

Present: Chairperson Ostrowski; Members: Borowski, Copeland, Drummond, Grinnan, Stempien, and Wilensky

Absent: Vice-Chairperson Westerlund; Member Ruprich

Also Present: Planning and Zoning Administrator, Saur  
Planning Consultant, Borden  
Council Member, Nunez  
Council Member, Mueller

Chairperson Ostrowski called the regular Planning Commission meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

**AMENDMENTS TO AGENDA/APPROVE AGENDA**

Motion by Borowski, second by Drummond, to approve the agenda as published.

Motion passed.

**ELECTION OF OFFICERS**

Ostrowski opened the floor for nominations for the office of chairperson of the Planning Commission. Stempien nominated Ostrowski for the position of Planning Commission chairperson. Ostrowski accepted the nomination. There being no further nominations, Ostrowski was elected chairperson by acclamation.

Ostrowski opened the floor for nominations for the position of vice-chairperson of the Planning Commission. Borowski nominated Copeland for the position of Planning Commission vice-chairperson. Wilensky nominated Westerlund for the position of Planning Commission vice-chairperson. Ostrowski accepted the nomination on behalf of Westerlund.

Vote to appoint Copeland as Vice-Chairperson:

Borowski	yes
Copeland	yes
Drummond	no
Grinnan	no
Ostrowski	no
Stempien	no
Wilensky	no

Failed (2-5)

Vote to appoint Westerlund as Vice-Chairperson:

Passed (7-0)

Ostrowski opened the floor for nominations for the position of secretary of the Planning Commission. Borowski nominated Drummond as secretary of the Planning Commission, and the

nomination was accepted by Drummond. There being no further nominations, Drummond was elected secretary by acclamation.

**REVIEW AND CONSIDER APPROVAL OF REGULAR PLANNING COMMISSION MINUTES OF MEETING HELD JUNE 28, 2017**

Grinnan expressed concern regarding the Commissioner’s comments section.

Motion by Grinnan, second by Wilensky, that approval of the minutes of the regular Planning Commission meeting held June 28, 2017 be tabled pending Administration’s review.

Motion passed.

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

None.

**PUBLIC HEARING FOR PROPOSED ORDINANCE AMENDMENT MODIFYING CHAPTER 22, SECTION 22.42.010 PENALTIES**

Saur explained Administration discovered prior updates to the Village Ordinance inadvertently did not include Section 22.42.010 Penalties of the Zoning Ordinance. The Planning Commission must hold a public hearing and make a recommendation to Council to approve the update that will be correct the current violation of “misdemeanor” to a “civil infraction”. A copy of the proposed language was made available to residents and provided to the Commission.

Ostrowski opened the public hearing at 7:43 p.m.

No one wished to be heard; therefore Ostrowski closed the public hearing at 7:43 p.m.

**REVIEW AND CONSIDER RECOMMENDATION FOR PROPOSED ORDINANCE AMENDMENT MODIFYING CHAPTER 22, SECTION 22.42.010 PENALTIES**

Saur explained that the language is existing, and the Commission can revise it as they see fit. Copeland noted that the reference to imprisonment needs to be removed from the ordinance. He also expressed concern with the fines. Ostrowski explained that the higher fines help discourage non-compliance and are only applicable upon conviction in court. Additionally, the offender will have received warnings before ticketing becomes necessary.

After discussion, the Commission revised the ordinance to read: “Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a civil infraction, and upon conviction thereof, shall be fined not less than five hundred dollars (\$500.00) for each such offense, or such fine in the discretion of the court, together with the costs of such prosecution. Each day that a violation of this Ordinance continues shall be a separate offense.”

Motion by Drummond, second by Stempien, that the Village of Beverly Hills Planning Commission recommends Council approve an update to Chapter 22, Section 22.42.010 Penalties to change the violation to a civil infraction.

