

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

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<p>Motion carried, 7-0.</p>	5
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<p>Motion carried, 6-0.</p>	8

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

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 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, Lisa Prasad, Janelle Whipple-Boyce; Student Representative Colin Cusimano

Absent: Board Member Bryan Williams; Alternate Board Member Daniel Share

Administration: Matthew Baka, Senior Planner
Brooks Cowan Asst. Planner
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

04-69-16

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

**Motion by Ms. Whipple-Boyce
Seconded by Mr. Koseck to approve the Minutes of April 13, 2016 as presented.**

Motion carried, 7-0.

VOICE VOTE

Yeas: Whipple-Boyce, Koseck, Boyle, Clein, Jeffares, Lazar, Prasad

Nays: None

Absent: Williams

04-70-16

CHAIRPERSON'S COMMENTS (none)

04-71-16

APPROVAL OF THE AGENDA

Ms. Ecker advised the Rezoning Application and Final Site Plan Review for 191 N. Chester, Former First Church of Christ, Scientist has been withdrawn by the applicant.

04-72-16

COURTESY REVIEW

1600 W. Maple Rd.

Chesterfield Fire Station

Courtesy review of proposed construction of new fire station

John Connaughton, Fire Chief, was present along with Lyal Bigger, Fire Marshall, and John Donohue, Asst. Fire Chief. Mr. Connaughton presented a short PowerPoint that showed some of their concerns. The current station that was built in 1955 has a number of deficiencies and has outlived its functional life span. It is important to make sure the new station has enough capacity to house all of the necessary activities and apparatus. The length and the depth of the property made it advantageous to be on the west side. Chief Connaughton went on to describe why a second means of entry and exit works well for them. There was concern about parking spaces so they did eliminate two spots going down from 12 to 10. He is very happy with the current design.

Mr. George Petfuska, Project Designer, and Mr. Stacy Peterson, Principal Architect, were present for the Sidock Group. Mr. Petfuska noted the Architectural Review Committee ("ARC") and the Planning Board shaped the final outcome of the project and it came out much better in the end. He thanked them for their involvement. He highlighted various aspects of the design and feels they now have a project that functions very well, compliments the neighborhood, and will serve the City for a long period of time.

Ms. Lazar received confirmation that the existing station is 5,800 sq. ft. and the new one will be 9,800 sq. ft. The green space to the east is public property. Ms. Whipple-Boyce inquired whether there has been discussion about park improvement to the adjacent property. Mr. Petfuska replied everyone recognizes that beautiful parcel of land could be improved and used by the public. Mr. Clein noted that the use of the eastern portion of this site is not within the scope of this project.

Mr. Koseck thanked the group for a great presentation. It helps him to understand how they got to the current design. His opinion was this is a much improved building than their first rendering. He hoped the ARC would continue to be included when civic projects are being considered. Mr. Koseck's one concern is the surface parking lot on the front of the property. He encouraged them to see if there are other ways the parking requirement can be met. It was noted by the Fire Chief that the rear parking lot area depth and width needs to be those dimensions so their vehicles can get in and out.

Mr. Jeffares noted that historically there has not been a well defined process for municipal projects. With this project a process has been followed similar to what would be done with private development projects. He hopes this will continue in the future because the results here were outstanding.

Chairman Clein thanked the Fire Dept. for involving the Planning Board and appreciated their willingness to work together as a team. Further, he thanked the ARC for their involvement as well.

At 8:12 p.m. the Chairman asked for comments from members of the public.

Mr. Russell Dixon, 1460 Bennaville, thought this building represents the civic appearance on the western gateway to the City and he hopes the board will continue to review this design with diligence so that it can be an iconic building for half a century.

Mr. Louis Meldman, 1825 Yosemite, complimented the Birmingham Fire Dept. for their professionalism and understanding.

Mr. Brad Chika, 184 Fairfax, said he views members of the Fire Dept. as true heroes. He received clarification that the major expansion of the new station will be south to Maple Rd. and somewhat west.

Mr. J.C. Cataldo thanked the board for raising their concerns last November. At that time he had three concerns which included lack of communication in the neighborhood; lack of requirements to adhere to the same development standards as private developers; and finally, the general architectural scheme. His concerns have now been met and he was appreciative of everyone's involvement.

04-73-16

UNFINISHED BUSINESS

Special Land Use Permit ("SLUP") Review

Final Site Plan Review

835-909 Haynes

Fred Lavery Porsche/Audi

Request for a SLUP Amendment to allow the temporary expansion of the existing SLUP at 835 Haynes to include 909 Haynes to allow an Audi sales facility for a maximum of one year. (postponed from March 23, 2016)

Mr. Baka noted the subject site is located on the north side of the street between Woodward Ave. and Elm St. The parcel is zoned B-2 General Business and MU-5 in the Triangle Overlay District. The applicant, Fred Lavery Co., owns the adjacent property to the west, 835 Haynes St., which received a SLUP in 2010 to operate a Porsche car dealership within the B-2 Zone and MU-7 in the Triangle District Overlay.

The applicant is conducting renovations to the existing Audi dealership at 34602 Woodward Ave., and wishes to amend its existing SLUP at 835 Haynes St. to temporarily include 909 Haynes St. while the building on Woodward Ave. is being renovated. The applicant is requesting temporary use of the first floor of 909 Haynes St. for office space and business operations for their Audi car dealership for no more than 12 months. Along with the dealership, there is an existing beauty spa on the second floor of 909 Haynes St., Spa Mariana.

The Birmingham Zoning Ordinance requires that the applicant obtain a SLUP Amendment and approval from the City Commission to expand the auto sales agency and showroom to temporarily include the property at 909 Haynes St.. Accordingly, the applicant will be required to receive a recommendation from the Planning Board on the Final Site Plan and SLUP Amendment, and then obtain approval from the City Commission for the Final Site Plan and SLUP Amendment.

On March 23, 2016 the Planning Board reviewed the proposal to temporarily expand the SLUP to include 909 Haynes for one year. However, at that time the architect indicated that the property owner would like the expansion to be permanent. The Planning Board and Planning Staff indicated that a permanent expansion would not be considered without the level of details normally provided for a SLUP Amendment. The applicant was postponed until the April 27, 2016 meeting to allow them time to consider how they wished to proceed. The applicant has now indicated that they intend to proceed with the temporary proposal and apply at a later date for a permanent expansion of the SLUP.

The applicant is now proposing to install the five (5) required canopy trees and create three (3) new landscaped areas in the interior of the parking lot. The applicant must provide the dimensions of the landscaped areas to determine if they meet the size requirements mandated by the Zoning Ordinance.

The applicant is not proposing any changes to the existing streetscape. The current streetscape in front of the subject building does not match the Triangle District standard as installed on the Porsche site.

The design for the building on Woodward Ave. has been approved by the Design Review Board and the applicant is getting ready to start the renovations.

Design Review

No changes to the facade are proposed.

Signage Review

The 909 Haynes St. building has 40 ft. of street frontage; therefore a total of 40 sq. ft. of signage is allowed, per the City of Birmingham's Sign Ordinance. The applicant has revised their signage proposal to bring the amount of signage down to 40 sq. ft. so that it complies with the regulations of the Sign Ordinance.

Ms. Ecker explained that because there were violations going on with the storage of vehicles, Code Enforcement went out, but enforcement activities have been put on hold until it is determined if the temporary SLUP is feasible.

Mr. Fred Lavery noted they will not display cars in the building; it will only contain offices for the sales staff and sales manager. They will probably park their demonstrators in the spaces that are not required to meet the parking requirement for the building. The Audi building on Woodward Ave. is being renovated to Audi's current corporate image.

Chairman Clein called for public comments at 8:32 p.m.

Mr. James Ellsman business owner at 635 Elm, asked if the approval of an amended SLUP is a guarantee that the Triangle District restrictions against car dealerships is waived. Ms. Ecker clarified the Triangle District doesn't prohibit the use for car sales agencies, but it only allows it with the strict control and regulation of a SLUP because of the potential impact on the neighborhood. In this case the car dealership is only requesting approval for a period of one year.

Mr. Koseck commented that this is not his vision for the Triangle District. By granting this request it takes the property out of contention for other developments over the next 12 months. After the temporary SLUP amendment has expired he will not support this because the property has a higher and better use. Mr. Lavery responded that a seven story building cannot be constructed on this property without public parking. Only when public parking becomes available will there be a higher and better use for this property. Therefore, the proposed use bridges the gap so he doesn't have a \$7 or \$8 million investment that produces no visible revenue stream until public parking gets approved and constructed.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Boyle that based on a review of the site plans submitted, the Planning Board recommends approval of the applicant's request for Final Site Plan and a SLUP Amendment to the City Commission to allow the temporary expansion of the auto sales agency and showroom for up to one (1) year at 835 Haynes to include 909 Haynes with the following condition:

- **Applicant provides the dimensions of the parking lot landscaping islands to verify that they comply with the requirements of the Zoning Ordinance.**

There were no comments on the motion from members of the audience at 8:40 p.m.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Whipple-Boyce, Boyle, Clein, Jeffares, Koseck, Lazar, Prasad

Nays: None

Absent: Williams

04-74-16

REZONING APPLICATION

404 Park St., Parcel No. 19-25-451-021, lots 66 and 67 of Oak Grove Addition (vacant)

Request to rezone from R-2 Single-Family Residential to TZ-1 Transition Zone

Chairman Clein recused himself from this appeal because presently his firm has a business relationship with an entity related to the applicant. Vice-Chairperson Lazar took over the gavel.

Ms. Ecker advised the property owner is requesting that the Planning Board hold a public hearing to consider the rezoning of said property. The property has been vacant since 1989 when a previously existing single-family home was razed.

Ms. Ecker advised that over the past several years, the Planning Board embarked on a study to identify all of the transitional parcels located within the City, and create new transitional zoning districts to address the unique characteristics of these sites and corresponding development standards. The board hired a planning consultant to conduct a study of the Oakland and Park area to study existing conditions and to develop a vision and plan for the future. The Oakland/Park Subarea Study was completed by LSL Planning in the spring/summer of 2013. With regards to 404 Park, the study found that it was unlikely to be developed as single-family residential due to site factors: location, shallow lot depth along Oakland, lack of screening along Woodward Ave., views of multi-story buildings across Oakland, and traffic volumes along Oakland. Attached single-family uses are recommended for this site to provide a buffer zone between the lower density neighborhood to the north and the higher density Downtown to the south.

On June 24, 2015 the Planning Board voted to recommend to the City Commission that 404 Park St. be rezoned to TZ-1 to allow development of the property with attached single-family units.

Finally, on September 21, 2015, the City Commission approved the creation of both the TZ-1 and TZ-3 Transitional Zoning Districts, and approved the rezoning of several properties into these new zoning classifications. With regards to 404 Park, the City Commission discussed rezoning the site to TZ-1 as recommended by the Planning Board, but a motion to do so failed as several commissioners felt that adjacent properties along both Oakland and Park St. should also have been included for consideration of rezoning to TZ-1.

At this time, the applicant is seeking a rezoning of the subject property from R-2 Single Family Residential to TZ-1 Transitional Zone, as originally recommended by the Planning Board on June 24, 2015.

The Planning Division finds that the proposed rezoning of the subject property at 404 Park from R-2 to TZ-1 would create an appropriate transition from the five-story Central Business District to the neighborhood.

Mr. Rick Rattner, 380 N. Old Woodward Ave., appeared for the property owner and presented a PowerPoint that offered a chronology of the rezoning history of the subject property. The property has been vacant for 27 years and the people in the neighborhood have not been buffered for 27 years. They can construct a building that will in fact use the Transitional Zoning in that area as it is intended and protect the residential neighborhood by providing a clear buffer between traditional single-family uses and commercial uses. They believe that TZ-1 is a reasonable regulation under which they can operate and that complies with the Master Plan.

Mr. Rattner went on to explain why this is not spot zoning because it is a use that is consistent with surrounding uses.

Mr. Jeffares noted this parcel has been vacant for one-third of the City's existence. What is being proposed is a density of two units/40 ft. lot. The applicant is asking for

something that already exists in the neighborhood. Also proposed are rental units and there are rentals in that area. ~~What is there now is either~~ **90% of what buffers the neighborhood not is either** commercial or an eight-lane highway. He knows four people in the neighborhood who think it would be fine to have four rental units on the property, but they are reticent to speak in favor of the project because of the backlash. This parcel, if it were built as proposed, would have a lot of scrutiny by the Planning Board to make sure it fits in, provides the buffer, and lives up to everything that the applicant has proposed. **A single family home would not receive such scrutiny by the Planning Board.** Further, Mr. Jeffares believes it would increase property values.

Vice Chairman Lazar took discussion to the public at 9:30 p.m.

Mr. Michael Shuck said he lives at 247 Oakland, and also owns 267 Oakland. Changes in the neighborhood have shown that people are willing to buy a house that backs to Woodward Ave. The subject parcel contains two 40 ft. lots that back to Woodward Ave. and two houses could be built there with plenty of buffer zone. The applicant's argument is that no one wants to live there, but they expect four families to live there. The neighbors want two houses there; not four. Property values will decrease with the multi-family use. The reason the property has remained vacant is because developers would not do anything with it without a rezoning.

Mr. Louis Meldman, 1825 Yosemite, said they are dealing with a question that has already been answered. People in the neighborhood don't want multi-family. It is irrational for the applicant to say there cannot be a single-family residence but they can build four residences there.

Ms. Catherine Gains, 343 Ferndale, had questions about the proposed rendering. It doesn't depict that the building will be 5 ft. from the sidewalk. Also one of the neighbors' biggest concerns is the burden on parking in the neighborhood. There is nowhere to park on Park. There is no reason there can't be screening along Woodward Ave., so she doesn't agree with that as an argument. Also, if one or two families don't want to live on this parcel, why would four families want to live there. That seems like an odd argument to her.

Mr. Benjamin Gill, 520 Park, said most of the neighbors have indicated they don't want a multiple dwelling type of building or changes to the zoning. They all want the zoning as it is now. Mr. Brad Host owns the house just behind this development, and the applicant wants to put up a building and not care about his rights. In essence, the side of his house will face a parking lot, back doors, garages, traffic and noise. He suggested making the parcel into two duplexes so that the harmony of the street is not changed. The problem is the developer paid too much for the property and now is trying to get his money out.

Mr. Paul Gillen said he owns 273 and 271 Euclid. He suggested a lovely single-family home across the two lots with opportunity for landscaping. He thinks the requirement for the transition is already met by the boulevard.

Mr. Brad Host, 416 Park, said he has yet to find one single-family resident in the neighborhood who thinks this is a good idea. The reason the four residents in the area

that Mr. Jeffares said will never speak is because they already spoke and everybody took care of them.

Motion by Ms. Prasad

Seconded by Mr. Koseck to include into the record the letter from Hafeli Staran & Christ, PC, Attorneys at Law delivered to the Birmingham City Commission and dated September 16, 2015.

Motion carried, 6-0.

VOICE VOTE

Yeas: Prasad, Koseck, Boyle, Jeffares, Lazar, Whipple-Boyce

Nays: None

Recused: Clein

Absent: Williams

Mr. Brad Host thought that all letters from past hearings should be included in the packets.

Mr. Jeffares questioned if a single family didn't want to live on the property, why would several families want to live on the property. Mr. Rattner answered that the structures are not the same. In further response to Mr. Jeffares, Mr. Chuck DiMaggio with Burton Katzman Development Co., the owners of the property said they have always seen this as a rental property. Their target market for this parcel is people who want to sell their homes and move some place close to the amenities that Downtown Birmingham has to offer. These are 3 and 4 thousand sq. ft. units that will lease to very high end renters.

Mr. Boyle noted that in 1929 Wallace Frost built six connected homes in the single-family residential Poppleton neighborhood. It worked marvelously and the neighborhood loves it, and property values have continued to escalate.

Mr. Koseck said he will expect quality in what would be developed and that all of the TZ-1 standards would play out. If the development is beautifully done he would think it will favorably impact the neighborhood and be a good thing for that piece of land.

Ms. Whipple-Boyce indicated she doesn't believe this property should be anything other than TZ-1.

Mr. Benjamin Gill thought the neighborhood would not be against TZ-1 if the developer built two duplexes or a single home. The residents don't want a four-plex.

Motion by Mr. Boyle

Seconded by Ms. Whipple-Boyce to recommend to the City Commission that the application to rezone from R-2 Single-Family Residential to TZ-1 Transition Zone be approved for 404 Park St., Parcel No. 19-25-451-021, lots 66 and 67 of Oak Grove Addition.

There were no comments on the motion from members of the public at 10:20 p.m.

Motion carried, 6-0.

ROLLCALL VOTE

Yeas: Boyle, Whipple-Boyce, Jeffares, Koseck, Lazar, Prasad

Nays: None

Recused: Clein

Absent: Williams

04-75-16

**REZONING APPLICATION
FINAL SITE PLAN REVIEW**

191 N. Chester

Former First Church of Christ, Scientist

Request to rezone from TZ-1 to TZ-3 (application withdrawn by the applicant)

04-76-16

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

04-77-16

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications (none)

b. Administrative Approval Correspondence

- 315 Hamilton Row, Re-roof tear off with deck installment of insulation and PVC membrane.
- 401 S. Old Woodward Ave., existing wireless communication facility - AT&T Mobility proposes to modify its existing wireless communication facility by adding three (3) additional LTE antennas along with six (6) proposed antenna mounts.
- Ms. Ecker advised that Au Couchon and Arthur Ave. have requested administrative approval to install a standard railing around their outdoor dining area rather than the ornamental railing that was previously approved.

Mr. Zack Sklar, owner of the restaurants, said the ornate railing is not available. The sidewalk along N. Old Woodward Ave. is still ripped up and City has told him it will be at least six to eight weeks for them to repair it. That is delaying him from putting in a patio and it is detrimental to his business. With regard to the railing, he proposes a standard black railing that is consistent with the patios in the rest of the City. Board members urged him to build it after receiving approval from the Engineering Dept.

- 559 W. Brown - Ms. Ecker explained they are requesting administrative approval to add a dormer on each side of the roof. The building height or the floor area

won't increase and it meets ordinance requirements. Board members had no concerns.

04-78-16

c. Draft Agenda for the Regular Planning Board Meeting on May 11, 2016

- Glazing
- TZ-2
- Outdoor storage
- Update on wayfinding

d. Other Business

04-79-16

PLANNING DIVISION ACTION ITEMS

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

04-80-16

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 10:36 p.m.

Jana Ecker
Planning Director