

Present: Chairperson Ostrowski; Vice Chair Westerlund; Members: Borowski, Drummond, Grinnan, Jensen, Ruprich, Stempien

Absent: Chegash

Also Present: Planning Consultant, Borden  
Village Manager, Wilson

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 Borowski, second by Westerlund, to approve the agenda as presented.

Motion passed (8 – 0).

#### **REVIEW AND CONSIDER APPROVAL OF MINUTES OF PLANNING COMMISSION MEETING HELD ON JUNE 24, 2015**

Motion by Westerlund, second by Jensen, that the minutes of a regular Planning Commission meeting held on June 24, 2015 be approved with the following corrections:

Page 6, second paragraph, line ten, strike “~~for temporary and portable structures~~”. The corrected sentence reads as follows: Wilson discussed the issuance of approximately 150-200 field corrections per year.

Page 6, last paragraph, third line, strike “~~City of Southfield~~”, insert “*Village Council*”. The corrected sentence reads as follows: Chairman Ostrowski stated he would like for someone, possibly Council Member Abboud, to contact the Village Council to try to get this moving along.

Motion passed (8 – 0).

#### **PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA**

Mr. Daniel Nunez, 16128 Marguerite, requested the Planning Commission consider changing the fence ordinance to allow for six foot fences in the Village. He discussed the problem of homeowners having to view neighboring property with yards containing stacks of bricks, kitchen sinks, broken playground equipment, and trash.

Board members noted this may be a nuisance or blight issue and code violations should be addressed. Natural vegetation should also be considered to provide a living barrier. It was noted Mr. Nunez has the option of appealing to the Zoning Board for a variance based on a hardship.

Mr. Nunez stated he has spent \$30,000 to \$50,000 on Arborvitaes, cherry trees and other vegetation to provide a natural barrier, and some of the trees died.

Village Manager Wilson discussed privacy screen requirements. In response to questions from the Commission regarding changes in the fence ordinance 10 to 15 years ago, Manager Wilson

said he would have to look up the history. He further stated the fence ordinance applies to the entire village. Four foot fences may be appropriate for some areas, but not for others. It may be advisable to look at structuring the fence ordinance to address specific zoning districts.

Chairperson Ostrowski stated issues regarding the fence ordinance have come up in the recent past. The subject cannot be resolved tonight as ordinance amendments would be required. The Commission could look at this in the future. He suggested Mr. Nunez address his concerns with the Village Council. The Village Council directs the Planning Commission on matters they wish to pursue.

### **DISCUSSION ON SOUTHFIELD ROAD CORRIDOR MARKETING PLAN**

Chairperson Ostrowski stated Mr. Robert Gibbs has been invited back to further address the Southfield Road Corridor Marketing Plan. The Planning Commission is looking for assistance in moving this plan along and driving interest in development without giving an impression that the Village is trying to drive out existing businesses.

Member Jensen noted the first study was done in 2008 with a follow-up plan in 2009. The potential of the corridor was identified in the first plan and further developed in the follow-up plan. Some progress has been made with changes in the sign ordinance, buildings being torn down, and the opening of fences and gates. Also, some of the property has changed owners. The Planning Commission meets once a year with Council, but assistance is needed in pursuing an aggressive corridor marketing plan.

Mr. Gibbs stated the suburban retro fit that the Village wants to do is hard. You can have a good plan and appropriate zoning, but if you don't have developers, it won't happen. He could take a look at the ordinances again and get input from developers. There may be something in the master plan or overlay district holding back development. The Village could go out and find a master developer, but this is difficult. The DDA could advertise in the Urban Land Institute to seek bids on the right to take leadership on development. Frequently, a municipality may own one or two lots, which makes this easier. The Village may want to buy some options on vacant property. Unfortunately, many developers lack creative foresight. The Village has a strong area with great opportunity; it just needs to find a master developer. Many developers aren't aware of opportunities. This is an excellent market for mixed use.

Planning Consultant Borden, of LSL Planning, stated he would provide the overlay district to Mr. Gibbs.

Discussion followed on development in Grand Rapids, Ferndale, Birmingham, and Royal Oak. It was pointed out that these communities have a main street with an area for downtown development. Changes in the area of Fifteen Mile and Cranbrook were mentioned. Building height restrictions were discussed. Mr. Gibbs noted the optimal maximum is five. The moving of McDonalds, a change in ownership for the Nexus building, the Beverly Hills Grill, outdoor seating, an apartment project that needs updating, and other changes in the corridor were discussed. Manager Wilson discussed traffic counts and expressed concern about attracting a developer that erects a large office building or hotel.

Mr. Gibbs stated the Village may need a marketing campaign, a soft sell with published articles. Livonia is trying to do the same thing. A group of citizens in Livonia want a town center, and they are getting some press. Now, developers are contacting Livonia. He could take a look at updating the model. He would also like to look at the Village Code again. If one mixed use development gets off the ground, it could stimulate a snowball effect. This is a good time to do this, before another recession. There is a stronger market now. There may also be an issue with uncooperative property owners.

Board members expressed support of having Mr. Gibbs write articles for publication. Mr. Gibbs stated he could do that; or another idea is to hire a public relations firm. They could get articles published or get an item on the local news. He could serve as a consultant if that is what is needed.

Board members expressed concern about giving an impression of pushing out local businesses. Mr. Gibbs stated since the Village doesn't own the property, they can't legally control this. However, their wishes can be made known to developers. He would be happy to help the Village on moving this plan forward. He will get with Manager Wilson and Planning Consultant Borden, do some review, outline a proposal and make some recommendations.

#### **DISCUSSION ON DRAFT AMENDMENTS FOR NONCONFORMING AND TEMPORARY STRUCTURE REGULATIONS**

Planning Consultant Borden stated only one change was made to 22.30.040, Nonconforming Structures, as previously discussed. The issue we were having related to the interpretation of the current language on when someone can or cannot add on to an existing structure, Manager Wilson stated he will present this to the Zoning Board at the next meeting. Section 22.08.220, Temporary and Portable Buildings, Uses and Structures, has been amended as discussed at the last meeting. This section specifically addresses the POD (portable moving container) situation. The first paragraph of this section has been deleted with some of the language blended into subsequent language. Subsection 5. *“Trucks, truck trailers, vans or other passenger vehicles shall not be used as a temporary and portable structure for storage, warehousing, retail sales or service or offices”* was added. Also administrative approval was added for longer use of a POD.

It was suggested in Subsection 5. that the reference to truck trailers be changed to read *“Trucks, ~~truck~~ trailers, vans...”*. It was also recommended that Subsection 5 be set apart as a separate paragraph and not included in the numerated list. Planning Consultant Borden stated he will review the wording of 22.08.220 and bring it back to the Planning Commission next month for a public hearing.

#### **ELECTION OF OFFICERS**

Chairperson Ostrowski opened the floor for nominations for the office of chairperson of the Planning Commission. Member Jensen nominated George Ostrowski for the position of Planning Commission chairperson. Ostrowski accepted the nomination. There being no further nominations, Ostrowski was elected chairperson by unanimous acclamation.

Chairperson Ostrowski opened the floor for nominations for the position of vice-chairperson of the Planning Commission. Ostrowski nominated Patrick Westerlund for the position of Planning

Commission vice-chairperson. Westerlund accepted the nomination. There being no further nominations, Westerlund was elected vice-chairperson by unanimous acclamation.

Chairperson Ostrowski opened the floor for nominations for the position of secretary of the Planning Commission. Westerlund nominated Vince Borowski as secretary of the Planning Commission, and the nomination was accepted by Borowski. There being no further nominations, Borowski was elected secretary by acclamation.

### **PUBLIC COMMENTS**

Mr. Daniel Nunez, 16128 Marguerite, referred to the ordinance for temporary structure regulation, Subsection 5. “*Trucks, ~~truck~~ trailers, vans or other passenger vehicles...*” and questioned why the word *truck* was stricken. He pointed out that sometimes flatbed trucks with cars are parked in the neighborhood.

Planning Consultant Borden discussed the need to have broader language in the ordinance.

### **LIAISON COMMENTS**

Council Liaison Abboud noted all of Council was invited to attend tonight’s meeting to hear the presentation by Mr. Gibbs.

Abboud referenced a case recently before the Planning Commission for 19600 W. 13 Mile Road (Tremont Lane) and noted the Planning Commission was very detailed in their deliberations. However, he learned there are reasons for this. They are making sure all the groundwork has been done before the case goes to Council. When this case came to Council, it was almost tabled due to language in deed restrictions. He thanked the Planning Commission for all their efforts.

Abboud announced he will be attending the Michigan Municipal League meeting in Traverse City September 16 – 18, 2015. He will take a brief synopsis of the proposal from Mr. Gibbs for the Southfield Road Corridor marketing plan. This may be a good platform for getting the information out to developers. He invited Commission Members to email any input they may have to him or Manager Wilson.

### **ADMINISTRATION COMMENTS**

Manager Wilson stated the Tremont Lane appeal was approved with minor changes to be worked out with legal staff.

Wilson discussed the request for multipurpose field improvements at Detroit Country Day School and stated the plan to hold a public hearing has been tabled until complete plans are provided. They are talking about 70’ light poles, which may be an issue. Discussion followed on elevation of the field. Borden stated they have to demonstrate their proposal will not have a harmful effect. Vertical cross section information has been requested.

Wilson stated a first reading will be held on the sign ordinance amendments at the Council meeting of August 4, 2015. A second reading is scheduled for August 18, 2015 along with adoption.

The need for modifications, mostly internal, to the Village municipal building was discussed by Wilson. Five firms were interviewed, and Partners In Architecture, PLC was selected. Wilson stated the ordinance definition for home-based business, prohibiting retail sales from homes, was written before internet use. When an inquiry is received about whether merchandise, such as arts or crafts, can be sold online from a residence, administrative approval is given in most cases. Borden stated he would take a look at the ordinance.

Wilson noted interviews continue for the planning and zoning administrator position.

**COMMISSIONER’S COMMENTS**

None

Motion by Westerlund, second by Borowski, to adjourn the meeting at 9:07 p.m.

Motion passed (8 – 0).

**George Ostrowski**  
**Planning Commission Chairman**

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

**Sandra Gadd**  
**Recording Secretary**