there is a trigger that is set up and defined in the ordinance. The comment was made that the sign ordinance in place is a sound ordinance. The issue is with nonconformities. There was a concern that, if the current sign ordinance is not upheld, new sign applications that prolong nonconformities could come before the Village.

It was questioned whether land owners would bring their signs into compliance if they were notified that they have a nonconforming sign that might cause issues for their tenants. Business and landowners could be requested to bring a sign into compliance for the greater good.

Motion by Jensen, second by Abboud, to postpone the reconsideration of the HearUSA sign request until there is a more complete complement of Planning Commission members.

Roll Call Vote:

Borowski	- yes
Jensen	- yes
Ostrowski	- no
Ruprich	- no
Westerlund	- no
Abboud	- yes

Motion failed (3 – 3).

Motion by Borowski, second by Abboud, that the Planning Commission approve the application for sign permit by B-B Signs & Lighting for HearUSA at 31000 Lahser Road as presented at the April 23, 2014 Planning Commission meeting.

Roll Call Vote:

Jensen	- no
Ostrowski	- yes
Ruprich	- yes
Westerlund	- no
Abboud	- yes
Borowski	- yes

Motion passed (4 – 2).

SIGN REQUEST FROM BARRETT SIGN COMPANY ON BEHALF OF INDEPENDENT BANK, 23800 SOUTHFIELD ROAD

Brian Borden, planning consultant from LSL Planning, related that he reissued his 6/19/14 review letter regarding the signage at Independent Bank after a number of noncompliant elements related to the proposal were addressed by the applicant. A revised letter dated June 25, 2014 was distributed to Commission members. Borden has been working with Steve Jordan from Barrett Signs to bring their proposal into consistency with the ordinance.

Borden stated that the request before the Planning Commission is for a new ground sign at the bank location. There are currently two ground signs on the property, one at each driveway. This application will eliminate two nonconforming signs and allow one new conforming sign. The applicant has brought the height, base ratio, color scheme, illumination, landscaping and setbacks into ordinance compliance.

The only item for the Commission's consideration is that the ordinance includes a recommendation that sign materials should match those used on the principal building. The proposal is for an aluminum framed sign for a brick building. Borden mentioned that he received an email from Commissioner Stempien who noted that the ordinance states that address numbers cannot be more than 8" in height.

Steve Jordan from Barrett Sign Company stated that he has been working with Brian Borden on the sign application. There are two nonconforming signs on the site, one facing 14 Mile Road and one facing Southfield Road. Both of them have aluminum frames and bases and plastic faces that are internally lit. The new sign falls within all of the ordinance limitations. The sign will be placed at an angle and located in a large green area at the corner of 14 Mile and Southfield Roads. Jordan described the size and features of the proposed sign. He affirmed that the building has a lot of aluminum elements in terms of the door, window trim, and soffits.

At the suggestion of the Commission, Jordan will propose that the business owner use landscape bricks in the planting area in lieu of building a brick base for the sign. Members accepted the idea of a stone base around the planter as meeting the intent of the ordinance. In response to an inquiry, Jordan stated that Independent Bank is in the process of an 80-location changeover of its sign logo and wording.

Motion by Jensen, second by Westerlund, that the Planning Commission approve the sign application for Independent Bank at 32800 Southfield Road as submitted to include landscape stonework.

Roll Call Vote:
Motion passed (6 – 0).

REVIEW AND CONSIDER APPLICATION FOR PRIVATE ROAD AT 31805 EVERGREEN

Village Manager Chris Wilson reviewed that the Planning Commission considered a proposal in February of 2014 for division of property at 31805 Evergreen Road into four separate parcels along a proposed private roadway. The land division was recommended for Council approval subject to several conditions.

Administration has been working with the petitioner for some time on a proposed road location. The original plan submitted located the road almost directly across from the Beverly Road intersection. The petitioner was informed by engineers from Hubbell, Roth and Clark that the application could not be approved on the basis that it did not meet sight distance standards. This portion of Evergreen Road is under the jurisdiction of Beverly Hills, and the Village has jurisdiction over any road access that is allowed in this section of Evergreen.

The property has an existing driveway on it that serves two different homes; one home is to the rear of the property and one home is off the property to the north and has an access easement through the original parcel. The existing driveway does not meet sight distance standards, but it is grandfathered at this time. The applicant is proposing to build a new road at which time the Village will require that the grandfathered driveway be abandoned.

Wilson stated that plans were submitted for a new road that would be located to the south, which the applicant maintained would meet sight distance standards. However, it was proposed that the existing driveway would remain as an access road to Evergreen Road for the house to the north. Administration explained to the petitioner that the Village cannot accept the plan as presented. The existing driveway would have to be abandoned assuming that the proposed private road was acceptable. The property does not meet the 300 front footage requirement necessary in order to have two driveway entrances on one parcel.

Wilson understood that the applicant was going to resubmit his application to provide a plan with one road that would be compliant and with the driveway abandoned. The existing driveway remains on the plan submitted. The applicant requested to come before the Planning Commission with his application for a private road. Village Administration cannot recommend approval of this private road application. Members have been provided with correspondence between the applicant and Mr. Wilson as well as Public Services Director Tom Meszler.

Wilson thought that the applicant's reference to Section 1.1.4 of the Oakland County Road Commission Standards concerning grandfather status of the existing driveway and Section 6.1.6. of those standards regarding Driveway Standards has been misapplied and does not support his case. Further, the Water Resources Commissioner's office has made it clear that drainage issues are subject to approval by the Village through its site plan review process. Wilson remarked that this has been a difficult project to date.

It was noted that Village Engineering consultant Dan Mitchell from Hubbell, Roth and Clark was present as well as Village Public Services Director Tom Meszler.

Wilson clarified that the Planning Commission has recommended Council approval of the land division at 31805 Evergreen. The private road application is before the Planning Commission at this time for consideration.

Dan Mitchell from HRC commented that Chris Wilson has thoroughly outlined the situation. Meszler added that the issues before the Village are sight distance for the driveway and plans for storm water retention. He did not think the plan was ready for review and approval.

Developer John Mentag stated that he is representing the property owners Julie and Ted Willett in terms of building and restoration of the existing house and redevelopment of the property. Legal counsel Paul Cavanaugh is present on behalf of the Willetts. Mentag referred to the June 16, 2014 letter he submitted to the Planning Commission and Village Council. He remarked that his response to Mr. Meszler's letter was succinct. Mentag stated that this proposal deals with the private road and with a driveway, two distinct road passageways. With regard to the grandfathered driveway, Mentag cited Oakland County Road Commission Standard Section 1.1.4.

Wilson read Section 1.1.4: "When the use of the land served by the driveway is changed or expanded, and the change or expansion causes the existing driveway to be a safety concern, the driveway will be considered a new driveway subject to Act 200 of 1969, as amended by Act 83 of 1978, being MCL 247.321 et seq. Factors that constitutes a safety hazard shall include, but are not limited to the following:

- (A) Increased accident rate at or near driveway or Private Road
- (B) Increased traffic volume on main road.
- (C) Increased turning movements using driveway or Private Road.
- (D) Improper drainage.
- (E) Inadequate Sight Distance.
- (F) Excessive grades of driveway.
- (G) Improper driveway design for use.
- (H) Creation of a potential risk of harm to the traveling public

Mentag maintained that the driveway has not been changed at all. Wilson emphasized the language, "when the use of land served by the driveway is changed or expanded and the change or expansion causes the existing driveway to be a safety concern, the driveway will be considered a new driveway subject to the act." Wilson said that the safety concern is that the existing driveway does not meet sight distance safety standards. Mentag continued to assert that the driveway is grandfathered.

Pete Kelly on Sunset Drive expressed the view that the driveway in question is in a terrible location. He questioned why the applicant does not integrate the driveway into the private road for better ingress and egress into traffic. Mentag responded that the only alternative would be to put a new driveway in the front, which would result in removing trees and affecting the marketability of the property.

Attorney Marc Drasnin representing Terry and Jennifer Berg, property owners of 31825 Evergreen, stated that the Bergs have met with Mr. Mentag and the Willetts. Drasnin thought that there was a serious problem if marketability was more important than safety. The Bergs have indicated that it would be a feasible alternative if the plan tied the driveway into the new road.

Mr. Siva Thunga of 20024 Ronsdale said that value and marketability of the properties in Ronsdale abutting the new proposed road should be considered. He outlined an alternative road placement. Ostrowski responded that the new Merritt development site off Lahser Road is accessed through the site condominium development to the south.

Commission members discussed the proposal with emphasis on safety issues and access to the Bergs property. Mr. Mentag displayed the plans and identified the proposed road and the existing driveway entrance.

Commission member Peddie entered the meeting at 8:30 p.m.

Wilson stated that the easement issue is not a matter of concern for the Village or the Planning Commission; it is a private and civil matter between two landowners. There is an access easement issue with the property owner to the north; it is an existing arrangement. The Village's concern is that the existing driveway is a safety hazard. If the land is left as it is, the driveway is grandfathered; there is an issue if the use of the property changes. The Village is concerned with the safety of the people who drive south on Evergreen Road every day. It is Wilson's opinion that the application for private road cannot be approved as submitted.

Robert Ellwood of 20046 Ronsdale stated that he came before the Planning Commission previously and challenged their vote to approve the land division proposal for the reason that the petition failed to meet ordinance regulations that required the easement to be included on the plan submitted by the petitioner.

Motion by Jensen, second by Borowski, to recommend that the Village Council deny the application for private road at 31805 Evergreen Road based on conflicting issues related to a private road and an existing easement road and due to the safety concerns of the Village Engineer.

Roll Call Vote:

Peddie	- yes
Ruprich	- yes
Westerlund	- yes
Abboud	- no
Borowski	- yes
Jensen	- yes
Ostrowski	- yes

Motion passed (6 – 1).

DISCUSS MASTER PLAN

Ostrowski stated that the 2014-15 Village budget includes funding for review and updating the Master Plan. Members discussed the timing, scope, vision and content of the Master Plan. A subcommittee of Commission members will meet more frequently than the Commission as a whole and report their progress at the monthly Planning Commission meetings. Subcommittee members could alternate based on the topics covered.

Ostrowski proposed an agenda item for the next meeting to review the Master Plan project outline prepared by LSL Planning.

DISCUSS POSSIBLE SIGN ORDINANCE AMENDMENT

Commission members discussed how the sign ordinance could be amended to allow a small panel to be changed on a multiple tenant sign without perpetuating nonconforming signage. There is a need to clarify the ordinance to provide better direction to Administration and to prevent the Planning Commission from having split votes on sign application requests. There was agreement that the Planning Commission would seek clarification from LSL Planning or Tom Ryan as to how the ordinance language can be adjusted to provide clear direction.

There was a conversation on the range of land ownership along Southfield Road and how landlords and business owners could be convinced to bring their signs into compliance. Commission members concurred that it would be helpful to publicize the new ordinance and communicate with business owners that have noncompliant signs. Land owners and business owners should be made aware of the new sign ordinance and its intent.

Jensen volunteered to draft a letter with the help of member Stempien to be directed towards a number of business owners with nonconforming signs. The Village would be interested in having a discussion with these individuals about whether they would be willing to make a change over a period of time. The letter would be signed by Council President Tim Mercer.

DISCUSSION OF COTTAGE HOUSING ORDINANCE

Ostrowski referred to the recent rezoning efforts on 13 Mile Road for the development of multiple single family building sites. He mentioned the mentality of maximizing density whereas the cottage housing ordinance provides an opportunity to set standards in terms of architectural controls and density. The cottage housing ordinance has demonstrated that it is a transitional type of community.

Jensen highlighted what a cottage housing ordinance could offer the Village of Beverly Hills, particularly in view of the upcoming master plan update. He referred to a handout provided by Robert Stempien containing about 15-20 different developments of this type in Seattle. Cottage housing is a viable option for the use of main road properties that would provide opportunities for people who want less space but want to stay in the community.

The cottage housing configuration is a reinforcement of community. The plan is usually for a home of 1200 sq. ft. or less and typically one floor. Jensen thought that it would be a successful option for Beverly Hills where there is a large population of retired people. It would provide the opportunity for a lot of people who already live here to stay in this area. These houses are in a price range that are affordable.

Wilson's concern was whether there are developers in this area who would be interested in building this type of development. Westerlund questioned the "cottage" terminology, which may give people the wrong impression of this type of development.

Jensen thought that cottage housing was an element that should be researched and studied in terms of the Master Plan review. It is an option that could be presented in certain locations. Jensen believed that there was a place for this type of progressive development in Beverly Hills.

COMMISSIONERS' COMMENTS

Ruprich informed the members that he has changed employment and now works for Plante Moran CRESA – Corporate Real Estate Advisory.

Westerlund said that the Planning Commission talked about writing letters to business owners informing them about the new sign ordinance. He suggested that publicizing the Village Center plan is needed to market and spur progress on implementation of the Southfield Road redevelopment plan. Westerlund also suggested publishing an article in a local newspaper to promote the fact that Independent Bank removed two nonconforming signs and added a new conforming sign.

Abboud commented that there is new development at Southfield and 12 Mile that may impact traffic heading north. It is a mixed use retail and commercial development. The same developer purchased the Palladium for redevelopment. Abboud mentioned that work has begun on the roundabout in the City of Southfield at Evergreen and Civic Center Drive.

ADMINISTRATION COMMENTS

Wilson stated that Timothy Patrick Development has submitted a formal request to the Village for a conditional rezoning of the property at 19600 W. 13 Mile Road. This item will be on the agenda for the July 23 Planning Commission meeting. The developer has offered six different conditions as part of his proposal.

Wilson reiterated that he could not recommend approval of the private road plan at 31805 Evergreen Road for various reasons. He informed the Commission that the Village requested an escrow account in conjunction with this land division proposal. Time has been spent by personnel from Hubbell, Roth and Clark and LSL Planning in review of this project, which is standard process. Wilson added that Village Administration has been generous with time spent on this project. At some point, Wilson will start charging for his time and Mr. Meszler's time against the escrow account.

Wilson expressed appreciation to Nanci Freedman for her expertise and time spent on the Planning Commission. She chose not to be reappointed to the Commission.

PUBLIC COMMENTS

Bob Walsh on Smallwood Court asked if the developer who requested rezoning of property on 13 Mile Road was coming back at the next meeting. Wilson stated that Timothy Patrick Development is returning with a different proposal involving conditional rezoning.

Motion by Borowski, second by Jensen, to adjourn the meeting at 9:53 p.m.
Motion passed.

George Ostrowski
Planning Commission Chairman

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary