
**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, MARCH 9, 2016**

Item	Page
No motions were made at this study session.	

APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MARCH 9, 2016
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 9, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Lisa Prasad; Student Representative Colin Cusimano

Absent: Board Members Bert Koseck, Gillian Lazar; Alternate Board Member Daniel Share

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

02-24-16

APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF FEBRUARY 24, 2016

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to approve the Minutes of February 24, 2016 as presented.

Motion carried, 6-0.

VOICE VOTE

Yeas: Williams, Whipple-Boyce, Clein, Boyle, Jeffares, Prasad

Nays: None

Absent: Koseck, Lazar

03-35-16

CHAIRPERSON'S COMMENTS (none)

03-36-16

APPROVAL OF THE AGENDA (no change)

STUDY SESSION ITEMS

1. Zoning Ordinance Amendments

Ms. Ecker recalled in the year 2003 the City of Birmingham contracted Ground Rules, Inc. to overhaul the City's Zoning Ordinance and convert our text based ordinance to a graphic based ordinance. The Zoning Ordinance rewrite was to address organizational and readability issues and was not for the purpose of making substantive changes to the provisions, unless specifically instructed to do so. Given the complexity of the task, several errors have been identified over time, and staff has reported these errors to the Planning Board and the City Commission and made the necessary corrections. Over the past year or two, additional clerical errors have come to light as a result of reviewing individual projects. The City Attorney has reviewed this and a report will be sent to the City Commission. The following are the needed corrections to address clerical errors made when converting the former text based ordinance into the new graphic layout version of the Zoning Code:

1. CORRECT ARTICLE 02, SECTION 2.15, R6 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO CORRECT "PARKING – OFF STREET" IN THE USES REQUIRING A SPECIAL LAND USE PERMIT BY ADDING "WHEN ASSOCIATED WITH CHURCHES AND SCHOOLS - PRIVATE".

2. CORRECT ARTICLE 02, SECTION 2.17, R7 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO CORRECT "PARKING – OFF STREET" IN THE USES REQUIRING A SPECIAL LAND USE PERMIT BY ADDING "WHEN ASSOCIATED WITH CHURCHES AND SCHOOLS - PRIVATE".

3. CORRECT ARTICLE 02, ZONING DISTRICTS, ALL SECTIONS AS FOLLOWS:

- SECTION 2.09 R3 (SINGLE-FAMILY RESIDENTIAL),
- SECTION 2.11 R4 (TWO-FAMILY RESIDENTIAL),
- SECTION 2.13 R5 (MULTIPLE-FAMILY RESIDENTIAL),
- SECTION 2.15 R6 (MULTIPLE-MULTIPLE FAMILY RESIDENTIAL),
- SECTION 2.17 R7 (MULTIPLE-FAMILY RESIDENTIAL),
- SECTION 2.19 R8 (ATTACHED SINGLE-FAMILY RESIDENTIAL),
- SECTION 2.21 O1 (OFFICE),
- SECTION 2.23 O2 (OFFICE/COMMERCIAL); AND
- SECTION 2.25 P (PARKING)

TO REMOVE "SINGLE FAMILY CLUSTER" FROM THE LIST OF RESIDENTIAL PERMITTED USES.

4. CORRECT ARTICLE 02, ZONING DISTRICTS, SECTION 2.39, MX (MIXED USE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ADD "USES WITH EXPANDED HOURS PAST 7 A.M. TO 11 P. M." TO THE LIST OF USES REQUIRING A SPECIAL LAND USE PERMIT AND TO ADD "RESIDENTIAL USE COMBINED WITH PERMITTED NONRESIDENTIAL USE IN THE SAME BUILDING COMPLEX" TO THE LIST OF RESIDENTIAL PERMITTED USES IN THE MX DISTRICT.

5. CORRECT ARTICLE 03, SECTION 3.04, DOWNTOWN BIRMINGHAM OVERLAY DISTRICT, TO CORRECT SUBSECTION 3.04(A)(1)(a) D2 ZONE TO REMOVE THE REFERENCE TO SLOPED

ROOFS. THE SUBSECTION WOULD THEN READ "EAVE LINE SHALL BE NO MORE THAN 34 FEET".

6. CORRECT ARTICLE 03, SECTION 3.04, DOWNTOWN BIRMINGHAM OVERLAY DISTRICT, TO CORRECT SUBSECTION 3.04(A)(2)(a) D3 ZONE TO REMOVE THE REFERENCE TO SLOPED ROOFS. THE SUBSECTION WOULD THEN READ "EAVE LINE SHALL BE NO MORE THAN 46 FEET".

7. CORRECT ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.74, BY REMOVING SUBSECTION (C) DISTANCE BETWEEN BUILDINGS, IN ITS ENTIRETY AS THIS PROVISION ONLY APPLIES TO THE RESIDENTIAL ZONE DISTRICTS R1A, R-1, R-2, R-3, R-4, R-5, R-6, R-7 AND R-8.

AND

ADD A NEW ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.74.1, CONTAINING THE FORMER SUBSECTION (C) DISTANCE BETWEEN BUILDINGS (NOTED ABOVE) IN ITS ENTIRETY, UNDER THE ICONS FOR R-1A, R-1 AND R-2, R-3, R-4, R-5, R-6, R-7 AND R-8.

8. CORRECT ARTICLE 05, USE SPECIFIC STANDARDS, SECTION 5.02, BY REMOVING SUBSECTION (E) IN ITS ENTIRETY AS SINGLE FAMILY CLUSTER DEVELOPMENTS ARE NOT PERMITTED IN THE R3 ZONE DISTRICT.

AND

ADD A NEW ARTICLE 05, USE SPECIFIC STANDARDS, SECTION 5.02.1 CONTAINING THE FORMER SUBSECTION (E) NOTED ABOVE IN ITS ENTIRETY, UNDER THE ICONS FOR R-1A, R-1 AND R-2 DISTRICTS IN WHICH SINGLE FAMILY CLUSTER DEVELOPMENTS ARE PERMITTED.

9. CORRECT ARTICLE 05, USE SPECIFIC STANDARDS, ALL SECTIONS AS FOLLOWS:

- SECTION 5.03 R-4, R-5 AND R-8 DISTRICTS (REMOVE (D)),
- SECTION 5.04 R-6 DISTRICT (REMOVE (D)),
- SECTION 5.05 R-7 DISTRICT (REMOVE (D)),
- SECTION 5.06 O-1 DISTRICT (REMOVE (G)),
- SECTION 5.07 O-2 DISTRICT (REMOVE (H)); AND
- SECTION 5.08 P DISTRICT (REMOVE (G))

TO REMOVE THE SINGLE FAMILY CLUSTER STANDARDS AS THEY DO NOT APPLY IN THESE ZONING DISTRICTS.

10. CORRECT THE LAND USE MATRIX AS FOLLOWS;

- (a) CHANGE B-3 CELL OF "BARBER AND BEAUTY SALON" TO PERMITTED USE (P);
- (b) CHANGE THE MX DISTRICT CELL IN "PHOTOGRAPHY STUDIO" TO PERMITTED (P);
- (c) CHANGE THE B-2B AND B2C CELLS (INSTITUTIONAL USES) IN "GARAGE, PUBLIC" TO PERMITTED USES (P);
- (d) CHANGE THE R-1A, R-1, R-2 AND R-3 CELLS (RESIDENTIAL) IN "FAMILY DAYCARE FACILITIES" TO PERMITTED ACCESSORY USES (A*);
- (e) RENAME "FAMILY DAYCARE FACILITIES" UNDER THE RESIDENTIAL CATEGORY OF THE MATRIX TO "FAMILY DAYCARE HOMES";
- (f) CHANGE THE B-4 CELL (OTHER) IN "UTILITY SUBSTATION" TO PERMITTED USE (P);
- (g) CHANGE THE R-3, R-4, R-5, R-6, R-7, R-8, O1, O-2, AND P CELLS IN "SINGLE FAMILY CLUSTER" TO NOT PERMITTED (-).

Board members had no comments.

2. Outdoor Storage and Display

Mr. Baka recalled that over several study sessions Planning Board members reviewed the existing ordinance language, and requested staff to prepare draft ordinance language and to provide definitions for outdoor display and outdoor storage. 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. In addition, the board requested the addition of standards to control the location, size and looks of both outdoor display and storage areas, without imposing extensive and detailed standards.

Continuing discussion from the last study session, the board had requested that staff go out and investigate how some of the proposed regulations would affect some existing sites throughout town. What they found is for the most part the existing conditions are permitted under the ordinance. Mr. Baka presented a PowerPoint that was prepared with photos taken at three sites in Birmingham that currently have outdoor storage and/or display. One idea the board had talked about last time was not to allow any storage in the front open space. Any layout of materials in the front open space might require a Design Review. Under the proposed draft language, outdoor displays must be brought in every night.

Mr. Williams pointed out there is a distinction between outdoor storage and items on display that are for sale. For sale items should have standards set up to regulate their appearance. Ms. Whipple-Boyce thought part of the problem becomes the amount of display that is put out.

Mr. Baka advised that currently the ordinance allows 20% of the floor area of the building for outdoor storage, or 1,000 sq. ft., whichever is more. Also storage is limited to 6 ft. in height. Ms. Whipple-Boyce thought maybe a Design Review of outdoor displays/storage is what is needed because there are less than ten sites in town to consider.

Mr. Boyle suggested inserting requirements for gas stations that they must submit a site plan that includes all proposed outdoor displays/storage and if more is added they have to come in for Design Review. Ms. Ecker said that can be discussed with the City Attorney to see if he has any objections to singling out this one use.

The board decided that all outdoor storage must not be visible and outdoor display is anything not stored in a box that is on a shelf for sale. Outdoor display should take up no more than 500 sq. ft. or a percentage of the linear building frontage, and height is capped at 4 ft. from grade.

Ms. Ecker summarized the discussion. Outdoor display should be limited in square footage, limited in height, allowed in the front with site plan review. Outdoor storage definitions should be more clear, and only permitted in the rear if screened.

3. Glazing

Mr. Baka advised that over the past several years the Planning Board has performed site plan reviews where the board expressed support for the proposed design but the applicant has been forced to pursue variances because they were not able to meet the window standards contained in the Zoning Ordinance. Accordingly, the Planning Board has been holding study sessions on this topic to explore ways that the ordinance requirements can be altered so that fewer variances are sought but the objective of the window standards remains in place. The intent has been stated as the activation of the streets and public spaces of Birmingham by creating an interactive relationship between pedestrians and the users of the buildings in commercial areas.

During the study sessions held previously, the Board has discussed creating a waiver that is contingent on a set of criteria that would allow the Planning Board to waive the glazing requirements under certain circumstances. The City Commission has been hesitant to embrace this approach due to the subjective nature of such criteria. Accordingly, in previous study sessions the Planning Board developed a list of requirements that must be met in order to qualify for the exemption.

Another potential change that staff would like the Planning Board to discuss is combining the provisions of Article 04 and Article 07 into one set of standards that requires 70% glazing on the facades that face the street and then reducing the requirement to 50% on secondary facades that face parking areas and open space.

Mr. Baka recalled the Planning Board has been talking about glazing for quite a long time. The origination of the glazing requirements came from the Downtown Overlay Zone and/or the 2016 Plan where 70% glazing is required between 1 ft. and 8 ft. above grade. In the downtown that is just along the storefronts. When the Triangle Plan was created in 2006, glazing standards were also added. Then there were additions made to Article 4, the Development Standards which would apply to all commercial properties outside of the two Overlays. Last fall, an amendment was completed to make the three criteria consistent in that they were all being measured between 1 ft. and 8 ft. The Triangle and the General Commercial areas did not have that, so staff was forced to measure glazing for the whole facade which made it difficult for people to comply.

