

Present: Council: President Pro-Tem Briggs; Members: Burry, LaFerriere, Mercer, Mooney and Oen

Planning Board: Chairperson Jensen; Vice-Chair Ostrowski; Members: Abboud, Borowski, Freedman, Peddie, Ruprich, Stempien and Westerlund.

Absent: Council President Koss

Also Present: Village Manager, Wilson
Assistant Manager, Marshall
Planning Consultants, Brad Strader and Brian Borden

Chairman Jensen called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road. He welcomed members of Council to the joint meeting.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Borowski, second by LaFerriere, to approve the agenda as published.

Motion passed.

PUBLIC COMMENTS

None

UPDATE CURRENT ORDINANCES

Sign

Westerlund stated that the Planning Board has received a number of requests for sign permits in the last several months. It was the consensus of the Board that there were sections of the Village's sign ordinance that needed to be changed. It became evident that it would be difficult to modify text that was antiquated. At its November meeting, the Planning Board decided that it would review a couple of specific sign ordinances that were done well and use that language as a model for a new sign ordinance rather than attempt to revise selected sections of the current ordinance. It is the intent of the Board to draft a village-wide comprehensive sign ordinance.

Westerlund narrated a PowerPoint presentation encompassing all aspects of signs in a commercial district to make the point that there are many elements to be considered in drafting a sign ordinance for the Southfield Road corridor and the entire Village. The Board was shown slides of existing signage throughout the Village as well as examples of desirable signage that enhances buildings rather than overwhelms them.

It was pointed out that a sign can indicate the nature of the business without being overly large; there are creative ways to handle signage. Signs with plasma screens and changing messages are becoming prevalent. Westerlund would like the Village to be proactive and decide whether that is the type of signage it wants in the community.

There were illustrations of how signs illuminated by external means could change the character of an area. Westerlund displayed a number of attractive and creative monument and wall signs that

were externally lit. Backlit signs are also becoming more prevalent. He pointed out architectural features on a more pedestrian scale that look unique and work well in a walkable community. Ways of utilizing typical branding elements for businesses without using electronic signs were demonstrated. Westerlund showed numerous examples of signage to be considered while reworking the sign ordinance with the idea of creating a unique sense of place and character in the community. He thought it would be good to have more consistency in signs throughout the Village, especially in the overlay district.

Westerlund suggested that the next step would be to ask for Council approval to proceed with rewriting the Village sign ordinance and address it from a village-wide standpoint. There is a critical need to tackle the maximum square footage of signs allowed under the current sign ordinance as well as looking at nonconforming signs. The Planning Board wants signs to enhance the Village with the understanding that business owners need to advertise.

Questions and comments from Council and Board members on sign ordinance regulations and code enforcement were addressed by the planning consultants.

Garage Sales

Planning Board member Peddie distributed a draft garage sale sign ordinance for consideration by the Planning Board and Council. The Village currently has no ordinance regulations for garage sales. There have been complaints received from residents about people who have continuous garage sales. The draft ordinance is modeled after the City of Berkley ordinance.

Peddie outlined the content of the ordinance. It will limit residents to two garage per year plus the village-wide garage sale. There are restrictions on the number of days, time of day, and some regulations regarding the physical location of the sale. Wilson proposed sending the draft ordinance to Attorney Ryan for his review and comments.

There were questions and comments on the proposed ordinance that included limiting the sale to used items from the home, related signage, penalty clause and warning, and establishing the permit fee by Council resolution. Mooney recommended that violation of the ordinance should be a civil infraction and not a misdemeanor. Strader suggested either referencing the sign ordinance in the document or including sign regulations in the ordinance.

Outdoor Sales

Abboud distributed a proposed ordinance amendment that would allow temporary seasonal outdoor sales or storage of goods and outside seating to be handled administratively through a permit process. The current zoning ordinance prohibits outdoor sales. This topic comes up every year because Market Fresh goes before the Zoning Board of Appeals with a variance request for seasonal outside sales and Starbucks requests a variance to have outside seating in front of its store.

Abboud summarized the sections of an outdoor sales ordinance amendment: Purpose, Application for Permit, Required information and plans, Procedure, Criteria for approval, and Permits and Fee options. He noted that this is a working document that will be presented to the Village attorney for review and forwarded to Council for consideration.

There was discussion on the proposed procedures for applying for a permit for outdoor sales. Strader suggested that the ordinance clarify whether it involves an administrative process or Planning Board review. Wilson recommended setting strict standards and requiring a five day administrative review process.

Zoning Ordinance Penalty Provision

Wilson stated that was asked by Attorney Tom Ryan to raise the issue of an amendment to the Village Zoning Ordinance in the penalty provision so that any zoning infraction is a civil infraction as opposed to being a misdemeanor. He noted that the Village almost ended up with a jury trial over a junk vehicle citation. Ryan will be asking Council to direct the Planning Board to decriminalize the Village's zoning and blight violations and property maintenance violations. The benefit to the Village of adopting this zoning ordinance amendment will be as follows:

- 1) The burden of proof is the preponderance of the evidence and not just beyond a reasonable doubt.
- 2) The person receiving the citation does not have a right to a jury trial, only a formal hearing before a Judge.
- 3) The Village can still obtain affirmative injunctive relief. If the matter is not cleared, the Village can obtain an order by the court to go on the property, correct the violation and bill back the property owners.

SOUTHFIELD ROAD CORRIDOR OVERLAY PROPOSAL

Stempien presented an update on the Southfield Road corridor overlay district that included what happens next. The Board and its subcommittee have been reviewing various topics to determine what the Village is trying to achieve in terms of goals for an overlay district. Topics include definition of the overlay boundaries, vehicular and pedestrian circulation, types of businesses in the overlay district, and the concept of a walkable community. The underlying purpose was to consider the character of Beverly Hills, develop a sense of place, and enhance the quality of life for citizens of Beverly Hills and the people who visit our community.

The Planning Board used these principles to develop a mission statement for the Southfield Road corridor redevelopment plan. *“Enhance the Village’s unique character that creates a sense of place through preservation of community valued businesses, encouragement of new businesses, and strengthening of the tax base to elevate the quality of life of each of our citizens”.*

The Board has engaged LSL Planning to prepare a proposal to develop an overlay district for the Southfield Road Corridor. Stempien outlined the key components of the work plan submitted. LSL will orchestrate nine meetings including meetings with stakeholders, the Road Commission for Oakland County, the Planning Board subcommittee, and two workshops to develop the plan.

LSL will develop a Design Guideline booklet and plan narrative. It will contain photos and graphics illustrating examples of what is desired including building placement, height, architectural details, parking lot design details, signs, pedestrian amenities, landscaping, lighting, and Low Impact Development stormwater design. It will better define design guideline criteria moving forward.

An Overlay District Code would be drafted as an overlay to the current zoning designations to address building location, height, site design, parking, etc. The LSL proposal includes one revision for the public hearing and one post-hearing revision. Incentives for using the overlay district would be defined and accompanied by graphic representation.

The product furnished by LSL will incorporate information through 3-D massing models illustrating 1-2 alternatives that could be developed under the new code. It is easier for people to understand than a narrative only.

The proposal from LSL contains a detailed timeline for the deliverables that will be provided beginning in March and ending in August. There are tasks to be accomplished within each month, which will help to organize the accomplishments during that six months. The cost for this work plan is approximately \$21,000. Stempien viewed this as a reasonable amount for the effort outlined in the proposal and the value of the product. LSL has experience in terms of developing an overlay plan for the City of Birmingham and other municipalities.

Westerlund mentioned that the meeting portion of the work plan includes a public workshop and a workshop with property owners. This process will be open to the community. The intent is to invite and engage the public in order to receive their input on what the Planning Board is trying to achieve for the entire Village.

Jensen remarked that the Planning Board has been dealing with commercial applications for signs within the last six months. The Board arrived at the point where it decided not to revise the sign ordinance, but to focus on the bigger picture of what will happen on the Southfield Road corridor in terms of buildings and the environment. It was decided that it was time to develop an overlay district.

Brad Strader from LSL Planning commented that he appreciated the efforts of the Planning Board and its subcommittee. What is happening now is that opportunities are being missed as new developments come into the community such as the Taco Bell redevelopment. The feeling is that there is a need to develop an overall plan for what the Village wants the private development to be in the long term emulating some of those sign elements depicted in the slide show. It is important to have a transition plan for development. The overlay is a long term plan of what the Village would like to see in the corridor; but it includes flexibility so buildings can remain the way they are while development occurs over time.

Another component of the overall plan is Southfield Road itself. The City of Southfield and Lathrup Village are working with the Road Commission to decide whether or not Southfield Road will have a median and how many lanes there will be. The LSL proposal includes a couple of meetings with the Road Commission to determine their ideas and inquiry about the possibility for a median in Beverly Hills. There will be a meeting to present the Village's concept plan and to receive the input of the Road Commission. In the end there will be a plan for the roadway and a plan for private property.

Strader talked about signs. The Village would choose the types of signs it wants to see in Beverly Hills. The general dimensions and style of the signs would be written into the overlay code, but the

Village would still depend on the sign ordinance for the basic structure of sign regulations. Strader suggested that the Village proceed with the overlay district proposal first followed by the sign ordinance rewrite.

It was proposed at a recent subcommittee meeting to arrive at a flexible model that shows where buildings and parking would be located in terms of blocks and masses without dictating design. The idea is to be flexible with the architect's designer. The overlay plan will be a framework for building design and parking but will not design the entire corridor. The primary focus of the Southfield road corridor overlay district will be the commercial frontages on Southfield Road but will include a transition plan that could encompass part of the school site, the swim club, or apartment complexes.

Westerlund referred to a map displayed on the wall to identify the Southfield Road corridor area. He pointed out uses beyond the overlay district area, which incorporate all the aspects of a mixed use community including businesses, restaurants, an athletic club, apartments, senior citizens complex, village office and schools. Westerlund proposed looking at all of these uses as an entire area and considering all aspects of development. The redevelopment may only include the commercial frontages, but the outlying areas should be considered as the Village goes through this process. Stempien suggested being mindful of possible linkages in terms of pedestrian traffic between the multiple family housing and business district.

There followed a discussion between Planning Board and Council members on the Southfield Road Corridor Overlay proposal. It was noted that the deliverable after the six month exercise with LSL will be a product the Village can use as a document going forward. A factor in the success of the overlay district will be how much incentive the Village wants to attach to this plan and what would draw someone to invest money in the corridor. The intent is to encourage building within the overlay district by offering flexibility if a developer agrees to follow certain guidelines.

Strader remarked that a redevelopment project begins with a plan. The subcommittee looked at the best use of the dollars. It was decided to have a property owner meeting to attain their support and input because they could make things happen. Another topic discussed with the subcommittee but not included in the LSL proposal was to meet with developers who do this type of redevelopment to determine what incentives it would take to stimulate their interest in the Southfield Road corridor redevelopment. Then the Planning Board would have to consider their response and determine if Village officials are willing to accept that scale. There are steps in the work plan to ascertain the correct zoning incentives or flexibility that would encourage redevelopment.

Strader talked about parking area for a unified center. Consideration could be given to shared parking. The Village might decide to proceed with a parking management system. These are things that can be done beyond the plan.

Jensen mentioned that Birmingham incorporated a residential component in its downtown redevelopment. He talked about the concept of a building with commercial on the first floor, offices on the second floor, and residential on the third floor.

Mooney remarked that Council has been support of a overlay proposal for the Southfield Road corridor, but the Village has been faced with severe financial difficulties. He thought that there should be a concerted effort at this time to proceed with redevelopment of the commercial area for the survival of this town. Mooney also proposed that the Planning Board and consultant look at a broader boundary than the commercial frontages. He concurred with including a residential component in the plan. Mooney requested that metrics be provided to gauge some quantifiable components of the plan.

Strader remarked that LSL was attempting to keep the price low and the product high. He has personally committed to “pro bono” work on the project. LSL is expecting meetings at their office with participation from a working subcommittee of the Planning Board. The thought was that the code would be written for the core area with a more general framework developed for the outlying areas. If Council wants the overlay code to cover a broader area, that could be added to the current proposal or added later with a separate price to code that area. The Corners and the cemetery are also areas to be considered for inclusion in the overlay district. Strader would feel more confident giving the Village a cost for the extra areas once it begins the process. The current plan is a good base point.

Strader informed Council that the Village may need to develop a traffic model after input is received from the Road Commission for Oakland County. This would involve engaging Village engineering firm Hubbel, Roth & Clark to conduct a study at a cost of \$5,000-\$7,000 to determine how much traffic the new development will generate and how many lanes are needed to accommodate traffic.

Jensen remarked that he did not view the proposed work plan as the end game. The Planning Board and consultant have identified a plan for the next six months. He is looking forward to increased interest in the overlay plan and anticipates a follow up plan. The project will involve hard work for five years.

Stempien commented that some of the things that the Village is trying to achieve such as a sense of place are intangible. If the Village implements a plan that is solid and moves us in the direction, it will build a better environment and better quality of life for people who will be using these facilities.

It was the consensus of Council that the next step was to forward this Southfield Road Corridor Overlay Proposal to Council for approval. The Planning Board was asked to provide metrics that would present some return on the benefit. At the direction of Council, Strader will add a second public workshop into the plan towards the end of the process and a description of Phase 2 of the overlay plan.

CHANGE PLANNING ‘BOARD’ DESIGNATION TO PLANNING ‘COMMISSION’ TO COMPLY WITH STATE REQUIREMENTS

Manager Wilson distributed a copy of a memo from Tom Ryan with a proposed ordinance changing the Planning Board to a Planning Commission pursuant to the Michigan Zoning Enabling Act. The State wants the bodies to go by the name of planning commission and not planning board. Ryan

referred to Ordinance Sections 2.01A – 3 and 4 regarding membership qualifications. Those are not legal requirements, but are recommended according to best practices for municipal government.

Wilson stated that the Village should formalize this ordinance amendment before the end of the year. He asked the Planning Board to review the ordinance at an upcoming meeting.

COUNCIL MEMBER COMMENTS

Council members thanked the Planning Board for their work and expressed support and enthusiasm for the Southfield Road Corridor overlay district plan.

PLANNING BOARD MEMBER COMMENTS

Stempien appreciated the fact that Council has given its support and approval of this exciting redevelopment project. Jensen thanked Council for its support and assistance. A formal contract from LSL Planning will come before Council for consideration at its first meeting in March.

ADMINISTRATION COMMENTS

Wilson reviewed that Administration has been working for some time on a building department merger with the City of Birmingham. Royal Oak building department staff has stepped in to provide building department service for the Village during the interim period. Royal Oak would like to provide the service full time but cannot continue to provide temporary service. Wilson spoke highly of the Royal Oak staff for the efficiency and professionalism they have provided.

Birmingham has said that it is moving forward on the proposal, but has not given the Village a firm commitment. Wilson has given Birmingham until the end of the month to make a final decision on providing building department service to the Village. There were members of the Planning Board and Council who urged Wilson to consider contracting with Royal Oak as a viable alternative.

PUBLIC COMMENTS

None

Motion by Ruprich, second by Abboud, to adjourn the meeting at 9:09 p.m.

Motion passed.

David Jensen, Chair
Planning Board

Walter Briggs
President Pro-Tem

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary