

Present: Chairperson Borowski; Vice-Chairperson Belaustegui; Members: Bliven, Downey, Fox, Robiner and Smith

Absent: Miley and Tillman

Also Present: Building Official, Byrwa  
Council Liaison, Walsh  
Planning Consultants - Birchler and Wyrosdick

Chairperson Borowski presided and called the meeting to order at 7:34 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

#### **APPROVAL OF AGENDA**

MOTION by Bliven, supported by Belaustegui, to approve the agenda as prepared.

Motion passes unanimously.

#### **APPROVAL OF MINUTES**

MOTION by Bliven, supported by Smith, that the minutes of a regular Planning Board meeting held on Monday, January 27, 1999 be approved as submitted.

Motion passes unanimously.

#### **REVIEW REQUEST FROM BUCKLES & BUCKLES FOR SITE PLAN REVIEW FOR A PROPOSED EXPANSION AT 17845 W. 14 MILE ROAD**

Mike Buckles, owner of the building, was present with architect Joseph Philips. Buckles commented that he and his wife, Gerri Buckles, live at 16901 Locherbie and have resided in Beverly Hills for almost 20 years. They purchased the property located at 17845 Fourteen Mile Road in 1988 and requested a change in the zoning from residential to office use. The dilapidated house on the site was remodeled for use as a law office. In 1996, the Village approved a request to add a dormer onto the front of the house to provide more room upstairs.

Buckles is requesting an addition to increase the size of the building. He displayed a site plan drawing showing the existing one and one-half story office building and the proposed addition. The parking lot will be expanded around the back of the building to accommodate 16 parking spaces. The addition will allow for an elevator in the building to provide handicap accessibility to the second floor. Buckles explained the need for additional office space. The addition will provide a conference room, a lunchroom and an expanded file room.

Buckles appeared before the Village Zoning Board of Appeals on February 8, 1999 and was granted a variance for a one and one-half story building height which would allow him to build the addition. He stated that his architect has responded to the points included in a review letter from the planning consultants.

Planning consultant Katherine Wyrosdick from Birchler Arroyo stated that the consultants reviewed a revised site plan for the proposed addition. The applicant has addressed all the issues raised by the consultants through revisions to the site plan or with written responses.

The site plan includes the correct calculations for useable floor area as required by the Ordinance. The floor plan details show that 13 parking spaces are required for the site and 16 spaces are proposed.

The size of the garage has been reduced in order to conform to the required 20 foot rear yard setback. The landscaping plan was revised to reflect that the six existing Hicks Yews will not be removed from the northeast corner of the site. Details of the new wall mounted lights have been provided. The information indicates that light sources will be shielded to prevent glare toward adjacent property.

The applicant has obtained the following variances from the Zoning Board of Appeals: 1) variance request to continue to permit existing landscape screening instead of a required six foot high screen wall between the subject property and adjacent residential property to the south; 2) variance request from the required one story building limit to permit further construction to the one and one-half story building which currently exists.

Wyrosdick stated that consultants propose a favorable recommendation to the Council on this site plan.

Byrwa referred to a January 15, 1999 report from the architect responding to the initial planning consultant review. He noted the items that can be deferred until construction documents are required for a building permit. It has been the practice of the Village to proceed with site plan review without requiring an applicant to spend a considerable amount of money on engineering before the site plan is approved.

The site plan shows an expansion of the existing building to the west lot line providing zero lot line setback. While this does not violate the Zoning Ordinance, there are two building code violations. A section of the BOCA National Building Code requires that buildings with a business use that are constructed 0-5 feet from the lot line shall consist of an exterior wall with a two-hour fire resistance rating from both sides and the omission of all windows. The proposed construction on the west side shows six windows and no fire resistance rating of the wall.

Byrwa stated that the applicants are aware of the situation and will either modify the site plan to comply with the building code or request a variance from the building code and propose an equivalency to the Construction Board of Appeals. Village Ordinance permits the Council to act as the Construction Board of Appeals and consider variances from the building code. It is up to the petitioner to design and propose measures that would be equivalent to building code requirements and ask the Council to grant a variance based on that equivalency.

Philips stated that the applicant intends to come before the Village Council and request a variance. It is understood that the building official will not issue a building permit until that issue is resolved. Philips added that they intend to address engineering considerations when it is known whether the project is acceptable on the part of the Planning Board and Council.

There was some concern from the Board that Council denial of a variance on fire wall regulations would result in changing the configuration of the site plan.

Byrwa and Birchler addressed a question regarding drainage on the site. Engineering drawings showing drainage on the property will be submitted on the construction drawings as part of the permit process.

Further questions from Board members were addressed by the applicant and planning consultants. Buckles remarked that he expects to be able to handle all the office building parking on site.

MOTION by Bliven, supported by Downey, that the Planning Board recommends to Council approval of the site plan for expansion of 17845 W. 14 Mile Road as submitted with the condition that any structural changes be referred back to the Planning Board for review.

Roll Call Vote:  
Motion passes unanimously.

#### **REVIEW COST ESTIMATE TO COMPLETE PLANNING BOARD PRIORITIES LIST**

Board members are in receipt of a memo dated February 17 from Birchler Arroyo outlining cost estimates to complete Planning Board priorities for 1999.

At its January 27 meeting, the Planning Board identified principal priorities for this year and requested Birchler Arroyo to prepare a budget cost estimate to address the following three projects: 1) Bikeways and walkways master plan (concentrating on low cost solutions to provide an improved network throughout the Village); 2) Analysis and recommendation regarding residential site design

and redevelopment standards (in order to be prepared for the growing phenomenon of “big foot” houses in several neighboring communities); and 3) Minor Zoning Ordinance text amendments (including private roads; political signs; off-street parking standards; definition of family; height limit exception for church spires, flag poles, chimneys; maximum length of cul-de-sac streets; adult use regulations).

Birchler summarized the work program for each of the priorities and estimated costs. He understood that the Planning Board was not asking Birchler Arroyo for a formal proposal on a sidewalk plan at this time but for a budget estimate that could be presented to Council.

There was a consensus to refer to the project as “Bikeways and Walkways Pedestrian Safety Plan”. Birchler elaborated on each phase of the study. The idea is to approach it like any planning project where the Planning Board and consultants would analyze the existing base of information, develop goals and objectives, establish alternative plans for approaching improvements, and outline implementation strategies. Birchler anticipates that this project will result in an action plan. Board members discussed the scope of the work program outlined by the consultant.

The Board addressed the proposal to draft residential site design and redevelopment standards. Birchler stated that the “big foot” or “tear town and rebuild” phenomenon is occurring to a lesser degree in Beverly Hills and to a greater extent in neighboring communities. There is the physical issue of height and bulk impact of a large new home in a neighborhood of much smaller homes.

There is also an economic impact. Beverly Hills is a relatively affordable community at the present time. A process that planners refer to as “gentrification” tends to drive home prices up to the point where certain people are prevented from being able to move into the neighborhood from an economic point of view. In many cases, the same type of people that live in the community now are prevented from moving into the neighborhood.

Zoning regulations can only go so far in moderating the impact of the tear down/rebuild process. A neighborhood level analysis of typical lot area and width provides a base of data which can be combined with neighborhood level statistics on typical house size and number of stories. Recommendations can then be formulated for percent lot coverage, setbacks, height limits, building bulk along interior lot lines, and floor area ratios for each of the Village’s single family residential zones.

Board members discussed the approach outlined by the consultant considering the variance in lot sizes on the east and west sides of the Village. There was a suggestion to focus on the areas of the Village that are most likely to be affected by the big foot phenomenon. There were members who favored a generalized study of the Village without pinpointing a particular area.

The Birchler Arroyo memo lists eight minor Zoning Ordinance text amendments that the Planning Board proposes to address during the year and estimates the number of hours that would be spent on each topic. The Board suggested that there be flexibility in this work program in order to include problems that arise during the year.

Board members discussed the Bikeways and Walkways Plan at some length.

Smith informed Birchler Arroyo that SEMCOG will be conducting a safety inventory of Village sidewalks as part of its walkable communities program. Smith suggested that the planning consultants be provided with past meeting minutes for background relative to community discussion on bike paths and sidewalks. Walsh agreed that reviewing meeting minutes would be helpful in understanding the controversy about bike paths and sidewalks in Beverly Hills. The Village Manager would be the person to contact for this information. Smith suggested that data on accidents that have occurred affecting pedestrians or bicycles in the Village be compiled for the Planning Board and consultant.

