

Present: Chairperson Jensen; Vice-Chair Ostrowski; Members: Borowski, Freedman, Liberty, Stempien, and Westerlund

Absent: Tillman and Wayne

Also Present: Council liaison, Oen
Planning consultant, Borden

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

The agenda was approved as published.

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

Motion by Liberty, second by Stempien, that the minutes of a regular Planning Board meeting held on June 25, 2008 be approved as submitted.

Motion passed.

REVIEW REQUEST FROM DETROIT COUNTRY DAY SCHOOL FOR SITE PLAN AND SPECIAL APPROVAL FOR CONSTRUCTION OF AN ATHLETIC FIELD AND SET PUBLIC HEARING DATE

Planning consultant Brian Borden from LSL Planning, Inc. outlined the request from Detroit Country Day School to construct a baseball/athletic field in the southerly portion of their property. The Planning Board will discuss the project tonight and provide the applicant with direction. There will be a public hearing on the special land use, and surrounding property owners will be notified. Following the public hearing, the Planning Board will make a recommendation to the Village Council on the special land use and site plan.

Borden provided an overview of the special land use portion of the request. Special land use review standards address the potential impact on surrounding land uses and the natural environment. The planning consultants have concerns about the proposed location. The surrounding uses are residential, and some are in close proximity to the ball field.

Borden referred to the site plan submitted and distributed copies of an aerial photo of the site that shows the location of the dwellings in the vicinity. There is one dwelling as near as 25 ft. from the edge of the ball field. There is another at about 75 ft. from the project area; other homes are in the 150 ft. plus range. There is some heavy vegetation in the area, which Borden hopes will remain to screen views of the athletic field. He commented on the potential activity and noise associated with the use of a ball field. Borden does not believe that there is any lighting proposed.

Detroit Country Day is proposing a dense row of Evergreen plantings on the west side of the field to screen the view from residences in that area. The only buffering for properties to the south is the existing landscaping on residential property. Borden commented on the potential impact of the accessory structures including a dugout, bleachers and bathrooms.

Borden stated that another issue relates to the environment. There are portions of the project that are within the 100-year flood plain. The applicant will have to obtain permits and approval from the Michigan Department of Environmental Quality (MDEQ) as well as local approval under the Village's flood plain ordinance. A large part of the encroachment into the flood plain is via an asphalt walkway that adds a pedestrian connection to the main portion of the campus. There is also a bridge crossing over a portion of the river, which is also an MDEQ issue.

A tree survey has not been submitted with the site plan materials. Borden questioned the extent of the mature vegetation that will be removed in conjunction with the project. These are the issues to consider during the special land use review. It will be important for the applicant to respond to measures that will be taken to mitigate the impact on adjacent properties and the environment.

In response to an inquiry about the residence located within 25 ft. of the proposed ball field, Headmaster Glenn Shilling stated that the school has owned that property since 1990 and uses it as a boarding house. The other residences in the area are private homes in Georgetown.

Borden addressed the site plan review letter from LSL, noting that a number of items required by the Village Ordinance were not evident in this submittal. Additional information will need to be provided in order to conduct a thorough site plan review. The letter referenced the sidewalk matter. Borden understood through discussions with Village administration that a new proposal involving a compromise sidewalk plan will be heard by the Zoning Board of Appeals.

Borden stated that more landscaping detail is needed for review of the ball field proposal. There is an ordinance requirement for buffer zone landscaping, which applies to the west and the south. It is possible that the western buffer zone will be met through the proposed line of evergreens and existing vegetation. A potential concern exists to the south where all of the screening is on residential properties.

Jensen pointed out that a house parallel to the ball diamond has an elevation of 685 ft. in the rear yard. The ball diamond is at 670 ft., which is a 15 ft. elevation difference. He questioned how that property could be screened from the ball field. Borden responded that the Planning Board and Council have discretion in terms of landscaping requirements. The Village can determine if the separation, grade change, and existing vegetation provides sufficient screening that meets the intent of the buffer zone.

Borden stated that there is a bathroom building located behind the back stop. It is important to involve the engineers with issues relative to the sanitary sewer connection, crossing the river, and the flood plain area. Byrwa related that he reviewed the sewer layout with the Village engineer. There are options to go to the north or east to connect with an existing sanitary sewer. There will be a memo submitted by the Village engineer regarding the sewer connection prior to the public hearing.

Borden did not think that there was any lighting associated with this project. He recommended that a trash receptacle and trash removal plan be put in place so that trash does not accumulate and impact adjacent residential properties. The applicant must also submit an existing conditions plan showing established grades and existing trees with a diameter of 3 inches or more. Westerlund asked that information be provided by the school in terms of how often the fields will be used and who is going to use them.

It was questioned whether the plan provides access for emergency vehicles. Shilling responded that the School has three golf carts on site that could be used to transport an injured person to an emergency vehicle in the parking lot. There will be two full-time trainers on site.

Glenn Shilling stated that this was intended to be a preliminary submittal. He explained that the school has no place for the students to play baseball. They have to go off site and rent fields in other communities. It was determined that the proposed area was the optimum location to locate a ball field. School officials are sensitive to the neighbors in the vicinity of the ball field and to environmental issues. The school has been conscientious about replacing every tree they take down with two trees. The existing vegetation at that site consists mostly of scrub trees and brush.

Shilling commented that Country Day has always tried to be neighborly in terms of allowing area residents to use their property. The intent would be to install a ball field for use by Country Day teams during their season with the hope that community ball teams would be able to play on the field as well. Shilling welcomed input from the planner and Board members and will go through the plan thoroughly with their site consultant.

Westerlund questioned whether the site plan should be complete and meet all ordinance requirements before a public hearing date is set. Borden responded that, procedurally, it is up to the Board to decide whether it wants to see a complete site plan before a public hearing is scheduled.

Stempien thought that review of the document should be based on the criteria set forth in Zoning Ordinance, Section 22.08.290. He checked off compliance and found 16 deficiencies. Stempien would like to have all the information on the document so the Board can base its decision on what is required according to the ordinance.

Borowski stated that, historically, this Board has required a complete site plan in advance of the public meeting so that the public has an opportunity to adequately review it. This is a downside to the Planning Board meeting once a month. Borowski made the point that the ball field will not be ready for use until May of 2010.

Freedman suggested that the project proceed on the basis that a public hearing will not be advertised if the petitioner does not provide the required information within the established time frame.

Motion by Freedman, second by Liberty, to set a public hearing date of 8-27-08 on request from Detroit Country Day School for site plan and special use approval for construction of an athletic field, contingent upon receipt of plans that encompass the revised requirement list by August 11, 2008.

Yes – Freedman, Jensen, Liberty, Ostrowski, Stempien, Westerlund
No - Borowski

Motion passed (6 – 1).

REVIEW COMMENTS FROM VILLAGE ATTORNEY RYAN ON PROPOSED ORDINANCE AMENDMENTS TO CHAPTERS 21 AND 22 OF VILLAGE MUNICIPAL CODE WITH REGARD TO APPOINTMENTS OF DUO AND ALTERNATE MEMBERS TO PLANNING AND ZBA AND SET PUBLIC HEARING DATE FOR 8-27-08

Byrwa referred to a letter dated July 17, 2008 from Village Attorney Tom Ryan regarding Proposed Ordinance 22.38.010, Creation of Zoning Board of Appeals. The letter states that the Michigan Zoning Enabling Act has been changed in terms of requiring a Planning Board member to sit on the Zoning Board of Appeals; it is now discretionary. It is the recommendation of Tom Ryan that, considering new language regarding alternate members, the best option for the Village is that a Planning Board member not sit on the Zoning Board of Appeals and that the alternate membership option be utilized by the Village. The Zoning Board had asked that Council appoint two alternate members to the Board of Appeals for situations when a quorum is not available at a meeting. In order for the Zoning Board of Appeals to approve a variance, there must be an affirmative vote of five members of the Board no matter how many are sitting at the time.

Borden added that the State adopted amendments to the Zoning Enabling Act that will be effective as of September, 2008. It becomes optional at that time to have a Planning Board member sit on the Zoning Board of Appeals. The question is whether the Planning Board and Council want to retain that dual membership and deal with conflict of interest issues that may arise. Ryan is recommending that the Village incorporate ordinance language that allows for alternate Zoning Board members. Borden stated that it is the responsibility of the Planning Board to conduct a public hearing on an ordinance amendment and forward its recommendation to the Village Council.

Borden requested direction from the Board on whether the Village desires to continue with dual membership on the Planning and Zoning Board of Appeals. Byrwa commented that the necessity for dual membership appeared to be more necessary in smaller communities where there are fewer citizen volunteers to serve on various boards.

Board members discussed the proposed ordinance amendment. It was noted that the draft language proposed at the last Planning Board meeting changed the ordinance to reflect changes in the state law. It was the consensus of Board members to bring the ordinance into compliance with state law in terms of making dual membership discretionary with the word ‘may’. This will mean including “conflict of interest” language, which might need tweaking.

Freedman thought that it was a reasonable suggestion to avoid potential appearances of conflict by not appointing a Planning Board member to the ZBA.

Borden pointed out that Ryan also suggested that the Village look at additional standards related to the ZBA to bring that body into full compliance with Michigan statute at this time. Jensen mentioned that the Planning Board cannot undertake work outside of its approved funding. He

proposed that Borden provide the Board with information on the scope and cost of reviewing and updating additional ordinance standards related to the ZBA.

Borden stated that he will make the changes suggested by the Board and consult with Tom Ryan before bringing a draft ordinance back to the Planning Board for review at its next meeting. A public hearing date could be set at that time.

REVIEW FINAL DRAFT OF ACCESSORY STRUCTURES AND USE ORDINANCE AMENDMENTS AND SET PUBLIC HEARING DATE FOR 8-27-08

At its June meeting, the Planning Board took action to forward Ordinance Amendments for Accessory Structures to the Village Council for review and comment. Byrwa recommended that the Planning Board postpone discussion and setting a public hearing on this item until Board members have the opportunity to review the minutes of the July 15 Council meeting or watch that portion of the Council meeting via the web streaming feature provided on the Village web site (www.villagebeverlyhills.com).

The Planning Board will discuss the comments made by Council on this topic at its next meeting and set a public hearing date at that time.

LSL TO PROVIDE UPDATE ON THE NEIGHBORHOOD STUDY WEST OF SOUTHFIELD ROAD

At the May Planning Board meeting, planning consultant Robert Cramer used a PowerPoint presentation to provide an update on the nonconforming lot study west of Southfield Road. He used GIS data to map the project area and lot sizes, identify nonconforming lots, and work towards making informed recommendations and decisions in terms of modifying Zoning Ordinance regulations to minimize the number of nonconforming lots.

Borden plans to come back next month with a memo summarizing the alternatives and recommendations for Planning Board consideration and direction. The planners would then be prepared to present draft zoning map amendments in the fall and move the discussion towards a public hearing and adoption.

PLANNING BOARD COMMENTS

Westerlund questioned whether the Village ordinance addresses soliciting in the Village. Byrwa responded that ordinance requirements for soliciting can be found in the municipal code.

Byrwa addressed an inquiry about work being done at the medical office at Fourteen Mile and Southfield Road in terms of constructing a concrete dumpster pad and adding landscaping in order to be in compliance with their site plan.

Stempien reported that he emailed members of Council about creating an architectural design committee. Woodrow indicated that he is not opposed to the idea but would like a formal draft to present to Council, which Stempien will prepare.

Freedman commented that the information that Brian Borden has been providing the Planning Board has been helpful.

Jensen reported that he has been in touch with Bob Gibbs regarding the status of the Southfield Road corridor study. Gibbs has been occupied with another project but will come before the Planning Board with an update soon.

PLANNING CONSULTANT’S COMMENTS

None

BUILDING OFFICIAL’S COMMENTS

Byrwa reported that Council took action at its July 15 meeting to forward the Beverly Hills Club site plan for a mezzanine expansion to the Zoning Board of Appeals for an interpretation, decision, and/or variance from the Zoning Ordinance relative to parking requirements. The site plan will come back to Council for consideration following the Zoning Board hearing on August 11, 2008.

Byrwa informed the Board that Detroit Country Day School will be going back to the Zoning Board of Appeals with an alternative proposal to provide a walkway on the north side of 13 Mile Road that would complete the sidewalk between the Oakland County building and Woodside Athletic Club. This is an attempt at a compromise solution that will enable Country Day to receive site plan approval for construction of a gymnasium on its campus. Detroit Country Day School officials believe that the revised plan would be sufficient for the site plan obligation and for any future site plans.

In response to an inquiry, Byrwa stated that he did not know if the revised plan would include a crosswalk at the traffic light. Jensen questioned the Zoning Board’s jurisdiction over a negotiated settlement. Byrwa responded that he thought that the ZBA had the authority to modify the ordinance if there is a hardship.

Borden stated that he has observed instances in the past couple of years where the two additional sentences could be inserted in the Ordinance that would grant the Planning Board and Village Council some discretion or flexibility in terms of parking and sidewalk issues. This may warrant further consideration. Jensen asked Borden to submit a memo with his suggestions on these ordinance amendments.

PUBLIC COMMENTS

None

Motion by Westerlund, second by Stempien, to adjourn the meeting at 8:56 p.m.

Motion passed.

David Jensen, Chair
Planning Board

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary