

Present: Planning Commission Chairperson Drummond, Vice-Chairperson Wilensky;  
Members: Copeland, Grinnan, Harper, Jawad, Stempien, Westerlund, Wright

Council President George, President Pro-Tem Hrydziusko, Members: Abboud,  
Kecskemeti, O’Gorman, Peddie

Absent: Mooney

Also Present: Interim Planning & Zoning Administrator, Brown  
Interim Village Manager/Village Clerk/Assistant Manager, Rutkowski

Drummond called the joint Planning Commission/Village Council meeting to order at 7:32 p.m. in the Village Municipal Building located at 18500 W. 13 Mile Road, Beverly Hills, MI 48025.

### **APPROVE AGENDA**

Motion by Westerlund, second by Wright, to amend the agenda to add item 2a. “Review and consider approval of regular Planning Commission minutes of a meeting held December 15, 2021” and item 7b. “Flood Plain Maps” and approve the agenda as amended.

Motion passed.

### **REVIEW AND CONSIDER APPROVAL OF REGULAR PLANNING COMMISSION MINUTES OF MEETING HELD DECEMBER 15, 2021**

Motion by Grinnan, second by Harper, to approve the minutes of a regular Planning Commission meeting held December 15, 2021 as submitted.

Motion passed.

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

None.

### **REVIEW AND FILE ANNUAL REPORT FOR 2021**

Brown presented the 2021 Planning Commission Annual Report. The Village of Beverly Hills Planning Commission is required to provide an annual written report of its activities for each calendar year. This report is to fulfill Article II, Section 19 of Public Act 33 of 2008 (Michigan Planning Enabling Act). The Michigan Planning Enabling Act states that “...planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body relating to planning and development.” The annual report details the activities over the past year, including reviews, recommendations, and ordinance updates. The Village Master Plan is used as the underlying guide for the land use decisions and updates to the Village’s Zoning Ordinance.

The Annual Report included information on membership and meetings, reviews and recommendations, the five-year Master Plan review, Zoning Ordinance updates, and an Action Plan moving forward.

Motion by Westerlund, second by Jawad, the Beverly Hills Planning Commission receives and files the 2021 Annual Report.

Roll Call Vote:  
Motion passed (9-0)

## **DISCUSSION ON ZONING ORDINANCE UPDATES**

- a. Update sign ordinance based on court rulings regarding content**
- b. Medical marijuana caregiver**
- c. Tree protection ordinance or initiating a tree planting program**
- d. Fence Ordinance**
  - i. Revisit the “character of the neighborhood” clause**
- e. Implementing a business license procedure**

Drummond provided an overview of the possible Zoning Ordinance updates as outlined above. He clarified that item d.i. refers to the 200’ rule for fences.

Westerlund commented that the ordinance needs to align with state regulations for item b. medical marijuana caregivers.

Abboud asked about enforcement of the ordinances.

Jawad suggested defining the word “adjacent” based on previous discussions and cases.

The Commission and Council discussed a potential tree ordinance. They talked about clear cutting lots and preserving landmark trees. Drummond recapped a draft tree ordinance that was worked on a few years ago. Peddie stated that the language should be built into the building permitting process. Wilensky referred to Canton’s tree ordinance that was recently deemed unconstitutional. Hrydziuszko suggested focusing on planting trees and rejuvenation. She said she is not interested in putting stipulations on private property. Abboud agreed with Hrydziuszko’s comments. Westerlund commented that a tree ordinance could impact the character of the community.

Abboud requested that the Planning Commission look at language around short term rentals. Wilensky stated that short term rental legislation has not yet been passed at the state level.

George stated that he was okay with having a conversation about trees. He talked about the upcoming recodification RFP and having an online code. He talked about having a formalized feedback mechanism between Council and the Planning Commission. He noted that both fences and trees are issues that deal with private property.

Peddie inquired what the intent of the “character of the neighborhood” clause was. She does not see the fence issue going away and stated that residents have legitimate concerns, especially regarding privacy and safety.

Wilensky stated that the 200’ rule for fences is not a good clause and it acts as a disincentive for the Commission to approve fences. He said it has manifested into something bigger than intended.

Hrydziusko inquired who determines what the character of the neighborhood is and whether we are truly representing the character as it changes over time.

Westerlund stated that the purpose of the Zoning Ordinance is to provide regulations.

O’Gorman talked about control vs. governance.

Drummond pointed out that there are a lot of unique shaped lots in Beverly Hills and that it is not designed as a grid in most neighborhoods, so drafting a fence ordinance was difficult. He said that removing the 200’ rule would allow the Planning Commission to grant more fence permits based on hardships.

Keckskemeti asked about the fence material restrictions for uniformity.

Peddie stated that including the Mile Roads rule makes the Ordinance inconsistent.

The Commission and Council talked about signage. Abboud would like an electronic sign outside of the Village Office and thinks municipalities should be exempt from that provision of the Sign Ordinance. O’Gorman talked about black and white “Kindle” type signs that are externally illuminated as an option.

O’Gorman stated that he is in favor of business licenses. He would also like to see more interaction with neighboring communities for a consistent transition. He thinks the Master Plan goals should be updated each year. He asked about the process for amending ordinances and whether the Planning Commission has any role in traffic regulations.

Drummond stated that if a certain section of the Ordinance is consistently going before the Zoning Board of Appeals, then the Planning Commission will be asked to look at that section.

Westerlund stated that a complete overhaul of the Ordinance is costly, so they have been taking a piecemeal approach. He also noted that updating the Master Plan is a big process.

The Commission and Council discussed impervious surfaces.

Peddie asked if the Village Center/Southfield Road Corridor subcommittee should resume meetings and it was determined that since the Commissioners and Council have a lot going on and that the Village is short-staffed, that it would not be the best time to resume these meetings.

Drummond gave a summary of what had been discussed so far highlighting items 5a-e, short term rentals, formalizing feedback between Council and Planning Commission, digital sign exemption, working with neighboring communities, Master Plan action items, adjacent vs. abutting, and impervious surfaces. He also noted that the Commission’s role in the recodification process will be reactionary once they Village receives recommendations.

## **DISCUSSION ON IMPLEMENTING MASTER PLAN**

### **a. Streamlining the application and submittal process**

### **b. Mechanisms to add to processes**

The Commission and Council discussed the application process, which is for the most part an administrative function. They discussed the referral process that begins with Council to Planning Commission, then Planning Commission's recommendation back to Council. They discussed eliminating the first referral from Council to the Commission to expedite the process. They discussed making a checklist available on the website.

## **DISCUSSION ON VILLAGE CENTER OVERLAY DISTRICT**

### **a. Develop hardscaping and road standards**

### **b. Flood plains maps**

Westerlund suggested that there be Village wide standards for lighting, benches, and other materials for new development.

The Commission and Council discussed incentivizing uniformity in the district with light poles and discussed potentially a 25/75% cost sharing.

The Commission and Council discussed updating the flood plain maps and referred to FEMA's process.

Wright left the meeting at 9:48 p.m.

## **PUBLIC COMMENTS**

None.

## **ADMINISTRATION COMMENTS**

Brown stated that the Village Office would be closed on Monday, February 21<sup>st</sup> for Presidents' Day.

## **COMMISSIONERS' COMMENTS**

The Planning Commission thanked Council for attending the meeting and said they had a good discussion.

Drummond welcomed Brown to the Interim Planning & Zoning Administrator role.

## **COUNCIL COMMENTS**

Council thanked the Planning Commission for their time and work. They said there was a great discussion during tonight's meeting.

Abboud thanked the Commission for their time. He talked about short term rentals, grant opportunities, and infrastructure.

Kecskemeti stated that she has a short list of items to follow up with the engineers on and thanked the Commission for their time.

Hrydziuszko said it was nice to see everyone again and mentioned silencing A/C units as a compromise going forward.

George encouraged the Commission to select an item to work on and see it through. He stated the Wendbrook property that was before the Commission months ago has been purchased by a private resident and the Village will be working on a grant application to potentially acquire the property.

**ADJOURNMENT**

Motion by Westerlund, second by Stempien, to adjourn the meeting at 10:02 p.m.

Motion passed.

**Andrew Drummond**  
Chairperson

**John George**  
Council President

**Kristin Rutkowski**  
Village Clerk