

Present: Chairperson Jensen; Members: Borowski, Freedman, Liberty, Tillman and Westerlund

Absent: Ostrowski, Stempien and Wayne

Also Present: Building Official, Byrwa  
Planning Consultant, Borden

Chairperson Jensen called the meeting to order at 7:36 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

#### **APPROVE AGENDA**

Motion by Freedman, second by Borowski, to amend the agenda to include item 7A, "Consider signage for Premier Pet Supply at 31215 Southfield Road".

Motion passed.

#### **PUBLIC COMMENTS**

None

#### **APPROVE MINUTES OF REGULAR PLANNING BOARD MEETING HELD ON WEDNESDAY, AUGUST 22, 2007**

Motion by Borowski, second by Westerlund, that the minutes of a regular Planning Board meeting held on August 22, 2007 be approved as submitted.

Motion passed.

#### **REVIEW REQUEST FROM ORTHOPAEDIC SURGERY, 17877 W. 14 MILE ROAD FOR SITE PLAN APPROVAL AND RECOMMENDATION TO COUNCIL TO REDESIGN EXISTING PARKING LOT**

Before the Planning Board for consideration is a site plan for redesign of an existing parking lot for the Beverly Hills Orthopaedic Surgery offices located at 17877 West Fourteen Mile Road just east of Southfield Road. The medical building has been in operation for 23 years and has established parking. Proposed modifications will expand the parking lot to provide 65 parking spaces, which would comply with current standards. The applicant has indicated that the practice has expanded resulting in a shortfall of parking for patients and employees.

Planning Consultant Brian Borden referred to LSL review letter dated October 16, 2007 to discuss several items relative to the site plan. He noted that two of the three required barrier free parking spaces are parallel spaces that do not provide the required 5-foot striped access aisle. While this is an existing condition and these spaces are the closest to the building, they could present problems with drivers exiting their vehicles into a traffic aisle. They also lack the required access aisle for those with wheelchairs, walkers or other assistance device. Borden suggested relocating those two barrier free parking spaces internal to the parking lot.

Borden noted existing nonconformities on the previously approved site plan. The waste receptacle does not provide the required concrete base pad and the vinyl fence enclosure does not

meet current ordinance requirements. He stated that the Village has the ability to require design upgrades comparable to the extent of the project without overburdening the applicant.

Borden suggested that landscaping upgrades would be appropriate to bring the site in compliance with current standards. The Fourteen Mile Road greenbelt is deficient by four trees. The ordinance requires a greenbelt buffer zone along the south lot line adjacent to residential property or a decorative masonry wall. The site currently provides a 6-foot tall wood screen fence. The fence has been well maintained. LSL recommended requiring additional street plantings and/or a hedgerow along Fourteen Mile Road.

Dr. Jerome Wiater stated that a concrete base pad will be provided for the existing waste receptacle.

Board members discussed the site plan focusing on the parking lot plan and landscaping. Westerlund raised several site plan issues including the masonry wall requirement and possible rearrangement of the parking spaces to provide landscape islands and trees in the parking lot. He maintained that ordinances provide a standard for commercial and residential development. Ordinances should be followed or a variance should be sought.

Jensen responded that the applicant is seeking minor modifications to a parking situation with the intent of improving the capacity of the parking lot. The Planning Board has some discretion in terms of requiring additional design upgrades. He did not think that a masonry wall should be required as part of this project. With regard to parking lot islands and landscaping, this site is buffered. Requiring islands and trees in the middle of the site would eliminate parking spaces, which would be detrimental to the business owners. The Planning Board can require additional trees to buffer the parking lot from those who pass by the property.

Motion by Freedman, second by Liberty, to recommend that the site plan dated September 25, 2007 for parking lot modifications at Beverly Hills Orthopaedic Surgery at 17877 W. Fourteen Mile Road be approved with the following adjustments:

- 1) Provide additional street plantings and/or hedgerow along Fourteen Mile Road.
- 2) Provide concrete base pad for waste receptacle.
- 3) Barrier free parking spaces must comply with the Michigan Barrier Free Design standards.
- 4) The existing 6-foot high wood screening fence along the southerly lot line must be maintained.