Roll Call Vote:

Motion passed (6-1)

Copeland no

Drummond yes

Grinnan yes

Ostrowski yes

Stempien yes

Wilensky yes

Borowski yes

**PUBLIC HEARING FOR SPECIAL LAND USE APPROVAL FOR AN ADDITION TO THE CHURCH FACILITY AND A NEW ACCESSORY BUILDING AT NORTHBROOK PRESBYTERIAN CHURCH, 22055 FOURTEEN MILE ROAD**

David Barduca, Joseph Mosey Architecture, explained the proposed plans for the site. He provided photos of the current space and drawings of the plans to remove three accessory buildings, addition of a new garage, a new patio space, new walking paths, new fire access lane, and a new dumpster pad and screen.

Ostrowski opened the public hearing at 7:59 p.m.

Resident Walter Kowal, Dover Court, submitted a letter to Administration expressing his strong support for the proposed land use.

Ostrowski closed the public hearing at 8:00 p.m.

**REVIEW AND CONSIDER RECOMMENDATION FOR SPECIAL LAND USE AND SITE PLAN APPROVAL FOR AN ADDITION TO THE CHURCH FACILITY AND A NEW ACCESSORY BUILDING AT NORTHBROOK PRESBYTERIAN CHURCH, 22055 FOURTEEN MILE ROAD**

Borden reviewed the special land use request from Northbrook Presbyterian Church to construct an approximately 400 square foot addition to the existing church building, as well as an approximately 890 square foot accessory building. The project also entails removal of two accessory buildings, new internal pedestrian connections and a new waste receptacle area.

He outlined concerns related to special land use including: the applicant should indicate whether the bell located within the cupola of the proposed accessory building is functional and describe the intended use of the proposed patio area along the rear of the church building, and he suggested the condition that all Public Safety and Village Engineering requirements be part of any recommendation for approval.

Mike Behoff, Church Building and Grounds Manager, explained that the bell was decorative only, and the patio would continue to be used for the Sunday morning service. The current patio is already used for this purpose with no complaints. The new patio would be located farther away from the nearby neighborhood. Upon questioning, he explained that there are no asbestos issues on

the property and any concerns raised when demolishing the home built in 1928 would be addressed by the Building Official as part of permitting process.

Motion by Wilensky, second by Stempien, that the Village of Beverly Hills Planning Commission recommends Council approve the Northbrook Church request for special land use, with the conditions of bell remaining ornamental, approval from Village Engineering, and with the acknowledgement that the current noise characteristics during services will continue, and is subject to site plan approval.

Roll Call Vote:

Motion passed (7-0)

Borden summarized his concerns with the site plan including requirement for matching the brick on the garage to the church, and ensuring all textures, materials, and colors remain consistent with the current design.

The site plan identifies three potential ground signs – two along Lahser and one along 14 Mile. A site visit determined that the structure along 14 Mile Road does not have any actual signage on it; however, it appears that it was a “sign” at some point in time. Additionally, the two signs along Lahser encroach into the right-of-way. Section 22.32.110 allows a maximum of two ground signs for corner lots, while Section 22.32.091 prohibits signs in the right-of-way. Section 22.32.120 requires that nonconforming signage be brought into compliance when an existing building is expanded by 25% or more.

The Commission agreed that they would grandfather the current signs, but future changes to the site or signage may require signs be brought into compliance with the current ordinance.

Borden explained the west and south sides of the property contain dense, mature vegetation, while the developed portion of the site includes a number of street and parking lot trees. The proposed building addition, accessory building and waste receptacle have been designed/located so as to not require the removal of any trees. He suggested that tree protection fencing be required in the construction areas to ensure that no damage occurs.

The proposed waste receptacle is screened by landscape with a wooden gate; however, Section 22.09.040(h) requires the use of materials matching the building, in this instance, brick. After discussion, Behoff agreed that the plans would be modified to include a six (6) foot wooden enclosure as a dumpster screen.

The submittal does not identify any new exterior site lighting. If any new lighting is proposed, details must be provided in accordance with Section 22.09.050. Behoff clarified that the only additional lights would be decorative wall mounted lanterns.

Motion by Drummond, second by Borowski, that the Village of Beverly Hills Planning Commission recommends Council approve the Northbrook Church site plan, with the conditions of exterior light cut sheets provided, three sided wood fence structure installed around the dumpster with the fourth side being a swinging gate, landscape screening is

evergreen species and remains as shown, during construction the existing trees are protected with fencing, the materials used on out buildings matches existing, and subject to special land use approval.

Roll Call Vote:

Motion passed (7-0)

### **DISCUSSION ON UPDATES TO FENCE ORDINANCE**

Saur explained that at the Council meeting held July 18, 2017 a discussion regarding fencing regulations in single family residential districts resulted in a motion from Council instructing Planning Commission to review the fence ordinance pursuant to the summarization of the discussion at the June 28th Planning Commission meeting provided by Alternate Liaison Peddie. Additionally, Council was in receipt of a copy of the marked up draft ordinance language that was presented to Planning Commission.

Nunez reported that the Council would like the Commission to focus on the residential zone districts where, based on Zoning Board of Appeals petitions, there are requests for six foot fences, and per the Village Attorney, any regulation made must encompass the entire zone district. They would like the Commission to consider changes related to existing fence repair, consider defining “disrepair”, possible regulation of materials and colors, and consider changes to the placement of privacy screens.

Copeland would like consideration given to fencing related to garden protection. To protect against deer an eight (8) foot fence would be necessary.

Resident Rachael Hrydziuszko, Evergreen Road, noted there are many gardens in the area with homemade garden protection and ordinance language would help curtail those homemade fences.

The Commission agreed they would like Administration to draft language for discussion and review at the August 23<sup>rd</sup> meeting.

### **DISCUSSION ON THE PROPOSED ORDINANCE AMENDING CHAPTER 17 TREES, ARTICLE II – TREES ON PRIVATE PROPERTY**

Nunez inquired about the process to establish the permit fees. Borden confirmed that fees would be established by Council. Ostrowski explained the fees should be high enough to cover the cost of having the tree inspected before removal.

Mueller continues to be opposed to regulating trees on private property. He is not in favor of a resident being issued a permit for the removal of any tree, including landmark trees. He would like to see incentive programs to plant trees.

Ostrowski reiterated that the permit would only be required to remove landmark trees. Tree ordinances have been adopted by most of the surrounding communities, and help protect against lot clearing when purchased for rebuild. This ordinance also offers support to the Master Plan which supports environmental stewardship, the protection of resources, and the character of the Village.

Copeland brought up questions related to the determination of “landmark” trees. He has over 22 landmark trees on his property and is opposed to their regulation.

Resident Rachael Hrydziuszko, Evergreen Road, expressed her concerns related to the pending tree ordinance. She is opposed to requiring residents to get permits for the removal of healthy trees located on their private property. She is concerned that residents will be unable to identify landmark trees, and pointed out that removing mature trees can help with new tree growth. She questioned who would be responsible for the cost associated with evaluating a tree’s health and care of a tree deemed savable. She suggested allowing the removal of two trees without a permit. She also suggested an incentive program for tree planting, and a tree census.

Borden shared that some communities exempt the building envelope, others exempt a small number of trees annually from permitting.

Drummond suggested that he would like to see “certified arborist” added to the tree ordinance as an approved professional to evaluate the health of a tree.

**PUBLIC COMMENTS**

None.

**LIAISON COMMENTS**

Nunez reported that Abboud has requested Administration research the allowance of a digital sign for the Village Office.

**ADMINISTRATION COMMENTS**

Saur reported that the Zoning Board of Appeals has three cases on their August agenda. Administration continues to work with Gibbs for a proposal.

**COMMISSIONERS COMMENTS**

Copeland introduced himself and was welcomed to the Commission.

Motion by Borowski, second by Wilensky, to adjourn the meeting at 10:05 p.m.

Motion passed.

**George Ostrowski**  
**Planning Commission Chairperson**

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

**Elizabeth M. Lyons**  
**Recording Secretary**