

Present: Chairperson Jensen; Vice-Chair Ostrowski; Members: Borowski, Freedman, Landsman, Liberty, Tillman and Wayne

Absent: Freedman and Walter

Also Present: Building Official, Byrwa
Planning Consultant, Borden
Council liaison, Berndt
Council member, Oen

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.

APPROVE AGENDA

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

Motion passed (7 – 0).

PUBLIC COMMENTS

None

APPROVE MINUTES OF REGULAR PLANNING BOARD MEETING HELD ON WEDNESDAY, JANUARY 24, 2007

Motion by Tillman, second by Ostrowski, that the minutes of a regular Planning Board meeting held on Wednesday, January 24, 2007 be approved as submitted.

Motion passed (7 – 0).

APPROVE MINUTES OF A JOINT PLANNING BOARD AND COUNCIL MEETING HELD ON WEDNESDAY, FEBRUARY 14, 2007

Motion by Ostrowski, second by Wayne, that the minutes of a joint meeting of the Planning Board and Council held on February 14, 2007 be approved as submitted.

Motion passed (7 – 0).

CONSIDER VILLAGE COUNCIL REVIEW DRAFT COPY OF THE MASTER PLAN AND REFER TO COUNCIL FOR CONSIDERATION AT MARCH 6, 2007 PUBLIC HEARING

The draft Master Plan has been revised to include corrections, clarifications and updates suggested by citizens and Board members at the January 24, 2007 public hearing. Borden provided a summary of the changes made to the draft plan and reviewed the list with the members. There were no additional comments on the Master Plan from the audience or Planning Board.

Motion by Tillman, second by Ostrowski, that the Planning Board recommend that the Village Council adopt the updated Village of Beverly Hills Master Plan.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW FORMULA FOR DETERMINING ACCESSORY STRUCTURE SIZE

A draft amendment to Zoning Ordinance language related to accessory buildings was discussed at the joint meeting of the Planning Board and Council held on February 14, 2007. Members of Council raised concerns at that time about the formula for determining accessory building size. Borden requested direction from the Board at tonight's meeting as to how it would like the accessory building amendments to function so he can revise the text and move forward. It was suggested at the joint meeting to provide graphics to help demonstrate how the proposed regulations would work.

Discussion focused on subsection (e) of Section 22.08.100 Accessory Buildings, Structures and Uses in Residential Zone Districts. There had been concern expressed regarding the calculation for the maximum ratio of accessory floor area. The language set a maximum square footage for accessory structures. The limit was 50% of the ground floor area of the principal building.

Dialog at the joint meeting included: 1) whether to incorporate the garage floor area in the ground floor area calculation, or 2) whether to look at useable floor area as opposed to ground floor area on the basis that a two-story building has more useable floor area than it does ground floor. It was suggested that the proposed formula would penalize colonial style homes in terms of ground floor area. There was also concern expressed about limiting the amount of garage door space fronting a public street.

Borden related that he has applied the standard in other communities so that ground floor area includes the garage floor area as well. Ground floor area is basically the footprint of the house and attached garage. A formula that uses ground floor area of the living area only would be more restrictive.

Jensen remarked that the discussion on accessory building amendments is becoming complicated. The goal of the exercise was to limit the size of accessory buildings but not limit the size of attached garages, within reason. There followed discussion on how to achieve a limit on the size of accessory buildings in back yards. Jensen suggested that it would assist the Planning Board to make a determination on accessory building ordinance language if it could view graphics of examples based on alternate formulas. Borden asked for input on different scenarios in order prepare graphics that will enable members to visualize what a certain calculation might look like.

Borowski expressed the view that Beverly Hills must continue to be marketable, and the market is moving in the direction of three-car garages in middle class neighborhoods. He recommended that any ordinance amendment allow the Village to stay current while restricting the size of accessory buildings.

It was mentioned that there is an existing formula in the ordinance that limits the size of an attached garage based on the size of the house. Byrwa related that the size of an attached garage is limited to a 60% ratio of the first floor area and is also restricted by minimum required setbacks.

Borden stated that, if the concern is the size of detached accessory buildings, an approach that can be used is to establish a maximum square footage for detached accessory buildings based upon the size of the property and to set "not to exceed" limits. Byrwa indicated that the maximum size allowed for a detached building is 720 square feet according to the Village Ordinance.

There followed discussion on how to improve existing accessory building regulations to meet the defined goals that address concerns relative to preserving the character of the community while balancing the need to keep the Village's residential market current.

Borden requested direction in terms of the formula for limiting the size of detached and attached garages and whether to use ground floor area or useable floor area of the principal building. It was suggested that graphics be prepared to illustrate how various area and bulk regulations function on the east side of Southfield Road, the middle area, and the large lot area.

Based on the discussion this evening, Borden will provide an answer on whether the Village can enforce a depth to width ratio of a building. Ostrowski offered to consult with Borden and prepare graphics illustrating alternative regulations based on ratios, usable floor area versus ground floor area, and applying different lot/house size combinations.

REVIEW INFORMATION AND DISCUSS NEIGHBORHOOD STUDY

At its joint meeting in February, the Planning Board and Council discussed proposed amendments to the area and bulk requirements for residential districts and corresponding changes proposed to the Village Zoning Map in an effort to implement goals and findings from the Neighborhood Study. Borden suggested continuing the discussion to determine whether the Planning Board wants to move forward with draft ordinance amendments.

At the joint meeting, Borden introduced a color-coded plat map of the northeast section of the Village identifying the reworked zoning boundaries. It reflects proposed text amendments to the Schedule of Regulations in terms of lot sizes and setbacks and a change in the Zoning Map with the intent to reduce the amount of nonconformity in the area. The planners have proposed making changes to the R-2, R-2A and R-3 districts that would result in reducing the required side yard setback, the required lot width (except for the R-2 district) and reducing the minimum lot area requirements for those three districts.

The map reflects the rezoning of many properties in the northeast section of the Village. Borden described the zoning changes, which would create conforming lots out of many nonconforming lots. It is a two-step approach, one is to change the dimensions, the other is to change the Zoning Map and apply the correct designation to the properties.

Borden understood from discussion at the joint meeting that Council and the Planning Board agreed not to pursue lot coverage issues at this time. Jensen added that Council was only concerned with lot coverage as it relates to accessory structures in the rear yard.

If the Board is comfortable with the proposed zoning changes, the next step is to prepare a formal zoning ordinance amendment, which would be a text amendment in terms of modifying the Schedule of Regulations and a map amendment. It would incorporate geographic boundary descriptions into the ordinance amendment. Borden stated that he could provide this material for review at next month's Planning Board meeting.

Ostrowski stated that the assumption is that the front and rear yards will remain the same regardless of the changes in zoning. He believes that this would continue to be problematic for some of the smaller lots in terms of maintaining restrictive 40' front and rear yard setbacks.

Byrwa explained the ordinance section that allows averaging to determine front yard open space. Ostrowski did not have a problem with the way the ordinance is currently interpreted to allow averaging of front yard open space, but indicated that this could have a skewing affect long term if there were a lot of redevelopment.

On behalf of himself and Council members Koss and Peddie, Berndt requested that the Planning Board consider holding its public hearing on the east side rezoning and making a recommendation to Council by its second meeting in April. Council is required to hold a public hearing on the zoning changes before adoption. The intent would be to give residents some relief this summer in terms of building or renovating.

Jensen stated that the planner will have the draft ordinance amendments available for Board review at its March meeting. The only way the Planning Board could meet the schedule suggested by Berndt is if it held a public hearing on zoning changes at the March 28th meeting. Board members discussed the pros and cons of holding a public hearing on the same evening that the Board would review and make decisions on draft ordinance amendments. It was the consensus of the Planning Board to conduct a deliberate review of the draft amendments and make any modifications to the document prior to seeking public comments on the product.

The issue of notification was addressed. The new statute does not require direct public notice when a large portion of property is rezoned. It was suggested that Council make a decision on whether to mail notices to property owners or proceed with alternate measures to notify homeowners. There is a 15-day notification requirement for a public hearing on rezoning matters. A notice would be published in the Eccentric newspaper. The Village could inform residents about the change in zoning through announcements at municipal meetings, cable television, the Village web site, and letters to neighborhood association presidents.

At the direction of the Board, Borden will prepare graphics to provide examples of the dimensions of lots and buildable area under the new zoning to be displayed as part of the public hearing presentation.

DISCUSS AND CONFIRM PRIORITY LIST FOR 2007/08 WORK PROGRAM AND LSL PRICING FOR BUDGET PROPOSAL

Borden sought direction from the Planning Board in terms of updating Village ordinances. LSL will draft a proposal letter relative to conducting a technical review of the ordinances that will provide the Village with a list of the identified items and priorities.

It was determined at the joint meeting held on February 14, 2007 that Council is interested in pursuing a Planning Board study of the Southfield Road Corridor. A series of documents verifying existing conditions in the business district in terms of property ownership, parking spaces, curb cuts, etc. was prepared by Bob Bliven as part of an initial analysis of the business corridor. The Board received a report from consultant Seth Hirshorn related to common goals and visions for the business district. Jensen asked that Board members receive a copy of Hirshorn's report and recommendations along with existing conditions data.

Jensen suggested that he and Vice-Chair Ostrowski meet with Brian Borden and Brad Strader from LSL Planning to go over the scope of work for the corridor study and prepare a written proposal. There were no other priority items identified at the joint meeting.

PLANNING BOARD COMMENTS

Liberty suggested that poster board size graphics be prepared to demonstrate the effect of accessory structure amendments on various lot sizes.

Jensen asked if the final Zoning Map amendment will be in color. Borden responded that the current Zoning Map is black and white, but it could be updated. LSL can provide a larger color-coded plat map showing new zoning districts for display at the public hearing presentation. It was suggested that an enlarged Zoning Map be placed on display in the municipal building lobby after next month's meeting.

Landsman appreciated Council member Berndt's suggestion to make positive changes that would benefit residents. She also understood that there are reasons to follow the process in a deliberate manner. Wayne and Borowski concurred that the Planning Board should take the necessary time to complete the project.

Ostrowski concurred that the Planning Board needs the opportunity to fully discuss the issues and take the time to explain to residents how the proposed zoning changes will benefit property values. Ostrowski stated that he was pleased with the joint meeting and looks forward to working with this Council.

PLANNING CONSULTANT'S COMMENTS

Borden stated that he will prepare a draft power point presentation on the Schedule of Regulations and Map Amendments for review at the next meeting. He was asked to email the presentation to members in advance of the meeting. Borden congratulated members of the Planning Board on moving forward with the Master Plan, noting that much time and effort went into updating this important document.

BUILDING OFFICIAL COMMENTS

Byrwa distributed maps produced by Bob Bliven illustrating zoning in the Village in 1946, 1959 and currently.

PUBLIC COMMENTS

None

Motion by Borowski, second by Landsman, to adjourn the meeting at 9:17 p.m.

Motion passed.

David Jensen, Chair
Planning Board

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary