

Present: Chairperson Ostrowski; Vice Chair Westerlund; Members: Borowski, Grinnan, and Stempien

Absent: Jensen and Ruprich

Also Present: Village Manager, Chris Wilson  
Council members, Abboud and Kelly

Chairperson Ostrowski called the meeting to order at 7:42 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

### **APPROVE/AMEND AGENDA**

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

Motion passed.

### **PUBLIC COMMENTS**

Council member Rock Abboud had inquiries about the new sign for the veterinary clinic at Southfield and 14 Mile Road. Wilson responded that he spoke with the business owner and will address this sign during the administration comments portion of the meeting.

### **REVIEW AND CONSIDER APPROVAL OF MINUTES OF A PLANNING COMMISSION MEETING HELD NOVEMBER 19, 2014**

Motion by Westerlund, second by Grinnan, that the minutes of a regular Planning Commission meeting held on November 19, 2014 be approved as submitted.

Motion passed.

### **JOINT PLANNING COMMISSION/COUNCIL MEETING REVIEW**

Ostrowski provided Commission members with a sheet outlining information discussed at last year's joint meeting with Council; a list of 2014 Planning Commission activities and accomplishments; and recent activity undertaken by the Planning Commission. He asked for ideas on discussion items for the upcoming joint meeting with Council on February 11, 2015.

Ostrowski proposed two items for the joint meeting agenda:

- Discuss Master Plan update status and anticipated timeline
- Discussion of possible business licensing ordinance/code compliance review in the Village to aid in enforcement of existing ordinances

Ostrowski said that a business licensing requirement would reveal nonconforming issues when existing uses turn over and do not require a site plan review. It would assist with implementing the Village sign ordinance.

Private Roads in the Village - Grinnan presented her thoughts on the topic of private roads in the Village. In her view, private roads in new developments have been a trend that has played out in a negative way for the Village. Commission members discussed the issue of private roads at some length.

Wilson addressed whether current private roads could be turned over to the Village for maintenance if they are not constructed to Village standards; the 60 ft. road right-of-way requirement is the biggest problem. He talked about the need to implement a master deed for condominium developments so that financial obligations associated with private roads are calculated for the homeowner association to ensure that adequate funds are set aside to maintain roads.

Ostrowski made the point that redevelopment on Southfield Road using the overlay district would be prohibitive if 60 ft. road right-of-ways were required for public access through the Village Center.

Allocate funds for marketing the Village Center to stimulate interest was a suggestion from Westerlund for the joint meeting.

Establishment of a PUD Ordinance was a discussion topic suggested by Ostrowski.

Ostrowski listed items discussed at the 2014 joint meeting with Council and 2014 Planning Commission accomplishments.

2/12/2014 Joint Council – Planning Commission Meeting

Primary discussion items and goals for 2014 were

1. Master Plan update
2. Discussion of policies and procedures for site planning process, code enforcement, application and permit fees and land use interpretation issues

Additional topics from Agenda and Minutes

3. Liquor control ordinance
4. Pattern book and design guidelines for Village Center
5. Discussion of tree protection ordinance
6. Discussion of establishment of escrow fund for "contributions in lieu of" for both Village Center overlay and potential tree fund

2014 Planning Commission Activities and Accomplishments

1. Master Plan work has commenced, subcommittee formed, public workshop held 10/27/14
2. Recommended approval of the first Conditional Rezoning in the Village for 13 Mile Road property
3. Recommended approval of DCDS mechanical equipment building expansion.
4. Land Division for 18414 and 18450 Warwick, forwarded for approval
5. Evergreen Road Land Division, heard, tabled ultimately forwarded with recommendation.
6. Multiple Sign approval requests including: Michigan Beer Growler Co., Biggby Coffee, Independent Bank, Hear USA, Northbrook Presbyterian Church
7. Continued discussion of sign ordinance amendment to correct vagaries in the language and intent

Amendment to Sign Ordinance – Commission members have had discussions about how to tighten up the sign ordinance and arrive at a way to decrease nonconformity. There has been conversation about eliminating nonconforming multi-tenant signs without creating unintended consequences that are undesirable. Whether to adopt a sunset clause on nonconforming signs

would be a political decision that should be discussed with the Village Council. The current ordinance would have to be taken out of the Zoning Ordinance and moved to the Municipal Code in order to adopt a sunset clause. Further, the Village would be responsible for some sort of remuneration. Members have given serious consideration to this idea even if it means subsidizing a portion of the cost of sign removal or replacement.

It was the consensus of Commission members to describe recent problems and issues with the sign ordinance at the joint meeting and request Council direction. The Planning Commission will provide its recommendations on how to address discrepancies in the sign ordinance and eliminate nonconformities. Stempien volunteered to do a visual presentation of the issues; outline what the Commission is trying to achieve; and present a recommendation and options for Council consideration.

Consideration of Cottage Housing Ordinance has been a topic of discussion at Planning Commission meetings. Cottage Housing could be added as a development option to the existing Zoning Ordinance with a PUD (Planned Unit Development) ordinance.

Members noted that there will be a limited amount of time to discuss issues with Council. Conversation on some of the items could be on a macro level. Several major topics of discussion will be selected for the agenda.

#### **DISCUSS SIGN ORDINANCE AMENDMENT**

This agenda item was postponed until after the joint meeting with Council scheduled for February 11, 2015. After its discussion with Council, the Planning Commission will have a better idea regarding which course to pursue.

#### **DISCUSS MASTER PLAN**

Kathleen Duffy stated that the master plan subcommittee will work on defining its direction at the next meeting. She has been working on the existing conditions portion of the plan. It was mentioned that there are vacancies on the subcommittee due to the election of Rock Abboud and Lee Peddie to the Village Council. Patrick Westerlund and George Ostrowski volunteered to serve on the subcommittee with Vince Borowski. The next meeting will be held in January.

Duffy will be working on incorporating Cottage Housing into a PUD ordinance as a recommendation. She will prepare ideas and draft material for subcommittee review.

#### **COMMISSIONERS' COMMENTS**

Commission members wished everyone a happy holiday.

#### **ADMINISTRATION COMMENTS**

Wilson related that the veterinary clinic at Southfield and 14 Mile Road erected a new sign without a permit to replace an existing ground sign. The Village contacted the business owner who indicated that the sign face was replaced and that the sign company did not apply for a permit. There was some discussion on whether the previous sign was backlit. The business owner was instructed to be prepared to come before the Planning Commission at its January 28, 2015 meeting to request approval for the new sign.

Wilson stated that the private road proposal for the Mentag development at 31805 Evergreen Road is ongoing. The parties have not met as yet to resolve their issues. The developer asked if he and the property owner could present an alternative proposal to the Planning Commission indicating what they would be willing to do on the site if the property owner to the north refuses to meet with them. Wilson responded that the Village Engineer and LSL Planning would have to review their proposal before it goes to the Planning Commission. The direction of the Planning Commission has been to require the parties to work out the private road issues among themselves. At some point, the Planning Commission may want to consider a proposal from the developer. This will be an agenda item for the January 28, 2015 Planning Commission meeting.

Wilson informed the Commission that Council will hold a strategy meeting on Saturday, January 10, 2015 from 9 am until noon. The Council President has requested participation of the chairs of Village boards and commissions.

Wilson remarked that the Planning Commission may want to keep its eye on pending State Legislation that applies to rental properties. There are rental property initiatives that would restrict the ability of municipalities to inspect and register rental properties in their communities. Wilson believes that this would be an usurpation of municipal power.

Wilson brought it to the Planning Commission's attention that the Village has an adult foster care facility operating in one of its subdivisions. Administration turned this over to the State for investigation. It was the position of the State that this home is not an adult foster care facility because there are people who are renting rooms from a private landlord and paying for in-home medical service through two separate processes. In order to be an adult foster care facility, residents have to pay for their residential occupation and their medical care to the same person.

Under this interpretation, the State is saying that people can board in a house and contact the local hospice or home health care facility for service, and it will not be considered an adult foster care facility. It is a rental house for people who are getting private in-home medical care. Wilson views this as problematic for the reason that most municipalities have regulations addressing where adult foster care facilities can be located. There are organizations that have found their way around state regulations and local ordinances and maintain that they are not running an adult foster care facility. Wilson maintains that it is an adult foster care facility if there are people living in a home who are not related and are receiving 24/7 medical care. The State is saying that it is up to the municipality to regulate this.

Wilson stated that the Village can inspect this foster care facility as a rental property. Further, the Village has an ordinance that regulates the definition of a family unit. The Village can bring this issue before Circuit Court and seek an injunction. It is the Village's position that this is an adult foster care facility, and it is not allowed to be operating in this zoning district.

Wilson related that he contacted newly elected State representative Jeremy Moss, who understands this issue. Area residents are concerned about this adult foster care facility in their neighborhood. Wilson is also concerned about the well being of the elderly people living this house. Administration will continue to focus on this matter, which is an usurpation of the Village's local zoning authority.

**PUBLIC COMMENTS**

Council member Abboud commented on the conditional rezoning proposal before the Village. He noted that the Public Safety Director has expressed concern about the ability of a fire truck to make the turn around the cul-de-sac proposed for this development. Abboud encouraged the Planning Commission to consider this during the site plan review process. Abboud commented on the nonconforming sign erected at the veterinarian clinic on 14 Mile Road.

Motion by Borowski, second by Westerlund, to adjourn the meeting at 8:52 p.m.

Motion passed.

**George Ostrowski**  
**Planning Commission Chairman**

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

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