

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

Absent: None

Also Present: Planning Consultants, Borden and Foster
Village Manager, Wilson
Council members, Abboud and Mueller

Chairperson Ostrowski called the meeting to order at 7:33 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

APPROVE/AMEND AGENDA

Westerlund proposed adding agenda item 2A, “Public comments on items not on the published agenda”, and item 5A, “Discuss proposal for new business at 31255 Southfield Road, formerly Jimmy Johns”.

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

PUBLIC COMMENTS

None

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A PLANNING COMMISSION MEETING HELD APRIL 22, 2015

Motion by Jensen, second by Westerlund, that the minutes of a regular Planning Commission meeting held on April 22, 2015 be approved as submitted.

Motion passed.

PUBLIC HEARING FOR SITE PLAN AND CLUSTER DEVELOPMENT OPTION AT 19600 W. 13 MILE ROAD (TREMONT LANE)

Planning consultant Brian Borden reviewed that this project has been through a number of steps at the Planning Commission and Council levels. The site received approval for conditional rezoning from R-1 to R-3 as well as qualification and conceptual plan approval under the Village’s cluster option (Zoning Ordinance Section 22.26). Before the Planning Commission for consideration at this time is final site plan review of the cluster housing option. Commission action could include recommending approval of the site plan to Council with or without conditions. If there is a need for additional information, the Planning Commission could table consideration of the site plan.

LSL Planning submitted a review letter dated May 21, 2015 providing comments on the cluster housing option site plan based on the Village Zoning Ordinance. Borden stated that the final site plan is consistent with what was seen in the past. Most of the comments defer further review and comment to the Village engineer, department of public services and public safety department. The applicant must address any issues identified by the Village engineer with respect to items such as grading, drainage, roadway and utilities.

In terms of cluster option requirements, the density and building spacing standards and setbacks are met. The ordinance requires that open space shall be set aside by the developer through an irrevocable conveyance assuring its protection. Borden related that the Village was provided with a proposed master deed and bylaws, which has been referred to the Village Attorney for review.

Borden commented on the building height requirement. Proposed residences are subject to the height restrictions of the Zoning Ordinance based upon the definition of “building height”. The R-3 District has a maximum principal building height of 30 feet. The elevation renderings provided do not identify proposed building heights. The petitioner will need to demonstrate that their model home elevations are compliant.

If proposed, details of any street lighting and residential entryway signs must be provided. The applicant must obtain all necessary approvals from outside agencies as applicable. Commission members have received a letter from consulting engineer Hubbell, Roth & Clark outlining items to be addressed or corrected prior to authorization to proceed with site plan approval.

Patrick O’Leary was present with Tim Stapleton representing Timothy Patrick Homes, developers of Tremont Lane. O’Leary used the Smart Board for a PowerPoint presentation of the final site plan for the Tremont Lane development. Changes made since the original proposal were identified. O’Leary explained the elements and layout of the final plan. It was pointed out that a privacy fence was added to the landscape screening along the northern property line in response to a request from the adjacent homeowners.

O’Leary noted that a traffic consultant was added to the Tremont Lane development team. A study conducted by the traffic consultant established that there were 23,278 vehicles per day on 13 Mile Road; total trip generation of two-way trips of 190 in a 24 hour period; and there will be 11 vehicles exiting the site at the peak morning hour. It was concluded that the effect of this development on 13 Mile Road traffic will be under one percent. A copy of this letter was provided to the Village Manager.

O’Leary spent some time talking about the home type, construction, and streetscape. There will be single family homes on 50 ft. lots with 10 ft. of separation between the buildings. The homes will have 3-4 bedrooms, 2.5 baths, full basements, a two-car attached garage, and front porches. O’Leary addressed the architecture style, construction materials, design elements, floor plans, and interior finishes.

Chairman Ostrowski opened the public hearing at 7:58 pm.

Ann Baker-Zainea at 19559 Waltham, who lives directly abutting Tremont Lane, related that area residents have been clear about their expectations from the developers. They asked that extra greenery be planted on their side of the fence; the current plan does not address this. Baker-Zainea held up a large image of the view from her back yard. The current plan will locate a fence 50 ft. from her family room. She was concerned about people cutting through her back yard to and from Groves High School. Baker-Zainea also mentioned the location of mailboxes at the end of the street, which could result in traffic and noise.

Dolly Schwartz of 31170 Sunset Ct. commented that the view of greenery in her back yard will change to a view of a 6 ft. high wood fence with the cluster development. The green barrier discussed with the developer should be something that established homeowners would see, not the new residents. The neighbors are concerned about people cutting through from the high school. Addressing that issue by creating an eyesore is a problem. Schwartz had other concerns as follows: mailboxes and people congregating at the end of the street; potential lighting; and proper aeration of the pond to prevent mosquitoes. She asked for copies of the review documents from the planning consultant.

No one else wished to be heard; the public hearing was closed at 8:04 p.m.

REVIEW AND CONSIDER RECOMMENDATION TO COUNCIL ON SITE PLAN AND CLUSTER DEVELOPMENT OPTION AT 19600 W. 13 MILE ROAD (TREMONT LANE)

Manager Chris Wilson referred to his memo dated May 27, 2015 regarding the Tremont Lane Site Plan. He suggested that the following condition be part of site plan referral to Council for their consideration. The Site Plan should be modified to comply with Sections 22.08.290(d), specifically the requirements of subsections 12, 18 and 26 regarding the location of specific structures on proposed lots and elevations of said structures. Wilson said that his interpretation of that section was that the Village would need to know locations of actual structures on the lots and the elevations of those houses.

The site plan has been reviewed by the Village engineer and consulting engineers Hubbell, Roth & Clark, with copies of their review provided to the petitioner. A response to those comments were provided in writing by the project engineer, Fazal Khan & Associates. The site plan drawings have been resubmitted to reference the issues brought forward by HRC. Wilson added that the Village was provided with a copy of the master deed and bylaws, which have been forwarded to Attorney Ryan for his review and recommendation.

Planning consultant Brian Borden concurred that the submittal could contain additional floor plans and building elevations. However, buyers are likely to choose their lot and floor plan; the applicant may not be able to identify which unit will be built on each of the 20 lots at this time. It was noted that there are building envelopes that encompass setbacks. Borden read the three subparagraphs referenced by Wilson, Section 22.08.290(d), subsections 12, 18 and 26. Some additional detail is warranted. Material sample boards will be provided to the Village.

There were comments and questions from Commission members. A major topic of discussion was the proposed 6 ft. screening fence and whether it would benefit the neighbors. The suggestion was made to provide a staggered line of evergreen trees behind the existing natural barrier in lieu of a fence. The point was made that Beverly Hills does not encourage fences for delineating property lines. Commission members were in agreement that a natural buffer and adding more landscaping would be preferable to a 6 ft. fence.

O'Leary remarked that he was not a proponent of the 6 ft. fence; it was included on the plan at the request of the neighbors to restrict cut-through foot traffic.

Ostrowski observed that the existing trees and natural vegetation are not shown in the site plan documents. It would be good to know where the buffer is located on the site. Tree survey information should be a condition of the cluster approval; it would be helpful in assessing what is existing on the site.

O'Leary responded that they had a forester walk the site and specify the location of trees and scrub brush. The intent was to provide a 50 ft. buffer to the north that will be left as natural as possible. Under the conditional zoning, the developer is required to plant 10 trees; they propose to plant 22-24 trees that will be spotted into the existing greenery.

There were additional questions and comments from the Commission on the topic of mailbox location, traffic study, plantings in lieu of fence, the private road, fire wall issues, left turn lane concerns off 13 Mile Road, porch dimensions, restricted driveway access due to the middle island, and site landscaping.

Grinnan expressed continuing concern with creating private roads in Beverly Hills. Every person who will live in these homes will be saddled with the expense of maintaining the private road in perpetuity. These residents will pay taxes at the same rate as every other Village resident who lives on a public street. However, they will not have their street plowed and will have to pay to have their roads repaired or replaced over the years. That is not in anyone's economic interest; it does not promote harmony in the community. Grinnan hoped that consideration would be given to whether there was a way that Village policy on private roads could be changed starting with this development. She urged the Village to stop placing the burden of roads on new people who move into Beverly Hills.

Dan Hubert of 31610 Waltham, President of Westwood Homeowners Association, commented on the screening fence issue. He suggested that a greenbelt would be fair if it was effective. Hubert would be in favor of a greenbelt with large staggered trees and heavy brush. He called the Commission's attention to Lots 7-10, which abut the development with no existing tree line.

Grinnan suggested that the developer could include a bylaw in the condominium document stating that residents should not cut through the abutting subdivisions to reach Groves High School.

Motion by Grinnan, second by Jensen, to table action on the site plan and cluster development option for 19600 W. 13 Mile Road (Tremont Lane) to the June 24, 2015 Planning Commission meeting in order to provide the petitioner with an opportunity to revise the site plan considering the feedback received at the Planning Commission meeting; also to allow the planning consultant time to advise the Commission on whether a public road for this development is an option. The applicant must obtain all necessary approvals from the Village Engineer, DPS, Public Safety Department and Hubbell, Roth & Clark before final site plan approval.

O'Leary commented that pushing a decision out would cause the developers to lose the building season. He requested that the Planning Commission condition its recommendation for approval on providing landscaping in lieu of a screening fence.

Roll Call Vote:

Borowski - yes
Chegash - no
Drummond - no
Grinnan` - yes
Jensen - yes
Ostrowski - yes
Ruprich - no
Stempien - yes
Westerlund - yes

Motion passed (6 – 3).

DISCUSSION OF NEW TENANT AT 31255 SOUTHFIELD ROAD

Wilson informed the Planning Commission that the Village has been contacted by an individual who wants to establish a sushi restaurant in the vacant store at 31255 Southfield Road, the former Jimmy John’s site. The owner proposes seating for 36 people.

This is not a change of use, nor would it require a full site plan approval. Wilson said that parking was a concern for the shopping center. Buildings have been constructed using parking requirements based on the retail parking standard. Uses over time changed with the market. Wilson commented on the high use of parking by Bradys, but noted that there is a cross parking arrangement with the adjacent 31333 building. The new restaurant could be allowed based on that cross parking arrangement. Wilson has requested input from the Planning Commission on the parking situation before he allows the sushi restaurant owner to proceed with a lease and start working on a building plan and sign permit.

Planning Commission members commented on the new proposal. A suggestion was made to locate the restaurant entrance to the north side of the building to encourage customers to use the north parking lot. There was agreement that a full parking analysis would not be of value at this point. The Commission members did not object to the new tenant at 31255 Southfield Road.

DISCUSSION ON SOUTHFIELD ROAD CORRIDOR MARKETING PLAN

The Planning Commission has been authorized by Council to pursue an aggressive corridor marketing plan to encourage interest in developing a Village Center. Borden stated that LSL Planning is incorporating some “redevelopment ready” aspects into the Master Plan draft language. Ostrowski related that the SEMCOG website has a redevelopment tool kit for creating successful corridors. He will forward the information to Commission members.

Council member Abboud talked about information he distributed to members regarding Downtown and Business District Market Analysis – Tools to Create Economically Vibrant Commercial Districts in Small Cities.

It was noted at last month’s meeting that urban planner Bob Gibbs included a marketing plan in the Village Center Plan document. Wilson will locate the Gibbs material for distribution to Planning Commission members.

DISCUSSION OF POSSIBLE SIGN ORDINANCE AMENDMENTS

Planning consultant Borden provided draft sign ordinance language revisions based on previous discussions by the Planning Commission. He referred to his handout and explained the rationale for proposed amendments to three specific sections of the sign regulations – 22.32.020 Definitions; 22.32.095 Standards for All Signs; 22.32.120 Nonconforming Signs. The amended language would allow collective ground signs. All nonconforming signs shall be brought into compliance when an existing building is expanded by 25% or more, when a new building is constructed, or when development under the Village Center option is pursued.

Commission members discussed the proposed revisions and suggested additional language changes to allow a second development identification sign and to elaborate on nonconforming sign language. Borden will provide a revised draft for Board consideration at the next Planning Commission meeting. A public hearing on amendments to the sign ordinance was set for June.

DISCUSSION ON VILLAGE MASTER PLAN UPDATE

Planning Consultant Borden reported that progress is being made on the master plan. There is material ready for subcommittee review and discussion. A subcommittee meeting will be scheduled prior to the June Planning Commission meeting.

PUBLIC COMMENTS

None

LIAISON COMMENTS

Aboud commended the Planning Commission on its handling of the cluster development site plan. With regard to marketing the Village Center Plan, he questioned the establishment of a Downtown Development Authority.

ADMINISTRATION COMMENTS

Wilson reported on a Zoning Board of Appeals case heard at their May meeting involving the expansion of an existing nonconformity. The petitioner requested to construct a second story on a nonconforming structure on the east side of the Village. Wilson was not clear about the interpretation of the ordinance in terms of building a second story over an existing nonconforming setback. The case came before the Zoning Board for an interpretation as to whether building a second story on the foundation of this house was considered an expansion of the existing nonconformity.

The Zoning Board tabled discussion on interpretation of Zoning Ordinance Section 22.30.040 Nonconforming Structures pending receipt of a legal opinion from the Village Attorney and the Planning Commission on what standards apply to expanding an existing nonconformity. The ZBA proceeded to interpret the ordinance language as it applied to the specific property. The request for a variance to construct the second story was approved.

Wilson mentioned that the Zoning Board has also requested that the Planning Commission consider reevaluating the ordinance regulating temporary storage pods. There have been some function and enforcement issues that have come before the Board. It has been suggested that the Planning Commission take a look at the permitting or enforcement aspect of the POD ordinance.

Wilson has received a number of applications for the planning and zoning administrator position. He is conducting interviews and hopes to have the position filled shortly.

Wilson announced that tonight is Sue Bernard's last official Village of Beverly Hills meeting. She is retiring from her position as recording secretary. Ms. Bernard was recognized with a presentation and proclamation at the last Council meeting.

COMMISSIONER'S COMMENTS

Jensen clarified why he voted to table action on the site plan and cluster development option for Tremont Lane. Stempien referred to the fact that the homes in the Tremont Lane development will be ten feet apart. Structures that are five feet from the property line need a two-hour rated wall, which means there can be no windows on that wall. The current floor plans may not be viable.

Motion by Westerlund, second by Borowski, to adjourn the meeting at 9:47 p.m.

Motion passed.

George Ostrowski
Planning Commission Chairman

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary