

Present: Council: President Stearn; President Pro-Tem Pfeifer, Members: Berndt, Koss, Oen, Peddie and Woodrow

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

Absent: Council – none
Planning Board - Walter

Also Present: Village Manager, Spallasso
Village Building Official, Byrwa
Planning Consultants, Brad Strader and Brian Borden

Jensen called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road. The purpose of the joint meeting is to bring Council up to date on current Planning Board projects and to receive input on priority items for future Planning Board consideration.

APPROVE AGENDA

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

Motion passed.

PUBLIC COMMENTS

None

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

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

Motion passed.

REVIEW PROPOSED MASTER PLAN

Jensen stated that the Planning Board held a public hearing on the Village Master Plan on Wednesday, January 24, 2007. Several minor corrections and modifications will be incorporated into the document in response to public input received at that meeting. There was an issue raised at the public hearing that should be discussed with Council.

The Master Plan refers to the Pathway Plan that was approved by Council. There were residents who thought that reference to the Pathway Plan should be struck from the Master Plan on the basis that the electorate voted in 2003 to defeat a millage proposal to fund sidewalk construction. It was also mentioned that the results of a recent community-wide survey indicated that sidewalks were not a high priority of Village residents.

Jensen stated that a majority of the Planning Board agreed that reference to the Pathway Plan should remain in the Master Plan document. Council members were asked for their thoughts on this matter.

Building Official Byrwa said that it was suggested to him that it may be agreeable to all parties to state what transpired in the past in the Master Plan. Language could be included to note the failure of a referendum to fund a sidewalk program in the Village and the low priority given to sidewalks by residents who responded to a village-wide survey.

Jensen expressed the view that a master plan is a view of the future, and he would be opposed to singling out the sidewalk issue in that manner.

Pfeifer recommended leaving the Master Plan as written with respect to referencing the Pathway Plan, which is an adopted plan. She explained that the option is available for any neighborhood group to raise money through a special assessment district to fund construction of sidewalks in their area as designated in the Pathway Plan.

Woodrow also thought that reference to the Pathway Plan should remain in the Master Plan. He cited the recent redevelopment of Covenant Alliance Church property and parking lot. A sidewalk was constructed along 13 Mile Road as part of that project in conjunction with the Pathway Plan.

It was the consensus of Council to retain reference to the Pathway Plan in the Village Master Plan.

Planning Consultant Borden stated that LSL will have an updated draft of the Master Plan available for Council review next week prior to its public hearing on the plan scheduled for March 6, 2007. The last draft was Draft #6 (public agency review draft). Some of the changes suggested by residents who attended the public hearing will be incorporated into the revised plan. Written comments were received from former Planning Board member John Smith. Pfeifer pointed out an error on the future land use map. Borden stated that a cover letter will be prepared that will identify key changes from the previous draft.

Procedurally, the Planning Board held its public hearing on the Master Plan on January 24. The Planning Board will review the modifications that resulted from public input at its February 28 meeting and take action on recommending the Master Plan to Council.

Freedman questioned whether there should be text inserted into the Master Plan that clarifies that the Pathway Plan is included in the document as a reference in the event that a limited neighborhood chooses to create a special assessment district to construct a sidewalk that would benefit their area only. She understands that the majority of the Planning Board and Council agree to retain reference to a Pathway Plan in the Master Plan until persuaded otherwise.

Borden did not think that further clarification is needed. Sidewalk construction relies on funding being in place to implement a project.

DISCUSS NEIGHBORHOOD STUDY – EAST SIDE CONCENTRATION

Borden reviewed that the Planning Board has been discussing nonconforming lots and dwellings in the northeast section of the Village with the goal of reducing the number of nonconforming situations and decreasing the number of Zoning Board of Appeals cases for properties in that area. Borden distributed copies of a marked up plat map of the northeast section of the Village indicating potential zoning district changes. These proposed changes to the Schedule of Regulations and Zoning Map are a result of the Planning Board's work on a neighborhood study, which confirmed that there is a high concentration of nonconformity in the northeast section of the Village in terms of lots sizes, lot width, and setbacks. The proposed changes are intended to significantly reduce the amount of nonconformity in this area.

Borden reviewed that the Planning Board has conducted reviews of aerial photos and subdivision plat maps in an attempt to determine the appropriate lot sizes and setback requirements for certain neighborhoods in the northeast section of the community. The map distributed to Council and Planning Board members identifies reworked zoning boundaries. The planning consultants are suggesting that the zoning map be amended to reflect these changes, which will reduce the current number of nonconforming properties in the community. It is also proposed to modify the Village's zoning requirements with respect to side yard setbacks, lot width and lot area to provide numbers that are more reflective of the character of these neighborhoods. The proposed amendments to the zoning map and schedule of regulations will be presented in detail to the Planning Board at its next meeting before it comes to Council as an action item.

There followed discussion on the nonconforming lot situation in the northeast section of Beverly Hills. Borden displayed one of the four aerial maps on the board to demonstrate how the Planning Board analyzed lot size and setbacks in various neighborhoods. The proposed changes will achieve the goal of reaching about 20-25% nonconformity. The Planning Board's goal was to reduce the amount of nonconformity to the extent possible while preserving the character of the neighborhoods. Questions from Council were addressed by Borden and Jensen.

Jensen mentioned that Council is reviewing the Planning Board's work on the Neighborhood Study for the first time today. The process and timeline for ordinance changes was questioned. The Planning Board will discuss the proposed changes to the schedule of regulations and zoning map presented by Borden at its February 28 meeting. If the Board determines that the goals of this study have been achieved, it will move towards codifying the proposed zoning restrictions along with ordinance language that calls for preservation of character of the neighborhoods.

The process will involve conducting a public hearing to receive feedback from the community and forwarding a recommendation to Council. Jensen anticipates adoption of ordinance amendments by summer. The suggestion was made to place the notice of public hearing with the color-coded map depicting the zoning districts in the Villager newsletter due to the large number of properties involved in this zoning change.

REVIEW AND DISCUSS ACCESSORY STRUCTURES AND CHANGES TO VILLAGE ORDINANCE

The Planning Board was directed by Council to review current Village ordinance regulations with respect to garage size as it relates to the size of the house and property. Over a number of

months, the Planning Board compiled and analyzed data including a table indicating how other communities regulate accessory buildings and structures in their ordinances. The planning consultant worked with the Board to develop draft amendments to the Village Zoning Ordinance affecting Section 22.04 Definitions and Section 22.08.100 Accessory Buildings, Structures and Uses in Residential Zone Districts. Borden outlined these proposed ordinance changes.

The primary changes are found under subsections (e) and (f) of Section 22.08.100. It is proposed to limit the floor area of all accessory buildings including attached and detached to 50% of the ground floor area of the principal building, with the exception that a minimum of 500 square feet is permitted by right where this requirement would result in a lesser area. The size of the house would essentially dictate the size of the accessory buildings.

There was discussion on the proposed ordinance language. Concern was expressed with using the ground floor area of the principal building to determine the size of the allowable accessory buildings. The point was made that the proposed ordinance language would penalize a homeowner for having a colonial as opposed to a ranch style home.

Text suggestions were offered and debated. Discussion focused on how to word an ordinance that would allow residents use of their property for the garage or accessory structure space they wanted without encouraging a quasi-industrial look of property. Balance was an issue. It was indicated that the intent of this review has been to head off potential problems with garages and accessory buildings that are out of character with the neighborhood.

Jensen stated that the Planning Board reviewed a series of photographs of large accessory buildings on lots. The question is whether we want four car garages and a 1000 ft. accessory building on a lot. Stearn thought that there was interest expressed by Council on establishing a lot coverage maximum that would eliminate this problem.

Borden referred to item (f) in Section 22.08.100, which limits the amount of garage door length that can face a street. The item states that garage doors facing the street cannot exceed a total combined length of 24' and shall not exceed a height of 9 feet. The intent is to promote side-loaded garages so the streetscape is not dominated by the presence of garages.

Jensen proposed that the planning consultant incorporate the ideas raised at this meeting into revised ordinance language.

REVIEW AND DISCUSS LOT COVERAGE ISSUES

Planning Board Vice-Chair Ostrowski prepared a graphic that depicts the Village's lot coverage requirements in relation to existing minimum lot area and setback dimensions. The examples include an R-A single-family lot (25,000 sq. ft.), an R-2 lot (12,000 sq. ft.), and an R-3 lot (6,000 sq. ft.), which are the lot sizes the Planning Board has been discussing with regard to the neighborhood study. The drawings provide a context for understanding the idea of lot coverage in addition to existing restrictions.

Ostrowski noted that 57% of an R-A zoned lot is taken up in setbacks when current setback requirements are applied to a 25,000 sq. ft. lot. He pointed out that the Village's setback

requirements become more onerous on the property owner as lot area decreases. In the R-3 zoning district, the setbacks occupy 83% of a typical lot. Ostrowski remarked that an accessory structure or garage is not factored into these examples. An attached garage would have to fit within the footprint. He also indicated that the examples depict new construction and do not represent existing conditions in these zoning districts.

Ostrowski suggested that adding a 35% maximum lot coverage requirement to current setback requirements would restrict the usable area of a lot and present a burden to property owners, particularly on the east side of the Village. Lot coverage regulations may be more practical when applied to sheds or outbuildings on larger lots.

Jensen concluded that the Village does have lot coverage restrictions in terms of setbacks, and he questioned Council's interest in pursuing lot coverage issues. Stearn responded that he is concerned with lot coverage in terms of accessory structures.

Members related their knowledge of restrictions applied in other communities to limit the size of accessory structures. It was noted that Royal Oak increases setback requirements based on the size of an accessory building. For example, a 500 sq. ft. garage can be placed 5 ft. from the property line; a 1000 sq. ft. accessory building must be 20 ft. from the property line. It was also indicated that some communities base setback requirements for an accessory building on the height of the structure. There are communities that prohibit a livable second story on a garage. Borden stated that another common approach is to base detached accessory building regulations on a rear yard coverage maximum.

Jensen asked Council if it wanted the Planning Board to look at lot coverage as it pertains to rear yard accessory buildings.

Stearn responded that he is hearing that lot coverage is not an issue for the majority of Planning Board or Council members except in terms of accessory structures.

Pfeifer expressed her concern with the issue of lot coverage and open space in terms of losing permeable land.

REVIEW AND DISCUSS CHANGES IN STATE LAW CONCERNING PLANNING BOARDS/COMMISSIONS, ETC.

Borden reviewed that the Michigan Legislature passed a Zoning Enabling Act, Public Act 110, effective July 1, 2006 that repealed the prior separate Zoning Enabling Acts for townships, cities, villages and counties and combined them into one Zoning Act for the State of Michigan. LSL Planning has advised the Village relative to changes required including possible ordinance amendments to be in compliance with the new statute. Village Attorney Ryan has provided Council with a letter outlining Zoning Ordinance Amendments and other issues that the Council may want the Planning Board to review.

Borden stated that one of the issues to be considered is whether to transfer the authority of the planning board to a planning commission. He noted that the conversion would essentially be a name change as the Village Planning Board is already operating as a planning commission for

the most part. An opinion on how to proceed may be needed from the Village Attorney. With regard to decision making, Strader clarified that it is up to the Village Council to decide what authority to defer to the planning board or planning commission.

In accordance with Public Act 110, the composition of the Zoning Board has been changed to include a Planning Board member. Michele Tillman is acting as that joint member of the Planning Board and Zoning Board of Appeals.

Borden stated that LSL has identified the changes that need to be made as a result of the new Act. A proposal from LSL outlining a work plan and fees has been forwarded to Manager Spallasso and will come before Council for consideration.

NEW PROJECTS

Review of Ordinances

Jensen stated that Brad Strader has addressed the Planning Board previously on how Beverly Hills could utilize the services of LSL Planning to revise outdated Village ordinances. Strader stated that numerous Beverly Hills ordinances are outdated, but not all of those have become a problem in terms of interpretation or use. There are sections of the ordinances that have been identified as needing clarification or updating. Some of the definitions are not consistent with significant case law.

The scope of this project was questioned. Strader stated that LSL would go through the ordinance working with the Village Attorney and Building Official to identify potential problems. LSL would present a proposal to conduct a technical review of the ordinances and provide the Village with a list of the identified items and priorities. It was estimated that the cost of the initial review would be \$1,800-\$2,000.

Jensen asked if Council was interested in receiving a proposal from the planning consultant firm on updating Village ordinances. The majority of Council members were in favor of authorizing LSL Planning to proceed with the technical review and submit a proposal to Council on updating Village ordinances.

Southfield Corridor Master Plan

Stearn stated that he views a Southfield Road Corridor study as a priority in terms of an overall look at how to make that strip more conducive to business and to improve its appearance.

Jensen commented that codification of the Site Development Handbook was a Planning Board undertaking adopted by the Council as an interim measure that would provide site development guidelines for Village business districts. The Planning Board began a corridor study and did an extensive inventory of existing conditions along Southfield Road. The Board received a report from consultant Seth Hirshorn related to common goals and visions for the business district. The Board gathered facts and understood the problems and was prepared to begin working on a corridor plan. Funding was not available to continue the study.

Council and Board members discussed problems with the business district including traffic circulation and curb cuts, aesthetics and design, and economic issues with buildings that sit

unoccupied and unsold. It was indicated that the Village has little control over redevelopment when there is a change of use on a site.

Jensen thought that a Southfield Road corridor plan could be one of the most transforming things that the Village could do even though it may take years to implement. He urged the Village to think bigger to create a better business district.

There was unanimous support of Council to proceed with a Southfield Road Corridor Plan.

Other issues

Stearn mentioned that Council held a study session on January 13 for the purpose of determining what it would like to accomplish in the next year. One of the items that received Council support was reconsideration of overlay districts on 13 Mile Road, 14 Mile Road and Southfield Road. Stearn added that Council was also interested in proceeding with the zoning changes proposed for the northeast section of the Village.

Byrwa proposed that the Planning Board establish priorities at its February 28 meeting and request a work plan and cost estimates from LSL.

PLANNING BOARD COMMENTS

Tillman commented that she is enjoying her dual capacity as Planning Board and ZBA member. A question from Wayne on paragraph (g) in the proposed ordinance amendment relative to accessory buildings was addressed by Jensen and Borden.

COUNCIL COMMENTS

Stearn and others thanked the Planning Board members for attending the joint meeting.

PLANNING CONSULTANT COMMENTS

None

BUILDING OFFICIAL COMMENTS

None

PUBLIC COMMENTS

None

Motion by Tillman, second by Peddie, to adjourn the meeting at 9:27 p.m.

Motion passed.

**David Jensen, Chairperson
Planning Board**

**Todd Stearn, President
Village Council**

**Ellen E. Marshall
Village Clerk**

**Susan Bernard
Recording Secretary**