

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, MARCH 29, 2017**

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APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MARCH 29, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 29, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle (arrived at 8 p.m.), Stuart Jeffares, Janelle Whipple-Boyce, Alternate Board Member Daniel Share, Bryan Williams; Student Representative Ariana Afrakhteh (left at 9:05 p.m.)

Absent: Board Members Bert Koseck, Vice Chairperson Gillian Lazar; Alternate Board Member Lisa Prasad

Administration: Matthew Baka, Sr. Planner
Jana Ecker, Planning Director
Mario Mendoza, Recording Secretary

03-65-17

APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF MARCH 22, 2017

Mr. Share made the following correction:

Page 8 - Delete "architect" and replace with "represented the applicant" with respect to Mr. Serkesian for the Design Review for 412 - 420 E. Frank.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to approve the Planning Board Minutes of March 22, 2017

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Absent: Boyle, Koseck, Lazar

03-66-17

CHAIRPERSON'S COMMENTS (none)

03-67-17

APPROVAL OF THE AGENDA (no change)

03-68-17

STUDY SESSION ITEMS

1. Window Tinting

Mr. Baka recalled that the City Commission has held a public hearing and the Planning Board has held several study sessions to discuss the issue of window standards and examine potential changes to the ordinance to address the concerns of the City Commission. As a result of those discussions, a general consensus was reached that prohibiting the tinting of windows would promote the intent of the creating a pedestrian friendly interactive condition in the commercial areas of the City.

Accordingly, the Planning Board directed the Planning Staff to draft Zoning Ordinance amendments that would require clear glazing on the first floor and allow light tinting on the upper floors. The draft language also includes the original ordinance amendments that were recommended to the City Commission in July of 2016.

With regards to the treatment of glazing in passageways and vias, the Planning Board decided not to recommend a required amount of glazing in these spaces as it might impede important "back of house" functions and have a negative impact on businesses. Currently, the Via Activation Overlay Standard does indicate a requirement for windows but does not set a specific percentage that is required.

As currently written, this provision allows the Planning Board to evaluate projects on a case-by-case basis but does not provide a baseline or minimum amount of glazing that is required in these spaces.

Discussion concluded that clear glass must have a visual transmission level of at least 80%. Further, not less than 70% visual transmission qualifies as lightly tinted. (The lower the percentage, the darker the tint.) Ms. Whipple-Boyce indicated she does not think there should be any tinting on the upper floors either. Mr. Baka said he will add a definition of clear and lightly tinted to the draft language and bring it to another study session.

03-69-17

2. Transitional Zoning (TZ-2)

Mr. Baka noted the City Commission and Planning Board have held a number of meetings relating to this issue. On June 20, 2016, the City Commission and Planning Board held a joint study session/workshop where the TZ-2 topic was discussed at length. This discussion included a lengthy summary of the background of this topic and the City Commission instructed the Planning Board to revisit the TZ-2 issue with inclusion of the O1-O2 history. It was suggested that the board hold another public hearing to allow for additional public input and then make a recommendation to the Commission. The Commission would then consider how to proceed with the newly proposed zone. The possibilities suggested included implementing the zone and then applying it to specific properties or to allow property owners to request a rezoning individually.

Mr. Williams thought the board has lost its focus on this issue. The original reason for creating at that time N-2 and N-3 and now TZ-2 and TZ-3 had nothing to do with uses. It was simply the magnitude of a development. Instead the board has concentrated on uses. So, in his view the Planning Board should list TZ-2 uses which it thinks are compatible with commercial uses adjoining a neighborhood and send it back to the Commission. Point out that the difference between TZ-2 and TZ-3 wasn't the reason for the distinction to begin with and it should not be the reason now.

Mr. Share said it seems to him they have created a reasonable use differentiation between TZ-2 and TZ-3. Therefore, his inclination was to send it to the City Commission. Mr. Jeffares' vote was also to send it to the Commission. Ms. Whipple-Boyce agreed, except she would like to see Market Square (grocery store) back in TZ-2. Mr. Share observed it is grandfathered in today, so their use isn't threatened.

Chairman Clein noticed that a bakery and a coffee shop are permitted uses as proposed in TZ-2, but require Special Land Use Approval ("SLUP") in TZ-3. The group thought the requirement should be the same in each zone. The consensus was to have bakery, coffee shop and grocery stores as a SLUP in TZ-2. Mr. Boyle arrived at this time.

**Motion by Mr. Williams
Seconded by Ms. Whipple-Boyce to set a public hearing on Transitional Zoning (TZ-2) for May 10.**

No comments were heard from the public.

Motion carried, 6-0.

VOICE VOTE

Yeas: Williams, Whipple-Boyce, Boyle, Clein, Jeffares, Share

Nays: None

Absent: Koseck, Lazar

03-70-17

3. Parking Requirements for all uses

Ms. Chapman reviewed the City's current parking requirements that vary according to use and location, and then discussed different options that the Planning Board could consider. The options include: reviewing and editing existing parking requirements; eliminating minimum parking requirements; implementing parking maximums for new buildings; and utilizing Transportation Demand Management ("TDM") strategies to create a parking "credit" system. Her conclusion was to give more consideration to TDM strategies because there are so many different options. That could be taken into consideration along with implementing parking maximums. Eliminating parking minimums might be too big a step for right now.

Mr. Williams thought this is a timely topic because all he hears from people is that when they come to Birmingham there is no place to park. He thought the business owners should be brought in for their input because they are the ones who are affected by the perceived unavailability of parking. He feels the City has an overriding responsibility to move forward on providing additional parking. It was discussed that the proposed expansion of the N. Old

Woodward structure will yield 350 extra parking spots. Ms. Ecker noted that system-wide there is always parking available.

Ms. Whipple-Boyce thought the parking demands have increased because of the amount of office space that the City has taken on in places she believes should be true retail. So far, none of the offices seem to be interested in parking in an off-site location which may only be five blocks away. Further, she thinks the monthly permit fees in the garages are too low. Also, there is no reason to designate two or three spots in front of a restaurant for valet. In many communities on-site parking is not required for residential units. Without on-site parking requirements, smaller units could be built at a more affordable price. If developers are building several office floors, she would like to see what their TDM plan is.

Mr. Boyle stated office workers are paying below market rate for parking in town and that has to be changed. If it is not they won't change their behavior because their behavior is set by the price. Ms. Ecker noted the Advisory Parking Committee just increased the pricing, but the prices are still lower than most cities. She suggested reducing the parking requirements for the uses we want such as residential and adding parking requirements for the uses we know are the problem.

Mr. Williams thought the first thing the board should look at is the fact that a development does not have to provide parking if it is located in the Parking Assessment District Downtown. Mr. Boyle believed the 2016 Plan has worked and the board now needs to address the implications of that; not by building more, but by doing a much more nuanced assessment that includes the regulating environment, the market environment, and the physical environment.

It was discussed that retail customers are short-term and they don't have any place to park that is close. Mr. Share thought maybe it is time to re-zone and zone out additional office space. Ms. Whipple-Boyce suggested an on-site parking requirement for office and no parking requirement for residential. It was noted that the office workers that are parking for eight hours are also retail customers. It is a balance.

Chairman Clein said what stands out to him the most is whether there is ability on the part of the City Commission to look at the Parking Assessment District and whether there is even an opportunity to make changes to that. He wondered whether there are things the board should be considering related to parking requirements for specific uses in different areas. For instance in the Rail District to try and drive good design as opposed to a bunch of surface parking lots. A maximum parking requirement might come into play there because a lot of businesses want to over park. However, while providing a lower parking requirement might help a development, parking may spill out into a surrounding residential area.

Ms. Whipple-Boyce said in the Rail District it is very restrictive to accomplish shared parking arrangements. It has been identified that there is more parking there than needed and enormous surface lots are not desirable. So, put in a parking maximum and create a way for people to come up with a shared parking arrangement that is easier than it is now. Those are things that could be done right away to promote better development in the Rail District. Mr. Boyle observed that requires proactivity by the City to demonstrate leadership in changing the status quo.

Ms. Ecker summed up the discussion:

- The board wants to see a sample TDM report;
- Hear a little bit more about what other cities did;

- Bring in the merchants; and
- More discussion on whether the Parking Assessment District requirements can be changed.

03-71-17

4. Shared Parking Standards

Ms. Ecker advised that on January 8, 2017, the City Commission reviewed and approved the Ad Hoc Rail District Report. Further, the City Commission forwarded it to the Planning Board for review and discussion regarding Recommendation 4: Encourage Shared Parking. Accordingly, the Planning Board has been directed by the City Commission to consider amendments to the shared parking calculations and approval process and/or recommend zoning incentives to further encourage shared parking.

Based on the direction of the City Commission, the Planning Division has conducted research on shared parking provisions that are utilized in other cities. No communities could be found that mandated shared parking. Many encouraged it by adopting shared parking calculation standards and by offering zoning incentives to encourage sharing parking. Policies involved with shared parking generally include calculation tables adopted by the city. These tables incorporate parking calculations for categories of building uses. Parking demands are calculated for different times of the day throughout the week. Peak parking demand times of the adjacent places are then compared to help determine the minimum number of parking spaces necessary. The calculation tables simplify the process, and people don't have to hire a consultant. If they can use the chart and show that they meet all of the requirements, perhaps even administrative approval could be offered for a shared parking arrangement. The process should probably be made uniform across all of the Zoning Districts.

