

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, OCTOBER 25, 2017**

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APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, OCTOBER 25, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on October 25, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Stuart Jeffares, Bert Koseck, Vice-Chairperson Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Daniel Share; Student Representative Ariana Afrakhteh (left at 8:45 p.m.)

Absent: Board Member Robin Boyle; Alternate Board Member Lisa Prasad; Student Representative Isabella Niskar

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

10-190-17

APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF SEPTEMBER 27, 2017

**Motion by Mr. Share
Seconded by Mr. Jeffares to approve the Minutes of the Regular Planning Board Meeting of September 27, 2017**

Motion carried,

VOICE VOTE

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

Nays: None

Abstain: Lazar, Williams

Absent: Boyle

10-191-17

CHAIRPERSON'S COMMENTS

The Chairman noted that various types of hearings will be heard this evening.

10-192-17

APPROVAL OF THE AGENDA (no change)

10-193-17

PUBLIC HEARINGS

1. Ordinance to amend Chapter 126, Zoning, to allow the use of Economic Development Liquor Licenses in an expanded area

Ms. Ecker recalled that both the City Commission and the Planning Board have discussed the expansion of the Economic Development Liquor License boundaries to include a larger area of the City, perhaps including the Triangle District and/or the Rail District.

On July 10, 2017 the City Commission amended the Planning Board's Action List to include a review of the Economic Development Liquor License boundaries as the third priority. Accordingly, the Planning Board began discussions again regarding the expansion of the Economic Development License areas to include the Triangle and/or Rail District(s) or other areas of the City as an incentive to encourage redevelopment.

The applicant would have to obtain a license from somewhere in the County; or if it is in the Downtown Overlay or Triangle District, they could apply for a Redevelopment License from the State.

On September 13, 2017, the Planning Board reviewed draft ordinance language that expands the boundaries established in Exhibit 1 of Appendix C to include all of the Rail District, with the exception of the Crosswinds development, and the remainder of the Triangle District, with the exception of the single-family residential area (zoned R-2, Single-Family Residential, and ASF-3, Attached Single-Family Residential). The board voted unanimously to set a public hearing for October 25, 2017 to consider the required ordinance amendments and map changes to expand the use of Economic Development Liquor Licenses in Birmingham. The parcels previously discussed on the east side of Adams adjacent to the Triangle District which do not abut single-family residential zoned properties were removed based on the consensus of the Planning Board. A majority of the Planning Board also voted to include the parcel on the southwest corner of Woodward and Quarton in the expanded Economic Development License area.

Mr. Williams noticed the suggested area includes the new assisted living/nursing home facility that is going in. He thought it should be excluded. Mr. Koseck said that All Seasons Senior Living has an Economic Development Liquor License.

Motion by Mr. Williams

Seconded by Mr. Clein to receive and file correspondence from the following individuals, all in support:

- **Chuck White**
- **Katherine Abboud**
- **John Willette**
- **Paul Grout**
- **Brian Donnelly**
- **Tom Luke**
- **Ted Berry**
- **Leigh McQueen**
- **Shawn Clemniecki**

- **Sandra Czako**
- **Dean Armstrong**

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Boyle

The chairman took comments from members of the public at 7:37 p.m.

Ms. Katherine Abboud, 367 Suffield, also a business owner at 2125 E. Lincoln and a lease tenant of 2001 Cole St., expressed her support for this expansion of the Economic Development Liquor License. Business owners in the Rail District require a substantial amount of investment to activate the area into a walking, living community.

Mr. Rob Lawrence, 1620 Northlawn, supports the Economic Development License expansion. This type of change offers flexibility in terms of options to provide a better use for a single development or a broader area.

Mr. Share said in many senior communities the service of alcohol at dinner helps to attract people to live there. Leaving this facility in provides a certain amount of flexibility.

Chairman Clein agreed with Mr. Williams. The development is under construction and they have not mentioned this at all. Therefore, he suggested that the board remove it. Mr. Williams noted the site is immediately adjacent to a swimming pool and baseball players that may not need the influence of alcohol at that early an age. Therefore, keep the Economic Development License north of Lincoln, not south.

Ms. Whipple-Boyce agreed with Mr. Share. Just because the operators of the facility did not ask for the opportunity to offer a glass of wine at dinner doesn't mean it should not be available for them. The way it works at All Seasons on Maple Rd. is that the dining room has the ability to offer residents or their guests that come for dinner a cocktail with their meal. This is not a bar. Therefore, she was for leaving it in. Mr. Koseck agreed. He did not think that type of use would expand beyond the boundaries and cause issues.

Motion by Mr. Williams

Seconded by Mr. Clein to exclude that property south of Lincoln

Motion failed, 2-4.

ROLLCALL VOTE

Yeas: Williams, Clein,

Nays: Jeffares, Koseck, Lazar, Share, Whipple-Boyce

Absent: Boyle

Motion by Mr. Jeffares

Seconded by Mr. Koseck to recommend approval to the City Commission of the following ordinance amendments to allow the use of Economic Development Liquor Licenses in an expanded area as shown on the attached map:

- a) **Article 2, Section 2.27, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B-1 (Neighborhood Business) Zone District;**
- b) **Article 2, Section 2.29, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B-2 (General Business) Zone District;**
- c) **Article 2, Section 2.31, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B-2B (General Business) Zone District;**
- d) **Article 2, Section 2.39, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the MX (Mixed Use) Zone District;**
- e) **Article 3, Section 3.08, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the Mu-3, MU-5, and MU-7 Mixed Use Zone Districts; and**
- f) **Appendix C, Exhibit 1, Economic Development Licenses Map to expand the number of parcels which may qualify for the use of an Economic Development Liquor License.**

Motion carried, 7-0.

No one from the audience wished to comment on the motion.

VOICE VOTE

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

Nays: None

Absent: Boyle

The Chairman closed the public hearing at 7:49 p.m.

10-194-17

UNFINISHED BUSINESS

SPECIAL LAND USE PERMIT ("SLUP") FINALSITE PLAN REVIEW

- 1. 33353 Woodward Ave., Tide Dry Cleaners - Request for approval of a SLUP and Revised Final Site Plan and Design Review to allow a new business that provides services to patrons in their vehicles**

Motion by Mr. Williams

Seconded by Mr. Share to receive and file the letter dated October 18, 2017 from Mr. Ken Platt that expresses doubt and disapproval of the proposed drive-thru/exterior use at the Tide Drycleaners.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Boyle

Mr. Baka explained a new building is replacing the former Tuffy Automotive building on the west side of Woodward Ave. between Davis and Smith. The Final Site Plan for the new development at 33353 Woodward Ave. was approved by the Planning Board on January 25, 2017. Currently under construction, the one-story, 7,227 sq. ft. commercial/retail building and parking lot will be home to Tide Dry Cleaners. Tide Dry Cleaners is designed for a busy lifestyle and will be all about convenience. Therefore, the applicant is seeking a SLUP under Article 2, Section 2.31 (B2B – General Business) for a valet service for customers to pick up and/or drop off their garments. The valet service is considered a drive-in facility and requires a SLUP. The area will be located just outside of the west entrance along the alley and under a canopy.

On September 27, 2017 the Planning Board reviewed the SLUP application for the proposed drive-thru facility portion. There was a lot of discussion at that meeting, specifically about the effects the drive-thru would have traffic-wise on the neighboring streets and the alley. The board postponed the review and requested that the applicant provide additional information on the proposal.

In an attempt to address the concerns of the Planning Board, the applicant has since presented additional information which includes revised elevations and site plan renderings of the canopy, the 24-hour kiosk at the front of the building, glazing calculations, and detailed information regarding the proposed operation of the curbside pick-up and the delivery service.

Design Review

The applicant is proposing the addition of one steel canopy covered parking space to the west elevation of the new building (back of building fronting the alley). This area will be used by customers to pick up or drop off their garments. A representative will come out to the parked vehicle and collect the form of payment and the garments to be cleaned, or deliver the cleaned clothes. The canopy will cover roughly the two parking spaces closest to the west entrance. Material samples have been submitted by the applicant.

Signage

The linear principal building frontage on the north elevation is 72 ft., permitting 108 sq. ft. of sign area. The proposed name letter signs will measure 33.1 sq. ft. each. The wall sign proposed on the north elevation will measure 45.5 sq. ft. The total proposed signage for the site is 111.7 sq. ft. In accordance with Article 1.0, section 1.04 (B) of the Birmingham Sign Ordinance, Combined Sign Area - For all buildings, including multitenant office or retail buildings, the combined area of all types of signs shall not exceed 1 sq. ft. (1.5 sq. ft. for addresses on Woodward Ave,) for each linear foot of principal building frontage. **The proposal does not meet this requirement.**

The applicant has reduced the total amount of signage to 109.5 sq. ft. by reducing the height of the rear facing sign to 2 ft. 10 13/16 in. **They must reduce the total amount of signage to 108 sq. ft.**

The wall sign is proposed to be mounted 11.2 ft. above grade in accordance with Article 1.0, Table B of the Birmingham Sign Ordinance that states wall signs shall not be attached to the outer wall at a height of less than 8 ft. above a public sidewalk and at a height of less than 15 ft. above a public alley. **The proposal meets this requirement.**

The proposed name letter signs on the east and west elevations will feature the Tide® logo, a yellow and orange "bullseye" with blue letters spelling out "Tide". The words "Dry Cleaners" will

be located next to the logo in the same color blue. The wall sign proposed on the north elevation is proposed to be identical to the name letter signs except that it will be mounted to a white background.

The applicant must reduce the amount of signage by 3.6 sq. ft. The rear facing sign is no longer proposed to be illuminated.

It was discussed that the canopy poles are located in what was previously landscaped area.

Mr. Koseck noticed that canopy is not attached to the building. Mr. Baka explained it is considered an accessory structure.

Responding to Mr. Share, Mr. Baka explained the parking is in excess of what is required.

Ms. Shannon Marklin, one of the real estate managers for Tide Drycleaners, came forward to explain about their operations. She was accompanied by Mr. Encore Patel, the franchisee owner and operator of this site. Ms. Marklin said pole mounted signs that read "Tide" will mark four parking spaces. She explained returning customers will use the same bag each time and it will contain a barcode inside attached to that customer's account. Any instructions on how the customer wants their clothing finished will be included. Each article of clothing will also have a barcode to ensure that garments are not lost. The process is quick and easy because everything is on file.

Mr. Duane Barbat, the property owner, explained the canopy was not attached to the building because its purpose is to provide coverage over the parked cars. They can extend it to the building if the board prefers. He went on to say that adding the extra convenience of a drive-thru will help the company succeed, but by no means does he think it will make the site crazy with cars waiting to be served. In answer to Mr. Koseck, he stated the vacant space is leased to Complete Nutrition, a vitamin shop, and to Massage Luxe, a massage spa. They tried hard to choose tenants that would not disturb the residential neighborhood,

Ms. Marklin responded to Mr. Jeffares that the company van will be parked at Mr. Patel's house overnight. Mr. Jeffares also thought the canopy should extend 4 ft. and attach to the building.

Mr. Share said putting the van near the alley all day will take away a parking spot. The primary concern from the neighbors last time was traffic being created in the alley. Putting the van in the bigger lot might make more sense and alleviate some neighborhood concerns. Mr. Barbat thought that is a good point and they can definitely do that.

Chairman Clein asked about the turnover in a store like this. He wanted to know how this operation will not impact the neighbors immediately to the west. Ms. Marklin replied that the average car count that they have at one time is two. The most they have seen at peak hours is three to four. Even if there are three or four, there are two different store entrances so they are hoping that will reduce the queuing.

It was discussed that going forward the developer must always come back to the board for a use change if they will be servicing patrons in their vehicles.

Mr. Barbat explained this is a small 1,000 sq. ft. storefront. The additional 2,000 sq. ft. is used as a plant and will service other locations.

There are no comments from the public at this time.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Williams that the Planning Board recommends approval to the City Commission of the applicant's request for Final Site Plan and a SLUP for 33353 Woodward Ave., Tide Dry Cleaners with the following conditions:

- 1. The total square footage of signage must be reduced to 108 sq. ft. or less;**
- 2. The canopy must be attached to the building.**

Motion carried, 7-0.

No one from the audience commented on the motion at 8:14 p.m.

VOICE VOTE

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

Nays: None

Absent: Boyle

10-195-17

FINAL SITE PLAN AND DESIGN REVIEW

1. 415 W. Merrill (existing residence) - Request for approval of the Revised Final Site Plan to allow construction of a detached garage in an R-8 Multiple Family Residential Zone District

Mr. Baka advised the subject site is .111 acres (4,836 sq. ft.) in the R-8 Attached Single-family Residential Zone. The site currently contains a single-family home, which is a designated historic structure. The addition of the garage and minor changes to the home were approved by the Historic District Commission ("HDC") on August 16, 2017. However, as the home is located in a multi-family district, site plan review is required for the accessory structure. Article 2, Section 2.19 of the Zoning Ordinance states that one-family dwellings are permitted uses in the R-8 zone, but must be reviewed under R-3 Single-Family Residential Zone standards.

In addition, the home is a designated historic structure known as the Abigail Carter House. The oldest portion of the Carter house dates to 1884. At some point a second story was added. The house was reportedly moved in 1918 to make room for Baldwin High School. The Carter family occupied the house until 1950. The home was then used as a boarding house for many years. The house was designated historic in 1983 at the age of 99. On August 16, 2017 the current proposal was reviewed and approved by the HDC for changes to the existing house as well as construction of the new garage.

The accessory structure appears to meet the required bulk, area and placement regulations for accessory structures in the R-3 Zoning District. ***The applicant will be seeking variances, though, for the minimum open space, the maximum lot coverage in the R-3 zone, and dormers that are proposed to occupy 85% of the frontage of the property.***

Design Review

The east elevation of the proposed garage will consist predominantly of two separate entrances for two cars. Each entrance will be enclosed with its own garage door containing two clerestory windows. The proposed garage will face S. Chester where it will be made accessible by a

driveway connecting to the street. The applicant is also proposing one double-hung, vertically proportioned window. The north elevation will feature two double-hung windows and one entry door with a pitched roof awning. At the second story, the applicant is proposing one larger double-hung window. The west elevation will predominantly consist of plank siding with the exception of one double-hung window featured on the second story.

Mr. Baka said the applicant is allowed 30% lot coverage and they are asking for 37% lot coverage. Mr. Jeffares said that is 7 percentage points which is 20 percent over what is permitted.

Mr. Kevin Hart, architect for the homeowners, Virginia and Michael Geheb, said the lot is somewhat of a challenge and some of the items on the existing home are difficult to work with. The home was vacant for nearly two years before it was purchased by the Gehebs in January 2017. He indicated that he had a tough time interpreting a cross gable as a dormer but that is pretty much the way the ordinance is written. He felt they could make modifications to the west elevation to conform, thereby only requiring two variances.

The impervious coverage on the lot is presently non-conforming because the yard is covered with concrete slabs. They plan to reduce the non-conforming impervious coverage from 42% down to 25.6% impervious coverage.

The owners are very serious about trying to maintain the house, but also being able to live in the house and to have a two-car garage. The proposed garage is 23 ft. x 25 ft. with an interior staircase which uses up a lot of space.

The open area has improved to 36% and the variance they are asking is 164 sq. ft. or 3.4%.

The house is existing non-conforming with a lot of existing hardships that are not self-created.

The Chairman took comments from the public at 8:29 p.m.

Mr. Mike Cumming, Attorney, said he is the trustee and legal title owner of 410 Townsend, right across the alley. His client, Mary Laura Cantress who is in her 90s, put her property in trust for her three children. They have asked him to attend this meeting. He hopes for the opportunity to come to some compromise with the petitioners. The family objects to tonight's proposal. They feel the house with the variances is too much structure for the site. It is so tall that it might invade some of his client's privacy. Further, the essential character of the neighborhood may be affected along with reducing the property values. The proposed garage looks a little like an additional house on the property.

Ms. Nezanine Hassan, also from Dykema Gossett Attorneys, said she too represents the trustees. This is a very large variance and the combined garage and home will exceed the maximum lot coverage by over 20%. It also will exceed the open space requirements significantly. Additionally, the proposed dormers really make the garage structure look like a second home. The lot will be completely covered with structure and it will change the integrity and aesthetics of the neighborhood.

Ms. Patty Shane, 662 Purdy, spoke against the structure being built.

Ms. Suzanne White, 420 Townsend, said that she and her husband are not in favor of this structure.

Chairman Clein made the following points in light of what was mentioned in the public comments:

- The height of the proposed garage meets the ordinance requirements;
- Usable space on the second story is permitted;
- Interior staircases are permitted and encouraged;
- This board has no authority to provide approvals for variances. Variance requests are reviewed by the Board of Zoning Appeals.

Mr. Hart stated the survey shows the house to the west has a larger garage than the one proposed. They are asking for a 7% variance which equates to 335 sq. ft. over on lot coverage.

Ms. Whipple-Boyce noted the board will only review improvements proposed for the site. If she was a neighbor she would much prefer to lose a sea of concrete and see a pretty structure that compliments the property. There are surrounding properties that cover much more of their lot. She thinks this is a real improvement and is excited to see it happen.

Mr. Share said the plan is suitable, the Historic Design Commission has passed on it, and he is prepared to vote in favor, subject to the required variances.

Mr. Jeffares affirmed that in the State of Michigan there is a fundamental property right to have a garage. Therefore, he would move this along.

Ms. Afrakhteh observed there is already concrete in place, so she thinks the garage may not be as big an issue as if there was all greenery there and they were replacing it with a garage. Therefore, she agreed the garage probably is a good idea, especially because the petitioner doesn't have one.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Koseck to approve the Final Site Plan for 415 W. Merrill with the following condition:

1. The applicant must obtain the required variances from the Board of Zoning Appeals.

Mr. Koseck did not believe the proposed garage would negatively impact real estate values. He feels the way the garage has been designed is complimentary to the historic home on its unique site, so he is in support of the motion.

At 8:45 p.m. members of the public were invited to come forward and talk about the motion.

Ms. Suzanne White spoke again. She said they don't have backyards and their terraces view right into this. That is more of a problem than looking off and seeing the old house.

Mr. Mike Cumming received confirmation that the petitioners cannot have a dwelling unit in the garage and lease it out. It cannot be permanent living space for a second family.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Boyle

10-196-17

PRELIMINARY SITE PLAN REVIEW

1. 271-273 Euclid (existing duplex) - Request for approval of a Preliminary Site Plan to allow construction of a new single-family residence in an R-4 Two-Family Residential Zoning District

Ms. Ecker explained the subject site is .23 acres (10,019 sq. ft.) in size and is located in an R-4 Two-Family Residential Zone, in the Little San Francisco neighborhood. The site currently contains a duplex which is proposed to be demolished, and a new single-family home is to be constructed. The new home will feature two stories with a basement, an attached garage and a detached garage, which will be located behind the house. Article 2, section 2.11 of the Zoning Ordinance states that single-family dwellings are permitted uses in the R-4 Zone, but must be reviewed under R-3 Single-Family Residential Zone standards. Further, as the property is zoned R-4 Two-Family Residential, site plan review by the Planning Board is required in accordance with Article 7, section 7.25, Site Plan Review, of the Zoning Ordinance.

Based on the information provided, it appears that the applicant will be required to seek variances for non-compliant setbacks, the home height, lot coverage, required open space, and the building height and eave height of the detached garage. ***The applicant will be required to comply with all development standards or obtain variances from the Board of Zoning Appeals ("BZA").***

The applicant must provide open space calculations for the proposed single-family home that are greater than or equal to 40% open space with a minimum of 65% front open space unpaved, or seek a variance from the BZA.

The applicant must provide an increased combined front and rear setback to meet the required 55 ft. or obtain a variance from the BZA.

The applicant will be going before the BZA to have the variance issues addressed.

Mr. Brian Neefer, Brian Neefer Architecture P.C., 630 N. Old Woodward Ave. said he is not clear whether he is supposed to use the recorded front to back depth of the lot at 100 ft. or the actual measured distance of 99.66 ft. He found out the two-story wood deck structure counts as lot coverage, and that is what has them over the required coverage. Therefore, they will remove the upper portion of that deck to meet the coverage. He has done all he can to keep the height of the eaves of the house down, especially from the street front. If the topography was more traditional and did not present a walk-out situation at the rear they would fall within the height requirements. From the front the house meets the allowable building height.

He explained the house has both an attached and a detached garage because it can't be added onto the back. The dimensions of the detached garage are 23 ft. x 13 ft.

No one from the public commented on the proposal at 9:07 p.m.

Motion by Mr. Koseck

Seconded by Ms. Whipple-Boyce to approve the Preliminary Site Plan for 271-273 Euclid with the following conditions:

- 1. Applicant comply with the principal and accessory structure height and accessory structure eave heights or obtain variances from the Board of Zoning Appeals;**
- 2. Applicant comply with the lot coverage and open space requirements or obtain variances from the Board of Zoning Appeals;**
- 3. The applicant provide an increased combined front and rear yard setback to meet the required 55 ft. or obtain a variance from the Board of Zoning Appeals;**
- 4. Applicant add two street trees as required along Park St.;**
- 5. Applicant add the required City sidewalk along Park St.;**
- 6. Applicant submit specifications on the proposed mechanical units as well as the landscaping screenwall to ensure proper screening;**
- 7. Applicant submit complete landscaping and photometric plans at Final Site Plan Review; and**
- 8. Compliance with the requests of City departments.**

Mr. Koseck advised the applicant to try and reduce the degree of variances so they comply with the ordinance to the greatest extent possible. He added this is a great house with a lot of design sensitivity - even the detached garage.

Chairman Clein was reluctant to allow so many variances to go before the Board of Zoning Appeals. This is a brand new building and they want a third car, but it can't fit within the overall lot coverage and the height is over.

Mr. Williams noted the City of Birmingham approach on zoning issues with the bifurcation on a matter like this between two different bodies that don't talk to each other, and don't meet with each other just asks for problems.

Motion carried, 6-1.

VOICE VOTE

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

Nays: Clein

Absent: Boyle

The board took a short recess at 9:10 p.m.

10-197-17

STUDY SESSION

Personal Services Definition

Mr. Share recused himself because he represents a property owner in the Redline Retail District.

Ms. Lazar recused herself because of a familial relationship with a property owner in the Redline Retail District.

Chairman Clein recalled the Planning Board has held several public hearings on the definition of Personal Services, and provided a definition to the City Commission along with a recommendation as to what to do with the definition. The City Commission has asked for

support and clarification to help them understand this board's thinking as to why the language was drafted as it was, and for the purpose of having the Planning Board provide the City Commission with their list of uses and categories they think are in or out. The board is not revising the definition, but simply providing clarification and supplemental information to the Commission at their request.

Ms. Ecker said that during the City Commission meeting on September 25, 2017, the Commission expressed concern that the Planning Board had not considered enough sample definitions of personal services in other communities. Based on the concern expressed that more definitions were not discussed, the five sample definitions that were previously shown as options in previous agenda packets are provided, along with 12 additional definitions from other communities to supplement the ones originally selected.

Mr. Williams' view was that the board should send forward all 17 definitions to the City Commission. They all contain sub-categories of lists which may or may not be helpful to the Commission. Ms. Ecker said that staff has gone through categories of uses and put together a list of uses that could be considered personal services, as well as the ones the board has specifically talked about. The City Commission asked for them to be categorized, along with their pros and cons. The two last columns will say "Does the proposed definition include this use in Redline Retail District," and "Does the proposed definition not include this use in Redline Retail District."

Definition of Personal Services

An establishment that is open to the general public and engaged primarily in providing services directly to individual consumers including, but not limited to personal care services, services for the care of apparel and other personal items; but not including business-to-business services, medical, dental, and/or mental health services.

Chairman Clein said the City Commission is unclear on what that definition would allow and they have asked the Planning Board to help them understand how it views the definition. Mr. Williams said the better approach is to give the Commission the 17 communities and give them the list of categories, what the uses are, what the pros are, and what the cons are. The board has not reached consensus on whether a use is within the Personal Services definition or out.

After much deliberation, the board reached mostly unanimity on which uses should be excluded within the Definition of Personal Services:

<u>Uses</u>	<u>Comments</u>
• Dental Office	
• Medical Office	
• Physical Therapy	- More a medical use, therefore not personal service
• Marketing Services	- Not a personal service
• Professional Consulting Services	- Not a personal service
• Website/Media Services*	- May be both personal and professional service
• Insurance Services*	- May be both personal and professional service
• Self-Service Laundry*	- Personal service but may be inappropriate

- Eliminate the Last Two Columns as to whether the Definition includes the use in the Redline Retail District and add a Comment Column which is only filled in on a few uses

* Lack of unanimity because of concerns that it is more office use than actual Personal Service

Move Printing and Copying to Business Services and include it.

Mr. Williams said in hindsight it would have been a better approach to come up with a more generic definition with specific examples and maybe general caveat language for the Building Official, which is what some municipalities have done. Everyone agreed with that comment. Chairman Clein added that the board has put forth its best effort by summarizing concerns, complexity, and providing more detail. Now the City Commission can decide what measure to take.

There were no comments from members of the public at 10:20 p.m.

10-198-17

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications
- b. Administrative Approval Requests
 - 380 S. Bates St., The Community House - To create an aesthetically pleasing space for clients, guests, children and public, the Community House applied to continue the same fencing on Merrill St. and across Bates St. on Community House property and up and along the handicap ramp on the south side of the Van Dusen Terrace. Remove shrubbery and replace with sod and a garden around the signage.
- c.. Draft Agenda for the Regular Planning Board Meeting on November 8, 2017
 - 33363 Woodward Ave., Wesch Cleaners - Site changes;
 - 220 Merrill - Include basement space as part of their facility;
 - 210 S. Old Woodward Ave., Bird and the Bread - SLUP amendment to change their concept;
 - Personal Services Definition.
- e. Other Business (none)

10-199-17

PLANNING DIVISION ACTION ITEMS

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

10-200-17

ADJOURNMENT

No further business being evident, the Chairman adjourned the meeting at 10:24 p.m.

Jana L. Ecker
Planning Director

APPROVED