

Present: Vice-Chairperson Belaustegui; Members: Bliven, Downey, Miley, Robiner, Smith and Tillman

Absent: Borowski and Fox

Also Present: Building Official, Byrwa  
Council Liaison, Walsh  
Planning Consultants - David Birchler, Jim Schafer, Katherine Wyrosdick

Vice-Chairperson Belaustegui presided and called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

#### **APPROVAL OF AGENDA**

The agenda was approved as prepared.

#### **APPROVE MINUTES OF A SPECIAL PLANNING BOARD MEETING HELD ON MONDAY, NOVEMBER 9, 1998**

MOTION by Bliven, supported by Robiner, that the minutes of a Special Planning Board meeting held on Monday, November 9, 1998 be approved as submitted.

Motion passes unanimously.

#### **APPROVE MINUTES OF A JOINT PLANNING BOARD/COUNCIL MEETING HELD ON WEDNESDAY, JANUARY 13, 1999**

MOTION by Robiner, supported by Smith, that the minutes of a Joint Planning Board/Council meeting held on Wednesday, January 13, 1999 be approved as submitted.

Motion passes unanimously.

#### **REVIEW PLANNING BOARD PRIORITIES**

Planning Board members reviewed the list of priorities discussed with Council at the joint meeting held on January 13.

*Traffic calming and pedestrian issues.* The Planning Board was instructed by Council not to add traffic calming to its work schedule for the coming year. There was discussion at the joint meeting about the Planning Board with the consultant developing a master plan for sidewalks and/or bike paths. It was concluded that the Planning Board would arrive at a plan for studying this issue and cost estimate from the consultant and recommend it to Council for consideration. This item was reworded to read "Sidewalks and Bike Path Planning".

*Residential design standards.* This issue arose based on what is happening in Birmingham with what are called "big foot" houses. It was the sense of Council that the Planning Board not become involved in the aesthetics of residential development. A Planning Board priority item will be to review the existing ordinances in terms of setbacks to insure that the character of the Village is protected in situations where there is redevelopment of existing sites.

*Nonresidential landscaping standards.* The Planning Board has identified the need to review the Site Development Handbook adopted by the Village as a guide for commercial development and incorporate items such as landscape guidelines into the Zoning Ordinance.

*Land Division Ordinance Amendments.* Draft amendments will be reviewed with the planning consultants tonight.

*Discussion of noise standards.* The issue of noise standards will be a Council agenda item.

*Minor text amendments.* The Planning Board discussed minor text amendments that have not been addressed.

Private road regulations. Smith commented that the Planning Board needs to look at the implementation of private road regulations. Bliven expressed concern that revisions to the land division ordinance will remove the paragraph that outlined the approval process for private roads. The Planning Board needs to consider the private road approval process to make it independent of the land division process.

Definition of Family. Federal cases have indicated that communities cannot zone out certain types of relationships between individuals who are living together in a household. The planning consultants will look at the current definition of family in the Zoning Ordinance and determine whether there is anything that conflicts with what the courts have said is improper.

Sign Ordinance. This refers to political signs.

Off Street Parking Requirements. The Planning Board would review whether minimum parking space size should be changed from 9' x 20' to 9' x 18'.

Exempt Chimneys, Flagpoles, Steeples, etc. Many communities exempt chimneys, flagpoles and steeples from the height requirement of the Zoning Ordinance. The Planning Board will look at this section of the ordinance.

Missed/open issues.

It was decided not to recommend that "clarify condominium ordinance and cluster option requirements" be placed on the Planning Board work schedule for this year. It was noted that administration of the current ordinance can be a problem but people are able to work with it.

Bliven stated that the section of the Ordinance on condominiums makes reference to provisions of Section 22.26. He recommends that the consultants review condominium section 22.25.050.

Bliven recalled that the Planning Board has discussed updating the Ordinance requirement for cul-de-sac length. The planning consultants indicated that the Village's standard is stringent compared to the recommendations made by the Institute for Transportation Engineers (ITE).

Bliven stated that the Village's Zoning Map needs updating. He distributed a handout consisting of a list of ten items that should be included in a revised zoning map and copies of several maps. All but one zoning change are covered by ordinances which amended the Zoning Ordinance and Zoning Map.

The first map is a copy of the Village of Westwood Zone Map as it appeared on June 19, 1958. It reflects the Southfield of Township zoning. The next map is the Village of Beverly Hills Zoning Map that reflects the Beverly Hills Zoning Ordinance adopted by Council on August 31, 1959. Another map included in the material is the zoning map dated 1989 which is currently in use. The last sheet shows the changes on the map that should be made to bring it in conformance with current zoning.

