

Present: Chairperson Drummond; Vice-Chairperson Westerlund; Members: Borowski, Copeland, Grinnan, Ostrowski, Ruprich, and Wilensky

Absent: Member: Stempien

Also Present: Planning and Zoning Administrator, LaPere  
Planning Consultant, Borden  
Council Liaison, Hrydziuszko

Chairperson Drummond 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 Westerlund, second by Ostrowski, to approve the agenda as published.

Motion passed.

**REVIEW AND CONSIDER APPROVAL OF REGULAR PLANNING COMMISSION MINUTES OF MEETING HELD JULY 24, 2019**

Motion by Westerlund, second by Ostrowski, to approve minutes of a regular Planning Commission meeting held July 24, 2019.

Motion passed.

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

None.

**REVIEW AND CONSIDER APPROVAL OF A NEW WALL SIGN FOR VILLAGE PHARMACY, 31213 SOUTHFIELD RD.**

Borden reviewed the application requesting a new wall sign for the building at 31213 Southfield Road. The proposed sign is for a new tenant within the building, Village Pharmacy.

The applicant appeared before the Zoning Board of Appeals (ZBA) on August 12, 2019 and obtained variances allowing an increase in sign area (72 square feet) and an additional color (4 total). The proposal has been reviewed for compliance with the requirements of the Village Zoning Ordinance. If the application is approved by the Commission, the applicant must obtain a permit prior to installation.

The ZBA granted the variance based on the location along Southfield Rd and the proportion of the larger sign in relationship to the amount of frontage. The business will not have any additional signage on the ground sign, the wall sign will be their only signage.

Borowski and Grinnan expressed concern about the rationale for granting the variance and whether this could set a precedent for future sign requests in the Village.

Mary Ann Dieters, Metro Signs and Lighting, represented the petitioner. She explained that the logo is used at the two other locations and is part of the overall company branding and marketing. She also noted that the business provides compounding, which is a niche market. There is 60 square feet of frontage on the building and she believes the sign size is in proportion.

Motion by Ostrowski, second by Ruprich, that the Planning Commission approves a new wall sign for Village Pharmacy, at 31213 Southfield Road.

Roll Call Vote:

Motion passed (7-0)

**PUBLIC HEARING ON SPECIAL LAND USE REQUEST FOR INSTALLATION OF A GUARD HOUSE AT DETROIT COUNTRY DAY SCHOOL, MIDDLE SCHOOL PARKING LOT, 22305 W 13 MILE ROAD**

Mary Sclabassi, Security Director, provided an overview of the request and explained that the guard house will give the school the ability to reroute traffic that attempts to cut through the property and allow for screening of any visitors to the campus during the school day. The guard building would only be staffed from 8:30 am to 2:45 pm, Monday through Friday. She noted that the location is on Hillview Lane.

Borowski asked why the cement pad had been poured prior to approval and Sclabassi explained there was concrete work being done at the property so it was more economical to pour the pad at the same time.

Copeland inquired about the impact to the resident located on Hillview Lane. She explained the guard house is not intended for slowing down traffic during pick up and drop off times.

Borden reviewed the submittal from Detroit Country Day School (DCDS) for a security guard house associated with the Middle School (plans most recently dated 4/8/19). The proposed security building, approximately 30 square feet, is to be located on the north side of Hillview Lane, approximately 100 feet east of the parking lot. Private schools and accessory elements are permitted with special land use approval in the R-1 District.

In accordance with Section 22.08.300, modifications to the site after approval require a new special land use approval, as well as site plan review and approval. Procedurally, following a public hearing, the Commission may make its recommendation to Village Council on both the special land use and site plan.

Section 22.08.300(h) provides the standards for consideration by the Commission in its review of uses permitted after special approval. Given the nature, design and location of the proposed security office, the project is not expected to impact public services and facilities. With that being said, the applicant must address any comments provided by the Director of Public Services and/or Village Engineer.

Drummond opened the public hearing at 8:05 p.m.

John Mooney, Devonshire, believes that the guard house is not a necessary addition and that DCDS intended to install it regardless of approval.

No one else wished to be heard; therefore the public hearing was closed at 8:08 p.m.

**REVIEW AND CONSIDER RECOMMENDATION ON SPECIAL LAND USE AND SITE PLAN FOR THE INSTALLATION OF A GUARD HOUSE AT DETROIT COUNTRY DAY SCHOOL, MIDDLE SCHOOL PARKING LOT, 22305 W 13 MILE ROAD**

Westerlund agrees that despite the requests by the Village that DCDS follow procedures, they continue to disregard those requests. Grinnan expressed her belief that without the Village taking legal action, this will continue to occur.

Motion by Ostrowski, second by Westerlund, that the Planning Commission recommends approval of special land use for the installation of a guard house at Detroit Country Day School, Middle School parking lot, 22305 W. 13 Mile Road.

Roll Call Vote:

Copeland	no
Drummond	yes
Grinnan	yes
Ostrowski	yes
Ruprich	yes
Westerlund	yes
Borowski	yes

Motion passed (6-1)

Wilensky arrived to the meeting at 8:15 pm.

Section 22.08.290 identifies the process and review standards applicable to site plans. The proposed security building is well outside of required setbacks. Elevation drawings have been provided depicting a small metal building on a concrete pad. Notes on the elevation drawing indicate a tan and green color scheme. The landscaping required by the 2016 site plan approval has been planted. Given the limited scope of the project, additional landscaping is not required. Applicant confirmed there is no intention to install a gate or fencing as a part of this project and that there would be no lighting on the exterior of the building.

Commissioners discussed the need for the standard details typically found on the plans and installation of signage to clearly prohibit blockage of the existing resident's driveway.

Motion by Westerlund, second by Grinnan, that the Planning Commission recommends approval of site plan for the installation of a guard house at Detroit Country Day School, Middle School parking lot, 22305 W. 13 Mile Road, contingent upon the revised site plan submitted with title block, professional seal, date and any revision dates; the location of the guard house and slab be identified with dimensions from nearby property

lines; two “do not block driveway” signs are installed, one on the north side and one on the south side of Hillview Lane, east and west of the property line of the private homeowner.

Roll Call Vote:

Grinnan	yes
Ostrowski	yes
Ruprich	yes
Westerlund	yes
Wilensky	yes
Borowski	yes
Copeland	no
Drummond	yes

Motion passed (7-1)

**REVIEW AND CONSIDER RECOMMENDATION TO COUNCIL ON PRELIMINARY CONDOMINIUM SITE PLAN FOR BEVERLY SQUARE, VACANT PARCEL TH-24-02-427-006, LOCATED AT 31655 SOUTHFIELD ROAD**

Prior to discussion, Ostrowski stated that his employer is the engineering firm on record for this project. He clarified that he has no involvement to this project as he is employed as a landscape architect and the project will employ the firm for surveying and civil engineering only. He stated he has no direct financial stake in the property or project, but was giving the opportunity for the Commission to discuss whether he should be recused from the matter.

Upon discussion, the Commission decided there was no conflict of interest that would necessitate Ostrowski to be recused.

Robertson Brothers Homes has submitted a proposal for preliminary site plan approval to redevelop the vacant lot at 31655 Southfield Road, parcel ID TH-24-02-427-006, to construct 24 attached single-family residential homes. This is proposed as a condominium development with individual ownership of the townhouse unit while the open space will be maintained by a homeowner’s association. A copy of the plans and additional submittal details were provided to the Commissioners for review.

This project is within the Village Overlay District (VCOD), where the Village has adopted a plan to encourage mixed-use development and associated zoning regulations to create a pedestrian-friendly, downtown area. As a condominium development this requires a multi-step approval process as described in Village Ordinance, Section 22.25. This request is for preliminary site plan approval, which requires Planning Commission recommendation and Village Council approval. The second stage is final approval which will also require Planning Commission recommendation and Village Council approval.

