

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, MAY 27, 2015**

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|---|------|
| <p>PUBLIC HEARING</p> <p>1. An ordinance to amend Chapter 126, Zoning, of the Birmingham City Code as follows:</p> <p>TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.41, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;</p> <p>TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.42, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;</p> <p>TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;</p> <p>TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;</p> <p>TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;</p> <p>TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.46, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;</p> <p>TO ADD ARTICLE 4, SECTION 4.53, PARKING STANDARDS, PK-09, TO CREATE PARKING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;</p> <p>TO ADD ARTICLE 4, SECTION 4.58, SCREENING STANDARDS, SC-06, TO CREATE SCREENING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;</p> <p>TO ADD ARTICLE 4, SECTION 4.62, SETBACK STANDARDS, SB-05, TO CREATE SETBACK STANDARDS FOR TZ1 ZONE DISTRICTS;</p> <p>TO ADD ARTICLE 4, SECTION 4.63, SETBACK STANDARDS, SB-06, TO CREATE SETBACK STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;</p> <p>TO ADD ARTICLE 4, SECTION 4.69, STREETScape STANDARDS, ST-01, TO CREATE STREETScape STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;</p> <p>TO ADD ARTICLE 4, SECTION 4.77, STRUCTURE STANDARDS, SS – 09, TO CREATE STRUCTURE STANDARDS FOR THE TZ1 ZONE DISTRICT;</p> <p>TO ADD ARTICLE 4, SECTION 4.78, STRUCTURE STANDARDS, SS – 10,</p> | 1 |

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| <p>TO CREATE STRUCTURE STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS; TO ADD ARTICLE 5, SECTION 5.14, TRANSITION ZONE 1, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ1 ZONE DISTRICT; TO ADD ARTICLE 5, SECTION 5.15, TRANSITION ZONES 2 AND 3, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ2 AND TZ3 ZONE DISTRICTS; AND TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM, ARTICLE 4, ALL SECTIONS NOTED BELOW, TO APPLY EACH SECTION TO THE NEWLY CREATED TZ1, TZ2 AND/OR TZ3 ZONE DISTRICTS AS INDICATED: Ordinance Section Name Section Number Applicable Zone to be Added Accessory Structures Standards (AS) 4.2 4.3 4.4 TZ1, TZ2, TZ3 TZ1 TZ1, TZ2, TZ3 Essential Services Standards (ES) 4.09 TZ1, TZ2, TZ3 Fence Standards (FN) 4.10 4.11 TZ1, TZ2, TZ3 TZ1 Floodplain Standards (FP) 4.13 TZ1, TZ2, TZ3 Height Standards (HT) 4.16 4.18 TZ1, TZ2, TZ3 TZ1, TZ2, TZ3 Landscaping Standards (LA) 4.20 TZ1, TZ2, TZ3 Lighting Standards (LT) 4.21 4.22 TZ1, TZ2, TZ3 TZ1, TZ2, TZ3 Loading Standards (LD) 4.24 TZ1, TZ2, TZ3 Open Space Standards 4.30 TZ1, TZ2, TZ3 (OS) Outdoor Dining Standards (OD) 4.44 TZ2, TZ3 Parking Standards (PK) 4.45 4.46 4.47</p> | <p>1</p> |

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| <p>TZ1, TZ2, TZ3 TZ1, TZ2, TZ3 TZ1, TZ2, TZ3 Screening Standards (SC) 4.53 TZ1, TZ2, TZ3 Setback Standards (SB) 4.58 TZ1, TZ2, TZ3 Structure Standards (SS) 4.69 TZ1, TZ2, TZ3 Temporary Use Standards (TU) 4.77 TZ1, TZ2, TZ3 Utility Standards (UT) 4.81 TZ2, TZ3 Vision Clearance Standards (VC) 4.82 TZ1, TZ2, TZ3 Window Standards (WN) 4.83 TZ2, TZ3 AND TO AMEND ARTICLE 9, DEFINITIONS, SECTION 9.02 TO ADD DEFINITIONS FOR BOUTIQUE, PARKING, SOCIAL CLUB, TOBACCONIST, INDOOR RECREATION FACILITY AND SPECIALTY FOOD STORE. 3. To consider a proposal to rezone the following transitional parcels that are adjacent to residential zones throughout the City as follows: 300 Ferndale, 233, 247, 267 & 287 Oakland, 416 & 424 Park, Parcel # 1925451021, Birmingham, MI. Rezoning from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow attached Single-Family and Multi-Family Residential which are compatible with adjacent Single-Family Residential uses. 191 N. Chester Rd. Birmingham, MI. Rezoning from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow Attached Single-Family and Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses. 400 W. Maple Birmingham, MI. - O1 Office to TZ3 Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. 564, 588, Purdy, 115, 123, 195 W. Brown, 122, 178 E. Brown Birmingham, MI. Rezoning from O2 Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. 1221 Bowers & 1225 Bowers Birmingham, MI. Rezoning from O1- Office/ P - Parking to TZ1 - Attached Single-Family to allow Attached Single-Family, Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses. 1111 & 1137 Holland; 801, 887, 999, 1035 & 1105 S. Adams Rd.; 1108, 1132 & 1140 Webster; 1137 & 1143 Cole St.; 1101 & 1120 E. Lincoln Birmingham, MI. Rezoning from O2 Office to TZ2 - Mixed-Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. 500, 522 & 576 E. Lincoln; 1148 & 1160 Grant; 1193 Floyd; Parcel</p> | <p>1</p> |

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| <p>#1936403030, Birmingham, MI. Rezoning from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.</p> <p>36801, 36823 & 36877 Woodward, Parcel #'s 1925101001, 1925101006, 1925101007, 1925101008, 1925101009, Birmingham MI. Rezoning from O1- Office & P-Parking to TZ3 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.</p> <p>1775, 1803, 1915, 1971, 1999, 2055, 2075 & 2151 Fourteen Mile Rd., Parcel # 2031455006, Birmingham, MI. Rezoning from O1- Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.</p> <p>100, 124, 130 & 152, W. Fourteen Mile Rd. & 101 E. Fourteen Mile Rd. Parcel #1936379020, Birmingham, MI. Rezoning from B1-Neighborhood Business, P-Parking, R5-Multi-Family Residential to TZ2 - Mixed-Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.</p> <p>880 W. Fourteen Mile Rd., 1875, 1890 & 1950 Southfield Rd. Birmingham, MI. Rezoning from B1-Neighborhood Business, O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.</p> <p>1712, 1728, 1732, 1740, 1744, 1794 & 1821 W. Maple Rd. Birmingham, MI. Rezoning from B1-Neighborhood Business, P-Parking, O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.</p> <p>2483 W. Maple Rd. Birmingham MI. Rezoning from B1-Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.</p> <p>151 N. Eton, Birmingham MI. Rezoning from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.</p> <p>412 & 420 E. Frank, Parcel # 1936253003, Birmingham MI. Rezoning from B1-Neighborhood Business, B2B-General Business, R3-Single-Family Residential to TZ1 – Attached Single-Family Residential to allow Attached Single-Family and Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.</p> | <p>1</p> |
| <p>Motion by Mr. DeWeese Seconded by Mr. Williams to continue this public hearing to June 24, 2015 in order to provide more detailed information.</p> | <p>8</p> |
| <p>Motion carried, 7-0.</p> | <p>8</p> |

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| <p>COMMUNITY IMPACT STATEMENT REVIEW ("CIS") PRELIMINARY SITE PLAN REVIEW 2100 E. Maple Rd. Request for approval of a CIS and Preliminary Site Plan Review to review the construction of a new one-story, 46,000 sq. ft. retail building for Whole Foods Market</p> | 8 |
| <p>Motion by Ms. Whipple-Boyce Seconded by Mr. Williams to postpone the action on the CIS as provided by the applicant for the proposed development at 2100 E. Maple Rd., Whole Foods, to June 10, 2015, allowing the applicant the opportunity to address the issues that were raised in the previous motion.</p> | 10 |
| <p>Motion carried, 7-0.</p> | 11 |
| <p>Motion by Mr. DeWeese Seconded by Mr. Koseck to move up the rezoning request for 2100 E. Maple Rd., Whole Foods, so that it is next on the agenda.</p> | 11 |
| <p>Motion carried, 7-0.</p> | 11 |
| <p>REZONING REQUEST 2100 E. Maple Rd. (former Urgent Care) Application for rezoning from O-1 Office to B-2 General Business to allow retail and commercial uses on the site;</p> <p>Or, in the alternative,</p> <p>Application for rezoning from O-1 Office to B-2B General Business to allow retail and commercial uses on the site.</p> | 11 |
| <p>Motion by Mr. DeWeese Seconded by Mr. Jeffares to recommend to the City Commission rezoning of 2100 E. Maple Rd. from O1 Office to B2 General Business to allow retail and commercial uses on the site.</p> | 12 |
| <p>Motion carried, 6-1.</p> | 12 |
| <p>Motion by Mr. DeWeese Seconded by Mr. Koseck to postpone the Preliminary Site Plan for 2100 E. Maple Rd., Whole Foods, to June 10, 2015.</p> | 14 |

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| Motion carried, 6-0. | 15 |
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APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MAY 27, 2015
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on May 27, 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 (left at 11:30); Alternate Board Member Stuart Jeffares

Absent: Board Member Robin Boyle, Alternate Board Member Daniel Share; Student Representatives Scott Casperson, Andrea Laverty

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

05-87-15

APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING HELD MAY 13, 2015

Ms. Whipple-Boyce asked that approval of the minutes be postponed so that more of her comments could be included regarding why she does not feel medical marijuana facilities are appropriate in the MX District.

05-99-15

CHAIRPERSON'S COMMENTS (none)

05-100-15

APPROVAL OF THE AGENDA (no change to the posted agenda)

05-101-15

PUBLIC HEARING

1. An ordinance to amend Chapter 126, Zoning, of the Birmingham City Code as follows:

TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.41, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;

TO ADD **ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.42, TZ1 (TRANSITION ZONE) DISTRICT** TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;

TO ADD **ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT** TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;

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TO ADD **ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT** TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;

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TO ADD **ARTICLE 4, SECTION 4.62, SETBACK STANDARDS, SB-05**, TO CREATE SETBACK STANDARDS FOR TZ1 ZONE DISTRICTS;

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TO ADD **ARTICLE 4, SECTION 4.69, STREETScape STANDARDS, ST-01**, TO CREATE STREETScape STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;

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TO ADD **ARTICLE 5, SECTION 5.14, TRANSITION ZONE 1**, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ1 ZONE DISTRICT;

TO ADD **ARTICLE 5, SECTION 5.15, TRANSITION ZONES 2 AND 3**, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ2 AND TZ3 ZONE DISTRICTS;

AND

TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM, **ARTICLE 4, ALL SECTIONS NOTED BELOW**,

TO APPLY EACH SECTION TO THE NEWLY CREATED TZ1, TZ2 AND/OR TZ3 ZONE DISTRICTS AS INDICATED:

Ordinance Section Name Section Number Applicable Zone to be Added Accessory Structures

Standards (AS)

4.2

4.3

4.4

TZ1, TZ2, TZ3

TZ1

TZ1, TZ2, TZ3

Essential Services Standards (ES)

4.09 TZ1, TZ2, TZ3
Fence Standards (FN) **4.10**
4.11
TZ1, TZ2, TZ3
TZ1
Floodplain Standards (FP) **4.13** TZ1, TZ2, TZ3
Height Standards (HT) **4.16**
4.18
TZ1, TZ2, TZ3
TZ1, TZ2, TZ3
Landscaping Standards (LA)
4.20 TZ1, TZ2, TZ3
Lighting Standards (LT) **4.21**
4.22
TZ1, TZ2, TZ3
TZ1, TZ2, TZ3
Loading Standards (LD) **4.24** TZ1, TZ2, TZ3
Open Space Standards **4.30** TZ1, TZ2, TZ3 (OS)
Outdoor Dining Standards
(OD)
4.44 TZ2, TZ3
Parking Standards (PK) **4.45**
4.46
4.47
TZ1, TZ2, TZ3
TZ1, TZ2, TZ3
TZ1, TZ2, TZ3
Screening Standards (SC) **4.53** TZ1, TZ2, TZ3
Setback Standards (SB) **4.58** TZ1, TZ2, TZ3
Structure Standards (SS) **4.69** TZ1, TZ2, TZ3
Temporary Use Standards
(TU)
4.77 TZ1, TZ2, TZ3
Utility Standards (UT) **4.81** TZ2, TZ3
Vision Clearance Standards
(VC)
4.82 TZ1, TZ2, TZ3
Window Standards (WN) **4.83** TZ2, TZ3

AND

TO AMEND **ARTICLE 9, DEFINITIONS, SECTION 9.02** TO ADD DEFINITIONS FOR BOUTIQUE, PARKING, SOCIAL CLUB, TOBACCONIST, INDOOR RECREATION FACILITY AND SPECIALTY FOOD STORE.

3. To consider a proposal to rezone the following transitional parcels that are adjacent to residential zones throughout the City as follows:

300 Ferndale, 233, 247, 267 & 287 Oakland, 416 & 424 Park, Parcel # 1925451021, Birmingham, MI.

Rezoning from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow attached Single-Family and Multi-Family Residential which are compatible with adjacent Single-Family Residential uses.

191 N. Chester Rd. Birmingham, MI.

Rezoning from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow Attached Single-Family and Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

400 W. Maple Birmingham, MI. - O1 Office to TZ3 Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

564, 588, Purdy, 115, 123, 195 W. Brown, 122, 178 E. Brown Birmingham, MI.

Rezoning from O2 Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

1221 Bowers & 1225 Bowers Birmingham, MI.

Rezoning from O1- Office/ P - Parking to TZ1 - Attached Single-Family to allow Attached Single-Family, Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

1111 & 1137 Holland; 801, 887, 999, 1035 & 1105 S. Adams Rd.; 1108, 1132 & 1140 Webster; 1137 & 1143 Cole St.; 1101 & 1120 E. Lincoln Birmingham, MI.

Rezoning from O2 Office to TZ2 - Mixed-Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

500, 522 & 576 E. Lincoln; 1148 & 1160 Grant; 1193 Floyd; Parcel #1936403030, Birmingham, MI.

Rezoning from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

36801, 36823 & 36877 Woodward, Parcel #'s 1925101001, 1925101006, 1925101007, 1925101008, 1925101009, Birmingham MI.

Rezoning from O1- Office & P-Parking to TZ3 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

1775, 1803, 1915, 1971, 1999, 2055, 2075 & 2151 Fourteen Mile Rd., Parcel # 2031455006, Birmingham, MI.

Rezoning from O1- Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

100, 124, 130 & 152, W. Fourteen Mile Rd. & 101 E. Fourteen Mile Rd. Parcel #1936379020, Birmingham, MI.

Rezoning from B1-Neighborhood Business, P-Parking, R5-Multi-Family Residential to TZ2 - Mixed-Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

880 W. Fourteen Mile Rd., 1875, 1890 & 1950 Southfield Rd. Birmingham, MI.

Rezoning from B1-Neighborhood Business, O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

1712, 1728, 1732, 1740, 1744, 1794 & 1821 W. Maple Rd. Birmingham, MI.

Rezoning from B1-Neighborhood Business, P-Parking, O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

2483 W. Maple Rd. Birmingham MI.

Rezoning from B1-Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

151 N. Eton, Birmingham MI.

Rezoning from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

412 & 420 E. Frank, Parcel # 1936253003, Birmingham MI.

Rezoning from B1-Neighborhood Business, B2B-General Business, R3-Single-Family Residential to TZ1 – Attached Single-Family Residential to allow Attached Single-Family and Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

Mr. Baka recalled the Planning Board has held several study sessions over the past several years in order to develop a Transition Zoning classification that could be applied to areas of the City that abut single-family residential zones and are adjacent to commercial zones and/or located on major thoroughfares. The goal of these study sessions was to identify and revise the zoning classifications of these properties to provide a transition/buffer to the single-family neighborhoods through the use of screenwalls and landscaping.

Additionally, the new zones were crafted to incorporate small scale, neighborhood friendly uses that are likely to be patronized by residents of the immediate area. There are several restrictions proposed to control the new uses that would ensure that new development would be in keeping with the scale and standards that are expected in the City of Birmingham.

The Planning Board selected fourteen (14) locations throughout the City where these zones are proposed to be implemented. On some existing residential parcels this is proposed to be accomplished through attached single-family or multi-family housing. On commercial parcels, it is proposed to be accomplished through a mixed-use zone that permits residential and commercial uses.

On April 8, 2015 the Planning Board reviewed draft ordinance language for three new zoning classifications, TZ1, TZ2, and TZ3. At that time the Planning Board set a public hearing for May 27, 2015. The following outlines the proposal to be considered.

Article 04

In addition to the regulations provided in Article 02 of the Zoning Ordinance, the Planning Dept. identified many additional development standards contained in Article 04, Development Standards, that should be applied to the new transition zones. The Planning Department is now providing draft ordinance language for those development standards in a format that would allow for integration into Article 04 of the Zoning Ordinance.

Article 05

The creation of the new zoning classifications would also require additions to Article 05, Use Specific Standards, for any permitted uses allowed in the TZ zones. Draft ordinance language to add to Article 05 has been proposed for review.

Single-family dwellings in Transition Zones

Throughout the course of the study sessions it has been consistently maintained that single-family residential should be a permitted use in each zone. As discussed at the last study session, the standards that have been applied are R3, which is consistent with the rest of the Zoning Ordinance.

Mr. Baka discussed the permitted uses and development standards for each of the three zones, TZ1, TZ2, and TZ3. TZ1 is strictly residential and TZ2 and TZ3 are mixed-use or commercial zones. The only difference between TZ2 and TZ3 is that the maximum height is higher on TZ3 which allows three stories (minimum of two stories) and 42 ft.; whereas TZ2 permits a maximum of two stories.

Mr. Jeffares received clarification that E.F.I.S. is permitted as a building material for TZ1. For TZ2 and TZ3 it is allowed but not on the first floor.

Ms. Ecker spoke about why the City is taking this initiative. There are multiple parcels throughout the City that are in a difficult situation because they are either on a major road, adjacent to commercial uses, and/or abutting up against single-family neighborhoods. These parcels have not been dealt with by either the Zoning Ordinance or the Master Plan over the last several decades. The Planning Board is attempting to create a Transitional Zone to show the unique circumstances in each of the cases and to clearly delineate which uses are appropriate for those locations. Some protection for the nearby residents has been put into place and the size of any commercial proposal has been limited. Mr. Koseck hoped this would get better tenants, better buffers and respect the neighborhoods.

At 8:08 p.m., Chairman Clein called for comments from the public related to dimensional standards or the creation of transitional zoning in general.

Ms. Patricia Shane who lives on Purdy spoke against the rezoning. She doesn't want commercial coming into her neighborhood.

Ms. Catherine Gains, 343 Ferndale, believed the rezoning will increase on-street parking and traffic which is already getting crazy in her neighborhood. Consider not passing the rezoning.

Mr. Larry Bertolini thought off-street parking for outside dining should be incorporated. He wanted to see a comparison of what was to what can be as far as change in density and change in parking. He hopes the area will not become over commercialized by developers.

Ms. Schuger, who owns property at 467 Park and 1823 Bradford, questioned what the City will be bringing to the residents of the community other than assisting developers. She thinks graphics would be very helpful.

Ms. Jean Rizzo, 431 Park, received confirmation that the rear setback for a TZ1 property is 20 ft. and the side setback is 10 ft. No one in her neighborhood wants the rezoning.

Mr. Steve Rockoff who lives on Webster asked if environmental or traffic impact studies have been done with the parcels as to how the residents could be affected by the rezoning. Chairman Clein answered that without the specifics of a development proposal the details of what the impacts would be could be very far flung. Mr. Rockoff stated everyone he has talked to about the rezoning is against it. Mr. Baka noted that in the TZ2 and TZ3 zones the density will not change.

Ms. Cathleen Schwartz, 582 Henrietta, noted the residents moved in with what is there now. Change is always hard and some of the changes proposed could be very different from what currently exists. She would like to see the parcels in the context of the whole City in order to get a sense of the scope of change.

Mr. Joe Murphy, 751 Ann, said the rezoning appears to him to be a commercial undertaking. He urged the board to consider another way to raise money for the City.

Mr. Jim Partridge, owner of property at the SE corner of Webster and Adams, observed there are four parcels along Adams Rd. that do not meet the criteria and are therefore unbuildable because they are 120 ft. x 40 ft. His is 120 ft. x 42.3 ft. There is no parking. That needs to be looked at. Further there will be disagreements about whether the City is complying with the Uniform Energy Code.

Mr. Will Huffacre, 532 Pierce, agreed that parking could become an issue. He is opposed to the Transition Zones. He hasn't heard why it would really benefit him as a resident. There don't seem to be any provisions to protect residents. He asked if the proposed ordinance amendments would be retroactive. Chairman Clein responded there are code compliance officers who have the ability to issue violations for anything related to the ordinance. Ms. Ecker explained if the ordinance were to go through, an existing building is grandfathered in by legal non-conforming status. However, if a new use comes in or the building is expanded it would be subject to the new rules.

Mr. David Bloom who lives on Stanley stated the residents in this community have made it clear that they do not want to see this kind of development. He doesn't know why it is needed right now when there is so much other expansion going on in the City.

Mr. Paul Regan who lives on Purdy said that staff has done a yeoman's job on determining dimensionality, the height and the setbacks. However, the essence of zoning is usage and what is being considered now is not relief. Therefore, he is not in support. Separate the dimensionality from the uses and you would have a winner.

Mr. Koseck emphasized this proposal is not commercially driven in an effort to achieve more taxes for the City. It is not about putting more on a piece of property than can currently occur, because they all have to provide for their own parking.

Mr. Williams noted the board should focus on density in TZ1. Dimensions are not changing in TZ2 and TZ3 so focus on uses there.

Mr. Baka started a PowerPoint showing existing and proposed zoning for the 14 areas that are under consideration. Initial discussion centered around property at Park and Oakland which is a density issue because single-family is changing to multi-family. It may be the only one of the 14 that truly has density changes proposed. The post office is proposed to go to TZ1 if it is ever sold by the Federal Government.

Mr. Williams wanted to see a graphic depicting for each parcel what exists now and what could exist under current zoning; and what the proposed changes are with respect to uses. Other board members agreed the presentation needs to be a little simpler so that it is easier to understand.

Motion by Mr. DeWeese

Seconded by Mr. Williams to continue this public hearing to June 24, 2015 in order to provide more detailed information.

The chairman took discussion to the public for comments on the motion at 9:25 p.m.

Mr. Larry Bertolini noted additional items that might be reviewed at the next meeting:

- Clarification as to what happens if the existing church and the existing post office decide to vacate;
- Show graphically that there will be no increase in density;
- Review of parking for outside dining establishments.

Mr. Michael Poris, 36801 Woodward Ave. did not support the motion. He wanted to see the rest of staff's presentation.

Mr. Paul Regan noted that some of the uses come with cars and parking more so than others.

Motion carried, 7-0.

ROLLCALL VOTE

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

Nays: None

Absent: Boyle

The board took a short break at 9:30 p.m.

05-102-15

COMMUNITY IMPACT STATEMENT REVIEW ("CIS")

PRELIMINARY SITE PLAN REVIEW

2100 E. Maple Rd.

Request for approval of a CIS and Preliminary Site Plan Review to review the construction of a new one-story, 46,000 sq. ft. retail building for Whole Foods Market

CIS

Ms. Ecker advised the subject site, 2100 East Maple Rd., is currently vacant, but was previously an office building, and then an urgent care medical clinic. At this time, the applicant is proposing a new single-story 46,500 sq. ft. structure. The subject site is located on the south side of E. Maple Rd., west of the existing LA Fitness facility and east of the railroad tracks. The proposed new building will house a Whole Foods grocery store selling natural and organic foods. The site occupies a total of 4.62 acres.

The applicant was required to prepare a Community Impact Study in accordance with Article 7, section 7.27(E) of the Zoning Ordinance as they are proposing a new building containing more than 20,000 sq. ft. of gross floor area.

The applicant has submitted a Phase 1 Update, Environmental Site Assessment ("Phase 1") conducted on the property most recently by AKT Environmental Consultants. The Phase 1 Update has revealed no evidence of recognized environmental conditions except for documented historical industrial use of the property

and the previous presence of one 2,500 gallon fuel oil and one 2,500 gallon gasoline UST.

Several complex changes have been proposed by the applicant for the intersection of E. Maple Rd. and N. Eton which already doesn't function well. The main entrance to the Whole Foods will be the eastern drive. A deceleration lane is proposed to allow the turning movement into the property. The City's traffic study has found traffic will get a little better due to signal timing improvements and the pedestrian crossing system proposed to be put in place.

Mr. Rick Rattner, Attorney for Whole Foods, introduced Mr. James Butler from Professional Engineering Associates, Inc.; Mr. Joseph Marson, Traffic Engineer from Parsons; Mr. Michael Fitzgerald, Architect; Ms. Thea Hiak from Whole Foods; and Mr. Linden Nelson, the owner of the site. Mr. Rattner stated the traffic consultants are working very hard to make that intersection better.

Mr. Butler said they will provide a map for the haul route. They propose to put a trash compactor inside the truck dock, outside of the building. They are aware that a sewer runs beneath the building and that issue will be resolved. Replying to Chairman Clein, Mr. Butler explained their need for parking in excess of one hundred spaces above ordinance requirements is based on Whole Foods standards. Mr. Rattner added it is a very safe and modern parking lot located in the back of the store. Mr. Butler indicated they have prepared a revised geometry plan to address specific issues about how the intersection relates to N. Eton. Their traffic study relates directly to that geometry.

Ms. Thea Hiak said that Whole Foods is more than just a grocery store. She described the many innovative venues that are planned. Mr. Koseck was disappointed not to have a map showing how the store fits within its context.

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to accept the CIS for 2100 E. Maple Rd., Whole Foods with the following conditions:

- (1) The applicant will be required to obtain approval to rezone the property to permit the proposed use as a grocery store;**
- (2) Applicant must submit a map showing proposed haul routes during construction;**
- (3) Applicant must provide information on all life safety issues to the Fire Dept. for approval;**
- (4) Applicant must provide information on the details of on-site trash storage and the collection of trash and recycled materials;**
- (5) Applicant must provide information on all utility easements;**
- (6) Applicant must provide information on the proposed security system for approval by the Police Department; and**
- (7) The applicant complies with the recommendations of the City's transportation consultant and all City Departments.**

Mr. Koseck thought it would be more logical to focus on the rezoning before moving into the more detailed information. Chairman Clein said he will not support the motion at this

point because he thinks it is premature to accept a CIS when they still don't have final agreement from the traffic consultant.

The chairman asked for comments on the motion from the audience at 10:45 p.m.

Mr. Larry Bertolini received clarification that the traffic volume count included LA Fitness and the All Seasons development.

Mr. Michael Poris thought the board should support the motion and move the CIS forward. The CIS is, in fact, a study.

Ms. Dorothy Conrad, 2252 Yorkshire, was concerned about pedestrian access.

Motion failed, 1-6.

ROLLCALL VOTE

Yeas: DeWeese

Nays: Clein, Jeffares, Koseck, Lazar, Whipple-Boyce, Williams

Absent: Boyle

Motion by Ms. Whipple-Boyce

Seconded by Mr. Williams to postpone the action on the CIS as provided by the applicant for the proposed development at 2100 E. Maple Rd., Whole Foods, to June 10, 2015, allowing the applicant the opportunity to address the issues that were raised in the previous motion.

There was no further discussion on the motion from the public at 10:54 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Boyle

Motion by Mr. DeWeese

Seconded by Mr. Koseck to move up the rezoning request for 2100 E. Maple Rd., Whole Foods, so that it is next on the agenda.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Boyle

Motion by Mr. DeWeese

Seconded by Ms. Lazar to extend the meeting 30 minutes to 11:30 p.m.

Motion carried, 6-1. (Mr. Williams opposed)

05-103-15

REZONING REQUEST

2100 E. Maple Rd. (former Urgent Care)

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,

Application for rezoning from O-1 Office to B-2B General Business to allow retail and commercial uses on the site. (continued from the meeting of April 22, 2015)

Ms. Ecker recalled that at the last meeting the Planning Board wanted to see more detail on how the site could work and to have sealed plans by the architect. She provided the history of the property. The site is the only property on the south side of Maple Rd. east of the railroad tracks that is within the City of Birmingham. In 1989 the entire site was recommended for rezoning to all industrial, based on the Master Plan. However, residents were opposed and the whole property was rezoned to O1 Office which is what it is today.

The applicant believes O1 is not a suitable zoning for this district because on all sides properties are allowed to go higher. Also, the Birmingham MX District and the Troy side allow a greater range of uses. The development trend in the area as a whole is to go more towards mixed use.

B-2 permits a maximum height of 40 ft. and 3 stories; whereas B2B permits a maximum height of 30 ft. and 2 stories. Both of those zoning classifications allow a grocery store use.

Mr. DeWeese thought the applicant's request is reasonable in terms of height, spacing, setbacks, and uses.

Mr. Rick Rattner incorporated everything that was said at the last meeting. Further, everything that Mr. DeWeese has said is correct. This site being rezoned solves a lot of problems from a zoning perspective.

Chairman Clein asked for comments on the rezoning from members of the public.

Mr. Larry Bertolini was comfortable with rezoning to B2 as long as the Planning Board is comfortable they can control traffic adequately through the site plan process.

Ms. Dorothy Conrad said that her homeowners association supports the rezoning for Whole Foods. They do not support the rezoning for a whole number of other items that are on the list for that zoning category.

Ms. Ecker read a letter from a representative of Pembroke Manor Homeowners Association saying they enthusiastically support the property owner's request for rezoning; and further the site plan for Whole Foods Market.

Mr. Williams observed the board started by saying this is an appropriate case for contract zoning, and the neighborhood agrees.

Motion by Mr. DeWeese

Seconded by Mr. Jeffares to recommend to the City Commission rezoning of 2100 E. Maple Rd. from O1 Office to B2 General Business to allow retail and commercial uses on the site.

Ms. Lazar received clarification that parking requirements would not change for the site.

There were no comments from the public on the motion at 11:30 p.m.

Motion carried, 6-1.

VOICE VOTE

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

Nays: Lazar

Absent: Boyle

Preliminary Site Plan

Ms. Ecker explained the existing land uses on the site include a vacant office building, a surface parking lot and a cell tower with associated equipment enclosure. Both the office building and the large parking lot are proposed to be demolished to allow construction of the proposed grocery store, and a new adjacent surface parking lot. The existing cell tower and equipment enclosure at the far south end of the site is proposed to remain.

The proposed use is permitted in the B2 District which has just been recommended for approval. The applicant meets the bulk, area, height, and placement standards for the proposed building if the B2 zoning is approved for this site.

Design Review

There is an entry in the front NE corner for folks entering from the sidewalk. The building is moved right up to the street and parking is in the back. The applicant is proposing to utilize the following materials for the construction of the proposed grocery store building:

- Cast stone;
- Brick;
- Ceramic tile "wood" siding;
- Stone for the base of the building;
- Aluminum and glass storefront with clear glazing;
- Pre-finished metal coping along the parapet;
- Fritted glass for upper windows along the west, north and east elevations;

However, fritted glass is not permitted. The applicant must remove the proposed fritted glass.

- Metal canopies and column covers along the north and south elevations; and
- Metal frame sunshades surrounding windows along the east and west elevations.

No material samples or colors have been provided at this time, but will be required at the time of Final Site Plan Review. The plans do not indicate the percentage of glazing provided; however it does not appear that the building as proposed meets the 70% glazing requirement as listed in section 4.83 of the Zoning Ordinance.

Motion by Ms. Whipple-Boyce

Seconded by Mr. DeWeese to extend the meeting 15 minutes to 11:45 p.m.

Motion carried, 6-0. (Mr. Williams absent)

Mr. Linden Nelson introduced Mr. Michael Fitzgerald from OKW Architects. Mr. Fitzgerald explained that each Whole Foods store is unique. They are not a prototype by any means. Each interior decor and exterior architecture is designed to fit in with the context. He described the preliminary layout of the building and noted the synergy with LA Fitness. They are looking for a clear interior height of 18 or 19 ft. A parapet about 3.5 ft. above the roof structure is proposed to screen rooftop mechanical equipment. The depressed loading area will have a screenwall. There will be outdoor seating at the SW corner of the building. Two elements of the building along E. Maple Rd. are 30 ft. high, and the only piece of the building above that is in the back SE corner, and it is 35 ft. high. Along E. Maple Rd. display windows showing what is going on in the store and in the community sit beneath the clearstory windows in the upper portion of the building.

Motion by Mr. DeWeese

Seconded by Ms. Lazar to extend the meeting 15 minutes to midnight.

Motion carried, 6-0. (Mr. Williams absent)

Mr. Jeffares wanted to see glass and seating on E. Maple Rd. and the offices in back by the parking lot.

Ms. Whipple-Boyce asked for more information on the following:

- How the entries and exits work with the circulation;
- Seating and outdoor dining areas;
- Outdoor seating;
- Seeded glass;
- Materials on the elevations;
- Display windows may not work so well in this application because the pedestrians are below them.

Mr. Koseck suggested some things to look at:

- A sidewalk that links the Maple Rd. side on the west to the store - so don't just treat that as a service entrance;
- The grade change needs to be resolved;
- Offices that have windows;

- Windows should offer a view of what is going on inside along the Maple elevation.

Ms. Lazar thought there is room for change:

- Display windows need some attention;
- Place cash registers near the E. Maple Rd. entrance so it can be an exit as well;
- How trucks get out without interfering with pedestrian or vehicular circulation.

Ms. Hiak advised the store hours will be from 8 a.m. to 10 p.m. seven days a week.

Chairman Clein wanted to see for next time the new configuration of the site as it hits E. Maple Rd.

There were no comments from the public at 11:58 p.m.

Mr. Linden Nelson offered an alternative layout for the store.

Motion by Mr. DeWeese

Seconded by Mr. Koseck to postpone the Preliminary Site Plan for 2100 E. Maple Rd., Whole Foods, to June 10, 2015.

There were no comments from the public on the motion at 12 a.m.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: Boyle, Williams

Motion by Ms Whipple-Boyce

Seconded by Mr. DeWeese to extend the meeting 5 minutes to 12:05 a.m.

Motion carried, 6-0. (Mr. Williams absent)

05-104-15

555 S. Old Woodward Ave., 555 Building

Application for rezoning of the property from D-4 in the Downtown Overlay District to D-5, a new zoning classification proposed for the Downtown Overlay District, to allow the renovation and expansion of the existing mixed-use building (Request to postpone to June 10, 2015)

05-105-15

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

05-106-15

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approvals (none)
- c. Draft Agenda for the Regular Planning Board Meeting on June 10, 2015
 - 2100 E. Maple Rd. CIS, Preliminary Site Plan;
 - D5 ordinance study session;
 - 555 S. Old Woodward Ave. application for rezoning study session;
 - Property on Haynes site plan requesting addition of two garages.

Motion by Ms Whipple-Boyce

Seconded by Mr. DeWeese to extend the meeting 5 minutes to 12:10 a.m.

Motion carried, 6-0. (Mr. Williams absent)

- d. Other Business

05-107-15

PLANNING DIVISION ACTION ITEMS

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

05-108-15

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 12:10 a.m.

Jana Ecker
Planning Director