

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

Absent: Borowski

Also Present: Village Manager, Wilson
Assistant Manager, Marshall
Planning consultants, Borden and Strader

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 Wayne, second by Ostrowski, to approve the agenda as submitted.

Motion passed.

PUBLIC COMMENTS

None

APPROVE MINUTES OF A REGULAR PLANNING BOARD MEETING HELD ON APRIL 28, 2010

Motion by Wayne, second by Ostrowski, that the minutes of a regular Planning Board meeting held on April 28, 2010 be approved as amended.

Motion passed (7 – 0).

DISCUSSION OF SOUTHFIELD ROAD CORRIDOR STUDY – ROBERT GIBBS

Robert Gibbs was present to discuss elements of a Southfield Road corridor plan that will have a role in defining an overlay district in terms of a vision for the area, design, building height, mixed uses, parking, and fire-fighting issues. The purpose of the overlay code is to create a walkable town center for Beverly Hills. Gibbs noted that it could take a generation to accomplish this.

Gibbs reviewed the alternatives for implementing corridor redevelopment. The Board has indicated a preference to consider adopting an optional form based zoning code whereby existing zoning remains intact and developers are given an option to build to new standards. It was understood that this option has to be worthwhile for property owners to take the risk to borrow money and redevelop their properties. Gibbs observed that there are some viable properties within the study area that are doing well as they are; there is also property that is vacant and needs to be redeveloped.

Gibbs related that it was determined in other communities that the tipping point for making redevelopment worthwhile is to more than double the current density that is allowed on the property. He would recommend that LSL meet with property owners to ask them what that tipping point is for them. The Village may find that the incentive is so high that it is counter to the character of Beverly Hills.

Beverly Hills is considered an inner ring bedroom community. In communities such as this, property owners tend to want to build five-story buildings. Developers are willing to build them set back and designed to look like three and a half story buildings. Five stories are preferred for the reason that an elevator is required for a building that is more than one story; the hydraulics of elevators are such that it is just as expensive to build a five-story elevator as it is to build a two-story elevator. Fire suppression systems required in building construction are just as costly for a five-story commercial building as a two-story commercial building. The type of construction is the same for a structure up to five stories tall.

Gibbs remarked that five stories generally works well. It may be the case that a three-story building would work well in Beverly Hills based on its economics. The Planning Board would have to work with LSL and the property owners to determine the tipping point. An incentive to double the density may sound excessive, but that mass can be designed under a form based code to have a fairly residential, small-scale look using roof angles and materials.

Gibbs was asked if there was a recommended occupancy mix of retail, residential, and office use. He responded that, ideally, it would be required that no more than half of the building be commercial office. The first level should be retail use or at least be designed to accommodate retail with high ceilings and glass. If it was required to be designed as a store front, it would not prohibit retail when the economy turns around. A community would require the upper level or upper two levels to be residential if practical. It may not be practical for the reason that it makes the buildings about 25-30% more expensive. Gibbs added that experience has shown that residential units are not as practical as hoped because of the conflicts with business use. What often works better is to have those mixes together with the first level retail look, but to allow the upper level to be all residential or all office. There may be a block of all residential use across the street from a block of office or retail. Gibbs would assist the Village with this level of detail in order to make the right policy decision.

Jensen questioned what it would take for existing property owners to move towards a multi-story building with a different orientation. It seems that there would be a turnover in ownership in order for this to occur.

Gibbs thought that there would be turnover for a lot of the properties. If the Village makes the overlay district an option, it is not taking away people's rights. There is no downside if the form is crafted to meet the values and character that the Village is seeking. It may take a longer period of time to redevelop, but it will happen eventually. With an optional code, the trick is to have a high standard. Make sure that the buildings are constructed out of the materials you like with the proper signage and landscaping.

Jensen informed the Board that the Village was recently presented with a real issue in terms of a property on Southfield Road. Brian Borden from LSL Planning related that he and Manager Chris Wilson had a pre-application meeting with the owner of Taco Bell today. Their plan is to take the current building down in order to redesign and rebuild their restaurant. At a minimum, this provides the Village with an opportunity to talk about site redevelopment in the context of the Southfield corridor plan. It would also present an opening for LSL and the Village to provide the applicant with direction and ideas on building design and materials.

Borden passed around pictures of the design presented to the Village by Taco Bell as well as pictures of different Taco Bell restaurants in other communities. The buildings are constructed of various materials including all brick, a hybrid approach, and EIFS material. It would be beneficial to provide Taco Bell representatives with direction before they submit a proposal, possibly this summer.

Gibbs thought that there were advantages to this submittal. The Board can determine what the private sector can do in terms of their incentive, building flexibility, and their parking standard. This could be the first building in the new town center that precipitates other redevelopment.

Borden mentioned that the Village has solid design guidelines, but they are discretionary. There is phrasing of requirements for high quality, durable materials. If the Village does not think the EIFS composite material system fits its standards, it can require Taco Bell to do something different.

Planning consultant Brad Strader commented on some suggestions that the Village can make regarding the Taco Bell redevelopment plan in terms of the setback, building materials, landscaping, and parking. He recommended rearranging the site to allow the option for additional building in the future. The Village can provide the pros and cons of mandatory versus overlay with incentives. Gibbs added that the Village may find that it will have to modify its existing zoning to include more rigid design standards.

There was discussion of the Taco Bell site. Borden stated that he and Wilson talked about parking options with Taco bell representatives. It was noted that LSL is working on a work plan and cost to update Village parking standards. Strader suggested that the Village may want to keep the ordinance the way it is and put forward reduced parking requirements as an incentive for redevelopment.

Jensen questioned whether the Village would be in a better place if the corridor development plan were incorporated into the Village Master Plan. It was suggested that the Village could start this process while the Taco Bell site redevelopment is in process. Another suggestion was to consider a moratorium on building until the corridor plan is adopted. Gibbs will work with Brian Borden and Chris Wilson on the Taco Bell proposal. Taco Bell will be contacted with some direction from the Village.

Stempien proposed that the Planning Board request better use of building materials, landscaping with irrigation, reduced signage, and reduced parking as an incentive. Borden said that he and Wilson suggested that Taco Bell look into the ordinance provision that allows a shared parking arrangement with another property.

Strader mentioned a couple of options for the Taco Bell site. He suggested building with a 10 ft. setback instead of 35 ft. or constructing a wider building with some outdoor café eating. Strader concurred that this is a good use for the town center. LSL Planning will consult with Robert Gibbs and sketch out a site plan for consideration by the Planning Board and Taco Bell.

Gibbs added that it is probably time that he and LSL lay out the paper plan of where the driveway connections and building frontage should be located so that, as each building is redeveloped, it fills in the plan.

Parking was a topic of discussion. Parking is currency and every stall translates to 250 sq. ft. of building. Gibbs stated that the plan would develop quickly if the Village could build a public parking garage. It would make all of the properties valuable. He commented on ways of doing this without any direct expense to the community. There are federal grants and state Transit-Oriented Development (TOD) grants. There is a way a community could set up a parking district where the property owners tax themselves to pay for the garage. Gibbs said that the corridor plan shows a place for a garage.

The redevelopment plan should be laid out so that it works for surface parking or with structure parking. There is surplus parking on the corridor, and the Village has outdated parking standards. This is why the corridor plan was able to show new buildings. Gibbs recommended that the Village explore the possibility of acquiring a grant to build a two-level parking garage. It would make the property more valuable and precipitate development fairly rapidly.

Jensen commented that the Village would have to acquire commercial pieces to do that. Gibbs responded that the Village could negotiate a favorable term with property owners who realize the value of the garage. Gibbs said that it will be a policy question for the community to decide whether it likes the idea of a small parking garage speeding up development or whether Beverly Hills would rather limit the development to surface parking and have a smaller scale town center.

Wilson asked who would take over the operation of a parking garage after construction. Gibbs responded that, when a structure is built on private property, the private developer obtains grants, builds it, and leases spaces to the city. In some communities, the city owns and operates the structure or hires out a public parking group to handle the management. Public parking almost always generates a considerable amount of revenue because they charge for use on a monthly basis.

Jensen mentioned previous conversations about changing the structure of Southfield Road. Gibbs interjected that the plan to build an extra lane and have on-street parallel parking on Southfield Road was not likely. An alternative would be to have a parallel street or slip street as part of the development to be used for on-street parking. There may be a way for shared parking also.

Gibbs stated that the bigger question has to do with massing and scale size. He would like the Planning Board to explore the idea of a parking garage, which would result in a little more development. Another option would be to decide to let each property owner figure out their own parking. The town center plan could work either way. Gibbs asked that the Planning Board give some thought to whether it would like to pursue seeking a grant for a parking deck. There are grant writers that do this. A two-story deck would handle 25% of the total parking.

Gibbs has asked the Planning Board how it felt about the scale of buildings, appearance and character of the plan, and its decision on whether to pursue an optional versus required master plan.

Wilson reported that the Village's current fire apparatus would allow the public safety department to fight fires on three story buildings. The Department would need additional apparatus to fight a fire at a five story building. Gibbs suggested that a determination be made on this issue. The Village may find out that it is impractical to go higher than three stories.

Board members discussed the style of buildings that would be preferable for the Village town center. Gibbs said that the Village may want to have a direction without a main theme. He suggested that there be restrictions on scale since Beverly Hills is a bedroom community; the town center should have more of a residential feel than an overly commercial look. There should be a consensus on building style.

Gibbs suggested that he and LSL come back before the Planning Board with a visual preference presentation to help the members decide on a preferred style of buildings. This presentation will be made at the June Planning Board meeting.

DISCUSS CORRECTION OF ZONING MAP FOR HUNTLEY SUBDIVISION

Former Planning Board member Bob Bliven has presented the Board with maps and a chronology of events dating back to 1960 to document an oversight that resulted in an error on the Village Zoning Map in the area of Huntley Subdivision. LSL Planning has prepared an analysis addressing potential solutions to this situation.

Background information provided to the Board in a memo from Ellen Marshall dated March 16, 2010 explains that the current zoning map does not accurately reflect the original zoning approvals of the early 1960's. When originally platted, Huntley Subdivision lot numbers were in numerical order clockwise around the entire subdivision. When a swath in the middle of the subdivision was initially developed, the lots were renumbered based on what was built first. When the 1991 map was created, it used the zoning designation that corresponded to the original lot numbers; hence, the checkerboard arrangement of the three districts on the current map.

The Board had considered setting a public hearing on a re-designation of zoning on parcels in Huntley Subdivision to reflect the 1960 Zoning Map in order to correct this oversight. After further review, Borden realized that changing the zoning in this manner would correct a large majority of nonconforming properties, but it would create five or six nonconforming properties where they do not exist today. This concern was discussed with Village Administration and Chairman Jensen.

Borden outlined four options for Board consideration:

1. **Do Nothing.** The current zoning pattern has been in place and used by the Village for nearly 20 years without resulting in many problems. The number of nonconforming lots (25) is relatively low (15%) when compared to the other nonconforming areas that the Village has addressed. While the physical arrangement of zoning boundaries is not desirable, options that create new nonconformities and needlessly change the zoning of established lots in the neighborhood that are conforming may be unnecessary.

2. **Rezone the entire sub to match the 1960s map.** The March 16 memo proposed a remedy of “correcting” the error by simply rezoning to the intended pattern, affecting a complex pattern of parcels with some sort of change on a majority of the lots from the 1991 zoning map. While this would resolve 24 of the current nonconforming parcels (that should have been zoned higher based on the 1960 scheme), it would also create five new nonconforming parcels due to downsizing.

3. **Hybrid of 1991 and 1960.** An alternative to rezoning a number of parcels up or down would be to only rezone those parcels that were under-zoned. For example, if a parcel was supposed to be R-2, but the map error placed them in R-1, they would be rezoned to R-2. The advantages are that this would only affect properties that were under-zoned in error, and it would correct 24 of the 25 nonconforming parcels. Negatives are that there would be a confusing pattern of parcels that are changing, and the result would be a jelly-bean shaped area of R1-A along Pickwick Lane and one parcel of R-1 (#17) at the corner of Pickwick and West Chelton.

4. **Zone to all R-2.** If there is a desire on the part of the Board and residents to correct the nonconforming properties and the fragmented zoning boundaries, an alternative would be to rezone all lots to R-2. This would clear up the boundary, remedy all but one nonconforming lot (#4) and eliminate the need to “down-zone” lots. A quick look at the lot sizes and widths shows that no lots are dimensionally wide and large enough to split into two lots. One negative could be reduced side yard setbacks that may result in home expansions or rebuilds being closer to the lot line than the current pattern.

There was agreement among members that the Board should correct an error that has been brought to their attention. After discussing the alternatives, it was the sense of the Planning Board to pursue option #3, a hybrid approach of 1991 and 1960 zoning. Borden did not think it would require much time for LSL to provide a revised rezoning map. A member of the Board suggested adding a footnote to the revised map to clarify that this zoning change is being made to correct an oversight that resulted in an error on the zoning map in the area of Huntley Subdivision.

Borden will consult with Bob Bliven on reworking the zoning map. The revised zoning map will come before the Planning Board for review at its next meeting before a public hearing date is set.

PLANNING BOARD COMMENTS

Abboud commented that Board members should take a close look at the Southfield Road corridor redevelopment and arrive at a viable and rational plan.

Westerlund suggested that members keep an eye out for developments that visually appeal to them and bring in pictures or photographs in order to create a portfolio of design ideas for the Village Town Center. He expressed concern about the Taco Bell renovation for the reason that it is the first business to be redeveloped since the Board agreed on a corridor plan. The Board needs to take an aggressive approach if it wants to get business owners to buy into the town center plan. He liked the idea suggested by Strader of a building moratorium.

Ostrowski thought that it was imperative that Board members give a good deal of consideration to the character and style of the town center development.

Freedman thought that the Planning Board should think long and hard about incorporating a parking deck if Gibbs believed that it would accelerate the redevelopment process. She would look at a parking deck proposal more favorably if it moved the process along. It is something to think about before the next Planning Board meeting.

ADMINISTRATION COMMENTS

Wilson said that there was discussion at last month's Planning Board meeting about the need to reconsider how the Village handles building plan review. He has contacted the State of Michigan Bureau of Construction Codes in Lansing to inquire about having the state handle building plan reviews. They perform this function for other municipalities in the state, usually on a temporary basis. The plans that come into the Village are shipped to Lansing for review; they ship them back. Their turnaround time for residential plans are 5-7 days and 10-14 days for commercial plans. The plan review fee for a \$500,000 building would be \$650. The Village would have to update its fee structure to match their fees. The Village is responsible for inspections.

Site plans are a zoning issue. Wilson received a proposal from LSL Planning to do site plan and zoning on an hourly basis. LSL would not do construction code review. Wilson has also been contacted by the City of Royal Oak regarding Beverly Hills contracting or partnering with them for plan review and/or inspections. They propose plan review for 100% of plan review fees. They will do inspections for 75% of fees. Royal Oak would require that Beverly Hills match its fee structure to theirs.

Wilson will prepare a formal report for the Planning Board and Council. He noted that any changes in how the Village currently handles building plan review, site plan review or inspections will likely require modifications in its current fee structure.

Wilson remarked that, at some point, Council will have to make a decision on having a full time building official or contracting for that function to a private agency. The current arrangement is only working because there is so little going on in the building department at present. When activity picks up, the Village will probably have to look into another arrangement.

Wilson informed the Planning Board that he received a memo from Public Safety Director Woodard regarding concerns about marijuana based businesses as vacancies in the Village's commercial area occur. Many communities in Michigan are beginning to address medical marijuana businesses in their local zoning codes.

Borden stated that LSL Planning has written several ordinances addressing this issue. The Planning Board asked that the planning consultant and Manager draft changes to zoning ordinance language relative to marijuana based businesses for review at an upcoming meeting.

Abboud mentioned that Michigan may adopt a law that would allow the sale of fireworks in the state. He suggested an ordinance that would limit fireworks businesses in the Village.

PUBLIC COMMENTS

None

Motion by Westerlund, second by Wayne, to adjourn the meeting at 9:11 p.m.

Motion passed.

David Jensen, Chair
Planning Board

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary