

Present: Chairperson Jensen; Vice-Chair Borowski; Members: Bliven, McCleary, Nedley, Smith, Tillman and Wayne

Absent: Schneiders

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

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

APPROVAL OF AGENDA

There was agreement to add item 7A to the agenda, “Review Village Entryway Signs”.

PUBLIC COMMENTS

There were no comments from the public.

APPROVE MINUTES

Motion by Bliven, seconded by Smith, that the minutes of a joint meeting of the Planning Board and Village Council held on Wednesday, October 9, 2002 be approved as submitted.

Motion passed unanimously.

DISCUSSION OF 14 MILE ROAD OPTIONS AND REVISIONS TO THE CURRENT TIMELINE AND SCHEDULE NEIGHBORHOOD FOCUS GROUP MEETING FOR NOVEMBER 13, 2002

Consultant Wyrosdick referred to her memo of October 16, 2002 updating the Planning Board on steps for completion of the 14 Mile Road Corridor Study implementation plan and referral to the Village Council. Three implementation options have been discussed including a Planned Unit Development, Overlay District, and Special Zoning District. Board members thought that the options should be discussed in more detail before a recommendation is made on how to proceed.

The next step in the process is to present a preferred implementation option to the public and update area residents on the 14 Mile Road Corridor Plan. After holding a public discussion, the Board will update the Village Council on the implementation plan. The next step would be to develop more specific Zoning Ordinance standards based on the preferred option.

Jensen asked Wyrosdick for any further observations with respect to the three implementation options. Wyrosdick responded that it was the consensus of the Board that a PUD was probably not the best route for redevelopment on the basis that it may be too cumbersome and may not provide the guidelines sought by the Board. The Board is continuing to review the overlay district and conventional zoning district options.

At the time the 14 Mile Road Corridor Plan was being prepared, it was thought that the overlay district would be the better means for implementation because it provided flexibility to residents in the study area who wished to remain in their homes. Those residents could stay and develop their property as single family residential or, depending on market conditions, could sell to a developer, who would redevelop that property according to the new overlay zoning.

There was discussion at the last meeting that an overlay district may not be the best implementation option for the reason that it may encourage a hodgepodge development. A standard zoning district may be preferable. Existing homes would be grandfathered, but they could not be expanded further if the area was rezoned to a new district.

Wyrosdick stated that either zoning district could be developed with the required standards. The process for achieving an overlay district or conventional zoning district are basically the same. It is standard rezoning as opposed to a Planned Unit Development, which is more like a contract with the Village. A decision on the preferred option relates to the issue of whether the Village wants to retain flexibility in that area. The Planning Board would develop the zoning district. The zoning does not change unless a property owner or the Village rezones the property.

The Board discussed setting November 13 as the date for inviting the public to a Planning Board meeting to discuss implementation of the 14 Mile Road Corridor Plan. There was a consensus that Board members should walk the study area along 14 Mile Road either as a group or individually prior to the public hearing in order to view the improvements associated with the 14 Mile Road reconstruction. It was agreed that the Board should be prepared for its discussion with the public. A suggestion was discussed to table further conversation on the implementation plan until next spring in order to better observe the corridor and determine if the improvements are likely to result in better property conditions.

Wayne questioned the Planning Board's direction with respect to the implementation plan. He maintains that allowing a homeowner to expand or improve their property would preclude a builder from combining property and putting resources into a project to develop town homes. Bircher added that properties in marginal locations are traditionally the last ones to upgrade on a market basis.

Bliven expressed the view that the what exists along 14 Mile Road represents the Village of Beverly Hills. The Village has worked with the County to improve the road and drainage in that area. Fourteen Mile Road residents have stated that they are not going to improve their property until action is taken on widening and improving the road. Bliven thinks that houses in a state of disrepair along 14 Mile Road will improve and be better maintained, which would be preferable to two or three story town homes.

Wayne remarked that a third option is being brought into the discussion, which is to wait and see if people are going to improve their property. He suggests that it is important to have the public attend a Planning Board meeting and provide input on the corridor plan.

Birchler proposed that the Village position itself to be able to encourage something else to happen if property owners do not improve the property on their own. The Village could have the regulatory tools and incentives available so that a developer could come in and buy a number of homes and redevelopment them. If the Village does not have to use this tool because the neighborhood has improved on its own, Beverly Hills has won across the board.

Jensen recapped that it has been pointed out that, if the implementation option chosen is so flexible that an overlay zoning allows people to stay where they are, the Village will have a hodgepodge development in the study area. The area will evolve rather than be planned. If the conclusion is reached that this community will never self improve, the way to proceed may be to rezone the property. Residents can sell to a developer or remain where they are.

There was a discussion on how to proceed with the implementation plan with various opinions expressed by Board members. Board members agreed to invite residents in the study area to a public discussion to update them on the 14 Mile Road Corridor Plan and ask for their views on the redevelopment of that area.

The Village building department staff will mail a notice inviting property owners in and adjacent to the study area to the November 13 Planning Board meeting. Association presidents in the area will receive notice of the meeting as well as people who have participated in previous discussions of the 14 Mile Road Corridor Plan. Birchler Arroyo will assist Byrwa with the wording of the notice. The planning consultants will also prepare a summary sheet on the 14 Mile Road Corridor Study to be mailed with the notice of meeting.

The agenda for the public discussion will consist of a presentation by the planning consultant followed by a question and answer session and public comments.

REVIEW MASTER PLAN BUDGET AND DISCUSSION OF GOALS

Smith related that the master plan subcommittee reviewed the document and made recommendations as to which parts of the Village Master Plan were problematic. He handed his marked-up copy of the Master Plan to planning consultant Wyrosdick. It was mentioned that Bliven's notes on suggested changes to the Master Plan had been provided to Birchler Arroyo previously and were used in the consultant's updated cost estimate for a Master Plan update work program.

Smith stated that the Board could choose a subcommittee approach for its review of the Master Plan or proceed as a committee of the whole. He suggested that a subcommittee should consist of both long standing and new members of the Board. Another possibility is to specify that certain topics be handled by a subcommittee. The Board agreed to work on the master plan with the consultant as a committee of the whole.

In response to an inquiry, Birchler stated that the only new item that the Village is required by statute to provide in its Master Plan is a zoning plan. He likened a zoning plan to a mandatory implementation section. It would involve evaluating the Master Plan, zoning map, and zoning regulations to determine if there are any major proposals in the Village's Master Plan that are

not currently supported by the map and ordinance language. A plan would then be prepared to address the incongruity.

Birchler related that he spoke with a representative of the Oakland County Emergency Management department, who indicated that Beverly Hills Public Safety Director Woodard has been actively involved with the County on the emergency response plan. The County is now beginning work on disaster mitigation planning with the assistance of FEMA grant money. The County is likely to hire a consultant to assist in coordinating with communities that need to do mitigation planning.

Tillman entered the meeting at 8:30 p.m.

The Board discussed whether the Board should endeavor to take on a Master Plan revision at this time for this scope of work and at the cost indicated in the work plan presented by Birchler Arroyo. It was noted that it could be a two-year work program.

Birchler commented that the Master Plan work program would result in an updated master plan. The idea behind the mandatory evaluation of a master plan every five years is to determine whether policies in the current plan are still the policies that are relevant to the Village's current situation and what ought to be happening in the future.

Birchler commented on the relationship between the Master Plan and the Zoning Ordinance. Case law in Michigan established a notion that a community's zoning ordinance is presumed to be valid. It is up to the challenger to show that there is something wrong with the community's zoning ordinance. The re-evaluation requirement of the statute was specifically written so that a community must evaluate its master plan every five years if it wants to maintain the presumption of validity.

While he understands the limited resources of the Village, Jensen commented that there are fundamental issues that need to be thought through in terms of the Master Plan. If the Planning Board becomes a planning commission, it might have more latitude in terms of future planning for land use over a 25 year period in lieu of merely updating what has already happened.

Smith concurred that one of the major points of a master plan is an articulation of values under which the community is to proceed. This is a good time to open that issue.

At the Board's request, Birchler outlined each component of the work program for Phase 1 of the Master Plan review. If it is decided to proceed to Phase 2 after completion of this program, steps 5-8 will not be charged in Phase 1 and will be completed when the second phase is finalized. Birchler is hearing that there may be some new concepts that the Village ought to consider adding to this Master Plan. After proceeding through the first four elements, the Planning Board may decide to bring in the public. At that point, a vision program could be developed to include visioning meetings, draft a vision statement, and update the goals and objectives moving into a more comprehensive plan. Jensen added that Phase 2 would have to be approved by the Village Council.

Jensen asked Byrwa to review the current year's budget figures and provide the Board with an accounting of the amount budgeted for Planning Board projects and the amount spent to date. The Board will review this information and consider a recommendation to Council on the Master Plan update at its next meeting.

REVIEW AND ADOPT RESOLUTION REGARDING OPEN SPACE DEVELOPMENT OPTION AMENDMENT TO ZONING ORDINANCE AND FORWARD TO COUNCIL FOR APPROVAL

There was discussion of the Open Space Preservation Option at the joint meeting with Council held on October 9, 2002. It is a new standard adopted in a recent amendment to the City & Village Zoning Act requiring all qualified cities and villages to adopt in their zoning ordinance an open space preservation option by December 15, 2002. Upon evaluation of a map identifying the Village's vacant acreage that is not developed or platted, the planning consultant and Planning Board found that there is no area that is large enough to hold more than one home. Therefore, the Open Space Preservation Option is not applicable to Beverly Hills.

It was suggested by the consultants that, in order to satisfy 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.

Motion by Tillman, seconded by Bliven.

WHEREAS P.A. 179 of 2001 requires all qualified communities to enact an Open Space Preservation Option by December 15, 2002 and,

WHEREAS the criteria for a qualified municipality include:

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

WHEREAS the Beverly Hills Planning Board finds that the Village has no vacant, undeveloped, unplatted acreage that would be eligible for development using an Open Space Preservation technique,

NOW THEREFORE BE IT RESOLVED that the Beverly Hills Planning Board recommends to the Beverly Hills Council that it find that the Village of Beverly Hills is exempt from the requirements of P.A. 179 of 2001 with regard to enactment of an Open Space Option as an amendment to the Village of Beverly Hills Zoning Ordinance.

Motion passed unanimously.

VILLAGE SIGN REVIEW

Bliven distributed photographs of the mock-up Village entryway signs that have been erected at a few locations. There was agreement that all entryway signs should be the size of the sign currently placed on Southfield Road. The size of the Southfield Road entrance sign should be increased in width by 12 inches. Bliven will convey the Planning Board's recommendations to the Village Manager.

BOARD COMMENTS

Tillman asked that Board members consider supporting Shelia Johnson for 46th District Court Judge.

Motion by Smith, seconded by Tillman, to adjourn the meeting at 9:28 p.m.

Motion passed unanimously.

**David Jensen, Chairperson
Planning Board**

**Ellen E. Marshall
Village Clerk**

**Susan Bernard
Recording Secretary**