

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, JUNE 13, 2012**

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**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JUNE 13, 2012
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held June 13, 2012. Chairman Robin Boyle convened the meeting at 7:34 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Janelle Whipple-Boyce,

Absent: Board Members Bert Koseck, Gillian Lazar, Bryan Williams; Student Representative Kate Leary

Administration: Timothy Currier, City Attorney
Jana Ecker, Planning Director
Paul O'Meara, City Engineer
Carole Salutes, Recording Secretary

06-95-12

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD May 9, 2012**

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to approve the Minutes of the Regular Planning Board Meeting of May 9, 2012 as presented.

Motion carried, 4-0.

VOICE VOTE

Yeas: DeWeese, Whipple-Boyce, Boyle, Clein

Nays: None

Absent: Koseck, Williams, Lazar

06-96-12

CHAIRPERSON'S COMMENTS

The study session items for this evening have both been heard previously by the Planning Board.

06-97-12

APPROVAL OF THE AGENDA

The applicant for All Seasons has postponed their application this evening because only four board members are present.

06-98-12

STUDY SESSION

**Setback for Rear Yard Utilities Zoning Ordinance Amendment
Request by Engineering Dept. for rear yard setbacks where utilities are present**

Mr. O'Meara reported on information he has assembled in response to discussion held at the last Planning Board meeting of May 9, 2012. It has become apparent that backyard sewers and water mains should be treated differently because sewers tend to be deeper than water mains. With that in mind, the suggested ordinance language has been modified to reflect this distinction, requiring a 10 ft. setback from the utility when the backyard utility is a sewer, and only a 6 ft. setback when the backyard utility is a public water main.

The Backyard Sewer and Water Master Plan proposed to eventually abandon all backyard water mains in the City except in a few isolated areas where they run through side yards and are needed for circulation. It is proposed that the ordinance apply to those mains until they are actually abandoned to ensure that new structures are not introduced as a new conflict with them. The board asked that information be provided to help understand the level of impact on the properties where the new Ordinance would apply. Since the majority of the properties involved are in the Quarton Lake Estates Subdivision, a review of the existing conditions was completed there. The blocks located between Oak St. and Pine St. were reviewed and it was determined that 30 out of 135 or 22% of the properties have detached garages between 3 ft. and 10 ft. from the property line. Within this group of blocks there was also one tennis court and two swimming pools located about ten to twenty feet from the rear property line.

A review of the same blocks concluded that 15 out of 135 or 11.1% of properties have been developed such that providing a full 10 ft. setback behind the detached garage could (or did) have an impact on the design of the project.

In surveying other cities in the region that were developed in the early part of the twentieth century and have backyard sewer or water systems similar to Birmingham, Mr. O'Meara summarized that either they do not have many examples of backyard utilities, and if they do have them, they were platted with easements (as opposed to Birmingham, where about half of all properties with backyard utilities have no easement at all). Royal Oak, which has the largest number of properties with backyard utilities, was fortunate in apparently requiring a 10 ft. easement many years ago.

Mr. DeWeese referred to Section B (1) of the proposed ordinance language. The way it is written it sounds as though the required 10 ft. setback could apply just to one yard.

Mr. Currier explained that to date over half of the homeowners have granted easements for ingress and egress so the City can get in to maintain, construct, and repair the sewer. That is separate from the requested zoning change to prevent the construction of structures within a certain setback area. If there is a sewer collapse underneath a structure that is already located in the easement it will have to be addressed on a case-by-case basis when it comes up. If the structure is destroyed less than 75 percent the homeowner has the right to reconstruct it in the same spot without the need for a variance. The City would probably request that they try to use means and methods during reconstruction to prevent further collapse onto the sewer.

Ms. Ecker added that if the structure is destroyed over 75 percent and the homeowner can prove a hardship to the Board of Zoning Appeals ("BZA"), then they may be able to rebuild the structure. Mr. DeWeese recommended that somehow the ordinance language should designate that these are hardship areas so that exceptions can be minimized. He was concerned that it is inappropriate to let the BZA clean up after the fact.

Mr. Clein suggested that side yards be added to the language, just to make it clear. Lastly, he observed that he has yet to see an ordinance that is perfect, and that is what the BZA is for.

Mr. O'Meara noted that the City typically knows where the water lines are but not always the location of the sewers. The two may be separated by as much as 10 ft.

The chairman took comments from members of the public at 7:55 p.m.

Ms. Dorothy Conrad, 2252 Yorkshire, said that on corner lots in her neighborhood the garage is to the side and if it were to be moved it would end up in the backyard. Further, people definitely need to be noticed for the public hearing.

Chairman Boyle commented this is a classic case of having to deal with private interests for the public good.

Motion by Mr. DeWeese

Seconded by Mr. Clein to set July 25, 2012 for a public hearing on the Setback for Rear Yard Utilities Zoning Ordinance Amendment with suitable notification to the newspapers and the neighborhood associations.

Motion carried, 4-0.

ROLLCALL VOTE

Yeas: DeWeese, Clein, Boyle, Whipple-Boyce

Nays: None

Absent: Koseck, Williams, Lazar

06-99-12

STUDY SESSION

Alleys and Passages

Via classification map, revised graphic design of *Activating Urban Space: A Strategy for Alleys & 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 in addition to developing the guidelines and ordinance language, the Planning Division has also developed a map to identify the alleys and passages that will be included. At the last meeting, board members determined which classification each would fall under. Further, they determined that all of the alleys running parallel to Woodward Ave. are technically Active vias; however until there is a vision for the whole Gateway Area it is best to implement these classifications within the Central Business District only and to exclude the alleys along Woodward.

A Strategy for Alleys & Passages has been put into a graphic layout that includes the maps.

Mr. Clein suggested that the map on the first page should be reduced because it only shows the alleys and passages that were identified in the 2016 Plan rather than all alleys and passages, and it is confusing when viewed against the second map.

Chairman Boyle pointed out a connecting passage that goes from Bates out to Maple Rd. At the west side of the Baldwin House there is a connecting passage that runs from Merrill to Martin. Ms. Ecker mentioned another connecting passage that cuts through from Maple Rd. south near the Shain Townhomes and another that goes around the Peabody Mansion. Further, Mr. DeWeese noted a connecting passage that is an extension of the passage that runs along the Peabody Parking Structure.

Mr. DeWeese thought that on page 10 under Passages where “No service function” is listed it would be more appropriate to say “Minimal service function.” Chairman Boyle continued: On that same page, delete “Since there is no service function to these passages.” Also, funding should be included In the Implementation section.

It was determined that the *Strategy* and ordinance that goes with it will be discussed with the City Commission before setting a public hearing date.

Ms. Whipple-Boyce thought it would be a good idea to stripe the street that a pedestrian must cross to get from one alley to another. Chairman Boyle suggested that Mr. John Heiney from the Principal Shopping District be invited to attend the joint City Commission/Planning Board meeting next Monday night. At that meeting the board needs to identify for the commissioners the first steps to be taken. Mr. Clein wanted to ensure that all of the alleys and passages are accessible and ADA compliant.

At 8:25 p.m. there were no comments from the public.

06-100-12

PRELIMINARY SITE PLAN AND COMMUNITY IMPACT STUDY REVIEW

820 E. Maple Rd.

All Seasons

Community Impact Study (“CIS”) and Preliminary Site Plan Review

Motion by Mr. DeWeese

Seconded by Mr. Clein to move the Preliminary Site Plan Review and CIS for 820 E. Maple Rd., All Seasons, formerly Hamilton Funeral Home, to the Planning Board meeting of July 11, 2012.

Motion carried, 4-0.

VOICE VOTE

Yeas: DeWeese, Clein, Boyle, Whipple-Boyce

Nays: None

Absent: Koseck, Williams, Lazar

06-101-12

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (none)

06-102-12

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications

The Planning Board will have a joint meeting with the City Commission at DPS on Monday, June 18 at 7:30 p.m.

b. Administrative Approvals

- 280 E. Lincoln – Two barrier-free curb cutouts in front for the purpose of better handicap access.
- 275 N. Old Woodward Ave. – A roof tear off and re-roof. Remove existing black EPDM roof with a white TPO roofing membrane.
- 34244 Woodward Ave., Papa Joe's – Modifications to entries at Radio Shack, Bistro Joe's, Papa Joe's patio; shifted elevator shaft into store 2 ft.
- 33680 Woodward Ave, Parking lot – Permission denied to change parking lot from current configuration of 12 spaces to 14 spaces.
- 563 and 575 S. Eton St. – Birmingham Brewing Co. – At doors 101A, 101B, 101C, and 1-1D change to read “overhead sectional doors” in lieu of “nana doors.”
- 505 W. Brown – Proposed two-story single-family residence w/attached garage and landscape design.

c. Draft Agenda for the Regular Planning Board Meeting on June 27, 2012

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to cancel the Regular Planning Board Meeting of June 27, 2012.

Motion carried, 4-0.

VOICE VOTE

Yeas: DeWeese, Whipple-Boyce, Boyle, Clein

Nays: None

Absent: Koseck, Williams

d. Other Business

There was consensus to appoint Mr. Clein as the Planning Board's representative to serve on the Steering Committee for the Multi-Modal Transportation Plan.

06-103-12

PLANNING DIVISION ACTION ITEMS

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

06-104-12

ADJOURNMENT

No further matters being evident, the Planning Board motioned to adjourn at 8:29 p.m.

Jana Ecker
Planning Director

APPROVED