Westerlund suggested that the applicant be requested to submit a revised plan to the Planning Board for review before approval is recommended. Byrwa noted that the site plan will go before the Village Council for consideration. The petitioner will be asked to provide an addendum or revised drawing at that time to demonstrate that the site plan complies with the conditions of the Planning Board motion.

Roll Call Vote:

Jensen - yes  
Liberty - yes  
Tillman - yes  
Westerlund - no  
Borowski - yes  
Freedman - yes

Motion passed (5 – 1).

**REVIEW REVISED SITE PLAN FROM DETROIT COUNTRY DAY SCHOOL RECEIVED 9-27-07 REQUESTING SITE PLAN AND SPECIAL APPROVAL TO CONSTRUCT A GYMNASIUM AND FITNESS CENTER AND PROVIDE RECOMMENDATION TO COUNCIL**

Tim Casai, representing TMP Architecture, was present along with Glenn Shilling, Headmaster at Detroit Country Day School. Casai stated that the site plan displayed at the August 22, 2007 Planning Board meeting was modified and resubmitted after it was determined that soil conditions near the sloped ravine area would prohibit building in that location.

The master plan drawing was displayed on a screen using an overhead projector to inform the Planning Board and community of Country Day's intent in terms of its athletic master plan. Casai described the plan to connect the Middle School and Upper School and provide new indoor practice space for the campus athletes. The rationale for the plan is to maximize play space in the flat area of the campus.

The scope of Phase 1 of the athletic plan is to construct a middle school gymnasium with adjacent locker rooms and build a weight room/fitness area and the beginning of the connecting corridor. Casai pointed out the differences from the previous site plan in terms of location of the gymnasium and fitness area. He presented information on the proposed structures in terms of size, scale, building material, and color and described the parking lot and pedestrian improvements near the entrance to the gymnasium. Detroit Country Day School is requesting approval of Phase 1 of the athletic plan this evening.

Questions and comments on the site plan were addressed by Casai. Traffic flow on the campus was a topic of discussion. In response to an inquiry, Headmaster Shilling stated that he has communicated with residents Don MacDonald and Fritz Hauser regarding the concerns they voiced at the last Planning Board meeting relative to extended use of lights in the stadium and the loudspeaker system. Efforts have been made to turn off stadium lights immediately following a game and monitor the loudspeaker volume. Shilling indicated that he has cut back on the use of the fields by those other than DCDS students except to honor obligations made by the School prior to the August 24 meeting.

Planning Consultant Brian Borden stated that the proposal from Detroit Country Day School involves special land use approval as well as a site plan review. He focused his initial comments on special land use standards. In general, it is the view of the planning consultant that the project is consistent with ordinance standards in terms of compatibility. Borden requested clarification

regarding the intended use of the new service drive fire access road. He required assurance that the design does not promote any vehicular access along a route that pedestrians will use. Casai clarified that the drive is solely for fire access and will be blocked off with a gate. There will be no interaction between vehicles and pedestrians.

Borden commented that an important consideration of special land use is capacity and consistency with public services and facilities. He questioned whether the project has been reviewed by Village engineering staff.

Byrwa referred to a memo dated October 18, 2007 from Public Services Director Thomas Meszler. He has reviewed the plans submitted by Detroit Country Day School for middle school gymnasium addition and found the sanitary sewer relocation plan to be acceptable. The plan to reroute the water main is acceptable as long as Public Safety agrees with the number and placement of the hydrants. Meszler has noted that the proposed storm sewer is planned to be under the new addition. While the Village is not responsible for the maintenance of this storm sewer, Meszler indicated that it is not a good idea to place any type of sewer, water main, or other utility underneath a building. Byrwa added that all maintenance of the storm sewer would be done at the expense of Detroit Country Day School.

Westerlund commented that Detroit Country Day School is an integral part of the community and that school buildings are an acceptable use. He thought that the Planning Board should apply conditions to the special land use approval through the site plan process. Items for Board consideration could include the effect of the proposed development on neighboring properties, sidewalk construction, and additional landscaping along the north side of the stadium. Westerlund proposed that, if a hardship can be demonstrated in terms of constructing sidewalk in the ravine area, Detroit Country Day School should be required to go before the Zoning Board of Appeals and seek a variance from the ordinance. Westerlund suggested requiring crosswalk improvements including a sidewalk ramp at the intersection of Thirteen Mile and Lahser Roads.

With regard to Public Safety Department review of the project, Officer Robert Fisher met with representatives from TMP Architecture and Peter Basso and Assoc. about the School construction project. Fisher reviewed the 2006 International Fire Code with the parties and discussed recommendations listed in his report dated 10/13/07. Casai noted that point #1 of the memo should be corrected to indicate “Middle School” in place of “maintenance garage” as the location for the fire department connection.

Motion by Tillman, second by Liberty, to recommend special land use approval of Detroit Country Day School Middle School Gymnasium and Fitness Center Addition contingent on the applicant satisfying the conditions set forth in the memorandum dated 10/13/2007 from Beverly Hills Public Safety Officer Robert Fisher.

Roll Call Vote:  
Motion passed (6 – 0).

Borden referred to his letter dated October 16, 2007 reviewing the site plan submitted by Detroit Country Day School to construct a new gymnasium and fitness center along with parking lot and

pedestrian improvements near the entrance to the gymnasium. He mentioned a couple of items that should be included or corrected on the site plan. Borden pointed out that the overall building height is unclear due to significant grade changes in the project area. Casai clarified issues related to grade. This item will be discussed further to evaluate compliance with building height restrictions.

Borden noted that the property, existing building, and proposed addition conform to the minimum setback requirements of Section 22.24 of the Zoning Ordinance. The building addition provides substantial setbacks from east, west and south property lines. However, it appears that both the existing middle school building and proposed gymnasium cross over a parcel line. The property owner should be directed to combine parcels to alleviate this situation as a condition of approval for this project.

The project is in compliance with parking requirements. Borden commented on the landscape plan. In terms of a buffer zone, there appears to be a substantial amount mature trees and shrubs on site. He suggested that the Planning Board require the applicant to provide additional tree plantings along Thirteen Mile Road and along the westerly property line to fill in the gaps. The Planning Board has the ability to require additional landscaping if it feels it will protect and benefit residential properties. The Village can be specific or general in terms of types, location, and quantities of plantings required.

Borden stated that an inconsistency in the waste receptacle notations on the plan should be corrected. The applicant must provide details on new lighting fixture poles.

Don MacDonald of 31208 Foxboro Way, vice-president of Metamora Green Homeowners Association, stated that he spoke with the Headmaster and conditions have improved relative to use of the property since the August meeting. His concern is that residential property in terms of football and soccer fields are being rented for use by other organizations. MacDonald suggested that the Village place restrictions on how Detroit Country Day property can be used beyond school activities. Residents do not like the fact that athletic fields with accompanying lights are being used many nights of the week.

Shilling stated that he has been doing everything he can to address the issues raised by residents at the last Planning Board meeting. He affirmed that Country Day security people turn the lights off immediately after the end of an event. This has been monitored and records have been kept.

Jensen asked MacDonald to put what he believes to be a reasonable use of Detroit Country Day School property in writing and submit it for further consideration.

Fritz Hauser of 31119 Sleepy Hollow agreed that conditions have improved quite a bit at the School since the August Planning Board meeting. He indicated his opposition to leasing the athletic fields for outside use.

Westerlund remarked that the special land use review opens up the site for additional improvements to the property. He proposed that the Planning Board consider the following plan requirements: crosswalk improvements at Thirteen and Lahser Roads; parking lot trees in

accordance with the ordinance at the south and north end of the campus as well as the lower parking lot at the middle school; parking lot striping; plan details for landscaping along 13 Mile Road; identify elevations on plans; provide proposed building dimensions; maintenance agreement for wood screening fence; method of screening for cooling tower; and details on building roof slope. Westerlund proposed that there should be a variance in place if Country Day is exempt for the requirement to provide sidewalks along the perimeter of their site. A variance should be received for a wood buffer fence along the westerly property line so there is no question in the future.

Westerlund asked that the Planning Board require Country Day to incorporate the requested items in a revised site plan to be submitted and reviewed by the Board before a recommendation on the site plan is forwarded to Council.

Motion by Tillman, second by Freedman, to recommend approval of the Detroit Country Day School site plan for construction of a gymnasium and fitness center addition located at the northeast side of the Middle School with the condition that the buildings meet the 30 ft. height restriction as required by the ordinance; that the fuel tank be relocated off site; that the School clarify the issue relative to relocation and/or replacement of trees; that the new parking lot lighting fixture meets ordinance height restrictions; that the School complies with the ordinance requiring lights to be turned off a half-hour after the conclusion of an event or no later than 11:00 p.m.; that the applicant meet all the conditions requested by LSL Planning as noted in its review letter dated October 16, 2007.

Roll Call Vote:

Tillman	- yes
Westerlund	- no
Borowski	- yes
Freedman	- yes
Jensen	- yes
Liberty	- yes

Motion passed (5 – 1).

**CONSIDER SIGNAGE FOR PREMIER PET SUPPLY AT 31215 SOUTHFIELD ROAD**

Mike Palmer, owner of Premier Pet Supply, was present requesting approval of new signage for the store front at the strip mall on Southfield and Thirteen Mile Roads.

Byrwa stated that the Village Zoning Ordinance allows a total of 120 square feet of signage in a business district. The proposed wall sign is 95 square feet; there is additional ground signage of approximately 13 square feet. Total signage for the site is 108 square feet. The sign will be internally illuminated and controlled by a timer. The sign meets the color restrictions of the ordinance. Byrwa recommends approval of the sign permit.

Questions from Board members were addressed by the owner.

Motion by Westerlund, second by Tillman, to approve the sign permit request from Premier Pet Supply at 31215 Southfield Road noting that the application should indicate that the background color of the sign is red with white lettering.

Motion passed (6 – 0).

#### **PLANNING BOARD COMMENTS**

Tillman reported that the Zoning Board of Appeals approved the request of Ascension of Christ Lutheran Church to erect a 4 foot high fence in the side yard along Pierce Street. Landscaping will be added to screen the fence. The proposed play structure was reduced in size and height and will be located closer to the building.

Westerlund suggested that the building official display photographs of some of the sites that come before the Planning Board as is done at Zoning Board of Appeals meetings. Westerlund proposed that consideration be given to modifying the Zoning Ordinance to indicate that a fence can be used as a buffer between commercial and residential property in lieu of a masonry wall at the discretion of the Planning Board. He believed that a variance must be requested and received by an applicant if the ordinance is not met.

Borowski stated that the Beverly Hills Zoning Ordinance has been amended by action of the Village Council. He viewed this as a successful process. Borowski commented that the Planning Board did not have a unanimous vote on motions this evening. He urged the dissenting member not be discouraged by the lack of support for his position. His comments were well thought out and well taken.

#### **BUILDING OFFICIAL COMMENTS**

Byrwa stated that the new Zoning Ordinance will go into effect on October 27, 2007.

#### **PLANNING CONSULTANT COMMENTS**

Borden commended the Village staff and Planning Board for its hard work on the Zoning Ordinance Amendment.

Motion by Tillman, second by Westerlund, to adjourn the meeting at 9:44 p.m.

Motion passed (6 – 0).

**David Jensen, Chair**  
**Planning Board**

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

**Susan Bernard**  
**Recording Secretary**