

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, SEPTEMBER 12, 2012**

Item	Page
PUBLIC HEARINGS	
1) To consider recommending adoption of the <i>Activating Urban Space: A Strategy for Alleys & Passages</i> plan to the City Commission; and	2
2) To amend Chapter 126, Zoning, of the Code of the City of Birmingham:	2
<ul style="list-style-type: none"> ➤ 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. 	
<p>Motion by Mr. Koseck</p> <p>Seconded by Ms. Whipple-Boyce to recommend adoption to the City Commission of the <i>Activating Urban Space: A Strategy for Alleys & Passages</i> plan and proposed Overlay Zoning District regulations to amend Chapter 126, Zoning, of the Birmingham City Code and in addition 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.</p>	3
<p>Amended by Mr. DeWeese to amend Article 3, Overlay Districts, section 3.15 (E) to read: “The provisions of the Building <u>Code</u> and building regulations <u>in</u> Chapter 22 of the Birmingham City Code . . .”</p> <p>Also Section 3.16, Specific Standards (H) (b) is amended to read: “First floor retail, restaurant and office uses <u>are encouraged</u> to be directly accessible to the public from adjoining vias.”</p>	
<p>All were in favor of accepting the amendments as stated by Mr. DeWeese.</p> <p>Motion carried, 5-0.</p>	4

Item	Page
<p>REVISED FINAL SITE PLAN REVIEW 355 E. Maple Rd. Christian Science Church and Reading Room To allow construction of a rear addition to provide worship space for the parishioners of the First Church of Christ Scientist</p>	<p>4</p>
<p>Motion by Mr. DeWeese Seconded by Mr. Koseck to approve the Final Site Plan for 355 E. Maple Rd., Christian Science Church and Reading Room, pending receipt of the following:</p> <ol style="list-style-type: none"> 1. Review and approval by the Engineering Dept.; 2. Provide a list of plant species for approval by the staff arborist; 3. Specification on the mechanical equipment indicating that the parapet wall is of sufficient height to fully screen them; 4. Provide specifications on the planters subject to administrative approval; 5. Provide specification sheets on the new lighting indicating it is in compliance with the Ordinance requirements; 6. Obtain Design Review approval for the building addition and all signage from the Historic District Commission; 7. Install a Knox box subject to Fire Dept. approval; 8. The Planning Board recognizes that the plans as presented comply with the minimum 70% transparency requirement to the maximum extent practical, and comply with the two-story minimum as required by the D-4 Zone building height standards to the maximum extent practical. <p>Motion carried, 5-0.</p>	<p>5</p>

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, SEPTEMBER 12, 2012
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held August 22, 2012. Chairman Robin Boyle convened the meeting at 6:30 p.m.

Present: Chairman Robin Boyle; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce

Absent: Board Members Scott Clein, Bryan Williams; Student Representative Kate Leary

Administration: Matthew Baka, Planning Specialist
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

09-147-12

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD AUGUST 22, 2012**

Motion by Mr. DeWeese

Seconded by Mr. Koseck to approve the Minutes of the Regular Planning Board Meeting of August 22, 2012 as written.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Absent: Clein, Williams

09-148-12

CHAIRPERSON'S COMMENTS

Chairman Boyle noted that Mr. Williams is not present this evening because his father is in the hospital.

09-149-12

APPROVAL OF THE AGENDA (no changes)

09-150-12

PUBLIC HEARINGS

Chairman Boyle opened the public hearings at 6:34 p.m.

- 3) To consider recommending adoption of the *Activating Urban Space: A Strategy for Alleys & Passages* plan to the City Commission; and**
- 4) To amend Chapter 126, Zoning, of the Code of the City of Birmingham:**
 - **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.**

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.

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 were 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 restaurants 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.

On August 8, 2012, the Planning Board reviewed the plan, proposed ordinance language and sample inventory sheets of existing alleys and passages. The Planning Board set a public hearing for September 12, 2012, and requested that the PSD be notified of the public hearing in order to provide comments.

Ms. Ecker presented the final draft of the plan and ordinance language to create a Via Activation Overlay District. Also, some minor changes have been made to the Definitions section. Existing definitions for alleys and passages are modified and new definitions have been added for Via, Active Via, Connecting Via, and Destination Via. The Planning Division has also completed an inventory analysis of all existing vias located within the proposed Overlay District.

Chairman Boyle explained this urban space activation goes back to the 2016 Plan as part of a sense of developing assets of the City. The idea is for the pedestrian to discover different routes and places while moving through the City. In turn it gives the owners and the businesses the opportunity, if it fits their model, to activate the rear entrances to their buildings. Further, the Planning Board wants to facilitate development of the vias with signage and in certain cases, additional cross-walks.

It was determined by the Board that based on the PSD Board's concerns with regards to rear entries as outlined in their letter, that the proposed ordinance language should be amended to encourage rear entrances onto vias, but not to require them. Ms. Ecker corrected section 3.15 General Standards (E) to read: "The provisions of the Building Code and building regulations in Chapter 22 of the Birmingham City Code . . ."

Chairman Boyle opened discussion to members of the public and there were no comments at 6:55 p.m.

Motion by Mr. Koseck

Seconded by Ms. Whipple-Boyce to recommend adoption to the City Commission of the *Activating Urban Space: A Strategy for Alleys & Passages* plan and proposed Overlay Zoning District regulations to amend Chapter 126, Zoning, of the Birmingham City Code and in addition 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.

Amended by Mr. DeWeese to amend Article 3, Overlay Districts, section 3.15 (E) to read: "The provisions of the Building Code and building regulations in Chapter 22 of the Birmingham City Code . . ."

Also Section 3.16, Specific Standards (H) (b) is amended to read: “First floor retail, restaurant and office uses are encouraged to be directly accessible to the public from adjoining vias.”

The makers of the motion accepted the amendments.

All were in favor of accepting the amendments as stated by Mr. DeWeese.

There was no final public comment on the original motion at 7 p.m.

Motion carried, 5-0.

ROLLCALL VOTE

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

Nays: None

Absent: Clein, Williams

Chairman Boyle closed the public hearing at 7:02 p.m.

09-151-12

REVISED FINAL SITE PLAN REVIEW

355 E. Maple Rd.

Christian Science Church and Reading Room

To allow construction of a rear addition to provide worship space for the parishioners of the First Church of Christ Scientist

Mr. Baka advised the subject site is located at 355 E. Maple Rd., on the north side of the street between N. Old Woodward Ave. and Park. The property is zoned B-4 Business-Residential. The applicant proposes to expand the existing structure by constructing an addition to the rear of the building that will house a worship space with seating for 70 people. In addition, the applicant is proposing to renovate the existing storefront by removing the brick knee wall and entrance glass and replacing it with a new glass store front and canopy.

The applicant will be required to provide sufficient height of the parapet wall to fully screen all rooftop mechanical equipment or obtain a variance from the Board of Zoning Appeals.

The applicant is required to obtain Design Review approval for the building addition and all signage from the Historic District Commission.

Ms. Ecker observed the applicant has proposed a green element in the alley that is consistent with the proposed *Strategy for Alleys and Passages*.

Mr. John Wren spoke representing the church. Services will be held Sunday mornings and Wednesday evenings. The parishioners will not walk any further to the parking structures than they do presently. He described why construction of two stories is not viable on this 40 ft. wide lot. The building dates back to 1946 and was renovated in the '70s by Carl Lukenbach. Soundproofing will be used to keep the sound of the organ within the confines of the church.

Ms. Lise Newman with Landry Newman Architecture noted the church has been a member of the Birmingham community for almost ninety years. They are looking forward to combining their worship space with their reading room, all on one level. The original building will remain with the addition of two stories.

Mr. Wren explained that further glazing is not in the spirit of the privacy they need for their worship services and children's area. Further, it would violate the basic look and integrity of the existing building, as well as incurring engineering difficulties. Their original church is currently on the market.

There were no public comments at 7:25 p.m.

Motion by Mr. DeWeese

Seconded by Mr. Koseck to approve the Final Site Plan for 355 E. Maple Rd., Christian Science Church and Reading Room, pending receipt of the following:

- 1. Review and approval by the Engineering Dept.;**
- 2. Provide a list of plant species for approval by the staff arborist;**
- 3. Specification on the mechanical equipment indicating that the parapet wall is of sufficient height to fully screen them;**
- 4. Provide specifications on the planters subject to administrative approval;**
- 5. Provide specification sheets on the new lighting indicating it is in compliance with the Ordinance requirements;**
- 6. Obtain Design Review approval for the building addition and all signage from the Historic District Commission;**
- 7. Install a Knox box subject to Fire Dept. approval;**
- 8. The Planning Board recognizes that the plans as presented comply with the minimum 70% transparency requirement to the maximum extent practical, and comply with the two-story minimum as required by the D-4 Zone building height standards to the maximum extent practical.**

Chairman Boyle noted the applicant is 18% below the requirement of 70% transparency. Ms. Whipple-Boyce said she would like to see more windows in the front. That could be achieved under the signage in the space to the east. Mr. DeWeese felt that would change the whole look and feel of the building.

Mr. Koseck thought the building has a certain historic value. The applicant has made some substantial changes to the storefront transparency by pulling it forward. Now the glazing will be clear rather than bronze tinted. He feels they are bringing the building into compliance in a reasonable way without demolishing it and starting over.

There were no comments from members of the public at 7:35 p.m.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Absent: Clein, Williams

09-152-12

STUDY SESSION

S. Woodard Ave. Gateway Corridor Plan

Mr. Baka noted it has been on the Planning Board's Action List to evaluate and upgrade the condition of S. Woodward Ave. between Fourteen Mile Rd. and Lincoln. It was discussed with the City Commission that a Request for Proposals ("RFP") would be issued to come up with a new Master Plan for the S. Woodward Ave. corridor. The RFPs went out in August and six proposals have been received and reviewed by each Planning Board member. Now the board will choose which consultants will be asked to come in for interview. Then a recommendation will be made to the City Commission as to which applicant should receive the contract.

Chairman Boyle said that most of the applicants fell into a fairly consistent cluster on price but one of them did not. Ms. Ecker specified the proposals fell within \$46,000 and \$75,000 with the exception of Houseal Lavigne which came in at \$125,000. Chairman Boyle said theirs is one of the finest reports he has ever seen for this topic. However, it exceeds the City's budget of \$50,000 and he thinks it should be put aside.

It was discussed that LSL Planning easily ranks no. 2 and they were the lowest bid at \$47,000. Mr. Koseck wanted to make an evaluation based on interviewing the consultant leader who will be performing a market analysis and facilitating the process. He likes that they have teamed with Hamilton Anderson for 15 years. He was in favor of bringing in LSL Planning and Beckett & Raeder.

Ms. Lazar noticed that Beckett & Raeder did not include an actual signed bid proposal. Ms. Ecker did not rank Beckett & Raeder highly because they have streetscape but not much planning and corridor experience. Also, she didn't think their graphics were very good. Mr. DeWeese thought their parking study and market study which was not included in their bid would bring them out of budget. Chairman Boyle liked that they had Strategic Edge as part of their team. If Deb Cooper is the leader, she has a lot of experience in corridor studies and main street improvements. Ms. Whipple-Boyce thought they should be invited to tell more in person. Ms. Lazar expressed a concern with the number of different entities on their team which might be a problem with respect to coordination and cohesiveness. Chairman Boyle wanted to see their presentation.

Ms. Ecker observed that McKenna + Rossetti only talked about taking it to an 80% draft. There was no market study or technical engineering people involved on their team. Mr. DeWeese added that the graphics were poor and they have no corridor experience.

Ms. Ecker said that Conservation Design Forum scheduled their public input prior to the draft plan and not really during the process.

Discussion concluded that the top two applicants are clear once the high priced applicant is eliminated. Mr. DeWeese was in favor of going to the City Commission and asking about the possibility of increasing the budget to \$60,000 in order to provide leeway for unexpected contingencies. Ms. Lazar asked that the applicants provide a more specific breakdown of costs.

All were in agreement that an invitation would be extended to LSL Planning and Beckett & Raeder to make a presentation to the full Planning Board on October 24. It was further decided that volunteers Boyle, Koseck, and Lazar would get together along with staff and come up with a set of questions to ask each of the applicants at the interview.

Letters will be sent out to each of the applicants, thanking them for their proposals.

09-153-12

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

09-154-12

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approvals (none)
- c. Draft Agenda for the Regular Planning Board Meeting on September 19, 2012 at DPS
 - Rezoning application
 - 2400 E. Lincoln, SLUP and Preliminary Site Plan
- d. Other Business
 - Ms. Lazar noticed that some of the landscaping at the Mobil Gas Station is dying. The board needs to be assured they are maintaining what is there.

09-155-12

PLANNING DIVISION ACTION ITEMS

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

08-146-12

ADJOURNMENT

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

Jana Ecker
Planning Director

APPROVED