

Present: Chairperson Jensen; Vice-Chair Ostrowski; Members: Abboud, Borowski, Freedman, Prew and Westerlund (late)

Absent: Stempien, Wayne

Also Present: Village Manager, Wilson  
Assistant Manager, Marshall  
Planning consultant, Borden  
Council member, Oen

Chairperson Jensen called the meeting to order at 7:33 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

### **APPROVE AGENDA**

Motion by Ostrowski, second by Abboud, to approve the agenda as submitted.

Motion passed.

### **PUBLIC COMMENTS**

None

### **APPROVE MINUTES OF DECEMBER 9, 2009 PLANNING BOARD MEETING**

Motion by Borowski, second by Abboud, that the minutes of a regular Planning Board meeting held on December 9, 2009 be approved as submitted.

Motion passed.

### **LSL REVIEW OF DETROIT COUNTRY DAY SCHOOL REQUEST FOR SITE PLAN REVIEW AND SPECIAL USE APPROVAL TO ERECT A FIELD HOUSE, CAMPUS GYM AND NORTH ENTRANCE CORRIDOR**

Glen Shilling, Headmaster for Detroit Country Day School, reviewed that a master campus plan proposal was presented to the Village about two and a half years ago. The proposed expansion is part of the master plan, and approval is being requested in order to raise funds and proceed with the project.

Representatives of Country Day are before the Planning Board with an expansion proposal and a request for site plan approval and special land use approval. The project consists of three components including a Field House, Thirteen Mile Road Campus Gym, and North Entrance to the facility. The new facilities will not increase traffic as they are intended to move existing activities indoors and will be used by current Detroit Country Day School students. The field house is proposed to relieve some of the pressure that currently exists on the stadium field.

Sam Ashley from Cunningham-Limp Construction Company presented information on the project. He displayed a drawing of the campus noting the first and second phases of the athletic master plan and pointing out the proposed buildings. The Field House will be an indoor practice facility to move activities (soccer, lacrosse, football and field hockey) indoors in a controlled environment and contain athletic and spectator noise. The Thirteen Mile Road gymnasium will increase the capacity for gym and other co-curricular activities. The School will gain the ability

to have concurrent facilities for basketball currently sharing time and space due to a change of seasons dictated by the Michigan High School Athletic Association. The north entrance corridor is intended to create direct pedestrian access to the new gym and field house. It will allow for closing off sections of the school to improve safety and security.

Ashley discussed the floor plans and displayed renderings of the buildings. Elevation drawings, environmental features and structural elements were reviewed.

Chairman Jensen proposed that Detroit Country Day representatives contact Brian Borden within the next month to address outstanding items outlined in the LSL project review letters. A public hearing will be set for the February Planning Board meeting to hear public comments and conduct a comprehensive discussion of the project.

Brian Borden brought up two items that the Board may want the applicant to pursue prior to the public hearing. A special land use request subjects the entire site to an evaluation of design improvements that could benefit the overall site based on increased use or intensity of structures. It is up to the Board to determine whether to have DCDS conduct a parking and traffic analysis of its campus. Shilling has said that the new facilities would be used by existing students and occasionally by people who may use a facility for an evening event when no one else is on campus. Borden suggested that the Village may need a circulation analysis of traffic both within and external to the site if the school continues adding large structures to the campus. If the Planning Board does not think a circulation study is necessary for this project, the petitioner should be aware that a study may be required with a new request for a significant project.

Jensen responded that he would suggest a circulation study if the proposal were for a new school that would increase the usage of this site. The headmaster has indicated that the expansion will not change the use or the way in which the school is functioning. Borowski remarked that there have been comments from area residents in the past regarding the school renting fields and buildings for outside use.

Schilling replied that it was not the intention of the school to rent the proposed facilities to outside groups. The field house would cover an outdoor field that is currently being used by Detroit Country Day students. The intent of the field house and gymnasium is to provide a place for the sporting activity of students.

