

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, AUGUST 8, 2012**

Item	Page
<p><b>OLD BUSINESS</b></p> <p><b>Preliminary Site Plan Review</b>  <b>820 E. Maple Rd.</b> (postponed from the meeting of July 22, 2012)  <b>All Seasons of Birmingham (formerly Hamilton Funeral Home)</b>  <b>Construction of a five-story/three-story independent senior living residence, including 123 apartments and 8 live/work units</b></p>	2
<p style="padding-left: 40px;"><b>Motion by Mr. DeWeese</b>  <b>Seconded by Mr. Williams to approve the Preliminary Site Plan for 820 E. Maple Rd. subject to the following conditions:</b>  <b>(1) The Planning Board approves a waiver in accordance with Article 3, section 3.08 (F) (1) of the Zoning Ordinance for the proposed front setback along Maple Rd. in order to provide the required sidewalk width;</b>  <b>(2) Applicant provide required easement for portions of public sidewalk on private property;</b>  <b>(3) Applicant provide all required screening and elevations detailing the dimensions of the screen walls, mechanical equipment and the materials and colors proposed for screening at Final Site Plan Review;</b>  <b>(4) Applicant provide building material samples and color selections at Final Site Plan Review; and</b>  <b>(5) The City will provide a plan for use of the alley adjacent to the development at the time of Final Site Plan Review.</b></p>	4
<p><b>Motion carried, 5-1.</b></p>	5
<p><b>PUBLIC HEARING</b></p> <p><b>On-Premises Alcohol Sales</b>  <b>Consider requiring Special Land Use Permit (“SLUP”) for all on-premises alcohol sales</b>  a) To amend Chapter 126, Zoning, Article 2, Section 2.27 B-1 (Neighborhood Business), Section 2.29, B-2 (General Business), Section 2.31, B-2B (General Business), Section 2.33, B-2C (General Business, Section 2.37, B-4 (Business-Residential) and Section 2.39, MX (Mixed Use) to allow alcoholic beverage sales (on premises consumption) in each zone district with a SLUP.  b) To amend Chapter 126, Zoning, Article 3, Table 3.07 Triangle Overlay Land Use Matrix to add alcoholic beverage sales (on premises consumption) as a permitted use with a SLUP in the MU-3, MU-5, and MU-7 zones.  c) To amend Chapter 126, Zoning Article 3, Table 3.07 Triangle Land Use Matrix to allow Bistros with a SLUP in the MU-3, MU-5, and MU-7 zones.</p>	5

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<p>d) To amend Chapter 126, Zoning, Article 6, Section 6.02 (A), Continuance of Non-Conformity, to require existing and new establishments with alcoholic beverage sales (on premises consumption) to obtain a SLUP Permit upon change in ownership or name of establishment, or upon application for a Sign/Design Review and/or Site Plan Review.</p> <p>e) To amend Chapter 126, Zoning, Appendix A, Land Use Matrix to accurately correlate to the permitted uses of each zoning district.</p> <p><b>Motion by Mr. DeWeese</b>  <b>Seconded by Mr. Koseck that the Planning Board recommends approval of the following zoning ordinance amendments to the City Commission;</b></p> <ol style="list-style-type: none"> <li><b>1. To amend Chapter 126, Zoning, Article 2, Section 2.27 B-1 (Neighborhood Business) to allow alcoholic beverage sales (on premises consumption) with a SLUP.</b></li> <li><b>2. To amend Chapter 126, Zoning, Article 2, Section 2.29, B-2 (General Business) to allow alcoholic beverage sales (on premises consumption) with a SLUP.</b></li> <li><b>3. To amend Chapter 126, Zoning, Article 2, Section 2.31, B-2B (General Business) to allow alcoholic beverage sales (on premises consumption) with a SLUP.</b></li> <li><b>4. To amend Chapter 126, Zoning, Article 2, Section 2.33, B-2C (General Business) to allow alcoholic beverage sales (on premises consumption) with a SLUP Permit.</b></li> <li><b>5. To amend Chapter 126, Zoning, Article 2, Section 2.35, B-3 (General Business) to allow alcoholic beverage sales (on premises consumption) with a SLUP.</b></li> <li><b>6. To amend Chapter 126, Zoning, Article 2, Section 2.37, B-4 (Business-Residential) to allow alcoholic beverage sales (on premises consumption) with a SLUP.</b></li> <li><b>7. To amend Chapter 126, Zoning, Article 2, Section 2.39, MX (Mixed Use) to allow alcoholic beverage sales (on premises consumption) with a SLUP.</b></li> <li><b>8. To amend Chapter 126, Zoning, Article 3, Table 3.07 Triangle Overlay Land Use Matrix to add alcoholic beverage sales (on premises consumption) as a permitted use with a SLUP in the MU-3, MU-5, and MU-7 zones.</b></li> <li><b>9. To amend Chapter 126, Zoning Article 3, Table 3.07 Triangle Land Use Matrix to allow bistros with a SLUP in the MU-3, MU-5, and MU-7 zones.</b></li> <li><b>10. To amend Chapter 126, Zoning, Article 6, Section 6.02 (A), Continuance of Non- Conformity, to require existing and new establishments with alcoholic beverage sales (on premises consumption) to obtain a SLUP upon change in ownership or name of establishment, or upon application for a Sign/Design Review and/or Site Plan Review.</b></li> <li><b>11. To amend Chapter 126, Zoning, Appendix A, Land Use Matrix to</b></li> </ol>	<p>7</p>

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accurately correlate to the permitted uses of each zoning district.	
<b>Motion carried, 6-0.</b>	8
<b>STUDY SESSION</b> <b>Alleys and Passages Plan</b>	8
<p><b>Motion by Mr. DeWeese</b>  <b>Seconded by Ms. Lazar to set a public hearing for September 12, 2012 at the Planning Board for the Activating Urban Space: A Strategy for Alleys and Passages plan and proposed Overlay Zoning District regulations to amend Chapter 126, Zoning of the Birmingham City Code to amend Article 3, Overlay Districts, to add sections 3.13 – 3.16 (via activation overlay district) to establish regulations for public and private alleys and passages in the City, and to amend Article 9, section 9.02 (definitions) to amend the definition for alleys and passages and to add definitions for active vias, connecting vias, destination vias and vias.</b></p>	9
<b>Motion carried, 5-0.</b>	9

APPROVED

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**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, AUGUST 8, 2012  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held August 8, 2012. Chairman Robin Boyle convened the meeting at 7:30 p.m.

**Present:** Chairman Robin Boyle; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Kate Leary

**Absent:** Scott Clein

**Administration:** Matthew Baka, Planning Specialist  
Robert Bruner, Jr., City Manager  
Timothy Currier, City Attorney  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**08-126-12**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING  
HELD JULY 25, 2012**

Ms. Whipple-Boyce:

Page 3 - Second paragraph, strike "13."  
Strike "leaving it to the discretion of" and replace with "burdening."

Mr. DeWeese:

Page 5 - Strike "and" from the last line of the motion.

**Motion by Mr. DeWeese**

**Seconded by Ms. Lazar to approve the Minutes of the Regular Planning Board Meeting of July 25, 2012 with the changes.**

**Motion carried, 6-0.**

**VOICE VOTE**

Yeas: DeWeese, Lazar, Boyle, Koseck, Whipple-Boyce, Williams

Nays: None

Absent: Clein

08-127-12

**CHAIRPERSON'S COMMENTS**

The chairman noted this will be a blended meeting with a variety of activities which include a public hearing, site plan review, and a study session.

08-128-12

**APPROVAL OF THE AGENDA** (no changes)

08-129-12

**OLD BUSINESS**

**Preliminary Site Plan Review**

**820 E. Maple Rd.** (postponed from the meeting of July 22, 2012)

**All Seasons of Birmingham (formerly Hamilton Funeral Home)**

**Construction of a five-story/three-story independent senior living residence, including 123 apartments and 8 live/work units**

Ms. Ecker advised the subject site has a total land area of 1.84 acres. It is located on the southeast corner of E. Maple Rd. and Elm St. in the Triangle District. The applicant is proposing to demolish the existing buildings and surface parking lot to construct a 150,449 sq .ft., five-story building along E. Maple, with a three-story section on the southern portion of the property. The building will provide independent senior living units, including 123 multiple family dwelling units, and 8 live/work units along E. Maple Rd. Parking will be provided at grade behind and/or under the building. The applicant was required to prepare a Community Impact Study ("CIS") in accordance with Article 7, section 7.27 (E) of the Zoning Ordinance, as they are proposing a new building containing more than 20,000 sq. ft. of gross floor area.

On July 11, 2012, the Planning Board accepted the CIS for this project and reviewed the Preliminary Site Plan. Based on the number of outstanding details needed for the Preliminary Site Plan, the Planning Board requested that the applicant revise their plans and come back for additional review on August 8, 2012.

Ms. Ecker advised that the applicant has revised the proposed plans based on the comments of the Planning Board and has provided additional information as requested. At the July 11, 2012 Planning Board meeting, several board members suggested that the applicant consider changing the interior layout of the building by moving the common areas to the front of the building to enhance the interaction of residents with street life. The applicant has not proposed any significant changes to the interior layout of the building at this time.

The Maple Rd. façade is 300 ft. in length and thus six entry doors are required, and one must be within 25 ft. of the corner of the building. One entrance on the Maple Rd.

frontage must be inset 3 ft. **Accordingly, the applicant will be required to provide one pedestrian entrance that is inset 3 ft. from the front building wall or obtain a variance from the Board of Zoning Appeals (“BZA”).** This evening the applicant is prepared to address that with a plan that recesses the entrance.

At the last hearing the Planning Board postponed this review with 15 conditions. Ms. Ecker discussed how the applicant has now complied with those conditions.

Mr. Williams addressed the alley located on the southwest portion of the site. People feel free to use the alley for parking. Ms. Ecker noted it is a public alley and everyone has the right to use it. As to insuring for emergency access to the property, the Engineering Dept. will evaluate the alley and determine what type of signage is needed.

Mr. DeWeese requested that the City come back with some resolution for the alley as part of the Final Site Plan Review.

Mr. Mark Highlen with Maple Elm Development Co., the applicant, described how they have created a wider fire truck turning radius so that parking on Elm St. will not have to be removed.

Mr. Mark Abernatha with Alexander Bogaerts Architects mentioned that 84 will be the median age group of the residents. They will be looking for green space and that is why the project’s common areas have been designed to view to the east rather than the street. He passed along a plan showing the recess of 3 ft. that is required for the entrance at the northwest corner of Maple Rd. and Elm.

Mr. Williams expressed his appreciation for the extent to which the applicant has met with adjoining property owners and come to mutual understandings on most of the issues.

Mr. Abernatha, in response to an inquiry from Ms. Lazar, described that each living unit monitors its heat and A/C by an interior thermostat on the wall. The exterior noise is very minimal. Ms. Lazar was concerned that the live/work units will be a problem in terms of use and perhaps additional parking needs. Mr. Abernatha hoped they will attract people 55 and older who are attorneys, artists, accountants, and financial planners who would like to still work. He thinks those units are a plus for the project.

Mr. Koseck said he cannot be convinced that live/work tenants would want to run their business by appointment. There must be ways to manipulate the building so the lobby and public spaces can be accessed from the street. Currently the corner entrance from Maple Rd. enters into a vestibule rather than a lobby. Further, the eight live/work units have their bedroom 7 ft. from a public sidewalk where people are walking. Probably the blinds will always be drawn. He does not feel this project really connects to the fabric of the community.

Ms. Whipple-Boyce also was disappointed that the board hasn't seen some of the suggestions from the last meeting about moving the common space to the Maple Rd. side. Also, she feels strongly that there needs to be an entrance on the front of the building, and not on the corner as it is proposed to be used. She doesn't see a real intent to have the working factor on the Maple Rd. side and isn't comfortable with that.

Mr. DeWeese agreed it would be better if the plan was flipped around and the entrance was on the front; however he was willing to go with the current plan.

Chairman Boyle opened up the discussion to members of the public at 8:16 p.m.

Ms. Ecker summarized two letters that came in from adjacent property owners with concerns regarding parking, traffic, and circulation.

Mr. Rick Rattner, Attorney, 380 N. Old Woodward Ave., spoke on behalf of Kelly Crossing at 219 Elm: 1) He noted the alley is the only entrance to parking areas of certain surrounding buildings. When people park on the south side of the alley they block the parkers from coming out; 2) They would like construction traffic to come off of Maple Rd. for initial demolition, then off of Elm St. after that is closed up; 3) Applicant should designate on-site parking spots for a particular purpose; and 4) Limit or discourage traffic in the alley so that it is of minimal disturbance to the people around it. Also, Mr. Rattner asked the planners to take a good look at the fact that in the development of this area parking structures should be placed right at the front of the list. He thanked the developer for taking the time to meet with them.

**Motion by Mr. DeWeese**

**Seconded by Mr. Williams to approve the Preliminary Site Plan for 820 E. Maple Rd. subject to the following conditions:**

- (1) The Planning Board approves a waiver in accordance with Article 3, section 3.08 (F) (1) of the Zoning Ordinance for the proposed front setback along Maple Rd. in order to provide the required sidewalk width;**
- (2) Applicant provide required easement for portions of public sidewalk on private property;**
- (3) Applicant provide all required screening and elevations detailing the dimensions of the screen walls, mechanical equipment and the materials and colors proposed for screening at Final Site Plan Review;**
- (4) Applicant provide building material samples and color selections at Final Site Plan Review; and**
- (5) The City will provide a plan for use of the alley adjacent to the development at the time of Final Site Plan Review.**

Mr. Williams thought it would be helpful to have a discussion on the use of the alley and the parking issues. Chairman Boyle said the City needs to recognize that this area is changing and move accordingly. He is convinced that the City and the staff will be able to monitor this correctly and will be conscious of the problems that may arise. The owner will have to deal with parking on their site. Mr. Williams and Mr. DeWeese

agreed this project is not exactly what they would like to see in terms of the entrance off of Maple Rd. and the placement of public spaces but it meets all of the requirements of the Code. Ms. Whipple-Boyce hoped the applicant might consider some of the things that have been discussed about the layout of the building and bring them forward at Final Site Plan Review.

Ms. Lazar agreed in principal with this project because it is much needed. However, she still has some serious concerns that she doesn't think can be re-visited during Final Site Plan Review, so she will not support the project at it stands.

There were no final comments from members of the public at 8:40 p.m.

Chairman Boyle said this project may not satisfy what everyone wants, but it will allow 130 senior individuals to remain in the City and use its facilities.

**Motion carried, 5-1.**

**ROLLCALL VOTE**

Yeas: DeWeese, Williams, Boyle, Koseck, Whipple-Boyce

Nays: Lazar

Absent: Clein

**08-130-12**

**PUBLIC HEARING**

**On-Premises Alcohol Sales**

**Consider requiring Special Land Use Permit ("SLUP") for all on-premises alcohol sales**

- a) To amend Chapter 126, Zoning, Article 2, Section 2.27 B-1 (Neighborhood Business), Section 2.29, B-2 (General Business), Section 2.31, B-2B (General Business), Section 2.33, B-2C (General Business, Section 2.37, B-4 (Business-Residential) and Section 2.39, MX (Mixed Use) to allow alcoholic beverage sales (on premises consumption) in each zone district with a SLUP.
- b) To amend Chapter 126, Zoning, Article 3, Table 3.07 Triangle Overlay Land Use Matrix to add alcoholic beverage sales (on premises consumption) as a permitted use with a SLUP in the MU-3, MU-5, and MU-7 zones.
- c) To amend Chapter 126, Zoning Article 3, Table 3.07 Triangle Land Use Matrix to allow Bistros with a SLUP in the MU-3, MU-5, and MU-7 zones.
- d) To amend Chapter 126, Zoning, Article 6, Section 6.02 (A), Continuation of Non-Conformity, to require existing and new establishments with alcoholic beverage sales (on premises consumption) to obtain a SLUP Permit upon change in ownership or name of establishment, or upon application for a Sign/Design Review and/or Site Plan Review.
- e) To amend Chapter 126, Zoning, Appendix A, Land Use Matrix to accurately correlate to the permitted uses of each zoning district.

Chairman Boyle opened the public hearing at 8:41 p.m.



Mr. Baka advised that effective July 1, 2012 the Michigan Liquor Control Commission (“MLCC”) changed the procedure for submitting applications to the City Commission, and obtaining approvals for the licenses. Approval from local units of government is required only for the issuance of new licenses under MCL 436.1501. This means that 18 types of “On Premises Transactions” no longer require local legislative body approval, which includes both the transfer of location and ownership of a variety of “On-Premises” licenses and permits. As a result of these changes, the City no longer has the option of amending Chapter 10 of the City Code to require a contract similar to those required for bistros. A Zoning Ordinance amendment is the only option left that can give the City control over the location and operation of liquor licenses in the City. The most appropriate tool for retaining the level of oversight desired by the City is the SLUP.

Mr. Baka recalled that on July 11, 2012, the Planning Board discussed making swift amendments to the Birmingham Zoning Ordinance aimed at addressing new changes in the MLCC regulations and processes. As a result, the Planning Board voted unanimously to set a public hearing date for August 8, 2012 to consider such amendments. In keeping with standard practice, the Planning Board directed staff to conduct a study session discussion on this topic at the July 25, 2012 Planning Board meeting during which the details of the State changes were discussed. At that meeting Zoning Ordinance amendments aimed at preserving City control over the location and operation of liquor licenses was presented. The proposed amendments would require that any new or existing liquor license holders would be required to obtain a SLUP, and thus City Commission approval, in order to change ownership or their name and in the event that an establishment seeks to obtain Design, Sign or Site Plan Review approval.

Mr. Currier explained the process now will be the same as the bistros go through. Mr. DeWeese clarified that good operators who have shown that they know how to handle this kind of business should have no fears. Mr. Currier added the conditions put upon them would probably be no more onerous than what they are currently doing. With respect to those operators where there have been problems, the SLUP and contract give the City tools to deal with behavior other than non-renewal of their license or revocation. It allows some interim steps to try and modify behavior rather than shut the business down. Currently, the vast majority of operators are model citizens.

Discussion brought out that a change in sign lighting would require a sign review which would then trigger a SLUP. Slight alterations to seating for outdoor dining may only require administrative approval. But, if an establishment does not have outdoor dining and wishes to add it, that would require site plan review, and then in turn a SLUP.

Mr. Williams thought if a sign change is permitted within existing ordinances it should not trigger such an expensive process. Mr. Bruner explained the intent is to not be onerous; however a request for an alteration to the name on the sign outside could disclose that a major change is occurring to the business format inside. Mr. Williams noted he is not happy about it, but understands what the City is trying to achieve. It was explained that staff will look at a proposed sign and determine if it can be

administratively approved. If there is any question, the proposal will be brought to the board.

The chairman invited comments from the public at 9:15 p.m.

Ms. Dorothy Conrad, 2252 Yorkshire, received clarification from Mr. Currier that the wording of Chapter 10 will be changed to say that any and all Liquor License transfers must be approved by the City Commission, including transfers within the City, transfers coming in from outside the City, and transfers of ownership.

Chairman Boyle noted this has implications for the work of this board as distinct from the work of the City. Procedures need to be put into place to ensure that the Planning board is not asked to take on non-planning related factors such as questions of impropriety or possible police actions.

**Motion by Mr. DeWeese**

**Seconded by Mr. Koseck that the Planning Board recommends approval of the following zoning ordinance amendments to the City Commission;**

- 1. To amend Chapter 126, Zoning, Article 2, Section 2.27 B-1 (Neighborhood Business) to allow alcoholic beverage sales (on premises consumption) with a SLUP.**
- 2. To amend Chapter 126, Zoning, Article 2, Section 2.29, B-2 (General Business) to allow alcoholic beverage sales (on premises consumption) with a SLUP.**
- 3. To amend Chapter 126, Zoning, Article 2, Section 2.31, B-2B (General Business) to allow alcoholic beverage sales (on premises consumption) with a SLUP.**
- 4. To amend Chapter 126, Zoning, Article 2, Section 2.33, B-2C (General Business) to allow alcoholic beverage sales (on premises consumption) with a SLUP Permit.**
- 5. To amend Chapter 126, Zoning, Article 2, Section 2.35, B-3 (General Business) to allow alcoholic beverage sales (on premises consumption) with a SLUP.**
- 6. To amend Chapter 126, Zoning, Article 2, Section 2.37, B-4 (Business-Residential) to allow alcoholic beverage sales (on premises consumption) with a SLUP.**
- 7. To amend Chapter 126, Zoning, Article 2, Section 2.39, MX (Mixed Use) to allow alcoholic beverage sales (on premises consumption) with a SLUP.**
- 8. To amend Chapter 126, Zoning, Article 3, Table 3.07 Triangle Overlay Land Use Matrix to add alcoholic beverage sales (on premises consumption) as a permitted use with a SLUP in the MU-3, MU-5, and MU-7 zones.**
- 9. To amend Chapter 126, Zoning Article 3, Table 3.07 Triangle Land Use Matrix to allow bistros with a SLUP in the MU-3, MU-5, and MU-7 zones.**
- 10. To amend Chapter 126, Zoning, Article 6, Section 6.02 (A), Continuance of Non-Conformity, to require existing and new establishments with alcoholic beverage sales (on premises consumption) to obtain a SLUP upon change in ownership or name of establishment, or upon application for a Sign/Design Review and/or Site Plan Review.**
- 11. To amend Chapter 126, Zoning, Appendix A, Land Use Matrix to accurately correlate to the permitted uses of each zoning district.**

**Motion carried, 6-0.**

VOICE VOTE

Yeas: DeWeese, Koseck, Boyle, Lazar, Whipple-Boyce, Williams

Nays: None

Absent: Clein

Chairman Boyle closed the public hearing at 9:25 p.m.

**08-131-12**

## **STUDY SESSION**

### **Alleys and Passages Plan**

Ms Ecker recapped prior discussions. The 2016 Plan identified the alleys behind commercial buildings as underutilized assets within the City. The 2016 Plan recognizes the service value of the alleys as an essential function of the downtown area and states the importance of the need for that function. However, it also identifies certain alleys as pedestrian passages as they are more pedestrian oriented and used only lightly for service functions. These “passages” are considered untapped resources that can generate interest and uniqueness in the downtown. The 2016 Plan recommends the enhancement of passages to improve routes for pedestrians.

Ms. Ecker advised that on May 9, 2012, the Planning Board reviewed the existing alleys and passages in the City and determined which ones should be included within the proposed Overlay District, and discussed the classifications under the Overlay for existing alleys and passages in the City.

On June 18, 2012, the Planning Board and the City Commission reviewed the draft plan, and was pleased with the concepts and presentation.

On August 2, 2012, the draft *Activating Urban Space: A Strategy for Alleys & Passages* plan and proposed Overlay Zoning District regulations were reviewed by the Principal Shopping District (“PSD”). The plan and regulations were well-received. One specific comment from several PSD board members was that requiring rear entrances to vias for all storefronts may not be reasonable, particularly when back of house operations are located in the rear (such as kitchens for restaurant etc.). Thus, several members recommended changing the proposed ordinance language from mandatory rear entrances to encouraging rear entrances and reviewing each on a case-by-case basis.

Accordingly, board members reviewed the final draft of the plan and draft ordinance language to create a Via Activation Overlay District. In addition to the guidelines and ordinance language, the Planning Division also completed an inventory analysis of all existing vias located within the proposed Overlay District.

Ms. Ecker presented to the board a comprehensive package which includes the Plan and the ordinance language with maps that classify each of the alleys and passages, as well as an Overlay District map to include only those alleys in the Downtown Overlay, the Triangle, or the Rail District. Further, an inventory of all of the alleys and passages within those areas has been completed.

Chairman Boyle thought it would be appropriate to notify the Principal Shopping District ("PSD") of the public hearing. Ms. Ecker agreed to send a notification to Mr. John Heiney and ask that he distribute it to all of the PSD members.

**Motion by Mr. DeWeese**

**Seconded by Ms. Lazar to set a public hearing for September 12, 2012 at the Planning Board for the Activating Urban Space: A Strategy for Alleys and Passages plan and proposed Overlay Zoning District regulations to amend Chapter 126, Zoning of the Birmingham City Code to amend Article 3, Overlay Districts, to add sections 3.13 – 3.16 (via activation overlay district) to establish regulations for public and private alleys and passages in the City, and to amend Article 9, section 9.02 (definitions) to amend the definition for alleys and passages and to add definitions for active vias, connecting vias, destination vias and vias.**

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: DeWeese, Lazar, Boyle, Koseck, Whipple-Boyce

Nays: None

Absent: Clein, Williams

**08-132-12**

**STUDY SESSION**

**S. Woodward Ave. Gateway Corridor Plan**

Mr. Baka advised the Planning Division has revised and issued the RFP for the Woodward Corridor plan with the submittal deadline of August 17th at 4 p.m. Based on the feedback received at the joint City Commission/Planning Board meeting of June 28th, 2012 the RFP was revised to eliminate references to multi-modal planning and re-prioritized the scope of work to increase the emphasis on parking solutions. Copies of the responses will be given to everybody at the next meeting and the board can decide how they want to review them.

**08-133-12**

**MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

Mr. Chet Gilmat, 1675 Norfolk, spoke about a land island in front of his house that needs attention. A maintained open green space is the choice of those neighbors who view the island, but a hosta garden is proposed by the neighborhood association. It was determined that the City is the owner of that property.

Mr. Chris Just, 1680 Norfolk, reported that the 20 ft. x 20 ft. island consists of mounds of dirt and weeds. Ms. Ecker advised this concern will be passed along to the Dept. of Public Services requesting that the island be maintained.

**08-134-12**

## **MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

a. Communications (none)

b. Administrative Approvals

- 588 S. Old Woodward Ave, Phoenicia – Proposal for outdoor seating and the following furnishings:
  - 5 qty. square table tops w/aluminum bases;
  - 10 qty. chairs;
  - 3 qty. custom planters;
  - 2 qty. free-standing umbrellas; and
  - 1 qty. trash receptacle.
- 555 Woodward Ave., T-Mobile Modernization – T Mobile is proposing to remove six existing antennas and replace them with nine new antennas on the existing building; remove and replace one equipment cabinet on the rooftop.

Ms. Ecker discussed an informal request for administrative approval. The Mobil Gas Station at Woodward Ave. and Oak wants to keep their pole sign, but it is not visible because of the trees that surround it. Therefore they are requesting to cut down five trees, two on their property and three in the right-of-way, in exchange for planting one new flowering pear tree along Woodward Ave. and 10 new pine trees along N. Old Woodward Ave.; adding two shrub beds in the right-of-way along Woodward Ave.; and adding bermed plantings at the top corner of the City right-of-way. The new trees will be 3 in. caliper. Another request is to switch their price board to digital, same size, so that it can be programmed from inside.

Mr. Williams thought the new trees would be a good trade-off for the property owners because they would block some of the views. Mr. DeWeese agreed that the sign cannot be seen from the road and other board members thought it is a hardship for this business owner who has gone above and beyond what was required of him. Mr. Koseck wanted to see the plan before agreeing to it; however a quorum was in favor of allowing administrative approval.

Draft Agenda for the Regular Planning Board Meeting on August 22, 2012

- Dunkin Donuts;
- S. Woodward Corridor RFP;
- Overhaul of the regulated uses.

c. Other Business

Mr. DeWeese inquired about the status of Walgreen's. Ms. Ecker reported they received SLUP approval from the City Commission for their drive-thru. They are trying to cut down the cost of the project. Building plans have now been submitted.

Ms. Ecker observed that the former Blackword site owners are trying to finish the last piece of financing.

Mr. Koseck asked if Birmingham is doing anything to find ways to connect to the Transit Center in Troy. Ms. Ecker replied that a lot of different options are currently being considered.

Ms. Ecker announced that the Multi-Modal Steering Committee has picked their preferred consultant and the City Commission will interview them on August 27.

**08-135-12**

**PLANNING DIVISION ACTION ITEMS**

- a. Staff report on previous requests (none)
- b. Additional items from tonight's meeting (none)

**08-136-12**

**ADJOURNMENT**

No further matters being evident, the Planning Board motioned to adjourn at 10:05 p.m.

Jana Ecker  
Planning Director