

Present: Planning Board: Chairperson Jensen; Vice-Chair Tillman; Members: Liberty, Ostrowski, Walter and Wayne

Council: President Domzal, Pro-Tem Woodrow; Members: Downey, McCleary, Pfeifer and Taylor.

Absent: Planning Board members - Borowski, Freedman and Landsman
Council member - Koss

Also Present: Village Manager, Spallasso
Building Official, Byrwa
Planning Consultant, Wenzara

Jensen called the meeting to order at 7:32 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road. The Planning Board and Council meet jointly each year to discuss open issues and past and present actions.

Domzal mentioned that Council member Koss is attending a Council related function this evening.

APPROVAL OF AGENDA

Motion by Tillman, second by Liberty, to approve the agenda as published.

Motion passed unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

None

APPROVE MINUTES OF JULY 28, 2004 PLANNING BOARD MEETING

Motion by Wayne, second by Walker, that the minutes of the regular Planning Board meeting held on Wednesday, July 28, 2004 be approved as submitted.

Motion passed.

DISCUSS 14 MILE ROAD CORRIDOR STUDY

Domzal outlined background and history of the 14 Mile Road Corridor study from initial discussions held about four years ago to the recent public discussion of a proposed Overlay District Ordinance Amendment. Planning consultant Caryn Wenzara from Langworthy Strader LeBlanc summarized the dialogue at the September 13, 2004 public forum to discuss the 14 Mile Road corridor study and overlay district concept with interested residents.

Wenzara related that it was clear that residents in attendance were opposed to the overlay district and townhouse concept for the study area on 14 Mile Road. They did not think that multiple family dwellings were appropriate for Beverly Hills. Residents liked the idea of having affordable homes in the community. People were asked for their ideas on how to improve the housing situation on 14 Mile Road west of Greenfield to the water tower. This led to an exchange of ideas and suggestions for improvements including rental home

inspections, building code enforcement, property maintenance, and enforcement of the speed limit along 14 Mile Road. The tone of the meeting evolved into discussing ways to improve Village neighborhoods.

Domzal stated that Council, at its September 21, 2004 meeting, took a vote and decided not to enact any zoning changes at this time.

Jensen was interested in what can be learned from the outcome of this study. The Planning Board spent a lot of time on the 14 Mile Road corridor plan. He emphasized that the study was undertaken in response to an initiative that came from people in the surrounding neighborhoods who urged the Board to take steps to improve the blight along 14 Mile Road. The issue progressed to the point where the study was funded and the process began. Jensen would like to bring an end to this study tonight and move forward on other things.

Woodrow stated that he was in favor of the overlay district for the study area on 14 Mile Road. He thought that somewhere along the way the general public became misinformed on the overlay district proposal. Woodrow maintained that it makes sense to have guidelines in place for future redevelopment.

Wayne said that the Planning Board and Council have stirred the pot. Residents are now interested in better control of substandard housing in neighborhoods in terms of building inspections, landlord requirements, etc. He thought that the corridor study was a wake up call for the Village to prevent blight in neighborhoods.

Downey commented on the economic issues facing the 14 Mile Road corridor. He thought that the Planning Board and Council considered a reasonable direction in terms of an overlay zoning plan. Council decided not to proceed, but the fundamental problem exists. There is a need to talk about the economic realities of those homes and how the Village can facilitate improvement, maintenance and future development.

Jensen suggested that it would be beneficial to have a real inventory of the Village's housing stock that would assist in designating an area as a potentially troubled district. When communities age, there is a concern about its direction. Statistics showing how many building permits are pulled and their value provide information that could assist in understanding the direction of the community.

Tillman has observed that every time there is a push for forward change in the Village, there seems to be opposition from a small population group. If the Village is going to move forward, Council has to recognize what and who it is responding to and consider the overall good of the community. Tillman thinks it was good to spend time working on the 14 Mile Road corridor plan, because she anticipates that the issue will return at some point in the future.

Domzal commented that there seems to be a great mistrust of government now. He suggested that success of a proposal appears to be dependent on the extent to which it is perceived as being citizen driven.

DISCUSS SOUTHFIELD ROAD CORRIDOR STUDY

Jensen reviewed that last year at this time the Planning Board and Council were interviewed by Seth Hirshorn, a University of Michigan professor who was selected to act as facilitator to assist the Village with the development of a Southfield Road corridor study work program. The Planning Board did the base work and compiled data on existing conditions for a Southfield Road corridor project. The Board then suggested engaging a facilitator to work with the Village to establish common goals and a vision for how the business district should look. Jensen stated that the facilitator was partially through his assignment when he was asked to suspend his work.

Domzal clarified that Mr. Hirshorn conducted surveys and interviews and generated notes. When the Village Strategic Planning Development Committee began its efforts in terms of interviews and community-wide surveys, Hirshorn was asked to set his task aside. The results of the Village survey indicated that Southfield Road revitalization had a very low priority. It was recognized that the strategic planning group was going to be dealing with development issues. A decision was made and communicated to the Planning Board that, pending such time as a report is received from the strategic planning group, further work on the Southfield Road corridor study would be delayed. No decision has been made whether to put the Southfield Road corridor study back on track.

Downey stated that his recollection was that Dr. Hirshorn conducted interviews that led to identifying a number of specific issues on Southfield Road that were corrected by the Village.

In answer to an inquiry, Jensen stated that the Southfield Road corridor study has been on the Planning Board's wish list for five years. The Board initiated the program by gathering data with the next step being to facilitate the plan with goal setting. A planner would be engaged to develop a plan after goals were established. Seth Hirshorn was retained eighteen months ago to establish common goals and a vision for the business district. The Planning Board has not received a written document from Hirshorn.

There was discussion on how the Southfield Road corridor study evolved. It appears that interest in the future redevelopment of the corridor became a serious topic of discussion with the reuse of property on Southfield Road, particularly the Bed Bath & Beyond development. Parking issues, lack of curb cuts, traffic flow, building design and materials and numerous issues related to that project led the Planning Board to realize that the Village had little control over redevelopment. The Board began the process of codifying the Site Development Handbook drafted in 1995 as a means of providing guidelines to individuals developing commercial property or remodeling commercial buildings.

Domzal suggested that Dr. Hirshorn be asked to submit his results in writing to the Village. The report may include suggestions for minor improvements that can be done inexpensively without requiring major modifications. Some issues have been addressed by the newly adopted Site Development Requirements Ordinance Amendment. The strategic planning group is at a point where it will be drafting its recommendations in the next 30 to 60 days. If

Dr. Hirshorn submits his report in that time frame, the Village will have two documents to review. The Council and Planning Board will consult and decide how to proceed.

DISCUSS LOT COVERAGE ISSUES/ ZONING BOARD OF APPEALS

Pfeifer outlined her concern that Beverly Hills has no open space requirements. She related that a petitioner who presented a case before the Zoning Board of Appeals at last night's meeting demonstrated that 75% of the homes on a particular street were non-conforming. When there is an existing non-conforming structure, the Zoning Board generally does not have a problem with granting a variance to extend that deviation. This is taking place primarily in a section of the Village where there are combined sewers. She believes that too much of the Village's permeable land is being covered by building, which puts additional stress on an already vulnerable infrastructure.

Pfeifer commented on the expectations of younger residents in terms of home size. New residents are looking to expand smaller homes. Pfeifer thinks that renovation and upgrading should be undertaken with an understanding of the impact it is having on open space and permeable land. Big foot building is a concern. She is suggesting that the Planning Board look at existing ordinances and consider drafting a requirement for percentage of open space on lots.

Domzal stated that Pfeifer has raised issues of permeability, surface runoff, and the effect on existing sewer systems. He asked Spallasso to comment on the cumulative impact of the relatively small variances that are being granted. Spallasso stated that the variances described do not effect the sewer system in the area where the Village has installed restrictors, which control flow into the system.

Jensen commented that revenue is a major topic in the Village. Beverly Hills is a community that wants to improve its housing stock. It appears that 75%-80% of requests for variances are approved by the Zoning Board of Appeals. There is usually a four-pronged test applied to appeal cases in order to determine whether the proposal qualifies for hardship and warrants approval of a variance. Because of the high level of non-conforming lots in Beverly Hills, Jensen questions what the guidelines would be for the Village Zoning Board of Appeals. Maybe the Planning Board should begin to look at reasonable solutions for consideration of improvements in non-conforming situations. Young or growing families need more space and put money into renovating older homes thereby increasing the tax base and generating more tax revenue.

Pfeifer remarked that she does not want to stifle improvements, nor does she want to encourage expectations that might be unrealistic. She thinks that it is a problem that the Village should anticipate and study. Pfeifer has been gathering information that she would like to share with the Planning Board.

Wenzara stated that planning consultants always check in with the Zoning Board of Appeals when updating zoning ordinances to see what variance requests involve. If there is a pattern of requests for variances, regulations should be examined to determine if people are being reasonable, or if there is a problem. Wenzara has reviewed the Village ZBA meeting minutes

for the last couple of months. There have been about 25 variance requests for setbacks in R-1 and R-2 zoning districts with the majority of the requests approved. There is a heavy pattern that may cause the Village to take a look at setback requirements. Wenzara stated that there may be a way to allow homeowners flexibility while keeping them in check with the adoption of a maximum lot coverage requirement.

Downey recalled that the question was asked a few years ago whether the Village could have a “big foot” housing problem. The Planning Board responded that the Village does not have a problem. Jensen interjected that Beverly Hills has the largest side yard requirements of any of the surrounding communities.

Taylor attended last night’s ZBA meeting at which time Pfeifer’s concern was raised. It was mentioned that consideration could be given to a new ordinance section pertaining to side yard setback variances that continue the existing line of the home in order to eliminate these type of cases from coming before the Board.

Jensen stated that, if the Village’s goal is to encourage improvement to properties and if the owner is burdened by unnecessary and time consuming procedures that tend to discourage the improvement of houses built in the 1940s and 1950s, the Planning Board would request that the Village Council consider the exploration of the eastern portion of the Village for the purpose of encouraging the further development of this area in a way that adds value to the neighborhoods and maintains their desirability without unnecessary and burdensome appeals to the Zoning Board of Appeals. This may involve changes to the ordinance that would be more specific.

ZBA member John Oen has done some research on what other communities are doing with non-conforming properties. He provided Planning Board and Council members with copies of an ordinance passed by the City of Grosse Pointe in 1997. Oen thinks that the Village can relax its regulations slightly while providing enough control to discourage big foot construction. The goal is not to reduce the load on the ZBA, but to make it more appealing for residents to renovate a house. The Village needs to allow residents to upgrade their homes from 1950s construction and to improve the housing stock of the Village.

Building official Byrwa referred to a study compiled by Bob Bliven showing that almost 74% of the lots are non-conforming in the R-2 portion of the Village east of Southfield Road. Byrwa thinks that the ordinance could be relaxed in terms of side yard setbacks so people are encouraged to improve their property. There is also a need for limitations. He pointed out restrictions included in the Grosse Pointe ordinance.

Domzal suggested that the Planning Board draft a work plan and goals for a program that will promote growth in a positive way. An estimated cost of the project should be included in the proposal.

OPEN DISCUSSION

Jensen proposed that the Planning Board proceed with updating the Village Master Plan. A cost estimate was received from the planning consultant in the amount of \$5,000 for a

minimal update of the Master Plan. Jensen understands that there may be Community Development Block Grant funds available for this program.

The Planning Board will prioritize its work program based on the discussion at this meeting and forward a proposal to Council. The report from Dr. Hirshorn will be reviewed by the Board.

Motion by Downey, second by McCleary, that the Village Council direct the Planning Board to develop a list of proposed projects including goals, priorities, and cost estimates for those projects for the remaining 2004/05 fiscal year and for the 2005/06 budget and submit this information to Council in the next 60 days.

Motion passed (6 – 0).

PUBLIC COMMENTS

None

PLANNING/COUNCIL COMMENTS

None

PLANNING CONSULTANT'S COMMENTS

None

Motion by Taylor, second by Wayne, to adjourn the meeting at 8:51 p.m.

Motion passed.

**David Jensen, Chairperson
Planning Board**

**Doyle Downey, President
Village Council**

**Ellen E. Marshall
Village Clerk**

**Susan Bernard
Recording Secretary**

THESE MINUTES ARE NOT OFFICIAL. THEY HAVE NOT BEEN APPROVED BY THE COUNCIL AND PLANNING BOARD.