Article 4, Section 4.45(G)(4) of the Birmingham Zoning Ordinance includes the current shared parking policy. This provision includes up to a 50% reduction in parking spaces in a shared parking agreement if all requirements are met. However, our current standards require hiring a parking consultant, the findings are subject to the discretion of the Planning Board, and the final agreement must be recorded on title of the property. All of these requirements increase the time and cost of a project, which may not encourage applicants to utilize shared parking. Finally, no zoning incentives are currently offered to encourage shared parking. In the past, very few applicants have taken advantage of the shared parking provisions, and none in the Rail District have done so.

The way the draft ordinance is written the shared parking agreement is not required to be recorded on the title. It is required to be recorded with the City. However if they want to get a credit, then the shared parking agreement must be recorded on the title.

Mr. Williams commented if shared parking is going to work, the incentive has to work for the existing entity providing the shared parking. Chairman Clein was not in favor of reducing required landscaping in order to create more parking. Mr. Share noted if an existing entity is one that the owner is contemplating selling in the future, then the credits have value for a new owner.

Mr. Boyle suggested rather than going to the public first, the Planning Board could introduce the shared parking regulations at the a joint meeting of the Planning Board/City Commission, get their buy-in, take it to a public hearing, and then send it up to the Commission.

Mr. Share asked staff to do a little more research on the types of credits that could be used and how they might apply on a sample site, such as Armstrong White/Lincoln Yard. Ms. Ecker thought they also could run it on a true mixed-use building. Mr. Share suggested a tax credit for entering into a shared parking arrangement. That would incentivize an existing business to enter into shared parking. Board members wanted to see an expansion of the required parking distance from the building.

03-72-17

5. Definition of Retail

Ms. Ecker observed that over the past decade, there has been an ongoing desire by some City Boards and Commissions to review the current definition of retail to ensure that we are encouraging true retail downtown, and not allowing office and other service uses to dominate. The issue is specifically relevant in the Downtown Overlay, where retail use is required in the first 20 ft. of depth for all buildings in the Redline Retail District.

As defined in Article 9, retail uses include the direct sale of products from the premises, but also include restaurants, entertainment and the purchase, sale or exchange of personal services. No definition for personal services is provided. Personal financial services, beauty services, banking services, real estate services, advertising services and other similar uses have been permitted within the Redline Retail District under the umbrella of personal services, provided that there is a display area for the sale or exchange of such goods and services in the first 20 ft. of the storefront, and the storefront is open to the public during regular business hours. Concern has been raised that this small display area 20 ft. in depth is not sufficient to create an activated, pedestrian-friendly retail district.

In the past, both the Planning Board and the Birmingham Shopping District Board have expressed concern with the existing retail definition, and have considered alternative definitions to tighten the definition of retail to include only shops which sell products, not financial, real estate or other such personal services. On the other hand, many property owners in the past have expressed concerns about tightening up the definitions as they desire the flexibility to lease space to a wider range of users in order to avoid vacancies.

Reviewing the research on other cities retail policies, one issue maybe that the Red Line Retail District is too big. Perhaps the City should target the Maple/Woodward core area for the strict definition of retail and then allow some of the service uses around that. Another recommendation may be to change the definition of retail use by eliminating "community and commercial uses." It would still keep in uses that would fall under entertainment. Another option is to include language that talks about what percentage of sales comes from the actual sale of products.

Mr. Share said maybe part of the answer is that mandatory true retail needs to be compressed and street activation needs to be the principle. The national market trend is that the retail footprint is shrinking and it is anchored by entertainment and by food. Ms. Whipple-Boyce commented she does not like to see offices on the first floor. They create horrible dead strips of nothing. Maybe the idea is to shrink the retail district if the market trend is shifting.

No one had an issue with removing "community and commercial uses" from the definition of retail use. Mr. Jeffares suggested looking at Walnut Creek, CA and **Mr. Boyle suggested** Hinsdale, IL for ideas about encouraging retail activity.

Consensus was that this topic will need further discussion.

03-73-17

MEETING OPEN TO THE PUBLIC FOR ITEMS NOTON THE AGENDA (none)

03-74-17

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (Annual Report)
- b. Administrative Approval Correspondence
 - 588 S. Old Woodward Ave., Phoenicia - To put in a shed in the back of the property.
- c. Draft Agenda for the Regular Planning Board Meeting on April 26, 2017
 - 2010 Cole - CIS and Preliminary Site Plan;
 - 298 S. Old Woodward Ave., Boutique Hotel - CIS and Preliminary Site Plan;
 - 160 W. Maple Rd., Dick O'Dow's - SLUP and Final Site Plan to open up the back of the restaurant into the via.

Draft Agenda for the Regular Planning Board Meeting on May 10, 2017

 - Social;
 - Public Hearing for TZ-2.
- d. Other Business (none)

03-75-17

PLANNING DIVISION ACTION ITEMS

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

03-76-17

ADJOURNMENT

No further business being evident, the Chairman adjourned the meeting at 10:15 p.m.

Jana Ecker
Planning Director

APPROVED