At the inquiry of the Board, Birchler addressed the difference between a bikeway and a walkway. A bikeway is a path that is wide enough to mix both pedestrians and cyclists. A walkway would be limited to pedestrians and is not usually wide enough for a lot of bicycle activity. Birchler’s personal

and professional opinion as a planner is that walkways ought to be at least five feet wide and that bikeways should be a minimum of six feet and preferably eight feet for a mix of types of travel. There was discussion as to whether elements of the sidewalk work program involving selection of alternatives and actions, design standards, and implementation recommendations should be included in the Planning Board study. It was the consensus that the Planning Board will submit this work program to Council as prepared by the consultant. Council will use its discretion in allocating funds for the Planning Board work schedule.

MOTION by Bliven, supported by Downey, that the Planning Board submit the cost estimate of Planning Board priorities for 1999 prepared by Birchler Arroyo to the Village Council with the recommendation that it be adopted as the Planning Board budget for 1999/2000.

Roll Call Vote:

Smith	- no
Robiner	- yes
Fox	- yes
Downey	- yes
Borowski	- yes
Bliven	- yes
Belaustegui	- yes

Motion passes (6 - 1).

There was a recess called at 9:06 p.m. The meeting was reconvened at 9:15 p.m.

#### **REVIEW FINAL REVISIONS TO SECTION 23.16 OF THE VILLAGE SUBDIVISION REGULATIONS REGARDING LAND DIVISIONS**

Birchler Arroyo has prepared a revised draft to Chapter 23, Section 23.16 Land Division Regulations. Changes from the previous draft based on discussion at the last meeting are shown in bold faced italics.

Birchler reviewed the revisions made since the last meeting. Wording in the last couple of sentences in the Purpose paragraph was changed. "It shall therefore be unlawful for any person to divide any lot, outlot, or other parcel, except in accordance with the provisions of this Section." This speaks to land division regulations which apply essentially to acreage land divisions. "The only exception to this requirement shall be the further division of an existing lot in an existing recorded subdivision, pursuant to the Village Subdivision Regulations (Chapter 23 of the Village Code) and the Land Division Act, as amended."

Birchler stated that the land division regulations and the subdivision regulations are in the same chapter of the Village Code because they are authorized by the same statute. There are subtle differences between divisions of an existing platted lot and divisions of acreage. There is a series of State prescribed regulations for the division of acreage. There are separate regulations that apply to the division of existing platted lots. Existing platted lots are limited to a maximum of four divisions forever. These land division regulations are intended to apply to acreage parcels that remain in the Village. They address how acreage parcels can be divided under the State law with the additional application of Village zoning standards for lot size, etc.

The division is reviewed according to certain standards addressed in the section, Land Division Review Process, Review by Planning Board. If those standards are not met, the Planning Board may recommend denial of the land division. There is a provision that allows the applicant to revise the application to comply with the standards or to allow the applicant to go before the Zoning Board of Appeals for review of applicable variance requests. The applicant would have to waive the 45 day approval requirement.

Birchler referred to the Notice of Decision section. Changes to the State law require that a land division be approved if someone submits all necessary information to the municipality for a land division. This ignores the fact that communities have zoning requirements that prescribe lot sizes and lot widths that allow a parcel to be buildable.

There is a provision in this ordinance that states “d. where a land division is approved for a parcel which does not meet minimum Zoning Ordinance requirements, the applicant shall file with the Village a duly executed affidavit, suitable in form for recording with the office of the register of deeds, signed by all persons having a legal or equitable interest in the parent parcel and resultant parcels, stating that the signatories understand that the resultant parcels may not be developed or used separately for building purposes, except in combination with adjoining parcels which, when joined together, satisfy the minimum requirements of the Zoning Ordinance. If, however, the Zoning Board of Appeals has granted the applicable variances to the zoning requirements then an affidavit is not warranted and the notice of decision by the Planning Board shall include a reference to the Zoning Board of Appeals action(s).”

