

Present: Chairperson Jensen; Vice-Chairperson Tillman; Members: Bliven, Borowski, Freedman, Landsman, Ostrowski and Wayne

Absent: Nedley

Also Present: Building Official, Byrwa
Planning Consultant, Wenzara
Council Liaison, Domzal

Chairperson Jensen 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 AGENDA

Motion by Bliven, seconded by Landsman, to approve the agenda as published.

Motion carried.

PUBLIC COMMENTS

None

APPROVE MINUTES

Motion by Bliven, seconded by Ostrowski, that the minutes of a joint meeting of the Planning Board and Council held on Wednesday, October 8, 2003 be approved as submitted.

Motion carried.

REVIEW REQUEST FOR NEW WALL SIGN FOR KENTUCKY FRIED CHICKEN

Mark Simmons from Jamesway Construction was present requesting approval of a new wall sign for the Kentucky Fried Chicken (KFC) restaurant at 15616 Thirteen Mile Road.

Simmons stated that the original sign request included two signs on each side and a “mug” sign on the front of the building, which exceeded the Village’s allowable square footage requirements. Simmons has talked to the corporation and the owner and has received authorization to modify the request to eliminate the two KFC signs from the building, leaving the 6’x 9’ KFC tower sign. The revised sign request complies with the Village sign ordinance. It was explained that ‘mug’ sign refers to a sign depicting the Colonel’s face.

Simmons stated that the building will be remodeled to the new image. The mansard roof will be removed with a mug sign added to the cupola tower as indicated on the proposed elevations submitted with the sign request. The sign colors are red, white and blue.

Byrwa stated that a site plan review is not required under the current ordinance because the applicant is not changing the use of the property or the parking and is not increasing the intensity of the use. The request before the Planning Board is for approval of the signage. Byrwa added that he and the planning consultant will meet with the applicant to discuss the exterior renovation before a building permit is issued.

Tillman asked whether any of the façade changes in terms of lighting, materials, aesthetics, and colors are subject to Planning Board review. Her concern is whether the elements of the proposed renovation would be consistent with the Village's draft site development requirements.

Wenzara responded that the trigger for site plan review in the current ordinance is when the size of a building is expanded. She and Byrwa propose to talk to the applicant before the building permit is issued in an attempt to work on the building design with KFC in a good faith effort considering the draft site development ordinance requirements being developed. The Planning Board will be advised of any agreed upon modifications to the renovation plan. Currently, there is no authority for Planning Board approval of exterior renovations proposed..

Jensen explained that the Board is working on zoning ordinance language that will convert portions of the Village Site Development Handbook from guidelines to requirements. The Village will continue to receive applications for building permits to remodel commercial buildings. Upon adoption of site development regulations, an application of this type will require a more thorough review. The Planning Board is in a position of considering wall sign. Exterior renovations will be an administrative issue that will be handled by the Village Building Official.

Questions from Board members were answered by Simmons. He stated that there are alternatives to the corporate image that the KFC corporation allows the franchisee to offer if there is something in writing from the city stating why the proposed design is not allowed.

Motion by Landsman, seconded by Wayne, to approve the wall sign for the Kentucky Fried Chicken restaurant at 15616 Thirteen Mile Road as proposed.

Yes – Freedman, Jensen, Landsman, Ostrowski and Wayne

No - Bliven and Tillman

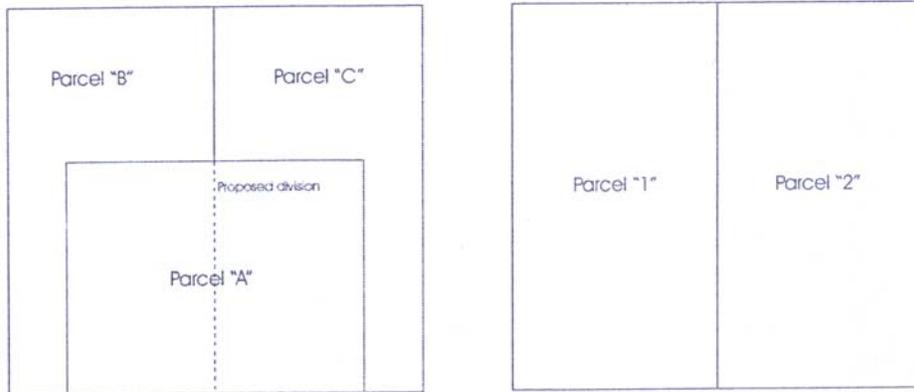
Motion carried (5 – 2).

Jensen summarized that the applicant has been notified that the Planning Board would like him to meet with the Building Official and planning consultant in an attempt to conform to the intent of Village site development guidelines. Board members are interested in the alternatives for exterior design available from the KFC corporate office.

Borowski entered the meeting at 8:00 p.m.

PUBLIC HEARING ON A REQUEST FROM THE BRENNANS AND RUTHVENS TO SPLIT PARCEL TH24-03-152-029 LOCATED ON THE EAST SIDE OF LAHSER ROAD SOUTH OF 14 MILE ROAD AND TO COMBINE THE SPLIT PARCELS WITH THEIR LOTS AND PROVIDE RECOMMENDATION TO COUNCIL

Jensen asked former Planning Board member Bob Belaustegui to present the history of this property. Belaustegui resides at 32300 Lahser on a flag lot abutting to the east of the property being considered for a land combination.



Belaustegui stated that the previous owner (Mrs. Russell) of the property in question sold two lots fronting Lahser. It was understood at the time that there would be one house built on Parcel B and one house built on Parcel C with a building line determined by the Village. Mr. Gillespie, who bought the land from Russell, received Oakland County approval to push back the building line, which allowed him to split the lots to create an additional parcel (Parcel A) in front of the two lots. Gillespie proposed a plan to split Parcel A into two lots in order to build two houses. The courts became involved and did not allow the lot split, but allowed a single house to be built on Parcel A. Belaustegui related that Gillespie advertised that land for sale as two lots from time to time. He passed away last year, and his heirs wish to dispose of the property as a single lot.

Applicant Leo Brennan stated that Parcel A can have a structure built on it according to the judgment the Village entered into with the deceased. The Brennans and Ruthvens jointly acquired that parcel from the estate because they do not want a house in front of their property. They propose to divide Parcel A and combine it with their Parcels B and C. The property has been maintained by the Brennans and Ruthvens and their predecessors since the late 1970s. The proposal will eliminate two flag lots.

Belaustegui was concerned that information submitted with the proposal does not accurately reflect an easement to his property for his sewer line. It was determined that there is an exception in the title insurance that provides for a sanitary sewer easement. Belaustegui has no objections to the land division and combination request.

Motion by Tillman, seconded by Freedman, to recommend approval of the Brennan/Ruthven Land Division and Combination Application.

Bliven questioned the extent of the County right-of-way noting that the County mandates a 33' easement. Belaustegui understands that Mr. Gillespie granted a 60' easement to the County. The Tax Identification number will be determined following Council's decision on this proposal. Borowski expressed the opinion that it is important that the Village recognize the value of the transfer of property and increase the taxes on this property accordingly.

Roll Call Vote:
Motion carried (8 – 0).

PLANNING BOARD COMMENTS

Board members commented on the October 8 joint meeting with Council. Borowski stated that clear direction was received from Council and he hopes that the Planning Board can maintain that schedule. Ostrowski thought that the session with facilitator Seth Hirshorn was constructive.

Freedman commented that she was expecting a review of the revised zoning ordinance language for a Site Development Requirements section of the ordinance at this meeting. She was informed that this will be on the agenda for the next Planning Board meeting.

Byrwa stated that the Village Manager asked that a letter dated October 22, 2003 from LSL regarding additional services for Site Development Regulations be a topic of discussion at this meeting. The Planning Board should move to recommend approval of the “not to exceed” fees if it is in agreement with additional services.

Jensen stated that the Planning Board expressed concern as to whether there was enough money budgeted to complete this task. The planning consultant was asked to review the status of the work program. The letter is intended to alert the Village to potential additional fees that will be charged at an hourly rate.

Wenzara stated that the approved contract included two drafts of the Site Development Regulations text. The second draft has been completed. She anticipates that there will be two additional drafts in the process of working with the Planning Board on the second draft and forwarding it to Council. LSL estimates that each additional draft should not exceed \$240, or three hours of time. Wenzara noted that the final adopted version is part of the original contract.

It is also the desire of the Planning Board to view graphics related to some of the proposed regulations. Preparation of this material will be an additional cost to the Village and will be billed hourly at a cost not to exceed \$240. Wenzara stated that everything else is in the original contract and will be completed as expeditiously as possible.

Motion by Bliven, seconded by Landsman, that the Planning Board recommends approval of additional services for the Site Development Regulations work plan as outlined in LSL letter dated October 22, 2003.

Borowski stated that he agrees that this additional expense should be authorized, but he will vote against the motion on the basis that the Planning Board should not agree to spend money when a request is presented at the meeting without prior review.

Domzal thinks that the site development regulations section of the ordinance is the most important item that the Planning Board is working on this year. The Village Manager has a \$1,000 spending limit without prior Council approval. The allocation of additional funds to an effort that is so important strikes him as being money well spent.

Roll Call Vote:
Borowski - no
Freedman - yes

Jensen - yes
Landsman - yes
Ostrowski - yes
Tillman - yes
Wayne - yes
Bliven - yes

Motion carried (7 – 1).

Wayne commented that he was contacted by a homeowner who is concerned with traffic safety issues on Evergreen Road and requested that a stop sign be placed on Cherry Hill Street to control traffic. It was noted that this street is in Southfield. Beverly Hills regulates southbound traffic on the west half of Evergreen from Thirteen Mile to Embassy. Byrwa will refer this concern to the Director of Public Safety at the next staff meeting.

Bliven asked if the Village received Planning Board members' responses to the Southfield Road corridor exercise distributed by Seth Hirshorn. Byrwa responded that he was asked by the Village Manager to remind the members to complete and return the requested information. Board members agreed to complete and return the handout by the first of November.

Bliven asked how to go about having Zoning Board of Appeals and Planning Board meetings taped and aired on cable television. He thinks that residents should have the opportunity to see the Zoning Board of Appeals in action. Byrwa stated that this should be discussed with the Village Manager, who could bring it to the attention of Council.

Wayne related that Council member Schmitt mentioned at Monday's Council meeting that the Planning Board should become a planning commission.

Domzal commented that codification of the Site Development Handbook into enforceable zoning ordinance language will place more authority in the hands of the Planning Board and serve as a transition phase to planning commission. He is hesitant to take a frontal approach on this issue in terms of voting on board versus commission at this time.

Tillman informed Byrwa of her preferences with respect to the look of the remodeled KFC restaurant in the Village.

Jensen commented on the value of the site development ordinance while noting the difficulty and danger with legislating aesthetics. It is a challenge for the Planning Board, but Jensen thinks they are on the right track. Jensen stated that the first meeting in November will be devoted to reviewing the second draft of the site development regulations and go through the visual preference material.

Jensen was reminded that he failed to hold a public hearing on tonight's lot split request.

PUBLIC HEARING ON BRENNAN/RUTHVAN LAND DIVISION AND COMBINATION APPLICATION

Jensen opened the public hearing at 8:38 p.m. on the request from the Brennans and Ruthvens to split parcel TH24-03-152-029 located on the east side of Lahser Road south of 14 Mile Road and to combine the split parcels with their lots.

Comments made on this topic earlier in the meeting were incorporated into the record by reference.

No one wished to be heard. The public hearing was closed at 8:40 p.m.

PLANNING CONSULTANT’S COMMENTS

None

BUILDING OFFICIAL COMMENTS

The second meeting in November will be cancelled due to the Thanksgiving holiday.

PUBLIC COMMENTS

Domzal reported that 28 people attended an orientation meeting last night for the Strategic Plan Development Committee. The Village received 44 applications for a position on this committee. A group of 15-20 people will be selected as core committee members with sub-groups established at a later date. An attempt will be made to involve all the applicants in some capacity.

Domzal commented favorably on the joint meeting but expressed some disappointment with the facilitator for the Southfield Road Corridor study plan. He would have liked more information on how Hirshorn will lead the Planning Board and Council through the process.

Belaustegui commented on the Board’s attempt to codify aesthetics and expressed the view that the Village will create more problems than it can solve.

Motion by Tillman, seconded by Bliven, to adjourn the meeting at 8:57 p.m.

Motion carried.

**David Jensen, Chairperson
Planning Board**

**Ellen E. Marshall
Village Clerk**

**Susan Bernard
Recording Secretary**