

Present: Chairperson Jensen; Vice-Chair Ostrowski; Members: Abboud, Ruprich, Stempien, Wayne, and Westerlund

Absent: Borowski and Freedman

Also Present: Village Manager, Wilson  
Council Liaison, Oen  
Planning Consultant, Brian Borden

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/AMEND AGENDA**

Motion by Westerlund, second by Ostrowski, to approve the agenda as published.

Motion passed (6 – 0).

**PUBLIC COMMENTS**

None

**REVIEW AND CONSIDER APPROVAL OF MINUTES OF PLANNING BOARD MEETING HELD FEBRUARY 23, 2011**

Motion by Wayne, second by Ostrowski, that the minutes of a regular Planning Board meeting held on February 23, 2011 be approved as submitted.

Motion passed (6 – 0).

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

Ostrowski reviewed that consideration of the Taco Bell site plan was tabled at the February 23, 2011 meeting to give the applicant an opportunity to return with information requested by the Planning Board and consultant during review of the proposal. A revised site plan for redevelopment of the Taco Bell restaurant on Southfield Road was submitted on 2/28/2011.

Planning consultant Brian Borden summarized his letter dated March 14, 2011 evaluating the revised site plan before focusing on a couple of items that warrant additional discussion. He reviewed that the applicant obtained two variances from the Zoning Board of Appeals relating to this proposal. The first variance was for a reduced front yard setback from 35 to 21 feet; the other was for a parking reduction from 46 to 22 spaces.

The revised submittal includes the required information needed to conduct a site plan review. The plans are in compliance with Village Ordinance standards with a few exceptions that are in need of additional discussion. Based on the direction of the Planning Board, the primary building material was changed in the revised plan from an EIFS stucco-type finish to an earth tone brick.

In response to a concern voiced at the last meeting relative to loading, the applicant has included a note on the plan stating that deliveries will take place prior to the restaurant opening (between 4 AM and 10 AM). This will ensure that there are no conflicts between patrons' vehicles and delivery trucks.

Another change in the site plan resulting from Board discussion of pedestrian circulation was removal of the existing sidewalk at the front of the property. In its place, the applicant will install a new 5-foot wide concrete sidewalk within the right-of-way as a continuation of the public sidewalk. The connection between the public sidewalk and building entrance has also been widened to 5 feet. Existing street trees will be removed with new trees planted in their place.

Borden stated that the site plan calls for 20 foot high pole mounted light fixtures. The Ordinance sets a maximum height of 14 feet but states that the Village may allow a taller fixture. The 20-foot high poles would be consistent with light fixtures that are existing on the site and are not uncommon for commercial use. A lower height would require additional light poles, which is not necessarily a positive improvement.

Borden stated that signage and landscaping are two items that require further Board discussion and direction. The landscape plan before the Board is consistent with the plan presented last month. The two front street trees will be replaced. Space is extremely limited for additional internal parking lot landscaping. Based on notes on the landscape plan, it appears that the landscape beds will be filled in with stone mulch.

Borden commented that, for the most part, what is proposed by Taco Bell is compliant with the Village Sign Ordinance. The exception may be the three canopy or marquee signs on the overhangs on the north, south and east building facades where the lettering "Taco Bell" appears on top of what can be referred to as canopies/awnings.

Borden suggested that the best way to treat these signs within regulations for the B-business district would be as a canopy or awning sign. The signs shown on the site plan do not comply with the size limitations for a canopy sign. The applicant presented the Village with a memo, sketches, and photographs in an attempt to regard the signs as marquee signs. Based on definitions in the Sign Ordinance, these could be defined as marquee signs. However, the only reference to a marquee sign in the B district regulations relates to theaters. Borden stated that this is an item that may necessitate additional discussion.

Eric Rauch with Desine Engineers was present on behalf of Sundance Inc., franchisee for Taco Bell. With him was Rick Eccles, property manager with Sundance, Inc. Rauch reviewed a few of the outstanding items. He displayed a color rendering of the standard building prototype to illustrate the colors of the corporate standard. Another drawing depicted the proposed brick building that tones down the colors towards earth tones. Rauch displayed samples of the building materials that will be used on the structure.

With regard to landscaping, Rauch emphasized that limited space on the site keeps the applicant from meeting the parking lot landscaping requirements. The site meets all the other landscape requirements within the ordinance. Trees will be planted where they can grow, and areas where

shrubs can be placed have been maximized. Rauch respectfully asked the Planning Board for a reduction in the ordinance requirements for parking lot landscaping.

Rauch stated that reducing the height of the lighting poles would require using more light poles to provide proper lighting. He asked the Planning Board to consider the 20 ft. high light poles that match what is on the existing site as well as the adjacent properties.

Rauch described the corporation's standard prototype sign. The architects reduced the signage per the ordinance as they understood it to be best defined as a marquee sign. The bells on the north and south façade of the building were removed; the bell in the front below the top of the parapet was lowered. The total square footage of the signage represented in exhibit #2 is 98.5 square feet, which includes ground signage and wall signage.

If the signs were to be defined as a canopy sign, the architects would move the Taco Bell lettering onto the front face of the building on either side of the bell (exhibit #3). The total site square footage would be 110.66 square feet for all signage using this interpretation. Rauch asked the Board to consider the signage plan that proposes a total signage at 98.5 square feet.

Motion by Westerlund, second by Ruprich, that the request from Desine Inc. for site plan approval for Taco Bell reconstruction and site plan improvements be taken off the table.

Motion passed (6 – 0).

Abboud entered the meeting at 7:55 p.m.

Board members discussed the signage for the Taco Bell building. There were members who favored the appearance of the signage in Exhibit #2, based on the marquee sign interpretation. Exhibit #3 configured the signage as a canopy sign; this plan would be within the 120 square foot maximum allowed by the ordinance. The Board determined that the site plan approval would provide concept direction on the signage. A separate sign permit and Planning Board approval would be required at a later date.

It was the consensus of the Planning Board to allow the 20 ft. high light poles. Parking lot landscaping deficiency was discussed. There was agreement that not much could be done to add landscaping to a parking lot that is already deficient in parking spaces. The Planning Board has the authority to waive strict adherence to parking lot landscaping requirements. Board members indicated that they would like to see more landscaping to offset the amount of asphalt, but the site is unique because it is an existing site being redeveloped to upgrade the building.

The two trees proposed in the right-of-way are designated as Red Oaks. The choice of plant material was questioned because the mature height of a Red Oak may interfere with power lines in close proximity; a tall tree would be cropped by the utility company. Ostrowski suggested planting ornamental trees in place of canopy trees in the right-of-way. There was also a question of locating a Pin Oak just inside the right-of-way in front of the building.

The Board discussed the proposal to use crushed clay tile mulch in the landscape beds. Rauch explained the material and the reason for its use in terms of fitting into the southwestern theme, durability, and ease of cleaning up debris.

Westerlund voiced a concern about the barrier-free parking space on the southeast corner of the site where someone in a wheelchair would have to go into the right-of-way of the sidewalk to enter the building. He questioned whether the applicant should be asked to provide crosswalk markings in the pavement across the drive and install a short walk that would connect the crosswalk to the front entry of the building.

Motion by Westerlund, second by Jensen, that the Planning Board recommend approval of the site plan dated 2/28/11 submitted by Desine Inc. on behalf of the franchisee for Taco Bell for the proposed redevelopment of the Taco Bell restaurant site at 31305 Southfield Road with the following conditions:

- The applicant will return with a sign permit request based on Attachment #3.
- The landscaping plan will be altered to reflect three ornamental trees in lieu of the proposed Red Oak trees in the Southfield Road right-of-way and an alternate to the Pin Oak proposed in the lawn area in front of the building.
- The lighting is approved as submitted with 20 foot light poles.
- Crushed clay tile mulch is permitted as proposed.
- Approved plans are subject to engineering review.
- Parking lot landscaping requirements are waived.
- Subject to the building material samples provided.

Roll Call Vote:

Motion passed (7 – 0).

### **LSL TO ADDRESS POTENTIAL ORDINANCE UPDATES**

Brian Borden of LSL Planning reviewed that there was agreement at the joint meeting with Council on February 9, 2011 that there were a number of elements of the Zoning Ordinance that could use updating or refining. Some of these items have generated from discussion and review of Planning Board projects over several years. The direction at the joint meeting was for the Planning Board to prioritize its short, medium, and long term goals with respect to addressing potential Zoning Ordinance amendments.

Items that have been proposed for future consideration are as follows:

- Tree protection/preservation ordinance
- Parking update, particularly calculation requirements
- Signs – review sizes, political and case law considerations
- Review permitted uses for individual districts - Day Care
- Fencing
- Outside sales
- Changes as a result of the recent Planning and Zoning Enabling Laws (MPEA, MZEA)
- Zoning Board of Appeals review process and review criteria
- Site Plan Review process – Council refers plans to Planning Board for consideration

Important topics that are scheduled for separate discussions are an overlay district for the Southfield Road Corridor and the Michigan Medical Marijuana Act.

Borden stated that new planning law references planning commissions and not planning boards and dictates communities to be compliant with the law by July of 2011. Borden interprets this to mean that the Village's planning ordinances should change the board to a planning commission. He remarked that a number of the planning commissions that work with LSL can only make recommendations, depending on the project. Input will be requested from Village Attorney Ryan on this topic.

Planning Board members reviewed the list and provided some direction to the planning consultant. It was suggested that the procedural items would be relatively easy to accomplish. These would be the site plan review process whereby Council refers plans to the Planning Board; ZBA review criteria and process; and changes as a result of the recent Planning and Zoning Enabling Laws. It was the consensus of the Board to address a tree protection/preservation ordinance.

Parking ordinance updates are associated with commercial property. There was agreement that the Village will want to use the Southfield Road Overlay District as an incentive to redevelop property. Parking, Permitted Uses, Signage, and outdoor sales all relate to the commercial district issues.

Wilson commented that a new issue that communities are experiencing has to do with federal legislation known as the Religious Land Use and Institutional Protection Act. It has given religious institutions more authority in terms of land use that may not be in accordance with the municipal code. If the Board agrees, Wilson would request that the planning consultant look at this new federal legislation.

Borden said that a community needs to make sure that its ordinance is in line with the Act. Generally speaking, the Act says that you have to treat religious land uses as consistent with other uses that mention congregations of people.

#### **FOLLOW UP DISCUSSION FROM JOINT MEETING WITH COUNCIL ON FEBRUARY 9, 2011**

Stempien stated that he had a conversation with Birmingham Planning Director Jana Ecker, who has experience with overlay districts and has been involved in developing a Master Plan for the area commonly referred to as the "Triangle District". Ecker had great information on how Birmingham developed its overlay district and lessons learned, which she is willing to share with the Planning Board. Jana Ecker will make a 30-45 minute presentation to the Planning Board at its April meeting.

Ecker will talk about how the City of Birmingham achieved community support for its overlay district and how goals and objectives were established. She will provide information on how Birmingham dealt with issues related to parking, open space, green principles, building material, setbacks, and incentives. Ecker will present a broad overview of the process they went through from start to finish.

Stempien stated that the Planning Board should keep on track in terms of discussing topics at each meeting related to the overlay district and Southfield Road corridor redevelopment. Westerlund remarked that the presentation at the April meeting from Jana Ecker will assist with developing a framework; the Board will set a topic for its following meeting. The Board should establish a timeline on how the Village should approach the corridor plan.

Ostrowski remarked that communication with the Road Commission runs parallel to this discussion. Wilson stated that he has been in contact with the Road Commission regarding their annual meeting with the Village in April. Review of plans for Southfield Road on how we can work together will be a foremost issue for discussion with Mr. Bair.

### **PLANNING BOARD MEMBER COMMENTS**

Abboud stated that he was trying to envision how the remodeling of Taco Bell or Market Fresh tied into the Southfield Road Corridor overlay district. Board members commented on how businesses can be part of the overall corridor redevelopment. Recent redevelopment may signify that the Planning Board is on the right track in terms of moving forward with an overlay district. Abboud suggested involving the business community with the development of a vision.

Stempien remarked that Jana Ecker talked about getting the community involved early in the process. Birmingham conducted two-day design charrettes to encourage people to express concerns and ideas about a Master Plan for the Triangle District.

Bruce Wayne announced that he and his wife sold their home and will be moving from Beverly Hills. This may be his last Planning Board meeting. Wayne said that he has enjoyed being on the Board for the last 10 years. He was encouraged by the talent that is represented on the Planning Board and said to keep up the good work.

Westerlund remarked that the Planning Board will miss Bruce. Jensen said that Bruce Wayne has made a great contribution on the Planning Board. On behalf of the Board, Jensen thanked Bruce for his ten years of service.

### **ADMINISTRATION COMMENTS**

Wilson also thanked Bruce Wayne for his years of service on the Planning Board and wished him the best of luck. Wilson concurred with Wayne's comments about the quality of people on the Planning Board.

Wilson reminded the Board that he took photographs in cities near his Algonac property that have the same one-sided downtown issue, but with a river on one side. Pictures taken in the City of St. Clair might be interesting to review at an upcoming meeting. Board members suggested that Wilson present this material at the April meeting following the presentation by Jana Ecker.

Wilson reported that the Village Council approved the site plan for Market Fresh renovations at its March 15 Council meeting.

**PLANNING CONSULTANT COMMENTS**

Brian Borden thanked Bruce Wayne for his service to the Planning Board noting that he has been great to work with.

**PUBLIC COMMENTS**

None

Motion by Abboud, second by Wayne, to adjourn the meeting at 9:16 p.m.

Motion passed (7 – 0).

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

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

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