Birchler explained that an applicant may propose a division of a parcel that results in a lot that is two feet narrower than the zoning district requires. Without action by the Zoning Board of Appeals, the applicant would have to record an affidavit that says he understands that he is not going to be able to receive a building permit to build a house on that lot. The alternative is to present a case before the ZBA before asking the Planning Board for its recommendation and Council for its decision on the land division. If the applicant is successful in proving practical difficulty, the ZBA may approve a variance. The applicant can submit that variance approval to the Planning Board and request a recommendation for approval of the land division.

Bliven referred to the sentence under 23.16 A. Purpose that says, “the only exception to this requirement shall be the further division of an existing lot in an existing recorded subdivision, pursuant to the Village Subdivision Regulations (Chapter 23 of the Village Code) and the Land Division Act, as amended”. He stated that review standards for land division of platted lots were addressed in Chapter 16, which has been rewritten. Bliven asked where lot split regulations for platted lots are currently addressed. Bliven is concerned about losing the requirement that a land division cannot be approved if it results in a parcel which has a land area less than the average land area of all parcels of a like zoning classification located within the Village within 500 feet of any portion of the proposed division.

Birchler will look at the statues and provide an answer to this concern at the next meeting. He commented that the compatibility language may have to remain a zoning ordinance issue.

Issues that will be addressed at the next meeting are regulations for splitting a lot in a subdivision and standards for approval of a private road. Changes to the proposed ordinance suggested by Board members will be incorporated into a revised draft.

#### **PLANNING BOARD COMMENTS**

Smith noted that the nineteenth photograph on the wall in the Council meeting room is that of Elaine Kennedy. We have turned the corner.

In response to an inquiry by Smith, Walsh stated that Pat Beach was paid for her services to the Village and the Village Attorney reported to Council on the issue related to payment of that invoice.

Smith questioned the status of building permits for three large work sites in the Village. Byrwa informed the Board that staff members had a meeting with Mr. Chawney today. Chawney displayed elevations and floor plans and indicated that he will be submitting construction drawings within the next two weeks.

David Jensen has three units remaining to build out of the 20 new units that were approved for Westwood Common. Jensen recently had a site plan approved in another community and will be building 25 units. Homes are being constructed in Charrington Crossing. Mr. Merritt has permits out on seven units.

Bliven asked about an upcoming meeting between the Village and Road Commission for Oakland County. Walsh stated that this will be a public meeting held in early March. He did not have any details.

Borowski referred to the Planning Board minutes of January 27, 1999 which state that 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. Walsh responded that he brought this to the attention of the Village Manager. Hanlin intends to ask the Village Attorney for his opinion on updating the Village zoning map.

Borowski announced that Doyle Downey has resigned from the Planning Board effective February 28. He is running for the office of Council member. There are three openings and three people running. Borowski thanked Downey for his commitment and his work over the last two years.

Downey stated that it has been his pleasure serving on the Planning Board. He has the greatest respect for members of this Board and has been greatly enriched by serving on the Planning Board.

**PLANNING CONSULTANT'S COMMENTS**

Birchler commented that the Planning Board is keeping Birchler Arroyo on its professional toes. He remarked that Doyle Downey has seen issues from a Planning Board perspective and, hopefully, he will not lose sight of that as a Council member.

**BUILDING OFFICIAL'S COMMENTS**

Byrwa informed the Planning Board of a proposed \$1.6 million expansion of Our Lady Queen of Martyrs School and Church. Site plan drawings are being prepared.

MOTION by Bliven, supported by Robiner, that the meeting be adjourned at 10:03 p.m.

Motion passes unanimously.

**Carry over items:**

- Review draft of land division ordinance prepared by Birchler Arroyo (9-9-98).

**Motions made by Planning Board to be acted upon by Council:**

- 2-24-99 Recommendation for approval of the site plan as submitted by Buckles and Buckles for building addition with the condition that any structural changes be referred back to the Planning Board for review.
- 2-24-99 Planning Board submits the cost estimate of Planning Board priorities for 1999 from Birchler Arroyo to the Village Council with the recommendation that it be adopted as the Planning Board budget for 1999/2000.

**Vince Borowski, Chairperson  
Planning Board**

**Ellen E. Marshall  
Village Clerk**