

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

Absent: Freedman

Also Present: Building Official, Byrwa
Planning Consultant, Borden
Council members, Koss and 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

Ostrowski asked that item #10 be removed from the agenda: “Discuss amendments to accessory building regulations”. He would like to postpone this discussion until he has an opportunity to consult with the planning consultant.

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

PUBLIC COMMENTS

None

APPROVE MINUTES OF REGULAR PLANNING BOARD MEETING HELD ON WEDNESDAY, APRIL 25, 2007

Motion by Wayne, second by Ostrowski, that the minutes of a regular Planning Board meeting held on April 25, 2007 be approved as submitted.

Motion passed.

DISCUSS PROPOSED SIGNAGE AT 32804 PIERCE ROAD

At its April meeting, the Planning Board approved a wall sign at 32804 Pierce contingent on the total square footage of signage on the premises being less than the maximum 48 sq. ft. allowed in an office zoned district.

Byrwa explained how he computed the area of the ground sign to include the lettering but not including the blank bottom panel, which would put the sign area at 32 sq. ft. Dr. Lerner is requesting to erect a 12 sq. ft. wall sign that says, “Treatment Center for Chronic Fatigue Syndrome”, which would bring the total square footage of signage on the site to 44 square feet. Byrwa stated that the maximum ground sign area allowed is 32 square feet; however, the sign in question is grandfathered because it has been in existence for more than 10 years.

Jensen said that, in order to comply with the ordinance, the applicant would either have to remove the blank panel on the bottom of the ground sign or he could omit the wall sign and add that information to the blank portion of the ground sign. The Planning Board cannot grant a variance from the ordinance.

Dr. Lerner affirmed that the ground sign located in the front of the building was existing when he bought the building ten years ago. He conveyed the need for a sign to identify the building and the treatment offered.

Following Planning Board discussion on the signage situation at the site, Dr. Lerner agreed not to erect the wall sign but add that information onto the existing ground sign.

REVIEW REPORTS FROM LSL ON A REQUEST FROM BEVERLY HILLS APOSTOLIC CHURCH, 19400 THIRTEEN MILE ROAD FOR SITE PLAN AND SPECIAL LAND USE APPROVAL

Planning consultant Brian Borden outlined the request from Beverly Hills Apostolic Church at 19400 Thirteen Mile Road for site plan and special land use approval. The church is proposing to construct a 3,300 square foot addition for a new fellowship hall. The overall project includes repaving and redesign of the existing driveway and parking lot and demolition of a portion of the existing building. Churches are permitted uses in a R-1 Single Family Residential district after special use approval. An expansion of a special land use requires approval of a special use permit.

The ordinance requires that the project be reviewed based upon: compatibility with surrounding land use and natural environment; consistency with public services; meeting the intent of the zoning ordinance; and protecting the public health, safety and welfare of the community. In its review letter dated May 16, 2007, LSL Planning Inc. indicates that the proposal substantially complies with these criteria in terms of special land use. Borden added that there are a few details on the site plan that need to be addressed.

There were no comments or questions from the Board on the request for special land use approval.

Borden referred to LSL site plan review letter dated May 16, 2007 regarding site plan dated April 17, 2007 for an expansion to Beverly Hills Apostolic Christian Church. Based on a review of the proposal, conformance with Village ordinance standards, a visit to the site, and good planning and design practices, LSL submitted comments for the Board's consideration. Borden went through each of the standards and suggested a number of plan modifications that should be addressed by the applicant in order to comply with ordinance requirements. Included in the items discussed were curbing around the parking lot, lighting plan, landscape plan, engineering and drainage.

Borowski asked about plans for drainage. Borden responded that engineering requirements such as grading and drainage are generally addressed by the Village engineer during the permit review process. He noted that the plans submitted include little information in terms of utilities or drainage. Approval of the site plan should be contingent on the applicant addressing all issues identified by the engineer.

Koss commented that drainage plans were addressed on a recent site plan for a church renovation that came before Council.

Byrwa addressed questions from Liberty relative to procedures followed by the Village building department in terms of overseeing construction to assure compliance with the site plan. He indicated that a Certificate of Occupancy is not issued until the site plan and construction documents are finalized.

Jensen suggested that the applicant consider the recommendations from the planning consultant and submit a revised site plan. It was noted that the Board is in receipt of a letter from the architect representing the church in response to some of the items listed in the LSL site plan review letter.

PUBLIC HEARING ON REQUEST FROM BEVERLY HILLS APOSTOLIC CHURCH FOR SITE PLAN AND SPECIAL LAND USE APPROVAL

Chairperson Jensen declared the public hearing open at 8:03 p.m. on the Beverly Hills Apostolic Church site plan and special land use request.

Vince Borowski of 31115 West Chelton stated that his back yard abuts the church parking lot and mentioned that the Church has been a good neighbor. He expressed concerns about drainage and landscaping, noting that the plan submitted is inadequate in terms of establishing how the east property line will be affected by the construction project. He added that there is an issue with an existing light fixture on the site.

No one else wished to be heard; the public hearing was closed at 8:07 p.m.

PROVIDE MOTION TO COUNCIL ON REQUEST FOR SITE PLAN AND SPECIAL APPROVAL FOR BEVERLY HILLS APOSTOLIC CHURCH

Mark Mrozowsky, committee chairman, and Bob Rende, minister, were present on behalf of the Beverly Hills Apostolic Church. They indicated that their architect did respond in writing to several of the points made by the planning consultant. Mrozowsky apologized that the architect was called out of town and could not be present tonight.

Jensen suggested that the applicant review the recommendations from LSL Planning and make whatever accommodations are requested before submitting a revised site plan for consideration at the next Planning Board meeting. Among the items to be addressed are the status of the accessory building, drainage plans, and parking lot lighting. Ostrowski referred to ordinance sections and identified several items that should be included in the plans.

Jensen suggested that the applicant work with the planning consultant and the Village building official before returning with an amended site plan. The Planning Board will review the plan at that time and make a recommendation to Council.

Motion by Tillman, second by Liberty, that the request from Beverly Hills Apostolic Church for site plan approval of a building expansion be tabled until the next Planning Board meeting to allow the applicant to submit a revised plan in accordance with the recommendations from LSL Planning Inc. and the Planning Board.

Motion passed unanimously.

Motion by Tillman, second by Ostrowski, that the request from Beverly Hills Apostolic Church for special land use approval of a building expansion be tabled until the next Planning Board meeting to allow the applicant to amend the plan submitted considering the comments from the Village Planning Board and planning consultant.

Motion passed unanimously.

REVIEW INFORMATION PROVIDED BY ADMINISTRATION ON R-2 AND R-3 ZONING WEST OF SOUTHFIELD ROAD AND CONTINUE DISCUSSION OF DRAFT ORDINANCE AMENDMENTS RELATED TO THE NEIGHBORHOOD STUDY

At its last meeting, the Planning Board decided to postpone a recommendation to Council on zoning changes for R-2 and R-3 property on the east side of the Village until it studied the impact of proposed ordinance amendments on R-2 zoned property west of Southfield Road. Byrwa distributed a color-coded map designating R-2 and R-3 zoned property west of Southfield Road.

Jensen interjected that the Planning Board is going to focus on the east side of Southfield Road at this meeting and will not consider changes to the R-2 zoning district until a later time.

Borden reviewed that the Planning Board held an informative and productive public hearing last month on an ordinance to amend the Schedule of Regulations and the Zoning Map. There was good input received from the public, which led the Planning Board to seek a way to meet its goals while addressing concerns raised by affected residents. Based on that input, Borden has modified proposed changes to the Schedule of Regulations and the draft Zoning Map.

The revised proposal is to offer no changes to the R-2 zoning designation. The Planning Board will propose changes to the R-2A and R-3 zoning districts in terms of dimensional requirements. Borden summarized revised Zoning Ordinance Text Amendments.

- Minimum lot area:
 - R-2A District – reduce from 9,000 to 6,000 SF
 - R-3 District – reduce from 6,000 to 4,000 SF
- Minimum lot width:
 - R-2A District – reduce from 75 to 60 feet
 - R-3 District – reduce from 60 to 40 feet
- Side yard setbacks:
 - R-2A – reduce from 10/15 to 5/10 feet
 - R-3 – reduce from 10/15 to 5/5 feet

The Zoning Map presented last month included some changes in property from R-2 to R-2A and changes from R-2 to R-3. As a result of input from the public, Borden arrived at two alternative zoning maps that would address the goal of significantly reducing the amount of

nonconformity in the northeast section of the Village while taking the concerns of the public into consideration.

Borden referred to a color-coded zoning map. A significant change relates to the northeast section of the study area including portions of Kirkshire, Birwood, Buckingham and Dunblaine. Borden is suggesting a zoning change from R-2 to R-2A instead of R-3 as originally proposed. Property fronting 14 Mile is still proposed to be rezoned to R-3.

The public expressed concern with zoning changes from R-2 to R-2A on the west side of Sheridan. While a change to R-2A would reduce the amount of nonconformity for that block, it was suggested by area residents that the proposed 6,000 sq. ft. minimum lot size was too small for the character of this stretch of property. There was a concern that people would buy land and divide it to gain additional density. Alternative #1 proposes that the west side of Sheridan remain R-2 from Locherbie to Lauderdale.

Borden commented that the R-2 zoning districts will remain nonconforming; however, the goal of the Planning Board was to reduce but not eliminate nonconformity. The Board has been careful not to set the bar to the lowest common denominator and disrupt the character of a neighborhood. This proposal balances those two issues.

Liberty questioned the need to rezone when existing nonconforming lots are allowed to remain. He did not think that there were a large amount of cases coming before the Zoning Board of Appeals.

Borden responded that the ordinance does not encourage the survival of nonconforming lots. Lots on the east side are nonconforming due to zoning designations that were applied with no care to the character of the neighborhood. If property owners want to expand their house on a nonconforming lot, they will most likely have to go before the Zoning Board of Appeals.

Koss asked why the Planning Board chose not to amend the Schedule of Regulations for property in the R-2 district between Southfield Road and Bates. Most of the lots in that area will remain nonconforming. Koss said that she and her neighbors have been waiting for a zoning change in their area.

Borden responded that the concern raised last month at the public hearing was that there are R-2 zoned properties west of Southfield Road that would be impacted by a zoning change. This needs further study.

Koss questioned why the R-2 area on the east side cannot be given a different zoning designation from the R-2 lots on the west side of Southfield Road.

Borden clarified that the Village did not indicate in the notification for public hearing that the existing R-2 areas on the map would be rezoned. They were proposed to stay R-2 with a new schedule of regulations adopted for that overall zoning district.

Jensen stated that the Planning Board has already held a public hearing on zoning changes. The Board would have to start over with another public hearing if it were to propose any modifications to incorporate new ideas or plans in terms of zoning classifications. The Board is interested in moving forward on the zoning changes proposed at this meeting, which would eliminate a large number of nonconforming lots on the east side. The Planning Board will then have an opportunity to study the R-2 area west of Southfield. It is the intent of the Board to pass its recommendation for zoning changes on to Council for consideration and have Council make a recommendation as to the next step.

Jensen addressed an inquiry about public notification of the proposed zoning changes. It was indicated that notice of the public hearing was published in the Village newspaper of record, in the Villager newsletter, and posted on the Village web site.

Pat Westerlund of 18540 Devonshire, architect, stated that he lives in an R-2 zoning district on the west side of Southfield Road. He analyzed the size and width of the lots on Devonshire in comparison with R-2 zoning district requirements, and found that one-third of the homes are less than 60' wide. The proposed zoning changes in the R-2 district would have affected his street in a positive way because it would reduce the nonconformity. Residents who would like to improve and expand their homes are restricted from doing so due to nonconforming lots. People contact an architect and learn about ordinance restrictions imposed by the community; some do not want to risk going before the Zoning Board of Appeals. Westerlund urged the Village to be forward thinking and get this accomplished.

Tillman provided some background on the Neighborhood Study conducted by the Planning Board on the east side of the Village. The Planning Board has accomplished a lot and will continue to work on the R-2 districts in the Village. At this time, the proposal is to move forward on zoning changes for the east side of Southfield.

Jensen affirmed that the Board will schedule a public hearing in June to discuss the R-2 zoning issue. The Planning Board is not in a position today to make any recommendations other than what was discussed last month. This body would not have credibility if it recommended something without understanding its impact.

Borden commented that the task presented to this Board was to study the housing on the east side of Southfield Road. It is being suggested that the R-2 zoning district, especially east of Southfield Road, needs further analysis. The deliberations will probably result in a new district with new standards to match those R-2 areas.

Motion by Landsman, second by Tillman, that the Planning Board recommend Draft #3 of the proposed Ordinance Amendment to the Schedule of Regulations and Alternate #1 Zoning Map to Council for approval.

Roll Call Vote:
Motion passed (8 – 0).

Pat Westerlund expressed his appreciation for the work the Planning Board has done on the neighborhood study and zoning ordinance amendments. In answer to a question, Jensen stated that there will be a public hearing on the R-2 district next month.

A recess was called at 8:55 p.m. The meeting reconvened at 9:00 p.m. Jensen left the meeting and Ostrowski took the chair.

PLANNING BOARD COMMENTS

Walter commented further on the proposed Zoning Ordinance amendment forwarded to Council for approval without changes to the R-2 district.

Liberty mentioned that he missed a couple of Planning Board meetings. Borden and members of the Board addressed his questions on the topics of “big foot” housing, rezoning to reduce lot width in R-3 districts to a minimum of 40 feet, increased density, and impact on the sewage system.

Landsman thanked the Planning Board for proposing an ordinance amendment that would reduce some of the nonconformity on the east side of the Village. We are protecting the Village by continuing to reduce nonconforming lots.

Tillman concurred that proposing a zoning ordinance amendment that will reduce the nonconformity on the east side of the community is a step forward for the Village. It should encourage redevelopment and renovation of the housing stock. The Planning Board will work hard to ensure that the R-2 district is rezoned appropriately to provide relief to those residents.

Wayne commented that the market dictates whether it is effective for a developer to come into a community and sell a “big foot” house. It is not practical in Beverly Hills.

Borowski reported that the village versus city research group held two preliminary meetings. The ad hoc committee will be providing research and not making any recommendations to Council on this topic. He will keep the Planning Board apprised on their progress.

Borowski commented that he left his seat at the table during the meeting and spoke from the podium as a concerned resident interested in the site plan presentation. He informed Board members that he had a conversation with the Village Manager concerning his intended remarks, and it was determined that this was an appropriate way for him to express his opinions.

The Board has been talking about accessory building restrictions. Borowski distributed copies of an article including a photograph of a backyard fireplace with a 16-foot tall chimney built in Ohio. It is an example of the market driving trends. He added that there is a similar structure on Long Lake west of Woodard Ave.

Ostrowski affirmed that the Planning Board agreed to schedule a public hearing next month on proposed changes to the R-2 district east of Southfield Road. Borden will provide the necessary information for this to occur. Ostrowski stated that the Beatification Committee is still seeking nominations.

PLANNING CONSULTANT COMMENTS

None

BUILDING OFFICIAL COMMENTS

Byrwa stated that a public hearing is being publicized for the June Planning Board meeting on a request from the church at Pierce and 14 Mile Road. They are proposing to erect a playscape and fencing at the east side of their building.

PUBLIC COMMENTS

Kay Michael of 15767 Kirkshire thanked the Planning Board for listening to the residents' comments at the public hearing and taking them into consideration. She and her neighbors are happy with the R-2A designation.

Patrick Westerlund commented that the definition of a "big foot" home varies and is a vague term.

Motion by Borowski, second by Tillman, to adjourn the meeting at 9:22 p.m.

Motion passed.

David Jensen, Chair
Planning Board

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary