

Present: Chairperson Ostrowski; Vice Chair Westerlund; Members: Borowski, Chegash, Drummond, Grinnan and Ruprich

Absent: Jensen and Stempien

Also Present: Village Manager, Chris Wilson

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

Chairman Ostrowski referred to agenda item #10, “Review and consider request for AT&T collocation on existing light pole at Berkshire Middle School, AT&T site ID: MI1803”. The applicant is proposing to install antennas at the top of an existing light pole and a shelter for housing the equipment located at the base of the tower within a fence in leased area. Because the structure is on school property, the Planning Commission has limited regulatory authority. Ostrowski questioned whether there was a consensus of the Planning Commission to remove the item from the agenda to allow for administrative review and approval of all zoning and code issues related to this request from AT&T.

Questions from Board members were addressed by Wilson. AT&T has submitted a request for collocation on an existing structure at Berkshire Middle School. Wilson suggested that this application is appropriate for administrative review. The proposal meets specifications put forward in the ordinance for materials, size and zoning compliance. The State of Michigan will conduct a site plan review as well as building code and compliance inspections.

AT&T representative Wallace Haley was present in the audience. There were no members of the public with questions or comments regarding the AT&T request for collocation.

Motion by Westerlund, second by Grinnan, to remove the following item from the agenda, “Review and consider request for AT&T collocation on existing light pole at Berkshire Middle School” for the reason that the State of Michigan has jurisdiction over structures located on school property. This item will receive Administrative review and approval from the Village.

Motion passed.

Motion by Borowski, second by Westerlund, to approve the agenda as amended.

Motion passed.

PUBLIC COMMENTS

None

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A PLANNING COMMISSION MEETING HELD DECEMBER 10, 2014

Motion by Westerlund, second by Grinnan, that the minutes of a regular Planning Commission meeting held on December 10, 2014 be approved as submitted.

Motion passed.

REVIEW AND CONSIDER REQUEST FROM ADVANCED IMPLANT & COSMETIC DENTISTRY TO ERECT A PERMANENT SIGN AT 16281 W. 14 MILE ROAD

Before the Planning Commission for consideration is a sign permit application from Advanced Implant & Cosmetic Dentistry at 16231 14 Mile Road for erection of a new wall sign. There was no one present on behalf of the applicant.

As a separate issue from the proposed wall sign, it was indicated that this applicant has replaced a sign panel on the ground sign without a permit from the Village. Manager Wilson was asked to inform the applicant that they must submit a separate application for a change in the ground sign.

The Planning Commission tabled the request from Advanced Implant & Cosmetic Dentistry to erect a permanent wall sign for the reason that the applicant was not present to discuss his proposal.

REVIEW AND CONSIDER REQUEST FROM BEVERLY HILLS VETERINARY ASSOCIATES TO ALTER EXISTING SIGN WITH NEW SIGN FACE FOR BUSINESS AT 32831 SOUTHFIELD ROAD

Planning consultant Brian Borden outlined his review letter dated January 23, 2015 regarding an application requesting a sign face change within an existing sign for Beverly Hills Veterinary Associates located at 32831 Southfield Road. Borden noted that the existing sign is nonconforming with the current sign ordinance for these reasons:

- Maximum sign area – 30 s.f. permitted; the existing sign is 32 s.f.
- Sign type – given its 3 ft. clearance from grade to the bottom of the sign, the existing sign does not meet the definition of a “ground sign” and would likely be considered a “pole sign”, which is a prohibited sign type.

Based on the photographs submitted, it appeared that the sign was internally illuminated. If a sign exceeds 30% internal illumination, this would be another reason it would not conform to the current ordinance.

The applicant has replaced a nonconforming sign face with another of equal size, which is permissible under the ordinance. While he acknowledged that there has been an ongoing debate regarding nonconforming signage, Borden thought that the Village was in a position to approve this request. He suggested that the sign could be lowered to be 2 ft. from grade in order to reduce the nonconformity. Additional low plantings could be placed under the sign as recommended in the ordinance. Borden observed that there was a spotlight on the property shining towards the building, which does not comply with sign or lighting regulations. The applicant should be encouraged to remove that spotlight.

