
**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, APRIL 22, 2015**

Item	Page

APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 22, 2015
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 22, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Stuart Jeffares; Student Representative Andrea Laverty (left at 9:30 p.m.)

Absent: Board Member Robin Boyle, Alternate Board Member Daniel Share; Student Representative Scott Casperson

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

04-75-15

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD APRIL 8, 2015**

Motion by Mr. DeWeese

Seconded by Mr. Koseck to approve the Minutes of the regular Planning Board meeting on April 8, 2015 as presented.

Motion carried, 6-0.

VOICE VOTE

Yeas: DeWeese, Koseck, DeWeese, Jeffares, Lazar, Williams

Nays: None

Abstain: Clein

Absent: Boyle

04-76-15

CHAIRPERSON'S COMMENTS (none)

04-77-15

APPROVAL OF THE AGENDA

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to postpone 33877 Woodward Ave., Sav-On Drugs, SLUP and Final Site Plan Review to May 13, 2015.

There was no discussion from the audience on the motion at 7:33 p.m.

Motion carried, 7-0.

ROLLCALL VOTE

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

Nays: None

Absent: Boyle

04-78-15

SPECIAL LAND USE PERMIT ("SLUP")

FINAL SITE PLAN REVIEW

33877 Woodward Ave., Sav-On Drugs

Application for SLUP and Final Site Plan and Design Review to add a drive-through pharmacy on the south side of the building (postponed from March 25, 2015 – request by applicant to postpone to May 13, 2015)

04-79-15

REQUESTS FOR REZONING

2100 E. Maple Rd.

Application for rezoning from O-1 Office to B-2 General Business to allow retail and commercial uses on the site

Or in the alternative,

2100 E. Maple Rd.

Application for rezoning from O-1 Office to B-2B General Business to allow retail and commercial uses on the site

Ten pieces of correspondence have been received in support of the proposed rezoning to allow a Whole Foods Market.

Ms. Ecker advised that in accordance with the requirements of the Zoning Ordinance, the property owner of 2100 E. Maple Rd. is requesting that the Planning Board hold a public hearing to consider the rezoning of the property from O-1 Office to B-2 General Business. The applicant proposes to demolish the existing 55,965 sq. ft. empty office building and replace it with an approximately 45,000 sq. ft. Whole Foods Market. The proposed use as a grocery store is not permitted under the current O-1 classification. The B-2 district allows the proposed grocery store as a commercial permitted use with a

maximum building height of up to 40 feet; hence the applicant seeks rezoning from O-1 Office to B-2 General Business.

If rezoning to B-2 is not recommended for approval, the applicant has also submitted an alternate request for rezoning from O-1 Office to B-2B General Business. The permitted and accessory uses are very similar between B-2 and B-2B. The main difference with regards to development standards is that B-2 permits a maximum height of 40 ft. and three stories for all buildings, whereas B-2B permits a maximum height of 30 ft. and two stories for commercial or mixed use buildings. However, B2-B does permit a maximum height of 40 ft. and three stories for an all residential building.

Following receipt of the written report and recommendations from the Planning Board, the City Commission may grant or deny any application for the amendment for rezoning.

In response to Mr. DeWeese, Ms. Ecker explained how much control the City has over B-2B zoning. With regards to building placement, there is no minimum front yard setback. There must be a 10 ft. rear yard setback or 20 ft. when adjacent to residential. Minimum side yard setback is zero. The height for B-2B is 30 ft. for a commercial application. There is no size maximum for the building as a whole as there is in the MX District, where it is 6,000 sq. ft. However, the maximum size depends on being able to supply on-site parking to go with the size.

Mr. Koseck thought it would be wonderful to see how the proposal(s) fit into their context. At this time there is no proposal for Whole Foods. If the applicant is granted a rezoning there is no obligation on their part to develop a Whole Foods Market.

Mr. Rick Rattner, Attorney, 380 N. Old Woodward Ave., spoke to represent the property owner, Mr. Linden Nelson of Nelson Ventures, LLC. With him was Ms. Thea Hiak from Whole Foods Market and Mr. Jim Butler, Engineer, President of Professional Associates. Mr. Rattner offered history showing how the subject parcel zoning failed to evolve in relation to its surroundings. He went on to show iterations of how they want the proposed development to look. Their traffic study indicates the building and use with the parking in the back will have minimal impact on the traffic along Maple Rd. The lease with Whole Foods is signed and they are ready to go.

In his presentation, Mr. Rattner explained:

- why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership;
- why the existing zoning classification is no longer appropriate;
- why the proposed rezoning will not be detrimental to the surrounding properties.

Ms. Lazar noticed there was only one letter of support from someone located in the vicinity of the proposed rezoning.

Ms. Thea Hiak with Whole Foods Market said she knows people who live in the adjacent MX District and they are ecstatic about Whole Foods Market coming in. They have looked at other properties and felt this location would keep them closest to their existing facility at the NE corner of Maple Rd. and Coolidge. Also, it would maintain a lot

of their existing customers, along with providing 275 parking spaces. The new market would be double the size of their current establishment. The signed lease is in place.

Mr Rattner summarized:

- The rezoning to B-2 brings the property into conformance with the MX District's general planning concept;
- It allows the property to be developed in a manner that complements the uses and densities in the surrounding area;
- It is consistent with the intense developments adjacent to it in Troy;
- It would have a beneficial impact on the surrounding properties as well as the City of Birmingham in general; and
- It preserves the owner's enjoyment of rights of usage commonly associated with property ownership.

Mr. DeWeese noted that receipt of a Community Impact Study is important when considering any rezoning there, because it is one of the traffic choke points in Birmingham.

Mr. Koseck announced he could not come to a conclusion this evening based on the information presented. The letters submitted are not from people impacted by this development. Most of the experience driving along Maple Rd. is residential. Just because the existing building is empty doesn't mean it cannot function as office. He observed that an office use would have less of an effect on surrounding residential than a Whole Foods that is open seven days a week from 8 a.m. to 11 p.m. He doesn't know the applicant has proven they could not have a first class office building there that would be in demand. Whatever happens on that parcel certainly will have an impact on traffic.

Chairman Clein stated it has been made clear to him this evening that O-1 is probably not the right classification for this parcel. He was not sure what other zone it ought to be. The petitioner has asked for either B-2 or B-2B.

He opened up discussion from the public at 8:55 p.m.

Ms. Dorothy Conrad, 2252 Yorkshire, pointed out that none of her neighbors across the street received notice of this meeting. Also, her neighborhood association was not noticed. Previously, their concern has not been the height; but rather the use. That intersection is bad traffic wise, and retail will generate even more traffic throughout the day until late in evening. Ms. Ecker noted that notice was provided to the neighborhood as legally required.

Mr. Michael Price, 2440 Dorchester, said he would love to see a Whole Foods go in on that site. Anything that goes there will generate more traffic.

Mr. Michael Coleman who lives behind Big Rock said he is 100% in favor of the project. It is a great use and a great investment for the neighborhood and for the City. The Whole Foods compliments LA Fitness by offering fresh, healthy food.

Mr. Linden Nelson, the property owner, noted they have tried everything in the way of office, even single-digit rents. They have a long-term lease with Whole Foods.

Mr. Williams said it has been his experience that the brewery adds a lot of traffic to that neighborhood. The proposal is for B-2 or B-2B, or the zoning stays as it is which makes for an absolutely useless piece of property. Therefore, something should be done with the site. Whether or not this facility gets built, traffic on Maple Rd. will not get significantly worse. It is already horrendous. However, it doesn't affect anyone who lives three blocks away on Eton. If the applicant wants a Whole Foods Market with 275 parking spaces, then tie them to the site plan for this usage with a lease in place. Stay away from the ephemeral rezoning in theory and hoping that the market goes in.

Ms. Ecker recalled that two years ago the City Commission said they did not want to go down the path of contract zoning. Mr. Williams replied that it makes more sense here than in the project under consideration at that time. Ms. Whipple-Boyce agreed this is a totally different set of circumstances. The potential for inappropriate uses that are allowed in B-2 would all be solved with contract zoning. Mr. Jeffares added O-1 zoning doesn't work and a new zoning is needed. Mr. Koseck liked the idea of contract zoning but if that isn't allowed the board has to look at all of the things that could be allowed on that site.

Mr. Nelson suggested they could go with B-2 or B-2B zoning subject to a site plan that the Planning Board okays.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to postpone consideration of the requests for rezoning of 2100 E. Maple Rd. to May 27 to give the applicant time to come back with a more specific proposal.

It was discussed that in order to be noticed a site plan application would have to be in to the City by Monday, May 11.

There were no comments on the motion from members of the public at 9:33 p.m.

Chairman Clein advised the applicant it is their choice to discuss with the City administration whether or not a site plan submittal in conjunction with their rezoning application would be more tenable to the City Commission and the administration.

Mr. Koseck said he will not support the motion because he doesn't know the credibility of the information he is getting. A Community Impact Study would provide good information to him.

Motion carried, 6-1.

ROLLCALL VOTE

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

Nays: Koseck

Absent: Boyle

04-80-15

STUDY SESSION
Glazing Standards

Mr. Baka explained that as a result of applicants having to revise their architectural designs in order to meet the window standards established in the Zoning Ordinance, members of the Planning Board have discussed whether the ordinance could be amended to give the reviewing City Board the authority to allow architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

After many prior meetings and review by the City Commission, the Planning Board at their March 11, 2015 meeting conducted a study session to continue discussion on improving the window standards. There was consensus that the 70% glazing requirement should be limited to between 1 and 8 ft. above grade in all zones and districts. It was also agreed that the current requirements of section 4.83 WN are problematic as they have required excessive glazing on several recent projects which has resulted in multiple variance requests to the Board of Zoning Appeals.

Although no specific modification standards were recommended over others, the Planning Board clearly indicated that the intent of the ordinance was to engage pedestrians in commercial zones. The board directed the Planning Dept. to review the various ways of accomplishing that intent. Accordingly, revised draft ordinance language is presented for the consideration of the Planning Board.

In order to provide consistency throughout the ordinance, the Planning Staff recommends amending the first floor standards in the Triangle District and Section 4.83 to require 70% glazing between 1 and 8 ft. above grade.

Mr. Baka advised that the window standards apply on the front façade and any façade that includes the primary entrance where the façade faces a street, plaza, park or parking area. Blank walls are not permitted on elevations with public entrances.

It was concluded that a definition of “blank wall” is needed. Ms. Whipple-Boyce thought that some flexibility should be written into the ordinance. Say that blank walls are not permitted on elevations, period. Mr. Koseck thought this matter needs another layer of study so they don’t end up with a bunch of windowless buildings or uninterrupted walls that don’t make for good architecture. Mr. Baka clarified that what is being discussed does not apply in the Downtown or the Triangle. It only applies in areas that are more likely to have a stand-alone building. Ms. Lazar thought the board needs definite parameters to work with.

04-81-15

STUDY SESSION
Update on South Woodward Ave. Corridor Master Plan

Mr. Baka recalled at the March 25, 2015 Planning Board meeting the S. Woodward Corridor Master Plan for the Woodward Corridor between 14 Mile Rd. and Lincoln was identified as one of the top priorities for 2015.

The City of Birmingham initiated the study and development of the S. Woodward Ave. Gateway Plan in 2013. At that time, LSL Planning consultants were selected to lead the effort to develop the plan. A steering committee was created of local stakeholders and input on the area was gathered from business owners and residents. In November of 2013 the Planning Dept. received the first draft of the S. Woodward Ave. Gateway Plan and provided comments to the consultant for a first round of revisions. LSL Planning submitted a second draft of the plan to the Planning Dept. in late April of 2014.

At this time the Planning Dept. is providing the most recent draft plan for the Planning Board's review. It will go to the steering committee before coming back to this board.

04-82-15

**PRE-APPLICATION DISCUSSION
169-197 N. Old Woodward Ave.
Brookside Terrace Condos**

Mr. Howard Fingarou said he is one of three partners with Diversified Property Group. One partner is Mr. Gary Shiffman, CEO of Sun Communities, who was present; and the other partner is Mr. Steve Friedman, Founder of Selective Group which was sold to Centex Homes. They will propose a building that has first floor retail and residential above with self-parking underneath the first floor. The project will require rezoning into the D-4 District.

Mr. Chris Longe, Architect, said the property is roughly three quarters of an acre and it goes all the way to the river. He walked the group through a presentation that depicted the surroundings and circulation through the property.

04-83-15

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

04-84-15

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications

b. Administrative Approvals

- 617 N. Old Woodward Ave., Remove existing asphalt driveway and replace with 4 in. concrete on 4 in. minimum gravel base.

- c. Draft Agenda for the Regular Planning Board Meeting on February 26, 2015
- d. Other Business

04-85-15

PLANNING DIVISION ACTION ITEMS

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

04-86-15

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 10:40 p.m.

Jana Ecker
Planning Director

APPROVED