

Present: Vice-Chair Ostrowski; Members: Abboud, Borowski, Freedman, Ruprich, Stempien and Wayne

Absent: Jensen and Westerlund

Also Present: Village Manager, Wilson
Village Clerk/Asst. Manager, Marshall
Planning Consultant, Brian Borden

Vice-Chairperson Ostrowski 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/AMEND AGENDA

Motion by Freedman, second by Wayne, to approve the agenda as published.

Motion passed (7 – 0).

PUBLIC COMMENTS

None

REVIEW AND CONSIDER APPROVAL OF MINUTES OF PLANNING BOARD MEETING HELD JANUARY 26, 2011

Motion by Wayne, second by Borowski, that the minutes of a regular Planning Board meeting held on January 26, 2011 be approved as submitted.

Motion passed (7 – 0).

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A JOINT COUNCIL AND PLANNING BOARD MEETING HELD FEBRUARY 9, 2011

Motion by Borowski, second by Ruprich, that the minutes of a joint meeting of Council and Planning Board held on February 9, 2011 be approved as submitted.

Motion passed (7 – 0).

SITE PLAN APPROVAL REQUEST FROM MARKET FRESH, 31201 SOUTHFIELD ROAD FOR AN ADDITION (ALONG WITH STARBUCKS, ITS TENANT) AND SITE IMPROVEMENT

Planning consultant Brian Borden has reviewed the site plan dated 1/27/11 proposing renovations to the existing Market Fresh store on Southfield Road. The project includes a 2,397 square foot building expansion with new store entrance as well as other site improvements such as a new parking lot layout, site lighting, and landscaping. LSL has reviewed the proposed project for compliance with Village Ordinance standards and offered comments in a review letter dated February 8, 2011. Borden summarized the review letter, which has been received by the Board and the applicant.

Borden addressed areas in need of attention or additional discussion. In terms of building materials, there was not a clear indication on the drawings as to the nature of the masonry product. The Village is looking for durable quality materials such as brick material.

Borden had no issues with the proposed new vehicular circulation pattern. Parking is compliant with the ordinance and is actually in excess of minimum parking requirements. Confirmation is needed that loading spaces provide a 14 ft. overhead clearance for larger vehicles. He suggested that the applicant describe typical deliveries to assure that there are no circulation issues.

With regard to pedestrian circulation, there are new walks at the front of the building with connection to the new proposed entrance. Borden suggested that crosswalk striping may be warranted in key locations to alert motorists that pedestrians will be crossing through the drive aisles. Another suggestion is to provide a sidewalk connection from the public sidewalk along Southfield Road.

Landscaping and screening for the project generally comply with the ordinance. Borden brought minor points to the attention of the applicant regarding the species of trees. The ordinance requires a hedge row to screen parked vehicles along the Southfield Road frontage.

The plan does not include details of the waste receptacle screening. A trash receptacle typically has screening on three sides with a gate on the fourth side and requires a concrete base pad. The Ordinance sets a maximum of 14 feet for the height of light poles in the parking lot, but the Village has the ability to permit taller fixtures. Detail is needed on the mounting height of parking lot poles. There is a proposed new wall sign for Market Fresh and relocation of existing Starbucks sign. The signs comply with ordinance requirements for wall signs. The applicant should indicate the size of the existing pylon sign in order to determine total signage for the site.

Architect Victor Saroki was present with John Karmo, owner of Market Fresh, and store manager Nick Karmo. Saroki worked on enhancing and updating the interior of the store when John Karmo bought the former Vic's market. Karmo intends to further reinvest in this property.

Saroki described the expansion of about 10 feet across the front façade of the store along Southfield Road and another 10 foot expansion along the 13 Mile Road façade. The additional 2,400 square foot area will allow Karmo to expand the produce department and some of the service departments in the store. In addition, the site plan reconfigures the parking lot so all the drives are two-way and provide 90 degree parking. The site will be more user friendly from a vehicular and pedestrian standpoint.

Saroki displayed a drawing of the proposed new façade of the building and outlined the use of materials to update the structure. The majority of the new material is brick with a masonry product used at the entry as well as the base of the building. Saroki passed around a board with samples of the brick, ground face masonry product, a metal that will be used on the structure.

The proposed 10 foot extension of the building will result in creating a covered patio area for the Starbucks portion of the building. The existing Starbucks sign will be relocated to be centered

over their space. There will be new Market Fresh signage over the new entry doors facing the corner of 13 Mile and Southfield Road.

The approaches on the site plan are existing with no changes planned. The proposed parking lot design is more efficient and allows for additional landscaping and green area along the property line and Southfield Road. The new entry will be closer to Southfield Road. Parking spaces are more accessible to customers. There is a big landing area where customers come out of the store before they enter the parking lot. Saroki explained the improved access from Thirteen Mile with the drive aisle separated from the parking lot.

There is an existing 12 ft. screen wall between the Market Fresh loading area and the adjacent apartment complex. The entire aisle is concrete. The trash dumpster is not screened on every side; it is open in the back. Saroki contends that a trash enclosure with gates would restrict the movement of truck deliveries in that busy drive aisle. He emphasized that the area is not visible and the drive aisle is angled. The proposed trees will obstruct the view into that area.

Saroki distributed copies of a revised landscape plan and described the proposal. He noted that John Karmo is concerned about planting a row of trees along Southfield Road that would grow and cover the façade of the building. The road is lower than the parking lot elevation due to the natural grade. The applicant is asking to maintain the existing trees along the frontage in lieu of a hedge row. There are 17 new trees proposed in the revised plan at the new islands and other locations. The requirements for tree species will be accommodated.

The existing light poles on the site are 28 ft. tall; the site plan proposes 20 ft. tall poles. The current sign along Southfield Road is 55 square feet in area; the existing ground sign at 13 Mile Road is 23 square feet. New sign elements of this proposal are to relocate the existing Starbucks sign to center it over the Starbucks Coffee store and install a new wall sign for Market Fresh on the corner of the building. In summary, Saroki asked the Planning Board to view the proposal as enhancements to the existing building and the site.

Board members indicated their appreciation of the improvements to the site and building. There were questions regarding the façade, lighting, irrigation, Southfield Road access, location of the entry/exit asphalt triangle, circulation, parking, hedge row on Southfield Road, resurfacing of parking lot, and lighting on building.

Board members were interested in the possibility of providing a sidewalk connection from Market Fresh to the strip mall. A suggestion was made to add a prominent striped crosswalk and a sidewalk connection from the store to Southfield Road. The loading area and shielding of the trash receptacle was a topic of discussion.

Saroki responded to inquiries. He described in some detail how the building materials will be used to create dimension and layers on the façade. The wide sidewalk in the front will provide an attractive market feel. Lighting on the building is not proposed at this time, but would meet ordinance requirements.

Karmo stated the Market Fresh has a landscape company that maintains the grounds in the summer. Landscaping on the site will be maintained and irrigated. He addressed the Board's interest in providing a connection to the strip mall. Discussions with the strip mall owners have been unsuccessful but will be pursued.

The hedge row requirement along Southfield Road was discussed. Ostrowski suggested a low hedge in lieu of a continuous evergreen hedge. The intent is to enhance the Southfield Road frontage and not to obscure the building. Karmo agreed to provide some type of hedge or planting and to remove the four existing trees.

Saroki described work that will be done on the parking lot including resurfacing. He affirmed that the 16 ft. of sidewalk in front of the building will preclude the need to eliminate parking spaces for seasonal merchandising.

In response to an inquiry, Borowski recalled that the triangular piece of asphalt in the Southfield Road entry/exit was installed to discourage illegal left turns from the site. The Road Commission of Oakland County has jurisdiction over Southfield Road.

Saroki stated that it is proposed to start construction this spring upon receiving Planning Board and Council approval. Work will be done in stages with the site and the store kept open during the renovation.

Borowski proposed that suggestions brought forward at this meeting should be further discussed between the applicant, the planner, and Village administration in order to resolve those elements of the plan. A revised plan should be submitted for review and approval of the Planning Board at its next meeting. The point was made that the Village no longer employs a building official.

The Board discussed how to proceed. A suggestion was made to recommend site plan approval with a number of conditions. It would then be up to the planner and administration to see that all revisions were incorporated into the site plan.

Saroki stated that John Karmo would like to move forward with the process. Saroki requested that the Planning Board recommend approval of the site plan subject to submitting a revised plan to Brian Borden to determine if it is in keeping with the suggestions of the Board. The landscaping hedge along Southfield Road with irrigation will be provided in some form. The parking lot lighting pole height of 20 ft. was acceptable to the Board. The applicant is agreeable to adding a striped crosswalk. The waste receptacle shielding area will be addressed by landscaping; it is a policing effort for the owners.

Manager Wilson asked several questions, which were addressed by Saroki. Adequate fire lanes will be maintained around all sides of the building. The building is currently sprinkled, and the addition will be sprinkled. Saroki is working with a civil engineering firm and will analyze which catch basins in the parking lot can be reused and which ones must be removed and rebuilt. A sewer line will be relocated. Wilson said that any conditions of the Board should include engineering approval and fire marshal approval for sprinkling and fire lane access.

Motion by Abboud, second by Stempien, to recommend Council approval of the site plan proposing renovations to the Market Fresh store at 31201 Southfield Road contingent on the following conditions:

- 1) Provide irrigated landscape hedge along Southfield Road;
- 2) Irrigation of all landscaped areas;
- 3) New asphalt topping on parking lot area and drives;
- 4) Pedestrian connection and cross walk on north parking island;
- 5) Trash shielding;
- 6) Lighting on building in compliance with ordinance requirements;
- 7) Approve 20 ft. tall lighting poles in parking lot;
- 8) Engineering review and approval;
- 9) Fire Marshal review and approval.

The site plan will be revised by the applicant and submitted to Village Administration for review.

Roll Call Vote:

Abboud	- yes
Borowski	- no
Freedman	- no
Ostrowski	- yes
Ruprich	- yes
Stempien	- yes
Wayne	- yes

Motion passed (5 – 2).

SITE PLAN APPROVAL REQUEST FROM DESINE INC. (ON BEHALF OF SUNDANCE INC., FRANCHISEE FOR TACO BELL, 31305 SOUTHFIELD ROAD) TO RECONSTRUCT EXISTING BUILDING AND SITE IMPROVEMENTS

Planning Consultant Brian Borden stated that before the Village for consideration is redevelopment of the Taco Bell restaurant site on Southfield Road. The project includes demolition of the existing building and construction of a new 1,858 square foot restaurant. The applicant has obtained two variances from the Zoning Board of Appeals relating to this request. The first was for a reduced front yard setback from 35 feet to 21 feet. The other variance was for a parking reduction from 46 spaces to 22 spaces.

LSL has reviewed the proposed project for compliance with Village Ordinance standards and offered comments in a review letter dated February 8, 2011. Borden summarized the areas in need of attention or additional information.

Borden stated that the primary building material is EIFS, a stucco-type finish, while the lower 4-5 feet is faced with stone. It is the opinion of LSL Planning that the vast use of EIFS is not in keeping with ordinance requirements for “permanent and durable” materials that promote “high quality architectural design and character”. LSL has reviewed newer Taco Bell restaurants in

other communities where the buildings were designed with brick and stone. The building has a flat roof, which may be permitted by ordinance if accent treatments are provided along the top edge of the roofline as a cornice treatment. Borden did not think that the proposed building design is in keeping with that requirement.

Borden described the vehicular access and circulation. The ordinance requires more parking than provided; however, the applicant received a variance for a parking reduction. A loading space is not required given the size of the project. Because fast food restaurants often receive deliveries from large trucks, Borden suggested that the applicant address their typical deliveries.

Borden commented that the public sidewalk is on the applicant's property. The sidewalk connections to the north and south are in the right-of-way. Relocating the sidewalk into the right-of-way may be a topic of discussion.

Borden addressed minor corrections needed in the landscape plan. The elevation drawings do not identify the use of material for the waste receptacle. Lighting poles are 20 ft. tall in lieu of the ordinance maximum of 14 ft. high poles. The submittal proposes a variety of signs including wall, ground, directional, menu board and canopy. The signage on the site is generally compliant with the ordinance. The canopy sign must be reduced in size for compliance with the ordinance.

Eric Rauch from Desine Inc. was present with Rick Eccles, property manager with Sundance, Inc., franchisee for Taco Bell. Rauch reviewed that the Taco Bell building was constructed in 1981. Sundance purchased the building and has been operating it for about 12 years. Discussions have been ongoing with the Village for about a year and a half on how to improve the site. It was determined that the best route would be to demolish the existing building and site features and construct a new building.

Rauch informed the Board that the adjacent property owner was approached in an attempt to purchase land to increase the size of the Taco Bell site. The adjacent owner was not willing to sell any property nor was he agreeable to a cross-access parking arrangement. The franchisee has done its best to fit the required features on the existing property.

Rauch displayed drawings of the proposed building and site. He described the traffic circulation and parking. There is a total of 10 drive-through stacking spaces, one more than with the existing site. He affirmed that Taco Bell experiences about 60% of its business through the drive-through. A dumpster enclosure has been provided for two dumpsters. The sidewalk is on Taco Bell property in order to preserve four trees. The size of the walk will be increased from 4 ft. to 5 feet.

The building will be 1,800 square feet, which is 250 square feet larger than the existing building. Most of the increased square footage results from providing an additional restroom and some additional space in the kitchen area. Rauch stated that the building materials, cultured stone and an EIFS product, are used by Taco Bell throughout the country. The building has a 2½ foot parapet that hides HVAC equipment on top of the roof. He described the cornice feature around the entire building.

Both trash pickup and loading are done during off hours in the morning. Taco Bell has no breakfast menu. Rauch noted that one tree is provided in the parking lot in lieu of the required six trees. The applicant has attempted to maximize the parking lot to provide as much parking as possible. A hedge row is provided adjacent to Southfield Road next to the parking area. Lighting has been provided with a 20 ft. pole height. Rauch proposed that the canopy sign be viewed as a marquee sign based on Village sign ordinance definitions.

There followed comments and questions from Board members. Topics included traffic circulation, stacking lane, dumpster area obstructing a parking space, parking lot layout, insufficient landscaping, EIFS building material, dumpster material, and the retaining wall.

Rauch responded to a concern related to the small site and limited amount of stacking in the drive-through lane. He explained that the kitchen in the new building will be significantly more efficient at producing tacos faster. Additionally, a new speaker post and menu board will reduce the amount of time it takes a person to order. It was noted that the new speaker boxes have controllable volume that can be adjusted on a timer.

In answer to an inquiry, Manager Wilson indicated that the Taco Bell site is not a high accident spot. There are times when there are vehicles in the left lane of Southfield Road waiting to get into Taco Bell.

Ostrowski asked if Taco Bell was willing to upgrade the building façade. Rauch responded that the corporation has its standard prototype that they would like approved when possible. When requested, they have the ability to go to a brick structure. Brick building material will be provided at the request of the Planning Board.

At the Board's suggestion, Rauch agreed to remove the four existing trees and construct the sidewalk in the Southfield Road right-of-way. Four required canopy trees will be provided in the green space along the road.

Aboud questioned whether there is a special land use approval for a drive-through use associated with the construction of a new building. Borden did not believe a special land use approval is required because the site had already been approved for a drive-through use many years ago. Special land use approval typically runs with the land. The drive-through as shown meets the Village ordinances.

Motion by Borowski, second by Freedman, to table the request for site plan approval from Desine Inc. for Taco Bell reconstruction and site improvements until the applicant supplies further information related to the items discussed this evening.

Roll Call Vote:

Aboud	- no
Borowski	- yes
Freedman	- yes
Ostrowski	- yes
Ruprich	- yes

Stempien - yes
Wayne - yes

Motion passed (6 – 1).

JOINT MEETING FOLLOW UP DISCUSSION

Ostrowski suggested that the agenda item to address topics discussed at the February 9 joint meeting with Council be postponed to the next meeting. Freedman asked to speak briefly on the issue of medical marijuana for the reason that she will not be present at next month’s meeting.

Freedman suggested that there is a need to go forward with addressing home use, even with the extension of the medical marijuana moratorium on businesses. She proposed that the Planning Board proceed with investigating how it might want regulations to emerge for home use.

A handout was distributed copying Village Ordinance sections that appear to be relevant to the issue in part. The sections are as follows: 22.08.340 Adult Regulated Uses; 22.08.350 Home Occupations; 22.08.370 Foster Family Group Home-Child Care Centers; 22.08. 380 Adult Foster Care Large Group Home, Adult Foster Care Small Group Home for more than Seven Residents, Congregate Adult Foster Care Facility. Freedman suggested that the Board consider whether there is any place in Beverly Hills for such a use.

PLANNING BOARD COMMENTS

None

ADMINISTRATION COMMENTS

None

PUBLIC COMMENTS

None

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

Motion passed (7 – 0).

**George Ostrowski, Vice-Chair
Planning Board**

**Ellen E. Marshall
Village Clerk**

**Susan Bernard
Recording Secretary**