

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

Absent: Prew

Also Present: Village Manager, Wilson
Planning consultant, Cramer

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

Motion passed (8 – 0).

PUBLIC COMMENTS

None

APPROVE MINUTES OF A REGULAR PLANNING BOARD MEETING HELD ON MAY 26, 2010

Motion by Wayne, second by Freedman, that the minutes of a regular Planning Board meeting held on May 26, 2010 be approved as submitted.

Motion passed (8 – 0).

CONTINUED DISCUSSION REGARDING THE ZONING MAP FOR THE HUNTLEY SUBDIVISION

At the May 2010 Planning Board meeting, LSL Planning presented an analysis addressing potential solutions to an oversight in 1991 that resulted in an error on the Village Zoning Map in the area of Huntley Subdivision. In review, the current zoning map adopted in 1991 does not accurately reflect the original zoning approvals of the early 1960's. When originally platted, the Huntley Subdivision lot numbers were in numerical order clockwise around the subdivision. When a swath in the middle of the subdivision was developed first, 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 creating a checkerboard arrangement of the three districts on the current 1991 zoning map. The Planning Board reviewed the alternatives outlined in the LSL memo and agreed to pursue option #3, a hybrid approach of 1991 and 1960 zoning.

LSL submitted an updated memo for today's meeting to provide more detail on the chosen option including a table (by lot number) detailing what lots would be rezoned under this proposal and to what degree. Planning consultant Cramer reviewed that the Planning Board did not want to downzone any of the lots from the 1991 map to correct the zoning map. The only designations that would change in the preferred option would be parcels that were under-zoned in the 1991 map when compared to 1960. The only properties that would be affected would be those that were under-zoned in error, correcting 24 of the 25 dimensionally nonconforming lots. This proposal entails rezoning 60 of the 171 lots: 10 to R1-A and 50 to R-2.

Board members discussed the rezoning proposal. Westerlund expressed concern that the side yards were not analyzed to determine nonconformity. The analysis considered lot width and area. He questioned what would be the best course of action.

Bob Bliven stated that the original intent of the 1960 zoning was to establish house size in the area. The 1960 zoning has not been changed by Council; it was his opinion that there is no logical reason for the Planning Board to recommend a zoning change at this time. Bliven remarked that he doubts whether the majority of lots conform in terms of distance between houses.

Cramer commented that the Village has been operating with the 1991 zoning map. He questioned whether there is a need to determine what action or approvals were made using the 1991 zoning map designations. Reinstating the 1960 zoning map would resolve 24 of the current nonconforming parcels, but it would create five new nonconforming parcels due to downsizing.

In response to an inquiry, Bliven said that all of the lots are approximately 100 ft. wide; the density is the same throughout the subdivision. The subdivision was divided into three areas in 1960 to establish size of houses. Reverting back to the 1960 zoning would automatically change the nonconforming lots to be correct; it would create five new nonconforming lots.

Westerlund commented that all the homes in the subdivision were built prior to 1991. He questioned the logic of maintaining the zoning as it was mislabeled in 1991. If side yard setbacks are not going to be looked at to determine nonconforming situations, Westerlund suggested going back to the 1960 designation and not making any changes other than correcting a mapping error. Abboud made the point that residents with nonconforming situations have the flexibility to go before the Zoning Board of Appeals for a variance.

Motion by Westerlund, second by Freedman, that the Planning Board recommend to Council that the Huntley Subdivision zoning map be redrawn to agree with the 1960 zoning map in order to correct a 1991 mapping error.

Roll Call Vote:

Motion passed (8 – 0).

Jensen remarked that a public hearing will not be required because the proposal is to correct a zoning map error in the area of Huntley Subdivision.

SET PUBLIC HEARING DATE TO RECEIVE COMMENTS REGARDING DETROIT COUNTRY DAY SCHOOL'S REQUEST FOR SITE PLAN REVIEW AND SPECIAL LAND USE APPROVAL TO CONSTRUCT A BASEBALL FIELD ON THE 13 MILE ROAD CAMPUS

Detroit Country Day School representatives were present to request Site Plan approval and Special Land Use approval for the construction of a baseball field on the school campus. Plans submitted show the full extent of the work needed to complete the field. Detroit Country Day School has applied for permits with the Michigan State Department of Natural Resources for the described bridge and work in the floodplain. Approval for work in the adjoining City of Southfield parcel of land has been requested from Southfield.

Headmaster Glenn Shilling was present with Eron Kleckner, landscape architect and site consultant. Planning Board members requested clarifications on several items on the site plan. In response to inquiries, Kleckner indicated that the type and condition of the trees on the site are itemized in the tree survey. There is a total of 550 trees on the site; most of the larger trees are in the flood plain area and will remain. There is no lighting proposed for the ball field project.

Borowski questioned why this plan is before the Village for site plan approval. Wilson responded that a school in a residential zoned area is required to submit a site plan for construction such as this.

Ostrowski added that it is a nonresidential use adjacent to residential property. A landscape buffer is required. Site plan elements come into place such as bleachers and an electronic scoreboard. Ostrowski asked that the School provide further detail on the electronic scoreboard. He observed that 364 trees will be removed, and only eight trees are added on the plan. Under a special land use review, the Village can seek additional landscaping.

Jensen commented on the high cost of constructing a ball field in this location. Shilling responded that there is no other location on the campus where the ball field could be situated due to the topography of the site.

Westerlund had questions related to zoning ordinance guidelines for site plan submittal. He suggested that the plan be updated to show all other developments that have taken place on campus and are proposed to be constructed. Westerlund expressed concern with removing a large number of trees to be replaced by only eight trees. The Village has an opportunity with a special land use review to look at the entire site and the way it is used. How the use impacts the neighborhood is a consideration of the Planning Board. Westerlund would like to see more setback dimensions indicating the distance from adjacent property lines to the bleachers and to the fencing for the dugouts. He questioned the capacity of the bleachers; the answer was 55 people each.

Westerlund referred to the location of the pedestrian pathway at the top of the retaining wall. He suggested that consideration be given to a guardrail along the pathway for safety. Kleckner remarked that the retaining wall is only about 3.5 ft. high at that point; the wall is 12 ft. high for a short distance.

Questions from Board members on the retaining wall and condition of the trees were addressed by Kleckner. The architect indicated that there will be a protective fence around the trees during construction. In response to an inquiry from the Board, Shilling offered to accompany Board members who would like to visit the area in question. He asked interested members to call him.

Kenneth and Elaine Horigian-Smith of 30007 Lahser said that they were interested in the proposed plan for a ball field because it is located near their property.

Westerlund asked that emergency access be shown on the plan. He would like information on the bridge construction and how it would look. He inquired about the pathway access to the ball field. The Board was informed that parking for the ball field would be at the middle school lower parking lot.

Motion by Freedman, second by Abboud, to set a Planning Board public hearing for Wednesday, July 28, 2010 at 7:30 p.m. to receive comments regarding Detroit Country Day School's request for site plan review and special land use approval to construct a baseball field on its 13 Mile Road campus.

Motion passed (8 – 0).

ELECTION OF PLANNING BOARD CHAIR AND VICE CHAIR

Annual elections are held for a Planning Board chairperson and vice-chairperson. Jensen opened the floor to nominations for the office of chairperson.

Freedman nominated David Jensen as chairperson of the Board. There were no further nominations. Jensen was re-elected as Board chairperson by acclamation.

Nominations were accepted for the office of vice-chair. Westerlund nominated George Ostrowski as vice-chairperson. There were no further nominations. Ostrowski was re-elected as vice-chairperson by acclamation.

PENDING ORDINANCE REGULATING MEDICAL MARIJUANA BUSINESSES IN BEVERLY HILLS

Jensen received a letter addressed to the Planning Board from resident Robert L. Loesch of 32279 Crossbow, which was read for the benefit of those present. Loesch referred to an Eccentric article indicating that the Planning Board was considering a zoning amendment to allow or regulate the sale of medical marijuana. Loesch suggested that the Village take a harsher stance to prohibit such sales like Birmingham and Bloomfield Hills have done. Jensen asked that a response be sent to Mr. Loesch; Manager Wilson will respond to his letter.

The May 26, 2010 Planning Board meeting minutes state that the 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. Many communities in Michigan are beginning to address medical marijuana businesses in their local zoning codes. It was noted that Board members never indicated whether their intention was to prohibit or regulate medical marijuana in the Village.

Wilson related that Attorney Ryan had referenced a couple of communities that passed a simple ordinance stating that, if an activity violates state or federal law, it is not allowed per the zoning code. Ryan will be researching how the Village might best approach this issue.

Freedman requested that Planning Board members be provided with copies of the Michigan constitutional amendment allowing for the distribution of medical marijuana for review prior to discussion on this issue.

PLANNING BOARD MEMBERS' COMMENTS

Abboud expressed frustration with Council's action on the Detroit Country Day School construction proposal following the Planning Board's review and recommendation for approval of the project. He questioned whether there is a need for better communication between the Planning Board and Council.

Freedman suggested that it would save money if administration would distribute Planning Board meeting information electronically instead of having the packets delivered individually by Village staff.

Borowski commented on activity at the May Planning Board meeting. He thought that there would be a visual preference presentation from Gibbs and LSL at today's meeting to help members decide on a preferred style of building for the Village town center. He also thought there would be a decision or recommendation on a parking deck for the Southfield Road Corridor development. The Board is expecting a report from Administration on how the Village will process site plan and building plan reviews. There will be consideration at a future meeting of zoning ordinance language relative to medical marijuana based businesses in the Village.

Borowski commended Pat Westerlund for doing a great job of organizing the Memorial Day Parade.

Westerlund suggested that the Planning Board should be certain that applicants fulfill all ordinance requirements for site plan submittal so that future site plans recommended to Council are complete without contingencies.

Westerlund proposed that the Board create a list of deliverables with respect to the Southfield Road Corridor study and include items on every agenda until they are finalized. There should be a checklist of pending discussion items. Westerlund expressed the view that medical marijuana is an important issue that the Planning Board should tackle as soon as possible.

Stempien stated that he would like the Planning Board to keep the momentum going on the Southfield Road Corridor plan.

Wayne commented on the discussion regarding the Detroit Country Day School proposal for a ball field. The information requested by the Planning Board this evening will assist in addressing any questions that might arise at the public hearing in July.

Ostrowski thought that the plan presented by Detroit Country Day School for a ball field reinforces the need for the Village to adopt a tree protection ordinance, which would mandate replacement trees. The Village currently requires a trees survey as part of site plan review but does nothing to protect the quality of the environment. Jensen asked if Ostrowski would be willing to bring a sample tree preservation ordinance before the Planning Board for review and discussion.

Ostrowski asked if there was further discussion with Taco Bell representatives relative to their proposed site plan. Wilson responded that the Village has not heard back from the Taco Bell people.

ADMINISTRATION COMMENTS

Wilson highlighted the discussion and action taken at the June 15, 2010 Council meeting relative to the Detroit Country Day School request for site plan approval for construction of a field house, 13 Mile Road campus gym, and north entrance corridor. Following a lengthy discussion on the proposal, Detroit Country Day School representatives requested a motion to table action

on their request because only six members of Council were present. The motion to table failed by a 3-3 vote. A subsequent motion for site plan approval failed for lack of a second.

Wilson spoke to Village Attorney Ryan about the procedure when a motion dies for lack of a second. Based on his conversation with Ryan, Wilson believed that his opinion will be that Detroit Country Day School is due a decision on its request for site plan and special use approval at an upcoming Council meeting. He expects there to be discussion and a vote on the Detroit Country Day proposal at the July 6 Council meeting.

Wilson informed the Board that discussions with the City of Royal Oak regarding handling Village plan review and inspection are ongoing. Royal Oak is dealing with its own staffing issues at this time. Wilson hopes to present a proposal to the Planning Board and Council for service sharing with Royal Oak at a later date.

Westerlund asked if the Village will use the State agency in the interim. Wilson responded that, if a large commercial plan review was received before an arrangement could be made with Royal Oak, the Village would have the opportunity to use Royal Oak staff or the State of Michigan Bureau of Construction Code office on a temporary one-time basis.

PUBLIC COMMENTS

None

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

Motion passed (8 – 0).

David Jensen, Chair
Planning Board

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary