

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, DECEMBER 14, 2016**

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<p>PUBLIC HEARINGS</p> <p>1. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:</p> <p>TO AMEND ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.75 SS02, TO ADD REGULATIONS FOR DORMERS PROJECTING FROM SECOND-STORY ROOFS ON SINGLE-FAMILY HOMES.</p> <p>TO AMEND ARTICLE 09, DEFINITIONS, SECTION 9.02, TO ADD A DEFINITION OF "ATTIC" AND TO AMEND THE DEFINITIONS OF "HABITABLE ATTIC" AND "STORY".</p> <p style="text-align: center;">Motion by Mr. Williams Seconded by Mr. Boyle to continue the hearing to January 11, 2017 so that Mr. Johnson can review the language.</p> <p>Motion carried, 7-0.</p>	<p>2</p> <p>2</p> <p>3</p>
<p>2. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:</p> <p>TO AMEND ARTICLE 3, DOWNTOWN BIRMINGHAM OVERLAY DISTRICT, SECTION 3.04, TO CREATE A NEW D-5 ZONE AND TO ESTABLISH DEVELOPMENT STANDARDS FOR THIS DISTRICT;</p> <p>TO AMEND ARTICLE 6, NONCONFORMANCES, SECTION 6.02, TO ALLOW FOR THE EXTENSION AND/OR ENLARGEMENT OF EXISTING LEGAL, NON-CONFORMING COMMERCIAL BUILDINGS;</p> <p>AND</p> <p>To consider the rezoning of the following properties:</p> <p>(a) 555 S. Old Woodward (555 Office and Residential Buildings) from D-4 in the Downtown Overlay to D-5 in the Downtown Overlay;</p> <p>(b) 411 S. Old Woodward (Birmingham Place) from D-4 in the Downtown Overlay to D-5 in the Downtown Overlay; and</p> <p>(c) 225 E. Merrill (Merrillwood Building) from D-4 in the Downtown Overlay to D-5 in the Downtown Overlay.</p>	<p>3</p> <p>3</p>

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<p>Motion by Mr. Williams Seconded by Mr. Koseck to recommend approval to the City Commission the following amendments to Chapter 126 Zoning:</p> <p>a) Article 3, Downtown Birmingham Overlay District, Section 3.04, to create a new D-5 Zone and to establish development standards for this district; (b) Article 6, Nonconformances, Section 6.02, to allow for the extension and/or enlargement of existing legal, non-conforming commercial buildings; AND</p> <p>To recommend approval to the City Commission the rezoning of the following properties:</p> <p>(a) 555 S. Old Woodward (555 Office and Residential Buildings) from D-4 in the Downtown Overlay to D-5 in the Downtown Overlay; (b) 411 S. Old Woodward (Birmingham Place) from D-4 in the Downtown Overlay to D-5 in the Downtown Overlay; and (c) 225 E. Merrill (Merrillwood Building) from D-4 in the Downtown Overlay to D-5 in the Downtown Overlay.</p> <p>Motion carried, 7-0.</p>	<p>4</p> <p>4</p>
<p>3. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:</p> <p>TO AMEND ARTICLE 2, SECTION 2.29, B2 (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES TO ALLOW BISTRO USES ON PARCELS WITHIN THE RAIL DISTRICT.</p> <p>TO AMEND ARTICLE 2, SECTION 2.31, B2B (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES TO ALLOW BISTRO USES ON PARCELS WITHIN THE RAIL DISTRICT.</p> <p>TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD A DEFINITION FOR RAIL DISTRICT.</p> <p>AND /OR</p> <p>To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:</p> <p>TO AMEND ARTICLE 2, SECTION 2.29, B-2 (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED</p>	<p>4</p>

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<p>USES TO ALLOW THE USE OF ECONOMIC DEVELOPMENT LICENSES IN THIS ZONE DISTRICT.</p> <p>TO AMEND APPENDIX C, EXHIBIT 1, ECONOMIC DEVELOPMENT LICENSES MAP.</p> <p>Motion by Mr. Williams Seconded by Ms. Whipple-Boyce To recommend approval to the City Commission the following amendments to Chapter 126 Zoning:</p> <p>(a) Article 02, section 2.29 (General Business), to allow bistros in the Rail District as a use requiring a Special Land Use Permit; (b) Article 02, section 2.31 (General Business), to allow bistros in the Rail District as a use requiring a Special Land Use Permit; (c) Article 09, section 9.02 (Definitions), to add a definition for Rail District. AND</p> <p>To recommend APPROVAL to the City Commission the following amendments to Chapter 126 Zoning:</p> <p>(a) To amend section 2.29, B2 (General Business) to amend the accessory permitted uses; (b) To amend appendix C, Exhibit 1, Economic Development Licenses map.</p> <p>Motion carried, 7-0.</p>	5
<p>APPLICATIONS FOR REZONING</p> <p>1. 412 – 420 E. Frank St. (Frank St. Bakery & Petrella Designs) – Request for rezoning of the property from R-3, B-1 and B-2B to TZ-1 (Transition Zone) (continued from November 9, 2016)</p> <p>Motion by Mr. Koseck Seconded by Mr. Jeffares to recommend to the City Commission approval of the proposed rezoning of 412-420 E. Frank St. from B-1, R-3, and B-2B to TZ-1.</p> <p>Motion carried, 6-1.</p>	6
<p>PRELIMINARY SITE PLAN REVIEW</p> <p>1. 2010 Cole Street (currently under construction) – Request for Preliminary Site Plan Review for three-story addition to existing building (postponed from October 26, 2016)</p>	10
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APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, DECEMBER 14, 2016
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on December 14, 2016. Chairman Scott Clein convened the meeting at 7:31 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Lisa Prasad; Student Representative Colin Cousimano (left at 9 p.m.)

Absent: Board Member Gillian Lazar; Alternate Board Member Daniel Share

Administration: Matthew Baka, Sr. Planner
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary
Mike Morad, Building Inspector
Scott Worthington, Asst. Building Official
Jeff Zielke, Building Inspector

12-202-16

APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF NOVEMBER 9, 2016

Ms. Whipple-Boyce:

Page 2 - Add the following sentence to the end of the second paragraph from the bottom: "My concern is not with the ease in creating a stair located on an exterior wall, resulting in an oddly placed attic dormer, but with the exterior appearance and thoughtfulness that should be given to attic dormers."

Motion by Ms. Whipple-Boyce

Seconded by Mr. Jeffares to approve the Minutes of November 9, 2016 as amended.

Motion carried, 7-0.

VOICE VOTE

Yeas: Whipple-Boyce, Jeffares, Boyle, Clein, Koseck, Prasad, Williams

Nays: None

Absent: Lazar

12-203-16

CHAIRPERSON'S COMMENTS (none)

12-204-16

APPROVAL OF THE AGENDA

Preliminary Site Plan for 2010 Cole will not be reviewed this evening because they have not submitted all of the information needed for their Community Impact Study.

12-205-16

PUBLIC HEARINGS

1. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:

TO AMEND ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.75 SS02, TO ADD REGULATIONS FOR **DORMERS** PROJECTING FROM SECOND-STORY ROOFS ON SINGLE-FAMILY HOMES.

TO AMEND ARTICLE 09, DEFINITIONS, SECTION 9.02, TO ADD A DEFINITION OF "ATTIC" AND TO AMEND THE DEFINITIONS OF "HABITABLE ATTIC" AND "STORY".

The Chairman formally opened the public hearing at 7:35 p.m.

Mr. Baka noted at the request of City Staff, the Planning Board has been reviewing potential changes to the Zoning Ordinance that would alter the way that dormers are regulated on single-family homes. Over the past few months the Planning Board has been presented with draft ordinance language on this subject. On November 9, 2016, the Planning Board set a public hearing to consider a recommendation to the City Commission on the draft language as amended at that meeting. In accordance with that motion, the Planning Division has prepared finalized draft ordinance language that incorporates the comments made at the Nov. 9th meeting in regards to limiting the interior width of a dormer to 8 ft.

Mr. Koseck liked what is proposed but thinks a couple of things need to be tweaked. Key is that there is a break between the eave line and the dormer above the second floor. He would modify the language as follows: " No individual dormer may exceed 8 ft. in width as measured to the interior dimension. All dormers on a side or rear elevation must be set back a minimum of 8 in. from the face of the second-story wall below. "

Mr. Williams had a problem because the Building Official was not present. Therefore he thought the hearing should be continued in January. He thought the language could be clarified, shown to Mr. Johnson, and the board can come back in January. If re-notice is necessary, it can be done then for February. He was not comfortable with re-noticing when the exact language has not been agreed upon and Mr. Johnson has not reviewed it.

Motion by Mr. Williams

Seconded by Mr. Boyle to continue the hearing to January 11, 2017 so that Mr. Johnson can review the language.

There were no comments from the public at 7:50 p.m.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Boyle, Clein, Jeffares, Koseck, Prasad, Whipple-Boyce

Nays: None

Absent: Lazar

2. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:

TO AMEND ARTICLE 3, DOWNTOWN BIRMINGHAM OVERLAY DISTRICT, SECTION 3.04, TO CREATE A NEW D-5 ZONE AND TO ESTABLISH DEVELOPMENT STANDARDS FOR THIS DISTRICT;

TO AMEND ARTICLE 6, NONCONFORMANCES, SECTION 6.02, TO ALLOW FOR THE EXTENSION AND/OR ENLARGEMENT OF EXISTING LEGAL, **NON-CONFORMING COMMERCIAL BUILDINGS**;

AND

To consider the rezoning of the following properties:

- (a) **555 S. Old Woodward** (555 Office and Residential Buildings) from D-4 in the Downtown Overlay to D-5 in the Downtown Overlay;
- (b) **411 S. Old Woodward** (Birmingham Place) from D-4 in the Downtown Overlay to D-5 in the Downtown Overlay; and
- (c) **225 E. Merrill** (Merrillwood Building) from D-4 in the Downtown Overlay to D-5 in the Downtown Overlay.

The Chairman opened the public hearing at 7:53 p.m.

Ms. Ecker recalled that on October 26, 2016 the Planning Board set a public hearing for December 14, 2016 to consider Zoning Ordinance amendments with the goal of bringing several non-conforming buildings in Birmingham into compliance. The proposed ordinance amendments would add a new D-5 classification to the Downtown Overlay Zone which would allow buildings that are currently non-conforming to be considered legal and conforming in regards to setbacks, number of stories, and height. The new D-5 Zone would also allow any new buildings or additions to existing buildings in the D-5 if the owner elects to develop the extended or enlarged portion under the provisions of the Downtown Overlay. They could go higher than five stories if they enter into a Special Land Use Permit ("SLUP") arrangement with the City.

Motion by Mr. Williams

Seconded by Mr. Koseck to recommend approval to the City Commission the following amendments to Chapter 126 Zoning:

- a) **Article 3, Downtown Birmingham Overlay District, Section 3.04, to create a new D-5 Zone and to establish development standards for this district;**

(b) Article 6, Nonconformances, Section 6.02, to allow for the extension and/or enlargement of existing legal, non-conforming commercial buildings;

AND

To recommend approval to the City Commission the rezoning of the following properties:

- (a) 555 S. Old Woodward (555 Office and Residential Buildings) from D-4 in the Downtown Overlay to D-5 in the Downtown Overlay;**
- (b) 411 S. Old Woodward (Birmingham Place) from D-4 in the Downtown Overlay to D-5 in the Downtown Overlay; and**
- (c) 225 E. Merrill (Merrillwood Building) from D-4 in the Downtown Overlay to D-5 in the Downtown Overlay.**

Chairman Clein called for comments from members of the public at 7:58 p.m.

Mr. Paul Reagan received confirmation that surrounding property owners have been properly notified. He asked if the additional parking requirements have been studied and what plans have been made for the additional parking. He proposed that the residents really don't understand what is being considered.

Mr. Rick Rattner, 380 N. Old Woodward Ave., said he represents 555 N. Old Woodward Ave. and agrees with the motion.

Mr. Eric Wolf, 393 E. Frank, thought that parking is a major issue. Ms. Ecker explained there is a duty of continuing compliance for parking. If additions are made, they would have to provide parking for all uses if the parcel is not in the Parking Assessment District or additional parking would have to be provided on-site for residential only if the parcel is in the Parking Assessment District.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Williams, Koseck, Boyle, Clein, Jeffares, Prasad, Whipple-Boyce

Nays: None

Absent: Lazar

The Chairman closed the public hearing at 8:02 p.m.

3. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:

TO AMEND ARTICLE 2, SECTION 2.29, B2 (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES TO ALLOW **BISTRO USES ON PARCELS WITHIN THE RAIL DISTRICT.**

TO AMEND ARTICLE 2, SECTION 2.31, B2B (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES TO ALLOW BISTRO USES ON PARCELS WITHIN THE RAIL DISTRICT.

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD A DEFINITION FOR RAIL DISTRICT.
AND /OR

To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:

TO AMEND ARTICLE 2, SECTION 2.29, B-2 (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES TO ALLOW THE USE OF ECONOMIC DEVELOPMENT LICENSES IN THIS ZONE DISTRICT.

TO AMEND APPENDIX C, EXHIBIT 1, **ECONOMIC DEVELOPMENT LICENSES MAP.**

Chairman Clein opened the public hearing at 8:07 p.m.

Mr. Baka advised that after several study sessions on this matter the Planning Board on November 9th, 2016 set a public hearing for December 14, 2016 to consider Zoning Ordinance amendments that would allow the use of a Class C Liquor License through either a Bistro License or an Economic Development License at 2100 E. Maple Rd. and make a recommendation to the City Commission. The proposed draft ordinance amendments provide two possible changes. The first is to establish official Rail District boundaries which would include the parcel at 2100 E. Maple Rd. The second possible change would amend the Economic Development Map to add the parcel at 2100 E. Maple Rd.

Ms. Kelly Allen, Adkison, Need, Allen, & Rentrop, Attorney for Whole Foods, said that Whole Foods is in favor of the Economic Development option because they feel they meet that criteria. However, they would like to see both options move to the City Commission. The area that is being set aside inside of the grocery store looks like a bistro but it qualifies for an Economic Development License. Whole Foods would have a chance of getting that license sooner as opposed to competing with two or three other contenders for a Bistro License.

No one from the public cared to join the discussion at 8:07 p.m.

**Motion by Mr. Williams
Seconded by Ms. Whipple-Boyce**

To recommend approval to the City Commission the following amendments to Chapter 126 Zoning:

- (a) Article 02, section 2.29 (General Business), to allow bistros in the Rail District as a use requiring a Special Land Use Permit;**
- (b) Article 02, section 2.31 (General Business), to allow bistros in the Rail District as a use requiring a Special Land Use Permit;**
- (c) Article 09, section 9.02 (Definitions), to add a definition for Rail District.**

AND

To recommend APPROVAL to the City Commission the following amendments to Chapter 126 Zoning:

- (a) To amend section 2.29, B2 (General Business) to amend the accessory permitted uses;**

(b) To amend appendix C, Exhibit 1, Economic Development Licenses map.

There were no comments on the motion from the public at 8:09 p.m.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Whipple-Boyce, Boyle, Clein, Jeffares, Koseck, Prasad

Nays: None

Absent: Lazar

The Chairman closed the public hearing at 8:10 p.m.

12-206-16

APPLICATIONS FOR REZONING

1. 412 – 420 E. Frank St. (Frank St. Bakery & Petrella Designs) – Request for rezoning of the property from R-3, B-1 and B-2B to TZ-1 (Transition Zone) (continued from November 9, 2016)

Ms. Ecker noted the subject property is located on the southeast corner of Frank St. and Ann St., and includes one corner lot (Lot 32, Blakeslee Addition); one lot immediately to the south facing Ann St. and running parallel to Frank St. (Lot 31, Blakeslee Addition); and the rear 32 ft. of lots 3 and 4 of the Blakeslee Addition that front on S. Old Woodward Ave. All three of these lots or portions of lots were previously combined and appear to have been split into three independent parcels prior to 1960. The three parcels are currently under common ownership.

The applicant is requesting that the Planning Board hold a public hearing to consider the rezoning of the western portion of the property (412 E. Frank St., parcel #19-36-253-001) from R-3 (Single-Family Residential) to TZ-1 (Transition Zone); and the central portion of the property (420 E. Frank St., parcel #19-36-253-002) from B-1 Neighborhood Business to TZ-1 (Transition Zone); and the eastern portion of the property (no known address, parcel #19-36-253-003) from B2-B to TZ-1 (Transition Zone).

On October 26, 2016, the applicant agreed to study the possibility of placing a single-family home on the western portion of the property at the corner of Ann St. and Frank St. and a multi-family residential building on the central and eastern portions of the property using the TZ-1 development standards.

On November 9, 2016, the applicant brought several studies to demonstrate the difficulty in developing the site with the current zoning. However, the plans were submitted at the meeting, and staff did not have an opportunity to review them for zoning compliance. Accordingly, the Planning Board postponed the matter to December 14, 2016 and directed the applicant to conduct additional studies to illustrate their position that the current zoning is obsolete, and to further illustrate that the proposed TZ-1 classification would fit in with the surrounding neighborhood.

The applicant has now made a few changes to their proposals. They added the option for single family on the R-3 lot on the corner of Frank St. and Ann St. with a detached garage and

with an attached garage. Staff has found that everything is correct in terms of what could or could not be done on this site.

Mr. John Sarkesian spoke to represent the applicant for the rezoning request. He explained that in order to achieve their proposal the two commercial properties, the B-1 and the B-2B, would require down zoning to residential use, and the R-3 lot would remain a residential use. Their conclusion was the B-2B property would be very problematic to develop on its own, being only 32 ft. wide. The B-1 property could have a building and the architects have determined that a 6,000 sq. ft. two-story building could be built on the two parcels if they were to be combined as one commercial property.

He offered a detailed analysis of two scenarios for the R-3 lot with a detached and with an attached garage. With an attached garage they determined that the total size as a two-story home with the allowable footprint would not be consistent with the local market. A larger home could be achieved with a detached garage, but it is still undersized and undervalued. Also, any building on the B-1 lot could be right along the eastern property line, two stories, 30 ft. high, affecting desirability, function, and value of the home. There would be no buffer from the commercial properties. For those reasons it seems improbable that someone would want to build a single-family home there, and if they did it would potentially undermine the values of the other single-family homes in the area.

The applicant stated that the character of these three sites with the conditions sited conforms to the stated intent of transitional development, particularly TZ-1. Their proposed project would be a five-unit, for sale, residential condominium with 15 on-site parking spots. Traffic and parking would be contained and separated from the residential neighborhood. The building would be compatible with the area with respect to scale, architecture, and values of the adjacent single-family homes. It would provide a reasonable and orderly transition between commercial and single-family areas. If the property is rezoned, they would voluntarily offer in writing as a condition to rezoning that they would build a residential building of the size, character, and design being proposed.

Mr. Boyle received confirmation that the average size of the units would be 3,000 sq. ft. Further, that the combined B-1 and B-2B commercial site would require 20 parking spaces.

Chairman Clein called for comments from members of the public at 8:25 p.m.

Mr. Paul Reagan pointed out if the applicant is planning for five 3,000 sq. ft. units, they can build three units on the B-1 and the B-2B and one unit on the R-3. The only thing that would not happen is maximization of the total value of the property, which is not the affair of this board. It is feasible to utilize the R-3, so the applicant failed to prove necessity to rezone.

