

Present: Council: President Pro-Tem Domzal; Members: Mooney, Schmitt, Stearn and Woodrow
Planning Board: Chairperson Jensen; Vice-Chair Borowski; Members: Bliven, McCleary, Nedley, Schneiders, Smith, Tillman and Wayne

Absent: Downey and Pfeifer – Council

Also Present: Village Manager, Murphy
Building Official, Byrwa
Planning Consultants, Birchler and Wyrosdick

Jensen called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVAL OF AGENDA

Motion by Bliven, seconded by Tillman, to amend the agenda to add item 4A, “Temporary Sign Request from Detroit Country Day School”.

Motion passed unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

There were no comments from the public.

APPROVE MINUTES

Motion by Bliven, seconded by Tillman, that the minutes of a regular Planning Board meeting held on Wednesday, September 25, 2002 be approved as submitted.

Motion passed unanimously.

TEMPORARY SIGN REQUEST FROM DETROIT COUNTRY DAY SCHOOL

Byrwa stated that Detroit Country Day School is requesting a permit to erect a temporary special events sign to promote its November 11 Open House. The Ordinance requires the Planning Board to review and approve any temporary sign over 12 square feet.

The vinyl sign will be displayed from October 14 to November 11 and will be located above the ground sign at the corner of 13 Mile and Lahser Roads. Board member are in receipt of a photograph of the banner sign at the requested location. Questions from the Board were answered by Clayton Matthews, Director of Communications for DCDS.

Motion by Tillman, seconded by Bliven, to approve the Detroit Country Day School temporary sign as submitted to be displayed from October 14 to November 11, 2002.

Motion passed unanimously.

DISCUSS PROS AND CONS OF PLANNING BOARD VS. PLANNING COMMISSION

Jensen commented that the Planning Board has discussed improvements in the way this body would function if it were a planning commission. Planning consultant Birchler has been asked to compare the powers and duties of a planning board versus a planning commission.

Birchler noted that Beverly Hills is the only community served by Birchler Arroyo that has a planning board rather than a commission. It is his experience that most communities avail themselves of the opportunity to create a planning commission. The Municipal Planning Act provides for the creation, by ordinance, of a planning commission. Birchler outlined what some of the powers and duties of a planning commission are by statute and compared that with the role of the Planning Board under the Village municipal code.

Birchler discussed the differences between a board and commission with respect to the preparation and adoption of a master plan. There is a specific process established in the Municipal Planning Act that includes a procedure for responding to Council's concerns that may be raised regarding a draft master plan that is submitted to them for consideration. There is no similar process in place in the Village Code.

Under the Municipal Planning Act, the planning commission also has a responsibility to prepare a Zoning Plan including zoning ordinances and map to implement the master plan and to recommend its adoption by Council. Birchler thinks it is important that the planning commission be involved in recommending that ordinance to Council as a primary tool for implementing the master plan. Under the Village Code, the Planning Board has a similar role in recommending a zoning ordinance to council in order to guide the development of the Village.

Birchler stated that the statute authorizes a planning commission to appoint employees as it deems necessary for its work and to contract with city planners, engineers, architects and other consultants. He clarified that a planning commission can do this only if the governing body gives it a budget. Council still has the ultimate authority in establishing a planning commission budget and in setting aside money for specific activities. Under the Village Code, Council provides the services of staff and consultants to the Planning Board. Council controls the Village's spending and would have to fund the activities of the planning commission in either event.

Birchler observed that both the City & Village Zoning Act and the Municipal Planning Act prescribe certain powers and duties of a village planning commission. The statutes provide for certain formal procedures intended to result in the adoption and implementation of plans. These procedures recognize that Council may not always approve of all aspects of a plan. In those events, there is a logical process for identifying the issues and sending the plan back to the planning commission for further evaluation, requiring the planning commission to report back to council regarding its findings. The process serves to bring both bodies together on the issues.

It is the planners' observation that the current Village Code and the Planning Board/Village Council relationship fails to accomplish this end in many instances. Birchler reiterated the Planning Board's concern relative to working for long periods of time on plans and sending them to Council without a process for receiving feedback, addressing Council's issues, and moving the plan on to an implementation stage.

Birchler remarked that, functionally, the Planning Board is acting like a planning commission in many ways. However, the statute provides certain responsibilities and duties to a planning commissions that the Village Code does not afford to the Planning Board. Having a planning commission with more authority and a formal procedure established for moving plans to an implementation stage would lighten up the load for Council as well as provide the planning commission with a greater sense of worth and afford the community some real significant long-range plans.

Council discussed the planning commission status and raised a few concerns including the public hearing process, the effect on the budget process, and the fact that it takes a two-thirds vote of Council to override a planning commission vote. The relationship of the Planning Board and Council and how to get the group working as a team was thought to be an important consideration. Domzal suggested that a committee be established to explore the merits of a planning commission for Beverly Hills.

REVIEW SOUTHFIELD CORRIDOR PROPOSED PLAN, VISION AND GOALS, AND DISCUSS CANDIDATES FOR FACILITATOR

Jensen referred to a handout summarizing the Southfield Corridor Preliminary Study Plan. The Planning Board proposes to undertake the corridor study in three parts. The preliminary planning stage has begun with data collection including aerial maps, list of owners, tenant list, and zoning classifications. The Board has looked at parking as it now exists and parking requirements based on Village ordinances.

The Planning Board has come to a decision that it is necessary to establish common goals and a common vision for how the Southfield Road corridor should look in order to move forward with the corridor study. It is proposed to engage a facilitator to conduct a meeting of the Planning Board and Council to assist with the establishment of goals and a vision for the area in order to be in agreement as to what the Village is trying to accomplish. The Planning Board will become better prepared to proceed to the next step, which is the creation of a plan.

The Board suggests having one or two sessions with a facilitator. Once the preliminary planning has been accomplished and the goals have been set, the next step would be to prepare a Request for Proposal or Request for Qualifications and solicit various planning professionals to present the real estate possibilities for the corridor considering the limitations of the Village's goals and vision. Proposals would be narrowed down to three or four planners, who would be invited to present their proposals to the Planning Board and Council. A preference would be established and cost estimates obtained for creation of a plan. Jensen emphasized that it is being proposed that no money will be spent on the development of a corridor plan until a common goal is generated and a determination made as to who would produce the plan.

The Planning Board and planning consultant would go through a process of creating a plan, which would become a working document. The final step is implementing the plan.

Jensen asked for Council input on the proposed goal setting session for the Southfield Road Corridor. At its last meeting, the Board discussed asking Bob Belaustegui to act as facilitator to assist with establishing a common goal and a vision over the next three months.

The five Council members present agreed with the preliminary study plan and with engaging a facilitator to assist with developing a consensus of the Planning Board and Council on the Southfield Road Corridor study. Domzal remarked that his biggest concern is to arrive at a usable end product. Council members questioned whether this was a paid position and the cost involved.

Murphy stated that he spoke with Belaustegui, who indicated that he would assist the Planning Board and Council in this process. Murphy believes that the facilitator would be a paid position, and he would work out terms and details at Council's direction. The Village Manager is not authorized to spend over \$1,000 without Council approval.

Belaustegui outlined the process. He would begin by reviewing the information compiled by the Planning Board on the Southfield Road corridor. He would interview Planning Board and Council members one on one to collect information on what people are thinking. That information will be compiled in some form and discussed without indicating names or committing people to what was said. Out of that will come what he thinks is an agreement on what the goals should be. Belaustegui will prepare this information for discussion and any modifications at another joint meeting. Preparing a Request for Proposal would be the end of the process. He urged Council to think about where the public enters this process and how to achieve public input.

Jensen stated that the next step is to appoint a facilitator. The Planning Board is suggesting that Belaustegui be appointed by the Village Manager and begin to work on this process.

It was the sense of Council to discuss this concept further at an upcoming Council meeting.

Motion by Jensen, seconded by Schneiders, to recommend that Council direct the Village Manager to engage a facilitator to assist the Planning Board and Council in developing a consensus on goals and a vision for the Southfield Road Corridor.

Motion passed unanimously.

REVIEW 14 MILE ROAD STUDY UPDATE

Wyrosdick reviewed that the 14 Mile Road Corridor Plan has been revised to reflect direction from Council on the scope of the plan to remove the secondary improvement area leaving just the area east of Pierce in the plan. The next step in the process is to evaluate options for implementation of the concepts and goals of the study.

The Planning Board has been discussing three implementation options including a conventional zoning district, an overlay district, and a Planned Unit Development. The Board has not come to a consensus as to which alternative is preferred to recommend to Council as a way to implement the plan recommendations. There will be further discussion at the next meeting prior to holding a meeting with the public to discuss implementation options. Following the meeting with the public, the plan and report will be forwarded to the Village Council.

Council and Planning Board members will schedule a walk of the 14 Mile Road study area soon.

Domzal referred to the Council public hearing on the 14 Mile Road Corridor Plan and recalled that the public was interested in two things. Members of the public urged the Village to hold off any action on a redevelopment plan until the road improvements are completed. Additionally, area residents were interested in knowing the standards for redevelopment in terms of building height and density.

Jensen responded that, after arriving at a preferred option for implementation of the plan, the Board will provide an illustration of what that development would look like.

REVIEW PROPOSED REVISIONS TO THE MASTER PLAN AND RELATED COSTS

Birchler Arroyo has submitted a memo dated September 30, 2002 outlining a Master Plan Update work program and fee schedule. Wyrosdick stated that she spoke with Bliven regarding the work of the subcommittee that reviewed the Master Plan to determine the extent of updating required. Smith and former Planning Board member Woodrow also served on that committee. The Master Plan should be updated to reflect 2000 census numbers. Wyrosdick has a sense from the subcommittee that everything up to the “Goals and Objectives” sections of the plan needs to be reviewed.

Wyrosdick suggested a two-phase approach. The first phase is to do a substantive review of the Master Plan looking at what needs to be updated. It would include an update of the existing land use survey, census information, and natural features. It would also include amendments to future land use plans that the Council has approved to date such as the Pathways Plan and, at some point, the 14 Mile Road study. It would involve creating a zoning plan, which is required by statute.

When the information has been updated, a decision will be made as to whether new goals and objectives should be established. A question that will be asked is whether the future vision of the Village has changed. If the answer is no, the Village would bring the Master Plan up to date and adopt it. If the answer is yes, phase two is to set new goals and objectives and prepare a new future land use plan and ways to implement it. Birchler Arroyo has provided a cost estimate for phase one and an estimated amount of time.

Smith stated that he will be providing a fair amount of the census data. He added that emergency preparedness should be a consideration in the plan. If a statement were included that the Village is interested in emergency preparedness and in agreement with the Oakland County Plan, Beverly Hills becomes eligible for possible grants for emergency preparedness if that becomes an issue.

Birchler related that the County will soon be initiating disaster preparedness and hazard mitigation planning with FEMA grant money. The County Emergency Preparedness Director has indicated that the County wants the Village to be actively involved. The County will likely hire a consultant to assist in coordinating with communities that need to do this sort of planning. There may be an opportunity for the Village to receive assistance in emergency planning and financing for that plan through the County office in charge of emergency preparedness.

Jensen summarized that the Planning Board is interested in updating the Master Plan and would like input from Council on that project. It was the sense of Council that the two-phase approach to the Master Plan Update work program is a good idea. Council requested a proposal from Birchler

Arroyo with a set fee for phase one. Domzal was interested in how the Master Plan integrates with the management of the Village.

Jensen concluded that the Master Plan Update will be a topic of discussion at the next Planning Board meeting.

DISCUSS STATUS OF SITE DEVELOPMENT HANDBOOK AND ADOPTION INTO ZONING ORDINANCE

Borowski stated that he is a proponent of incorporating sections of the Village's Site Development Handbook into the Zoning Ordinance. The Site Development Handbook has been adopted by the Planning Board and Council, and it is a useful tool for control of development and redevelopment in the Village A work plan and fixed fee cost has been prepared by Birchler Arroyo. There has been discussion on whether the work should proceed prior to arriving at a plan for the Southfield Road Corridor and concern that the Southfield Corridor proposal may result in revisions to the Site Development Handbook.

Borowski maintains that a redevelopment plan for the Southfield Road Corridor may take a long time. It is the consensus of the Planning Board to move forward with incorporating portions of the Site Development Handbook into the Zoning Ordinance and submit the work program and cost to Council for approval.

Murphy will bring this item before Council to consider for approval.

DISCUSS MINOR CHANGES TO THE CLUSTER OPTION ORDINANCE TO COMPLY WITH THE STATE OF MICHIGAN OPEN SPACE RECOMMENDATIONS

Wyrosdick referred to a memo from Birchler Arroyo dated September 30, 2002 outlining the Open Space Preservation Option. This is a new standard adopted in a recent amendment to the City & Village Zoning Act. It requires all qualified cities and villages to adopt in their zoning ordinance an open space preservation option by December 15, 2002.

