
**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, MARCH 12, 2014**

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<p>Motion by Mr. DeWeese Seconded by Mr. Williams to nominate Gillian Lazar to be the representative of the Planning Board that sits on the newly formed Ad Hoc Parking Committee.</p> <p>Motion carried, 5-0.</p>	6

APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MARCH 12, 2014
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held March 12, 2014. Acting Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Acting Chairman Scott Clein, Carroll DeWeese, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Student Representatives Shelby Wilson and Jack Moore

Absent: Chairman Robin Boyle; Vice-Chair Gillian Lazar

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

03-34-14

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD FEBRUARY 26, 2014**

**Motion by Ms. Whipple-Boyce
Seconded by Mr. DeWeese to approve the Minutes of the regular Planning Board
meeting on February 26, 2014 as presented.**

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Absent: Boyle, Lazar

03-35-14

CHAIRPERSON'S COMMENTS

Acting Chairperson Clein thanked everyone for coming out on such a wintry night.

03-36-14

APPROVAL OF THE AGENDA

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce that 400 S. Old Woodward Ave. be considered for administrative approval at this time.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Absent: Boyle, Lazar

03-37-14

FINAL SITE PLAN REVIEW

685 E. Maple Rd.

Kroger

Lobby addition at rear, changes to E. Maple Rd. facade and streetscape (continued from February 26, 2014)

Applicant has now requested to be continued to March 26, 2014.

03-38-14

ADMINISTRATIVE APPROVAL

400 S. Old Woodward Ave., Green's Art Supply site

Mr. Jason Kriger, Kriger Klatt Architects, walked the board through some changes they are pursuing. He pointed out on the screen what was approved before and what is different now. Because of changes in the market, their new proposal is to do two floors of residential on the second and third floors and leave the ground floor as retail. The proposal will keep everything pretty much the same. On the second floor they plan to add some punched opening type balconies, maintaining the original facade. On the ground floor they propose to move the residential entrance to the south end of the building where there will be a corridor and elevator to take the residents up to the second and third floors. They plan six to eight residential units on each of floors two and three ranging from 2,500 to 3,000 sq. ft. The additional parking for the residential units will be accommodated by carving out a portion at the back of the retail space. They propose two parking spaces per unit.

Mr. DeWeese observed the increase in residential space relates to more people downtown. **The consensus of board members was they are in favor of the changes and that administrative approval should be granted.**

03-39-14

STUDY SESSION

Transitional Overlay Districts

Mr. Baka recalled on February 26, 2014 the Planning Board held a public hearing to consider making a recommendation to the City Commission on the proposed Zoning Transition Overlay ("ZTO"). During the course of the hearing, several issues were identified that the Planning Board felt need further study and consideration. Accordingly, the public hearing was scheduled to continue on April 9th, 2014. In the meantime, the Planning Board directed staff to conduct a study session at the March 12th, 2014 Planning Board meeting in order to address some of the outstanding issues and consider additional changes to the draft ordinance. The issues identified for further study were as follows:

- Minimum lot area per unit for TZ-1 & TZ-2
- Permitted uses, accessory uses and redundancies
- Parking requirements for residential uses
- 2016 Overlay conflict
- Classification of essential services

The permitted use changes to each parcel under consideration for rezoning are different depending on the existing zoning and what is currently permitted. However, the general approach to the new zoning classifications is to permit neighborhood compatible commercial uses that are limited in size. The goal of the new zones is encourage uses that would be convenient for the residents in the immediate area. By implementing the Special Land Use Permit ("SLUP") trigger for uses that exceed the maximum allowable size, the City Commission will be given an extra level of control that will regulate large scale development that may be too large for these areas.

Outstanding issues

Minimum lot area: TZ-1 & TZ-2

The issue was raised at the public hearing that the minimum lot area per unit ("MLA") proposed in the TZ-1 and TZ-2 zones is currently too low and would allow too much density. As currently drafted, the MLA would allow one unit per 1,000 sq. ft. lot area in TZ-1 and one unit per 1,280 sq. ft. lot area in TZ-2.

While the Planning Board agreed that the MLA should be re-examined, there was also concern expressed that the MLA not be so high as to eliminate smaller housing units for Birmingham residents that are looking to downsize from larger traditional homes.

Lot area is the entire square footage of a lot. Unit size is obtained by dividing the total lot area by the minimum lot area per unit. The purpose of that is to define a maximum number of units (density).

Mr. Williams observed there are different types of parcels in terms of their neighborhoods and the streets that they face. However, they are being treated

identically. Maybe more classifications of residential are needed. Ms. Ecker suggested the board might consider just working with TZ-1 and TZ-2 to allow TZ-1 to have a higher minimum lot area and TZ-2 to be more dense with a lower minimum lot area. Mr. Williams added the initial classifications were too much alike. The two classifications need to be more different. Staff can come up with exact numbers for the next study session, making sure they are at a level that is acceptable to the neighborhood.

Use Matrix review

Mr. Baka noted through the public hearing process it became apparent that the land use matrix contained in the Zoning Transition Overlay ("ZTO") needed additional consideration. As currently drafted, the matrix eliminates several accessory uses that should be considered for continued inclusion. Specifically, senior housing options and outdoor café were cited. In addition, there were several uses that are worth discussing further. He went on to cover the facilities that were either added or eliminated.

Mr. DeWeese thought that bank should be combined with credit union. Further, he has heard from a number of people who have said they are expanding too much next to residential. Additionally, just list "recreational facility" and make it a SLUP. Ms. Whipple-Boyce disagreed. She felt all of the uses are appropriate for the neighborhoods, especially because of the limited 3,000 sq. ft. space that is allowed. Mr. Williams and Mr. Koseck agreed. Mr. Koseck said it is all about being progressive and adapting to change.

Parking requirements for residential uses

Mr. Baka advised the ZTO does not address parking requirements for residential uses. The underlying zones all have parking requirements that are outlined in Article 04 Parking Standards (PK) table A. One solution to this issue would be to simply transfer the parking requirements of the underlying zoning classifications. Board members were in agreement.

Downtown Birmingham Overlay conflict

Mr. Baka noted both the ZTO and the Downtown Overlay contain a provision that states the following:

- Provisions of the overlay district, when in conflict with other articles of the Zoning Ordinance, shall take precedence.

The B-2 parcels along N. Old Woodward Ave. between Oakland and Ravine are currently proposed to be rezoned to TZ-4. These parcels are also currently included in the Downtown Birmingham Overlay District. If this area is included in the ZTO it would be directly in conflict with the Downtown Overlay with no clear indication as to which overlay takes precedence. The board agreed to take the N. Old Woodward Ave. area out of the Transitional Zone. It was also decided to add in language that the ZTO supercedes the Downtown Overlay District for the Church site at Chester and Willits.

Classification of Essential services

Mr. Baka recalled a representative from Consumers Energy requested that essential services be exempted from meeting the requirements of the ZTO. Article 04 section 4.09 ES-01 currently does exempt essential services from the Zoning Ordinance.

However, if the ZTO is implemented it would supersede the rest of the Zoning Ordinance and therefore require a SLUP for essential services in the ZTO. The city attorney has advised the Planning Department that it is up to the discretion of the City to decide if they wish to implement the new regulations. Board members stated they would like to control the design of essential service buildings and sites.

Mr. DeWeese proposed that staff, city attorney, and City Commission should look at the provision that requires a building to be rebuilt to current Ordinance standards if more than 75% is destroyed. Additionally he thought staff should look at the consequences of trying to do a retrofit of a building. There is a grey area when someone is trying to bring a whole building up to current standards. The Chairman said this should be a separate issue. Mr. DeWeese also said that staff might look at "use" because currently a landlord is prevented from carrying on activities in his building because the definition it is too tight. Perhaps change it to something general like "commercial to commercial."

The acting chairman invited comments from the public at 8:32 p.m.

Mr. Chuck DiMaggio from Burton Katzman, the owners of 404 Park St., the property that began these discussions a year and a half ago, agreed with Mr. Williams that transitional zoning has become an endless conversation. He also agreed that we don't want to go back to 1946, a time when zoning ordinances were pretty weak. Since that time zoning ordinances have gotten progressively more restrictive. As the board goes down this transitional zoning road they aren't going to be able to cover every circumstance with every piece of property. Flexibility should be added to let the site planning process take over.

Mr. Williams reiterated that he agrees with Ms. Whipple-Boyce. They ought to be expanding the potential uses. The market place will dictate what will be successful or not, and the board ought not to be deciding that issue.

Acting Chairperson Clein concluded by saying this matter will be coming back on March 26 for another study session prior to the continuation of the public hearing.

03-40-14

STUDY SESSION

Action List

Mr. Baka said planning staff has put the list together in an order that seems logical to them. The board determined that Item 3, consideration of a new master plan, should come after Item 4, MF and MX garage doors, garage house standards.

03-41-14

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (none)

03-42-14

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approvals
 - 400 S. Old Woodward Ave., Green's Art Supply (moved to the top of the agenda)
- c. Draft Agenda for the Regular Planning Board Meeting on March 26, 2014
 - Transitional Overlay study session;
 - Kroger;
 - Annual Report;
 - Garage front houses.
- d. Other Business
 - Mr. Williams suggested that all of the correspondence that has been received be included in the packet for the public hearing on the ZTO.
 - Ad Hoc Parking Committee
Ms. Lazar has expressed a strong interest in serving on that committee.

Motion by Mr. DeWeese

Seconded by Mr. Williams to nominate Gillian Lazar to be the representative from the Planning Board that sits on the newly formed Ad Hoc Parking Committee.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Absent: Boyle, Lazar

03-43-14

PLANNING DIVISION ACTION ITEMS

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

03-44-14

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 8:50 p.m.

Jana Ecker
Planning Director

APPROVED