

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

Absent: Member: Grinnan

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

Westerlund 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 Ostrowski, second by Borowski, to amend the agenda to postpone the public hearing and discussion on the request for rezoning on Lahser Road, given the size of the crowd in attendance and occupancy limits of the council chambers it is not feasible or in the interest of public safety, health, and welfare to conduct the public hearing.

Motion passed.

Drummond arrived at 7:50 p.m.

REVIEW AND CONSIDER APPROVAL OF REGULAR PLANNING COMMISSION MINUTES OF MEETING HELD JANUARY 22, 2020

Motion by Westerlund, second by Stempien, to approve minutes of a regular Planning Commission meeting held January 22, 2020.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

REVIEW AND CONSIDER RECOMMENDATION ON A REQUEST FOR SITE PLAN APPROVAL FOR AN EXPANSION TO THE FRONT ENTRANCE AT MARKET FRESH, 31201 SOUTHFIELD ROAD

The Village has received a request for site plan approval for Market Fresh, 31201 Southfield Road, to construct a vestibule enclosure at the existing front entranceway. The proposal details an addition at the storefront that will be a glass enclosure of existing paved walkway/entrance. Additionally, the proposal would replace the existing cloth canopy along Southfield Road side of the building with a steel canopy and a partial restriping of the pedestrian walkways and parking spaces near the entrance to direct pedestrians to the relocated doors. A copy of the application and plans were provided.

The plans have been reviewed by the Fire Marshal, Village Engineer, and Planning Consultant. The Fire Marshal noted the need to relocate the existing Knox Box and the applicant has indicated a willingness to work with Public Safety on that matter. Given the limited scope of

the changes to the existing site the Village Engineer found no concerns with the proposal. The Planning Consultant’s review letter was provided to the Commission.

Procedurally, the application will be reviewed by the Planning Commission for a recommendation and then Village Council will review and consider approval of the proposed site plan.

Borden has reviewed the site plan submittal from Market Fresh proposing a new entry enclosure for Market Fresh (plans dated 12/30/19). The proposed 1,232 square foot addition is at the southeast corner of the existing 23,135 square foot commercial building. Retail businesses, including grocery stores, are permitted by right in the B District (Section 22.22.020).

Per Section 22.32.4(f), the proposal is exempt from the standards of the VCOD. More specifically, the proposed addition accounts for a 5.3% of the existing square footage. The introduction of VCOD standards starts with a 10% expansion.

Site plan review. Section 22.08.290 identifies the process and review standards applicable to site plans.

1. Dimensional Requirements. The proposed addition (60’) exceeds the minimum front yard setback required from the Southfield Road right-of-way (35’) and is well within the maximum height allowed in the B District (14’ proposed versus 30’ allowed).

2. Building Design. The proposed addition is primarily glass with a masonry base that matches the existing building and a metal roof/canopy that extends to the north along the east side of the building. The metal canopy extension along the east side of the building will replace the existing fabric awnings that project over the windows. Given the relatively small size of the proposed addition, Section 22.09.020 requires that “building materials must provide a balance between compatibility with the existing structure and the general intent and purpose of Section 22.09.030 Building Design.” In our opinion, the proposal meets this requirement.

3. Vehicular and Pedestrian Circulation. The proposed addition does not include or require any changes to the existing vehicular circulation pattern. Existing drive aisles and parking spaces meet or exceed minimum dimension standards. During a pre-application meeting, we requested additional crosswalk striping and vehicular stop bars to ensure a safe environment for motorists and pedestrians alike. The site plan provides these items, as requested.

4. Lighting. The site plan does not identify any proposed exterior site lighting. If any new wall or pole mounted lighting is proposed as part of this project, the applicant must provide details demonstrating compliance with the Ordinance standards of Section 22.09.050.

5. Landscaping and Screening. The site plan depicts existing landscaping, but does not propose any new plantings. There is also an existing masonry wall along a portion of the west side lot line adjacent to residential zoning. If any new plantings are proposed as part of this project, details must be provided. Lastly, there is an existing dumpster in the “alley” along the west side of the building that is not within an enclosure. Section 22.09.040(h) requires a 3-sided

enclosure with a gate across the 4th side. The existing masonry wall screens one side of the dumpster and protects views from the adjacent residential district; however, the Village may wish to require the installation of a full enclosure in an effort to bring the site closer to compliance with current standards.

Eavan Yaldo, Saroki Architecture, was present, along with owners Johnny and Laith Karmo. She elaborated on the plans to create an entrance space that will be complementary to the aesthetics of the building. It will provide space for year-round entrance displays as well as provide better heat/cooling controls at the entrance. On the east side of the building there will be a permanent canopy installed, and existing canopy and post mounted lights will be removed.

There will be no new lighting installed. The existing lighting is set on timers and are all off once the store is closed with the exception of emergency lights.

Drummond expressed concerns about the HVAC extending beyond the parapet. There will be a rooftop unit, however it will be fully screened and this detail will be included on the plans that are presented to Council for approval. No signage will be added to the glass enclosure.

Resident Scott Foret inquired about the use of the space where Bigby Coffee was located. He was informed the space is occupied by Village Pharmacy + Compounding.

Ruprich asked about the parking and pedestrian access near the north entrance. Yaldo clarified that it is approximately 8 feet at both ends, and there will be no change to the existing curb and concrete walk. The cart corral will be moved one spot west of its current location and the total parking spaces will remain unchanged.

Borowski inquired how the change would affect the seasonal flower and plant sales that are traditionally on racks in front of the building. Karmo explained that the flowers and plants are there in May and June, and the four west most spots on the south side of the building will be used for that.

Discussion took place regarding the alley dumpster enclosure and storage concerns. Westerlund had concerns related the angled 2.5-foot retaining wall and whether it could be expanded vertically to provide screening of the alleyway. The applicant is unclear whether the wall is located on the neighboring property and will confirm ownership and feasibility of expansion. Borden noted the wall should be reviewed for sight distance to ensure the drive aisles and parking lot traffic are not impacted.

Motion by Ostrowski, second by Westerlund, that the Planning Commission recommends approval of the site plan submitted for the vestibule enclosure and canopy at Market Fresh, 31201 Southfield Road, contingent on the rooftop units being screened in compliance with Village ordinance, and that ownership of the existing screen wall be determined, and if on the applicants property, the wall be expanded to a height of six feet to provide additional screening.

Roll call vote:

Motion passed (8-0).

REVIEW AND CONSIDER APPROVAL FOR A NEW WALL SIGN FOR RAHMA WORLDWIDE AIDE & DEVELOPMENT, TENANT AT 31333 SOUTHFIELD ROAD, SUITE 100

Borden has reviewed the application requesting a wall sign for a new tenant within the existing building at 31333 Southfield Road. 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.

Sections 22.32.095 and 22.32.110 provide regulations for wall signs, the proposed wall sign complies with the applicable Ordinance requirements. However, there is concern about whether a wall sign is allowed based on the definition of “business.”

More specifically, Section 22.32.020 defines a “business” as:

Any legal use of a building, other than for religion, day care center, school, home occupation or residence, by a person, firm or corporation. Although contained in the same building as another business and may or may not be owned by the same person, an activity may be treated as a separate business only if the following exists:

- 1. The businesses are physically separated from each other in a manner that complies with the Village adopted building code for fire separation between business uses.*
- 2. Each business provides distinctly different services.*
- 3. Has a separate business address.*

Given the nature of the building, it does not appear items 1 and 3 are met. If Planning Commission concurs with that interpretation of the definition, then the applicant cannot have a wall sign. Borden noted they have option to place signage on the existing multi-tenant ground sign structure pending an amended application for review by the Planning Commission.

Motion by Borowski, second by Ruprich, that the Planning Commission deny the supplication as submitted for a new wall sign for Rahma Worldwide Aide & Development, tenant at 31333 Southfield Road, suite 100, per Section 22.32.020 of the Village Ordinance, a wall sign is not permitted.

Roll call vote:

Motion passed (8-0).

SUBCOMMITTEE UPDATES

A. PLANNED UNIT DEVELOPMENT (PUD) AND CLUSTER DEVELOPMENT

Pursuant to Council direction in 2019, the Planning Commission subcommittee has been working with Administration and Village Planning Consultant to draft language to replace the existing cluster development language. Chapter 22, Section 22.26 was adopted in 1992 and, upon review, the suggestion is to replace the language with a Planned Unit Development (PUD) option. PUD is a development option that is permitted by the Michigan Zoning Enabling Act (MZE) to the municipality with certain restrictions. For the Commissioners’ review there is a

clean version of the PUD ordinance language, the current cluster development language, and the strike-through version of the proposed changes provided.

As an overview, there are a number of reasons to modify the language, not least of which is that the minimum open space requirement is currently 10% which is low and does not result in development that preserves significant open space as expected through a typical cluster/PUD ordinance. Below summarize the major changes from the existing language:

Current Cluster Development Language	Proposed PUD Language
Single Family Residential Only	Adds language to allow mixed-use development
Detached residences only	Adds language to permit attached single-family housing with restrictions
Minimum 10% open space requirement	Minimum 40% open space requirement
Requires Village Attorney to draft deed Covenant	Requires applicant to draft documents with Village approval of the language
ZBA has no authority over any cluster development decision by Council	Allows limited ZBA approval for future property owners within the PUD

The proposed PUD language also brings the review and approval procedures into alignment with the MZEA. Additionally, there are some prescriptive design requirements in the current cluster option that are not included in the PUD language. This flexibility is intentional to allow the Village and the potential developer to work together to create a project that is harmonious with the existing surrounding development. The current language also permits the imposition of performance guarantees per Section 22.08.310, which the Planning Commission and Council may want to add to the PUD language to maintain the option to require additional incentives to complete the development as approved.

Procedurally, a public hearing and recommendation must be made by Planning Commission. Afterwards, Village Council must hold a public hearing, and first and second reading of the proposed language before adoption. Upon Council adopting the language, it will take effect 20 days after publication in local newspaper. The first date Planning Commission can hold a public hearing in accordance with notification deadlines will be the March 25th meeting.

Motion by Wilensky, second by Copeland, that the Planning Commission directs administration to schedule a public hearing for proposed language updating Chapter 22, Section 22.26 Single Family Residential Cluster Option, for the April 2020 meeting.

Motion passed.

B. OFFSTREET PARKING REGULATIONS

Pursuant to Council direction in 2019, the Planning Commission subcommittee has been working with Administration and Village Planning Consultant to draft language to update the off-street parking requirements of Section 22.28.020 to be consistent with the newly adopted use tables and updates to the parking minimums where needed. The last time this subsection was updated was in 2000.

The remainder of the parking regulations were not updated as that is beyond the scope of this assignment. Administration suggests that updates to the section as a whole be part of the larger Ordinance overhaul goals. Some future discussions may also include whether to allow different parking within the VCOD, and whether Council is in support of the use of public parking facilities to help incentivize development in the overlay district.

Procedurally, a public hearing and recommendation must be made by Planning Commission. Afterwards, Village Council must hold a public hearing, and first and second reading of the proposed language before adoption. Upon Council adopting the language, it will take effect 20 days after publication in local newspaper. The first date Planning Commission can hold a public hearing in accordance with notification deadlines will be the March 25th meeting.

Motion by Wilensky, second by Copeland, that the Planning Commission directs administration to schedule a public hearing for proposed language updating Chapter 22, Section 22.28.020 Off-Street Parking Requirements for the April 2020 meeting.

Motion passed.

PUBLIC COMMENTS

None.

LIAISON COMMENTS

Hrydziuszkowski reported that Council has decided to refrain from reviewing the fence ordinance.

ADMINISTRATION COMMENTS

LaPere reported the ZBA granted a front open space variance request, and there are multiple outstanding matters to be addressed with the owner related to the BP project.

COMMISSIONERS COMMENTS

Wilensky will not be at the March meeting.

Westerlund reiterated the necessity for a tree ordinance if the character of the community is to be protected.

Motion by Westerlund, second by Ruprich, to adjourn the meeting at 9:23 p.m.

Motion passed.

**Andrew Drummond
Planning Commission
Chairperson**

**Kristin Rutkowski
Village Clerk**

**Elizabeth M. Lyons
Recording Secretary**