

Present: Chairperson Borowski; Members: Bliven, Domzal, Jensen, Robiner, Smith and Tillman

Absent: Belaustegui and Fox

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

Chairperson Borowski 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 Robiner, supported by Domzal, to approve the agenda as prepared.

Motion passes unanimously.

### **APPROVAL OF MINUTES**

The following corrections were made to the minutes: Page 3, line 3, change word "boulevards" to "bollards"; on page 9, fifth paragraph, line 2, change word "discussion" to "discretion".

MOTION by Bliven, supported by Robiner, that the minutes of a regular Planning Board meeting held on Monday, July 14, 1999 be approved as amended.

Motion passes unanimously.

### **DISCUSSION OF PRIORITIES LIST FOR 1999/2000**

The Planning Board projects approved by the Village Council for 1999 are minor text amendments to the Zoning Ordinance; residential site design and redevelopment standards; and, bikeways, walkways and pedestrian safety study.

Planning consultant Birchler suggests that drafting amendments to the Zoning Ordinance be the first priority item since it is primarily a housekeeping function and is necessary. He anticipates that it will take two to three months to accomplish this. Birchler asked that the Planning Board decide the order in which to proceed with the other two projects which would each require approximately four to five months. There will be data collection involved with both of the projects which could begin while the text amendments are being undertaken. Birchler requests direction from the Planning Board members on which items are most important to them before preparing a work program and assigning time frames to the studies.

Borowski opened the floor for discussion on the priority items and any other projects that Board members would like to address in the coming year.

Domzal proposes that the Planning Board develop a master plan for the Southfield Road corridor which would include paving Southfield Road and developing landscape standards. He noted that there have been two proposals before the Village in recent months involving redevelopment of sites on Southfield Road. Domzal considers gateway signage for Beverly Hills a high priority. There are about a dozen opportunities to welcome people into the Village.

Domzal views the bikeways, walkways and pedestrian safety study as a medium priority. He has observed that the most attractive part of the Village in terms of major thoroughfares is accessible only by car. He suggests that the Board discuss how to communicate with subdivision associations regarding opportunities to enhance sidewalks within the subdivisions and perhaps connect them. Domzal remarked that bikeways and walkways have been discussed in the past. He proposes that the Planning Board focus on working with the Council on implementation so the Village does not end up with just another study.

Domzal considers Zoning Ordinance text amendments as a slightly lesser priority. Residential site development standards are a low priority on his list. Domzal does not think the "big foot" development has the potential to have a substantial negative affect on the Village.

Tillman stated that her first priority is accessibility of the Village in terms of connecting subdivisions and major thoroughfares to make Beverly Hills a more user-friendly community for walking and bicycling. She agrees that implementation is important. Connecting the subdivisions would enhance the appeal of the Village and help to attract new families to Beverly Hills.

Her second priority would be Southfield Road. Tillman thinks the Village needs to develop an idea of what it wants Southfield Road to look like with respect to paving, boulevard, signage, and redevelopment. Tillman thinks that the "big foot" phenomenon will impact the Village and the Planning Board should be prepared to deal with it.

Robiner would like the Planning Board to undertake the project of improving Village recognition. He has started by taking photographs of entrance signs in other communities as well as street lighting and other features that would give the community a separate identity rather than being known as the village between the city of Birmingham and the city of Southfield.

Robiner thinks that a boulevard approach to Southfield Road is important and should be pursued if there is funding available. He would like to see the Village develop a plan and funding for bikeways and walkways in the community. Robiner thinks that "big foot" redevelopment is an important issue.

Smith expressed the view that the minor Zoning Ordinance text amendments should be addressed first. He questioned whether there is standard material in other ordinances that relates to outdoor furniture. Smith has observed that permanent benches have been installed on some of the cul-de-sacs in the Village and questions whether this should be addressed.

Smith asked Birchler to contact him when he is working on text amendments relative to the definition of family which has to do with group homes in the community. Smith has done research in that area. With regard to height limit exceptions for church spires, Smith related that the Lutheran Church on 14 Mile Road is waiting for a change in that ordinance which would allow them to erect a spire.

Smith reported that he attended a Southeastern Michigan Council of Governments (SEMCOG) meeting with Council member Downey at which time bike paths were discussed at length. He believes that the Village will be involved in a study done by SEMCOG on the accessibility of the community.

Kennedy stated that she attended a SEMCOG walkable community meeting and understands that this study will not be available to the Village for over a year. Byrwa will check on the status of the Village's request to have the study performed.

Smith asked if the study on redevelopment standards would result in a handbook or amendments to the Zoning Ordinance.

Birchler stated that a determination should be made as to whether the Village feels this is going to become an issue of importance that needs to be addressed. There are communities that are not bothered by the expansion of house sizes on small lots on the basis that it adds more value to the neighborhoods and the community. There are other communities that feel that it places unusual pressure on smaller homes in the neighborhood that do not want this type of development.

The first step is to gauge whether the community perceives this to be a big problem. The areas where it is most likely to have a detrimental affect should be identified. There are lots that can handle enormous homes without adverse impact. There may be areas in the older part of the Village where neighbors on either side may feel closed in if someone were to build a 4,000 SF house on a 50 foot lot. If there is potential for building height and bulk to adversely impact neighboring properties, the Village could consider zoning restrictions that would keep the problem in check. The Village does

not want to keep people from improving their property and expanding their homes to grow with their family so they can remain in the neighborhood.

Bliven questioned the reasoning for review and update of adult use regulations. Smith indicated that there is nothing in the Village's code that addresses adult uses. Birchler commented that this item has to do with adult book stores and movie theaters that zoning ordinances typically refer to as regulated adult uses. This would be a new section of the Zoning Ordinance.

Birchler stated that there are only two approaches to regulating adult uses, the Detroit model or the Philadelphia model. The Detroit model involves spreading out these uses so that one area is not overly impacted. The Philadelphia model is to locate all the adult uses in one part of the city. Birchler is not aware of any community in the state of Michigan that uses anything but the Detroit model which requires that regulated adult uses have to be so many feet from schools, churches, etc. Communities have tried to design those standards so that it would be physically impossible to locate any such use in the community. Birchler stated that the community has lost in every court case having to do with adult uses being restricted in this way.

Birchler has advised most of his clients not to add these amendments into their ordinances until the first adult use is established. The community should then establish standards based on the first use allowed. It is clearly a business activity that would have to go into a commercial zoning district. Issues include the amount of regulation with respect to how far apart these uses should be and the spacing required between an adult regulated use and schools or churches. Birchler's recommendation would be not to address this issue until the first one is established because this type of use cannot be excluded.

Bliven thinks the Planning Board should address the minor Zoning Ordinance text amendments as its first priority. Southfield Road is not on the Planning Board's priority list. Bliven understands that the Road Commission of Oakland County has indicated that something may be done with Southfield Road in about five years. He questions whether this should be a high priority at this time. With respect to redevelopment standards for Southfield Road property, Council could address this by incorporating the appropriate portions of the site development handbook criteria into the Zoning Ordinance.

Bliven is a strong proponent of developing a master plan for sidewalks and bike paths. The Village has never looked at where sidewalks should be installed in comparison to where they are now. A master plan should be drafted by the consultant showing where bike paths and subdivision connections should be constructed. The Village would then have a document to refer to when someone requests a sidewalk in a particular location.

Bliven informed the Board that, in 1981, the Village applied to the State of Michigan and was approved to receive a grant to build bike paths. Rather than proceeding with bike paths on 13 Mile Road only, the Village tried to extend the plan to construct sidewalk on 14 Mile Road. In the year that it took to coordinate the project, the state changed the sidewalk standards from 5 feet wide to 8 feet wide which resulted in the project being canceled in the Village. The Village could have constructed bike paths if it used the money in a timely manner without attempting to extend the project.

Bliven recalled that the Village had a plan and received federal money for sidewalks in the 1970's. Sidewalks were constructed in front of Beverly Park and through Beverly Park and from the municipal building towards Evergreen Road. He suggests that a master plan for sidewalks be prepared so that the Village will be ready for funding opportunities that may arise.

Bliven thinks a study should be prepared to determine whether the Village will have a problem with "big foot" development. He referred to the controversy in Birmingham with respect to this type of redevelopment.

Jensen commented on the issue of residential site redevelopment standards based on his experience as a developer. He sees no comparison between what is happening in Birmingham and what potentially could happen in Beverly Hills. Jensen does not detect existing conditions that would

cause anybody to tear a house down and build a huge house. Beverly Hills does not have a walkable neighborhood with stores, theaters, and restaurants that can be accessed by walking. That is what is going on in Birmingham.

Jensen suggests that the Village follow the Birmingham law suit and related controversy with respect to rezoning to control "big foot" development. This item could be deferred until we see what happens in Birmingham at which time Beverly Hills can make comparisons to those conditions and decide whether it is likely to be a problem in the Village.

Jensen's expressed the view that the whole idea of accessibility and connectivity of neighborhoods will change the quality of our lives. He thinks this topic should be thoroughly studied and a plan created that could be prioritized and implemented in phases.

Jensen commented on the development on Southfield Road. He foresees a domino effect if Bed Bath & Beyond is successful in its request to move into a former office building located on Southfield Road. The Racquet Club next door is a prime candidate for another big box. The Planning Board is talking about a study of the commercial area from 13 Mile to Beverly Road in order to prepare for future redevelopment. Jensen would like to see the Planning Board work to have portions of the existing site development handbook adopted into the Zoning Ordinance to assure that specific standards are met when an applicant comes before the Village with a request to redevelop commercial space. He noted that landscaping issues are addressed in the handbook.

Jensen maintains that the Village is more likely to have problems in the Southfield Road commercial district than have problems with big foot development. He thinks Council should be in a position to have a stronger hand in terms of affecting the owners of buildings in terms of demolition and what happens when the building is in a state of disrepair.

Jensen summarized that he is in strong agreement on the need for a master plan for bikeways, walkways and pedestrian safety on the basis that it will improve the quality of Beverly Hills. Text modifications must be undertaken. He would like to reinforce the idea of implementing the existing site design handbook with respect to the commercial spaces on Southfield Road.

Kennedy remarked that she does not think it is too early for the Village to become involved with improvements to Southfield Road. Lathrup Village has been working on this for quite some time although improvements may not be undertaken for five years. The Village's involvement should probably start with administration as far as reviewing the plans and keeping the Planning Board advised.

Kennedy stated that it has been her goal to replace the signs at Village boundaries with signs that are more attractive and welcoming. She hopes that this will be done. Kennedy agrees with the Planning Board that there needs to be a plan in place for a walkable community. It will be easier to discuss funding if there is a plan in place.

Kennedy thinks that there is a potential for "big foot" development in Beverly Hills. She does not want to curtail growth or discourage people from putting money into their homes. The ordinance could be reviewed to determine if it could prevent redevelopment that would allow a home to use every square foot of a lot. Kennedy would like to learn from Birmingham as their community deals with this issue.

Domzal asked Kennedy about the availability of short or long term funding sources.

Kennedy stated that there is no money in this year's budget for additional projects. She mentioned that the Finance Committee is looking at long range financial plans and is in the process of completing a five year capital improvement program. Kennedy talked about the possibility that the Village may ask the residents for a millage cap increase in the near future. She agrees that it is time that the Village considered allocating money towards providing a walkable community.

Jensen asserted that good reinvestment invigorates neighborhoods and increases property values. The Village should consider how it can encourage the kind of redevelopment that it would like to

see. Jensen referred to the positive aspects of the proposal of Bed Bath & Beyond to locate in Beverly Hills with respect to personal property taxes and revenue.

Borowski proposes that the Planning Board move forward with minor Zoning Ordinance text amendments over the next few months. He perceives that there is support for the bikeways, walkways and pedestrian safety study. The Board should consider addressing this issue in portions in order to move forward over the year with the idea that a plan will be in place by February if it is decided to present this to Council during budget deliberations.

Borowski discerns some definite issues on residential site design and redevelopment standards. The Planning Board should arrive at a consensus on how to proceed and move forward. He suggests that the Board start to work on this as a third priority.

Robiner has begun work on improving the signs that appear at the entrances to the Village. This is a non-budgeted item but will impact the schedule. Borowski feels that the Board members will be able to arrive at some output on this project to forward to Council for consideration. This can be done over the next few months.

Borowski views the Southfield Road issue as a longer term matter. He proposes asking the Council liaison to introduce this topic to Council and raise their consciousness of this issue. Council should be reminded that the Planning Board did recommend that portions of the site development handbook be formalized in the Zoning Ordinance.

Borowski outlined the priorities as follows: 1) Minor Zoning Ordinance text amendments; 2) Bikeways, walkways and pedestrian safety study; 3) Residential site design and redevelopment standards; 4) Village entranceway signs; 5) Southfield Road redevelopment plan and implementation of the site development handbook into the Zoning Ordinance.

Birchler will consult with Bliven, Smith, and Byrwa and prepare a list and description of the minor text amendments that will be addressed. A schedule will be prepared for that work and the other priority projects for this year.

#### **PLANNING BOARD COMMENTS**

Jensen commented on the contents of a flyer he received in the mail from Bed Bath & Beyond which leads him to believe that the items sold in the store are not costly and the business will generate a lot of traffic. He mentioned that the operation has been compared to a furniture store. Birchler compared it to a Pier 1 store.