Right now section 4.90 dealing with all other commercial zones states that window standards requiring 70% glazing apply on the front facade and any facade facing a street, plaza, park, or parking area. The board has been talking about altering the language so that the requirements are not quite as difficult to meet. Staff has come up with a way to give this body the authority to waive those requirements if they see fit and has developed a list of requirements that must be met in order to qualify for the exemption:

To allow flexibility in design, these standards may be modified by a majority vote of the Planning Board, Design Review Board, and/or Historic District Commission for architectural design considerations provided that the following conditions are met:

- a. The subject property must be in a zoning district that allows mixed uses.

- b. The scale, color, design and quality of materials of upper stories must be consistent with the building and site on which it is located.
- c. The proposed development must not adversely affect other uses and buildings in the neighborhood.

Ms. Whipple-Boyce along with other members suggested adding the following:

- d. No less than 50% glazing between 1 ft. and 8 ft. above grade on the secondary facades that don't face a public or private street. Note that the primary facade faces the street and contains the address.

Mr. Baka advised that current standards for upper story windows say that openings above the first story shall be a maximum of 50% of the total facade area. Windows shall be vertical in proportion. It was discussed that current office design calls for expansive use of glazing on the upper floors. Board members considered allowing no more than 70% glazing on the upper floors. Chairman Clein suggested coming back next time with the language that was discussed for the first floor along with language that says that the second story can have no more than 70% glazing.

03-40-16

4. Transitional Zoning (TZ-2)

Chairman Clein noted the purpose of this study session is to re-acquaint the board with the process thus far so they can determine what the next steps might be.

Ms. Ecker recalled that on September 21, 2015, the City Commission held a continued public hearing on the transitional zoning proposals recommended by the Planning Board. After much discussion and public input, the City Commission referred the portion of the ordinance related to TZ-2 back to the Planning Board for further study, along with those properties that had been recommended for rezoning to the new TZ-2 Zone District. The City Commission asked the Planning Board to consider the comments made by the City Commission and members of the public with regard to the proposed TZ-2 properties. In addition, several commissioners requested that the Planning Board consider whether to make some, or all, of the commercial uses in the proposed TZ-2 District Special Land Use Permits ("SLUPs").

Consensus was that the board will only look at the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Ms. Whipple-Boyce said it would be helpful to have the commercial uses that were approved for TZ-1 and TZ-3 when the board is looking at the uses of TZ-2. Mr. Williams agreed the charts would be very helpful. Also he would like to see a Google map of the TZ-2 properties to understand their context from all sides.

03-41-16

5. Annual Report

Ms. Ecker explained that each year, the City Commission asks the Planning Division to prepare a report outlining the board and commission activities from the previous year.

This report covers the year beginning **April 1, 2015 and ending March 31, 2016**. In preparing the report, the Planning Board, the HDC, and the DRB have the chance to review their goals and objectives for the upcoming year.

The report is separated into two distinct parts: 1) Accomplishments; and 2) Goals. The Accomplishments section cites in narrative form the activities conducted by each board. This narrative includes a list of public hearings, studies and reviews.

The Goals section lists the items from the Planning Board's 2016-2017 Action List, the HDC's 2016-2017 Action List, and the DRB's 2016-2017 Action List, and speaks to the action taken on each item. From this list, each board, as well as the City Commission, has the opportunity to evaluate their goals and objectives, and make any needed amendments.

03-42-16

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

03-43-16

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications

b. Administrative Approval Correspondence

- 2483 W. Maple Rd., D.F.C.U. Financial - Detail existing parking lot screenwall.
- 355 W. Maple Rd., St. James Episcopal Church – New face for the existing monument sign with LED lighting.

03-44-16

c. Draft Agenda for the Regular Planning Board Meeting on March 23, 2016

- Triple Nickel for a SLUP amendment to allow an outdoor dining platform on S. Old Woodward Ave.
- 835 and 909 Haynes, Fred Lavery Porche Dealership, to amend the SLUP to allow them to add the property to the east temporarily for a period of one year to re-locate the Fred Lavery Audi Sales Office.
- Brookside Terrace Final Site Plan.

d. Other Business (not discussed)

03-45-16

PLANNING DIVISION ACTION ITEMS

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

03-46-16

ADJOURNMENT

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

Jana Ecker
Planning Director