Belaustegui asked Council liaison Walsh to advise Council that the Planning Board would like Council to refer the updating of the Village Zoning Map to administration.

Belaustegui asked the planning consultants if they have any issues to raise with regard to planning priorities.

Birchler stated that planning consultants' job is to serve as a resource to the Planning Board. He noted that the sidewalk and bike path master planning project will require that the consultants provide a work outline and cost estimate to Council. The balance of the priorities outlined appear to be housekeeping which can be worked on over the year at meetings without any difficulty.

Belaustegui recapped the Planning Board priorities as follows:

- 1) Prepare a study plan for sidewalks and/or bikeways and provide that plan to Council for consideration.

- 2) Review the Ordinance as it relates to size and setbacks of properties from a redevelopment viewpoint.
- 3) Review incorporation of portions of the Site Development Handbook guidelines into the Zoning Ordinance.
- 4) Rationalize zoning districts on the Zoning Map.
- 5) Minor Text Amendments
  - a) Private road regulations
  - b) Sign ordinance
  - c) Off-Street parking
  - d) Definition of Family
  - e) Adult use regulations
  - f) Exempt chimneys, flagpoles, etc. from the height ordinance
  - g) Review Section 22.25.050 with reference to Section 22.26
  - h) Review cul-de-sac length

Belaustegui talked about prioritizing the proposed work schedule. It was the sense of the Board that the sidewalk/bike path study plan and the review of the Zoning Ordinance with regard to setbacks are high priority items. The others will be dealt with as the year unfolds.

From the planning consultant perspective, the high priority items are 1) the sidewalk and bike path study plan; 2) looking at residential ordinances from the point of view of avoiding the onerous parts of big foot redevelopment, and; 3) minor text amendments and what those would involve from the planners viewpoint in cost and time.

#### **REVIEW FIRST DRAFT AMENDMENTS TO SECTION 23.16 OF THE VILLAGE SUBDIVISION REGULATIONS REGARDING LAND DIVISIONS**

Schafer stated that Birchler Arroyo has completed the first draft of proposed amendments to Section 23.16 of the Village's Subdivision Regulations. The Village's former planning consultants had drafted proposed amendments that included a two-tiered review process, one for development parcels and one for non-development parcels. Birchler Arroyo evaluated that approach and felt it was not appropriate; they do not find a legal basis for it in State law. That concept has been eliminated from their draft.

From a regulatory standpoint, the Land Division Act has divorced the division of land from the use of that land and has limited the procedural and review criteria which the Village can use to evaluate proposed land divisions. As a result, communities are faced with the prospect of entertaining land division proposals which may not meet all local ordinances.

The amendatory language is geared towards addressing the two State Act changes which require action by local communities to keep in compliance with State Law regarding land divisions. The draft includes clarification of the need for Zoning Board of Appeals action on any request for a division which does not meet minimum Zoning Ordinance requirements prior to consideration of an application for land division.

The Planning Board reviewed and discussed the draft ordinance with the planning consultants Schafer and Birchler.

It was emphasized that the regulations apply to acreage splits of unsubdivided property. Birchler indicated that there are separate regulations in the Village's subdivision regulations and under another section of the State Act that apply to platted lots. Bliven pointed out that the Village uses the Subdivision Regulations for determining whether to approve a lot split whether or not that parcel is a platted lot. It will have to be determined that the Village still has adequate coverage for division of platted lots. The consultants will revise the ordinance to make sure it addresses both acreage and subdivision lots.

In answer to an inquiry, Birchler stated that someone could request to split a parcel that has an existing residence on it which would result in creating a parcel that does not meet Village zoning requirements. The Village may have to approve that land division, but it would not have to issue a building permit for that parcel. A lot split could be denied if it would result in reducing the existing home's lot size to something less than minimum Zoning Ordinance requirements.

The Council must make the final decision on a land division application within the 45 days statutory requirement. It was indicated that the clock starts running when the application is determined to be in proper form by the building official. The building official may involve the assessor, planning consultant, and a representative of the Planning Board to determine the completeness of the application.

Where the parcel does not meet minimum ordinance requirements, a notice has to include a reference to the Zoning Board of Appeals action which is granted for applicable variances. The ordinance also requires that the applicant file with the Village a duly executed affidavit signed by everyone having legal interest stating that they understand that the resulting parcel may not be developed or used separately for building purposes unless in combination with adjoining parcels which when joined together satisfy minimum Zoning Ordinance requirements.

There was discussion of the requirement for Zoning Board of Appeals action on a request for a division that does not meet minimum Zoning Ordinance requirements. There is an attempt in the draft ordinance to address the obvious deficiency in the State law that separates the split process from the regulation of how that split is designed. The consultants think it is feasible and appropriate to require the Zoning Board of Appeals to hear and decide the request prior to the split being approved. After further discussion, it was determined that the language would be revised to reverse that order. If a land division which does not meet the zoning requirements is approved, the applicant has to record the affidavit that says he understands the parcel is not buildable. If the applicant subsequently receives a Zoning Board of Appeals decision that makes that parcel buildable, they must provide the Village a notice of that decision.

The Village has cause to deny an application for a split if it will create a developed parcel which does not conform to minimum Zoning Ordinance standards.

It was questioned how an appeal made to the Zoning Board of Appeals for granting of applicable variances would affect the 45 day requirement and whether a waiver is needed from the State Act.

The Board's in depth review with the consultants resulted in changes and clarifications in the language that will be incorporated into a revised draft that will be prepared for the Board's review at either the first or second meeting in February.

#### **PLANNING BOARD COMMENTS**

Smith stated that there are two people leaving the Village Council. Three individuals are running for three positions. One of those people is Planning Board member Doyle Downey.

Downey and Smith attended a Southeastern Michigan Council of Governments (SEMCOG) sponsored workshop on the topic of traffic safety and handicap law as it relates to transportation. An inventory of high accident and accident-prone locations in the Village is being conducted by SEMCOG in the spring and will be available to the Village.

Smith referred to the Zoning Map to point out a possible change in ownership of the first lot north of the intersection of Thirteen Mile and Lahser Roads. The owner of that parcel has offered to donate it to the Village for park purposes. Smith questioned the status of this transfer of land to the Village. Walsh informed the Board that Council is waiting for a written response from the owner of the property.

Smith asked the consultants what their experience is in other communities with the Planning Board becoming involved with this proposed transfer of land. Birchler stated that it depends on whether the legislative body asks the Planning Board for advise on the matter. Most of the other communities

that are served by Birchler Arroyo have a Parks and Recreation committee that would investigate the proposal.

#### **BUILDING OFFICIAL COMMENTS**

It was clarified that the Planning Board priorities discussed this evening will be reviewed and finalized by the Board at the next meeting. The consultant will prepare cost estimates for the Board's review.

Planning Board members received a handout regarding a National Town Meeting For a Sustainable America. The conference will be held in Detroit from May 2-5, 1999. Planning Board members interested in attending the conference should contact Byrwa.

The request from Buckles and Buckles for site plan approval for an expansion of an office building on Fourteen Mile Road will come before the Planning Board for review some time in February. The owner is in the process of requesting variances from the Zoning Board of Appeals.

Bliven asked the consultant whether it is typical for applicants to proceed to the Zoning Board of Appeals prior to site plan review by the Planning Board.

Birchler expressed the view that the site plan should be filed and on the Planning Board's docket before an applicant goes before the Zoning Board of Appeals and requests setback variances.

Byrwa stated that the argument could be made that the Planning Board will not receive an accurate site plan if there is no possibility of obtaining a variance for what the applicant is proposing.

Birchler thinks it would be preferable for the Planning Board to deny a site plan because an applicant does not meet the setback variance after which time the applicant could proceed to the Zoning Board of Appeals to request a variance. The petitioner would return to the Planning Board with a request for site plan approval if he or she were successful in obtaining a variance. The Planning Board through its discussion of the proposal can send valuable information to the Zoning Board of Appeals.

#### **PLANNING CONSULTANT COMMENTS**

Dave Birchler regretfully informed the Planning Board that Jim Schafer is resigning from the firm to take the Community Development Director's job at the City of Madison Heights. Birchler Arroyo is sorry to see him leave. They had hoped that Schafer would be the person assigned to Beverly hills for many years.

The approach that Birchler Arroyo will take in terms of staffing is that Dave Birchler will be attending Planning Board meetings. He introduced Kathy Wyrosdick who will be attending Beverly Hills meetings with him. At an appropriate time, Birchler hopes to transition Wyrosdick into a full time role in Beverly Hills. Birchler Arroyo values relationships with their clients highly and will deal with this change to the Village's satisfaction.

Schafer stated that it has been a pleasure working with this Planning Board. His decision to leave Birchler Arroyo was difficult and was not based on any problems or concerns from a work related aspect. It is a personal and professional challenge and an opportunity.

Board members thanked Schafer for his good service to the Village.

MOTION by Downey, supported by Smith, that the meeting be adjourned at 9:55 p.m.

Motion passes unanimously.

#### **Carry over items:**

- 1 - Review draft of land division ordinance prepared by Birchler Arroyo (9-9-98).
- 2 - Review list of Planning Board priorities for 1999 (1-27-99).

**Robert Belaustegui, Vice-Chair**

**Ellen E. Marshall**

**Planning Board**

**Village Clerk**