
**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, JULY 11, 2018**

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Motion carried, 7-0.	2

APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JULY 11, 2018**
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on July 11, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Stuart Jeffares, Daniel Share (arrived at 7:42 p.m.), Janelle Whipple-Boyce, Bryan Williams; Alternate BoardMembers Jason Emerine, Nasseem Ramin

Absent: Board Members Robin Boyle, Bert Koseck, Student Representatives Madison Dominato, Sam Fogel, Ellie McElroy

Administration: Matt Baka, Sr. Planner
Brooks Cowan, Planner
Carole Salutes, Recording Secretary

07-118-18

APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF JUNE 27, 2018

Motion by Mr. Jeffares

Seconded by Ms. Whipple-Boyce to approve the Minutes of the Regular Planning Board Meeting of June 27, 2018 as presented.

Motion carried, 4-0.

VOICE VOTE

Yeas: Jeffares, Whipple-Boyce, Clein, Ramin

Nays: None

Abstain: Emerine

Absent: Boyle, Koseck

07-119-18

CHAIRPERSON'S COMMENTS (none)

07-120-18

APPROVAL OF THE AGENDA (no change)

07-121-18

STUDY SESSION

1. Bistro Regulations

Mr. Cowan recalled that over several months the Planning Board studied existing bistros and discussed the future goals of the bistro program. One of the issues has been the number of seats that are permitted for outdoor dining. The Planning Board had determined that they wanted to review outdoor dining seating on a case-by-case basis. They sent that proposal to the City Commission; however the Commission sent it back saying that with no limit on the outdoor dining seats for bistros they felt the bistros were getting too large and felt they were competing with the Class C Liquor License holders. Also, they asked the Planning Board to review rooftop dining.

Therefore, Mr. Cowan included draft language this time stating that rooftop dining is permitted as long as adequate street-level dining is provided, as determined by the Planning Board and City Commission.

Then for the definition of Bistro, Section 9.02 he added that when located in the Triangle District or Rail District, a bistro is a restaurant that has a full service kitchen with interior seating for no more than 85 people and seating for outdoor dining of no more than 85 people. So, outdoor seating is kept equal to indoor seating.

Ms. Whipple-Boyce did not know how this proposal would be received but she thought it is a good starting place. Mr. Jeffares did not think it would hurt anything and agreed it could be tried for a bit to see how it works.

Chairman Clein agreed and noted it is abundantly clear to him that the City Commission wants a number. With respect to rooftop dining, he suggested language in paragraph 11 read that rooftop dining is permitted as long as adequate street level dining is provided and the rooftop dining will not pose any negative impact on surrounding properties as determined by the Planning Board and the City Commission.

Board members agreed to also include in paragraph 11 that rooftop dining is permitted as a portion of allowable outdoor dining.

Motion by Mr. Williams

Seconded by Mr. Share to schedule a public hearing for August 8, knowing that if staff cannot get proper notice out it will be postponed to September.

Motion carried, 7-0.

There was no audience present.

VOICE VOTE

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

Nays: None

Absent: Boyle, Koseck

07-122-18

2. Retail Discussion

Mr. Cowan recalled the Planning Board has been studying Redline Retail Districts since January. They brought their findings to the City Commission and asked to bring in a retail consultant. Therefore, the Planning Dept. has created a retail consultant RFP for the Planning Board to review. The scope of work includes a review of the City's current Retail Frontage Line policy, data the Planning Board has gone over, an existing conditions analysis, retail trends and projections, and a final analysis with policy recommendations. Included are a few specific issues that the City wishes to address:

- Is there enough demand for retail in Birmingham to justify 3.25 linear miles of a Retail Frontage Line?
- What are the future trends and projections for retail that are suitable for Birmingham?
- What mix of uses contributes to a viable, walkable retail corridor?
- Would a tiered system that expands permissible uses on the first floor in certain areas contribute or detract from a walkable downtown?

The RFP lists the Scope of Work:

1. Review the Downtown Overlay District's Retail Frontage Line Boundary. Requirements and the City Manager's Research Directives for the Planning Board.
 - Evaluate the current geographic boundary of the Retail District for modification;
 - Evaluate current properties in the Redline Retail Boundary that were not built to support first-floor retail uses;
 - Evaluate a prohibition of desks, workstations and office related amenities placed within the first 20 ft. depth of window frontage within the Retail District and recommend ordinance language to address the issue.
2. Review current research done by City staff.
3. Provide an Existing Conditions Report.
4. Provide Trends in Retail and Projections for Retail Demand in Downtown Birmingham.
5. Evaluate the Current Boundary of Retail Frontage Line, as well as Proposed Boundaries for a Tiered System of First Floor Uses.
6. Provide Final Analysis with Recommendations for Retail Boundaries and Uses Within Each Boundary.
7. Attendance at Meetings.
 - One (1) initial meeting with the Planning Board to discuss the process and finalize a schedule.
 - One (1) meeting with the Planning Board to provide a preliminary update of findings.
 - One (1) final meeting with the Planning Board to provide a final presentation of findings and recommendations.

Mr. Williams wanted to see the RFP's scope of work expanded to include a meeting where the public would be invited. Also, acknowledge that the bidder will have to work with the Birmingham Shopping District ("BSD").

Mr. Jeffares suggested finding out from retailers in Birmingham who have stores in other communities what is going on in those communities and their approach to zoning.

- Ask if Birmingham should even have a Redline District or just buildings dedicated to retail.
- What businesses would be affected by eliminating desks that are placed in the window?
- Add to number 4: Evaluate Birmingham in a peer group that has a similar lack of public transportation.
- For number 6, question the need for Retail Boundaries.

Mr. Williams thought that participation from retail owners and building owners is important for a successful outcome. Mr. Share added it is incumbent upon City administration to reach out and tell the public this is an excellent time for them to provide their input.

Chairman Clein suggested that Public Participation is listed as an integral part of the Scope of Work. He thought that Public Engagement should be a separate line item and bid separately. He wants to hear what the consultant suggests for Public Engagement.

Mr. Williams hoped to have the BSD show up so that they are part of the solution.

Chairman Clein said if the City Manager wants this board to further review the RFP, it can be brought back at the next meeting. If not, they can take the comments and move forward.

07-123-18

3. Residential Parking Requirements

Mr. Baka recalled that on June 18, 2018, the City Commission and the Planning Board held a joint meeting and the consensus was that it would be worthwhile to have a consultant do an evaluation of our current parking standards, centered around residential. Thus, the draft amendments to eliminate residential parking requirements throughout the City as discussed at the joint meeting are provided, along with a draft RFP for planning, zoning and parking consulting services to conduct a complete review of residential parking requirements and future needs.

Mr. Share noted that if the goal is to get more dense and affordable housing in multiple-family areas, he is not sure that eliminating off-street parking in the R-1 Neighborhood makes sense because the streets would start to get clogged. Secondly, he was not sure about the concept that if you don't have to build off-street parking for residential it will incentivize affordable housing. Rather, he could easily see that what you would get is the same expensive housing with a higher profit margin to the developer.

Chairman Clein noted he didn't see anywhere that tells what the intent of the study is.

Mr. Williams was not convinced that eliminating the parking requirement would be a good idea throughout the City. People in the neighborhoods will object to that concept.

Ms. Whipple-Boyce was not certain this would encourage more affordable living Downtown.

Mr. Share thought maybe the question should be how to create more affordable housing in Multiple-Family Districts. Ask the consultant how to do that, and parking could be one component. Another might be to offer the developer a bonus floor or other ways to incentivize smaller, more affordable units. If the objective is what he understands it to be, then he felt a study like this is too narrow. Ms. Whipple-Boyce voiced her opinion that the board needs to also look at parking for office.

Chairman Clein suggested that instead of focusing strictly on residential, the RFP should focus on Downtown, the Rail and the Triangle. Indicate that there is a desire to increase residential density in a manner that brings smaller, more affordable units to the market. The board wants the consultant to help them understand current and future parking trends across comparable

cities and understand the mix that they are trying to go toward, looking at office, retail, residential, and provide us recommendations.

07-124-18

4. Sign Ordinance Review

Overlay Sign Standards

Mr. Baka explained the City of Birmingham has two sets of standards that are used to regulate signage throughout the City. There is the Standard Sign Ordinance which governs most of the City, and there is the Overlay Sign Ordinance that regulates signage on buildings that were constructed under the Downtown Overlay development standards.

Standard Sign Standards

The amount of signage permitted by the Sign Ordinance is based on the amount of building frontage. The width of the building determines the amount of square footage that can be used for signage. The allowable signage can be divided among any of the building tenants regardless of which floor they are located on, provided that they meet all other provisions of the Sign Ordinance.

