
**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, APRIL 11, 2012**

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Motion carried, 7-0.	6

APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 11, 2012
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held April 11, 2012. 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;
Student Representative Kate Leary

Absent: None

Administration: Matthew Baka, Planning Specialist
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary
Sue Weckerle, City Planner

04-62-12

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD MARCH 28, 2012**

Motion by Mr. Williams

Seconded by Mr. DeWeese to approve the Minutes of the Regular Planning Board Meeting of March 28, 2012 as presented.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

04-63-12

CHAIRPERSON'S COMMENTS

Chairman Boyle announced that Ms. Weckerle will be leaving shortly and there will be a temporary replacement for her.

04-64-12

APPROVAL OF THE AGENDA

The first two study sessions will be taken in reverse order.

04-65-12

STUDY SESSION

Alleys and Passages Draft Overlay Ordinance

Ms. Ecker explained that the 2016 Plan recognizes the service value of the alleys behind commercial buildings as an essential function of the downtown area. However, it also identifies certain alleys as pedestrian passages as they are used only lightly for service functions. These passages are considered untapped resources that can generate interest and uniqueness in the downtown.

The recommendations contained in Circulation 5 of the 2016 Plan state that pedestrian passages should be held to higher standards, similar to sidewalks, given their pedestrian function. Over the past few years several properties have come through the site plan or design review process and have been approved for alley and passage improvements.

Ms. Ecker advised that based on the recommendations of the 2016 Plan and study sessions conducted over the past several years, the Planning Board established an Alley and Passages Committee. Further, the City contracted with the architectural firms of Ron and Roman as well as Krieger/Klatt to create conceptual plans and design standards for these areas. These conceptual plans will then be used to provide guidance to developers, staff and the various City boards when reviews are performed.

On February 8, 2012, the Planning Board reviewed the design concepts prepared by the consultants. It was decided that the Planning Division could prepare a complete document on existing alleys and passages with recommendations for design guidelines for improvement so that they develop into unique and attractive urban spaces.

On March 14, 2012, the Planning Board reviewed a draft alley plan prepared in house entitled Activating Urban Space: A Strategy for Alleys & Passages. Board members approved of the direction and layout of the plan, and it was agreed that the Planning Division would proceed to draft ordinance language to implement the plan. The board recommended including private vias in the draft ordinance, as well as less developed connecting paths.

On April 4, 2012, the Planning Division presented the draft Activating Urban Space: A Strategy for Alleys & Passages to Design Review Board members and Historic District Commission members during the Design Review Board meeting. Concerns were raised about increasing development costs for property owners; but overall, board and

commission members were supportive of the plan and believe that these improvements will enhance the downtown.

Ms. Ecker discussed a revised draft of Activating Urban Space: A Strategy for Alleys & Passages (with only very minor changes) and draft ordinance language to implement this plan.

Proposed changes to the plan were discussed. Mr. DeWeese said there needs to be some terminology that addresses the addition of new vias.

Ms. Ecker explained this ordinance will come into play if the use within a building is expanded by more than 50%. Board members scratched “new” from in front of “use” in the ordinance. It was noted that initially this ordinance will not pertain to residential areas. However, Ms. Ecker recommended that it apply in all vias within commercial areas. There will be a map attached to the ordinance that indicates where it applies. Also, Sign Ordinance amendments are needed.

Mr. Williams thought guidance should be received from the City Commission as to what process they want to follow particularly at the Planning Board level in terms of notifications. Perhaps neighborhood associations that would be affected should receive notifications. Ms. Ecker agreed to pass those comments along to the city manager. She has already reached out to the Principal Shopping District (“PSD”) director with the plan so that he can pass it along to all of the business owners.

Mr. DeWeese thought that initially the Ordinance might just include the three Overlay Districts, Downtown, Triangle, and Rail. Mr. Baka commented this ordinance might not be mandatory in other districts, but people could be allowed the opportunity to make improvements to the rear of their building in accordance with it. In that case, Mr. DeWeese said a fourth category may be needed which is non-mandatory and allows people to make changes even if the Code does not allow it. Chairman Boyle thought that would be a valuable discussion at a public hearing.

Mr. Koseck cautioned to be aware that the biggest sign doesn’t end up on the back side of the building.

Ms. Whipple-Boyce thought it should be made clear that private furnishings can be used only in private areas. Also it was decided to change “required” to “encouraged” in the case of planting Boston ivy on the sides of buildings. Also, add a phrase that encourages softening with greenery.

Ms. Whipple-Boyce wanted more options to consider other than just the “V” identification for vias. Mr. Clein did not want to see a preponderance of City regulatory signs in the vias. Chairman Boyle reported there is a self-regulating movement now to shift away from all such signage, and he wanted to explore that going forward.