Kevin Windsor, new owner of Beverly Hills Veterinary Associates, stated that he bought the practice and the building in June of 2014; he has been a practicing veterinarian there since 2000. The building interior and exterior needed updating. He made improvements to the exterior of the building and the parking lot last summer. The property was re-landscaped. There are boxwoods planted under and surrounding the sign.

Windsor contacted Fulcrum Services to have the sign updated with their new logo. The sign company informed him that a permit was not necessary to replace the sign face. There is a halogen light that has illuminated the front part of the building for 20 years. Windsor replaced the bulb with an LED bulb.

Windsor informed the Board that he intends to renovate the outside and inside of the building in the next 1½-2 years. He assured the Commission that part of that work will be to replace the current sign with a conforming sign.

Commission members discussed how to proceed with the request to change the face of the existing nonconforming sign with a new face for the same business. Questions and comments included a suggestion to lessen the interior light. Members were inclined to take the business owner at his word that he intends to replace the current sign with a conforming sign within two years.

Motion by Chegash, second by Ruprich, to approve the application for sign permit from Beverly Hills Veterinary Associates to change the face on an existing nonconforming sign located at 32831 Southfield Road.

Roll Call Vote:
Motion passed (7 – 0).

PUBLIC HEARING ON A REQUEST FROM TIMOTHY PATRICK HOMES FOR A CLUSTER CONCEPT QUALIFICATION AND DEVELOPMENT PLAN FOR 19600 W. 13 MILE ROAD

Planning consultant Brian Borden presented a procedural overview of the submittal before hearing the applicant's presentation. At its meeting of December 2, 2014, the Village Council rezoned the approximately 4-acre site to R-3 Single Family Residential under a conditional rezoning request submitted by the applicant. A conditional rezoning includes a zoning agreement document that binds the applicant to certain terms and conditions as part of the rezoning.

One of the terms of the zoning agreement between the Village and applicant was that development of the property would be done under the Village's cluster housing option (Section 22.26 of the Zoning Ordinance). The Agreement limited the density to not more than 20 units. Other conditions provided buffer areas along the north and northwest property line where the site is contiguous with developed detached single family residences.

Borden stated that the Village Ordinance Section 22.26 dictates a two-step process for review and approval of the Cluster Housing Option: 1) Review of cluster qualifications and a concept plan; and 2) Review of a final site plan. Both steps require a recommendation by the Planning Commission to the Village Council, which has the authority to grant or deny the request at each step. Both bodies must conduct a public hearing at each step of the review process.

The Planning Commission will consider the proposal this evening in terms of whether it qualifies for development under the cluster housing option. In accordance with Section 22.26.030, the Village may allow clustering on sites that "have characteristics which would make sound physical development under the normal subdivision approach undesirable because of location, because the site has natural characteristics which are worth preserving or which make platting

difficult, or if the proposed clustering plan provides a recognizable and substantial benefit to the Village.”

The Planning Commission will be reviewing a concept plan as part of the qualification process. A concept plan has been provided by the applicant and has been reviewed in the correspondence from LSL Planning. If the Planning Commission recommends that the proposal qualifies for construction under the Cluster Housing Option and recommends approval of the concept plan, the next step is final site plan review.

Tim Stapleton with Timothy Patrick Homes, LLC, developer of Tremont Lane, referred to a submittal dated December 22, 2014 to outline how the site meets the qualifications for cluster development under the Village Ordinance. He listed items that show that the proposed development has characteristics that would make sound physical development under the normal subdivision approach undesirable because of location and because the site has natural characteristics which are worth preserving or which make platting difficult: a substantial portion of the site borders 13 Mile Road; the site borders RM zoning and a special use (church); there is no connection to neighboring communities; property size and shape make development under a normal approach with traditional zoning setbacks undesirable due to shallow building envelopes; R3 zoning would allow detached garages with 5’ rear yard property setbacks.

