

Present: Chairperson Borowski; Vice-Chairperson Belaustegui; Members: Bliven, Domzal, Fox, Jensen and Smith

Absent: Robiner and Tillman

Also Present: Planning Consultant, Wyrosdick
Council Liaison, Kennedy

Chairperson Borowski called the meeting to order at 7:33 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVAL OF AGENDA

The agenda was approved as submitted.

APPROVE MINUTES OF A REGULAR PLANNING BOARD MEETING HELD ON WEDNESDAY, SEPTEMBER 22, 1999

The following changes were made to the minutes. On page 6, paragraph 3, last sentence should read: "The Village Council has the option of requiring a masonry wall **and/or** an alternative screening wall."

On page 8, add the following to the first paragraph of the page beginning with "Weisenbach": "He asked whether the requirement for a wall means that the applicant does not have to provide landscaping. Weisenbach was informed that the site plan as approved requires landscaping. The Planning Board approval indicates a wall replacing the proposed fence."

MOTION by Bliven, supported by Fox, that the minutes of a Planning Board meeting held on Wednesday, September 22, 1999 be approved as amended.

Motion passes unanimously.

SECOND DRAFT OF ORDINANCE AMENDMENT FOR OFF-STREET PARKING REQUIREMENTS

Planning consultant Wyrosdick guided the Board through the second draft of amendments to the ordinance for off-street parking requirements. The Board carefully reviewed the parking space layout standards, standards for number of spaces per unit of measurement, and parking lot landscaping requirements. The consultant will report back on information requested relative to parking for schools. Changes and additions to the proposed ordinance suggested by Board members will be incorporated into a revised draft for review at the next meeting.

SECOND DRAFT OF ORDINANCE AMENDMENTS TO THE SIGN ORDINANCE, POLITICAL SIGN SECTION

The second draft has been revised to reflect recommendations discussed at a previous Planning Board meeting. Clarification was made between a political sign and a sign of general expression. There can be a political message on a general expression sign, but that category of signs should be separate from political signs erected for the purpose of an election.

The Board reviewed the revised draft and suggested changes which will be appear in a revised document.

FIRST DRAFT OF DEFINITION OF "FAMILY"

The Village's current Zoning Ordinance definition of "family" attempts to cover both traditional and non traditional family units. The planning consultants have proposed revisions to update this ordinance section. Board members were furnished with a one and one-half page summary of information received from SEMCOG on the issues surrounding the definition of "family".

It was noted in the consultant's memo of October 5, 1999 that there is continuing debate as to the lawful regulation of the number of occupants for non traditional families but not for related families. It appears that restrictions may be permitted (exempt from the Fair Housing Act Amendments) if other reasonable accommodations for larger group homes are provided. The Village's RM District

permits Adult Homes of 7 to 12 residents and Large Group Homes of 13 to 20 residents with local zoning approval required.

The handout indicates that the majority of information provided through SEMCOG's Information Services deals with examples of the definition of family provided in other municipalities. It appears that many municipalities approach defining a family similar to that of Beverly Hills where non-traditional families are limited to a maximum occupancy while traditional families are not limited to a maximum. Other communities do not limit the number of people within a defined family. There are communities that choose to limit the total occupancy within single-family dwellings regardless of whether occupied by traditional or non-traditional families.

Wyrosdick provided an example of a community's definition which separates the traditional and non traditional family but does not limit the number of people in either category. Another example of a definition of family limits the maximum number of adults in a single dwelling unit in all families to eight adults with no limit to children.

The reason for amending the current ordinance was questioned. Smith reviewed that former planning consultant Phil McKenna raised the question as to whether the Village's present definition comported properly with current case law.

Board members commented on the revision recommended by the planning consultant as well as the examples provided from other communities. They discussed how this issue could be approached in an effective manner. The question arose as to whether the present ordinance definition should be changed.

Board members agreed that there is a point where the community does not want more people in a certain dwelling without it being zoned for that use. It was the sense of the Board that an attempt be made at drafting one definition that is limited by the police powers of the Village with respect to health, safety and welfare.

Smith volunteered to work with the planning consultant on writing a definition of family for the Board's consideration. A definition approved by the Board will be forwarded to Council with a request that it be reviewed by corporate counsel to determine whether it is subject to challenge.

FIRST DRAFT OF "EXCEPTION TO HEIGHT LIMITS"

Bliven stated that most zoning ordinances do not restrict the height of a building chimney. The proposed amendment will make exceptions to the Village's maximum height restrictions. The ordinance currently reads that any mechanical device or chimney exceeding the height limit of the Zoning Ordinance requires a variance from the Zoning Board of Appeals. The amendment modifies that requirement to allow chimneys, television antennas, observation towers, etc. to exceed the height limitation of the district by 15 feet without ZBA approval.

The amendment states that any essential structure cannot have an area greater than 25 percent of the roof area to which it is attached. The draft also includes a setback requirement for any structure that exceeds the maximum height permitted in the district.

The Board's thorough review of proposed language resulted in changes and suggestions that will be incorporated into a reworked draft for review at the next meeting.

FIRST DRAFT OF ORDINANCE AMENDMENTS TO "ADULT REGULATED USES"

Wyrosdick stated that the majority of the proposed revisions involve adding definitions to items included in the current ordinance in an attempt to provide the Village and the building official guidance as to what these uses entail. Another important addition is the definition of "significant portion", which sets criteria to determine whether a business is considered an adult use.

The genesis of this ordinance amendment was questioned. Smith related that former planning consultant Phil McKenna received national publicity as a planner talking about how to regulate adult uses at the time he was assisting Pleasant Ridge with a court case involving a movie theater showing x-rated movies. McKenna Associates advised all of its clients that municipalities should consider

adopting such an ordinance in anticipation of what could and has occurred in other communities in Michigan.

Board members suggested corrections and additions to the language that will be incorporated into a revised draft for review at the next Planning Board meeting.

Borowski stated that the Board has gone through a number of ordinance amendments on its schedule for this year. The only item that has not been discussed is revisions to the section on maximum length of cul-de-sac streets, including density-related standards. Borowski made a decision with the planning consultant and building official to request that the Public Safety Department review this item. The Department may have standards that the Planning Board is not aware of. This text amendment will be an item for review at the next meeting.

PLANNING BOARD COMMENTS

Jensen commented that he was not able to attend the last Planning Board meeting when the Bed Bath & Beyond site plan was reviewed and approved. It appears that the Bed Bath & Beyond proposal unearthed several difficulties and problems that exist within the Village's commercial district on Southfield Road. It is his view that the Southfield Road business corridor will become a future priority in terms of studying and addressing problems and plans for redevelopment.

Jensen distributed copies of design guidelines for residential standards that have been published by a few communities in the area. Residential site design and redevelopment standards have been identified as a Planning Board priority.

Jensen stated that he attended a couple of hours of the walkable communities survey conducted by SEMCOG in the Village in September. Those involved walked on Evergreen Road from 13 Mile Road to Beverly Road and looked at traffic and pedestrian safety issues. Jensen remarked that anybody who drives on Lahser Road between 15 and 16 Mile Roads will see a community installing sidewalks along a main road despite many problems with respect to terrain and trees.

Hanlin announced that SEMCOG conducted a walkable community audit in the Village last Thursday. An informative presentation was given by SEMCOG representatives before the group went out into the field. Those involved walked on Evergreen Road from 13 Mile Road to Beverly Road and looked at traffic and pedestrian safety issues. There were some common sense suggestions made that involved not much more than a can of paint and some attention to detail. Other suggestions were more involved in terms of reworking the construction of the road.

Jensen stated that an issue that was revealed during the walkable neighborhood assessment is the burdens placed on private citizens to maintain sidewalks. This may be viewed as a conflict inherent to the action plan of constructing sidewalks. Jensen remarked that it might be an inducement to make this happen if the Village could remove some of the impediments and solve some of these problems in advance.

Belaustegui thanked Wyrosdick for her participation at the last Council meeting with respect to the Bed Bath & Beyond proposal. He thought she handled the traffic study issues well.

Bliven stated that he was disappointed with the action Council took on the Bed Bath & Beyond site plan. He thinks that Council missed an opportunity to beautify Beverly Hills by not requiring Bed Bath & Beyond to construct a brick fence behind the landscaping required on the south and west boundaries of the property.

Bliven stated that the Village zoning map was published. Council adopted Ordinance No. 296, which brings the Village zoning map in sync with the proper zoning of property in the Village of Beverly Hills.

Smith stated that there has been resurfacing taking place on Vernon, Normandale and Gates, which substantially improves the safety of the community.

Fox hopes that Council will consider undertaking a comprehensive study of the Southfield Road business district so the Planning Board could incorporate that information in reviewing future site plans.

Fox related comments made by those attending the walkable communities seminar regarding the stop signs on Ronsdale. She is concerned about the vehicles going down Evergreen Road northbound and turning right on Beverly Road. People turn that corner with greater speed than with a regular turn because it is not a 90 degree angle. There is no stop sign there. Fox proposes that a traffic study be conducted on Evergreen Road from 13 Mile Road to Douglas Evans to consider where stop signs should be placed. An additional problem in that area is the ingress and egress to Groves High School just north of the 13 Mile and Evergreen intersection. During busy times, people driving northbound on Evergreen take the shoulder to get around those people turning left into the GHS entrance. This creates an unsafe situation.

Domzal complimented Bliven on his leadership at the last meeting with respect to focusing Board discussion on Bed Bath & Beyond issues and condensed them into a proposal.

Domzal commented that he has relied on the site development handbook during his review of the Bed Bath & Beyond site plan. He questioned whether this manual will be elevated to a more formal policy by which developments are judged.

Fox commented that there are a lot of aesthetics included in the site development handbook, which may present a legal problem with making it mandatory, in her opinion. She understands that commercial developers approaching the Village with questions or seeking an application for site plan development are given a copy of that booklet and told that it represents what the Village would like them to do.

Domzal asked that discussion of the site development handbook be a topic for a future agenda.

Bliven stated that the Planning Board anticipates that the consultant will go through the site development handbook as part of next year's work plan to determine which items can be incorporated into the Zoning Ordinance. The Planning Board made a start by amending the landscaping provisions of the off-street parking section of the ordinance.

Borowski stated that he is supportive of both a Southfield Road corridor study and the commercial handbook elevation to zoning ordinance amendments. These are important issues and can be discussed as part of next year's work program. The Planning Board is in the process of completing minor zoning ordinance text amendments and will be working on a master plan for sidewalks.

Domzal commented that the lack of interconnection between subdivisions is a safety hazard and an inconvenience. He understands that sidewalks are expensive, and there are a lot of issues involved. This will be discussed in conjunction with the sidewalk master plan.

PUBLIC COMMENTS

Council Liaison Kennedy commented on the recent review and approval of the Bed Bath & Beyond site plan by the Planning Board and Council. She understands that there are members of the Planning Board who are not pleased that Council did not require Bed Bath & Beyond to construct a masonry screening wall. Kennedy emphasized that she is pleased with the Planning Board's excellent job on the site plan review.

Kennedy thinks that the Village needs a downtown organization whereby representatives of Council and the Planning Board meet with business owners to promote communication between all parties and encourage improvements to the business district. Kennedy spoke in favor of conducting a traffic study of the Southfield Road corridor as soon as possible.

Kennedy stated that she asked administration to request Birchler Arroyo to prepare a quote on Planning Board priorities that were identified but not included in this year's work program. Wyrosdick will follow up on this.

MOTION by Smith, supported by Fox, that the meeting be adjourned at 10:13 p.m.

Motion passes unanimously.

Carry over items:

- 1 - Review ordinance amendment to sign ordinance, political sign section (9-8-99).
- 2 - Review ordinance amendment to off-street parking requirements (9-8-99).
- 3 - Review ordinance amendment to the definition of "family" (10-13-99)
- 4 - Review ordinance amendment, "Exception to Height Limits" (10-13-99)
- 5 - Review ordinance amendment to "Adult Regulated Uses" (10-13-99)

**Vincent Borowski, Chairperson
Planning Board**

**Ellen E. Marshall
Village Clerk**