

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

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

Absent: Council – Woodrow
Planning Board - Stempien

Also Present: Village Building Official, Byrwa

President Pro-Tem Koss called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road. Koss turned the meeting over to Planning Board Chair Jensen.

APPROVE AGENDA

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

Motion passed.

NEIGHBORHOOD STUDY WEST OF SOUTHFIELD ROAD

The Planning Board conducted a comprehensive study of nonconforming lots east of Southfield Road, which resulted in Council action on October 2, 2007 to adopt an ordinance amending the Schedule of Regulations and Zoning Map to rezone properties in the northeast section of the Village. The Planning Board has been asked to look at the zoning west of Southfield Road and forward a recommendation to Council. The Village has received a proposal from LSL Planning Inc. to complete the neighborhood study of residential nonconforming lots and dwellings in the area west of Southfield Road at a cost of \$4,500.

Reference was made to a map updated by Bob Bliven, which designates nonconforming lots either by width or lot area west of Southfield Road. Building Official Byrwa noted that the majority of the lots are conforming with the only concentrated area of nonconforming lots located between Evergreen and Southfield Road.

The Planning Board is interested in moving ahead with this project. Jensen outlined the process that would result in a recommendation at the outcome of the study. There were no objections from Council on proceeding with the work. Koss mentioned that Council passed motions at its January 2, 2008 meeting to approve \$4,500 for this study and \$7,500 for the Southfield Road Corridor study.

SOUTHFIELD ROAD COMMERCIAL CORRIDOR STUDY

Jensen reviewed that this project began about five years ago with the Planning Board collecting existing conditions data on the Southfield Road corridor including information on ownership, number of parking spaces, reciprocal parking agreements, access points, conflicts, etc. An updated inventory of existing conditions will be available at the Village office for use by firms interested in submitted a proposal.

Seth Hirshorn, a University of Michigan professor, was employed using grant funding to work with the Village to establish common goals and visions for the business district. This study was put on hold pending a report from the Village's Strategic Planning Development Committee and then because of other Planning Board projects. At its joint meeting with the Planning Board last year, there was unanimous support from Council to proceed with a Southfield Road Corridor Plan.

Jensen relayed that the Planning Board received a proposal from Robert Gibbs, a qualified expert and prominent national consultant, who offered to provide the Village with a vision of what could be done with the space along Southfield Road from Beverly to Thirteen Mile Road. Jensen outlined the background and qualifications of Mr. Gibbs, who submitted a proposal for \$7,500 for this project.

Jensen stated that a consultant would present concepts to the Planning Board and Council and talk about the Village's options and choices and what it would take to assemble properties that would result in a viable outcome for the Village and a developer. We need to know the potential for this site.

Before a consultant can be hired, the Village must seek Requests for Proposals (RFP). Council is in receipt of a copy of the RFP that the Planning Board proposes to forward to a number of local planners. Proposals will be reviewed, and a decision will be made to offer this project to a consultant.

There was discussion on the language of the RFP. Appropriate dates will be added to the document. Wayne suggested that the document contain specific days and times when information would be available to prospective bidders from the Village office. At the suggestion of Liberty, the last sentence under the "Evaluation and Selection" heading will be deleted, "The Village Planning Consultant will also serve as a resource and help with meetings/ideas, but their fees will be billed to the Village separate from this project".

Council and Planning Board members indicated their interest in proceeding with this study. Stearn was emphatic about making this project a priority.

Motion by Stearn, second by Oen, that Council approve the Request For Proposal as amended for the Southfield Road Corridor Improvement Study to be submitted to appropriate vendors.

Motion passed (6 – 0).

EXISTING ORDINANCES

Jensen stated that Brad Strader of LSL Planning has previously addressed the Planning Board regarding how Village ordinances are outdated and in need of review. Jensen was in favor of obtaining a proposal from LSL to conduct a technical review of the ordinances to identify priority items and an estimated project cost.

There were differing opinions among Council members on this topic. The view was expressed that revising and updating of Village ordinances has been neglected and should be a priority project. A divergent view was that updating ordinance should not be undertaken at this time due to fiscal restraints.

Jensen asked the Building Official to describe some of the conflicts or problems he experiences regularly as a result of outdated ordinances. Byrwa responded that it costs the Village money when ordinance language does not clearly identify issues and results in legal interpretations. He referred to the recent request to locate a dog boarding operation in the Village. The use does not fit the ordinance, nor does the ordinance allow the use to be considered under special approval. Byrwa expressed the view that sections of the Beverly Hills ordinance need to be brought up to today's standards.

Berndt thought that the ability to enforce the ordinance determines whether the standards of the community can be maintained. He believed that now was the time to place those standards in defensible form for the future.

Ostrowski pointed out that the Village may need to revisit specific sections of the ordinance if consideration is given to a Southfield Road overlay district in the future. There may be examples of situations that are not expressly addressed in the existing ordinances.

It was Jensen's suggestion to ask the planning consultant firm to prepare a priority work plan and cost estimate for updating Village ordinances based on their firm's experience with Beverly Hills. The proposed work program would come before the Planning Board and Council for further consideration.

ACCESSORY BUILDINGS / DESIGN GUIDELINES

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. This was a topic of discussion at last year's joint meeting. The Planning Board has compiled and analyzed data and drafted ordinance amendment language over the months. The intent of the review has been to head off potential problems with garages and accessory buildings that are oversized and out of character with a neighborhood.

Jensen displayed a couple of photographs of oversized accessory buildings noting that the primary structure is sometimes an issue. He suggested that there may be relief in creating residential design guidelines that would prevent some of the problems.

Council and Board members discussed the possibility of drafting and enforcing residential design guidelines. The point at which to regulate design guidelines was questioned considering the various home styles in the Village.

Jensen proposed that the Planning Board proceed with drafting design guidelines that would make sense for new construction; he suggested simple standards for percentage of materials. Reference was made to the commercial site development handbook adopted by the Village.

Jensen stated that LSL Planning works with 80 communities in the state and should be able to provide the Village with an account of ten different ways that communities are handling design guideline issues. The planning consultant should be a resource for developing minimum design standards.

Borowski expressed the view that accessory buildings are not a problem in the Village. He remarked that the Planning Board has been unable to come to an agreement on standards for an accessory building. He would not be opposed to limiting the size of a structure within the building envelope.

Jensen remarked that the problem is that the Village has different sized properties, which affects standards that deal with percentages. Ostrowski added that he has done exercises to determine if there was a ratio that married accessory size to lot size. There was overall agreement that the community is unique because of its different style of homes. Board members brought up the idea of design guidelines with generalized percentages of materials and a board of review for new homes.

The topic of design guidelines was raised during the Board's discussion of accessory buildings. Freedman commented on the Board's progress with developing draft amendments to the Village Zoning Ordinance, Section 22.04 Definitions and Section 22.08.100 Accessory Buildings, Structures and Uses in Residential Zone Districts. It was the sense of the Planning Board that it could forward a recommendation to Council on accessory buildings in the next 30-45 days.

DETROIT COUNTRY DAY SCHOOL

At its November 20, 2007 meeting, Council took action to approve a site plan for Detroit Country Day School to construct a gymnasium and fitness center on its property subject to the Zoning Board of Appeals interpretation and/or waiver of the ordinance requirement for a perimeter sidewalk. The Zoning Board of Appeals will meet on March 10, 2008 to hear a case submitted by Detroit Country Day School regarding this topic. Byrwa updated Council and the Planning Board on the pending appeal case.

Council and Board members commented briefly on the issue of constructing new sidewalks as a condition of approval of the Country Day School site plan based on a section of the Village ordinance.

OTHER TOPICS

Stearn mentioned that Council is approaching budget season. The Planning Board should submit a proposal to Council if it has expectations for the upcoming budget year.

PUBLIC COMMENTS

Mark Crane, attorney representing individuals from 4Paws Community Center, stated that his interest is with the agenda item regarding the need for revisions and updates to existing Village ordinances. He understood that there are two different approaches to revising ordinances, damage control and damage avoidance approaches. Crane also understood that there are budgetary pressures in communities. It has been said that an ordinance should be a road map that anticipates new uses and changes in the way people live. Crane asked the Village Council and

Planning Board whether an ordinance amendment might be one way to address the request from his client to bring a doggy day care use into Beverly Hills. There is clearly a demand for this type of use in communities

Jensen reviewed that the Planning Board heard a proposal at its January 23, 2008 meeting for a new use within an existing multi-tenant commercial building to open a dog and cat boarding facility that would offer related pet care services. There was a question regarding the permissibility of the use as described based on the interpretation of the Zoning Ordinance.

Retail business uses are permitted principal uses in the B District when all activities take place within an enclosed building. The closest example to the proposal listed in the ordinance is a veterinary hospital, which is permitted provided that all animals are kept entirely within the principal building. The applicant proposes to use two fenced-in outdoor exercise areas. Outdoor activities are not listed as permissible in the B District (either by right or as a special land use), which complicated the request.

The Village could interpret the outdoor activity proposed as an accessory component to the principal use. Board members realized that this may be a unique situation in terms of its location; however, they questioned how they could recommend approval of an outdoor use for this proposal given the strict limitation on a similar use that requires animals to be kept within the principal building.

Jensen proposed that the business owner has the ability to create a structure that would serve their needs and utilize this site by designing an enclosed structure that would allow for daylight and fresh air yet contain sound.

If the use is something that is desired by the community, consideration could be given to pursuing an amendment to the Zoning Ordinance.

Jensen related that there were residents in attendance at the Planning Board meeting who were opposed to a facility that could result in barking dogs outside. There were also individuals who spoke in favor of the proposal and thought there was a need for this use in the community. The majority of the Planning Board members voted to recommend denial of the site plan application for 4Paws Community Center on the basis that the outdoor fenced area is not permitted as an accessory use under the provisions of Section 22.22.020 of the Village Zoning Ordinance, Permitted Principal Uses.

Crane stated that the meeting minutes reflect that Planning Board members thought that a Zoning Ordinance modification would be required in order for this project to go forward. In light of the discussion tonight, Crane asked if this issue would be a priority for the Village Council in terms of amending the ordinance. It would help his client to know sooner rather than later. The business owner has timing issues and budgetary concerns.

Business owner, Linda Travis, distributed a business model that addressed fencing options and offered responses to issues of concern that might provide the Village with some level of comfort. Travis indicated that she was willing to work with the community.

Stearn suggested that the applicant schedule a meeting with Village administration to discuss how she should proceed.

Motion by Oen, second by Peddie, to adjourn the meeting at 9:10 p.m.

Motion passed.

**David Jensen, Chairperson
Planning Board**

**Rosanne Koss, President Pro-Tem
Village Council**

**Ellen E. Marshall
Village Clerk**

**Susan Bernard
Recording Secretary**