Ms. Lazar received confirmation that most of the residential alleys are public.

There was consensus to add a fourth classification to the ordinance that includes some areas that are outside of the three overlays, but not residential. It can be made optional for residential. Further, consideration of this ordinance will be brought back at a future study session.

04-66-12

STUDY SESSION

Request for Proposals for Complete Streets Master Plan

Ms. Weckerle discussed the draft Request for Proposals (“RFP”) to retain a qualified consultant to develop a comprehensive City-wide Multi-Modal Transportation Master Plan. The RFP has been drafted and reviewed by the Planning and Engineering Departments. The document reflects the comments and input from Planning Board members provided at the March 14, 2012 meeting, as well as additional input from the city manager.

The feedback from the city manager and Engineering Dept. was that it is their preference to produce a document that makes site-site-specific recommendations and includes design guidelines.

Planning Board input included the following key points:

- Ensure clear internal coordination/management process
- Be comprehensive (include alleys and trail network)
- Employ cutting-edge/best practices
- Consider cost, but prioritize quality of consultant
- Portion of deliverable should focus on process and identify roles and procedures
- Focus on implementation, not justification/rationale for effort
- Understand underlying traffic issues/dynamics

Staff requests the Planning Board’s feedback on the format and contents of the current draft document.

Ms. Weckerle advised that a Steering Committee will be assembled to oversee the process. Mr. Williams said he would like to see the more significant committees in Birmingham represented on the Steering Committee. The process that the City wants to follow in implementing Complete Streets should be decided as much as possible in advance. Mr. DeWeese added that the Steering Committee process should be created prior to issuing the RFP. Mr. Williams observed that knowledge of the costs is critical for internal purposes. Secondly, the responders need to be given some idea of what the realistic budget is.

Mr. Clein commented on items that need to be clarified:

- Under “Data Gathering,” what do the following mean?
 - “Inventory of existing conditions for all modes”
 - “Local travel and commute patterns”

- “Attachment C – Intersection Analysis, make sure the language is specific or eliminate the attachment. Traffic counts will be obsolete in a few months. Limit the amount of pure traffic engineering as much as possible.
- Phase 3, Programmatic, policy and/or code changes:
 - (a) Should include the target motorized vehicular travel.
 - Include “What is the target for acceptable level of vehicular service.”

Mr. Koseck thought there should be a place for respondents to describe their philosophical approach along with their vision. Also, clarify who will be receiving the applications.

Mr. DeWeese said he would like the RFP to contain a mission, the vision, the goals, and policies to achieve those. Implementation recommendations are needed along with guidelines to follow. Also, some measurement of whether the project has been successful should be included.

Ms. Lazar thought there should be some emphasis on crosswalks in the proposal, particularly where there are no lights.

There were no comments from the audience at 8:45 p.m.

04-67-12

STUDY SESSION

Zoning Ordinance Updates

Mr. Baka advised that recent inquires to the Community Development Department have brought conflicting aspects of the Zoning Ordinance to staff’s attention. At the March 28th Planning Board meeting two issues were brought forward for discussion. At that Time, the board directed the Planning Division to research any additional inconsistencies and bring them forward as well. Accordingly, the Planning staff has begun identifying additional conflicts. Generally, these conflicts fall into two categories. The first are inconsistencies within the current ordinance that can be corrected by simply modifying the text in specific areas. The second category includes conflicts that appear to be changes that occurred when the Zoning Ordinance was reformatted in 2005 by Ground Rules Inc. This report focuses on five conflicts that fall into the first category.

Auto Sales Agency and Auto Showroom – These two categories are listed separately in the Zoning Ordinance. When considering the nature of each use it would seem that they are intrinsically linked and should perhaps be combined. Additionally, no zones list both as permitted uses. This could be construed as meaning that while an agency may be allowed to sell cars as a permitted use, they cannot have a showroom. Also, the land use matrix is not consistent with the two page layouts. The matrix lists the use as requiring a SLUP in B-2b and

B-2c and permitted in B-2, B-3 and B-4. In the two page layouts only B-2 requires a SLUP. In the other zones the uses are listed as a permitted use. Consensus was to regulate places that have large amounts of vehicles on-site. Auto sales agency or showroom should require a SLUP.

Shoe store and Shoe repair – Zones B-1, B-2, B-2b, B-2c and B-4 list shoe repair as a permitted use. Zone B-3 lists shoe store as a permitted use. The MX District lists Shoe store/Shoe repair as a permitted use. In the land use matrix only Shoe repair is listed and it is permitted in all the zones listed above. The board's direction was to combine Shoe store/Shoe repair.

