

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

Absent: Stempien and Wayne

Also Present: Village Manager, Wilson
Planning consultant, Robert 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/AMEND AGENDA

Freedman related that she initiated a review of the medical marijuana issue and found that the Michigan Medical Marijuana Act is lacking and calls for clearer legislation. The Oakland County Prosecutor is taking a strict interpretation of the law, which makes it impossible for a commercial medical marijuana dispensary to operate in the county; there is no dispensary operating in Oakland County at this time. Freedman spoke with the Prosecutor today and learned that his office interprets the law such that any licensed caregiver can sell medical marijuana to a maximum of five people who have a prescription; each of those five people can have only four marijuana plants. Freedman believes that it would be difficult to maintain a commercial venture that was limited to serving five people.

Freedman will be contacting State Representative Chuck Moss to ask whether it is the intent of the Legislature to reopen discussion on the State's medical marijuana law in order to provide some direction on how, when or where marijuana can be dispensed. She proposed that it might be premature for the Village to draft a regulatory ordinance before it knows if legislation providing further direction is forthcoming. It was Freedman's suggestion that the Planning Board recommend that Council extend the moratorium and monitor whether the new Legislature takes up this issue.

Freedman will update the Planning Board on this topic when there are new developments to report. She recommends postponing the agenda item to discuss the Michigan Medical Marijuana Act of 2008 to a future meeting.

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

Motion passed (7 – 0).

PUBLIC COMMENTS

None

APPROVE MINUTES OF A REGULAR PLANNING BOARD MEETING HELD ON NOVEMBER 10, 2010

Motion by Ostrowski, second by Abboud, that the minutes of a regular Planning Board meeting held on November 10, 2010 be approved as submitted.

Motion passed (7 – 0).

PUBLIC HEARING TO RECEIVE COMMENTS REGARDING THE CORRECTION OF THE ZONING MAP FOR HUNTLEY SUBDIVISION

Jensen stated that former Planning Board member Robert Bliven brought an error on the Village Zoning Map to the attention of the Planning Board earlier this year. The Planning Board has been addressing potential solutions to an oversight that occurred in 1986 resulting in an error on the Zoning Map in the area of Huntley Subdivision. The Planning Board is holding a public hearing this evening on a correction to the Huntley Subdivision zoning map that involves redrawing the current zoning map to agree with the 1960 zoning map in order to correct a mapping error.

Robert Cramer, planning consultant from LSL Planning, presented slides to explain the zoning map correction for Huntley Subdivision. He showed the current map in comparison with the proposed corrected map, which was approved in 1960 as the zoning for the platted subdivision. The proposed correction is consistent with the Village Master Plan and original zoning approval. Reinstating the 1960 zoning map would resolve 24 of the current nonconforming parcels, but it would create five new nonconforming parcels due to downsizing.

Robert Bliven provided a history of the Huntley area and related how the property was zoned and developed. In 1960, the Village Council adopted the 1960 zoning map for the Huntley area with three zoning districts: R-1, R-1A, and R-2. He added that the property was divided into three areas in 1960 to establish size of houses. Developer Robinson Brothers proposed developing a Plat in the Huntley Area containing 172 lots. In 1961, Mr. Robinson withdrew the original 172 lot subdivision and submitted a plat of 57 lots called Beverly Hills Estates No. 1 using different lot numbers. This was the center portion of the present Huntley Subdivision; it was the only area that had water and sewer available at that time. Subsequently, Beverly Hills Estates No. 2 and No. 3 were approved in 1962 and 1963, with the lot numbers different from the 1960 map.

The revised lot numbers were used in error to produce an incorrect zoning map in 1986 that continued into the present. In review, the current zoning map adopted in 1991 does not accurately reflect the original zoning approvals of the early 1960's. When originally proposed, 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 designations that corresponded to the original lot numbers creating a checkerboard arrangement of the three districts on the current 1991 zoning map. The current Huntley zoning map should be revised to include the 1960 zoning for (Huntley) Beverly Hills Estates Subdivision with the 1961, 1962, and 1963 lot numbers. The proposed Huntley zoning map would correspond with the lot numbers that have been recorded and platted in County records.

Jensen opened the public hearing at 7:50 p.m.

In response to an inquiry from Tom Jablonski of 31302 Churchill, it was explained that the R-1 zoning district requires 100' wide lots and 16,000 sq. ft. of land area; R-1A requires 100' wide lots and 12,000 sq. ft. land area; R-2 zoning requires a 75' lot width and 12,000 sq. ft. of land area. Bliven stated that almost all of the lots in Huntley have 100' frontage except a few on the corner and cul-de-sac.

Gordon Geist of 31312 Pickwick questioned the practical implications of this zoning correction for affected residents. Bliven stated that none of the lot numbers would change. The zoning district will change for some lots, but will be more consistent with existing conditions.

Ostrowski stated that the zoning classification of several homes in Huntley will be downgraded by this zoning correction and will be considered nonconforming. This means that the minimum requirements for either lot size, lot width, or side yard setbacks would change. It was noted that cul-de-sac lots that will be downgraded were always nonconforming. Ostrowski said that there is no real world implication in this action; it is just a map correction.

Tom Jablonski understood that this map correction involves a change in the drawing with no change in the value of the property. Jensen responded that this was correct.

Jensen explained that a homeowner who wants to construct an addition on a nonconforming lot is required to file a request for variance with the Zoning Board of Appeals. Huntley residents would be able to demonstrate a hardship to support their variance request because the Village's action to correct the zoning map resulted in a change in their zoning designation.

Manager Wilson made the point that, from a technical standpoint, this correction will change the current zoning map, but it will not change the 1960 zoning. There was never a zoning change made when the Huntley zoning map was redrawn in 1991. Today's map shows an incorrect zoning designation; the proposed action is to redraw the map to accurately portray the correct zoning.

Mike Ziegele of 18680 Walmer Lane questioned the minimum side yard setbacks in the three zoning districts. He was informed that R-1 zoning requires setbacks of 15' and 20'; R-1A and R-2 districts require minimum side yard setbacks of 12.5' and 17.5 feet. Bliven noted that almost all of the property in Huntley has 30' between the lots with the exception of the cul-de-sac lots.

Another resident asked if the Village will notify the affected residents once the zoning map correction is approved by the Village Council. Wilson responded that all property owners in the area were notified of the public hearing. There will be no further notification.

No one else wished to be heard; therefore, the public hearing was closed at 8:07 p.m.

In response to an inquiry from Abboud, Wilson stated that the corrected map will accurately reflect the plats on file in the Oakland County Assessor's office.

REVIEW AND CONSIDER RECOMMENDATION TO VILLAGE COUNCIL REGARDING HUNTLEY SUBDIVISION ZONING MAP CORRECTION

Motion by Westerlund, second by Borowski, 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.

Motion passed (7 – 0).

PLANNING BOARD MEMBER COMMENTS

None

ADMINISTRATION COMMENTS

None

PUBLIC COMMENTS

None

Motion by Freedman, second by Abboud, to adjourn the meeting at 8:10 p.m.

Motion passed (7 – 0).

David Jensen, Chair
Planning Board

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary