

**CITY OF BIRMINGHAM
 PLANNING BOARD ACTION ITEMS
 OF WEDNESDAY, APRIL 11, 2018**

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**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MARCH 28, 2018
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 28, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Member Daniel Share; Student Representative Ellie McElroy (arrived at 8:35 p.m.)

Also Present:

Absent: Alternate Board Member Nasseen Ramin; Student Representatives Madison Dominato, Sam Fogel

Administration: Brooks Cowan, Planner
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

04-53-18

APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF MARCH 14, 2018

**Motion by Mr. Boyle
Seconded by Mr. Share to approve the Minutes of the Regular Planning Board Meeting of March 14, 2018 as presented.**

Motion carried, 7-0.

VOICE VOTE

Yeas: Boyle, Share, Clein, Jeffares, Koseck, Whipple-Boyce, Williams

Nays: None

Absent: None

04-54-18

APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF MARCH 28, 2018

Mr. Share corrected the following:

Page 3 - Third paragraph, change "well-healed" to "well heeled."

Page 5 - Second paragraph, fifth line, change "parameter" to "perimeter."

Motion by Mr. Share

Seconded by Mr. Williams to approve the minutes of the Regular Planning Board Meeting of March 28, 2018 with those changes.

Motion carried, 7-0.

VOICE VOTE

Yeas: Share, Williams, Boyle, Clein, Jeffares, Koseck, Williams

Nays: None

Absent: None

04-55-18

CHAIRPERSON'S COMMENTS (none)

04-56-18

APPROVAL OF THE AGENDA (no change)

04-57-18

PUBLIC HEARING

1. AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND SECTION 3.04, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.06, O1 – OFFICE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.07, O2 – OFFICE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.08, P – PARKING DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.10, B2 – GENERAL BUSINESS DISTRICT, B2B – GENERAL BUSINESS DISTRICT, B2C – GENERAL BUSINESS DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.11, B3 – OFFICE-RESIDENTIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.12, B4 – BUSINESS-RESIDENTIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.13, MX – MIXED USE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND
TO AMEND SECTION 9.02, DEFINITIONS: BISTRO.

The Chairman opened the public hearing at 7:34 p.m.

Ms. Ecker recalled the board has been talking about the bistro regulations for almost a year. At a joint City Commission/Planning Board on June 19, 2017 several issues came up that the Commission asked the Planning Board to look at. So, over the past several months the board has been studying this and they have agreed upon language and brought it to a public hearing tonight.

Primarily the changes were to set up two different types of bistros, keeping the standards for the number of interior seats and number of seats at the bar the same for Downtown because they are in the Parking Assessment District and there isn't an excessive amount of parking. Also, creating another section for bistros in the Rail District and Triangle District that would allow a greater number of interior seats and a greater number of seats at the bar, given the fact that they couldn't do that unless they provided the required parking.

Several other changes were made:

- Enclosures facilitating year-around dining are not permitted;
- At the suggestion of the Building Official, railings, platforms or similar barriers should not exceed 42 in. in height;
- The Building Official also suggested that the word "enclosed" be taken out and replaced with "defined" when talking about an elevated ADA compliant enclosed platform.
- The bistro standards are proposed to be added in the MX District.
- Language was added to the existing regulations with regard to the B-3 and B-4 standards on bistros: "No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District."

Board members were in agreement with the changes.

Motion by Mr. Williams

Seconded by Mr. Share to recommend approval of the proposed ordinance amendments to the City Commission with the changes outlined tonight.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Share, Boyle, Jeffares, Koseck, Whipple-Boyce, Williams

Nays: None

Absent: None

The public hearing closed at 7:40 p.m.

**FINAL SITE PLAN AND DESIGN REVIEW
SPECIAL LAND USE PERMIT ("SLUP")**

**1. 33588 Woodward Ave.
Shell Gas Station**

Ms. Ecker explained the 0.34 acre subject site is located at the corner of Woodward Ave. and Chapin. The applicant is seeking a SLUP Amendment to relocate the restroom within the building, which will include a small 79 sq. ft. addition at the southwestern portion of the building, facing the parking lot. The addition will displace the ice and propane storage machines, which are proposed to be relocated to the side of the building, adjacent to the rear parking area.

On January 24, 2018 the application was reviewed by the Planning Board for the addition of a new restroom and new signage. However it bumped out in the front and cut into the pedestrian walk along the front of the store. The Planning Board recommended approval of the SLUP amendment to the City Commission with the condition that they make modifications to the site that would address the walking path along the front to the Commission's satisfaction.

However, the applicant had not yet devised a solution to the issue by the time they reached the City Commission for the public hearing. At that time, the City Commission voted to send the applicant back to the Planning Board to resolve the issue so that the Commission could review a complete plan that would not be subject to further change after the public hearing. Accordingly, the applicant has now submitted a new plan that meets ADA standards and proposes to apply blue paint striping to the area that leads from the handicapped space to the front entrance of the building. That is the only thing that has changed since the last time the applicant was before this board.

However, Ms. Ecker did not think this is what the Commission had in mind. She thought they wanted a final plan that would bump out the sidewalk and create a raised pedestrian path separate from the parking lot.

Chairman Clein was concerned that the sidewalk terminates directly in the flair of the ramp and the flair is not an accessible route. Therefore, the route doesn't get a person to the door. Also, there are no dimensions related to the barrier-free space. He doesn't think the plan is adequate or that it meets Code. Further, he has serious concerns about the ice and propane storage location with no details or dimensions of the parking space.

Ms. Ecker noted that one of the comments the Planning Dept. had is that it is very common for people to pull up along the curb, park there, and run into the store. The path doesn't really stop them from doing that. Therefore, the path may be blocked by a parked car.

Mr. Chris Barbat, the business owner, addressed the board's concerns:

- The striping is not adequate even though it meets Code. He proposed stamped concrete in a different color and a ramp from the parking spot to the stamped concrete area.
- In terms of the propane and ice storage, they complied with having each one of the boxes 4 ft. in height. They moved them to the current location which isn't a good idea because it is a walkway from the alley. He suggested moving them behind the fence which is out of site,

does not obstruct vehicle doors opening and closing, and opens up the whole pathway to the rear of the building.

Mr. Koseck thought whether the path is striped or stamped concrete, people will be parking there. A curb would define the area. However, Mr. Barbat was concerned that a curb would prevent cars from turning to go north. They might have to stop, reverse, and go back around. Chairman Clein stated he does not want to see cars driving through the striping and he doesn't want to see cars parked there; it is for pedestrians, particularly pedestrians that are facing physical challenges.

Mr. Jeffares noted there is an area in front of the building that goes down to 2 ft., which is too narrow. It could be made 3 ft. or so by adding extra concrete. Chairman Clein agreed and it is less money for the applicant. He wanted to see that change and also confirmation that they are showing the proper striping for the barrier-free spaces and that they are in compliance.

Motion by Mr. Williams

Seconded by Mr. Boyle to postpone consideration of 33588 Woodward Ave., Birmingham Shell, to April 25, 2018.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Boyle, Clein, Jeffares, Koseck, Share, Whipple-Boyce

Nays: None

Absent: None

Motion by Mr. Williams

Seconded by Mr. Koseck to suspend the rules for the Planning Board meeting of April 25th to consider more than five items.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Koseck, Boyle, Clein, Jeffares, Share, Whipple-Boyce

Nays: None

Absent: None

04-59-18

STUDY SESSION

1. Review Process for Renovation/Reconstruction Projects

Mr. Cowan advised that currently there are three boards that review proposed modifications to buildings: the Planning Board, the Design Review Board ("DRB"), and the Historic District Commission ("HDC").

Issue:

The Zoning Ordinance establishes the review process for new construction and renovation of existing buildings. However, the Zoning Ordinance is not clear as to the extent an existing

building can be renovated before it is deemed new construction, and the ordinance is not clear as to what specific changes trigger Site Plan Review.

After several study sessions, on January 10, 2018 the Planning Board reached a general consensus on commercial construction and renovation standards that would require Site Plan Approval. They arranged the wording of the ordinance to portray the proposed changes in a concise manner.

Planning Staff considered recent suggestions and then divided construction into three categories: historic, new, and expansions/alterations. This specifies requirements for each type of construction, and having separate categories may provide for more efficient ordinance language amendments in the future. Upon further discussion staff agreed that a number four would be merited for the Design Review Board ("DRB").

Ms. Ecker added that number four does not exist in the current draft. It was added since the last meeting to state that if you are not historic, not new construction, and not going to the Planning Board or the Historic District Commission, you have to go to the DRB if you make exterior alterations to your building.

She recalled the review process was one of the items discussed at the joint Planning Board/City Commission last June.

Mr. Cowan went over comments that were made by the Building Official:

- Amend Article 07, section 7.25 Review (2) to read: "Site Plan Reviews by the Planning Board are required **for all new construction and additions to buildings** for the following types of developments"
- Amend Article 07, section 7.25 Review (3) to read: "Site Plan Reviews by the Planning Board are required for all expansions and/or alterations of buildings in the following types of **(re)**development, not including the addition of new interior mezzanines"

Responding to suggestions by the Chairman, Ms. Ecker removed "and the Planning Board" from Article 07, section 7.25 Review (1). For Article 07, section 7.25 Review (2) add "also" in front of "required." In Article 07, section 7.25 Review (3) add after "in" "as noted in number 2 above" or words to that effect.

It was discussed that this information might work in a chart form in addition to the printed material.

It was consensus to bring this matter back to the Planning Board study session on May 9th.

2. Downtown Birmingham Redline Retail District

Mr. Cowan noted that the City Commission and City Manager have directed the Planning Board to continue studying the issue of retail use in Downtown Birmingham.

On March 14, 2018 the retail report was presented relating to the requested information:

- The Downtown core is predominantly retail goods with increases in retail services, offices, and medical uses in the outer sections of the Redline Retail District;
- Buildings less suitable were generally located along N. Old Woodward Ave. and Brown St.
- Approximately 75% of the stores in the Redline Retail District are within a quarter mile of the intersection of Old Woodward Ave. and Maple Rd.

Responding to that, the Planning Board requested a map of parking data, especially metered parking. Mr. Cowan stated that he found the tenant spaces around the intersection of Old Woodward Ave. and Maple Rd. as well as Pierce and Maple Rd. had the highest number of about 740 to 760 metered spaces. The area around N. Old Woodward Ave. had 200 or so metered spaces.

A conversation with Ms. Ingrid Tighe of the Birmingham Shopping District ("BSD") revealed that the BSD does not prioritize primary and secondary locations, nor do they do exit interviews. In terms of market studies, the BSD maintains a tenant table which categorizes their retailer types as well as monthly occupancy data. Their consultant, Buxton, categorizes the demographics of people within a 10, 15, and 20 minute drive- time radius. Basically, they are saying it is a well-to-do area. Birmingham has a nice, wealthy base to draw from so they should target high end retailers. Buxton's main objective according to their contract is to identify retail slippage and ideal tenants that match Birmingham's demographics.

Mr. Williams said the one thing he took from this is that if Birmingham is moving in the high end market, the high end market should be pretty strong for Birmingham in terms of growth.

Mr. Boyle suggested that the board needs to be looking at how the variables they are studying can change moving forward. Secondly, he noted the board knows a lot about our behavior, a lot about the behavior of the tenants; however they don't know much about the behavior of the building owners. What are they charging over time for their frontages in Birmingham and to what extent are they adapting to changing conditions.

Mr. Koseck noted that a lot of Birmingham's stock consists of older buildings and may not work for Class A high end retailers. Ms. Ecker advised the rental rates in Birmingham are less than on average than what is available for the same size space at Somerset Mall. However, Mr. Williams pointed out there is one big difference, and that is ease of access to the high end stores which is more difficult here. The biggest challenge that Birmingham has is the outlying areas that are within the Redline Retail District.

Mr. Jeffares advised that the thing about retail is that density is needed. At Somerset it is 100 percent retail and they have standard hours. Competition is tough and he wondered what can be done to improve the carrot for ~~people~~ **potential retailers**. Look at some of the more creative things such as 20 ft. retail **as seen in other large international cities**, mitigating the climate, and encouraging pop-ups.

Mr. Share focused on the Planning Board's tasks:

- To the extent that the N. and S. ends of Old Woodward Ave. aren't packed with retail, is there something that can be done to cause them to be retail or is it that there is not much demand down there.
- Try to figure out what might incentivize more retail frontage in outlying areas. This might include increasing the amount of allowable office if retail is allowed in the first 20 or 30 ft. of the main floor. He felt that there will be sufficient demand for the foreseeable future to maintain the cluster around the intersection of Old Woodward Ave. and Maple Rd.

Ms. McElroy also agreed with making the Redline Retail District smaller. She thought if the City would focus on getting more stores to fill in the main area, then the stores on the outskirts will become more necessary and bring more attention there in the future.

Ms. Ecker noted that from a planning perspective you generally see retail concentrated with other retailers and it continues out until there is some sort of a break in the streetscape or storefronts that deters pedestrians from continuing, such as parking lots, blank walls, lack of retail uses and similar lower levels of activity.

Ms. McElroy thought one of the goals for the outlying area might be to bring in a big company anchor store that is very well known and then filling up the rest of the space with smaller stores. so that when people go to the big store they then have a reason to walk around and look into the smaller retailers.

As to the direction from the City Commission and the City Manager, Ms. Ecker asked if there is some consensus that maybe the Red Line Retail Boundary needs to be shrunk or have a tiered system within it?

Mr. Boyle thought perhaps they should ask staff to bring back a chart that shows the constraints and opportunities within an existing Redline Area. If we shrink the Redline Retail District, what would happen in the areas that have been pulled out; and if we think some of those are undesirable potentials, what might we do to either avoid them or incentivize people to behave in that area in ways we are happy about?

Mr. Share said the question is whether there are resources around who can help us think that through. The name that comes to his mind is Robert Gibbs. Ms. Ecker observed they could ask some of the commercial brokers Downtown to come in and give an idea of what their typical clients are looking for when they are considering whether or not to locate in Birmingham.

Mr. Koseck stated that Taubman has full-time people who are experts in understanding how people behave and where they shop. He hoped the Planning Board could find a third-party independent who could help them. It is not going to be the broker because the City doesn't pay them. He advocated right sizing the Redline Retail District so that is smaller. The more successful that becomes the more it will force retailers into the areas beyond.

Mr. Jeffares noted they can't set rent rates, but there are things the Planning Board and the City Commission can do to try to ensure success. Otherwise in another ten years he fears they will have their second shrinking of the Redline District meeting.

Ms. McElroy said one thing to think about is what we want Birmingham to be like and how we want people to see Birmingham in the future. See if there is some sort of vibe of Birmingham that would make people want to come here. Make sure our plans align with our future goal.

Ms. Ecker said the next direction from the City Commission and the City Manager is to address the issue of what to do about existing buildings that may not be the best to support retail uses - exclude them or give them different rules.

Mr. Share observed the problem with the strip of office buildings on N. Old Woodward Ave. is that the first floor slopes, and it would be very expensive to put in glass. Geographically the area is very challenging.

Mr. Boyle thought maybe they should be taken out of the retail geography and allowed to flourish. Ms. McElroy said when she looks at the small stores or boutiques on the north end they look like office buildings. She thinks that is what prevents people from moving across to the other side of the road and seeing what they have to offer. Mr. Williams said in the summer there is a lot of foot traffic on the north side because of Booth Park and the Farmers Market. Board members agreed this strong little retail cluster does not have to be contiguous. Maybe there could be three areas of Retail District.

Ms. Whipple-Boyce observed there is not so much draw to want to be on the south end of Old Woodward Ave. With the right incentives, maybe something cool could happen there. Mr. Boyle thought a pop-up incubator area might be allowed in an area that needs a driver.

Mr. Cowan wondered if there is sufficient demand in Birmingham to have 3.25 miles of strictly retail. So in terms of tiers, determine where there is less demand for retail and allow a broader range of uses.

Ms. Ecker advised that another direction to the Planning Board is to evaluate whether to do a prohibition of desks, workstations and office related amenities placed within the first 20 ft. of depth of window frontage within the Retail District and recommend ordinance language to address the issue.

The issue that came up at the last study session is if there is the 20 ft. of depth for retail and people put office behind, (a) do we want to allow that, and (b) does the language need to be changed because the Overlay limits office to two floors?

Ms. Whipple-Boyce said the extra office use on the first floor allows an opportunity to activate the alleys and the extra amount of office space rewards the property owners.

The board was divided on whether the 20 ft. of retail could survive unless people have immediate access to the store. It was concluded that new ordinance language affecting the first 20 ft. of depth would not change what exists but it would affect the future. Maybe instead of 20 ft., it should be a percentage of the floor that can be activated for retail use.

Ms. Whipple-Boyce supported reaching out to the building owners and inviting them to these study sessions. Ask them who their tenants are.

Mr. Boyle suggested asking staff to bring in some ideas about how to adapt the Redline District in such a way that it addresses these points and maybe a checklist of what you get if you are in it and what you get if you are not in it, along with how can we change this. He thinks the City

is doing the right thing on improvement of the street and on parking. The question is really about the actual ordinance that will maintain the premium shopping experience.

Mr. Cowan said moving forward they will talk about different boundaries and discuss at least three tiers, and then go over permissible uses.

Mr. Koseck said to investigate the uses that may not have existed when the 2016 Plan came about and whether the ordinance needs to be changed to accommodate them.

04-61-18

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approval Requests
 - 877 S. Adams, Americorp Financial Center - Paint steel on exterior of building.
 - 566 Ann St., Roof-Mount Solar Array – Installation of a 8 kw Roof-Mounted Solar Photovoltaic System at the building. The proposed solar array will be ballasted, and occupy approximately 480 sq. ft.
- c. Draft Agenda for the next Regular Planning Board Meeting of April 25, 2018
 - Shell Gas Station, SLUP and Final Site Plan and Design Review;
 - Crosswinds, Final Site Plan Review for a rear deck;
 - Parking lot reconfiguration on Bennaville;
 - 191 N. Chester - Addition to the rear and SLUP;
 - Emagine Theater.
- d. Other Business (none)

04-62-18

PLANNING DIVISION ACTION ITEMS

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

04-63-18

ADJOURNMENT

No further business being evident, the Chairman adjourned the meeting at 9:50 p.m.

Jana L. Ecker
Planning Director