Regulated uses in the B-4 zone – In the B-4 zone regulated uses are listed under uses requiring a SLUP. In every other zone which permits regulated uses they are listed as requiring City Commission approval but not a SLUP. Also, the land use matrix does not indicate that regulated uses are permitted in B-4 in any fashion. It was agreed to make the regulated uses in B-4 consistent with the other zones. (It was noted this is an issue that the board may need to review further.) In addition, Article 05, section 5.12 of the Use Specific Standards that apply in B-4 does not include the language on regulated uses that section 5.10 does for B-2, B-2b, and B-2c. Subsection M of section 5.10 should possibly be added to 5.12. The decision was to make the Use Specific Standards all consistent.

Parking structure in the MX district – In the MX district, parking structure is listed under Accessory permitted uses and uses requiring a SLUP. It may be more explicit to add “not accessory to the principal use” under the SLUP category. Board members agreed.

Fence as an accessory permitted use – The Zoning Ordinance lists “fence” as an accessory permitted use in all zones with the exception of O-1, O-2 and B-3. In section 4.10 - 4.12 of Article 04, Development Standards, there are regulations governing the construction and placement of fences in all zones. The Planning Division would like to raise the question of whether or not fence should be considered a “use”. If not, staff suggests that it be eliminated from each two-page layout and the land use matrix. The board's decision was to strike “fence” as an accessory permitted use because it is inconsistent to call it a use. Fences will continue to be regulated by the existing development regulations in Article 4.

The Planning Division will present some of the more complex issues at future meetings.

Motion by Mr. DeWeese

Seconded by Mr. Clein to set a public hearing on May 9 to consider the above inconsistencies.

Motion carried, 7-0.

VOICE VOTE

Yeas: DeWeese, Clein, Boyle, Koseck, Lazar, Whipple-Boyce, Williams
Nays: None
Absent: None

04-68-12

STUDY SESSION
Update on Alternatives Analysis
(Woodward Corridor)

Ms. Ecker reported that the five communities involved in initial Transit Oriented Development (“TOD”) planning for the Central Woodward Corridor (Birmingham, Berkley, Royal Oak, Ferndale and Huntington Woods), became aware of an opportunity for federal funding to study the extension of mass transit north of the City of Detroit’s former light rail project which concluded at Eight Mile Rd. The five communities came together in a separate initiative in the summer of 2011 to apply for funding to study a future extension into southern Oakland County. The City of Pleasant Ridge was also consulted, and they joined this effort. In addition, the Michigan Department of Transportation (“MDOT”), the Southeast Michigan Council of Governments (“SEMCOG”), the Woodward Ave. Action Association (“WA3”), the Michigan Suburbs Alliance (“MSA”), the City of Detroit, Wayne State University (“WSU”) and numerous other transit agencies, educational institutions and major employers along the corridor were consulted and participated in the application process.

The City of Birmingham adopted a formal resolution in support of this initiative. Due to the nature of the grant, SEMCOG was listed in their capacity as the municipal planning organization for the metro-Detroit region as the official applicant for the federal grant funds to conduct the study, called an Alternatives Analysis (“AA”).

In October 2011, the federal government awarded \$2,000,000 in grant funds to SEMCOG as the fiduciary of the six communities to conduct the Central Woodward Corridor Alternatives Analysis (“CWC AA”) study, involving the Woodward corridor from Eight Mile Rd. to Fifteen Mile Rd. A Steering Committee comprised of local government officials from the Cities of Berkley, Birmingham, Ferndale, Huntington Woods, Pleasant Ridge and Royal Oak and representatives of MDOT was formed to guide the work under this grant. A local match of \$500,000 is required to obtain access to the federal grant funds. A subcommittee of the Steering Committee has been approaching multiple foundations for funding requests to assist in providing the required matching funds. A commitment of \$225,000 has already been received from MDOT. It is anticipated that each community will be asked to provide between \$10,000 and \$20,000 in matching funds over the two year AA process to assist in meeting the match requirements and to solidify each community’s commitment and support.

The work conducted under this grant must follow a specific process established by the Federal Transit Administration (“FTA”) for conducting a Transit Alternatives Analysis

("AA"). The AA process results in a final report that pulls together all of the technical information deemed relevant to the selection of the preferred alternative. This final report serves as a vehicle for decision making.

Upon circulation of a final study report and a public hearing process, a local decision is made by the communities and MDOT on the preferred alternative. Steps are then taken toward preliminary adoption of a financing plan for the preferred alternative's capital and operating costs.

The AA is a necessary first step for a project to become eligible for FTA implementation funds under the "New Starts" or "Small Starts" program in the future. Completion of an AA does not guarantee the project will receive funding in the future, but a project cannot become eligible for these federal funds without an AA.

In December 2011, Governor Snyder announced that the light rail line that was proposed from the Detroit River to Eight Mile Rd. on Woodward Ave. was too costly, and would not proceed. The governor indicated a desire to focus on Bus Rapid Transit ("BRT"), which is faster to implement and more economical to operate, and could be implemented across the metro Detroit region. As a result of this decision, the Steering Committee for the Central Woodward AA voted to request that the FTA extend the scope of the AA to include the entire Woodward Corridor, from Detroit to Pontiac. The FTA approved this request, and the communities of Detroit, Highland Park, Bloomfield Hills, Bloomfield Township, and Pontiac were invited to join the Steering Committee. Earlier this year a press release was issued regarding the expansion of the AA scope. At this time, the Steering Committee is in the process of working with SEMCOG and MDOT to hire a consultant to conduct the AA for the entire 27 mile Woodward Corridor. On February 14, 2012, a Request for Proposals ("RFP") was issued seeking qualified consultants.

As the grant is being administered by SEMCOG, the SEMCOG consultant procurement process is being used to evaluate proposals and hire a consultant to help conduct the alternatives analysis. In response to the RFP, three proposals were received by the March 14, 2012 deadline.

At the end of March, a Review Committee was established including SEMCOG officials, an MDOT official, and a Steering Committee member. This Review Committee reviewed the proposals and selected the top candidate(s). This recommendation will be provided to the various SEMCOG committees that will review this matter throughout April. Formal selection of a consultant is expected in late April, with the goal to issue a Notice to Proceed in early May 2012.

Chairman Boyle thanked Ms. Ecker for her update.

04-69-12

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (no one spoke)

04-70-12

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications

- A letter was received from a business owner with regard to parking requirements for furniture stores. Ms. Lazar recused herself from discussion of this topic because she is a landlord to a furniture store. Mr. DeWeese indicated that every furniture store he has observed has relatively few cars. Therefore, it may need to be re-classified so that the minimum parking requirement drops significantly. The board's decision was for staff to find other businesses where parking requirements may be too high and bring this forward at a future meeting.
- Ms. Whipple-Boyce expressed her surprise that the doors to access the space inside the drive-through at the Mobil Station don't blend in with the windows.
- Ms. Whipple-Boyce went on to speak about the Joint Library Building Committee that she serves on. They are starting to lay out how to engage with the community and would like to know from the Planning Board if there are any specific things that would be important to include in some of the public discussions. The idea is to have town hall or charette type meetings. Also, they want to gather ideas from small focus groups in different specific demographics.

Ms. Ecker advised that the Planning Dept. has expressed that the 2016 Plan stresses the re-opening of the Martin St. entrance.

Mr. Koseck stressed that libraries have changed a lot. They are very different than what exists today.

Ms. Whipple-Boyce asked board members to e-mail their suggestions to her.

b. Administrative Approvals

- 250 Woodland Villa Ct. – Request for rear and side yard fence approval.
- 346 Park St. – Replace falling retaining wall; repair existing paver walk; and replace broken railing.
- 300 Willits – Replace existing door and glass above with six additional panes of glass and supporting hardware.

- 36101 Woodward Ave., Mobil/Tim Horton's – Itemized list of changes.
- 835 Haynes, Fred Lavery Porsche – Revised design for overhead vehicle display light at vehicle display ramp - LED fixtures w/recessed diodes.
- 420 E. Frank St. – To place seven tables w/ 28 chairs outside on private property under overhang for outdoor seating.
- 101 St. Andrews – Addition of a carport to the existing parking lot and masonry screenwall.
- 126 S. Old Woodward Ave., outdoor seating – Itemized list of changes.

Ms. Ecker noted that the proprietor of Social Kitchen, the new bistro on Maple Rd., has sent a letter advising that they had always planned to have outdoor speakers as a part of their SLUP. He wants to know if that could be administratively approved. The consensus was that it could be approved if they stay within the City Ordinance that regulates noise levels.

Ms. Lazar expressed her concern that all of the **other** outdoor bistros may want to have outside audio. Chairman Boyle thought that if a problem emerges it can be dealt with on an individual basis. With Social Kitchen there is no immediate residential impact.

Related to that on another matter, Social Kitchen has removed the City's pedestrian lights in the passage and they propose their own lighting. However, the Engineering Dept. is concerned that they should put those City lights back. Ms. Ecker recalled the original approval from the Planning Board and City Commission included removal of the City lights. Board members thought the original approval should be upheld.

- c. Draft Agenda for the Regular Planning Board Meeting on April 25, 2012
 - Public hearing on Medical Office and Jewelry Store issue;
 - SLUP Amendment for Luxe Bar and Grill for an outdoor dining area expansion.

04-71-12

PLANNING DIVISION ACTION ITEMS

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

04-72-12

ADJOURNMENT

No further matters being evident, the Planning Board motioned to adjourn at 9:35 p.m.

Jana Ecker
Planning Director

APPROVED