

Present: Chairperson Ostrowski; Vice-Chairperson Westerlund; Members: Borowski, Copeland, Grinnan, Stempien and Wilensky

Absent: Members: Drummond and Ruprich

Also Present: Village Manager, Wilson
Planning Consultant, Borden
Council Liaison, Hrydziusko

Chairperson Ostrowski called the regular Planning Commission meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Wilensky, second by Grinnan, to approve the agenda as published.

Motion passed.

REVIEW AND CONSIDER APPROVAL OF REGULAR PLANNING COMMISSION MINUTES OF MEETING HELD NOVEMBER 28, 2018

On Page 3 under “REVIEW AND CONSIDER RECOMMENDATION ON SPECIAL LAND USE APPROVAL...”, paragraph four begins with; “Grinnan expressed disappointment...”

Grinnan requested it be replaced with “Grinnan expressed disappointment that a redacted copy of the security audit was not provided for review by the Commission. She stated that had the sport court and playground been part of the original submittal, she would have insisted on a full evaluation of alternative locations within the property, and had this site been considered, would likely have rejected it due to the high impact on the closely adjacent neighbors. Had this location been favored by other members, she would have required much more greenbelt screening. She expressed a concern that DCD's actions have deprived the Village of its right to the use of our full process to evaluate alternative sites within the property. These violations are not minor discrepancies but are in fact major deviations.”

Motion by Grinnan, second by Westerlund, to amend minutes of a regular Planning Commission meeting held November 28, 2018.

Motion passed.

Motion by Westerlund, second by Grinnan, to approve minutes of a regular Planning Commission meeting held November 28, 2018 as amended.

Motion passed.

REVIEW AND CONSIDER APPROVAL OF JOINT COUNCIL-PLANNING COMMISSION MINUTES OF MEETING HELD FEBRUARY 13, 2019

Motion by Borowski, second by Copeland, to approve minutes of a joint Council-Planning Commission minutes of a meeting held February 13, 2019.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

ESTABLISH SUBCOMMITTEES FOR REVIEW AND RECOMMENDATION OF ZONING ORDINANCE UPDATES PER COUNCIL MEETING HELD FEBRUARY 19, 2019

At their meeting held February 19, 2019, Village Council directed Planning Commission to establish subcommittees to work in coordination with Administration and the Planning Consultant to review and propose amendments to the Zoning Ordinances.

The deliverable dates will vary; all the subcommittee work will require Commission discussion, public hearing and recommendation, as well as Council review and approval upon holding a public hearing and first and second reading. . The expectation for the subcommittees should be a brief summary of progress at each Planning Commission meeting. The subcommittees should be prepared to present their findings at a future Council meeting.

PUD & Cluster Development: Ruprich/Grinnan

Review inclusion of language for developers of properties concerning removal of “landmark” trees on properties. Review existing cluster ordinance language and make recommendations.

Rezoning Standards: Borowski/Copeland

Review and make recommendation of standards for rezoning and conditional rezoning.

Principal Uses and Special Land Uses in O-Office and B-Business Zone Districts: Westerlund/Wilensky

Review existing uses and make recommendations for modifications.

Off-Street Parking: Drummond/Stempien

Review and make recommendations for parking requirements based upon updates to commercial uses.

REVIEW AND DISCUSS DRAFT LANGUAGE TO ELIMINATE SECTION 22.08.130 WHICH CONFLICTS WITH SECTION 22.08.090

Administration is aware of two sections with conflicting requirements for the minimum distance between buildings on adjacent properties, Sections 22.08.090 and 22.08.130. Upon reviewing the file of the various amendments to the Zoning Ordinance, Section 22.08.090 is the original language in place dictating spacing between residences tied to the minimum setback requirements of the Zone District. Section 22.08.130 was drafted and adopted by Council in response to concerns about spacing between homes during Zoning Ordinance updates that occurred in 2007. There was no reference to the existing language in the discussion recorded in the meeting minutes, therefore Administration is assuming that it was an oversight to create additional language.

In addition, the language in Section 22.08.130 conflicts with setback requirements and effectively imposes greater setback standards than the adopted minimums of 22.24. Furthermore, strict interpretation of the language “...within 15 feet of any structure...” could result in significant nonconformity throughout the Zone Districts identified in that section as our ordinance defines a structure as “Anything constructed or erected, the use of which requires location on the ground or attachments to something having location on the ground.” Section 22.04 Definitions further defines accessory structures and gives examples as children’s playhouse or play equipment. Based on discussion at the meeting when the language was drafted, it does not appear the intent was to prohibit a residence where the abutting property may have a swing set less than 15 feet away, therefore Administration is proposing to eliminate Section 22.08.130 and keep the existing language of 22.08.090 as it meets the needs of protecting public safety and welfare.

The Commission discussed the spacing requirements of R-2B, R-2A and R-3 Zone Districts and whether maintaining the 15 foot spacing between residential buildings was appropriate in the R-2B and R-2A districts. Administration was instructed to draft language per discussion and to schedule a public hearing for the meeting to be held April 24, 2019.

Procedurally, the Planning Commission must hold a public hearing prior to making a recommendation to Village Council. The Village Council must also hold a public hearing, and first and second readings prior to adoption. Upon adoption by Council, the language will take effect 20 days after publication.

A copy of the draft is available for review in the Village office.

REVIEW AND DISCUSS DRAFT LANGUAGE TO MODIFY SECTION 22.08.300 TO REFLECT STATUTORY REQUIREMENTS FOR NOTIFICATION OF PUBLIC HEARINGS AND UPDATE REFERENCES OF “PLANNING BOARD” TO “PLANNING COMMISSION”

Section 22.08.300 Procedures and Standards for Principal Uses Permitted Subject to Special Conditions of Chapter 22 describes the procedure for notification, including the applicable deadlines, for Special Land Use requests. This section of the MZEA was last updated in 2008 and notification deadlines in our ordinance do not match statutory requirements. Administration noted that notifications are being sent in accordance with state regulations, however it is important that ordinance language is correct to ensure clarity and consistency. Additionally, the text should be updated to reflect “Planning Commission”.

The Commission agreed to the proposed changes and instructed Administration to schedule a public hearing for the meeting to be held April 24, 2019.

Procedurally, the Planning Commission must hold a public hearing prior to making a recommendation to Village Council. The Village Council must also hold a public hearing, and first and second readings prior to adoption. Upon adoption by Council, the language will take effect 20 days after publication.

A copy of the draft is available for review in the Village office.

REVIEW AND DISCUSS DRAFT LANGUAGE TO MODIFY SECTIONS 22.04, 22.08.370, 22.14, AND 22.16 TO REFLECT STATUARY LANGUAGE REGULATING ADULT FOSTER CARE AND CHILDCARE FACILITIES

The sections of the Zoning Ordinance that regulate in-home adult foster care and in-home childcare facilities were last updated in 1991. The Michigan Zoning Enabling Act (MZEA) section regulating adult foster care and in-home child care facilities have been updated multiple times since 1991 and Administration has prepared modifications to the language that matches state regulations.

The MZEA Section 125.3206 Residential use of property; adult foster care facilities; family or group child care homes specifically states that "...a state licensed residential facility shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones..." and the exclusion of the adult group home and group child care homes in Single Family Residential Zone Districts is contrary to that provision and must be corrected. The MZEA does allow for group child care homes to be issued a special use permit in a city or village which allows for protections to ensure the operation of such use will not negatively impact character of the surrounding neighborhood.

The MZEA, and subsequently the Village's Zoning Ordinance, combines regulatory language regarding adult foster care facilities and child care homes. There is a need to update various sections of the Zoning Ordinance to properly address the changes to the MZEA. Specifically, Section 22.04, Section 22.08.370, Section 22.14, and Section 22.16 all require updates.

The Commission agreed to the proposed changes and instructed Administration to schedule a public hearing for the meeting to be held April 24, 2019.

Procedurally, the Planning Commission must hold a public hearing prior to making a recommendation to Village Council. The Village Council must also hold a public hearing, and first and second readings prior to adoption. Upon adoption by Council, the language will take effect 20 days after publication.

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PUBLIC COMMENTS

Cynthia Nagel, Kirkshire, supports the proposed ordinance updates.

LIAISON COMMENTS

Hrydziusko reported that no decision was made regarding Detroit Country Day special land use and site plan review; a new document was provided by their attorney and the Council was not given ample time to review the documents provided.

ADMINISTRATION COMMENTS

Wilson reported that per Council, the construction fence requirements need to be updated. Administration continues to work with the developers related to the vacant property on Southfield Road.

COMMISSIONERS COMMENTS

Grinnan reported Beverly Hills was found to be the second safest city in the state according to the National Council for Home Safety and Security.

Motion by Wilensky, second by Copeland, to adjourn the meeting at 8:42 p.m.

Motion passed.

George Ostrowski
Planning Commission
Chairperson

Kristin Rutkowski
Village Clerk

Elizabeth M. Lyons
Recording Secretary