Bliven distributed a computer generated inventory of sidewalks existing in the Village. He referred to gaps in the sidewalk in various areas of the Village. Bliven suggests that the sidewalk master plan start from what exists and recommend what the Village should do to provide residents with a walkable community. Bliven also provided Board members with a map of the Village indicating lot sizes compared to the Zoning Ordinance.

Smith commented on a recent case before the Zoning Board of Appeals which involved a gate. He reminded the Planning Board that he supported addressing gates as part of the Fence Ordinance.

Byrwa summarized the details of this case. The Zoning Board denied a petitioner's request for fencing in the front yard. The resident returned with a request for variance to allow installation of an electronic gate on his property. Because gates are not regulated in the Fence Ordinance, Byrwa interpreted the gate and pillars as an accessory structure located in the front open space. The ZBA will hear this case at its August 9 meeting.

Smith expressed the view that gates are not appropriate in Beverly Hills and he would oppose any gate in the front of any house in the Village. Bliven recalled that, at the time the Planning Board was reviewing the Fence Ordinance, the planning consultant considered a gate part of the fence.

Robiner attended the July 19 meeting of the Zoning Board of Appeals at which time a request was heard from Bed Bath & Beyond for variances for parking and signage for the building on Southfield

Road. The applicant had revised the site plan between the time that the plan was reviewed by the Planning Board on July 14 and the July 19 ZBA meeting. The new plan removes the entrance from the Southfield Road side of the building and locates the main entrance at the rear of the building. There will be another entrance at the south side of the building. The front of the building will be used as a glassed in show area with signage.

The Zoning Board granted a variance on signage without allowing the total signage requested in the application. The parking variance was tabled until the next ZBA meeting.

Byrwa stated that Bed Bath & Beyond submitted two revised plans yesterday. One plan shows seven more parking spaces than the other plan.

Borowski stated the Planning Board worked with the applicant to accommodate the schedule of Bed Bath & Beyond. He expects the plan to be complete before it returns to the Planning Board for site plan review and recommendation.

Robiner commented that he would appreciate assistance with the entranceway project. He asked that Board members photograph various entranceways that appeal to them. These ideas will be compiled and presented as a plan to make our community unique in its appearance.

Tillman emphasized her interest in walkways in the Village. She suggests that the Planning Board consider the possibility of creating incentives for neighborhoods to contribute to an accessible Village. Homeowners, subdivisions, and business owners could be encouraged to facilitate creation of additional walkways. This is something that can be discussed as the Board goes forward with a plan for sidewalks.

Tillman thinks that the Board has to carefully consider a prospective business that wants to locate in the Village with respect to being consistent with our vision of the Village. She commented positively on the use of the vacant building on Southfield Road for Bed Bath & Beyond. She does not think there are a lot of other businesses that could use that space in an attractive and inviting style. Tillman added that the concerns of the adjacent property owners should be weighed while considering the overall needs of the Village.

Domzal commented on the Bed Bath & Beyond proposal and hopes it can be resolved at the next Planning Board meeting. Domzal remarked that there are a lot of resources in this community including neighborhood groups and students at Groves High School who can be called upon for their support and input on planning projects. Their input may result in a better plan and enhance the possibility of support and private donations.

Borowski related that he recently discovered that Ann Arbor's parking ordinance has a provision for deferred parking. This is used when a developer indicates that the required parking is not needed. The developer has to prove that there is enough space on the lot for the required parking. The extra spaces do not have to be provided until such time as it becomes necessary. Ann Arbor also has required parking for bicycles in both office and retail districts.

Birchler commented that the deferred parking is also called land-banked parking. A developer provides the space but is able to use it for landscaping. There are certain triggers in place that cause the parking to be developed at a future time.

#### **PLANNING CONSULTANT'S COMMENTS**

Birchler announced that the Michigan Chapter of the American Planning Association and the Michigan Society of Planning Officials selected one of Birchler Arroyo's projects for the outstanding planning award for 1999.

#### **BUILDING OFFICIAL COMMENTS**

Byrwa stated that the Zoning Board of Appeals will consider a parking variance for Bed Bath & Beyond at its August 9 meeting. New plans have been submitted. The Planning Board is scheduled to review the site plan for Bed Bath & Beyond at its August 11 meeting.

**PUBLIC COMMENTS**

Kennedy hopes that all Village bodies have open minds with respect to the Bed Bath & Beyond proposal and make their best decision based on the plan that is proposed.

MOTION by Robiner, supported by Bliven, that the meeting be adjourned at 9:43 p.m.

Motion passes unanimously.

**Vince Borowski, Chairperson  
Planning Board**

**Ellen E. Marshall  
Village Clerk**