Mr. Eric Morganroth, 631 Ann St., thought that the proposed units would benefit the economic value of his house. He would like to see a commitment by the applicant to ensure the parking is all contained within the structure, that the caliber of the structure would be comparable to the other new construction in the area, and that it would be residential. Therefore, he is in support, knowing that it would down zone the area so that it would be more residential.

Mr. Eric Wolf, 393 E. Frank St. said he would like to get rid of the commercial use. There are advantages to eliminating that and down zoning that he could live with if they engage in "contract zoning." He thinks what has been designed is a very nice project.

Mr. Williams felt the City Commission has been hypocritical on the contract zoning issue. At one time they said no contract zoning and then with respect to Whole Foods that is exactly what they did. So, the question here is whether we can have contract zoning on this site. He will not vote for this proposal or any other proposal until he understands what the City Commission's real position is on contract zoning.

In 1960 these parcels were rezoned to B-1. In 1987 the western-most property was, pursuant to the City's Master Plan, rezoned to R-3. Mr. Williams said it strikes him that this owner is bound by the prior owner's failure to challenge the R-3 rezoning in 1987. They commenced a lawsuit but did not follow through with it. For this board to undo that without a Master Plan is in his view is a dereliction of its responsibilities to adhere to the Master Plan. After saying all of that, he does think the benefits of downsizing on B-1 and B-2B are substantial to the neighborhood and substantial to the existing parking problem in the area. These three properties beg for a contractual resolution. Again, he will vote no on this proposal until he hears from the City Commission.

Mr. Koseck said he looks at these sites and, frankly, finds them to be an odd mix, especially as the B-2B is a very narrow lot. The R-3 house will be 5 ft. away from a wall that goes up 30 ft. and that house will look odd. The neighbors are in favor, so to him, the proposal to combine the lots is a very appropriate plan for this transitional area. Mr. Williams noted that what is proposed is just a general rezoning, not a project. Mr. Koseck pointed out the Planning Board can look at the plan based on the requirements of the ordinance when it comes before them.

Mr. Jeffares thought if this isn't transitional zoning, he doesn't know what it is. There are many people who are empty nesters and are looking for this type of housing and they are not finding it. He appreciates that this allows our town to continue to be attractive to people and they don't have to leave when they move into a different part of their life. This nice five-unit development would be a perfect buffer.

Ms. Whipple-Boyce said she cannot forget the board is here to look at a rezoning and not the building being proposed. It seems to her that contractual zoning would be the best solution for these three properties but this body cannot recommend that. Therefore she was supportive of Mr. Williams' suggestion to forward this matter to the City Commission as a question, rather than a recommendation.

Mr. Williams thought this site begs the question of contract zoning much more so than the Whole Foods property. If that was restricted, why not this property.

Mr. Boyle felt that contemporary zoning needs to be respectful of the community as it is; not as it was. This is an opportunity to sit down and negotiate for a product that is appropriate for this area. The fact there is communication with the neighborhood residents goes hand-in-hand with contemporary master planning and zoning which needs to take into account what is possible in the context of this transitional area.

Chairman Clein said this matter comes down to points about the R-3 and about the overall process. The Planning Board is here for a rezoning. As was said, it is not the board's job to maximize value. In his opinion the only way a question can be posed to the City Commission is either by putting forth a recommendation tonight related to the site or by postponing tonight because the petitioner wants to enter into negotiations with the administration.

Ms. Whipple-Boyce did not think the Planning Board has all of the tools that it needs and the City Commission is the only one that can help the board get those. Ms. Ecker observed that the Commission will have the final say either way.

Mr. Koseck noted the zoning being requested exists in the Zoning Ordinance. Speaking for himself, he is pretty tough on people that come to the board and do what he thinks is inappropriate for the community. He has faith this will work out as well as the decision on Whole Foods did.

Mr. Jeffares said he is on that same page. This board has the controls to make sure whatever is proposed fits into the community. The board should not have to go to the extent on each and every property in the community to say it has to see first what is going to be built.

Mr. Baka pointed out that TZ-1 has design standards built in as far as building materials, fenestration, etc.

Mr. Sarkesian stated they will not go before the City Commission if their proposal is voted down by this board. If the Planning Board doesn't like what they are doing, why would the Commission support them. So if they get a positive recommendation they will go to the Commission and fight for what they want to do and make it clear that they will voluntarily offer to restrict what they do with the property.

Motion by Mr. Koseck

Seconded by Mr. Jeffares to recommend to the City Commission approval of the proposed rezoning of 412-420 E. Frank St. from B-1, R-3, and B-2B to TZ-1.

Mr. Boyle thought that members of the Planning Board are sending a signal to their colleagues that they have done as much as they can. The developer is proposing to do something that the board is generally in favor of and the board sees this motion as moving it forward. He will therefore vote yes.

There were no comments from the public at 9 p.m.

Motion carried, 6-1.

ROLLCALL VOTE

Yeas: Koseck, Jeffares, Boyle, Clein, Prasad, Whipple-Boyce

Nays: Williams

Absent: Lazar

12-207-16

PRELIMINARY SITE PLAN REVIEWS

1. **2010 Cole Street** (currently under construction) – **Request for Preliminary Site Plan Review for three-story addition to existing building** (postponed from October 26, 2016)

Ms. Ecker explained the new owner has submitted a very detailed plan for a three-story, mixed-use building. However, it is over 20,000 sq. ft. and they have to submit a CIS which they didn't realize they needed when they first applied.

**Motion by Mr. Williams
Seconded by Ms. Whipple-Boyce to postpone the Preliminary Site Plan Review for
2010 Cole St. to February 8, 2017.**

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Whipple-Boyce, Boyle, Clein, Jeffares, Koseck, Prasad

Nays: None

Absent: Lazar

12-208-16

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (no public was present)

12-209-16

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications

b. Administrative Approval Correspondence

- 369 N. Old Woodward Ave., Brookside Development -
 - A glass window is missing on the south elevation, located on the eastern section of the first-floor portrayed on pg. D.8 for the Final Site Plan approval.
 - The walkway to the basement level of the west elevation has been extended across the entire glass window and added steps to the backyard. This walkway is not indicated of pg. D.8 of the Final Site Plan approval.
 - Basement level vents have been added to the north elevation on pg. D.7 that are not indicated in the Final Site Plan approval.
- 1669 W. Maple Rd., Church - Erect a sign, 20 in. x 40 in. next to Pleasant St. entrance. The sign will be black with 3 in. reflective white letters.
- 2080 E. Maple Rd., Telecommunication facility - Replace three antennas, add three arms.
- Mr. Baka advised that Grace Baptist Church wants a new ground sign to replace their existing sign. Consensus was they should come before the Planning Board.
- The AT&T Building has requested retroactive approval to construct five bollards and to extend their parking spaces 4 ft. into the right-of-way. Consensus was for them to come to the board for approval.

c. Draft Agenda for the Regular Planning Board Meeting on January 11, 2017

- Theater Ordinance License, public hearing;
- Dormers study session;

- Three Bistro License applications;
- Former Gas station at Oak and Woodward Ave., Preliminary Site Plan Review for new construction;
- Tinting of glazing, study session.

d. Other Business

Ms. Whipple-Boyce felt something is wrong with the process if a building can be demolished to the extent that the Audi dealership was, and even though the square footage is not changed it does not come to the Planning Board for review. Mr. Baka noted they were approved by the Design Review Board. However during the Building Permit process the owner took three sides of the building down and called it the same building. Ms. Ecker said that more review by this board could be required. Ms. Whipple-Boyce noted the service facility has been moved to Adams Square. Ms. Ecker said this matter can be added to the joint City Commission/Planning Board meeting.

Mr. Koseck thought that study sessions could include occasional conversation about some of the projects that have been developed.

12-210-16

PLANNING DIVISION ACTION ITEMS

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

11-211-16

ADJOURNMENT

No further business being evident, the chairman adjourned the meeting at 9:20 p.m.

Jana Ecker
Planning Director