

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, JUNE 8, 2016**

Item	Page
<b>PUBLIC HEARING</b>	<b>2</b>
<p><b>1. To consider amendments to Article 04, section 4.90 WN-01 and Article 07, section 7.05 of the Zoning Ordinance to amend the glazing standards</b></p> <p style="padding-left: 40px;"><b>Motion by Ms. Whipple-Boyce</b>  <b>Seconded by Mr. Share to recommend to the City Commission approval of the proposed changes to Article 04, section 4.90 WN-01 and Article 07, section 7.05 of the Zoning Ordinance to amend the glazing standards.</b></p> <p><b>Motion carried, 6-0.</b></p>	<p><b>3</b></p> <p><b>3</b></p>
<b>PRELIMINARY SITE PLAN REVIEW AND COMMUNITY IMPACT STUDY ("CIS")</b>	<b>3</b>
<p><b>1. 748-750 Forest Ave. (existing office buildings)</b>  <b>Request for Preliminary Site Plan and CIS Review to allow construction of a new five-story mixed-use building, three stories along Elm</b>          (continued from May 25, 2016)</p> <p style="padding-left: 40px;"><b>Motion by Mr. Share</b>  <b>Seconded by Mr. Koseck to accept the CIS for 748-750 Forest Ave. as submitted.</b></p> <p><b>Motion carried, 6-0.</b></p> <p style="padding-left: 40px;"><b>Motion by Mr. Share</b>  <b>Seconded by Mr. Koseck to approve the Preliminary Site Plan Review as revised for 748 and 750 Forest with the following conditions:</b></p> <p><b>1. The applicant provide three (3) additional parking spaces or obtain a variance from the Board of Zoning Appeals;</b>  <b>2. Demonstrate compliance with section 3.08 (E) of the Triangle Overlay Plan permitting two (2) additional stories in the MU-3 zone that is at least 100 ft. from single-family residential;</b>  <b>3. The applicant reduce parking frontage to 25% of total street frontage length or 60 ft., whichever is less;</b>  <b>4. The applicant provide a minimum depth of 20 ft. of usable building</b></p>	<p><b>4</b></p> <p><b>4</b></p> <p><b>7</b></p>

Item	Page
<p>space along a minimum of 75% of the total street frontage length;                      5. The applicant provide glazing calculations for the first floor and upper level floors at Final Site Plan &amp; Design;                      6. The applicant incorporate the requirements of the Via Activation Plan into their proposal at Final Site Plan &amp; Design;                      7. The applicant provide four (4) bike racks as per City standards; and                      8. The applicant complies with requests from City Departments.</p>	
<p>Motion carried, 6-0.</p>	7
<p><b>REQUEST FOR SITE PLAN EXTENSION</b></p>	7
<p>1. 2000-2070 Villa St. (currently vacant)                      Request for extension of Final Site Plan (expiring June 9, 2016)</p>	
<p>Motion by Mr. Share                      Seconded by Mr. Jeffares to approve extension of the Final Site Plan approval for 2000-2070 Villa St. for a period of 90 days from June 9, 2016.</p>	8
<p>Motion carried, 6-0.</p>	8
<p><b>STUDY SESSION ITEMS</b></p>	8
<p>1. Outdoor Storage and Display</p>	
<p>Motion by Mr. Koseck                      Seconded by Mr. Share to move this to a public hearing on Outdoor Display and Storage on July 13, 2016.</p>	9
<p>Motion carried, 5-1.</p>	9

---

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, JUNE 8, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held on June 8, 2016. Chairman Scott Clein convened the meeting at 7:32 p.m.

**Present:** Chairman Scott Clein; Board Members Stuart Jeffares, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce; Alternate Board Member Daniel Share; Student Representative Colin Cousimano (left at 9 p.m.)

**Absent:** Board Members Robin Boyle, Bryan Williams; Alternate Board Member Lisa Prasad

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

**06-93-16**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING  
OF MAY 25, 2016**

**Motion by Ms. Lazar  
Seconded by Mr. Jeffares to approve the Minutes of May 25, 2016 as presented.**

**Motion carried, 4-0.**

**VOICE VOTE**

Yeas: Lazar, Jeffares, Clien, Koseck

Nays: None

Abstain: Share, Whipple-Boyce

Absent: Boyle, Williams

**06-94-16**

**CHAIRPERSON'S COMMENTS (none)**

**06-95-16**

**APPROVAL OF THE AGENDA (no change)**

**PUBLIC HEARING**

- 1. To consider amendments to Article 04, section 4.90 WN-01 and Article 07, section 7.05 of the Zoning Ordinance to amend the glazing standards**

Chairman Clein opened the public hearing at 7:40 p.m.

Mr. Baka recalled that the Planning Board has been holding study sessions on this topic to explore ways that the ordinance requirements can be altered so that fewer variances are sought but the intent of the window standards remains in place. The intent of the glazing requirements has been to activate the streets and public spaces of Birmingham by creating an interactive relationship between the pedestrians and the buildings in commercial areas. The Planning Board decided that the standard of measuring the percentage of glazing on a site should be consistently measured between 1 and 8 ft. above grade in all zoning districts. Accordingly, the board recommended approval of the proposed amendments to the City Commission, which were later adopted by the Commission. Since that time, the Planning Division has held several study sessions on the subject of window standards.

At the last study session the Planning Board discussed an error in the Zoning Ordinance that was discovered by staff and that has a significant effect on how the existing language is enforced. The definition of facade was inadvertently altered when the Zoning Ordinance was reformatted in 2005. The reformatting changed the definition of facade to the vertical exterior surface of a building that is set parallel to a setback line which is all four sides of the parcel; rather than a frontage line which is elevations that front on a public street. The change from frontage line to setback line significantly alters what is considered a facade.

This discovery eliminated a lot of the need to make drastic changes to the window standards. However, the board did determine that building elevations that have a public entrance should contain some element of glazing on elevations that are not on a frontage line. Accordingly, the board directed staff to draft a provision that requires 30% glazing between 1 and 8 ft. on those elevations. In addition, the Planning Division recommends adding Article 4, section 4.90 (C) to prevent blank walls longer than 20 ft. in most situations, and would also recommend the removal of Article 7, Processes, Permits and Fees, section 7.05 (B), Architectural Design Review, as it is out of place in this location, and would be best addressed in Article 4, Development Standards – Window Standards.

Also a section has been added to allow flexibility in architectural design considerations. These standards may be modified by a majority vote of the Planning Board, Design Review Board, and/or Historic District Commission provided certain conditions are met. Discussion brought out that the ordinance dictates which board an applicant will appear before.

On May 11, 2016, the Planning Board discussed the proposed amendments to the glazing standards, and voted unanimously to set a public hearing for June 8, 2016. No changes have been made to the proposed language since that time.

There were no comments from the public on the proposed amendments at 7:52 p.m.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Share to recommend to the City Commission approval of the proposed changes to Article 04, section 4.90 WN-01 and Article 07, section 7.05 of the Zoning Ordinance to amend the glazing standards.**

No one from the audience wished to discuss the motion at 7:53 p.m.

**Motion carried, 6-0.**

**VOICE VOTE**

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

Nays: None

Absent: Boyle, Williams

The chairman closed the public hearing at 7:53 p.m.

**06-97-16**

**PRELIMINARY SITE PLAN REVIEW AND COMMUNITY IMPACT STUDY ("CIS")**

- 1. 748-750 Forest Ave. (existing office buildings)  
Request for Preliminary Site Plan and CIS Review to allow construction of a new five-story mixed-use building, three stories along Elm (continued from May 25, 2016)**

Mr. Baka provided background. The subject site is composed of two parcels, 748 and 750 Forest Ave., located at the corner of Forest Ave. and Elm St. The combined parcels are 13,200 sq. ft. The applicant is proposing to demolish the existing buildings to construct a mixed-use, office and residential development occupying both lots. The proposed building consists of 22 residential units and 850 sq. ft. of office space.

At the May 25, 2016 meeting of the Planning Board the CIS and Preliminary Site Plan were postponed to allow staff time to review the Phase 1 Environmental Assessment and noise study and to allow the applicant time to consider some potential site plan changes that would eliminate the need for several of the variances that would be required under their current proposal.

*CIS*

Land Development Issues:

A Phase 1 Environmental Report has been provided by the applicant and is dated July 20, 2015. The study states that the historic use of the site indicates no contamination issues. Proper testing should be done before any demolition to confirm whether any

issues are present. In summary, at this time the report does not recommend any further investigation of the subject site beyond the Phase 1 Environmental.

Mr. Share noticed there appears to be an open underground storage tank leak at the Speedway Station. Therefore he recommended that staff follow up to make sure that it gets closed.

Utilities, Noise and Air Issues:

The applicant provided a noise study from Kolano and Saha Engineers, Inc. that was completed on May 19, 2016. The results of the noise study state that the proposed development should be compatible with the surrounding neighborhood and should not create a significant source of noise beyond the property line. However, should it be necessary to install a back-up generator, the specification of this unit should be reviewed to ensure that it will be compliant with the noise regulations contained in the City Code.

Parking Issues:

The applicant indicates that a total of 39 parking spaces are proposed, with 37 spaces located on-site and two spaces located on Elm St.. A total of 42 parking spaces is required.

**Motion by Mr. Share**

**Seconded by Mr. Koseck to accept the CIS for 748-750 Forest Ave. as submitted.**

**Motion carried, 6-0.**

VOICE VOTE

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

Nays: None

Absent: Boyle, Williams

*Preliminary Site Plan Review*

Mr. Baka indicated there have been significant changes to the first floor to address issues that were present at the last meeting. The applicant now intends to orient the building towards Elm St. which eliminates the need for the rear setback provision in the MU-3 portion of the building. If the building fronts on Elm St. the rear is in MU-5 which does not require a rear setback.

The applicant is also proposing to construct a portion of the MU-3 section of the building up to five (5) stories. This is permitted by the Triangle Overlay if the building is 100 ft. or more from residential and meets the requirements of section 3.08 (E), which requires that they meet two (2) or more of the conditions listed. As currently proposed, the plan meets provision three (3) by providing over 50% of the floor area as residential. The applicant must demonstrate compliance with at least one of the other provisions listed or reduce the MU-3 portion of the building to three (3) stories.



The parking lot frontage as proposed exceeds the permitted 60 ft. allowed by section 3.08 of the Zoning Ordinance for corner lots. With regard to the streetscape, the applicant has now amended the plans to push the building back 2 ft. in order to include the required 12 ft. sidewalks on both Forest Ave. and Elm St.

The applicant is now proposing 37 spaces on site and is permitted to count the two on-street spaces along Elm St. towards their parking requirements as well. **Accordingly, the applicant must provide three (3) additional spaces or obtain a variance from the Board of Zoning Appeals ("BZA").** The Triangle Overlay Plan provides alternatives to providing required spaces including utilizing a shared parking agreement or contribution to the public parking fund. The applicant has stated that they are considering the use of car lifts to supply the additional required parking.

**The applicant must reduce parking frontage to 25% of street frontage length to meet 3.08 (G)(1)(b) requirements of the Zoning Ordinance or apply for a variance from the BZA.**

**The building must have usable building space to a depth of at least 20 ft. along a minimum of 75% of the total street frontage length when parking is located on the ground level, or the applicant must obtain a variance from the BZA.** Right now the applicant is proposing 65%.

#### *Design Review*

The building consists of five (5) stories on the western section, and three (3) stories on the eastern section, both of which have flat rooftops. The flat roof of the eastern section will serve as an outdoor terrace. The ground level of the western section consists of a masonry wall with a grey finish which will enclose the parking lot. The exterior of the building is grey and navy blue. The windows are vertically proportioned and appear to be transparent. The residential units have balconies with concrete bases and metallic checkered fencing. The applicant has now moved the residential lobby to the Elm St. facade, and the office space now fronts on Forest Ave.

The current design adjacent to the via on the south side of the building includes a masonry wall with six (6) garage doors. Staff recommends that the Planning Board may wish to suggest design amenities that will enhance the character, visual interest, and surveillance of the building facing the via. A complete Design Review will be provided at Final Site Plan Review.

Mr. Paul Robertson appeared on behalf of Robertson Brothers and the Robertson-Larson Partnership that is constructing the building. With him was Mr. Jim Clark from Robertson Brothers; and Messrs. Michael Poris and Ross Hoekstra from McIntosh Poris Associates. Mr. Robertson thought they have made a lot of progress since the last meeting. The entry has been moved to get rid of the 10 ft. required setback. They have added to the sidewalk by putting an overhang on the building. With regard to the parking, it doesn't make sense to him to allow street parking on only one side of a corner lot. The only way to make these buildings work for residential is to provide parking. However, public parking seems to be years away in the Triangle District. Office space that has limited value is required in front of the liner building. They plan to

comply with LEED Certification or add 15 spaces to the parking deck. The ~~two~~ **three** parking spaces that are short will be made up with lifts.

Mr. Michael Poris said he attended the Congress of New Urbanism convention in Detroit recently and had a long conversation about their site with Mr. Andres Duany. Mr. Duany thought there should be no parking requirements for any ground-floor retail liner. As far as street frontage, Mr. Duany was adamant there should not be any disincentives on the City's part.

Mr. Robertson asked the Planning Board to look very hard at specific line items that are in the ordinance for the Triangle District such as the parking requirement and liner space. It is all of those things that don't allow any latitude for a developer. The most troublesome thing that could be passed very quickly is the corner lot ordinance that would allow parking along both street frontages.

Mr. Share was concerned about the short and long-term visual effect of the garage doors on the alley side. Mr. Poris considered it an opportunity to have the repetitive element of the garages going down the alley. Mr. Share noted the parking garages in South Beach are fabulous and very imaginative.

In response to Ms. Whipple-Boyce, Mr. Robertson said he thinks there is a very limited demand for either office or commercial in that location based on the parking problem, and the space will go to whoever wants to lease it.

There was no one from the public who wished to comment at 8:15 p.m.

Mr. Koseck reiterated that a parking structure is certainly needed in this district. He feels the required liner building aspect is very important. One of the fundamental premises of the ordinance is to create a walkable community, and he believes they have a good ordinance. Ms. Whipple-Boyce added that no one wants to walk past a building that is absolutely dead - those active spaces are needed and she would never be in favor of eliminating them.

Mr. Cousimano noted that when he visited Bologna, Italy the buildings hung over the sidewalk and added square footage. Ms. Ecker replied that doesn't necessarily address the parking issue because the more square footage that is added the more the parking requirement increases.

Mr. Jeffares said he would go for a variance that says because he is going to activate the streets he will be short a couple of parking spots. It's tough, because this is a pioneer project.

Mr. Robertson commented this is not the Central Business District and he is not exactly sure who will be walking here. There is nothing there but automotive related businesses except for the Forest Grill.

Chairman Clein indicated he will support the plan. The ordinance requirements are in line with what the board has been working for all of these years. Mr. Jeffares noted that



in time Woodward Ave. will become easier to cross because of the changes that are coming.

**Motion by Mr. Share**

**Seconded by Mr. Koseck to approve the Preliminary Site Plan Review as revised for 748 and 750 Forest with the following conditions:**

- 1. The applicant provide three (3) additional parking spaces or obtain a variance from the Board of Zoning Appeals;**
- 2. Demonstrate compliance with section 3.08 (E) of the Triangle Overlay Plan permitting two (2) additional stories in the MU-3 zone that is at least 100 ft. from single-family residential;**
- 3. The applicant reduce parking frontage to 25% of total street frontage length or 60 ft., whichever is less;**
- 4. The applicant provide a minimum depth of 20 ft. of usable building space along a minimum of 75% of the total street frontage length;**
- 5. The applicant provide glazing calculations for the first floor and upper level floors at Final Site Plan & Design;**
- 6. The applicant incorporate the requirements of the Via Activation Plan into their proposal at Final Site Plan & Design;**
- 7. The applicant provide four (4) bike racks as per City standards; and**
- 8. The applicant complies with requests from City Departments.**

There were no comments from members of the audience at 8:34 p.m.

**Motion carried, 6-0.**

**VOICE VOTE**

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

Nays: None

Absent: Boyle, Williams

**06-98-16**

**REQUEST FOR SITE PLAN EXTENSION**

- 1. 2000-2070 Villa St. (currently vacant)  
Request for extension of Final Site Plan (expiring June 9, 2016)**

Ms. Ecker recalled a six month extension was approved for this project six months ago.

Mr. Andy Prescott, Torian, LLC said that Mr. Steuer, the property owner, retained them in early February to find funds to move forward with the project. They found a lender and expect to close by the end of July, which would allow them to break ground around Labor Day.

Board members thought a 90-day extension would be plenty.

**Motion by Mr. Share**

**Seconded by Mr. Jeffares to approve extension of the Final Site Plan approval for 2000-2070 Villa St. for a period of 90 days from June 9, 2016.**

No one from the public wished to speak on the motion at 8:47 p.m.

**Motion carried, 6-0.**

VOICE VOTE

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

Nays: None

Absent: Boyle, Williams

**06-99-16**

## **STUDY SESSION ITEMS**

### **1. Outdoor Storage and Display**

Ms. Ecker recalled that over several study sessions Planning Board members reviewed the existing ordinance language, and requested staff to prepare draft ordinance language and to provide definitions for outdoor display and outdoor storage. Board members felt that each use should be distinguished by the short term or long term nature of the outdoor display, and that limited hours should be considered. Further, the board requested the addition of standards to control the location, size and looks of both outdoor display and storage areas, without imposing extensive and detailed standards.

Draft ordinance language was presented at the March 9, 2016 Planning Board meeting that incorporated many of the concepts that had been discussed during previous study sessions. At that time, the board expressed a desire to simplify the draft ordinance by pushing all storage to the rear or side of buildings with full screening, eliminating any use of parking spaces for displays and requiring design review for any outdoor display regardless of use. It was also suggested that the amount of outdoor display area permitted be a ratio of the principal building frontage, similar to the way that signage is regulated.

For the purposes of discussion, draft ordinance language was presented at the April 13, 2016 Planning Board meeting to allow three (3) square feet of display area for each foot of principal building frontage. In addition, the definition of principal building frontage contained in the Sign Ordinance was added to Article 09 of the Zoning Ordinance.

It was requested that staff provide additional examples of how much display area would result from various principal building frontage calculations. In addition, the Planning Board requested that language be added prohibiting ice machines and propane storage in the front open space.

On May 11, 2016, the Planning Division presented several outdoor display scenarios at existing sites to illustrate the potential size of outdoor display areas based on a few different ratios being considered for review and discussion. Based on these illustrations, the Planning Board recommended a ratio of 0.5 sq. ft. of outdoor display space per linear foot of building frontage.

Board members also requested that site plan and design review be conducted for all gasoline stations and convenience stores. Additional information was requested from the City Attorney regarding amortization clauses or “sunset clauses” to determine how much notice is required to remove outdoor storage and display areas that have not previously been approved through the site plan and/or design review process.

Accordingly, the draft ordinance language has been amended to reflect the requested changes.

Ms. Ecker advised that staff recommends using the term party store rather than convenience store because there is no definition of convenience store in the ordinance. At the last meeting the board changed propane tanks to propane containers. The board might want to change ice machines to ice storage containers. It was also discussed that these should not be permitted between the building and any frontage line. The letter from the City Attorney has not yet been completed. However, Mr. Currier advised that a sunset clause cannot be written for outdoor storage because the Michigan Zoning Enabling Act does not allow it.

Ms. Whipple-Boyce thought it unfortunate that the two examples that prompted the board to look into storage and display can remain as they are. Where a business owner may have come to the Planning Board for a subtle change, now they may decide not do so in order to avoid getting hit with these restrictions.

Ms. Ecker noted you have to start somewhere, and if the rules and regulations are not set up to get where you want to go, you will never get there.

**Motion by Mr. Koseck**

**Seconded by Mr. Share to move this to a public hearing on Outdoor Display and Storage on July 13, 2016.**

There was no public to comment on the motion at 9:05 p.m.

**Motion carried, 5-1.**

VOICE VOTE

Yeas: Koseck, Share, Clein, Jeffares, Share

Nays: Whipple-Boyce

Absent: Boyle, Williams

**06-100-16**

### **3. Transitional Zoning (TZ-2)**

Ms. Ecker recalled at the last meeting the board discussed the uses in TZ-2. To assist in the discussion of permitted uses in TZ-2 (and in relationship to TZ-1 and TZ-3), the Planning Division has compiled a chart that lists all permitted uses in TZ-1, TZ-2 (as proposed) and TZ-3. All of the changes have been made based on comments at the last meeting. As the board requested, this Transitional Zoning issue will be on the June 20

joint meeting with the City Commission agenda. Mr. Koseck commented that how this is presented will be key. Ms. Ecker said she will suggest that the Planning Board is happy with TZ-1, TZ-2 and TZ-3, and it is just a matter of fine tuning the uses, so they will focus the discussion on that.

Ms. Whipple-Boyce thought it makes a lot of sense to compare the three TZ zones side-by-side. Chairman Clein agreed that having the comparison chart is very important.

The group discussed the definition of party store and whether to change the ordinance to say party store rather than convenience store. The chairman said after the joint meeting definitions can be clarified for uses that are open to interpretation.

There was no audience left at 9:17 p.m.

**06-101-16**

**MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (none)**

**06-102-16**

### **MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

a. Communications

b. Administrative Approval Correspondence

- Mr. Baka described an administrative approval request for an individual property in Crosswinds. The applicants want to expand the balcony on the back of their unit. The enlarged balcony with support columns would create a covered carport. Discussion concluded the Condo Association would have to approve the proposal. Mr. Koseck thought some variety there would be good. The board's conclusion was for staff to talk with the applicants and see if they can go through the Condo Association process first to come up with something that works. Then they can bring a cross-section and plan view to the Planning Board.

c. Draft Agenda for the Regular Planning Board Meeting on June 22, 2016

- Woodland Villa - Application to add a gate across the entry drive off of Southfield Rd.
- 245, 325 & 375 S. Eton - Request to amend the ordinance in the MX District to allow additional height for mechanical equipment.

d. Other Business (not discussed)

**06-103-16**

### **PLANNING DIVISION ACTION ITEMS**

a. Staff report on previous requests (none)

b. Additional items from tonight's meeting

- Ms. Lazar observed there is no action along the ground level at All Seasons.
- Signs in the Shain Park Real Estate Office are being worked on by Code Enforcement.

**06-104-16**

**ADJOURNMENT**

No further business being evident, the chairman adjourned the meeting at 9:32 p.m.

Jana Ecker  
Planning Director

APPROVED