

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

Absent: 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 Jensen, second by Borowski, to approve the agenda as published.

Motion passed.

PUBLIC COMMENTS

Resident Lynne Schrage on Marguerite requested that the Village allow privacy fences, particularly for the area on the east side of Beverly Hills where homes are closer together. She said that she talked to quite a few neighbors who had the same view. Schrage described her particular situation and why her family would benefit from a privacy fence. She distributed a sheet listing the surrounding communities that allow them. The resident asked for guidance and direction on how to proceed with promoting a change in the ordinance to allow privacy fences.

Wilson responded that privacy fences are not allowed in the Village; residents have gone before the Zoning Board of Appeals to request a variance from the ordinance. The Planning Commission often suggests that residents plant a vegetation screen in lieu of a privacy fence. Ostrowski said that the process is generally that the Planning Commission will recommend a change in the ordinance to Council, the body with the authority to adopt an ordinance amendment. The Planning Commission is a recommending body. Ostrowski suggested that this resident obtain further input from the Village Council on this matter.

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A PLANNING COMMISSION MEETING HELD SEPTEMBER 24, 2014

Motion by Borowski, second by Jensen, that the minutes of a regular Planning Commission meeting held on September 14, 2014 be approved as submitted.

Motion passed.

PUBLIC HEARING TO RECEIVE COMMENTS ON PROPOSAL FROM MENTAG DEVELOPMENT FOR PRIVATE ROAD AT 31805 EVERGREEN ROAD

It was reviewed that Council approved a land division application for property at 31805 Evergreen Road. The site is located on the west side of Evergreen Road north of Ronsdale Drive and across from Beverly Road. The owners split the property into four parcels. There is one existing house to the rear (west) of the property. The owners plan to construct homes on the remaining three parcels, all situated on a private road off of Evergreen. Because this section of

Evergreen Road is under the jurisdiction of the Village, all new roadways and driveways must be approved by the Village.

Issues were identified by the Village regarding the private road access to the property particularly with the existing driveway. 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. The petitioner's plan for a private road was denied by the Planning Commission and Council. The applicant resubmitted a second proposal for a private road with a location roughly on the south end of the property that would abandon the existing driveway and attach a driveway entrance to the private road for the property owner to the north at 31825. That property has access easement rights across the 31805 parcel.

The Village's engineering consultant firm of Hubbell, Roth & Clark has reviewed the project at 31805 Evergreen Road and the application to construct a private road on the parcel. It was the opinion of HRC that the plans submitted were in compliance with Village's engineering standards for the construction of a private road. HRC recommended approval of the project with conditions outlined in their memo of August 21, 2014. Manager Wilson outlined those conditions having to do with sight distance and sight lines; location of the proposed driveway and access easement outside of the statutory road right-of-way; screening of the driveway to the north to eliminate headlight conflicts with Evergreen Road, and; no encroachment into a sanitary sewer easement. In his memo of October 22, 2014, Wilson stated that it was the recommendation of Village Administration that the application be forwarded to Village Council for approval with the HRC requirements and with the following conditions:

- 1) Access to the property at 31825 be provided in a location on the property outside of the road easement and free from obstruction of existing vegetation and other objects.
- 2) Easements for all water and sewer utilities and site line clearance will be provided prior to approval of construction plans.

Wilson stated that the Village is in receipt of a letter dated October 21, 2014 from the law firm of Dalton & Tomich representing neighbors who live in the Ronsdale Subdivision to the south, outlining their concerns with the Mentag proposal. Wilson has also had discussions with the attorney representing the property owners to the north regarding their concerns.

Developer John Mentag was present on behalf of Julie and Ted Willett. He referred to a drawing of the proposed development and private road to address a condition from HRC regarding the driveway needing to be 33 feet from the centerline of Evergreen Road. He explained how he could modify the road. Mentag had no further comments, but would answer any questions.

Wilson informed the Planning Commission that the Village does not have a dedicated right-of-way throughout this stretch of Evergreen Road. The property owners own to the center of the road. The Village has a road easement but has never acquired the right-of-way across either of those parcels of property.

Chairperson Ostrowski opened the public hearing at 7:50 p.m.

Attorney Dan Dalton was present representing the following homeowners on Ronsdale Drive: Mr. & Mrs. Siva Thunga, Dr. and Mrs. Robert Elwood, and Mrs. Kay Fujii. His clients do not object to the new development on this property. Their issue is with placement of the road on the southerly portion of the property in close proximity to their homes. Dalton referenced Village ordinances in his correspondence to support their position. From an engineering perspective, the plan meets the road requirements. However, the Village Master Plan focuses on maintaining the residential character of neighborhoods.

Dalton said that the positioning, construction and development of a private road adjacent to his clients' backyards would severely impede their quality of life. He noted the vegetation that would be removed as part of the proposed redevelopment plan. Dalton suggested that it would make more sense to expand the current driveway on the northerly end of the property that currently exists.

Attorney Marc Drasnin was present representing Terry and Jennifer Berg, property owners of 31825 Evergreen directly north of the subject property. Drasnin said that he was present with Mr. Berg at the June 25, 2014 Planning Commission meeting, at which time the members voted to reject the private road proposal made by Mr. Willett. Drasnin said that there remains a great deal of concern regarding the revised plan proposed to the Commission. He did not think that the latest rendering displayed by Mr. Mentag alleviated the problem.

Drasnin explained that there is an existing curb cut off of Evergreen that proceeds westerly into the property and there is a driveway for access off of that to enter the Berg property to the north. Mr. Mentag is proposing a new driveway that goes nowhere; the driveway will extend to the border of the Berg boundary. The Bergs would have to cut out a large portion of their front yard and create a new driveway to connect to the proposed driveway. The proposal is to vacate the existing driveway to the Berg property and leave them without access to get in and out of their property. To adopt the plan as proposed by Mr. Mentag and Mr. Willett would have a detrimental impact on the Bergs continuing ownership of this property. The new development would landlock his client. He thought that Mr. Mentag and Mr. Willett should do the right thing and give the Bergs access in and out of their property.

No one else wished to be heard; therefore, the public hearing was closed at 8:03 p.m.

REVIEW AND CONSIDER RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING PROPOSAL FROM MENTAG DEVELOPMENT FOR A PRIVATE ROAD AT 31805 EVERGREEN ROAD

Board members discussed the matter of the Berg access to the private road from their property. Wilson said that the driveway location presented in the revised proposal would be different from the driveway location currently enjoyed by the homeowners at 31825 Evergreen. He noted that it was determined early in the process that there was not a dedicated easement for that driveway on this property; there is only an access easement. It is the Village's position that a dedicated easement be required to ensure that access to 38125 Evergreen would be maintained in a manner consistent with the municipal code. If there was a dedicated easement, the Village would take a

firmer position that the existing driveway location be protected. With only an access easement, the standard is that access must be provided; that minimum standard has been met. One of the conditions is that access must be clear of the road easement and any other vegetation or obstruction.

With regard to the Ronsdale homes, Mentag pointed out that there is a tree line that exists on the south portion of the property where the road is proposed. These trees will be maintained and five trees will be relocated to retain a mature screen for the Ronsdale residences. A 4 ft. high fence will be erected for the property that has a pool. The other properties are closed off with existing vegetation. Mentag commented on the distance between the rear yards of the Ronsdale homes and the proposed structures.

Ostrowski questioned why there wasn't a connection to the access driveway included in the plans as part of this project. Mentag said that retaining the existing driveway would result in eliminating much of the backyard of Parcel 1. The proposed driveway location is appropriate. The Bergs would have to make a 60-80 ft. connection from their existing drive to the private road connection. Mentag thought that an arrangement could be made to pave the access to the Berg driveway as part of the proposal if his clients were in agreement. Mr. Willett stated that the only thing they are asking the Bergs to do is to connect the parking area in front of their house to the new driveway leading to the private road. With regard to the easement, Willett said it was their intention to have a dedicated easement when there is an agreement as to where it will be.

Wilson remarked that it would be preferable to the Village if both parties came forward with a dedicated easement. At this point, the owners of 31825 have access rights across 31805 to their property.

Commission members questioned why an arrangement has not made between the Willetts and the Bergs prior to this meeting. There was agreement that part of this approval process would necessitate an access easement that is mutually agreed upon. The Commission cannot approve the location of a road if there is not agreement on the access to 31825 by the two parties.

It was the consensus of the Planning Commission that the plan would not be recommended for approval until there is an agreement between the two property owners with respect to access from 31825 Evergreen to the private road. The final drawings should reflect the agreed upon access arrangement. The agreement between the two homeowners should be codified in some manner and be part of the formal approval.