A qualified city or village would be one that meets all of the following criteria:

1. Has an adopted zoning ordinance.
2. Has a population of 1,800 or more, and
3. Has land that is not developed and that is zoned for residential development at a density of two dwelling units per acre or fewer. If land is served by public sewer then three dwelling units per acre or fewer.

The zoning districts impacted in the Village would be the R-A or R-1 zoning districts. The amendment requires that land that is zoned R-A or R-1 could be available at the option of a developer or a property owner to be developed as a cluster development where at least 20% of the lot is preserved as open space. The developer does not receive a density bonus. They can build as many homes as they could build under conventional development. Wyrosdick remarked that it is similar to the cluster option in the Zoning Ordinance.

Birchler Arroyo recommended that research was needed to determine whether the Village qualified or was exempt from this requirement. Planning Board member Bliven has done the

research and prepared a map showing unplatted and vacant areas in the Village. The planning consultants displayed the map, which depicts that the Village does not have any developable vacant land that is not platted.

The consultants suggest that, in order to fill the requirements of the amendment, the Village Planning Board and Council should document and acknowledge their findings and make the statement that the Village is exempt from these requirements prior to the December 15, 2002 deadline. Birchler Arroyo will prepare a resolution encompassing these characteristics for Planning Board adoption to be forwarded to Council.

DISCUSS EVERGREEN ROAD SIDEWALK RECOMMENDATIONS

Jensen noted that the Evergreen Road segment was added to the Pathways Plan at the Monday, October 7, 2002 Council meeting.

PLANNING BOARD COMMENTS

McCleary suggested that the Planning Board and Council schedule its walk of 14 Mile Road before the weather changes. He observed that a house halfway between the water tower and Greenfield Road has been gutted and is being rebuilt. Byrwa was not aware of this work.

Tillman congratulated Council on its hard work on the Pathways Plan with the Advisory Committee. She enjoyed working on the implementation committee.

Borowski urged Council to seriously consider the planning commission status for this body and not look at it as an elimination of Council's responsibilities or power but rather as sharing of a lot of hard work. He commented that the Southfield Road Corridor Study and 14 Mile Road Study are both major and important issues that will take a long time to complete. The Master Plan update is something that needs to be done as expeditiously as possible. Borowski thinks the Village should codify the Site Development Handbook. If there is redevelopment of a property on Southfield Road, the Village needs to have some control over that process. Given the number of projects on tonight's agenda, the Planning Board will not reach final positions on the major issues until the end of 2003 or into 2004.

Jensen thanked Council for attending the joint meeting. The Planning Board is interested in Council feedback and a process of establishing goals in advance in order to produce work that Council understands and agrees with. The Planning Board is open to ways to make the relationship work better.

PLANNING CONSULTANT COMMENTS

Birchler informed Council that Birchler Arroyo won a state and national award for a recent planning project, the Bridgewater Township Master Plan.

BUILDING OFFICIAL'S COMMENTS

Byrwa commented that he belongs to the Oakland County Building Officials Association, a group that meets annually with people from Oakland County Emergency Management. He informed Council and the Planning Board that Beverly Hills has many contacts through this organization that would assist the Village should there be an emergency or disaster in the Village.

PUBLIC COMMENTS

Gladys Walsh of 20655 Smallwood Court questioned the process for selecting a facilitator to assist with goals for the Southfield Corridor. She hopes that this process and the qualifications of the facilitator are discussed in more detail when it becomes a Council agenda item.

Walsh asked the Building Official if he has knowledge of a home that was taken down near the water tower. Byrwa is not aware of a demolition in that area, but will follow up on the information received this evening.

COUNCIL COMMENTS

Council members commented on a good meeting with the Planning Board tonight. Stearn stated that he will keep an open mind on the planning board vs. planning commission issue. He thinks that the Council and Planning Board are working together better than they have in the past.

Motion by Smith, seconded by Tillman, to adjourn the meeting at 9:21 p.m.

Motion passed unanimously.

**David Jensen, Chairperson
Planning Board**

**David Domzal, President Pro-Tem
Village Council**

**Susan Bernard
Recording Secretary**

**Ellen E. Marshall
Village Clerk**