The Village Planning Consultant, Village Fire Marshal, and the Village Engineer have reviewed the preliminary submittal for compliance with applicable codes and provided feedback to the applicant. The detailed comments from the Planning Consultant were provided. The Fire

Marshal noted two primary concerns, first, the truck turning radius calculations must be based upon a 44ft long truck and second, the requirement for a hydrant to be installed at the rear of the property. The Village Engineer noted they will be required to submit calculations on the outputs to the existing sanitary line and details regarding onsite storm water management. Robertson Brothers submitted a written response to all the comments which was provided to the Commission.

Tim Loughlin and Jim Clarke, Robertson Brothers, presented an overview of the proposal. The Beverly Square development is intended for the younger profile professional demographic looking to purchase a maintenance free, first-time home in the community. The homes will be approximately 1,500 square feet in size and each unit will feature an attached two-car garage. Over the past several years, Robertson Brothers has had success with similar developments in neighboring areas and is confident the homes and community will be well-received in Beverly Hills.

The community will be constructed on a vacant property that was a former McDonald's restaurant. The property is under contract with one owner, totaling approximately 1.5 acres. The community will be located along the west side of Southfield Road just south of the private road, Gould Court. The property is a vacant lot, zoned B – Business and is within the Village Center Overlay District which regulates the development requirements.

Loughlin noted that the VCOD plan has envisioned the area as a redeveloped mixed-use village concept which will create a walkable destination for residents and visitors. There is currently substantial retail, office, and restaurant uses within this district. He argued that new residential is lacking in the vicinity and this proposal will provide for that missing component. The Village of Beverly Hills' Master Plan specifically notes the need for a residential component of the Village Center in order to support the activities of the mixed-use redevelopment through increased residential densities and a pedestrian-oriented design. He also stated that this is intended to provide a transition between the taller mixed-use buildings proposed near Southfield and Thirteen Mile Roads.

Loughlin contends that the proposed Beverly Square community will serve as a catalyst for future redevelopment of the Southfield Road corridor and begin to implement the ideas and vision contained within the Village Center concept plan. He noted the Beverly Hills Master Plan specifically calls for townhouse-style urban residential at the edges of the Village Center plan area.

He provided an overview of the site design. The buildings along Southfield Road are oriented parallel to the street with the entrances facing the street, and are an appropriate massing based on the provisions of the Village's plan. The concept plan encourages bicycle parking therefore bike racks have been provided. The landscape plan has been planted above and beyond the Village's requirements, and over 40% of the site will be open space to be maintained by the homeowner's association.

Borden reviewed the preliminary condominium plan submittal from Robertson Brothers Co. proposing a townhouse development on the former McDonald's site (plans most recently dated

5/20/19). He noted the project entails a full redevelopment of the site, including 24 residential units contained in six buildings, landscaping, greenspace, and vehicular and bicycle parking. The VCOD identifies the site as a Mixed-Use Zone, which allows for any use permitted in the underlying zones of the Overlay, including attached single-family residences.

The proposal has been reviewed for compliance with the VCOD requirements of Section 22.23, as follows:

**1. Streets and access.** Access is provided by a proposed driveway connection to Southfield Road. The curb cut location and design are subject to review by the Village Engineer, while approval ultimately lies with the Road Commission for Oakland County. No new streets are proposed as part of this project, though the VCOD Regulating Plan depicts a north/south street connection for cross-access. The Village has the discretion to modify this requirement based upon the standards in Section 22.23.11. The Village may wish to require that the applicant provide a cross-access easement for connection to the south in the event of future redevelopment for adjacent and nearby parcels.

**2. Public open space.** The site plan provides a greenspace that is the equivalent of 10.2% of the total floor area of all buildings, while the Ordinance requires the area to be only 5%.

**3. Uses.** The Mixed Use Zone allows for any of the uses permitted in the underlying zoning districts of the VCOD. In this instance, the corresponding use is that of a multiple-family development under the RM District, which allows up to 7.5 dwelling units per acre. The proposal entails a density of 15.9 dwelling units per acre. As such, the applicant requests a modification in accordance with Section 22.33.11 Allowed Flexibility.

**4. Streetscaping.** The plans have been reviewed for compliance with the standards of Section 22.23.8(a), as follows:

**a. Sidewalks.** The plan proposes a 5' wide concrete sidewalk along the Southfield Road frontage. The Ordinance requires a 7' wide sidewalk along Southfield Road (Primary Frontage) and a 5' sidewalk along Gould Court.

**b. Street trees.** The Ordinance requires 5 street trees along Southfield Road and 13 along Gould Court. The proposed landscape plan provides the equivalent of 5 large canopy along Southfield (3 canopy and 4 ornamental trees), though the Gould Court frontage provides 9 canopy trees and 4 evergreen trees. Neither the street tree nor the general planting regulations of the Ordinance include substitution of evergreen trees for canopy trees. As such, 4 additional canopy trees (or the equivalent) are required along the Gould Court frontage.

**c. Street lights.** Decorative street lighting is required along all sidewalks, with spacing at 30' intervals. However, the plan does not depict any exterior site lighting.

**5. Site layout.** The plans have been reviewed for compliance with the standards of Section 22.23.8(b), as follows:

**a. Minimum street frontage.** The Ordinance requires that buildings occupy not less than 75% of a Primary Street frontage, while the plan provides only 59.3% along Southfield Road. As such, the plan must either be modified for compliance or the

applicant must request modification by the Village in accordance with Section 22.33.11 Allowed Flexibility.

**b. Minimum building depth.** The proposed buildings are 30' in depth, which complies with the minimum Ordinance standard.

**c. Lot size/coverage.** The VCOD does not provide minimum lot size or maximum lot coverage regulations; however, stormwater management requirements must be met.

**d. Building placement.** As noted above, the minimum building street frontage along a Primary Street is not met. This standard also requires that building be parallel to the street, which the front building along Southfield Road is.

**e. Parking circulation and driveways.** Given that 87% of the off-street parking is provided via garages, the yard location requirements are met. The Ordinance requires a 10' minimum setback from all property lines for parking spaces, though the plan proposes a minimum setback of approximately 3' from the southerly side lot line. Additionally, driveways are to provide not less than 150' spacing from other driveways, though the plan provides spacing of approximately 62' (center to center) from the existing driveway to the south.

**6. Building requirements.** The plans have been reviewed for compliance with the standards of Section 22.23.8(c), as follows:

**a. Front yard build-to zone.** The Ordinance requires buildings to be within 20' of the front lot line. The building fronting Southfield Road has a maximum setback of 24'; therefore, this standard is not met.

**b. Minimum building depth.** As previously noted, each building provides the minimum required depth of 30'.

**c. Side yard setback.** A minimum of 10' is required from non-Primary Streets and other property lines. Each of the proposed buildings meets this standard.

**d. Rear yard setback.** No rear setback is required.

**e. Building height.** Each of the proposed buildings provides the minimum 2-story height requirement.

**f. Minimum residential floor area.** Each of the proposed residential units exceeds the minimum floor area required (800 SF).

**h. Building design and facades.** The Ordinance includes requirements for articulation, windows, entrances, and building materials; however, no building elevation drawings are included in the submittal. The applicant must provide building elevation drawings with sufficient detail/narrative addressing all of the building design requirements.

**7. Signs.** The plan depicts a ground sign adjacent to the driveway along Southfield Road; however, no details are provided. For the applicant's reference, such signs are regulated by Section 22.32.

**8. Lighting.** The submittal does not identify any exterior site lighting.

**9. Parking.** The Ordinance requires 54 parking spaces for the proposed development, while the plan provides a total of 58 spaces – 48 within garage spaces and 10 surface spaces throughout the development. Additionally, the drive aisles and parking space dimensions meet or exceed

the dimensional standards of Section 22.08.030. Lastly, the plan includes the required bicycle parking with space for up to 20 bicycles.

**10. Loading.** As a residential development, we do not believe a dedicated loading zone is necessary. There is ample room around the site for short term delivery vehicles and the plan provides mailbox kiosks, as opposed to individual mailboxes on each unit. With that being said, the submittal does include a truck turning plan; however, the plan depicts a large truck crossing over the property line to the south via an existing asphalt ramp. The applicant must obtain an easement allowing this movement; otherwise, we suggest the portion of asphalt on the site be removed and replaced with lawn area.

**11. Landscaping and Screening.** The submittal includes a conceptual landscape plan and notes that full details will be included with the final plan submittal. In total, the plan provides 21 deciduous trees, 4 ornamental trees, 10 evergreen trees, 56 deciduous shrubs and an additional 24 plantings that are not identified. There are 4' tall decorative fence segments proposed in front of 3 of the 4 units fronting Southfield Road. The conventional fence regulations would limit these to 3' in height, though the site is not within a single-family zoning district. Additionally, a detail and note are included for a 6' privacy fence, though the specific location and length are not clearly depicted.

**12. Additional Consideration.** The plans must be reviewed by the Village Engineer and Fire Marshal. The applicant must address any concerns raised. We also request the applicant identify how refuse/recycling removal will occur.

Loughlin addressed questions from the Commission. He explained that this could be considered mixed-use in relationship to the use of the area overall and noted that there is not a market for main floor retail with residential above on this small of a scale. There is the intention for trees on the right-of-way, but these are contingent on utilities and visibility. The proposed building height measures 33 feet to the midpoint with no chimney. The estimated market value for these homes would be \$200,000 to \$300,000 and all perimeter barriers would remain where they are located but be replaced.

Loughlin noted that a letter responding to Borden concerns was submitted, and the intention is to update the site plan after this meeting. There was discussion on the density proposed compared to allowable density per Zoning and VCOD regulations.

Discussion took place regarding the VCOD requirement for cross-connectivity and potential easements for future interior road development. Ostrowski expressed concern for the road standards for easements being met. He also would like to see the overall size of the building specified on the plans. There appears to be minimal guest parking and there is no apron space behind the garage. The area that is being referred to as public space appears to be located in a space that suggests it is for the residents only and should be considered private.

Borowski is concerned about density and has concerns about the height of the buildings in relationship to the surrounding buildings. Overall the concept is good, but he would like to see the updated site plan before moving it forward to Council.

Drummond noted that Commissioner Stempien submitted comments electronically due to his absence in which he expressed concerns including the conditions of the existing property screening and regarding architectural elements of the plan relative to the VCOD requirements.

Grinnan expressed concerns about the materials being proposed and would like to see pedestrian openings in the walls for access to the businesses. Loughlin stated there was space where it could be created and will be determined based on the grading.

Westerlund agrees with Grinnan that connectivity for pedestrian access to surrounding businesses is essential for a walkable area. The rear of the homes that are visible from Southfield Road create a blank wall of siding that is not aesthetically pleasing. The fencing at the visitor parking spaces would need to turn the corner to the south to create a separation between the development and the parking for the Nail Salon. Grade adjustments are necessary to blend with the surrounding area. The proposed parking creates a challenge for the density.

Ostrowski believes that the higher density has to be allowed to develop the downtown area in the way it was envisioned.

Wilensky agrees broadly, and doesn't have an issue with the density as this is a space that could accommodate the higher density. He did not believe it would be necessary to focus on parking. He agreed that a pedestrian cut-through would be a priority to potential residents to reach surrounding businesses. This walkability would be in line with the intention of the Master Plan.

Loughlin explained that they do not anticipate parking problems as there are multiple lots around this area none of which are used to capacity and there is potential for a shared parking agreement with these surrounding lot owners.

A letter was submitted from the residents of Gould Court outlining their concerns with the project including cross-access, use and density, streetscaping including trees and lights, layout of the site, parking, and other elements of the development that they contend do not meet Village Ordinances.

Amber Abboud, Gould Ct., noted that the green space appears to be a private space and not for public use. She stressed that the Commission needs to look ahead as these are permanent buildings. She is concerned that this development would inhibit any potential development on Gould Ct and noted the street itself is only 13 feet wide which is well below the requirements. She stated that there needs to be more awareness for parking and safety.

Ted Peterson, Gould Ct., argued that the homes located on Gould Ct. will become landlocked with this development and it will degrade the value of their homes. He mentioned that the residents could be willing to sell.

John Mooney, Devonshire, stated the Commission planned a downtown development area and these buildings do not fit with that vision. This is not what was intended by Council when they approved the downtown development as the intention is to see the development of retail and

residential space combined. The decisions made here will have a 70-year lasting impact. The design is great, however; this has the potential to become investment properties that are leased to renters. This space is rich in potential for development but that should be retail with residential above, similar to surrounding communities.

Ron Reynolds, Attorney, representing the residents of Gould Ct., explained that these residents are concerned that their homes will become isolated and lose property value. The initial Village Plan called for all properties to be connected which is not accomplished by this plan. He noted that there is no mention of allowing higher density in the Master Plan. He stressed that it's important to work with the residents to ensure the plan addresses the VCOD and Master Plan goals.

Clarke, Robertson Bros, clarified that they do not have legal authority to improve Gould Court and contends that this development will provide the residents needed for the downtown area. He stressed that it is not financially viable to develop this site as first floor commercial with residential above.

Rock Abboud, Gould Ct., expressed concern that this development would negatively impact property values and stated that Beverly Hills is not comparable to Royal Oak or other communities. He would like the Commission to consider the vision of the Master Plan they created in reviewing this project.

Phil Vestivitch, property owner, contends that based on the evaluation by Gibbs of the proposed VCOD that the current regulations are not feasible from a ROI since they suggested five-story and high-density buildings. He noted that Gould Court has existed since the 1950s and is a private road. He questioned the intent of 60ft wide easements throughout the district properties to provide interconnectivity and the density regulations in the VCOD.

Mooney mentioned several existing properties that he believes may redevelop in the upcoming years and felt that could create opportunity to actualize the VCOD. He does not believe this project supports the existing commercial uses.

Ostrowski questioned whether the higher density could be approved and noted the connectivity layout was a concept plan.

Borowski noted that Gould Ct is existing and the considerations for all property owners must be weighed, including the potential buyer of the vacant lot. He felt some statements were speculative and stressed the VCOD was meant to encompass the entire area not solely realized in one lot. Westerlund noted that there are numerous property owners within the entire VCOD and unless the Village takes ownership of a property, Planning Commission cannot dictate development or use outside the limits of the Ordinance. Ruprich would like to see the plan address the VCOD and Master Plan and the concerns about connectivity.

Borden confirmed that there are several areas which would require Planning Commission approval to deviate from the Ordinance.

Commissioners would like the applicant to update their site plan submittal to address the concerns raised by administration and the comments raised in the discussion before making a recommendation on the project.

Motion by Borowski, second by Grinnan, that the Planning Commission postpone recommendation to allow the applicant to address the changes requested.

**Roll Call Vote:**

Ostrowski	no
Ruprich	yes
Westerlund	yes
Wilensky	no
Borowski	yes
Copeland	yes
Drummond	yes
Grinnan	yes

Motion passed (6-2)

**SUBCOMMITTEE UPDATES**

None.

**PUBLIC COMMENTS**

Karen Verhagen, Gould Ct., expressed her concern that Gould Ct. is very narrow and should be widened for safety.

Nancy Abboud, Gould Ct., believes the Village is a family community and these condos do not fit with the community.

**LIAISON COMMENTS**

None.

**ADMINISTRATION COMMENTS**

LaPere reported at the August ZBA meeting variances were granted for a new business sign and a request was denied related to front open space requirements. Planning Commission concurred with moving 2020 November and December meeting dates one week earlier due to conflicts with holidays.

**COMMISSIONERS COMMENTS**

Copeland believes that there is no solution that will please everyone.

Grinnan would like an update on the ownership of the medical village.

Westerlund is frustrated that the ZBA granted a sign variance.

Ruprich requested that the ZBA provide explanation for their decision related to the sign variance granted.

Motion by Borowski, second by Copeland, to adjourn the meeting at 10:42 p.m.

Motion passed.

Andrew Drummond  
Planning Commission  
Chairperson

Kristin Rutkowski  
Village Clerk

Elizabeth M. Lyons  
Recording Secretary