Borden stated that another item for the Planning Board and applicant to consider is additional landscaping in a couple of areas including the parking lot along 13 Mile Road. Added green space would benefit the Village as a whole as well as the School. Shilling indicated that the School would provide landscaping improvements where needed. He invited Borden and interested Board members to contact him for a first hand look at the campus.

Freedman referred to the ordinance requirement stating that wall lengths in excess of 100 feet provide some form of variation to break up the long expanse. Borden said that the ordinance includes discretionary architectural design standards. It is ultimately up to the Board to recommend approval of the building architecture. Borden suggested that the contractor provide samples at the next meeting so the Board can evaluate the materials and colors.

Sam Ashley commented on the intent to coordinate roof and façade colors to compliment structures built at different times. He addressed an inquiry about the timetable stating that they would ideally break ground at the end of the school year in June and complete the project in December.

Borowski questioned whether Detroit Country Day has submitted an as-built drawing of their last construction project for final approval. His concern was whether the finished building conformed with the approved site plan.

Ashley outlined the approval process for an educational use facility. Engineering and site plan approval is required from a local municipality along with special land use. At that point the jurisdiction shifts to the state of Michigan. Ashley said that he would be willing to review drawings with the Village Manager and verify that the previous structure was built as approved.

The Board will set a public hearing date for its February meeting to receive comments on the Detroit Country Day School site plan and special use request. LSL Planning, DCDS, and the Village will work together to address items including the overall height of the field house, location of sanitary sewer infrastructure, architectural requirements and landscaping.

#### **UPDATED PRESENTATION BY LSL ON THEIR FINDINGS REGARDING SIDE-LOT SETBACKS AS PART OF THE NONCONFORMING STUDY WEST OF SOUTHFIELD ROAD**

A Planning Board public hearing was held in October of 2009 to hear comments on the proposed rezoning of property to R2-B zoning based on a nonconforming lot study west of Southfield Road. Feedback from residents and updated findings were discussed at the December Planning Board meeting. It was suggested that the Board consider alternate zoning for a neighborhood of 94 lots south of Beverly Road. There was concern that the R2-B zoning designation would allow side yard setbacks (5 ft.) that are not consistent with existing property in that area. Two alternatives presented by LSL were discussed. The Board directed the planning consultants to analyze how an R-2 zoning district would impact the 94 parcels south of Beverly Road.

The January 20, 2010 memo from LSL contains a table including GIS statistics for the 94-lot area showing lot area, width, and side yards for the parcels under R-1 (existing), R-2, R2-B, and R2-A zoning districts. It updates the Board on the total percentage of nonconforming lots under each zoning district.

Borden related that the R-2 zoning district does not reduce the degree of nonconformity to the extent of the originally recommended R2-B district. The R-2 district would reduce the nonconformity to 59% from the current 95% level. This analysis comparing the zoning districts was prepared by LSL in order to provide the Board with as much information as possible to make a determination and move forward.

Board members discussed the new information. There were members who viewed the R-2 zoning district as a good compromise and others who preferred leaving the zoning as it currently exists. It was also suggested that a concern that property owners south of Beverly Road would build five feet from their lot lines was unfounded. There were members who were in favor of rezoning the entire study area to R2-B in order to further reduce the nonconformity.

Motion by Ostrowski, second by Jensen, that the Planning Board recommend that Council rezone all of the lots identified in the study area west of Southfield Road to the R-2B zoning district.

Bob Bliven on Nixon expressed the view that R-2 is the proper zoning for the 94 parcels in the subdivision south of Beverly Road.

Roll Call Vote:

Abboud	- no
Borowski	- no
Freedman	- no
Jensen	- yes
Ostrowski	- yes
Prew	- no

Motion failed (4 – 2).

Borden thought that the Planning Board would need to conduct another public hearing for the 94 lot area if it were to recommend a zoning district other than the R-2B zoning originally proposed. The Board could recommend that Council rezone the area west of Southfield Road to R-2B and exclude the 94 lots south of Beverly Road.

Jensen proposed tabling a recommendation to Council on rezoning property west of Southfield Road until the next meeting when a full component of the Board is present.

Motion by Freedman, second by Ostrowski, to table consideration of a zoning change for lots west of Southfield Road until the next regular Planning Board meeting.

Yes – Borowski, Freedman, Jensen and Ostrowski

No – Abboud and Prew

Motion passed (4 -2).

#### **DISCUSSION OF THE SOUTHFIELD CORRIDOR STUDY**

Planning consultant Borden provided preliminary information on the potential for use of a Corridor Improvement Authority in conjunction with redevelopment of the Southfield Road business corridor. He summarized the Corridor Improvement Act. A Corridor Improvement Authority (CIA) acts similar to a Downtown Development Authority (DDA) in that it works via tax increment financing for the district to which it is applied. The major difference is that a CIA does not have the power to levy taxes. Tax dollars are captured via tax increment financing; the Authority captures an increase in the tax value. A CIA can also be funded through donations. A CIA can be a multi-jurisdictional authority, which could result in a broader Authority for Southfield Road. It has the ability to purchase properties.

If this is something that the Village is interested in pursuing, Borden would have someone with a financial background make a presentation to the Board.

Borden asked for feedback from the Board on how it would like to go about receiving public input on the corridor plan. There has been conversation about the importance of reaching out to business owners and tenants within the corridor. Jensen proposed asking Council for their thoughts on this at the joint meeting with the Planning Board scheduled for February 10.

Borden suggested that there were two approaches. Invite business owners to attend an open house at the Village Hall or invite owners and operators to meet with Village representatives at a set time and place outside of Village Hall, possibly at a location in the corridor. The meeting would allow for interaction between the Board and business owners. Topics could include what business owners are currently seeing in terms of activities in Beverly Hills; Village regulations; their constraints; and their vision for the future. Borden proposed starting with broad based questions to determine if these owners and operators are on board with something new.

Jensen thought that the Board should meet with Mr. Gibbs to solidify its plans and ideas before meeting with business owners. Robert Gibbs is scheduled to meet with the Planning Board on February 24, at which time there will be further discussion on plan details and the next steps.

Westerlund entered the meeting at 8:45 p.m.

Abboud questioned whether the Village had an established Downtown Development Authority. Resident and former council member Bob Walsh recalled that a DDA was created more than 20 years ago in the Village. He related that the Birmingham School District went through Oakland County Circuit Court to get an injunction against the creation of a DDA for Beverly Hills. The school district did not want its taxes being directed into the Southfield Road corridor. Abboud suggested that the Board consider appointing a subcommittee to look into creating a Corridor Improvement Authority.

**SET PUBLIC HEARING DATE ON DETROIT COUNTRY DAY SCHOOL REQUEST FOR SITE PLAN REVIEW AND SPECIAL LAND USE APPROVAL TO CONSTRUCT FIELD HOUSE, THIRTEEN MILE ROAD GYM AND NORTH ENTRANCE**

Motion by Freedman, second by Westerlund, to set a public hearing date for February 24, 2010 to receive comments regarding Detroit Country Day request for site plan review and special approval to construct a field house, Thirteen Mile Road gymnasium and north entrance.

Motion passed.

**PLANNING BOARD COMMENTS**

In answer to an inquiry regarding illumination of signage on Southfield Road, it was indicated that Village administration sent letters to all business owners along the corridor asking for compliance to the ordinance with regard to time limitations on signs. Board members asked if the Detroit Deli sign complies with the ordinance in terms of changing colors and whether that element would be considered a flashing sign. Manager Wilson will have the Code Enforcement Officer review this aspect of the sign ordinance.

Abboud questioned the extent of Board members' review and input on the Detroit Country Day School proposal. Jensen responded that Board members have until next month's meeting to review the materials provided by LSL Planning and prepare for the public hearing and review session scheduled for February 24.

**PUBLIC COMMENTS**

Resident Hildreth Buterbaugh recalled that the current sign ordinance was enacted in response to the Beverly Hills Club electronic message sign.

Robert Bliven on Nixon proposed that the Planning Board consider R-2 zoning for the Beverly 12 Subdivision.

Motion by Freedman, second by Westerlund, to adjourn the meeting at 8:58 p.m.

Motion passed.

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

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

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