There were further comments from Mr. Mentag and Mr. Drasnin regarding the access issue. Terry Berg mentioned a lack of communication and information exchange with the Willetts.

Motion by Jensen, second by Grinnan, to postpone consideration of the proposal from Mentag Development for a private road at 31805 Evergreen Road.

Roll Call Vote:

Grinnan - yes
Jensen - yes
Ostrowski - yes

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

Motion passed (7 - 1).

Grinnan expressed her view on the private road concept. She lives in a neighborhood that was built to have a private road. The Village is not responsible for maintaining or plowing a private road. As time goes on, new owners come in and question why their road is not maintained when they pay the same taxes as everyone else in the Village. Private road residents are assessed for snow plowing and road repairs. Grinnan said that she has changed her view and thinks that allowing private roads is a bad policy for the Village. It creates a class of residents over time who will not vote for a millage proposal. A developer could be required to construct a road to Village standards, after which time it would be maintained by the Village through tax revenue.

Wilson related that a Council public hearing was scheduled on the Mentag development for Monday, November 3. Notification has gone out for this public hearing date. He did not think that Council would be able to proceed on this proposal without a recommendation from the Planning Commission. Wilson will confer with Attorney Ryan, but assumed that the November 3 public hearing will be rescheduled until a date following the Planning Commission recommendation on this matter.

PUBLIC HEARING TO RECEIVE COMMENTS ON PROPOSAL FROM TIMOTHY PATRICK DEVELOPMENT FOR A CONDITIONAL REZONING OF PROPERTY AT 19600 W. 13 MILE ROAD FROM R-1 TO R-3

Planning consultant Brian Borden reviewed that, at its May 28, 2014 meeting, the Planning Commission discussed a request for rezoning of a four-acre parcel at 19600 W. 13 Mile Road from R-1 to R-3 Single-Family Residential. The applicant indicated that the intent of the rezoning was to seek future approval of a development under the Village's single-family residential cluster option (Section 22.26). Based on feedback received at that meeting, representatives from Timothy Patrick Development presented a revised proposal at the July 23, 2014 meeting for a conditional rezoning of the property from R-1 to R-3. As allowed under a conditional rezoning, the applicant prepared a list of conditions to the rezoning request that they would be willing to accept. Borden highlighted the conditions set forth by the applicant. He noted that the Village does not have the authority to modify those conditions.

Patrick O'Leary representing Timothy Patrick Development stated that this is the third time they have been in front of the Planning Commission; they have had a couple of meetings with the area homeowners. There was a meeting between the attorney for the developer, Manager Wilson, Brian Borden, and Village legal counsel to discuss the best way to approach this conditional rezoning project. O'Leary said that they have attempted to balance the interests of the stakeholders including the existing land seller, the Village, and the homeowners and neighbors that are most affected.

The proposal is to have the four acres on the north side of 13 Mile Road east of Evergreen (19600 W. 13 Mile Road) rezoned from R-1 to R-3 with the conditions as follows:

- Proposed site plan attached
- Density limited to not more than 20 units
- 50' natural buffer along the northern property line
- (10) 12'-14' pines planted not closer than 15' on center along the northern property line to offer additional screening to the existing trees
- 24" evergreen shrubs planted 3' on center to provide screening for vehicle headlights
- 12'-14' pines planted 15' on center along the property zoned single family on the western border.
- Lot width not less than 50'
- Lot area not less than 5,000 square feet
- The site will be developed under the Village's Cluster Option

The property is owned by Edward Streten; the same family has owned the site since 1930. The lot is zoned R-1, and the master plan designation for future use is low density single family residential. Two residential homes currently exist on the property. The surrounding zoning to the west is multi-family on two-thirds of the site and R-1; property to the north is zoned R-1A; the east property is a church zoned as special use; the property is bound on the south side by 13 Mile Road. O'Leary stated that the Planning Commission and the Village planning consultants have acknowledged that this site's current zoning and future land use needs to be reviewed. Conditions have changed since the Master Plan was adopted. The applicant thought that the property is not properly zoned today.

O'Leary addressed the zoning classification and economic and physical feasibility of developing this site the way it is currently zoned, under R-2, R-3, and multi-family zoning. He outlined various development scenarios to demonstrate that they were not feasible for the physical standards of the property. One of the challenges of the site was the 246' width of the parcel.

The developers have met with the neighbors of Westwood Subdivision on the northern border of the development. O'Leary used the Smart Board to display pictures of the surrounding parcels. Four properties border Westwood Subdivision to the south – a church, a condominium project with high density, the 19600 property, and another church.

O'Leary displayed photographs of comparable communities to the proposed Tremont Lane and outlined the similarities to what is being proposed. They are Chatterton Village in Canton, Enclave of Heatherwood in Farmington Hills, and Charrington Crossing in Beverly Hills.

High points of the proposed developed were outlined by O'Leary. It is a site condominium to be constructed under the Village's cluster option. Tremont Lane is a private road. The density allowed under a parallel plan is 27 units; this project will have 20 units. The open space requirement is 22,000 SF; the developer is providing 37,000 SF. The setbacks required along 13 Mile are 40 ft.; the Tremont project provides 45 ft. on one side and 97 ft. on the other. A 50 ft. buffer will be provided on the northern property line where none is required. A natural landscape design concept will incorporate detention areas as a water feature. O'Leary displayed a drawing

of the proposed site plan and talked about improvements since the last submittal. He highlighted buffer and landscape screening for Westwood neighbors.

There have been discussions with the Village on the utilities and the capacity, and it was confirmed that there was capacity for what is being proposed. Traffic research has been done; there is no impact on traffic for this number of homes on 13 Mile Road. O’Leary mentioned the positive economic impact for the Village in terms of generating tax revenue. A summary of market conditions indicate that there was not a single offer on this site that was not contingent on a rezoning of property.

The presentation outlined the Cluster Option. O’Leary said that the proposed development has met or exceeded requirements. There are three floor plans for the homes.

Chairperson Ostrowski opened the public hearing at 9:29 p.m.

Pete Kelly of 31220 Sunset asked if the conditions presented for the development are enforceable by the Village. Borden explained that the Planning Commission will make a recommendation to the Village Council on the request. If the Council were to grant the conditional rezoning as presented, the Village Attorney would draft a zoning agreement; that agreement would bind the petitioners to the conditions they put forth. There is usually a timetable agreed upon between the parties. If the petitioner does not proceed with the project, the Village has the authority to rezone the property back to its former zoning district.

Kelly asked a couple of questions regarding the greenbelt, which were addressed by O’Leary. A landscape plan would be developed and reviewed as part of the process. Kelly questioned the square footage and price range of the Tremont houses. O’Leary responded that the average square footage of the three floor plans is 2,565 SF; the average price is \$429,000.

Borden added that there are a couple of stages to this development process. A condition of the project is that the applicants will develop under the Village’s cluster option. The cluster option encompasses a two-step review process. There is a qualification and conception plan review followed by a final site plan review. If the project moves forward, there would be a final site plan in place that would specify all the landscape and buffering details.

Bob Daniels of 19710 W. 13 Mile Road introduced himself as president of Beverly Manor condominiums, which abut the proposed project. He asked that the landscaping and tree line continue all the way down to the sidewalk on 13 Mile Road to provide separation of the two properties.

Kathy Streten Charbeneau was present speaking on behalf of her father, Edward Streten, who lives in Lake George, Michigan. Her father had great memories of living at 19600 W. 13 Mile Road since 1932 when there were strip farms down 13 Mile Road. Charbeneau appreciated the participation and consideration of the Commission members at this meeting.

Laura Shriner, attorney for Mr. Streten, pointed out that this development would be a benefit to the Village in the long term. She asked the Planning Commission to support Mr. O’Leary’s proposal.

Steve Macke of 31232 West Chelton said that he was a realtor who sells homes in Beverly Hills. He commented positively on the presentation featuring quality, mid-priced homes. Macke mentioned that there was a demand for homes with first floor master suites.

No one else wished to be heard; the public hearing was closed at 9:45 p.m.

REVIEW AND CONSIDER RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING PROPOSAL FOR A CONDITIONAL REZONING OF PROPERTY LOCATED AT 19600 W. 13 MILE ROAD FROM R-1 TO R-3

Commission members commended developer Patrick O’Leary on his proposal for development of this property and for addressing the concerns of adjacent property owners. The developer Patrick O’Leary addressed questions from members regarding side yard setbacks, buffer zone for adjacent properties, the road configuration, etc.

Borden responded to an inquiry as to how conditions of the proposal would be documented and incorporated into the final approval. If Council were to grant a conditional rezoning, the Village attorney would draft an Agreement between the Village and the developer/property owner that would incorporate the eight conditions of the rezoning. It would become a binding agreement. The conditional rezoning agreement would apply to the developer and to any future owner or developer of the property.

Before the Planning Commission for consideration at this time is a recommendation to Council to approve the conditional rezoning. Development under the Village Cluster Option would involve site plan review and approval. In response to an inquiry, Patrick O’Leary clarified that inclusion of the site plan will be a condition of the rezoning.

Motion by Borowski, second by Jensen, that the Planning Commission recommend to the Village Council that the conditional rezoning of 19600 W. 13 Mile Road be approved as detailed in the Timothy Patrick Development letter of September 30, 2014.

Roll Call Vote:
Motion passed (8 – 0).

DISCUSS MASTER PLAN

Brian Borden reminded everyone that the Master Plan public workshop will be held at the Village office on Monday, October 27 starting at 4 pm and ending at 6:30 or 7 pm. He asked that as many members attend as possible. Borden outlined what will occur at this informal event. It is anticipated that comments and feedback from those attending will be compiled and considered by the subcommittee members as they work on the master plan update.

COMMISSIONER’S COMMENTS

Grinnan commented on the development proposal for the 13 Mile Road property. There has been a lot of dialog between the developer and the neighbors. This Commission guided them in a good way.

Grinnan suggested that her thoughts on private roads in the Village be part of the master plan discussion if there is interest on the Planning Commission. Ostrowski thought that private road requirements should be amended to meet county standards. Wilson related that a private road built to Class A standards could be dedicated to the Village.

Ruprich mentioned that Lahser Road from 13 Mile to Maple will be improved next year. Wilson added that there will be a public preconstruction meeting on this road repair on November 19 from 4 to 7 pm at Groves High School. The Village is working with the Road Commission on the potential of installing sidewalk along the west side of Lahser from 13 to 14 Mile at the Village’s expense.

Westerlund stated that the Planning Commission has talked about requiring businesses to be licensed. He spoke with an individual from another community that requires a certificate of zoning before a new business is issued a certificate of occupancy. The operator has to file a form with the planning department to verify that their zoning is appropriate for their use. Letters are sent out to all property owners informing them that this is a requirement for any new tenant. When a space is leased, the tenant must fill out a certificate of zoning compliance. The code enforcement department keeps tabs on this. There is a fine to the property owner if they do not file.

Westerlund reminded everyone of the 19th Annual Halloween Hoot this Sunday, October 26.

Peddie had questions about the newly instituted leaf pickup program, which were addressed by Manager Wilson.

Abboud commented that traffic on northbound Southfield Road between 11 and 13 Mile Roads is increasing due to the new development. He concurred with Grinnan’s view about private roads. Abboud announced that he is officially a write-in candidate for Village Council.

Jensen commented on the Evergreen Road development presented tonight, which led to further comments by Commission members and Wilson.

ADMINISTRATION COMMENTS

Wilson reported on a recent Southfield Road Corridor Steering Committee meeting. The members are preparing the final alternatives on recommendations for the road reconstruction. Wilson mentioned that roundabouts are out of the picture at this point. There were alternatives with roundabouts at 12 Mile and 13 Mile. The 12 Mile roundabout would have been three lanes. Given the traffic volume, this was pushing the extremes of functionality for a roundabout. The land required for the rights-of-way for that option would be major. The space requirements for these roundabouts are enormous, so those issues are off the table.

The Steering Committee has gone through variations of the boulevard scenario. Wilson discussed an issue he brought up on the Village's behalf relative to inadequate stacking of vehicles too close to the 13 Mile Road intersection. The committee is attempting to arrive at a model for the boulevard concept that will allow traffic to flow through freely and improve the functionality of the 13 Mile Road intersection. Wilson said that a tentative meeting of the steering committee has been scheduled for November 20 at Lathrup Village Hall.

PLANNING COMMISSION MEETING DATES

The regular Planning Commission meeting in November was moved to Wednesday, November 19 at 7:30 p.m. The December Planning Commission meeting will be held on Wednesday, December 10.

PUBLIC COMMENTS

None

Motion by Westerlund, second by Ruprich, to adjourn the meeting at 10:30 p.m.

Motion passed.

George Ostrowski
Planning Commission Chairman

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary