

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, MAY 9, 2018**

Item	Page
<p>UNFINISHED BUSINESS FINAL SITE PLAN AND DESIGN REVIEW SPECIAL LAND USE PERMIT ("SLUP") AMENDMENT</p> <p>1. 33588 Woodward Ave. (postponed from April 11 and 25, 2018; Request to postpone to May 23, 2018) Shell Gas Station Request for approval of a Community Impact Study ("CIS"), Special Land Use Permit, Revised Final Site Plan and Design to allow for construction of a small addition for a restroom and new signage</p> <p>Motion by Mr. Williams Seconded by Ms. Whipple-Boyce to suspend the rules and postpone consideration of 33588 Woodward Ave. to Wednesday, June 13, 2018.</p> <p>Motion carried, 5-0.</p>	<p>2</p> <p>2</p> <p>2</p>
<p>SPECIAL LAND USE PERMIT ("SLUP") FINAL SITE PLAN AND DESIGN REVIEW</p> <p>2. 191 N. Chester The Jeffery (formerly Church of Christ, Scientist) Request for approval of Community Impact Study ("CIS"), Application for SLUP, and Final Site Plan and Design Review to allow renovation and expansion to the existing building for office use over 3,000 sq. ft. in size</p> <p>Motion by Mr. Williams Seconded by Mr. Share to ACCEPT the CIS as provided by the applicant for the proposed development at 191 N. Chester, the Jeffery with the following conditions:</p> <p>1. Applicant provide mitigation strategies for control of noise vibration and dust; 2. Applicant will be required to bury all utilities on the site subject to the concurrence of the City Engineer; 3. Applicant provide space for the separation of recyclables; and 4. Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Dept.</p> <p>Motion carried, 5-0.</p>	<p>2</p> <p>3</p> <p>3</p>

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<p data-bbox="188 270 527 300">Motion by Mr. Williams</p> <p data-bbox="188 304 1308 373">Seconded by Mr. Jeffares to APPROVE the SLUP, Final Site Plan and Design Review for 191 N. Chester, The Jeffrey, subject to the following condition:</p> <p data-bbox="188 378 1308 447">1. Applicant submits for administrative approval material samples and specifications to complete design review for the garage door.</p> <p data-bbox="188 480 479 510">Motion carried, 5-0.</p>	<p data-bbox="1377 273 1393 302">4</p> <p data-bbox="1377 520 1393 550">4</p>

APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MAY 9, 2018
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on May 9, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle (arrived at 7:48 p.m.), Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Student Representatives Madison Dominato (left at 8:45 p.m.), Ellie McElroy

Absent: Alternate Board Member Nasseen Ramin; Student Representative Sam Fogel

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

05-76-18

APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF APRIL 25, 2018

Mr. Jeffares corrected the following:

Page 6 - Second to last paragraph, scratch "what exists presently" and replace with "what is being presented."

Motion by Mr. Williams

Seconded by Mr. Share to approve the minutes of the Regular Planning Board Meeting of April 25, 2018 as corrected.

Motion carried, 4-0.

VOICE VOTE

Yeas: Williams, Share, Clein, Jeffares

Nays: None

Abstain: Whipple-Boyce

Absent: Boyle, Koseck

05-77-18

CHAIRPERSON'S COMMENTS(none)

05-78-18

APPROVAL OF THE AGENDA (no change)

05-79-18

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

1. 33588 Woodward Ave.(postponed from April 11 and 25, 2018; Request to postpone to May 23, 2018)

Shell Gas Station

Request for approval of a Community Impact Study ("CIS"), Special Land Use Permit, Revised Final Site Plan and Design to allow for construction of a small addition for a restroom and new signage

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to suspend the rules and postpone consideration of 33588 Woodward Ave. to Wednesday, June 13, 2018.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Absent: Boyle, Koseck

05-80-18

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

2. 191 N. Chester

The Jeffery (formerly Church of Christ, Scientist)

Request for approval ofCommunity Impact Study ("CIS"), Application for SLUP, and Final Site Plan and Design Review to allow renovation and expansion tothe existing building for office use over 3,000sq. ft. in size

CIS

Ms. Ecker reported that a letter dated May 4, 2018 has been received from Fleis & Vandenbrink and MKSK, the City's traffic consultants, and they have signed off on the traffic portion of the study.

Ms. Ecker advised that since April 25, 2018 the applicant has added one bicycle parking rack (City standard loop) on Chester near the front entrance, and they advised they did not have room within the enclosed parking area for bicycle parking. The applicant has also reviewed all ADA and traffic issues with the Engineering Dept. and the traffic consultant, and made all of the required corrections. Specifically, the applicant has revised the layout of the parking spaces in the R-O-W along Willits, added a sidewalk across the entry apron to the enclosed parking area,

widened the apron of the entry drive, and added crosswalk striping, ADA ramp and landing across on the north side of Willits as requested by the Planning Board. Minor changes were also made to the slope of the ADA ramp proposed on the south side of Willits by the crosswalk. The site plan has also been revised to show all adjacent property conditions around the subject site as requested by the Planning Board.

Mr. Williams thought the applicant should address whether all utilities on site will be buried as required and how that relates to adjoining properties. Chairman wanted to see them buried unless there is a reason otherwise. There seems to be only one strand from the pole across the street so it doesn't seem onerous to him.

Mr. Kevin Biddison, Biddison Architecture, 320 Martin, came forward. It is correct that the only feed is from a pole across the street. They will look at that and work with the City Engineer. Also, some additional bike parking will be provided inside. The security system will be taken care of once they know the number of tenants. The Engineering Dept. allowed them to put in a flare up to 2.5 ft. wide at the end of the drive. There is a room inside the garage that will be used for recycling and trash. As far as noise and dust during construction, they will take whatever precautions are necessary. The demo is already completed, which is probably the worst part, so he doesn't see any problems going forward.

Motion by Mr. Williams

Seconded by Mr. Share to ACCEPT the CIS as provided by the applicant for the proposed development at 191 N. Chester, the Jeffery with the following conditions:

- 1. Applicant provide mitigation strategies for control of noise vibration and dust;**
- 2. Applicant will be required to bury all utilities on the site subject to the concurrence of the City Engineer.**
- 3. Applicant provide space for the separation of recyclables; and**
- 4. Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Dept.**

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Absent: Boyle, Koseck

Special Land Use Permit ("SLUP"), Final Site Plan and Design Review

Ms. Ecker reported that the applicant received a variance from the Board of Zoning Appeals to eliminate the required loading space. They have now added a bicycle parking rack along N. Chester in front of the new lobby addition. Additionally, the applicant has revised the plans to show all proposed railings in black powder coated aluminum.

Motion by Mr. Williams

Seconded by Mr. Jeffaresto APPROVE the SLUP, Final Site Plan and Design Review for 191 N. Chester, The Jeffrey, subject to the following condition:

- 1. Applicant submits for administrative approval material samples and specifications to complete design review for the garage door.**

No one from the public wished to speak on the motion.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Absent: Boyle, Koseck

05-81-18

STUDY SESSION

1. Retail Discussion

Mr. Cowan recalled that after approving a definition for personal services in relation to the definition of commercial uses in retail, the City Commission has asked the Planning Board to evaluate the Redline Retail boundaries and identify buildings that may be less suitable for retail.

Over the past several months, the Planning Board reviewed the Redline Retail District of 3.25 linear miles, 278 businesses, went over the range of uses in the District, the distribution of asking rents, vacancy locations, images of building frontages, maps of storefronts' proximity to parking, supplementary market data and a macro scale retail market report.

The board then requested maps proposing new boundaries of a Retail District, including multiple tiers with different requirements. Therefore, four different tiers of first-floor permissible uses, each with a color associated with it, have been created along with six different boundary revision suggestions.

First-Floor Use Descriptions:

1. Redline Retail (Red):

- a. Retail Goods, Restaurants, Salon-Spa, Entertainment
 - i. Primary location downtown.

2. Blueline Business (Blue):

- a. Retail Goods, Restaurants, Salon-Spa, Entertainment, Retail-Services
 - i. Secondary locations that provide retail opportunities and businesses that are complimentary to the needs of residents and activate the streets downtown.

3. General Greenline (Green):

- a. Retail Goods, Restaurants, Salon-Spa, Entertainment, Retail-Services, Medical i. i.
Tertiary locations that provide retail opportunities, businesses that are complimentary to the needs of residents and activate the streets downtown, and have buildings conducive to medical and dental practices that wish to locate near downtown.

4. Non-Conforming (Yellow):

- a. Retail Goods, Restaurants, Salon-Spa, Entertainment, Retail-Services, Medical, Office
 - i. Buildings that have been deemed to be less suitable for retail on the first floor due to architectural features and/or dimensions. Properties within this boundary are exempt from first-floor use requirements, although they may be added into another

first-floor use category as a condition of approval for new construction or redevelopment projects.

Suggested New Boundaries of a Retail District:

1. No Change

a. This would result in the conclusion that the Planning Board wishes to see true retail maintained in downtown Birmingham, and that there is sufficient demand for retail throughout the current Redline Retail boundary.

2. Remove Buildings not Suitable for Retail

a. Maintains general size of the Redline Retail boundary while removing buildings deemed less suitable for retail. Locations are predominantly on N. Old Woodward Ave. and Brown. Properties within this boundary are exempt from first-floor use requirements, although they may be added into another first-floor use category as a condition of approval for new construction or redevelopment projects.

3. Downtown Core Based

a. Focuses on the intersection of Old Woodward Ave. and Maple Rd. for retail goods, while permitting retail services on the outer edges of downtown and the complimentary streets.

4. Overlay Zoning Based

a. Associates first-floor use with the overlay zoning categories and permissible height. b. Areas with greater height allowance have tighter first-floor retail requirements, while areas with lower height allowance have a broader range of first-floor uses.

5. Mixed Categories

a. Option 5 combines consideration for buildings less suitable for retail, Overlay Zoning boundaries, the Parking Assessment District, and current uses.
b. The General Greenline boundary has been included on N. Old Woodward Ave. due to the current use and characteristics of the buildings more suitable for medical/dental.
c. The east side of S. Old Woodward Ave. was kept as Redline Retail due to its D-4/D-5 Overlay Zoning classification, while the west side was incorporated into the Blueline Business because it is not in the Parking Assessment District and is zoned D-2 in the Overlay.

6. Mixed Categories

a. Option 6 also combines consideration for buildings less suitable for retail, overlay zoning, the Parking Assessment District, and current uses.
b. This option expands the General Greenline Boundary on N. Old Woodward Ave. in comparison to Option 5, and also includes this boundary on S. Old Woodward Ave. at the intersection of Lincoln.

With regard to options 5 and 6, Ms. Whipple-Boyce felt it is not a matter of waiting to see what a project is and then giving it a color, but it should be known already what that color should be.

Mr. Share's reaction was they should think about three categories rather than four. Also, he didn't think there should be a distinction between medical office and office. He didn't see much difference between those categories in terms of how the first floor is used. Also, with the challenges that brick and mortar retail have, the footprint and the model are shrinking. Less floor inventory and ordering off of the internet seems to be the trend. In five or ten years it will

be a challenge to keep the retail, not so much in the red area, but in the more outlying areas north and south on Old Woodward Ave. and on Hamilton.

After discussion, there was concurrence that the board liked the idea of three tiers as opposed to the four.

Mr. Share did not want to see green in the Parking Assessment District. From the corner of Lincoln and Old Woodward Ave. moving north to Landon, green for the whole strip. On the north end from Oak to Oakland there was concurrence for blue.

Mr. Boyle thought they want to focus their pedestrian level in the core (red). In the other areas, encourage lots of different activities.

Mr. Williams said the problem is that retail feeds off of retail and with a reduced amount of retail it becomes less attractive for retail. This is precisely why the board needs professional help. None of the board members are retailers.

Chairman Clein responded that once this has been vetted by the Planning Board he thinks they are justified in going to the Commission and saying they would like professionals to review what they have done.

Mr. Williams voiced his concern about the north end where there is retail that gets a lot of walk-ins. Services is a good idea, but will that hurt the other retail establishments that depend on multiple retailers. Further, If the board insists on retail in some areas maybe that is exactly the kind of thing where retail can be located in the front and additional uses to the rear to a greater extent than might be permitted in the core retail area. That may help landlords lease their space, but still retain the essential retail component.

Ms. McElroy commented that retail stores and retail services both bring customers into the stores. Maybe having them in one area would mean going to one place and then discovering another store or service that is convenient. More people would be going to the area for different reasons.

Mr. Williams said he does not patronize a service so he can do retail shopping as well. Mr. Boyle said that is exactly the type of question that a specialist could answer. If the board gets professional assistance they would want to do some kind of Q and A from the constituent retail and office space in town.

Mr. Share wondered if it makes sense to compel first-floor retail along the whole Redline Retail District. His sense as he walks around is that there is a lack of demand for so much retail. It seems to him the board wants to:

- Encourage retail and compel it in the core;
- Allow for more uses stretching out of the core;
- Come up with some ways to incentivize people in the stretch zones to use them for retail even though they are not compelled to;
- Keep the highly functional retail zone at the bottom of the hill on N. Old Woodward Ave.

To summarize, look at the red where it is; look at blue all the way north at Oak; look at green in the last block in the south to see if that makes sense. If it does the board can start to address uses, what kind of incentives may be put in place, and solicit professional help to see if their assumptions have some basis in reality.

Ms. Whipple-Boyce indicated she would have jumped in sooner with the professional help. The board may be doing a lot of work without knowing if they are going in the right direction. Also, they should look for some early buy-in from the building owners and retailers because they will want to be included.

In that regard, Ms. Ecker noted that staff sent out a Blast to the Birmingham Shopping District this week to tell them the Planning Board will be discussing this tonight in case any of the retailers wanted to attend.

Mr. Jeffares said that with any kind of project work the consultants are usually brought in at the beginning, not at the end. To him, the board could go through a lot of work and a lot of time and be totally on the wrong path.

Mr. Williams suggested this matter be put back on the agenda for the Planning Board meeting on June 13 when the Planning Staff will come back with the concepts that have been delineated this evening. Also, that the board put the issue of professional assistance and the issue of input from the business and retail community on the agenda for the joint Planning Board/City Commission meeting on June 18. At that meeting indicate what the board needs going forward.

Mr. Share advised that in general the building owners are going to say they want as many uses as they can get. Mr. Williams indicated he doesn't want to get too far down the road before the June 18 meeting. The board needs to make sure that the Commission believes they are headed in the right direction.

Mr. Cowan clarified:

- They are merging medical/dental office into office;
- Non-Conforming use is being eliminated;
- Staff will pull together leasing rates into a map form.

05-82-18

ELECTION FOR CHAIRPERSON AND VICE-CHAIRPERSON

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce that under Article 2, section (c) the board suspend that portion of Article 1, section (a) that requires that the Chair and the Vice-Chair not serve for more than three consecutive years, that Scott Clein be elected as Chairperson and Bryan Williams be elected as Vice-Chairperson.

Motion carried, 6-0.

ROLLCALL VOTE

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

Nays: None

Absent: Koseck

STUDY SESSION

2. Planning Board Rules of Procedure

Ms. Ecker recalled the City Commission recently approved ordinance amendments for Site Plan Review requirements to require additional information on adjoining properties. There was some discussion about making this very clear in the application process. As a result of the discussion at that meeting, the City Manager directed the Planning Board to amend the Rules of Procedure to incorporate the new submittal requirements, and also to add the new requirements to the existing Planning Board applications.

After going through the Rules of Procedure, Ms. Ecker said that she has recommended a few other changes:

- Article II-Meetings (F) lists the order of business at Planning Board meetings. She removed historic and non-historic. Also, she added rezoning applications.
- Article II-Meetings (H) "Community Development Director" was changed to "Planning Director" and "quarterly" was changed to "twice per calendar year."
- Article III-Procedure (B) (2) talks about the supporting data that has to be submitted with an application. That has been updated with the language in the ordinance amendments that were just passed. Also, interior floor plans; a landscape and photometric plan; and current aerial photos of the site were added to that section.

It was discussed that even though interior floor plans are required to be submitted with an application, in many cases the floor plan is changed after the fact. Also, what can be seen of the interior from outside has been an issue. The City has not stopped businesses from putting up blinds.

Mr. Boyle cautioned about imposing requirements within people's buildings. Ms. Whipple-Boyce wondered if there is a way to approach this by describing to the applicant that what is seen from the public space needs to be attractive. Chairman Clein noted they are talking about something related to an ordinance amendment as opposed to what the board wants to see.

Chairman Clein noticed that the list of required attachments on the applications doesn't match the list in the Rules of Procedure. Mr. Boyle suggested that in Article III-Procedure (B) (1) and (2) reference what is found in the chart as opposed to putting it down twice. However, Ms. Ecker was not sure she would want to take the supporting data out of the Rules of Procedure, but the two should be the same. The application ought to be consistent with the Rules.

Chairman Clein further noticed that particularly in the last three months the board has seen some rough submittals. He wondered whether the board has any desire to be more specific in the Rules to say that they want a current topographical and utility signed survey of the project site that includes properties within 200 ft. of the subject site as well.

Mr. Share agreed that sometimes the data is slapdash. He was trying to figure out how people could address that without spending thousands of dollars to produce a survey of a quarter mile radius. Ms. Ecker explained that when applicants come in for their Building Permit, sealed drawings must be submitted which are then routed to the Building Dept. for review. Therefore Mr. Boyle concluded that applicants are not being asked to do something in addition:

they are just being asked to include the survey with their application. However, that information is not required for every site plan.

Mr. Share observed that the board always has the right to ask the applicant to come back with more information.

Mr. Share asked that staff check the following:

- Article IV-Notification of Meetings, Whether 18 hour posting tracks the Open Meetings Act.
- Article V- Citizen Participation, Paragraph four doesn't clearly state that the Chair can limit the amount of time that a public comment speaker is allowed speak. Also, in the very last sentence in Article V, list a more forgiving standard for expelling a person than breach of the peace.
- Article VI-Code of Ethics (3), simply say "comply with the City's Ethics Ordinance." In (8), take out "promote individual or special interests at the expense and/or dignity of community planning and replace with "serve the public good and not any individual members."

There was consensus for staff to come back on June 13 with language that achieves the board's purpose.

Accordingly, a draft of the existing Rules of Procedure with the proposed changes marked will be brought back. Five votes are required to amend the Rules of Procedure.

05-84-18

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approval Requests(none)
- c. Draft Agenda for the next Regular Planning Board Meeting of May 23, 2018
 - 469-479 S. Old Woodward Ave., Mountain King, – Rezoning Application, CIS and Preliminary Site Plan for nine-story hotel;
 - 225 E. Maple, Social Kitchen – SLUP and Final Site Plan for exterior design changes;
 - 34977 Woodward - SLUP and Final Site Plan for new restaurant, Hazel Ravines Downtown.
- d. Other Business (none)

05-85-18

PLANNING DIVISION ACTION ITEMS

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

05-86-18

ADJOURNMENT

No further business being evident, the Chairman adjourned the meeting at 9:23 p.m.

Jana L. Ecker
Planning Director

APPROVED