
**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, JANUARY 27, 2016**

Item	Page

APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JANUARY 27, 2016
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on January 27, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, ~~Gillian Lazar~~; Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Daniel Share

Absent: Board Member Gillian Lazar

Administration: Matthew Baka, Senior Planner
John Connaughton, Fire Chief
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

01-13-16

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
OF JANUARY 13, 2016**

**Motion by Mr. Boyle
Seconded by Mr. Williams to approve the Minutes of January 13, 2016 as
presented.**

Motion carried, 6-0.

VOICE VOTE

Yeas: Boyle, Williams, Clein, Jeffares, Koseck, Share
Nays: None
Abstain: Whipple-Boyce
Absent: Lazar

01-14-16

CHAIRPERSON'S COMMENTS

The chairman welcomed the new alternate board member, Lisa Prasad, who was present in the audience.

01-15-16

APPROVAL OF THE AGENDA

- The second study session item, Zoning Ordinance Amendments, was pulled from the agenda so that staff could complete more work on it. It will be brought back at a future session.

01-16-16

COURTESY REVIEW

1. Chesterfield Fire Station

The Fire Chief along with the design team from Sidock Group, Inc were present to present a revised concept. They have taken into consideration some of the comments from the Planning Board and the Architectural Review Committee ("ARC").

Mr. Stacy Peterson, Principal Architect from Sidock Group, gave a quick overview of what has taken place since last time. They have tried to incorporate suggestions from the boards into their plans, such as glazing issues, additional landscaping, and creating a respite area along the walkways. Their main goal has been to add a little more pizzazz to the plans. They were able to move the transformer and the emergency generator from the front to the rear of the building. They offer two solutions for consideration over the mezzanine area: an eyebrow roof, and the ARC recommendation of a sloped roof.

In response to a question from Mr. Koseck, Ms. Ecker clarified that the ARC saw a different layout than this latest presentation.

Mr. Peterson introduced his colleague, Mr. George Picacus, Director of Architecture and Urban Design for the Sidock Group, who took a prominent role in development of the new design.

Mr. Koseck commented there are things in this design that would not be allowed in private development, for example:

- A surface parking lot that extends out in front of the face of a building.
- The dumpster is pushed right up against the wall between it and a single-family residence. Why can't it be inside the building or adjacent to it.

He added it would be helpful to see this project in its context. The board had requested that information at the last meeting. Responding to Mr. Koseck, Mr. Peterson described why he feels the floor plan could not be a mirror image of their proposal.

Lastly, Mr. Koseck thought the sign should say "Birmingham Fire Station, Chesterfield Branch" rather than "Chesterfield Fire Station."

Mr. Williams thought this is too much building jammed into too little space. He understands that Mr. O'Meara doesn't want to relocate the utility lines that run down the middle of the property, but this is a 50 year project. The City has made a mistake. If the

sewers have to be relocated to make the building fit the site, that should be done. The building is too close to Chesterfield; it should extend further east and less north/south.

Mr. Jeffares was in total agreement. Additionally, he objected to the use of translucent panels on a major thoroughfare. He has not seen the proposed park bench in Birmingham; it is not one of the standard benches.

Chairman Clein appreciated the changes in the architecture. However, it still would not receive his vote of approval if the board was voting on the issues that were brought up. Little things in addition:

- The sidewalk treatment at the rear parking area is incorrect.
- The sheer size of the drive approach onto Maple Rd. confounds him.

Comments from the public were heard at 8 p.m.

Mr. Bob Ziegelman, Robert Ziegelman Architects, said he was the architect for the Adams St. Fire Station which has a curved roof. This curved roof ties the two buildings together. He agrees with all of the board's comments and agrees the building should be widened out and placed back from the street.

Mr. J.C. Cataldo, 271 Chesterfield, thanked the Planning Board and the ARC for all the work they have put into this plan. He commented on the public process and feels there is a lack of public notification for a publicly funded project. This is a major construction project costing the taxpayers millions of dollars and hardly anyone knows of it. The notification sign on the site has disappeared and there has been no notice about tonight's meeting. Mr. Cataldo thought public projects should be brought to the same high standards as private projects.

Mr. Jonathan Hoffly, 443 Wellesley, agreed this is a large project pounded onto a small parcel. He said the City is very antiquated in the way it notifies the public.

Mr. Koseck thought it would be a wonderful thing if the neighbors could be included in a design workshop. He talked to someone on the ARC today. They have not seen this presentation nor are they happy with the design.

Ms. Ecker established that the final authority to review the plans and go to construction will come from the City Commission. Mr. Boyle suggested this board should communicate to the Commission that they need to review the process before they review this project. Ms. Ecker replied that will be passed along. Mr. Williams added he doesn't like the process and he doesn't like the result.

01-17-16

STUDY SESSION ITEMS

1. D-5 Gateway District

Ms. Ecker recalled the owners of the 555 S. Old Woodward Building are interested in renovating the existing building and adding new residential units along S. Old

Woodward Ave., as well as adding an addition to the south of the existing residential tower for new retail space and residential units. The Building Official has previously ruled that some changes to the existing legal non-conforming building may be permitted. However, the scale and scope of the renovations and additions that the property owner would like to implement exceed what would be permitted as maintenance.

In order to renovate and expand the existing building, the owners of the 555 S. Old Woodward Building are requesting a Zoning Ordinance amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District which would essentially render the existing building as a legal, conforming building that could then be renovated and expanded.

On May 13, 2015, the Planning Board began discussing the applicant's proposal to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District.

At several subsequent meetings the Planning Board further discussed the ways that the building could be modified and improved as a conforming structure and not through the use of variance requests. On September 30, 2015, board members continued to agree that any new development or renovations should include pedestrian scaled design and uses on the first floor. There was no consensus on whether only the 555 S. Old Woodward Ave. property should be placed in a new overlay classification or whether this should extend north to Brown St. along Woodward Ave.

The applicant has submitted a revised draft with suggestions as to what they would like to see in the ordinance. An ordinance to amend Article 3, section 3.01, 3.02 and 3.04 of the Birmingham Zoning Ordinance incorporates staff's draft based on the Planning Board's comments, and has notes as to what the applicant was seeking.

Two potential zoning classifications are up for discussion: The D-5: Downtown Nine Stories and D-6: Downtown Over Nine Stories.

Mr. Share thought there are two separate questions. One relates to the 555 Building and whether or not it ought to be allowed to become conforming; separately, there is a question about general planning principles.

Mr. Boyle's opinion was there are three issues: the building itself; the corridor; and thirdly how to move forward with the details on S. Old Woodward Ave.

Mr. Williams stated the board should focus on the 555 Building and come up with a practical solution. The problem is that the building isn't right and it needs to be improved.

Ms. Whipple-Boyce said the question is whether a new zoning classification needs to be created, or can the applicant go through the variance process and achieve the same result.

Mr. Rick Rattner, 380 N. Old Woodward Ave., spoke on behalf of the building owners, Mr. Bruce Thal and Mr. Jack Reinhart, who were present. Additionally, the architect, Mr. Bob Ziegelman, was there to answer questions relative to the building. Mr. Rattner showed a few slides. He made two requests: first that the Zoning Ordinance be amended to accommodate their building; and second that the zoning map include the petitioner's property.

He suggested that in all of the Overlay Districts the Planning Board pass a waiver provision that allows the board to accommodate slight waivers from the ordinance that are design related. The Board of Zoning Appeals ("BZA") may not be the proper appeal board to accommodate the needs of a form based zone. Additionally, he emphasized this is certainly not spot zoning. The idea is to modify the ordinance to make a non-conforming building one that should obviously be conforming in order to allow the owner to make improvements. Mr. Rattner requested that the proposed ordinance be moved forward to a public hearing.

In response to the Chairman, Mr. Rattner said the upper part of the building can be re-skinned as maintenance and repair of a non-conforming use. Mr. Johnson has already approved the apartment building but not the office building. If they want to do anything to the lower part of the building they will be held to a standard of expanding a non-conforming use. Their problem with going through the variance process is that variances are very difficult to get and there would be many of them needed.

Mr. Williams agreed the building needs to be improved. However, these are legal issues and they should go to the City Attorney.

Chairman Clein summarized that the board has come to the conclusion that it needs to focus on the 555 Building. The rest of the corridor is a different discussion. The board concluded that a sub-committee consisting of Ms. Ecker, Mr. Rattner, the City Attorney, and two board members could have a discussion on this in an open meeting forum. Mr. Share and Mr. Koseck volunteered to represent the Planning Board in the deliberations.

The chairman invited comments from the public at 9:13 p.m.

Mr. Bob Ziegelman reminded the board that Andres Duany came back to Birmingham in 2014 and as part of his critique he stated the 555 Building should be improved. His whole idea was to finish off the 2016 Plan; it wasn't to study the rest of the corridor.

Mr. Paul Reagan, 997 Purdy, said he is encouraged by the discussion. No one wants the building to deteriorate. He is glad that the Planning Board is not going beyond what was asked for, which is to restore the building. That is about how far it should go. Right now there is real competition for parking on S. Old Woodward Ave. Imagine what expanding the density of that building would do to the neighborhood. Lastly, he was shocked to hear the petitioner had a hand in drafting ordinance language for rezoning.

The Planning Board's consensus was to establish a sub-committee as discussed.

01-18-16

2. Zoning Ordinance Amendments (postponed)

01-19-16

3. 2016-2017 Planning Board Action List

Mr. Baka led the discussion. Board members agreed that items 8 and 9 regarding garage doors, garage houses and dormers could go together, as they relate to single-family zones.

Chairman Clein suggested removing or demoting items 10 and 11 having to do with alleys and passages and Triangle District implementation.

Ms. Ecker recommended changing the name of item 1 to "Southern Gateway."

4. Outdoor Storage

Mr. Baka recalled that on April 10, 2013, the Planning Board began the discussion of outdoor display and storage issues around the City. Planning Board members reviewed the existing ordinance language, and requested staff to prepare draft ordinance language to define outdoor display and outdoor storage. In general the approach to outdoor display, sales and storage throughout the Zoning Ordinance is inconsistent and scattered. Board members felt that each use should be distinguished by the short-term or long-term nature of the outdoor display and that limited hours should be considered.

On April 24 and August 28, 2013, the Planning Board continued the discussion on outdoor storage/display and commented on the draft ordinance changes provided by the Planning Dept. Suggestions on the amount of outdoor display ranged from setting a percentage limit of the gross square footage of the floor area of the primary building to allowing unlimited display but requiring high standards of maintenance and screening. There was also discussion regarding the use of parking spaces for display and it was suggested that displays in parking spaces not be counted against the parking requirement.

The draft ordinance language presented was intended to reflect the Planning Board's comments. Other factors the board may wish to consider are whether outdoor storage and/or display should be permitted in the O-1, B-1, or B-3 Zones. As currently drafted, neither activity is permitted in those zones.

Mr. Baka thought the board should start by focusing on the outdoor display standards. It may be advisable to put a limit on how high people can store products. Item A (4) in Section 4.65 SD-04 states seasonal or temporary display areas may occupy three parking spaces or 20% of the parking lot, whichever is more.

Mr. Koseck noted that none of the standards will work unless someone is policing them. He thought propane, ice machines, etc. should be pushed around the corner or to the rear. Ms. Whipple-Boyce said gas stations and convenience stores are the main offenders. Maybe the board needs to get more specific about those businesses. Wiper fluid could be sold from the inside of the building. She also thought other items left

outside such as picnic tables and barbeques might be addressed. Mr. Share said the outdoor displays should be brought in at night and the various blue beasts kept out of the front.

Mr. Baka indicated he will switch the language in Item A (4) in Section 4.65 to say that temporary display areas may occupy three parking spaces or 20% of the parking lot, whichever is less. Ms. Ecker stated that staff will run several sites through the draft ordinance, and provide pictures of the selected sites from all sides so that the board can evaluate how this ordinance would apply.

There was no discussion from the public at 10:03 p.m.

01-20-16

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

01-21-16

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications

- Mr. Share described the parking garages in Miami Beach that absolutely enhance the community.

b. Administrative Approval Correspondence (none)

c. Draft Agenda for the Regular Planning Board Meeting on February 24, 2016

- 1193 Floyd – Final Site Plan & Design Review;
- 856 N. Old Woodward Ave. - Preliminary Site Plan;
- Brookside Terrace - Final Site Plan & Design Review;
- 420 and 412 E. Frank St. - Rezoning; and
- 191 Chester, First Church of Christ Scientist – Rezoning.

d. Other Business

- Ms. Ecker advised that the bistro selected by the City Commission in October 2015 to move forward for consideration of a 2016 bistro license did not submit a SLUP application prior to the 90 day deadline.
- It was noted that PDFs from the City lock up or take forever to open.

01-22-16

PLANNING DIVISION ACTION ITEMS

a. Staff report on previous requests (none)

b. Additional items from tonight's meeting (none)

01-23-16

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 10:10 p.m.

Jana Ecker
Planning Director

APPROVED