

Present: Chairperson Jensen; Members: Freedman, Liberty, Ostrowski, Wayne and Walter

Absent: Borowski, Landsman and Tillman

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

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 Ostrowski, second by Wayne, to approve the agenda as published.

Motion carried.

PUBLIC COMMENTS

None

APPROVE MINUTES

Motion by Wayne, second by Liberty, that the minutes of a regular Planning Board meeting held on Wednesday, June 23, 2004 be approved as submitted.

Motion passed.

ELECTION OF CHAIRPERSON AND VICE-CHAIR

Elections are held each year for a chairperson and vice-chairperson of the Planning Board. Jensen opened the floor to nominations for the office of chairperson.

Liberty nominated David Jensen for the office of chairperson. There were no other nominations. Jensen was reelected to the chair by a unanimous vote.

Wayne nominated Tillman as vice-chairperson of the Planning Board. There were no further nominations. Tillman was reelected by a unanimous vote.

REVIEW SITE DEVELOPMENT REQUIREMENTS, DRAFT #7

Wenzara stated that this item is back on the Planning Board agenda as a matter of procedure. During discussion of Site Development Requirements at the last meeting, the Planning Board indicated that it was going to bring the modified ordinance back for discussion at its next meeting. During Planning Board comments, it was decided to take action to forward the amended draft to Council. Because of a procedural matter, the Site Development Ordinance is before the Board for consideration of a motion referring it to Council for adoption.

The Planning Board has received copies of Draft #7 of the Site Development Requirements. Planning consultant Caryn Wenzara outlined three modifications made to incorporate changes discussed at the last meeting.

Wenzara related that there has been a question raised by business owners regarding Section 22.09.020 (d), Improvements Due to Destruction, on page four. The regulation states that, should a building be destroyed by fire where replacement costs total 60% or less of the total value of the structure, improvements may be made without conforming to the Site Development Requirements. The structure could be rebuilt as it existed previously. The last sentence of the paragraph states that the improvements shall meet the general intent and purpose of the ordinance. The concern has been expressed that this sentence takes away the objective of the paragraph, which suggests that the facility can be rebuilt as it was. Wenzara has no problem with deleting this sentence if that is the consensus of the Board.

Jensen reiterated that Wenzara is suggesting that the last sentence requiring that the intent of the ordinance be met when improvements are made to a building that has been destroyed (where replacement costs total 60% of its value) may be a difficult and subjective condition to meet by a future Planning Board and may become onerous to a business owner. It was mentioned that the goal of the Planning Board has been to upgrade the Southfield Road corridor. During the past few months, there has been discussion with business owners to preserve some of the existing buildings, which puts the Board at opposing goals. There followed a lengthy discussion on whether the last sentence should remain or be deleted.

Freedman commented that the Board has been clear about the intent of the ordinance as described in the first section of the regulations. She favors retaining the sentence in order to uphold the general intent even in situations where a building is destroyed by fire or weather. The owner always has the ability to ask for discretion or request a variance.

Board member wrestled with a number of considerations with respect to the wording in question. Site development ordinance requirements primarily address new construction or redevelopment of property. Paragraph (d) deals with a building that is damaged by weather or fire. Board members agreed that people should be able to rebuild their structure to the way it was if it is destroyed. There was also a concern that owners should not be able to do whatever they want to do in terms of changes when they rebuild.

Stanley Satovsky, owner of the Beverly Hills Club, stated that his only objection to the Site Development Regulations is the last sentence of paragraph d. He believes that it leaves too much to the interpretation or discretion of a future Planning Board that may not have the same objectives as this body. Satovsky maintains that the first sentence gives something to the business owner whose building is destroyed, and the last sentence takes it away.

Jensen remarked that the Planning Board has an opportunity to move the Site Development ordinance ahead. He suggests that deleting that one sentence and

forwarding the proposed ordinance to Council with no objections from the business owners is in the Village's best interest.

Questions and comments from Board members resulted in a few additional wording changes that will be incorporated into the final draft by the consultant.

Motion by Freedman, second by Liberty, that the Planning Board forward draft #7 of the Site Development Requirements as amended this evening to the Village Council for consideration and adoption at its earliest convenience.

Motion passed (6 – 0).

REVIEW SITE PLAN FOR PROPOSED NEW ONE-STORY COMMERCIAL BUILDING AT 31645 SOUTHFIELD ROAD (INVISIBLE FENCE CO.)

Before the Village for consideration is a proposal to build a new, one-story 2,604 square foot commercial building to replace the existing one-story frame building on a 0.26 acre site at 31645 Southfield Road (Invisible Fence Co.). It is intended to use the building as a rentable space for two retail tenants that are unknown at this time. The owner of the property is Bernard Rosenthal of 26263 W. 12 Mile Road, Southfield.

Planning consultant Wenzara has reviewed the site plan for the Rosenthal commercial building. She referred to her memo dated July 21, 2004 to discuss details that should be addressed in a revised site plan in order to comply with the ordinance. Wenzara has talked to the applicant about these outstanding items.

Architect Michael Wolk, representing the owner Bernard Rosenthal, displayed a revised site plan that has been modified to include the items noted by the planning consultant. He has responded to questions and has no issues with the points raised by Wenzara. Wolk explained plans for lighting, landscaping, parking, loading, and trash removal. He displayed a rendering of the building. A maroon concrete block with contrasting grey block has been chosen as the building color. There will be charcoal metal canopies on the south and east sides of the building.

Signage will come before the Planning Board for approval at a later date. The two tenants must be confirmed prior to occupancy in order to establish whether the parking requirements apply or if there are special uses requiring special approval. Questions from the Board were answered by Wolk.

Motion by Freedman, second by Liberty. After consideration of the proposed commercial building at 31645 Southfield Road, the Planning Board recommends approval of the revised site plan.

Motion passed (6 – 0).

PLANNING BOARD COMMENTS

Jensen welcomed new Planning Board member Dan Walter, who commented briefly on his background.

PLANNING CONSULTANT COMMENTS

None

BUILDING OFFICIAL COMMENTS

Byrwa mentioned a recent newspaper article that may apply to Section 22.32.091 of the Site Development ordinance prohibiting electronic changeable message signs. The article states that the Michigan Court of Appeals recently stated that city regulations prohibiting signs that frequently change messages violate free speech guarantees.

This will be a discussion item at the next Planning Board meeting. Wenzara commented that she will obtain a copy of the opinion.

PUBLIC COMMENTS

Council liaison Koss welcomed Dan Walter to the Planning Board. She congratulated newly re-elected chairperson Jensen.

Motion by Freedman, second by Liberty, to adjourn the meeting at 9:00 p.m.

Motion passed.

David Jensen, Chair
Planning Board

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary

THESE MINUTES ARE NOT OFFICIAL. THEY HAVE NOT BEEN APPROVED BY
THE PLANNING BOARD