

**CITY OF BIRMINGHAM  
 PLANNING BOARD ACTION ITEMS  
 OF WEDNESDAY, SEPTEMBER 11, 2013**

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<b>Motion carried, 7-0.</b>	<b>7</b>

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**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, SEPTEMBER 11, 2013  
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 September 11, 2013. Chairman Robin Boyle convened the meeting at 7:30 p.m.

**Present:** Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams

**Absent:** Student Representative Arshon Afrakhteh

**Administration:** Matthew Baka, Sr. Planner  
Jana Ecker, Planning Director  
Paul O'Meara, City Engineer  
Carole Salutes, Recording Secretary

**09-154-13**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING  
HELD AUGUST 28, 2013**

**Motion by Ms. Whipple-Boyce  
Seconded by Mr. DeWeese to accept the Minutes of the Regular Planning Board  
Meeting of August 28, 2013 as submitted.**

**Motion carried, 7-0.**

**VOICE VOTE**

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

Nays: None

Absent: None

**09-155-13**

**CHAIRPERSON'S COMMENTS**

**09-156-13**

**APPROVAL OF THE AGENDA**

**Motion by Mr. Williams**

**Seconded by Mr. Clein to reschedule the public hearing on Glazing Standards to September 25, 2013.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Absent: None

**09-157-13**

**PUBLIC HEARING** (continued from the meeting of July 10, 2013)

**To consider recommending adoption of the *Multi-Modal Transportation Plan to the City Commission***

Ms. Ecker introduced the topic. Tonight is a continuation of the public hearing of July 10, 2013 on this subject. Many residents came to the hearing and expressed their concerns over various issues, along with support for the plan. The most contentious issues were regarding the potential removal of traffic signals at W. Maple and Lake Park, and Adams and Derby. After hearing all of the public comment on the signals, the consensus of the Planning Board was to encourage maintaining the traffic signals at these two locations.

The Planning Board continued the public hearing on the Multi-Modal Plan to September 11, 2013 to provide time for the consultants to further revise the draft plan based on the comments of both the Planning Board and members of the public.

On September 9, 2013 the Multi-Modal Steering Committee reviewed the latest draft of the Multi-Modal Plan. Mr. Clein is the representative of the Steering Committee and has worked with City staff and the consultant to come up with a few changes.

***After obtaining a recommendation of the Planning Board, the Multi-Modal Plan will also be presented to the City Commission at a formal public hearing to be considered for adoption.***

Ms. Ecker advised that N. Eton and Lincoln are scheduled for reconstruction in 2014. The Engineering Dept. has brought the designs for those roads to the Multi-Modal Steering Committee for them to look at what is being proposed. Also, an open house will be held on September 16 for the public to look at the design elements of those two roads based on the Plan, just as if the Plan was in place. Mr. O'Meara verified they notified everyone along the corridor and everyone within 300 ft. of the corridor, along with neighborhood association presidents.

Mr. Norm Cox, Greenway Collaborative, presented a PowerPoint that covered and explained changes that have been made to the draft Multi-Modal Master Plan since the July 10 public hearing:

- Added an Executive Summary
- Revised and expanded the Intersection Improvements Section
- Appendix updates
- Added a Glossary of Terms
- Added a brief introduction to the Multi-Modal Network section
- New Multi-Modal Network Introduction which talks about balancing the needs of diverse users and how the plan applies to different types of streets

In response to an inquiry from Mr. Williams, Mr. Cox specified there three different viable alternatives for the intersection of Maple/Lake Park. An engineering study will determine which alternative would happen there:

- Non-Road Diet where the road remains at four lanes. Improvements would be to add a cross-walk, work with the pedestrian signals, shorten the signal time, and add detection that responds to the cars that are there.
- Signalized Road Diet which is a four to three lane conversion with the signal remaining. This adds a median for pedestrians, a cross-walk, count-down timers, signal length adjustment, flashing at the off-hours, detection for motor vehicles.
- Three lane road where the signal is removed and it adds a stop control from the intersecting street, median crossing island with rectangular rapid flash beacons for pedestrians, and a crosswalk.

Mr. O'Meara said a new Steering Committee will be formed relatively soon after the Multi-Modal Plan is approved. One of the first things the Committee would study is the four to three lane conversion on W. Maple as this project is scheduled for 2015.

Mr. DeWeese noted things change and the Plan has provided suggestions and recommendations but not prescriptions of how things will happen.

The board discussed the statement that was added to the Plan to the effect there should be a complete sidewalk network across the City. Ms. Ecker explained how that would be implemented. In a fully built-out residential neighborhood the sidewalks would not go in until there is a plan to re-do the entire street. In a commercial district sidewalks are added on a site-by-site basis as they come through the site plan process. There is a statement in the Plan that states, "In general, sidewalks should be installed by developers." Mr. O'Meara added that new sidewalks are assessed to the properties getting the sidewalk.

In response to a question from Ms. Lazar, Mr. Cox said the crash rate goes down as there are more people bicycling and walking. That is because people expect to see them in the road and they become part of the traffic pattern. Further, as the differential speed between a bicycle and a car reduces, crashes are less severe.

Mr. Clein, as spokesperson from the Steering Committee, reported on their September 9th meeting. They heard comments specifically related to Lincoln and N. Eton. They also heard concerns about the intent of the document.

Mr. Clein advised that the Committee realized there was a little more needed to express the idea that there are different types of streets in the community, and that they have an over-riding concern for pedestrians and cyclists. However, those concerns will have to be weighed in each case based on the overall context of the roadway. So the intent of the added page Section 3.1 was to help frame that. If a road falls into a particular category, it will be taken in one direction; whereas a different type of roadway requires a different sensibility.

Chairman Boyle reiterated the fact that this is a Master Plan that is trying to take into account what is happening all the time and tries to accommodate multiple users and multiple ways in which the street is used. It helps to have some clear suggestions. Some of them are specific recommendations; others offer alternatives. He went on to thank all the members of the Steering Committee who have taken their time to contribute to this important document.

At 8:30 p.m. the chairman opened up the meeting to members of the public who wished to comment.

Mr. Frank Ferfecki, 192 E. Lincoln, expressed his support for the Plan and hopes it will move forward.

**Motion by Mr. DeWeese  
Seconded by Mr. Clein that the Planning Board recommends adoption of the  
*Multi-Modal Transportation Plan* to the City Commission with the additional  
changes and modifications given tonight.**

**Motion carried, 7-0.**

ROLLCALL VOTE

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

Nays: None

Absent: None

Chairman Boyle thanked the consultant for their help.

The public hearing closed at 8:35 p.m.

**STUDY SESSION**  
**Transitional Zoning**

Mr. Baka recalled that over the course of several Planning Board study sessions, the Planning Dept. has presented maps identifying potential transition areas and overlay ordinance language that could be applied to those areas. The maps have been revised and refined to reflect the input of the Planning Board. Depending on the conditions present at each site, the overlay provides five distinct zones that vary in permitted height, bulk, and use. The maps for each area were last discussed in detail at the August 28, 2013 Planning Board meeting. In accordance with that discussion, each map now reflects the recommendation of the Planning Board where consensus was achieved.

First, it was suggested at the last Planning Board meeting that the ordinance language be revised to allow for a further increase in density at the Adams Square site and the strip of commercial parcels at the southwest corner of Quarton and Woodward Ave. The language has been included that would permit five stories along the frontage line but require the building height to step down to three stories as it approaches the residential properties. This MU-5 Zone resembles the Triangle Zone but maxes out at five floors. There is a 6,000 sq. ft. limit to a commercial use.

Second, the parcel located at the southeast corner of Lincoln and Adams has been added to the overlay at the request of the property owner.

Third, the vacant parcel at the west of the P Zone at Woodward Ave. and Quarton has been added to the recommendation of MU-5.

In addition to the changes made to the maps, the Planning Board has been provided with information that they requested to assist with specific decisions related to height and lot depth. A comparison of the lot depth of the R-8 District along W. Brown St. to the depth of the parcels along Oakland between Woodward Ave. and Ferndale was given.

A massing model provided by LSL Planning demonstrated a massing comparison of the proposed height of the ASF-3 Zone and the existing R-2 Single-Family Residential that it would be abutting as to what the maximum build-out would look like west and east down Oakland across Woodward Ave.

Mr. Williams wanted to see a drawing that shows the entire area developed. Ms. Ecker assured Mr. Koseck that 9 ft. ceilings would be possible to achieve.

Mr. Clein was bothered by the addition of the second non-single family residential building in that neighborhood. Discussion concluded the parcels on both sides of Park

should be treated the same in terms of the buffer zone between them and the residential properties to the north, ASF-3 with a 10 ft. rear setback. The two parcels will have to front on Oakland. Ideally, it would be nice to have more density right at the corner through setbacks or frontage requirements. The City Attorney may need to become involved with the language on this matter.

Mr. Williams noted objections from residents in the neighborhood that MU-5 is too high for the Adams Square site. The question is whether two stories at the border of residential would be better for the neighboring residential properties, still permitting five stories along Adams. Ms. Ecker noted in reality there will probably be parking in the back. Chairman Boyle explained this is the largest single property in the City and was previously consistent with what the Board wanted to do in the Triangle District. Now the market has changed, the tenants have changed, the condition has deteriorated, and here is an opportunity to seek a better and higher use of the site. Ms. Ecker stated that with MU-3 zoning, such as across Adams, a developer can go from three to an extra two floors with certain concessions. After a great deal of discussion Chairman Boyle summarized that the board is moving toward an MU-3 designation for this site.

In response to a question from Ms. Lazar, Ms. Ecker said if the Adams Square parcel is added into the Triangle District and then the Corridor Improvement Authority, it would assist in funding a parking structure in the district if the property was redeveloped. Also, if it is brought into the Triangle District it opens up the opportunity for a Bistro License at this site, which the Coney there has wanted for years.

Mr. Baka indicated they have proposed rezoning the property at Quarton and Woodward to MU-5, and within 100 ft. of the residential parcels they would be forced to step down to three stories. That would allow five stories right at the corner. Mr. Koseck did not think there is enough room to go up five stories. Further discussion concluded that for consistency, MU-3 zoning should be proposed with a 15 ft. separation requirement from residential.

Chairman Boyle thought the parcels on the west side of Southfield and Fourteen Mile present the opportunity for a small neighborhood center that would be of value to the area as a whole. After deliberation, the Chairman encouraged staff to change this to MU-2 zoning.

Mr. Baka pointed out another change from the last meeting. The board said that the area between Adams Square and Lincoln on the east side of Adams should be changed to MU-2. The parcel on the south side of Lincoln was added as well.

Based on discussion last time, on Purdy and Daines staff included the first residentially zoned property with MU-2 to line it up with the P Zone district.

Ms. Whipple-Boyce thought it would be a good idea to change the zoning from R-5 to ASF-2 along Fourteen Mile from Pierce to the Comerica Bank driveway. Development

would be the same height, but closer to the street. Board members thought that would work.

Ms. Ecker summarized the discussion:

**Ordinance**

- With any MU or ASF-3 increase the rear setback to 15 ft. from 10 ft.;
- Update the illustrations.

**Mapping**

- 404 Park and Oakland: Talk to the City Attorney for language that may require them to front on Oakland to deal with the two lots and get them to deal with the big one on Oakland.
- Adams Square: Go down to MU-3 with no step-down;
- Quarton and Woodward: Change from MU-5 to MU-3 and extend into the right-of-way, no step down;
- Southfield and Fourteen Mile Rd.: Change the whole block to MU-2, including public property;
- Pierce and Fourteen Mile Rd.: Include the property on the north side of Fourteen Mile Rd. east of Grant all the way to where Comerica starts.

**Motion by Mr. DeWeese**

**Seconded by Mr. Williams to set a public hearing on the Transition Area Maps and Zoning Classifications for October 9, 2013.**

The chairman invited comments from members of the public at 9:45 p.m.

Mr. David Underdown, 437 Southfield, said he is partial owner of property on Eton north of Maple Rd. that is zoned B-1. He asked that his property be included in MU-3 zoning. He was hopeful that would allow more uses. Mr. Koseck thought he could do other things that would bring his property more into conformance and improve its marketability. After deliberation, board members thought that MU-3 zoning makes perfect sense. Ms. Ecker agreed to include this parcel as MU-3 at the public hearing and a decision can always be made at that time.

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Absent: None



09-159-13

## **STUDY SESSION**

### **Application requirements for food and drink establishments with on-premises liquor consumption**

Ms. Ecker recalled at the August 28, 2013 Planning Board meeting, several members expressed a desire for more detailed application requirements for Special Land Use Permit ("SLUP") applications for food and drink establishments with on-premises liquor consumption, similar to the detailed application requirements in place for bistro applications.

In addition to considering using similar application requirements to those required for bistro applications, other possible information that the Planning Board would like to require and review for new food and drink establishments with on-premises liquor consumption may include:

- Name of applicant(s), licensee(s), co-licensee(s) and managing partner(s);
- Name and location of existing establishment(s) owned or operated by any of the parties;
- Experience and track record with the City and the LCC of all parties;
- Existing use, existing floor plan and proposed floor plan of space to be utilized as food and drink establishment; and
- Summary of proposed menu items.

As these are not Zoning Ordinance amendments, the Planning Board does not have jurisdiction to conduct a public hearing on the matter, but may wish to recommend proposed amendments for review and formal public hearing at the City Commission level.

Mr. DeWeese said he was in favor of adding these requirements to the Code, consistent with requirements for bistros.

Mr. Williams wanted the city attorney to address what legal limitations the City has under Michigan law on usage of the information. Ask staff to take this to Mr. Currier and include both the bistro and licensed food and drink establishments and bring it back for another meeting.

09-160-13

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

Ms. Mary Lye, 1233 Shipman, talked about the numerous power outages on her property and ten other homes ranging from six hours to over three days. Ms. Ecker replied the concern is with DTE and they can be difficult to deal with. She does not know what the City can do. Mr. Clein suggested that she talk with someone on the City Commission and/or Engineering Dept. to find out if they know of any contact she can

make outside of the normal channels. Mr. DeWeese said she could contact *Call for Action* and that might exert pressure.

**09-161-13**

## **MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

- a. Communications (none)
- b. Administrative Approvals
  - 180 Pierce, Townhouse Kitchen and Bar – Remove and replace existing kitchen fan with new one.
  - 550 W. Merrill St., Birmingham Office Building – Change from white brick to decorative burnished block on wall under building at parking deck area. Grand Blanc Block, “Greystone White.”
  - 474 N. Old Woodward Ave., Market Bistro
    - 1) Install denim art banner at portico;
    - 2) Install copper canopy at entrance with 1 in. x 6 in. “Market” sign, copper.
- c. Draft Agenda for the Regular Planning Board Meeting on September 25, 2013
  - Public hearing on glazing;
  - SLUP request by Eton Academy to expand for office space;
  - SLUP Amendment by Crush to modify building footprint and enclose the east terrace facing Woodward Ave.;
  - Rezoning Application for E. Frank that includes the vacant parcel, the Frank St. Bakery parcel, and the home on the corner.
- d. Other Business (none)

**09-162-13**

## **PLANNING DIVISION ACTION ITEMS**

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

**09-163-13**

**ADJOURNMENT**

No further business being evident, the chairman adjourned the meeting at 10:25 p.m.

Jana Ecker  
Planning Director

APPROVED