

Present: Chairperson Jensen; Vice-Chair Ostrowski; Members: Abboud, Borowski, Prew, Stempien, Wayne and Westerlund

Absent: Freedman

Also Present: Assistant Manager, Marshall
Planning consultant, Borden
Council member, Briggs

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

There were no objections to a request from Westerlund to add item 7A: “Discuss Detroit Deli Sign”.

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

Motion passed.

PUBLIC COMMENTS

None

APPROVE MINUTES OF OCTOBER 28, 2009 PLANNING BOARD MEETING

Motion by Wayne, second by Westerlund, that the minutes of a regular Planning Board meeting held on October 28, 2009 be approved as submitted.

Motion passed.

UPDATED FINANCIAL PRESENTATION BY CHRIS WILSON, VILLAGE MANAGER

This agenda item was postponed until the January meeting.

PRESENTATION BY LSL PLANNING ON THE NONCONFORMING STUDY WEST OF SOUTHFIELD ROAD

Brian Borden from LSL Planning reviewed that the Planning Board conducted a public hearing on October 28, 2009 to discuss rezoning of properties west of Southfield Road related to the nonconforming lot study. There were a few questions raised regarding the impact of the proposed rezoning on the neighborhood south of Beverly Road. Public comments identified that properties in that portion of the study area have side yards of 10-15 feet or more. A resident from the area was concerned that over-adjusting this contiguous area of lots to 5-foot minimum side yards would invite a change of character to the neighborhood by allowing future expansions or reconstructions to be as near as five feet from the side lot line as opposed to the established setbacks of 10-15 feet.

Following the public hearing, LSL Planning reevaluated the neighborhood of 94 parcels in the area south of Beverly Road within the proposed rezoning area. They further analyzed the side yard setbacks in that area to evaluate the effectiveness of reducing the side yard to a 12.5 or 10-foot minimum instead of a 5-foot minimum. Based on examination of LSL data for measured

side yards in this cluster, only 22 of the 94 lots have conforming side yards of 15 feet or more. However, the smallest side yards of 72 of the 94 lots (77%) are 10 feet or more.

The planners placed different dimension parameters into the GIS to determine the effect on the nonconformity of those properties in terms of lot width, lot area, and side yard setbacks. Board members are in receipt of a memo from LSL that includes a chart showing a detailed breakdown of the data and implications of different zoning designations. A table indicates how each district translates into various levels of non-conformity in this area.

Borden discussed alternative zoning designations for this portion of the study area with Board members. Rezoning the area to R2-B would allow people to expand their homes closer to their side lot lines up to five feet. A concern with changing to the R2-B zoning designation to match the side yard setbacks was that it could be considered over correcting the lot width and lot area standards for the district. The R2-A district allows a 6,000 SF lot area; this neighborhood is not that dense. Borden noted that the Village Subdivision Regulations have a provision related to land divisions in terms of an average lot area standard.

A third option would be to leave this R-1 zoned area south of Beverly Road as it is with the understanding that the current level of nonconformity would remain for that neighborhood. Residents could go before the Zoning Board of Appeals and request a variance from the Zoning Ordinance to renovate their home.

Board members considered the information provided by LSL and discussed how to proceed with the area in question. Concerns were expressed with increasing the density of the area. Board members were in agreement not to consider the R2-A zoning designation for these parcels south of Beverly Road for the reason that it would bring the lot area down to 6,000 square feet. It was indicated that a goal of the study was to provide residents with the ability to modernize their homes to gain modern amenities; this would be accomplished by amending the zoning ordinance to allow reasonable renovations. A majority of the Board did not want to consider a new zoning district for this area for the reason that multiple zoning classifications are difficult to regulate.

Westerlund referred to the Schedule of Regulations and noted that Ordinance Section 22.08.130, which requires 15 feet between buildings, applies to side yard setbacks in the R2-A, R2-B and R-3 zoning districts. He noted that there appears to be about 25 feet between structures in the Beverly Woods Subdivision. Westerlund suggested that consideration be given to rezoning this R-1 area to the R-2 single family zoning district. R-2 zoning requires 12,000 sq. ft. minimum lot area; 75 ft. lot width; and side yard setbacks of 12.5 ft. and 17.5 ft. He questioned whether this zoning district would better fit this area.

At the direction of the Board, Borden will analyze how an R-2 zoning district would impact the 94 parcels in the area south of Beverly Road in the proposed rezoning area. The goal of the Board is to move in the direction of reducing nonconformity. There will be consideration of the R-2 zoning designation for these lots at the January Planning Board meeting.

UPDATED PRESENTATION BY LSL REGARDING THE SOUTHFIELD ROAD CORRIDOR STUDY (GIBBS)

Brian Borden stated that he and Brad Strader from LSL Planning had a meeting with Robert Gibbs about a month ago. The Planning Board has seen the concept plan for redevelopment of the Southfield Road corridor into a village town center. It was determined that there was a need to provide a base in terms of what exists there now. An existing conditions plan was prepared to help understand the hurdles that need to be addressed in order to move forward. The corridor was analyzed for conformity in terms of lots, buildings, uses, and parking. There are no current issues related to use or buildings; from that standpoint, the current ordinance is in line with what exists now.

Parking was the biggest issue. There is probably enough parking for the entire area if the corridor were viewed in terms of shared parking. There are individual sites that are severely deficient in parking and a few that have a small surplus based on the Village ordinance. Parking is a subject that will have to be targeted to bring this plan into line with what was proposed in the concept plan.

Borden thought that the current parking regulations have forced this design in terms of building placement, parking placement, and design. Current parking standards and calculation requirements are items that must be evaluated to move forward. This is an area where we want to see less front yard parking. Items to consider will be design issues, building placement, and the ability for shared parking or cross access.

Borden requested feedback from the Board in terms of how to proceed. He suggested that Mr. Gibbs could be asked to attend a future meeting to discuss the plan. Borden asked if there was anything that the Board would like LSL to address in the interim.

The Planning Board will be reviewing a special land use and site plan for Detroit Country Day School expansion at its January meeting. The Board suggested inviting Robert Gibbs to the February 24, 2010 meeting. It was noted that a joint meeting with Council is scheduled for Wednesday, February 10.

Jensen remarked that another topic to consider was whether Gibbs has identified the realities of parking and ownership issues that impact the design of the project. The preliminary proposal from Gibbs has some of the key design elements overlapping several owners' properties. This should be reviewed from a practical point of view. Borden remarked that there are some options with respect to parking issues and elements that the planners will bring into the mix.

Westerlund suggested further investigation of plans that may be in progress for a Southfield Road boulevard design in the City of Southfield. This should be explored so Beverly Hills does not miss an opportunity to participate.

In response to an inquiry, Borden said that the program elements laid out by the Planning Board a few months ago will be part of the process that will be followed. He related that Mr. Gibbs has visited some of the business owners in the corridor. Borden said that there has to be more

comprehensive material to present to the owners and operators before the Planning Board meets with them.

Board members developed an approach for the Southfield Road redevelopment program and an agenda for a meeting with Mr. Gibbs that would provide everyone with an understanding of what they are trying to achieve. This material will be reissued and discussed with Council at the February 10 joint session to ensure that Council is on board with the direction that the Planning Board is taking. It was the intent that the meeting with Gibbs on February 24 would be efficient in terms of getting things accomplished.

DISCUSS DETROIT DELI SIGN

Westerlund observed that the sign erected on the Detroit Deli building on Southfield Road does not conform to the Village sign ordinance with respect to color limitation and timer control on an illuminated sign. The ordinance stated that a sign cannot be illuminated after 11 p.m.

Jensen responded that Village Administration issued a permit to Detroit Deli for a building sign without first coming before the Planning Board for approval. There is no longer a building official on staff, and the Village Manager was not aware of this procedure. Jensen said that the Detroit Deli owners should be notified that their sign must be equipped with a time control.

Stempien mentioned that there is an illuminated “For Lease” sign in front of the office building that contains the Detroit Deli. He questioned whether Village ordinance regulations allow for this type of sign to be illuminated.

Jensen commented that it is the task of the Village’s code enforcement officer to enforce ordinances. This individual needs to know and understand Village ordinance standards. Jensen asked Assistant Manager Marshall to request that Dan Gosselin look into whether the ordinance permits an illuminated “for lease” sign. LSL Planning can be contacted if there is a question about this. Borden affirmed that the enforcement officer can call him if he has a question or requires interpretation assistance.

Stempien said that he observed a six foot high fence erected along Beverly Road that appears to be in violation of the Zoning Ordinance. He expressed concern that there would be more ordinance violations without the regulation that has occurred in the past when the Village employed a building official.

Jensen responded that Manager Wilson has indicated that a permit was issued for the fence on Beverly Road and that there was no variance required.

Jensen proposed that LSL Planning be consulted by the municipal staff on a fee basis to review permits for compliance with codes and regulations before they are issued. The building department clerk is not familiar with the Village ordinance or its interpretation in some instances. The costs associated with administering a permit is passed on to the applicant. Jensen suggested that the Village obtain a quote from LSL on review of building permits.

PLANNING BOARD MEMBER COMMENTS

Borowski addressed a couple of issues that were raised at the public hearing held at the October 28, 2009 Planning Board meeting. Residents in the area south of Beverly Road had questions and concerns on the effect of the proposed rezoning on side yard setbacks in their subdivision. That issue was addressed by the Planning Board today.

Another issue brought up at the public hearing was the notion that the proposed rezoning would cause homeowners to potentially lose value in their homes. Borowski did not think that changing zoning regulations would effect property values. Planning Board members may not agree with the view expressed by an individual, but they did not dismiss the position taken by that person.

Borden added that the zoning change involves going from one single-family residential designation to another, which has no impact on home value. The uses are identical; dimensional standards would change.

Borowski noted that the agenda item for a financial presentation by the Village Manager was postponed until the next meeting. Borowski said that he noticed that some people do not want to spend any money in the Village until their property is affected. Then it becomes an important financial consideration. An example of this was area residents who want the Erity dam repaired. Borowski viewed this as a good thing for the Village on a going forward basis.

Jensen mentioned that Board members received a copy of the Circuit Court of Appeals opinion on the Detroit Country Day School lawsuit.

PUBLIC COMMENTS

Hildreth Buterbaugh of Beverly Hills was pleased that the Planning Board is spending more time to evaluate the rezoning of properties west of Southfield Road. He commented that there was building taking place on weekends when the former building official was out of the area. Buterbaugh expressed the view that there was a problem with ordinance enforcement in Beverly Hills.

Motion by Borowski, second by Stempien, to adjourn the meeting at 8:52 p.m.

Motion passed.

David Jensen, Chair
Planning Board

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary