
**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, APRIL 23, 2014**

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PUBLIC HEARING Zoning Transition Overlay (continued from April 9, 2014)	2
Motion by Mr. DeWeese Seconded by Mr. Williams to recommend to the City Commission approval of the Zoning Transition Overlay draft ordinance language and associated definitions as presented with the addition of the changes indicated tonight.	6
Motion carried, 7-0.	7

APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 23, 2014
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held April 23, 2014. Chairman Robin Boyle convened the meeting at 7:30 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein; Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representatives Jack Moore, Shelby Wilson

Absent: None

Administration: Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

04-57-14

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD APRIL 9, 2014**

Ms. Lazar:

Page 2 - Second paragraph, first sentence, change "which she then described" to "which Ms. Ecker then described."

Motion by Mr. DeWeese

Seconded by Ms. Lazar to approve the Minutes of the regular Planning Board meeting on April 9, 2014 as amended.

Motion carried, 7-0.

VOICE VOTE

Yeas: DeWeese, Lazar, Boyle, Clein, Koseck, Whipple-Boyce, Williams

Nays: None

Absent: None

04-58-14

CHAIRPERSON'S COMMENTS (none)

04-59-14

APPROVAL OF THE AGENDA

Ms. Ecker noted changes to the agenda:

- Property at 2400 E. Lincoln has been removed at the request of the applicant.
- Property at 202 N. Old Woodward Ave. has been postponed to May 28, 2014.

04-60-14

PUBLIC HEARING

Zoning Transition Overlay (continued from April 9, 2014)

The chairman re-opened the public hearing at 7:33 p.m.

1. An ordinance to amend Chapter 126, Zoning, Article 3, Overlay Districts, to add sections 3.17 – 3.24 to create the Zoning Transition Overlay District by creating the new zoning classifications TZ-1 – Attached Single-Family Residential, TZ2 – Attached Single-Family Residential, TZ-3 – Mixed Use and TZ-4 – Mixed Use, and establishing development standards for these new zone districts.

2. An ordinance to amend Chapter 126, Zoning, Article 9, Definitions, Section 9.02 to add definitions for parking – off-street, social club, tobacconist, indoor recreation facility and specialty food store.

3. To consider a proposal to rezone the following transitional parcels that are adjacent to residential zones throughout the City as follows:

a) **300 Ferndale, 233, 247, 267 & 287 Oakland, 404, 416 & 424 Park, Birmingham, MI**

Rezoning from R-2 Single-Family Residential to TZ-2 - Attached Single-Family.

b) **185 Oakland, 322, 344, 350, 380, 430, 450, 460 & 470 N. Old Woodward Birmingham, MI**

Rezoning from B-2 General Business to TZ-4 - Mixed-Use to allow Commercial and Residential uses.

c) **191 N. Chester Rd. Birmingham, MI**

Rezoning from R-2 Single-Family Residential to TZ-2 - Attached Single-Family to allow Attached Single-Family and Multi-Family Residential uses.

d) **400 W. Maple Birmingham, MI**

Rezoning from O1 Office to TZ-4 Mixed-Use to allow Commercial and Residential uses.

e) **564, 588, 608, 660 Purdy Birmingham, MI**

Rezoning from R-3 Single-Family Residential to TZ-1 - Attached Single-Family to allow Attached Single-Family and Multi-Family Residential uses.

f) **115, 123, 195 W. Brown, 122, 178 E. Brown Birmingham, MI**

Rezoning from O-2 Office to TZ-3 - Mixed-Use to allow Commercial and Residential uses.

g) **1221 Bowers & 1225 Bowers Birmingham, MI**

Rezoning from O1- Office/ P - Parking to TZ-2 - Attached Single-Family to allow Attached Single-Family, Multi-Family Residential uses.

h) **1111 & 1137 Holland; 801, 887, 999, 1035 & 1105 S. Adams Rd.; 1108, 1132 & 1140 Webster; 1137 & 1143 Cole St.; 1101 & 1120 E. Lincoln.**

Birmingham, MI

Rezoning from O-2 Office to TZ-3 - Mixed Use to allow Commercial and Residential uses.

l) **500, 522 & 576 E. Lincoln; 1148 & 1160 Grant; 1193 Floyd Birmingham, MI**

Rezoning from B-1 Neighborhood Business to TZ-3 - Mixed-Use to allow Commercial and Residential uses.

j) **36801, 36823 & 36877 Woodward, Birmingham MI**

Rezoning from O-1- Office & P-Parking to TZ-4 - Mixed-Use to allow Commercial and Residential uses.

k) **1775, 1803, 1915, 1971, 1999, 2055, 2075 & 2151 Fourteen Mile Rd.**

Birmingham, MI

Rezoning from O-1- Office to TZ-3 - Mixed-Use to allow Commercial and Residential uses.

l) **100, 124, 130 & 152, W. Fourteen Mile Rd. & 101 E. Fourteen Mile Rd.**

Birmingham, MI

Rezoning from B-1-Neighborhood Business, P-Parking, R-5-Multi- Family Residential to TZ-3 - Mixed-Use to allow Commercial and Residential uses.

m) **880 W. Fourteen Mile Rd., 1875, 1890 & 1950 Southfield Rd. Birmingham, MI**

Rezoning from B-1-Neighborhood Business, O-1-Office to TZ-3 - Mixed-Use.

n) **1712, 1728, 1732, 1740, 1744, 1794 & 1821 W. Maple Rd. Birmingham, MI**

Rezoning from B-1-Neighborhood Business, P-Parking, O-1-Office to TZ-3 - Mixed-Use to allow Commercial and Residential uses.

o) **2483 W. Maple Rd. Birmingham MI**

Rezoning from B1-Neighborhood Business to TZ-3 - Mixed Use to allow Commercial and Residential uses

p) **151 N. Eton, Birmingham MI**

Rezoning from B-1 Neighborhood Business to TZ-3 - Mixed-Use to allow Commercial and Residential uses.

q) **412 & 420 E. Frank, Birmingham MI**

Rezoning from B-1-Neighborhood Business, B2-B-General Business, R-3-Single-Family Residential to TZ-2 - Attached Single-Family Residential to allow Attached Single-Family and Multi-Family Residential uses.

Mr. Baka recalled the Planning Board has held several study sessions over the past year in order to develop the Zoning Transition Overlay that could be applied to areas that abut Single-Family Residential Zones and are adjacent to commercial zones or located on major thoroughfares. The goal of these study sessions has been to identify and revise the zoning classifications of properties that abut single-family residential and are also adjacent to commercial areas or major thoroughfares so that they provide a transit or buffer to the single-family neighborhoods.

The studies have resulted in four Transition Overlay Zoning classifications that can be applied in the various locations that have been identified. Depending on the conditions

present at each site, the transition overlay zones have been applied based on what is considered to be the appropriate height, bulk, setback and use standards.

At the Planning Board's request, several terms listed in the permitted uses section have been clarified and the current proposal would add them to Article 09 Definitions of the Zoning Ordinance.

For the most part the height and density standards in the areas the board has looked at have not been dramatically changed. The main area of change was at the corner of Woodward Ave. and Quarton where the height would go from two stories to three stories. There are several areas where attached single-family and multi-family were proposed. Commercial areas have been proposed for mixed-use to allow more flexibility in the permitted uses.

At the last study session most of the issues were worked out with the exception of the minimum lot area/unit. It was decided that TZ-1 and TZ-2 would each be 3,000 sq. ft.; however, the board indicated they wanted more discussion on the TZ-1 Zone along Purdy.

Mr. Williams did not see any reason to designate TZ-1 for the two homes south of Daines. In his opinion they should stay as-is, (R-3) which means that all TZ-2 properties will become TZ-1.

Mr. DeWeese noted that Purdy is not a major road and not consistent with every area that has been studied. The look and feel of that whole area is houses.

The chairman summarized that by removing TZ-1 everything is moved up and three categories are left. He thought this is a sensible modification. The first two houses that back up to the parking lot will become TZ-2. The third and fourth houses will stay as-is.

Mr. Baka indicated he discussed the Michigan Unified Energy Code with the assistant building official. The Code is administered by the building official. If the windows don't meet the standard, there are many ways to achieve compliance with the Energy Code. A combination of things can increase efficiency; not just the windows. Additionally, Mr. Baka thought and the others agreed that it would be worth changing the glazing requirements to between 1 and 8 ft. above grade in section 3.21 (b) (1).

Discussion concurred that existing TZ-3 and TZ-4 language be applied to TZ-2: "a rear yard setback of 20 ft. if adjacent to Single-Family Residential."

The board went on to discuss the Land Use Matrix. They determined there may be some newly added uses that are objectionable to most of the neighbors and should require a Special Land Use Permit ("SLUP"). There should be some control on food related establishments. High traffic volume and emission of smells are another consideration. Drop recreational uses, leave health and fitness studio. With respect to these uses, the idea would be not to charge the developer a large fee for Transitional SLUP approval. For tonight however, this would follow the regular SLUP process.

Chairman Boyle said the first criteria for opening a business in a transitional area is that the applicant be prepared to come before the Planning Board and argue his case. It gives the board a chance to ask questions which test the policy. Mr. DeWeese added the reason for doing this is to protect the interest of the residents.

The board then went through the Land Use Matrix and determined which use should require a SLUP rather than a permitted development. The following establishments were cited as needing a SLUP: bakery, coffee shop, delicatessen, dry cleaner, food and drink establishment, grocery store, neighborhood convenience store, specialty food shop. Institutional, recreational and residential uses are all SLUPs.

Mr. Koseck suggested eliminating item 3 under J. Parking and the others agreed. Under Residential Architectural Requirements, item D., Detached Accessory Buildings, add to the last sentence, "and shall be constructed of materials similar to the principal building."

Ms. Ecker responded to a question by Ms. Lazar. Garage space is not counted when calculating unit size.

Chairman Boyle summarized that the board has confirmed changes made over the past seven meetings and picked up two items of importance. They went through the matrix and introduced the opportunity for people in certain use categories to come before the board and make a presentation to obtain a SLUP.

The chairman took comments from members of the public at 8:36 p.m.

Ms. Linda Ulrey, 663 Purdy, said her concern was that their home and the home at 675 Purdy were unique in being the only two single-family homes left. Now there has been some change to that proposal and the other single-family houses on the street will remain. She hoped the balance of single-family homes in that district would remain.

Ms. Cindy Rose, 1011 Clark St. thanked Mr. Williams for making three visits to the area of Daines and Purdy. This solution and the SLUP idea are good ones.

Ms. Dorothy Conrad, 2252 Yorkshire, noticed the board has recognized that certain commercial uses when they are next to or behind someone's home may cause problems in transitional areas. Now there will be a review before the Planning Board for them to obtain a SLUP.

Mr. Brad Host, 416 Park, liked the change of setbacks on TZ-2 to what TZ-3 and TZ-4 read. Mr. Baka told him that his residence will retain the 20 ft. setback. Mr. Host said he is not happy with the 3,000 sq. ft./lot. The residents think a modest increase would be appropriate which would work out to three units vs. the proposal of four.

Mr. Rick Rattner, Attorney, 380 N. Old Woodward Ave., spoke to represent the owner of 1140 Webster who has stated he can't build another building after he takes down the existing house because it would be too narrow, given the restrictions. Discussion concurred that might not be correct. Another thing that disturbed Mr. Rattner was that 1140 has not received one notice. Ms. Ecker indicated she would look that address up.

Lastly, Mr. Rattner suggested that this property not be recommended to the City Commission for rezoning at this time because of these problems.

Mr. Koseck observed if the house burned down, it could be re-built as a single-family residence and that doesn't prohibit the owner from ever using his land. Ms. Ecker noted part of the board's discussion was to encourage people to combine the lots which is probably the highest and best use.

Mr. Harvey Zaleson, 655 Purdy, thanked the board members for their positive attitude and their accomplishments in accepting the Overlay Plan.

Mr. Sal Bitonti, 709 Ann, indicated he is happy with the current zoning of his property.

Chairman Boyle closed the public hearing at 8:55 p.m.

Motion by Mr. DeWeese

Seconded by Mr. Williams to recommend to the City Commission approval of the Zoning Transition Overlay draft ordinance language and associated definitions as presented with the addition of the changes indicated tonight.

Ms. Ecker summarized tonight's changes:

- Get rid of TZ-1 and shift everything down in category (TZ-2 will become TZ-1, etc.);
- Take the two houses on Purdy south of Brown and north of Daines that are immediately adjacent to the parking lot and make them TZ-2 (now TZ-1).
- The two houses on Purdy south of Daines will remain as R-3.
- On the Permitted Uses Table of the Land Use Matrix, change the following uses to SLUPs: bakery, coffee shop, delicatessen, dry cleaner, food and drink establishment, grocery store, neighborhood convenience store, specialty food shop. Institutional, recreational and residential uses are all SLUPs.
- Take out recreational facility under Recreational Use.
- On Page 3-4 for the Development Standards for TZ-2 (which will become TZ-1) add in "20 ft. if adjacent to Single-Family Residential."
- On Page 3-6 under Parking (J) get rid of item 3 which refers to right-of-way parking along Woodward Ave.
- On Page 3-7 under Commercial Mixed-Use Architectural Requirements (B) Windows and Doors (1) Ground Floor Storefronts, add language that says 70% glazing has to be between 1 and 8 ft. above grade.
- On Page 3-9 under Residential Architectural Requirements (D) Detached Accessory Buildings, keep as-is and add at the end "and shall be constructed of materials similar to the principal building."
- Under Definitions, specialty food store will change to specialty food shop.

There were no final comments from members of the public at 8:58 p.m.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: DeWeese, Williams, Boyle, Clein, Koseck, Lazar, Whipple-Boyce

Nays: None
Absent: None

04-61-14

**PRELIMINARY SITE PLAN REVIEW
2400 E. Lincoln, Parcel 1
Construction of parking lot**

The applicant has requested that this item be removed from tonight's agenda.

04-62-14

**202 N. OLD WOODWARD AVE.
Renovation of Palladium Building and construction of three new residential units
on existing roof (postponed to May 28, 2014)**

04-63-14

**MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (no
discussion from the public)**

04-64-14

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approvals (none)
- c. Draft Agenda for the Regular Planning Board Meeting on May 14, 2014
 - Public hearing on Medical Marijuana;
 - Development at Pierce and Brown.
- d. Other Business (none)

04-65-14

PLANNING DIVISION ACTION ITEMS

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

04-66-14

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 9:02 p.m.

Jana Ecker
Planning Director

APPROVED