

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, FEBRUARY 25, 2015**

Item	Page
<b>FINAL SITE PLAN REVIEW</b> <b>2159 AND 2295 E. Lincoln</b> <b>District East Live/Work Development</b> (postponed from January 28, 2015) <b>New construction of a four-story building</b>	<b>2</b>
<p style="padding-left: 40px;"><b>Motion by Ms. Whipple-Boyce</b></p> <p><b>Seconded by Mr. Koseck to approve the Final Site Plan for 2159 and 2295 E. Lincoln subject to the following conditions:</b></p> <p><b>(1) They obtain a waiver for street trees along Cole from the City Arborist;</b></p> <p><b>(2) Add four additional light fixtures in the ROW along E. Lincoln, one on Commerce and one on Cole St. and switch all street lights to the Rail District streetscape standard fixture;</b></p> <p><b>(3) Provide specification sheets for proposed planters and all light fixtures and provide all requested material samples and color details;</b></p> <p><b>(4) Increase the size of all parking spaces to 180 sq. ft. or obtain a variance from the BZA;</b></p> <p><b>(5) Reduce the light levels at all property lines to less than 1.5 fc;</b></p> <p><b>(6) Reduce the max/min ratio for parking lot lighting to 20:1 for the new parking lot to be located on 2195 E. Lincoln;</b></p> <p><b>(7) Add a bike rack to the public ROW; and</b></p> <p><b>(8) Comply with City Department requests.</b></p>	<b>3</b>
<b>Motion carried, 6-0.</b>	<b>3</b>

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**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, FEBRUARY 25, 2015  
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 on February 25, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Carroll DeWeese, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Stuart Jeffares; Student Representatives Scott Casperson, Andrea Laverty

**Absent:** Board Members Robin Boyle, Gillian Lazar; Alternate Board Member Daniel Share

**Administration:** Matthew Baka, Senior Planner  
Jana Ecker, Planning Director  
Shalaka Puranik, Assistant City Planner  
Carole Salutes, Recording Secretary

**02-32-15**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING  
HELD FEBRUARY 11, 2015**

**Motion by Mr. Koseck**

**Seconded by Ms. Whipple-Boyce to approve the Minutes of the regular Planning Board meeting on February 11, 2015.**

**Motion carried, 6-0.**

**VOICE VOTE**

Yeas: Koseck, Whipple-Boyce, Clein, DeWeese, Jeffares, Williams

Nays: None

Absent: Boyle, Lazar

**02-33-15**

**CHAIRPERSON'S COMMENTS**

This will be a split meeting that will consider a site plan review that the board has seen on several occasions, along with study session items.

02-34-15

**APPROVAL OF THE AGENDA** (no changes)

02-35-15

**FINAL SITE PLAN REVIEW**

**2159 AND 2295 E. Lincoln**

**District East Live/Work Development** (postponed from January 28, 2015)

**New construction of a four-story building**

Ms. Ecker recalled the applicant has been before the Planning Board on several occasions and is back with revised plans that address the board's concerns. On September 24, 2014, the Planning Board voted to approve the Preliminary Site Plan Review with various conditions.

Ms. Ecker advised that on January 28, 2015, the applicant appeared before the Planning Board with revised plans showing the removal of parking on the first floor within 10 ft. of the front façade along E. Lincoln. A corridor, exercise room, storage rooms and a trash room were shown in the area of the first floor where the parking had been removed. The Planning Board expressed the desire for the applicant to create two active retail (white box) spaces with direct access to E. Lincoln, and a possible connection to the units on the second floor. They postponed the matter to February 25, 2015 to allow the applicant time to make these changes. The site plan and floor plans have now been revised to show two white box spaces with optional stairs to connect to the second floor units. No other changes are proposed at this time.

*Design*

The only changes proposed to the design of the building are to remove one storefront bay window in each of the new retail spaces and replace the window with a glass storefront door and side light to fit into the bay. The applicant has advised that all glazing requirements will continue to be met, as the first-floor glazing level will remain at 71%.

The applicant has agreed to meet all ordinance requirements.

Mr. Sean Havera, with the developer, was present with Mr. Don Bailey, co-owner of the property; along with Mr. Thom Phillips, Hobbs & Black Architects.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Koseck to approve the Final Site Plan for 2159 and 2295 E. Lincoln subject to the following conditions:**

- (1) They obtain a waiver for street trees along Cole from the City Arborist;**
- (2) Add four additional light fixtures in the ROW along E. Lincoln, one on Commerce and one on Cole St. and switch all street lights to the Rail District streetscape standard fixture;**
- (3) Provide specification sheets for proposed planters and all light fixtures and provide all requested material samples and color details;**

- (4) Increase the size of all parking spaces to 180 sq. ft. or obtain a variance from the BZA;**
- (5) Reduce the light levels at all property lines to less than 1.5 fc;**
- (6) Reduce the max/min ratio for parking lot lighting to 20:1 for the new parking lot to be located on 2195 E. Lincoln;**
- (7) Add a bike rack to the public ROW; and**
- (8) Comply with City Department requests.**

Comments from the public were taken at 7:35 p.m.

Mr. Havera said in regard to item 2, the additional fixtures will be more or less left up to the Engineering Dept. to decide because of the way the spacing works.

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Whipple-Boyce, Koseck, Clein, DeWeese, Jeffares, Williams

Nays: None

Absent: Boyle, Lazar

**02-36-15**

## **STUDY SESSION**

### **Transitional Zoning**

Mr. Baka recalled that the Planning Board has held several study sessions over the past several years in order to develop the Zoning Transition Overlay ("ZTO") that could be applied to areas that abut single-family residential zones and are adjacent to commercial zones and/or located on major thoroughfares. The goal of these study sessions was to identify and revise the zoning classifications of these properties to provide a transition or buffer to the single-family neighborhoods. The Planning Board selected fourteen (14) locations throughout the City where these zones are proposed to be implemented. On some existing residential parcels this is proposed to be accomplished through attached single-family or multi-family housing. On commercial parcels, it is proposed to be accomplished through a mixed-use zone that permits residential and commercial uses that are considered to be compatible with single-family residential neighborhoods by allowing small scale businesses that would be likely to serve the immediate vicinity.

The City Manager had directed staff to review the draft ordinance, language, and recommend changes based on any concerns. The draft ordinance language was reviewed and several changes were suggested by the Building and Engineering Departments as well as the City Attorney.

### *Current Changes*

On October 8, 2014 the Planning Board reviewed the suggested changes. The Board instructed staff to revise the proposal to make it a rezoning that would create three new zoning classifications that mirror the criteria and development standards outlined in the

ZTO. Accordingly, the Planning Dept. is providing draft ordinance language for three new zoning classifications, TZ-1, TZ-2, and TZ-3. These new zones are a direct translation of the standards drafted for the ZTO.

If the Planning Board is satisfied with the concepts presented for TZ-1, TZ-2, and TZ-3, then the Planning Department suggests further examination of the suggested placement of the ZTO provisions into the appropriate locations in the Zoning Ordinance, consideration for which existing ordinance section should apply to the TZ zones and which set of single-family standards should apply.

Mr. Williams observed there is not that much difference between what takes place along Woodward Ave. between Lincoln and Fourteen Mile Rd. and some of these other parcels in terms of impact on the neighborhood. Therefore, he views this as a piecemeal effort because they are not dealing with other similarly situated commercial areas which impact immediately adjacent residential. Some of the issues are common to all. He would rather see the Board spend time looking at Master Plan revisions for all areas of the City other than those that have been dealt with in the Downtown, Triangle, and Rail District Plans.

Mr. DeWeese advised treating this as a rezoning and getting it as clean as possible so that it can go back to the City Commission for them to take action. Meanwhile, the Board can tackle Woodward Ave., which is even more complicated.

Chairman Clein thought the Master Plan, as old as it is, begs to be updated. Further, he feels it is Birmingham's responsibility as a community to jump in ahead of any M-DOT related Master Plan for Woodward Ave. It is imperative to do this soon rather than waiting for that plan. Ms. Whipple-Boyce agreed, but thought the board still has to go through this exercise to solve some of the other problems.

Mr. Koseck said that to move forward the board has to really understand the issues, find what is reasonable, and pass it on to the City Commission.

Ms. Ecker stated that updating the Master Plan would not change the whole issue of transitional zoning properties a whole lot because the Master Plan is general in nature. Mr. Williams did not think the Board should limit itself to considering 14 parcels, but rather include everything that has fundamentally similar issues, such as all of Woodward Ave., Adams Sq., Quarton and Woodward, Woodward and Southfield. Mr. Jeffares was in favor of the Board doing what it can now. Mr. DeWeese added if they cannot get rezoning for the 14 properties because of strong objections raised by concerned residents, they cannot do it with the similar properties.

Ms. Whipple-Boyce thought there may be something to taking the first 14 parcels and trying to get somewhere with them, but only with the understanding that the Board will bring back all of the other properties. It was discussed that quite often the public is against a rezoning only because they have gotten the wrong impression about what to expect.

Chairman Clein summarized that there is a fundamental discussion to be had about use, about what parcels are included or excluded and whether anything is done with

that. Does the board stick with the 14 properties or make a larger scale effort. He noted if they do nothing more with any additional parcels, staff has a clear path of work. Mr. Williams suggested affirmatively seeking out residents from the affected neighborhoods who they know will object and bringing them in from the start. Misinformation can be fed if they are not part of the process. Tell people what they have now and then identify what could happen under that same zoning. Mr. DeWeese added that the whole intent of the rezoning is to provide some barriers and transition.

Chairman Clein took comments to the public at 8:28 p.m.

Mr. Chuck DiMaggio from Burton Katzman, owners of the property at 404 Park St., said all they want to do is build four units there. Transitional Zoning TZ-1 would allow four units and that is what they would like. He encouraged the Board to move through the process so that at some point they can go forward with construction.

Board members discussed looking at a few parcels at a time in neighboring areas, thus dividing proposed transitional zoning into blocks. Ms. Ecker stated staff will reformat some of the language and next time the Board can work through the new layout and decide whether to divide the properties up into sections.

**02-37-15**

## **STUDY SESSION**

### **MX Ordinance Amendments**

Ms. Puranik noted that since the reformatting of the Zoning Ordinance in 2005, several errors have been identified in the new graphic format of the Zoning Ordinance. These text amendment and land use matrix changes were inadvertently made while switching formats.

In addition, the City Attorney requested that the Planning Board consider amending the Zoning Ordinance to allow and control medical marijuana establishments in the City. Previously, the City prohibited medical marijuana establishments because they were prohibited by Federal law. However, as a result of recent court rulings, the City can no longer prohibit such establishments as they are expressly permitted in the State of Michigan.

Thus, the Planning Board was asked to consider allowing medical marijuana establishments in certain zone districts, and to consider any controls that may be needed. The Planning Board held a public hearing on May 14, 2014 recommending approval to the City Commission to allow medical marijuana facilities in the MX District.

Over the last several months there have been several requests to locate medical marijuana facilities within the City. Accordingly, it may be prudent to re-address the issue of where such facilities may be located within the City.

Draft ordinance language that the Planning Board may wish to consider allows medical marijuana establishments in the portions of the MX District that are located furthest from single family homes, with a Special Land Use Permit ("SLUP"). Allowing these facilities

as SLUPs would permit the City to control the size of the establishment and hours of operation. A distance buffer is now proposed to further refine permitted locations within the MX District where medical marijuana facilities. Given the size of the MX District and the proximity of single-family residences, a buffer of 600 ft. or 900 ft. may be the best option.

Chairman Clein observed if they do not specify where medical marijuana is allowed within the City the court will potentially place it anywhere and the City loses control.

Ms. Ecker explained the facilities are secure, enclosed and locked as defined in the Ordinance. Marijuana is grown there and can be sold to people who have a medical card. The issue is not necessarily with the people who use the facility, but is that the facilities are a target for theft.

Board members considered other areas where medical marijuana facilities might be located, such as Downtown where it is close to the Police Dept. or along Woodward Ave. Consensus was that the best course of action would be to bring in the City Attorney and a representative of the Police Dept. to give the Board some idea as to the square footage, number of plants, number of patients, and number of parcels that can be offered.

**02-38-15**

## **STUDY SESSION**

### **Site Plan Review Standards**

Ms. Ecker recalled that over the past several months, Planning Board members have requested a discussion regarding the expectations of the Planning Board with regards to the type of information to be submitted by site plan review applicants, as well as the deadlines for submission of all required documents. There are several regulations currently in place pertaining to the required site plan review application documents and procedures.

Ms. Ecker advised that the Zoning Ordinance establishes the application requirements for site plan review. Article 7, section 7.26 Site Plan Review – Application provides notice to all applicants of the nature and extent of documentation and plans required for site plan review. Section 7.26 also clearly establishes the Planning Board's right to determine which of the listed documents are necessary in each case, as well as the right to request additional information as needed.

In addition, Article III of the Planning Board's Rules of Procedure (March 2005) outlines the site plan application process, summarizes the required documentation and establishes a timeline for submittal of documentation to support site plan review applications. The Rules of Procedure also restate the authority of the Planning Board to request additional information as needed.

Both Article 7 of the Zoning Ordinance and Article III of the Planning Board's Rules of Procedure require each site plan application to be made on application forms provided

by the Community Development Department containing information required by the Planning Board.

The Planning Board may wish to discuss amendments to the site plan review application process as stated in both the Zoning Ordinance and the Planning Board's Rules of Procedure and/or discuss possible revisions to the existing application forms provided to applicants.

Board members discussed setting a deadline for submittals prior to when the packets are sent on Friday afternoon. The chairman did not want to see anything else submitted once the agenda has gone out. There should be a few triggers that automatically postpone applicants to the next meeting.

Ms. Ecker said they can make the forms uniform with the language in the Ordinance. It was agreed that it is absolutely important to see how a project relates to its surroundings. Specifically, what is required should be spelled out on a checklist and if those items haven't been submitted, then the application is postponed.

The Board considered the intent of Preliminary Site Plan Review and the intent of Final Site Plan Review. Ms. Ecker advised that Preliminary Site Plan primarily looks at the site as a whole, the layout, the circulation, placement of the building, the size, the scale, the use, the massing, height, interior floor plan, and how the plan relates to its surroundings. Final Site Plan looks at the design, the materials, the landscape, the lighting, and all of the finishes. The group agreed they do not want to see huge changes in a proposal from Preliminary to Final Site Plan Review. Ms. Whipple-Boyce suggested having a checklist of what should be accomplished at Preliminary Site Plan Review.

**02-39-15**

**MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA** (no discussion)

**02-40-15**

### **MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

- a. Communications (none)
- b. Administrative Approvals
  - 2055 E. Fourteen Mile Rd. - Install 22kw generator.
  - 600 N. Old Woodward Ave. - Production and installation of 1/2 in. thick acrylic letters 15 in. and 5.5 in. tall, flush mounted on west and south walls.
  - 442 S. Old Woodward Ave, Hall and Hunter - Exterior painting as approved and proper screening will be done. Revised approval is requested to eliminate one of



approved windows at west end of north wall as well as elimination of all windows previously approved near the existing side door on north elevation.

Ms. Whipple-Boyce wanted the Administrative Approval Application to ask what the development is as well as the address.

c. Draft Agenda for the Regular Planning Board Meeting on March 11, 2015

- 2200 Holland for materials and paint;
- Public hearing on garage houses;
- Palladium - Emagine application for Revised Final Site Plan and SLUP to allow the use of a Liquor License.

d. Other Business

- The City Commission has asked for a review of outdoor dining parking standards, particularly when they are year round and not in the Parking Assessment District.

**02-41-15**

**PLANNING DIVISION ACTION ITEMS**

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

**02-42-15**

**ADJOURNMENT**

No further business being evident, board members motioned to adjourn at 9:52 p.m.

Jana Ecker  
Planning Director