

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, MAY 8, 2013**

Item	Page
<p>PUBLIC HEARING (postponed from April 24, 2013) TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:</p> <p>To amend Article 7, Processes, Permits and Fees, Section 7.08, Design Review, Requirements to eliminate redundancy in the review process by no longer requiring duplicate design reviews for projects by the Planning Board and Design Review Board (“DRB”).</p> <p style="padding-left: 40px;">Motion by Mr. DeWeese Seconded by Mr. Clein to approve the amended ordinance amendment and recommend it to the City Commission.</p> <p>Motion carried, 7-0.</p>	<p>2</p> <p>3</p> <p>3</p>
<p><u>Draft Agenda for the Regular Planning Board Meeting on May 22, 2013</u></p> <p style="padding-left: 40px;">Motion by Mr. Williams Seconded by Mr. DeWeese that the May 22 Regular Planning Board meeting commence at 8 p.m. instead of 7:30 p.m.</p> <p>Motion carried, 7-0.</p>	<p>7</p> <p>7</p> <p>8</p>

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MAY 8, 2013
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held May 8, 2013. 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;

Absent: Student Representative Arshon Afrakhteh

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

05-78-13

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD APRIL 24, 2013**

**Motion by Mr. DeWeese
Seconded by Ms. Whipple-Boyce to accept the Minutes of the Regular Planning
Board Meeting of April 24, 2013 as presented.**

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

05-79-13

CHAIRPERSON'S COMMENTS (none)

05-80-13

APPROVAL OF THE AGENDA (no change)

OLD BUSINESS

Administrative Approval Request for Papa Joe's Gourmet Market

Ms. Ecker summarized the requested changes. The main item is the fabric awning within the open air structure of the outdoor market area which has been changed from the original glass skylight. Also, the trellis system on the front of that façade on the second level is proposed to change from aluminum to painted metal.

Messrs. Roman Bonislowski and Ron Rea from Ron and Roman Architects were present to discuss their proposed changes. Mr. Bonislowski noted there is a lot of painted and exposed steel on the exterior of the structure, so this item will be subject to the same degree of maintenance as the rest of the components on the building. Trumpet vine will grow dense and infill the grid. Further, the reason for the awning is that the owner has issues with the light coming through and burning his fruit. The removal of the load of the skylighting system will enable them to eliminate the vertical columns on the interior and open it up. They propose to use the same bentwood bistro chairs on the exterior as they are using on the interior of the restaurant.

Mr. Koseck announced he is fine with this but probably would have preferred the skylight. Mr. Bonislowski described how bright and festive it feels to stand under the awning because of its yellow banding.

Board members were ok with the proposed changes.

563/575 S. Eton St., Griffin Claw Brewing Co. – Mr. Roman Bonislowski spoke to some sophisticated changes which have reduced the signage from 165 to 123 sq. ft. The group considered this an improvement. Next, he presented bronze castings from the old Grand Rapids City Hall. They propose to use them at each side of the door to the vodka tasting room at the south end of the building. Everyone was in favor.

Lastly, Mr. Bonislowski proposed an increase in seating in the outdoor beer garden by utilizing smaller, more portable tables and chairs. The outdoor seating would go from the previously approved 88 to 138 seats. There would be an increase of ten more seats on the south end and the rest on the north. Outdoor dining does not affect parking requirements. Mr. Bonislowski explained the food outside will be self-service and servers will bring the beer.

Chairman Boyle had an issue with this becoming an outdoor bar and it is about 90 ft. from a private residence. Other board members tended to agree. Mr. DeWeese suggested that the applicant see how it operates before coming back to request more seating. Board members agreed and Mr. Bonislowski said he would discuss with the owner the scale of the outdoor dining that is emerging at the north end of the beer garden, given the proximity to residential. Mr. Clein suggested they should also

consider not utilizing such small portable furniture. The group did not have objections to the proposed seating on the south side.

05-82-13

PUBLIC HEARING (postponed from April 24, 2013)
TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

To amend Article 7, Processes, Permits and Fees, Section 7.08, Design Review, Requirements to eliminate redundancy in the review process by no longer requiring duplicate design reviews for projects by the Planning Board and Design Review Board (“DRB”).

Chairman Boyle opened the public hearing at 8:08 p.m.

Mr. Baka said that in an effort to create a more efficient review process, the Planning Dept. has drafted an ordinance amendment that will allow the Planning Board to perform Design Reviews for projects that also require Site Plan Review. Projects that do not require Site Plan Review will continue to appear before the DRB for Design Review. All projects located in local historic districts will continue to appear before the Historic District Commission in addition to any required Site Plan Review. Draft ordinance language aimed at accomplishing this goal was presented. It has been sent to the DRB and they have no issue with it. Everyone felt this will make it easier for the applicants.

Mr. DeWeese proposed a change to the second sentence in section 7.08 to read: “All plans not requiring Site Plan Review or Historic District Review for the alteration or painting of the exterior of any building and/or the addition of any lighting, signs, equipment or other structures which substantially alter the exterior appearance as determined by the city planner shall be submitted to the DRB for review.”

There were no comments from members of the public at 8:12 p.m.

Motion by Mr. DeWeese
Seconded by Mr. Clein to approve the amended ordinance amendment and recommend it to the City Commission.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

The chairman closed the public hearing at 8:14 p.m.

STUDY SESSION

Oakland/Park/Woodward Sub-Area Plan

Presentation by consultant LSL Planning, Inc.

Chairman Boyle advised that at this time, the City is currently under contract with LSL Planning to conduct a sub-area plan for the S. Woodward Gateway between Fourteen Mile Rd. and Lincoln. Accordingly, on March 18, 2013, the City Commission voted to amend the existing contract with LSL Planning for the S. Woodward Gateway project to include a small sub-area plan for the Oakland/Park/Woodward area.

Ms. Ecker recalled that at the Planning Board meeting on April 24, representatives from LSL Planning presented some draft findings based on their site-by-site analysis of the study area. Board members discussed existing conditions and findings, and members of the public provided their comments and suggestions.

Up for review and comment this evening was a draft report on the Oakland/Park/Woodward Sub-Area Plan.

Brad Strader, President of LSL Planning, summarized some of their findings and recommendations. At the last meeting they identified seven key parcels they felt were the focus of their analysis. They are transition pieces between single family and non-single family and are the most likely to receive requests for rezonings.

Mr. Strader updated his review of the following parcels:

- Euclid Area – consider improvements to Euclid that will help calm traffic, such as eliminate one metered parking space, add curb bump-outs, add a speed table, provide clearly marked crossings, and signage.
- Brookside Terrace – keep the residential but increase the density by adding office or mixed-use.
- Oakland Area – should the current single-family houses redevelop, businesses or attached residential buildings fronting N. Old Woodward Ave. would compliment the character of the other conditions in this gateway into the Downtown.
- 404 Park – there are factors unique to this parcel that are not common to any of the other parcels in the area, such as dimensional challenges, lack of screening along Woodward Ave., and views of multi-story buildings. That is important when looking at zoning changes. It has been over 20 years since the single-family home was removed and it should be viewed as a vacant lot. Current zoning really does not work for the site. Development that can present a three or four unit owner occupied residential façade along both Oakland and Park, parking located closer to Woodward Ave., and setbacks consistent with established development could help protect the single-family neighborhood; minimize impacts from associated parking facilities; and strengthen Oakland as a gateway into Downtown.

Options for the site include:

- Use and dimensional variances which may be difficult to get and not recommended.
- Conditional rezoning; however it can be viewed as eroding the Zoning Ordinance and is based only on what the developer offers.
- Establish a new district or overlay which gives the city control of the development of the site (recommended).
 - Shift from dimensional to performance-based standards.
 - Provide a transition from higher intensity uses to single-family neighborhoods.
 - Regulate lighting levels, noise, late-night activity, etc.
 - Include incentives to attract desired development.
 - Require a development agreement to detail the parameters for a particular development site.

Mr. DeWeese wanted to see examples of where such overlays exist that can be used as a model. Mr. Koseck observed that the study confirms for him the fact that there is uniqueness to this parcel. He applauded Mr. Strader for his very thorough analysis. Chairman Boyle added that Mr. Strader has demonstrated the reason this site keeps on sitting in the condition that it is. Mr. Williams said he likes this approach because it gives the city control of the site.

Chairman Boyle invited members of the public to comment at 8:58 p.m.

Mr. Brad Host, 416 Park, voiced his opinion that three units is the maximum density that should be allowed on that lot. Representing some of his neighbors, he asked the consultant to consider a skateboard park in West Park, and also to think about shutting down the parking on the west side of Park. Lastly, consider adding the question as well as the answer from the consultant in the minutes. Otherwise it is very good overall.

Mr. Benjamin Gill, 520 Park, thought that increased density would reduce the surrounding property values. Single-family homeowners in the area will all of a sudden be subject to a mountain of neighbors that weren't there when they purchased their property. The owner of the subject parcel has had plenty of time to sell but has chosen not to. He doesn't see why the lot cannot be used for single-family or a duplex and he doesn't think the parcel is unique. A PUD would be a great thing to do in that area.

Mr. Chuck DiMaggio with Burton Katzman thanked Mr. Strader for his report. He agreed this is a multi-family piece of property. However, he doesn't understand the limitation to four units, and that they should be owner occupied versus rentals. The neighborhood currently has a conglomeration of rentals, so he asked that rental units not be restricted in the final report, given the circumstances of the property. Further, if they are able to push the building closer to Oakland as a result of the Building Official's interpretation on setbacks, the project they propose or a modified project might work.

Mr. Strader offered a response. A national housing market expert has said the millennials and the next generation aren't interested in owning a home anymore because they don't view it as a secure risk like previous generations did. The highest values in the country are in New York City where only 25 percent of the units are owner-occupied. However, in Birmingham for assessment purposes if there are four or more rental units, they are treated by the assessor as commercial and they have a more negative impact on adjacent parcels than owner-occupied or rentals that are less than four units. Therefore, they came up with the recommendation for owner-occupied because it respects property values. The best tactic to use for that is a Development Agreement.

Chairman Boyle was not sure the City could limit the use of property to owner-occupied only and prohibit renters. Other board members expressed concern with this as well. Chairman Boyle suggested holding another study session that would lay out for discussion a few of the options that have been presented by Mr. Strader in terms of potential ordinance changes. He thanked Mr. Strader for his very valuable report and everyone for their input.

05-84-13

STUDY SESSION

S. Woodward Corridor Charrette and Plan update

Mr. Baka reported that the design charrette was held on May 1st and 2nd in the vacant office space at 34140 Woodward Ave. The consultants, LSL/Hamilton Anderson/Land Use USA, had been collecting data and compiling reference materials for the market study for the past three months. The two day input session included stakeholder interviews, public visioning sessions, a business roundtable, pinup session and a public presentation of design concepts.

General observations that were heard throughout the two days were parking concerns, and that people would love to see the traffic on Woodward slow down. Connectivity problems across Woodward Ave. were also a concern. One interesting thing that came out of the charrettes was that people like to use the alleys. In the end they felt that coordination with the Alternatives Analysis, Complete Streets and Rapid Transit efforts that are currently taking place is key.

Mr. Baka advised that the consultants are now composing a draft plan and implementation strategy for review and comment by the steering committee and the Planning Board before being presented to the City Commission. The current schedule projects to have the draft plan by late September or early October. This may be delayed a few months to await the outcome of the transit study being done under the Alternatives Analysis for the entire Woodward Corridor.

Mr. Clein thought if parking in the front is going to change to parallel, then they have to seriously consider direct access off of Woodward Ave. by losing the service drive. Mr.

Strader replied the one thing they heard from the businesses was a need for parking. The neighbors wanted the parking kept in front and away from the neighborhoods. Parallel parking right on Woodward Ave. and removing all the parking in front got the least support of the alternatives.

Mr. Williams said to him the most logical proposal is to cut off half of the islands in the middle of Woodward Ave. The net effect is that it creates more room for bicycles and pedestrians.

Mr. Strader said that based on case studies elsewhere by the TOD Parking Reduction Task Force there is about a 10 percent parking reduction on a highly traveled transit line. Hopefully, from that it can be determined how much parking and traffic can be reduced along Woodward Ave.

In looking at a particular development, Mr. Williams said he would like to see the city move more toward dealing with a SLUP concept which gives control to the city but allows flexibility. In other words, give the city control, not the developer.

The board thanked Mr. Strader and LSL Planning for all of the work they have done over the past couple of months. Mr. Strader responded that it has been a good partnership effort with City staff.

05-85-13

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (no one spoke)

05-86-13

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications

- Ms. Ecker reminded everyone that the Complete Streets Charrette will be held at the 555 Building May 20 through May 22. Also, there will be a joint Planning Board/City Commission on June 17 at 7:30 p.m. at DPS.
- Mr. Baka recalled that at Monday's City Commission meeting there was discussion with the City Attorney and the City Manager about coming up with some more objective window standards. They were concerned the standards aren't clear enough as to when the board would have flexibility. The Commission took no action, but wanted staff to reconsider the matter and bring it back to the board.

b. Administrative Approvals – Discussed earlier in the meeting.

c. Draft Agenda for the Regular Planning Board Meeting on May 22, 2013

- Draft Multi-Modal Plan;
- Discussion re: Oakland/Park/Woodward Sub-Area Transitional Overlay Ordinance.

Motion by Mr. Williams

Seconded by Mr. DeWeese that the May 22 Regular Planning Board meeting commence at 8 p.m. instead of 7:30 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

d. Other Business (none)

05-87-13

PLANNING DIVISION ACTION ITEMS

a. Staff report on previous requests (none)

b. Additional items from tonight's meeting (none)

05-88-13

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 9:52 p.m.

Jana Ecker
Planning Director