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

Absent: Prew, Wayne

Also Present: Village Manager, Wilson
Assistant Manager, Marshall
Planning consultant, Borden
Council member, Mooney
Village Attorney, Ryan

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

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

Motion passed.

PUBLIC COMMENTS

None

APPROVE MINUTES OF A REGULAR PLANNING BOARD MEETING HELD ON FEBRUARY 24, 2010

Motion by Westerlund, second by Stempien, that the minutes of a regular Planning Board meeting held on February 24, 2010 be approved as submitted.

Motion passed.

DISCUSSION OF NON-CONFORMING STUDY WEST OF SOUTHFIELD

A Planning Board public hearing was held in October of 2009 to receive comments on the proposed rezoning of property to R-2B zoning based on a nonconforming lot study west of Southfield Road. Feedback from residents and updated findings were discussed at the December and January Planning Board meetings. The issue now is whether to recommend rezoning of the entire study area in order to reduce the amount of nonconformity.

It has been suggested that the neighborhood of 94 lots south of Beverly Road might warrant additional consideration under a different zoning designation. There was concern that the R-2B zoning designation would allow side yard setbacks (5 ft.) that are not consistent with the established character of the neighborhood. The Board directed the planning consultants to analyze how an R-2 zoning district would impact those parcels south of Beverly Road.

Planning consultant Brian Borden reviewed that alternatives were discussed for the area south of Beverly Road. It was determined that rezoning to an R-2 district would maintain a larger side yard but only reduce the nonconformity to 59% from the current 95% level. A Planning Board motion to rezone the entire study area to R-2B was proposed and failed at the January meeting. The Planning Board has the option of moving forward to recommend R-2B zoning for the

portion of the study area north of Beverly Road. Borden thought that the Planning Board would need to conduct another public hearing for the 94 lot area south of Beverly Road if it were to recommend a zoning district other than the R-2B zoning originally proposed.

After some discussion, it was the consensus of the majority of Board members to go forward with recommending the R-2B zoning for the area north of Beverly Road and to address the zoning of property south of Beverly Road at some time in the future with the intent being to reduce nonconformity. Borden remarked that the analysis has been completed if the Board decides to investigate a new zoning district for the lots south of Beverly Road.

> Motion by Westerlund, second by Borowski, that the Planning Board recommend to Council the rezoning of lots identified in the nonconforming lot study area West of Southfield Road and north of Beverly Road from the current R-1 and R-2 designations to the R-2B zoning district. A change in zoning is not recommended for the portion of the study area south of Beverly Road at this time.
>
> Roll Call Vote:
> Abboud - no
> Borowski - yes
> Freedman - yes
> Jensen - yes
> Ostrowski - yes
> Stempien - yes
> Westerlund - yes
>
> Motion passed (6 – 1).

REVIEW AND CONSIDER RECOMMENDATION TO COUNCIL ON DETROIT COUNTRY DAY SCHOOL REVISED (3-10-10) SITE PLAN AND SPECIAL LAND USE REQUEST FOR CONSTRUCTION OF FIELD HOUSE, CAMPUS GYM AND NORTH ENTRANCE CORRIDOR

Sam Ashley from Cunningham-Limp Construction Company stated that the Planning Board is familiar with the concept of this project from discussion at two previous meetings. Detroit Country Day School is before the Village with an expansion proposal and 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.

Board members have received revised submittal materials including a letter dated March 10, 2010 addressing issues raised by the Village planning consultant, staff, and residents as well as comments made at the February Planning Board meeting. Ashley reviewed the remarks and responses from DCDS representatives to make sure everyone was clear on the questions and how the School is responding and complying with outstanding issues.

Ashley listed detail items required by Village ordinance and provided in the revised submittal. These include boundary dimensions, adjacent zoning classifications, north side building elevations, landscape maintenance plan, types of soils, location of flood plain and wetlands

information. He noted that there are no trees in the area of construction; trees will be added at the 13 Mile Road frontage. Ashley clarified that there are certain restrictions prohibiting landscaping that would obstruct traffic lines of sight; in addition, trees cannot be planted in an area between the two entrances due to a number of existing utility easements and overhead lines. Ashley pointed out where landscaping will be placed to screen the proposed additions.

Dimensional setbacks for the proposed building addition have been provided on the revised plans. It was noted that the existing gym space will remain as gymnasium space. Ashley mentioned that there was discussion at the last meeting about the overall established grade. The established grade used as reference for the campus has been 6" below the long established finish floor elevation of the existing Upper School. That established grade elevation is approximately 710'-6" and is consistent over the majority of the Upper School site. This submittal uses that grade as reference as was done in 2008 for the Middle School gymnasium site plan review submittal, which was approved by the Planning Board. That grade is shown on the drawings that represent the final submittal for the completion of the athletic master plan.

Building elevations were addressed. A drawing of the north elevation has been submitted. Ashley referred to the 100 foot wall on the north elevation, noting the break in materials and the screening. Material samples were displayed by Architect Tim Casai. The intent is to match existing materials from the original submittal.

Prior to building the proposed expansion of the campus, there is an excess of 226 more parking spaces on the site than required by ordinance. The applicant maintains that the proposed facility use would not create additional traffic or require more parking for the reason that its use would coincide with current school activities or would be conducted during off peak hours from the rest of the campus.

Comments and questions related to the Special Land Use Review were addressed in the Cunningham-Limp letter. Ashley said that detailed engineering drawings to be submitted for review as part of standard procedure will demonstrate that there will not be significant additional impacts on existing public service. Detroit Edison, working with Detroit Country Day School, upgraded the electrical circuit in the area during Middle School Gym construction, which resulted in a long-term benefit to the surrounding community.

Reference was made to a memo from Public Services Director Tom Meszler regarding the design and location of the sanitary sewer installed as part of the new construction. Ashley explained that the sanitary line on-site is a private sanitary lead owned and maintained by Detroit Country Day School. The existing line is concrete pipe, which is not allowed by building code to be located underneath a building. The pipe under the building will be converted to PVC, which meets building code requirements. This sanitary line under the building has been reviewed and approved by the State of Michigan Bureau of Construction Codes in Lansing.

Ashley related that the situation is no different than all of the underground lines below the existing building slabs and is a common institutional application. Further, the structure in which this condition will exist will not have a concrete slab by design, thus providing an easy means of

access for any future work to be performed on the sanitary lead. DCDS acknowledged this condition and the fact that any work to be performed on the sanitary lead is its responsibility.
At the February 24, 2010 Planning Board meeting, a resident voiced concerns with the proposed project. In response, Detroit Country Day School agreed to replace the lights mounted to the building along the west drive. Lower wattage bulbs have already been placed in the light fixtures; they will be replaced as part of the construction project with a fully shielded fixture that will minimize light pollution affecting property owners. Ashley added that the School will host an open house to discuss the project with area residents prior to the start of construction. The purpose of the meeting will be to promote proactive communication between the parties impacted by the project.

Another item raised at the February Planning Board meeting related to the detention system, Ashley affirmed that a detention system complying with Village and County requirements has been provided. Additionally, proposed bioswales will improve water quality. Detailed review of the detention system is part of the engineering review following site plan approval.

In response to an inquiry, Ashley stated that the eastern portion of the Indoor Field House is an attached storage structure for sports equipment. Plans have been reviewed by Public Safety Captain Yanosy and Inspector Robert Fisher. A 20’ wide access road capable of supporting a load of 75,500 pounds has been provided in the updated drawings.

Ashley has received correspondence questioning the schedule of the project. He related that DCDS must secure site plan and special use approval, engineering approval, and State approval from the Bureau of Construction Codes and Bureau of Life Safety. Detroit Country Day is seeking a Planning Board recommendation this evening for approval of the north entrance corridor, upper school gymnasium, and indoor practice facility. Each of these components is a separate capital campaign funding source. The contractor has the drawings about 80% complete for submittal to the State of Michigan for both engineering and architectural drawings. It will assist with the capital campaign to have this package complete and receive approvals. From a construction standpoint, Detroit County Day may not be able to build all three components of this project at once. If projects are approved, they can be constructed when a donor comes forward.

Ashley responded to a memo he received today from area resident Dennis Page of 30470 Lincolnshire East. Dead trees on Lahser Road are not located on School property; Country Day does not own or maintain that property. Items such as installing signage for construction crews regarding noise and hours and coordination with school security staff could be addressed during a study session with adjacent residents. Ashley stated that heavy construction equipment will be staged away from the residences.

Ashley referred to a phone conversation with Board member Westerlund relative to storm water management. A supplemental sheet was submitted showing how storm water is collected and treated within the system.

There have been questions about jurisdiction with respect to an educational facility from the municipal level to the state level. In order for a project to be approved by the State, the applicant

has to provide letters of approval from the local municipality including site plan approval, engineering recommendations, and fire safety recommendations. Ashley compiled material listing various items in sequence that were secured and put in place from the Village's review and after the submittals were made to the State of Michigan for the first phase of the athletic master plan. This ultimately resulted in a Temporary Certificate of Occupancy (TCO), which was granted for the first phase project on December 18 of 2008. Ashley provided the Village with a copy of the School's initial correspondence with the Bureau of Fire Safety and the Construction Code Bureau for the State of Michigan. The project is registered and has a reference number.

There were questions and comments from Board members on topics including additional landscaping on the west property line, parking/traffic analysis, drainage and underground detention system, and the proposed bioswales. There were varying opinions on whether to require a parking/traffic analysis. It was mentioned that there was an excess of parking spaces; new construction will not increase the use of the space nor impact major roads; and the site will be built out after this project. There were members who thought that there was a need for a traffic circulation study given the substantial size of the proposed addition and potential impact on surrounding roads.

It has been indicated that a Temporary Certificate of Occupancy (TCO) was approved in 2008 for the first phase project. Borowski questioned whether there was any expectation of obtaining a permit to build the fitness center. Ashley replied that the TCO was extended by the State of Michigan to May 30, 2010. It was hoped that a donor would come forward and the fitness center would be constructed. After May 30, the TCO will be closed out and converted to a full certificate of occupancy. The fitness center project would have to come back to the Village for site plan approval with drawings compliant with 2006 building codes if funding became available.

Westerlund related that he visited the campus and thought that the proposed improvements would be a good addition to the facility. He asserted that due diligence must be done by the Planning Board in reviewing the plans, particularly since the Village no longer employs a full-time building official to insure that site plan contingencies are implemented. The Planning Board must be satisfied with the drawings that are referred to Council for approval. A further complication is that the drawings go to the State of Michigan following Village approval. Westerlund had a concern about the consistency between the State process compared to the Village's decisions.

Westerlund thought that it was the intent of Detroit Country Day School to build the indoor practice facility as soon as possible. If a site plan expires for a portion of this project, the Village would expect DCDS back before the Planning Board for site plan approval of projects that are left undone.

Westerlund considered the biggest site plan issue to be established grade. He understood the discussion that Detroit Country Day has had with planning staff in the past. The term 'established grade' references the finished floor of the high school. Westerlund stated that the grade is where the exterior ground surface meets the building wall as you are looking at the

relationship of the site to the building. He drew a graphic on the board to illustrate the difference in grade from the entry to the high school to the grade of the indoor practice facility. The intent of the ordinance is that the building height will be a maximum of 30 feet above the established grade of the building. Westerlund thought that the Board should look at the differences in elevation and come to a conclusion as to whether the proposed plan meets the intent of the ordinance.

Westerlund noted that the east or gable end of the field house building faces Lahser Road where it is 40 feet above grade at the end of the structure. The east elevation of that building is going to be the closest portion of the entire campus to a major roadway at 332 feet from Lahser Road. Westerlund offered a suggestion that might help lessen the impact of the gable end of the structure on the community by introducing reverse gables back against the main gable with sloped roofs and better lines to break up the massive gable end. This would reduce the height of the building as it relates to the grade at the east end.

Westerlund referenced requirements for building design criteria in Ordinance Section 22.09 Site Development Requirements noting that the Board has some discretion in these areas. He suggested that the Board address each of the items in terms of building design criteria for reference purposes. The ordinance suggests a minimum 5/12 roof pitch; the plans show a 1.75/12 pitch. Westerlund suggested that the 1.75/12 pitch would be acceptable for the indoor practice facility if there were modifications to the east elevation to minimize the impact of the roof. The ordinance also addresses the delineation of long walls more than 100 feet in terms of breaking them up with architectural features and/or landscaping.

Westerlund thought that improvements to the site are worth considering for the reason that this project encompasses an overall 120,000 sq. ft. addition to a 244,000 square foot building. He is a proponent of adding landscaping within the parking lots, specifically the north parking lot. He also proposed requiring a study to determine how the campus traffic in 2010 affects nearby streets. Westerlund thought that it would be in the Village's best interest to obtain that information so it is available going forward in its decision process.

Westerlund said that he found a number of items that are inconsistent from one sheet of the plans to another. He will provide Ashley with a list of those inconsistencies. He proposed moving forward with this review if the Board can come to a conclusion on items including the established grade, elevation, and discretionary items such as the 5/12 roof pitch and long walls.

Stempien commented that this plan represents a learning institution and not a residential development. He thought that the plan met the intent of the ordinance relative to long walls considering the horizontal banding features using the materials indicated; the architectural features help with the linear aspect of the building. The ordinance requires a 5/12 roof pitch; the plan shows a 1.75/12 pitch with the objective of minimizing the roof by lowering the pitch. The east elevation of the indoor practice field is a long expanse of wall and gable. The function of the building requires a large roof span to accommodate a playing field. Stempien agreed that the drawing should be revised to be consistent. He commented on the difficulty with establishing the grade of the facility so that it meets the intent of the ordinance.

Ordinance Section 22.09 requires a photometric survey to accompany the site plan, which would clarify issues raised by neighbors with respect to lighting around the site. Ostrowski suggested including a note on the site plan indicating the intent to replace light fixtures mounted to the building along the west drive. He would not require a traffic study, but thinks that the School should promote use of the underused parking lots east of the middle school. He understood that trees could not be planted under a utility line, but there may be options for ornamental plants.

Jensen commented on several items raised by the Board. He thought that there were different ways to look at the issue of established grade. The Village established the grade on this site in 1995, and all construction plans that have been submitted since that time have been accepted on that basis. Established grade is typically determined by where the exterior ground surface meets the building wall. This site has a number of grades with 710 feet being an average grade and an acceptable starting point. Jensen thought that this was a good project, and he was prepared to move forward with the revised site plan.

Stempien asked planning consultant Borden to comment on establishment of grade. Borden responded that the Village Ordinance has no definition of what is intended by established grade. Every review letter LSL has done for this site over the past several years addresses building height as a component. There is a difference of opinion in terms of past practice and what has been deemed as established grade.

There were further comments from Board members regarding the roofline and established grade.

Wilson thought that the methodology used by DCDS in establishing these plans is the methodology that has been accepted by the Village for two decades. There may be room to argue with the interpretation; however, changing the methodology in terms of this site plan without changing the ordinance would probably present issues on which the Village could be challenged. Attorney Ryan added that DCDS has acknowledged that the construction is not going to violate the maximum building height of 30 feet allowed by the Ordinance.

Wilson read from a review letter from LSL Planning dated November 13, 2007 in regard to the middle school gym and the fitness center: “The revised elevation drawings indicate that the gymnasium is 30 feet in height along the west elevation from established grade. We would like to note that the south and east elevations exceed 30’ in height from the established grade on their respective sides; however, they are 30 feet or less from the west side established grade. As discussed with the building official, this is consistent with the way the Village has calculated building height, and the project is in compliance with the maximum building height.” The issue of elevation was raised with the middle school gymnasium proposal. There were sections of the gymnasium that did exceed 30 ft. in height with respect to the adjacent grade. At that time, the Village established 710 feet as the grade. The difference in this proposal is the scale.

> Motion by Freedman, second by Abboud, that the Planning Board recommend site plan and special land use approval for the Detroit Country Day School expansion proposal including an Indoor Practice Facility, Upper School Gymnasium, and North Entrance Corridor (Project #08153) contingent on the following: 1) Submission of a photometric plan in compliance with Village lighting requirements; 2) Correction of inconsistencies in

the plans submitted as noted by member Westerlund; and 3) Compliance with the engineering review.

Abboud expressed the opinion that Detroit Country Day School has considered the concerns of area residents.

Westerlund recapped that the Board looked at the long wall and thought that it met the discretionary intent of the ordinance. The proposed 1.75/12 roof pitch meets the intent and the discretion of this Planning Board. He would like consideration given to additional landscaping in the north parking lot. A majority of the Board members were in agreement with adding landscaping to the site plan as a condition of site plan approval.

Borowski did not think that a decision should be made tonight for the reason that the motion was not well structured and did not carefully address the issues raised at this meeting

Westerlund said he would like to see the applicant come back at the next Planning Board meeting and present a completed plan that comes closer to meeting the intent of the ordinance.

Freedman did not amend her motion to require additional landscaping on the basis that the parking lot islands are not in view of the surrounding roadways.

Roll Call Vote:

Borowski	- no
Freedman	- yes
Jensen	- yes
Ostrowski	- yes
Stempien	- yes
Westerlund	- no
Abboud	- yes

Motion passed (5 – 2).

DISCUSS REVISING ZONING MAP TO REFLECT THE CORRECT ZONING FOR THE HUNTLEY SUBDIVISION

Former Planning Board member Robert Bliven brought it to the Board's attention that there was an error on the Village Zoning Map in the area of Huntley Subdivision. He outlined a chronology of events beginning in 1960 regarding development and zoning of that area that resulted in approval of an incorrect 1991 zoning map. Bliven proposed that the zoning map be revised to reflect the correct zoning.

Planning consultant Borden was of the opinion that the Planning Board should not change the zoning map adopted in 1991 to make a correction without going through the rezoning process.

Motion by Westerlund, second by Freedman, that the Planning Board accept the findings of Bob Bliven and review the zoning of Huntley Subdivision at a future meeting.

Motion passed (7 – 0).

PLANNING BOARD COMMENTS
Freedman proposed that it was incumbent on the Planning Board to correct sections of the ordinance that are discovered to be insufficient or out of date.

Borowski stated that Council will hold a public hearing on the Detroit Country Day School construction proposal before it takes action on the request for site plan and special use approval. He urged Council to consider the items discussed by the Planning Board at tonight's meeting so that its resolution is complete and well considered.

Westerlund thought that the onus was on the Planning Board without a building official to make certain that site plans are complete. He reminded everyone that the Annual Memorial Day Parade and Carnival will be held in a few months. Westerlund asked people to contact him if they knew of any neighbors or groups who would like to participate in the parade.

Stempien said he was in opposition to status quo assumptions and antiquated ordinances that need to be reviewed. The Planning Board has to look at how it does business and evaluate proposals that come before them.

Jensen thanked Board members for their work tonight noting that everyone is entitled to their opinions. He agreed that there are problems when ordinances are not updated but part of the reason is budgetary issues.

ADMINISTRATION COMMENTS
None

PUBLIC COMMENTS
Dennis Page of 30470 Lincolnshire East expressed appreciation to Detroit Country Day School for responding to his comments and suggestions. He appreciated the Board's efforts in reviewing the DCDS site plan.

Bob Bliven proposed that Beverly 12 Subdivision be rezoned to the R-2 District at some time in the future when the Board reviews zoning for that area.

John Mooney of 19111 Devonshire was impressed with the effort that the Planning Board put into its review of the DCDS project this evening.

Motion by Borowski, second by Ostrowski, to adjourn the meeting at 9:45 p.m.

Motion passed (7 – 0).

David Jensen, Chair	**Ellen E. Marshall**	**Susan Bernard**
Planning Board	**Village Clerk**	**Recording Secretary**