Stapleton added that the proposed clustering plan provides a recognizable and substantial benefit to the Village as follows: provides single family housing on a site that is vulnerable to multi-family zoning and product; there is a natural buffer to R1 property on the north property line; site plan provides detached single family homes; proposed density of 5 units/acre is less than bordering RM zoning; significant economic benefit to the Village in increased tax revenue.

In approving an area for cluster development, Council must find at least one of four conditions to exist. Stapleton maintained that the submittal satisfies condition (a) and (d): (a) The entire southern boundary of the site is bordered by 13 Mile Road, which is the only ingress and egress from the site; (d) A minimum of 50’ natural buffer along the northern and western boundary of the site is being proposed to save mature hardwoods and buffer existing single family residences. Mature evergreen trees are proposed along the western boundary to buffer existing residences.

Ordinance Section 22.26.030 (e) requires that the Village find the proposed clustering plan to meet all of four additional criteria. Stapleton outlined how the development would result in a recognizable and substantial benefit to the direct users of the plan and to the community; would not have an adverse impact on future development within the Village; would be consistent with the intent and spirit of the Ordinance, and would not impede the continued use of future development of surrounding properties for uses permitted in the Zoning Ordinance nor diminish their value.

Chairman Ostrowski opened the public hearing on the Cluster Conceptual Review Submission for Tremont Lane at 8:12 p.m.

Ann Baker-Zainea on 19559 Waltham stated that her property abuts the development site. The neighbors appreciate the green barrier proposed along the northern property line; they request that the Village require the developers to maintain the greenbelt for 10 years. Residents are concerned about the road that will open their backyards to traffic from 13 Mile Road and people

cutting through to Groves High School. Baker-Zainea would like the developers to consider installing a fence in addition to the greenbelt.

Borden commented that there is a section of the ordinance that relates to buffering that will be addressed during the site plan review process.

Bob Walsh of 20655 Smallwood Court had comments and questions on the proposal for rezoning from R1 to R3. He questioned whether the qualifications for cluster development have been demonstrated by the applicant. Walsh was informed that some of the issues he mentioned would be addressed during site plan review. Ostrowski explained that the developer is proceeding under a conditional rezoning whereby the conditions would become part of a binding agreement with the Village. At his request, Manager Wilson will provide Walsh with a copy of the contract document prepared by the Village Attorney.

Todd Schafer of 31504 Sunset outlined his concerns relative to the potential basis for qualifying for the cluster option under the specific guidelines of Section 22.26.030 of the ordinance. He did not think that the site would meet either condition (a), (d) or (e). Schafer reviewed and made inquiries regarding Section 22.26.040 Preliminary Determination, Concept Review, and Final Approval. Questions on Sections 22.26.050 Standards for Cluster Option were addressed by Brian Borden. It was clarified that compliance with site condominium requirements will be addressed during site plan review.

No one else wished to be heard. The public hearing was closed at 8:33 p.m.

REVIEW AND CONSIDER RECOMMENDATION TO COUNCIL REGARDING TREMONT LANE CLUSTER CONCEPT QUALIFICATION AND DEVELOPMENT PLAN FOR 19600 W. 13 MILE ROAD

Borden referred to his review letter of January 23, 2015. He commented that the qualifications for cluster option development involve some level of interpretation. In accordance with Section 22.26.030, the Village may allow clustering on sites that “have characteristics which would make sound physical development under the normal subdivision approach undesirable because of location, because the site has natural characteristics which are worth preserving or which make platting difficult, or if the proposed clustering plan provides a recognizable and substantial benefit to the Village.” As noted by the applicant and previously discussed during review of the conditional rezoning, the subject site does have some characteristics that seem to support use of the cluster option:

- Frontage along a main roadway (13 Mile);
- Adjacency to more intensive uses on the east and west sides – an institutional use and multiple-family residential; and
- Retention of open space and inclusion of landscaping to act as a buffer where adjacent to single-family residences.

The Village must find that the site provides at least one of four conditions. Conditions (b) and (c) are not present on the site. Borden suggested that the best case can be made for compliance with (a) or (d).

a. A substantial part of the parcel's perimeter is bordered by a major or intermediate thoroughfare which would result in a substantial proportion of the lots or single family dwellings of the development fronting on the major or intermediate thoroughfare.

d. The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features or other natural assets which should be preserved.

Borden added that subsection (e) states that the Village must find that the proposed clustering plan meets all of four criteria. He addressed this section in his review letter and felt comfortable that this condition was met.

Commission members discussed whether the submittal meets the qualification for development under the Cluster Option and which specific qualification should be included in a recommendation to Council. There was agreement that the site meets at least condition (d) and that the development would be a benefit to the Village. It was noted that the large stands of trees need to be identified in the site plan documents. A detailed landscape and tree protection plan is suggested as part of the final site plan review.

Borden commented that there are two sections of the ordinance that could be cited in any action taken by this body. The first part would be Qualifications and the second part would be the Standards for Cluster Option including standards applicable for project proposed under the cluster option including density, spacing, setbacks, height, and buffering. It was indicated that site condominium documents must be prepared and presented at the final site plan review. Engineering will take place going into the site plan review.

Motion by Borowski, second by Chegash, to recommend Council approval of the request for Cluster Concept approval by Timothy Patrick Homes, LLC for property located at 19600 West 13 Mile Road based on demonstration that qualification standards of Ordinance Section 22.26.030 have been met in terms of the following conditions:

a. A substantial part of the parcel's perimeter is bordered by a major or intermediate thoroughfare which would result in a substantial proportion of the lots or single family dwellings of the development fronting on the major or intermediate thoroughfare.

d. The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features or other natural assets which should be preserved.

e. The Village Council finds that the proposed clustering plan meets all of the following criteria:

1. Implementation of the cluster plan shall result in a recognizable and substantial benefit to the direct users of the plan and to the community. For the purpose of this approval a recognizable and substantial benefit is defined as follows: A clear benefit, both to the

ultimate users of the property in question and to the Village, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include: long-term protection or preservation of natural resources, preservation of historical structures or significant architectural features; or, elimination of nonconforming use(s) or structure(s);

2. The proposed development shall not have an adverse impact on future development within the Village as presented in the adopted Village Master Plan.

3. The proposed development shall be consistent with the intent and spirit of this Ordinance; and

4. The proposed development shall not impede the continued use of future development of surrounding properties for uses that are permitted in the Zoning Ordinance nor diminish their value.

Further, the concept plan meets Section 22.26.050 Standards for Cluster Option with the caveat that a final site plan is subject to the following: 1) addressing all items outlined in LSL Planning review letter dated January 23, 2015; 2) engineering review; 3) provision of condominium documents required for site condominium development; 4) a tree protection or preservation plan as part of the landscape plan.

Roll Call Vote:

Chegash	- yes
Drummond	- yes
Grinnan	- yes
Ostrowski	- yes
Ruprich	- yes
Westerlund	- no
Borowski	- yes

Motion passed (6 – 1).

REVIEW AND CONSIDER RECOMMENDATION TO COUNCIL REGARDING 31805 EVERGREEN ROAD

Wilson reviewed that the proposal from Mentag Development for a private road at 31805 Evergreen Road was tabled by the Planning Commission at its October 22, 2014 meeting. It was the consensus of the members that the private road application not be recommended for approval until there was an agreement between the two property owners with respect to access from 31825 Evergreen to the private road.

As background, Wilson related that Council approved a land division application for property at 31805 Evergreen Road in April of 2014. 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.

The applicant's second proposal for a private road was located roughly on the south end of the property and 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 revised plan was reviewed by HRC and was in compliance with Village's engineering standards for the construction of a private road.

There was a lengthy discussion at the October meeting on the matter of the Berg access to the private road from their property with comments made by both parties (the Bergs and the Willets) and their attorneys. It was the consensus of the Planning Commission at that time that the plan would not be recommended for approval until there was 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, and the agreement between the two homeowners should be codified in some manner and be part of the formal approval.

Wilson stated that the petitioners have submitted private road plans dated January 7, 2015 with two alternate access drive options for the 31805 Evergreen Road project. The petitioner would like to pursue the option whereby the driveway going to the property to the north curves west along the northern edge of Parcel 1 connecting to the existing driveway access to the Berg property. This option addresses some of the concerns voiced by the Bergs. There was an alternate plan, but Village administration had issues with that plan from an engineering perspective.

Wilson said that there has been discussion between the parties since November of 2014. He does not believe that there is a written agreement at this time. Wilson proposed hearing from the concerned parties.

Ted Willet, petitioner and co-owner of 31805 Evergreen Road, stated that he is present to seek approval of a revised private road design. He displayed an engineering drawing of the proposed private road. It shows a drive that connects to the Bergs' existing driveway, runs along the property line, and heads toward the private road.

Willet provided background information on his proposal for lot splits and a private road. He was confident that the new private road plan meets the main objectives: 1) It eliminates an unsafe driveway access to Evergreen; 2) It preserves and improves the Bergs easement rights; 3) It gives the Willets three new buildable lots. Willet believed that the needs of all affected parties have been met. There has been ongoing discussion between the Willets and the Bergs and their attorneys; the parties have arrived at a verbal agreement. Willet said that they will discuss and prepare an access road agreement and maintenance agreement. He requested approval of the proposed private road plan.

Ostrowski mentioned that this is not a public hearing, but residents who would like to speak to the development of this property may come forward. He clarified that the request before the Planning Commission is to recommend approval of the private road. Council has approved the lot splits. The applicant has not submitted site plan review documents to the Village to date.

The following individuals were primarily residents from Ronsdale Subdivision whose property abuts the Willet parcel. They related their concerns and questions regarding the lack of involvement of the Ronsdale Subdivision in future plans for the development of property; planting and maintaining a greenbelt for screening along the property line; constructing a fence in addition to greenery; fence height; protection of property values in Ronsdale; swale drainage to preserve trees; private road standards; removal of trees will cause headlights from Beverly Road traffic to shine into their backyards. Ronsdale residents would like the private road to be located on the north side of the Willet property rather than at the south end of the parcel.

Alan Sefton	20205 Ronsdale Drive
Siva Thunga (representing himself and Mrs. Fujii)	20024 Ronsdale Drive
Robert Ellwood	20046 Ronsdale
Bernard Schreier	20220 Ronsdale
David Crawford	20153 Evans Court

Attorney Marc Drasnin was present representing Terry and Jennifer Berg, property owners of 31825 Evergreen directly north of the subject property. Drasnin referred to previous communication he has had with the counsel for the developer, Village Attorney Ryan, and Manager Wilson. The concern at the previous Planning Commission meetings was that the Bergs would potentially lose their access to and from their home. The developer has reworked the plan so that the Bergs would end up with a dedicated easement along their property for continued ingress and egress to their home. The developer will construct a service road that will hug the northern boundary of their property and tie into the Berg's existing driveway.

The developers are proposing vacating the existing road and building a connecting hook as set forth in the revised plan. The Bergs acknowledge that this will suffice and allow them to have continuing ingress and egress to their property. Drasnin stated that he and Paul Cavanaugh representing the Willets have discussed a number of issues; it is their intent to memorialize them in a written agreement that will be prepared expeditiously.

Paul Cavanaugh, attorney for the Willets, addressed comments from Ronsdale residents. He said that the Willets have talked to many Ronsdale residents and have agreed to consider screening proposals. Cavanaugh contacted attorney Dan Dalton, who is representing Ronsdale residents, regarding the concerns of his clients. Mr. Dalton related that the Ronsdale residents want the private road to be constructed on the north side of the property. Cavanaugh responded that the Village would not approve the road and access on the north end of the property due to sight distance and traffic safety issues. Mr. Dalton has been informed that the Willets are willing to work with Ronsdale residents on any other issues; they have not heard back from Mr. Dalton.

Developer John Mentag stated that, following the original presentation of this project, the plan was revised to relocate trees on the south property line. The petitioners also agreed to construct a fence across the rear lot line of abutting properties. Mentag addressed inquiries on the need and location of swales.

Planning Commission members discussed the private road proposal. Westerlund mentioned that he would like to see a fence continue east along the south property line from a consistency standpoint in conjunction with a landscaping buffer.

In response to an inquiry regarding the next steps, Wilson stated that there will be a site plan process if the petitioner proceeds with a subdivision development. However, the lots may be sold to a developer as a group or individually. The Village does not have a site plan because the applicant is not proposing to develop the property at this time. Issues regarding screening and fencing could be part of the private road approval. More detail will go into site plan review with this applicant or with another developer who may purchase these buildable lots in the future.

Members talked about a request from Ronsdale residents to table consideration of the private road until there are additional meetings between the applicant and abutting property owners. The majority of Commission members were not in favor of withholding consideration of the private road proposal for the reason of continuing discussions with Ronsdale residents.

Motion by Westerlund, second by Ruprich, that the Planning Commission recommends Council approval of an application for a private road at 31805 Evergreen Road as presented at this meeting with the stipulation that the 4 ft. privacy fence along the southern boundary of the site be extended to the east along the two adjacent properties. The Planning Commission also encourages communication between the applicant and Ronsdale subdivision residents regarding development of the site. The applicant and the property owners to the north have reached a verbal agreement on the location of the access drive easement that will be followed up with written documentation for a dedicated easement.

Roll Call Vote:

Drummond - no
Grinnan - yes
Ostrowski - yes
Ruprich - yes
Westerlund - yes
Borowski - yes
Chegash - yes

Motion passed (6 – 1).

DISCUSSION OF MASTER PLAN UPDATE

Ostrowski related that, at a special Council meeting held on January 10, 2015, President Mooney requested that the Master Plan update be an agenda item for the February joint meeting with the Planning Commission. Other agenda items for the February 11 meeting will be: 1) marketing of the Village corridor plan and implementation strategies; 2) Sign ordinance revisions and sunset clause on nonconforming signs; 3) Business licensing ordinance/code compliance review; 4) Private road discussion.

Ostrowski asked new Planning Commission members Drummond and Chegash to consider whether they would like to join the master plan subcommittee. The subcommittee currently consists of Borowski, Westerlund and Ostrowski. Borden stated that it is the intent that the subcommittee meet prior to the joint meeting with Council on February 11.

Ostrowski mentioned that Commission members are in receipt of copies of the Bingham Farms Draft Master Plan for review and comment.

PUBLIC COMMENTS

None

ADMINISTRATIVE COMMENTS

Wilson stated that Council has given him preliminary approval to hire a planning and zoning administrator for the Village. The Village no longer has a building official. Wilson hopes to incorporate this full-time position into the next fiscal year budget beginning July 1, 2015. The responsibility for this position will be to coordinate all planning and zoning issues with the City of Royal Oak building department. The individual will serve as administrative liaison to the Planning Commission and Zoning Board of Appeals. The new staff member will oversee code enforcement, administer the rental housing program, and most likely administer a new business license inspection program.

Wilson informed the Commission that he received a sign application from Market Fresh to redo their sign along Southfield Road and add lettering to their wall sign above the store entrance. The proposal will eliminate the electronic message board. Representatives of Market Fresh will be made aware that the existing sign overhangs the road right-of-way, and that issue should be addressed. Relocation of the sign will have to occur.

COMMISSIONER’S COMMENTS

New members Dennis Chegash and Andrew Drummond introduced themselves and were welcomed by Commission members.

Westerlund stated that he voted against the Tremont Lane proposal for the reason that he did not think that the site complied with condition (a). He would have voted in favor of the proposal based on condition (d) alone.

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

Motion passed.

George Ostrowski
Planning Commission Chairman

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary