

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

Absent: Wayne

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

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**

Jensen proposed adding agenda item 7A, Appointment of Planning Board Chairperson and Vice-Chair”.

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

### **PUBLIC COMMENTS**

None

### **APPROVE MINUTES OF REGULAR PLANNING BOARD MEETING HELD ON WEDNESDAY, MAY 23, 2007**

Motion by Landsman, second by Ostrowski, that the minutes of a regular Planning Board meeting held on May 23, 2007 be approved as submitted.

Motion passed.

### **REVIEW REVISED SITE PLAN FOR BEVERLY HILLS APOSTOLIC CHURCH, 19400 W. 13 MILE ROAD**

Architect and church member Bob Varga presented a revised site plan for an expansion to the Beverly Hills Apostolic Christian Church at 19400 West 13 Mile Road. Varga outlined a number of changes made based on comments and suggestions received at the May Planning Board meeting. Major concerns raised at the last meeting were drainage, lighting, and landscaping.

Varga indicated that there will be a new catch basin added to the southeast side of the property, a landscape drain, and drain tiles. The Village Engineer has required installation of a restrictor in the outlet to the 13 Mile Road catch basin in order to slow down the flow.

The applicant has submitted a new photometric lighting plan that meets the ordinance requirement of not exceeding 10 foot candles in any spot. A note was added on the plans that a timer will turn the light fixtures off at 10 p.m. except for one fixture located near the entrance of the church that will remain on for security purposes.

Varga related that they are asking that the landscape requirement be modified considering the amount of natural vegetation on the site. Two additional evergreen trees were added along the

parking lot on the east side in order to conceal any openings in the existing tree line. He noted that the parking lot size will be reduced.

Questions from Board members were addressed by the architect. Varga indicated that the existing parking lot light fixture will be removed and replaced with new lighting. The dilapidated outbuilding will be torn down and replaced with a similar sized brick structure and moved farther back on the site. The utility building is included in the elevation drawings.

Borden discussed site plan items that should be addressed. He asked the Planning Board for a determination on whether the applicant will be required to curb the parking lot. The Board is within its rights to call for a curbed parking lot, but Borden is not sure that it is essential based on past practice and the nature of the site.

There was a consensus of the Board not to require a curbed parking lot due to the location of the parking lot and adequate drainage on the site. Borowski related that this is reasonable considering that the parking lot has been moved farther away from the north and west property lines and abutting residences. However, the motion should indicate that the parking lot construction was reviewed, and the Board decided against requiring curbing due to the location and buffer from residential property.

With respect to the landscaping plan, Borden stated that the ordinance requires that shrubs be at a minimum of two feet in height at planting. There are 18” shrubs noted on the plans. The applicant is requesting that existing vegetation along with new plantings be considered by the Board in terms of meeting landscaping requirements for the site. Borden asked if the Board determines that the additional plantings proposed to be located along the easterly property line will sufficiently screen the residential properties.

Jensen suggested that the landscape plan be approved contingent upon the applicant providing adequate screening on the east property line on the basis that there are existing plantings. Borden preferred having a specific plan in place showing the landscaping.

Varga pointed out that the plan shows four new trees along 13 Mile Road. Because that area is well landscaped, he suggested that those four street front trees be relocated to provide additional buffering on the east property line and be changed to Evergreens. Borden concurred with that suggestion.

Ostrowski suggested that one evergreen tree that is close to the pavement be moved back so that it does not encroach on parking spaces. He asked that there should be a note on the plan affirming that there is a readily available source of irrigation to maintain the plantings.

Borden commented that the revised lighting plan and photometric grid complies with the lighting intensity requirements of the ordinance. However, the submittal is lacking in terms of details of the proposed fixtures and lighting poles. The architect indicated that he will provide that information.

Robert Strong of 31109 W. Chelton, contiguous property owner, requested that the sign near the road and the pole lighting be placed on a timer. He also asked that the church remove the Elm tree near his fence, causing it to bow. Strong has no objections to the site plan or parking lot as proposed.

Varga responded that the sign is on a timer set to turn off at 10 p.m., but he will have it checked to assure that it is operational. He will consult with Mr. Strong about removing the Elm tree near his property.

Motion by Ostrowski, second by Liberty, to recommend special use approval for Beverly Hills Apostolic Christian Church to construct an addition for a new fellowship hall at 19400 W. Thirteen Mile Road.

Motion passed (8 – 0).

Motion by Ostrowski, second by Walter, to recommend approval of the site plan dated 6/12/07 for an expansion to the Beverly Hills Apostolic Christian Church at 19400 W. Thirteen Mile Road with the following conditions:

1 – The landscape plan be modified to relocate four deciduous trees along Thirteen Mile Road to the east side of the lot to serve as a parking lot buffer, and that the trees be changed to Evergreen trees.

2 - Wheel stops in the parking lot in lieu of curbing is acceptable due to the increased setback from the edge of pavement and the additional drainage structures noted in the plan.

3 – Move the Evergreen tree located adjacent to the parking lot farther away from the pavement.

4 – All lighting fixtures must be consistent with Village requirements.

5 – Add a note to the landscape plan indicating a source of irrigation.

6 – The plans must comply with all conditions set forth in the June 19, 2007 review letter from LSL Planning, Inc.

7 – The drainage plan must include installation of a restrictor on the outlet to the 13 Mile storm drain catch basin as required by the Village Public Services Director.

Roll Call Vote:

Motion passed (8- 0).

**REVIEW SITE PLAN AND SPECIAL APPROVAL REQUEST FROM ASCENSION OF CHRIST LUTHERAN CHURCH, 16935 W. 14 MILE ROAD**

Before the Planning Board is a request for special use approval for Ascension of Christ Lutheran Church to erect a new accessory recreational structure on existing church property. Church related accessory structures are permitted uses after special approval in an R-2 district.

Borden outlined his review letter dated June 19, 2007 based on review standards for uses permitted after special approval. As an established use in the Village, the church site has demonstrated compatibility with the surrounding commercial, office and residential uses. The proposed accessory structure will be located adjacent to the east side of the existing building and face towards property zoned and used for offices. The play structure occupies approximately 370 square feet of a fenced area along Pierce. It is understood that the play structure will be used by children attending church related functions and is not expected to generate additional traffic.

The site plan review shows that there are setback and fencing issues that will require variances from the Zoning Board of Appeals. The project as proposed does not meet the location requirements for an accessory structure related to a church use; nor does the proposed fencing around the structure comply with ordinance requirements for fence height restrictions in a side yard. Borden stated that the Planning Board's review and recommendation on this request would be subject to the applicant receiving variances from the Zoning Board of Appeals.

Borden stated that the proposed project is designed and located in a manner that will not adversely impact the health, safety, and welfare of the community. However, there is a concern with visibility issues due to the location of the fence hedgerow adjacent to the driveway along Pierce. Borden commented that there is a potential that a driver exiting the site via the Pierce driveway may not be able to see a pedestrian due to the location and placement of that hedgerow.

Architect William Baldner representing the church mentioned that the 30 foot driveway is wider than the required 22 feet. He commented on the approach to the driveway and the location of the sidewalk, maintaining that the width and southeast approach to the driveway improves the visibility of vehicles. Baldner did not think that the hedgerow would be an issue.

Borden remarked that his concern was with the safety of pedestrians walking southbound on that sidewalk. Ostrowski asked if the applicant could reduce the height from 5 ft. to 3 ft. for a portion of the hedge to provide corner clearance.

Baldner responded that they are trying to create a sense of privacy with the hedge and to screen the play structure from the neighbors. A two-tier hedge is not as attractive as the proposed hedge, which would form a screen around the perimeter of the building.

Borden proceeded with comments related to the proposed site plan for the project. The side yard location of the accessory structure is not an allowable location under the Village Zoning Ordinance and will require a variance from the Zoning Board of Appeals. The proposed fence height of four feet in the side yard in lieu of the maximum allowed three feet will also require a hearing before the ZBA.

Borden commented that a new special use and site plan review allows the Village to reconsider the overall site design and existing conditions and identify areas that may need upgrading. If there are landscaping deficiencies from current ordinance requirements, this is an opportunity to require the applicant to comply with current standards.

Based on his site visit, Borden thought that the screening from adjacent residential properties is sufficient, but the site is short on street trees along Pierce. He would recommend that the church provide the required street plantings along Pierce. The ordinance requirement is for nine trees.

In terms of site design, Borden proposed that consideration be given to upgrading the waste receptacle. The site has a dumpster located near a street frontage with no enclosure or base pad, which does not comply with ordinance requirements.

Baldner responded to site plan review issues. As far as the location of the play structure, he stated that the church is limited in areas where it can be located on the site. He maintains that there is a hardship in that there are no other areas where the play structure can be situated.

Jensen observed that the structure appears to be located in proximity to doors and areas where the children will be. In terms of the height of the fence, the applicant is asking for a one foot variance to allow a 4 foot aluminum picket fence in lieu of a 3 foot fence. Hedge plantings will be maintained along the fence line. There are a large number of trees on the site, but they may not be spaced so as to meet ordinance requirements. Jensen suggested placing 3-4 street trees in the boulevard along Pierce.

Rev. Thomas Zucconi, pastor of Ascension of Christ Church and resident at 31464 Sleepy Hollow, commented that the church recently completed \$11,000 worth of landscaping on the property and hopes to continue with landscaping improvements. Zucconi has no objection to adjusting the landscape plan.

Zucconi explained that the church was requested by a resident residing south of their property to move the dumpster from the southwest corner to the southeast corner of the site. There have been no complaints received about the dumpster in the new location. Baldner added that a hedge along this area could screen the dumpster.

**PUBLIC HEARING FOR SITE PLAN AND SPECIAL APPROVAL FOR ASCENSION OF CHRIST LUTHERAN CHURCH**

Jensen opened the public hearing at 8:27 p.m.

Mark Melandy of 16905 Kinross questioned whether pedestrians on the walkway would be visible to motorist exiting the driveway with the dumpster and hedge obstructing their view. He was concerned that there be adequate visibility of that sidewalk where children walk and ride their bicycles.

Bunker Kelly asked about the color of the play structure and was informed that it would be dark green with cedar. He asked that consideration be given to using Evergreens for screening trees.

No one else wished to be heard; the public hearing was closed at 8:29 p.m.

Planning Board members discussed the proposal. At the Board's inquiry, Baldner indicated that the hedgerow would be maintained at a five foot height. The dumpster location and screening was discussed. Jensen commented that screening with vegetation may create a visibility issue due to the proximity to the entranceway and sidewalk. The pastor pointed out that there is a walkway from the residential area into church property at the southwest corner of the property that is used by neighbors. It is a walking path between 14 Mile Road and Kirkshire.

Motion by Tillman, second by Liberty, to recommend special use approval for Ascension of Christ Lutheran Church for construction of a recreation structure on church property contingent upon approval of applicable and necessary variances from the Zoning Ordinance by the Zoning Board of Appeals.

Motion passed (8 – 0).

Motion by Tillman, second by Landsman, to recommend approval of the site plan dated 5/7/07 for a recreation structure on the east side of the Ascension of Christ Lutheran Church property contingent upon Zoning Board of Appeals approval of necessary variances. Approval is also contingent upon: 1) Screening the dumpster in a way that does not impair the visibility of pedestrians from vehicles entering or exiting the property, and; 2) Additional trees along the Pierce Road right-of-way to screen the play structure.

Roll Call Vote:

Motion passed (8 – 0).

#### **REVIEW INFORMATION FROM PLANNING CONSULTANT AND VILLAGE ADMINISTRATION ON R-2B ZONING AND CONDUCT PUBLIC HEARING**

Borden reviewed that the Planning Board has been conducting a neighborhood lot and housing study in the easternmost section of Beverly Hills east of Southfield Road for a year and one-half with the intent of reducing the amount of non-conforming lots in those neighborhoods.

The Board conducted a public hearing in April on an initial proposal to amend the Schedule of Regulations and the Zoning Map in order to rezone properties in the northeast section of the Village so that lot area and setback requirements match the character of existing neighborhoods. At its May meeting, the Planning Board forwarded a recommendation to the Village Council on an amended proposal for changes to the Schedule of Regulations and Zoning Map that proposed changes to the R-2A and R-3 zoning districts in terms of dimensional requirements. It did not propose changes to the R-2 zoning designation.

The Board is moving to the next step, which is to complete its task and to address the concerns brought up at the public hearing related to the rezoning of three neighborhoods as well as a concern about the impact of proposed zoning changes on R-2 lots west of Southfield Road. It was decided that the way to protect property owners while meeting the intent of the project and

the established goals was to create a new district affecting properties on the east side of Southfield Road and not impacting properties west of Southfield.

The Planning Board is proposing an ordinance amendment that would establish a new R-2B district with its own dimensional requirements and would apply this designation to those properties zoned R-2 that were not rezoned as result of the proposal forwarded to Council at last month's meeting. The draft Zoning Ordinance Amendment is intended to tie into the amendments presented at last month's meeting for the neighborhoods east of Southfield Road.

The dimensional standards proposed are as follows:

- Lot area – 9,000 square feet
- Lot width – 75 feet
- Maximum height of 2 stories – 30 feet
- Front and rear yard setback of 40 feet
- Side yard setbacks of 5 / 10 feet
- 1-story floor area of 1,200 sq. ft. and 1½ or 2-story floor are of 1,600 sq. ft.

Borden referred to a zoning map showing the three R-2B areas where a zoning change is proposed from R-2 to R-2B. There are a significant number of nonconforming situations in these areas, primarily as it relates to lot size. There are numerous 9,000-10,000 square foot lots in the area that do not conform to the R-2 standards. Borden emphasized that the Planning Board attempted to put forward an appropriate number without setting the bar too low.

It was thought that 9,000 sq. ft. met the goals of the Planning Board by significantly reducing the nonconformity in terms of lot area. Many of the homes on these properties are nonconforming primarily due to side yard setbacks. By changing those setback requirements from the R-2 standard to the R-2B standard, the amount of nonconforming structures in these areas will be reduced as well.

Jensen opened the public hearing at 8:46 p.m.

Pam Rijnovean of 32420 Evergreen asked if the Planning Board knows how many nonconforming lots and structures there are in the affected areas.

Rosanne Koss of 17506 Kinross recalled that there were aerial maps displayed at previous Planning Board meetings that identified nonconforming lots and homes. It was indicated at the time that there were only about 300 homes in the entire study area that were not in a nonconforming situation. Jensen affirmed that there was between 70%-80% nonconformity in this entire section. There is an average of 15% nonconformity in other parts of the Village.

Robert Walsh of 20655 Smallwood Court asked if the rezoning proposal for R-2A and R-3 properties discussed at the April Planning Board meeting was referred to Council for consideration. Jensen answered that the proposal was referred to Council.

Ann O'Connell of 17500 Kirkshire asked if the Planning Board has determined the number of nonconforming properties on R-2 lots west of Southfield. Jensen answered that those numbers were available, but the Planning Board was not directed to study the west side of the Village.

Patrick Westerlund of 18540 Devonshire questioned what will happen to the remaining R-2 districts throughout the Village. He mentioned at last month's meeting that the R-2 district on Devonshire west of Southfield was primarily nonconforming and that the majority of those properties were in worse shape than the R-2 properties under discussion east of Southfield Road. Westerlund expressed concern that his R-2 area west of Southfield Road would be left out of Council's attempt to reduce nonconforming properties through zoning changes.

Edward Toth of 17500 Kirkshire understood that the Planning Board received direction from Council, but the Village has an obligation to adopt a consistent zoning ordinances and zoning districts without different designations for similar sized lots on the east and west side of Southfield Road. He thought that the Village should look at the entire zoning map so that it is consistent. Toth added that there are impacts to zoning changes that go beyond the charge the Planning Board has received from Council.

Jensen explained that the Planning Board was primarily interested in the properties east of Southfield Road because it is a unique neighborhood that was developed as early as the 1920's. It was a major task to review the area and develop appropriate zoning classifications. The Planning Board was attempting to reduce nonconformity in that area from 80% to a lower number with the goal being to encourage redevelopment of the area.

Freedman stated that those people who are saying that the Planning Board should study all R-2 zoning in the Village should contact their Council members and relate the reasoning for their request.

Rosanne Koss concurred that the majority of homes on Devonshire sit on nonconforming lots. She questioned why they were not designated as R-2B zoning.

There was further discussion regarding the scope of the neighborhood study and what would be involved in proceeding with a study of nonconforming property on the west side of Southfield Road.

Tim Mercer of 17400 Locherbie stated that he lived in the proposed R-2B district and would like to see the proposed Zoning Ordinance Amendments forwarded to Council. It is time to provide relief to that part of the Village. He sympathized with people in other areas that are affected by setback issues.

Bunker Kelly expressed the view that the Village's notification of public hearings held tonight was insufficient. Kelly maintained that lot size and setback requirements are two separate items. He suggested that existing nonconforming lots based on lot size should be grandfathered in lieu of a zoning change. Setback relief is a separate issue. Kelly was concerned that a consequence of the proposed zoning changes would be to encourage bigger homes on smaller lots. He proposed

that the Planning Board look at safeguards put in place by surrounding communities to prevent “big foot” housing.

No one else wished to be heard; therefore, the public hearing was closed at 9:14 p.m.

Motion by Landsman, second by Walter, to recommend adoption of a Zoning Ordinance Amendment to the Schedule of Regulations and Zoning Map that would establish a new Single Family Residential Zoning District entitled R-2B with the following minimum dimensional requirements:

- Lot area – 9,000 square feet
- Lot width – 75 feet
- Maximum height of 2 stories – 30 feet
- Front and rear yard setback of 40 feet
- Side yard setbacks of 5 / 10 feet
- 1-story floor area of 1,200 sq. ft. and 1½ or 2-story floor are of 1,600 sq. ft.

Roll Call Vote:

Motion passed unanimously.

### **ELECTION OF OFFICERS**

Annual elections are held for a chairperson and vice-chairperson of the Planning Board. Jensen opened the floor to nominations for the office of chairperson.

Ostrowski nominated David Jensen as chairperson of the Board. There were no further nominations. Jensen was re-elected as Board chairperson by acclamation.

Borowski nominated George Ostrowski as vice-chairperson. Ostrowski was re-elected as vice-chairperson by acclamation.

### **PLANNING BOARD COMMENTS**

Koss introduced the two newly appointed members of the Planning Board who were in the audience: Robert Stempien and Patrick Westerlund. They will be joining the Planning Board at its next meeting.

Jensen thanked Elizabeth Landsman and Dan Walter for their dedicated service and commitment to the Village over the years. This will their last Planning Board meeting.

Landsman commented that she learned a lot during her tenure on the Planning Board from each member of the group. She thanked David Jensen for his support.

Walter remarked that it was a pleasure serving with the Planning Board. It was an interesting experience, and the members achieved a lot.

Liberty emphasized that the zoning changes recommended by the Planning Board are not village-wide.

Tillman, joint member of the Planning Board and Zoning Board of Appeals, commented that there was interest expressed by ZBA members at its last meeting regarding the proposed zoning changes.

Ostrowski thanked Walter and Landsman for their work on the Board and welcomed the new members of the Planning Board.

#### **PLANNING CONSULTANT'S COMMENTS**

Borden thanked Dan Walter and Elizabeth Landsman for their effort towards accomplishing Planning Board projects throughout their terms of office. He welcomed the two new members. Borden commended the entire Board for its hard work on the Neighborhood Study.

#### **BUILDING OFFICIAL'S COMMENTS**

None

#### **PUBLIC COMMENTS**

Rosanne Koss thanked Walter and Landsman for volunteering their service on the Planning Board and wished them well in their future endeavors.

As a resident, Koss stated that she is extremely appreciative of the Planning Board for addressing the zoning issues on the east side of the Village. She has lived there for five years and has been waiting for some relief for residents in that area. As a Council member, she took note of comments made by residents requesting the Planning Board to look at housing on the west side of the Village.

Dorothy Pfeifer, Council member, also thanked Walter and Landsman for their service. With regard to the proposed zoning changes on the east side, Pfeifer stated that the Planning Board's work is done while Council's work is just beginning. She informed the public that the proposed ordinance amendments will require a public hearing and two readings of the ordinance. There will be opportunities for additional public input.

Council member Lee Peddie thanked the Planning Board for its efforts with respect to studying nonconforming property on the east side of the Village. She is the Council liaison to the Zoning Board of Appeals and has observed that the ZBA does not approve every case that comes before them involving nonconforming situations. There are often compromises between what a resident wants to do on their property and what the Zoning Board will allow within the parameters of existing regulations.

Motion by Borowski, second by Tillman, to adjourn the meeting at 9:26 p.m.

Motion passed.

**David Jensen, Chair**  
**Planning Board**

**Ellen E. Marshall**  
**Village Clerk**

**Susan Bernard**  
**Recording Secretary**