In contrast to the Sign Ordinance, the Overlay Sign Regulations in the Zoning Ordinance do not limit the amount of signage or number of signs. Instead the number of signs permitted is dictated by the number of entrances and only tenants whose primary square footage is located on the first floor may have a sign. In addition to the differing restrictions listed above, there are also subtle differences between the two ordinances which make interpretation confusing for business owners and sign companies.

Over the past year the Board of Zoning Appeals has heard several variance requests for exceptions from the Overlay Signage Standards. The primary cause of these requests has resulted from the difference between what is permitted by the Sign Ordinance and the Overlay Sign Ordinance. The two provisions of the Overlay Sign Ordinance that have initiated the majority of the variance requests are the following;

- The number of signs permitted determined by the number of entrances;
- Signage for upper floor commercial tenants is prohibited.

The Historic District Committee and the Design Review Board have reviewed the issue and they feel that the Overlay Signage Standards should just be eliminated. Simplest from a procedural standpoint would be to just eliminate the Overlay standards out of the Zoning Ordinance. They feel the Standard Sign Ordinance does a very good job of regulating signage in the City.

The commercial tenants on the upper floors of buildings developed under the Overlay are not currently permitted signage as they otherwise would be if they were located in a building governed by the Sign Ordinance. In addition, the limitation of one sign per entry does not take into consideration businesses that occupy a corner space.

Mr. Baka said he will come back with draft language and then the Planning Board can set a public hearing.

Window signage/treatments

Mr. Baka advised that window signage in the City of Birmingham is currently limited to 12 sq. ft. per frontage (façade facing a street) or 18 sq. ft. per frontage on Woodward Ave. Multiple

sections of the Zoning Ordinance regulate the practice of blocking or tinting windows. The idea is to see professionally done window signage. The Zoning Ordinance was recently amended to require clear glazing on all first-floor facades. The Ordinance also states that windows are not allowed to be blocked by opaque materials, the backs of shelving, or signs. This has been interpreted to mean that the view into windows may not be permanently obscured but does not specifically prohibit drapes, blinds or other window treatments.

Ms. Whipple-Boyce said that as long as any amount of window signage is allowed then bad looking windows will be the result. Either allow window signage with a special permit or do not allow it at all. She would never not want to see well-done, attractive signs posted. The excessive signage needs to be cleaned up and people take advantage.

Mr. Jeffares noted it would be a hardship on the retailers not to allow window signage for special promotions. Mr. Baka thought the primary concern is haphazardly applied paper and small fliers. While Code Enforcement is sent out periodically to cite specific complaints and the Planning Division sends out literature to all businesses in town on a regular basis, the problem persists.

Ms. Whipple-Boyce thought a permitting process and quality of materials should be considered. Mr. Share added that he thinks the board can draw a distinction between the Downtown and Woodward Ave. and Fourteen Mile Rd. Think about how to de-clutter that giant street.

Consensus of the board members was to consider window treatments by first-floor tenants in commercial spaces as a separate issue. The treatments are often desired for a variety of reasons. These include protection from the sun or excessive heat, aesthetics, or privacy.

07-125-18

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approval Requests
 - 300 Strathmore - AT&T is proposing to remove three (3) antennas, three (3) RRHs, six (6) TMAs, and one (1) platform and install three (3) antennas, nine (9) RRHs, one (1) DC6 surge protection unit, one (1) fiber trunk, two (2) 3-pair DC power trunks, and one (1) sector frame.
 - 1115 N. Old Woodward Ave #72, Woodward Place Condo Assoc. - Replace current vent free fireplace with a new, pre-fab direct vent fireplace. Vent straight out through the back of the building. Vent to be painted beige to match wall.
 - 2075 Fourteen Mile Rd., Office Building - Request approval for parking lot striping as provided on attached plan and agreed to with Building Inspector.
 - 2080 E. Maple Rd. - AT&T is proposing to swap three (3) antennas, remove (6) TMAs, and add three (3) RRHs, one (1) DC6 surge suppression system, and one (1) DC cable.
- c. Draft Agenda for the next Regular Planning Board Meeting of July 25, 2018
 - 298 S. Old Woodward Ave. - Daxton Hotel, material and layout changes;
 - Varsity Shop - Extension;
 - Retail RFP.
- d. Other Business (none)

07-126-18

PLANNING DIVISION ACTION ITEMS

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

07-127-18

ADJOURNMENT

No further business being evident, the Chairman adjourned the meeting at 8:45 p.m.

Matt Baka
Senior Planner