MEMORANDUM

Community Development Department

DATE: June 8, 2015

TO: Joseph A. Valentine, City Manager

CC: Jana Ecker, Planning Director

FROM: Matthew Baka, Senior Planner

SUBJECT: Transition Zone Update

The Planning Board has held several study sessions over the past several years in order to develop a Transition Zoning classification system that could be applied to areas of the City that abut single family residential zones and are adjacent to commercial zones and/or located on major thoroughfares. The goal of these study sessions was to identify and revise the zoning classifications of such properties to provide a transition/ buffer to the single family neighborhoods through the use of screen walls and landscaping. Additionally, the new zones were crafted to incorporate small scale, neighborhood friendly uses that are likely to be patronized by residents of the immediate area. As detailed in this report, there are several restrictions proposed to control the new uses that would ensure that new development would be in keeping with the scale and standards that are expected in the City of Birmingham.

At the April 23, 2014 Planning Board meeting, the Board made a recommendation for approval to the City Commission of a Zoning Transition Overlay (ZTO). However, the June 9th 2014 public hearing at the City Commission was postponed over concerns about the legal noticing of the ordinance changes. Since that time, the City Manager directed staff to review the ordinance language and recommend changes based on any concerns they might have before further review. The draft ordinance language was reviewed and several minor changes were suggested for clarification by the Building and Engineering Departments as well as the City Attorney.

On October 8, 2014, the Planning Board reviewed the suggested changes. In addition to the minor language changes suggested by staff, the Planning Board was asked to consider whether these changes should be considered an optional overlay or a mandatory rezoning. The Board instructed staff to revise the proposal to make it a rezoning that would create three new zoning classifications that mirror the criteria and development standards outlined in the former draft of the Zoning Transition Overlay (ZTO).

On February 25, 2015, the Planning Board reviewed draft ordinance language for three new zoning classifications, TZ1, TZ2, and TZ3 (attached). The new zones are a direct translation of the development standards drafted for the previous version of the ZTO.
On April 8, 2015 the Planning Board reviewed draft ordinance language for three new zoning classifications, TZ1, TZ2, and TZ3 (attached). At that time the Planning Board set a public hearing for May 27th, 2015. The following report and draft ordinance language outlines the proposal to be considered.

The Planning Board opened the public hearing on May 27, 2015. After extensive discussion and public comment, the Planning Board decided to continue the public hearing on June 24th, 2015. This continuation was proposed to allow the public more time to learn about the proposal and the staff more time to provide additional information to the public regarding their specific areas of concern. The Planning Board also suggested placing this matter on the joint meeting agenda to obtain input from the City Commission.

Current Status

The Planning staff is currently developing additional presentation information to provide to the public that clearly indicates the impact of the proposed changes. The new presentation will focus on presenting a succinct analysis of each study area that demonstrates minimal changes in density, changes to commercial permitted uses and outlines the additional restrictions that have been proposed to protect the adjacent residential areas by limiting the hours of operation for businesses in the transition areas, controlling the maximum size of commercial uses, and increasing buffer regulations.

City of Birmingham
A Walkable Community

MEMORANDUM

Community Development Department

DATE: **May 18, 2015**

TO: **Planning Board Members**

FROM: **Matthew Baka, Senior Planner**

SUBJECT: **Transition Zone Public Hearing**

Executive Summary

The Planning Board has held several study sessions over the past several years in order to develop a Transition Zoning classification that could be applied to areas of the City that abut single family residential zones and are adjacent to commercial zones and/or located on major thoroughfares. The goal of these study sessions was to identify and revise the zoning classifications of these properties to provide a transition/ buffer to the single family neighborhoods through the use of screenwall and landscaping. Additionally, the new zones were crafted to incorporate small scale, neighborhood friendly uses that are likely to be patronized by residents of the immediate area. As, details in this report, there are several restrictions proposed to control the new uses that would ensure that new development would be in keep with the scale and standards that are expected in the City of Birmingham.

The Planning Board selected fourteen (14) locations throughout the City where these zones are proposed to be implemented (see attached maps). On some existing residential parcels this is proposed to be accomplished through attached single-family or multi-family housing. On commercial parcels, this is proposed to be accomplished through a mixed use zone that permits residential and commercial uses.

On April 8, 2015 the Planning Board reviewed draft ordinance language for three new zoning classification, TZ1, TZ2, and TZ3 (attached). At that time the Planning Board set a public hearing for May 27th, 2015. The following report and draft ordinance language outlines the proposal to be considered.

Article 04

In addition to the regulations provided in Article 02 of the Zoning Ordinance, the Planning Department identified many additional development standards contained in Article 04, Development Standards that should be applied to the new transition zones. The Planning Department is now providing draft ordinance language for those development standards in a format that would allow for integration into Article 04 of the Zoning Ordinance. The list provided below identifies the sections of the existing Zoning Ordinance that should be considered for application to the new Transition zones.

Ordinance Section	Section number	Applicable zone
Accessory Structures Standards (AS)	4.2 4.3 4.4	TZ1, TZ2, TZ3 TZ1 TZ1, TZ2, TZ3
Essential Services Standards (ES)	4.09	TZ1, TZ2, TZ3
Fence Standards (FN)	4.10 4.11	TZ1, TZ2, TZ3 TZ1
Floodplain Standards (FP)	4.13	TZ1, TZ2, TZ3
Height Standards (HT)	4.16 4.18	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Landscaping Standards (LA)	4.20	TZ1, TZ2, TZ3
Lighting Standards (LT)	4.21 4.22	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Loading Standards (LD)	4.24	TZ1, TZ2, TZ3
Open Space Standards (OS)	4.30	TZ1, TZ2, TZ3
Outdoor Dining Standards (OD)	4.44	TZ2, TZ3
Parking Standards (PK)	4.45 4.46 4.47	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Screening Standards (SC)	4.53	TZ1, TZ2, TZ3
Setback Standards (SB)	4.58	TZ1, TZ2, TZ3
Structure Standards (SS)	4.69	TZ1, TZ2, TZ3
Temporary Use Standards (TU)	4.77	TZ1, TZ2, TZ3
Utility Standards (UT)	4.81	TZ2, TZ3
Vision Clearance Standards (VC)	4.82	TZ1, TZ2, TZ3
Window Standards (WN)	4.83	TZ2, TZ3

Article 05

The creation of the new zoning classifications would also require additions to Article 05, Use Specific Standards, for any permitted uses allowed in the TZ zones. Draft ordinance language to add to Article 05 has been attached for your review.

Single-family dwellings in Transition Zones

Throughout the course of the study sessions it has been consistently maintained that single-family residential should be a permitted use in each zone. Under the heading "Residential Permitted Uses" of each two page layout where "dwelling – one-family" is listed as a permitted use, the set of development standards that apply are shown in parentheses. As discussed at the last study session, the standards that have been applied are R3, which is consistent with the rest of the Zoning Ordinance.

Next Steps

If the Planning Board is satisfied with the proposed draft Zoning Ordinance amendments presented then the Planning Department suggests the Planning Board recommend APPROVAL of the draft ordinance amendments to the City Commission.

ORDINANCE NO._____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.41, TZ1 (TRANSITION ZONE) DISTRICT TO ADOPT THE FOLLOWING LIST OF PERMITTED USES IN THIS ZONE DISTRICT.

Article 02, section 2.41 shall be established as follows:

District Intent

A. Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas or for property which either has direct access to **a** major traffic road or is located between major traffic roads and predominantly single-family residential areas.

B. Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.

C. Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.

D. Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.

E. Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.

F. Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.

Residential Permitted Uses

- Dwelling – attached single family
- Dwelling – single family **(R3)**
- Dwelling – multi-family

Accessory Permitted Uses

- Family day care home
- Home occupation*
- Parking – off-street

Uses Requiring a Special Land Use Permit

- Assisted Living
- Church and Religious Institution
- Essential services
- Government Office/Use
- Independent hospice facility
- Independent senior living
- Parking Structure
- School – private and public
- Skilled nursing facility

ORDAINED this _____ day of _____, 2015 to become effective 7 days after publication.

_____
Stuart Lee Sherman, Mayor

_____
Laura Pierce, City Clerk

ORDINANCE NO._____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.42, TZ1 (TRANSITION ZONE) DISTRICT TO ADOPT THE FOLLOWING DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT.

Article 02, section 2.42 shall be established as follows:

Minimum Lot Area per Unit:

- 3,000 sq ft

Minimum Open Space:

- n/a

Maximum Lot Coverage

- n/a

Front Yard Setback:

- 0-5 feet

Minimum Rear Yard Setback:

- 10 feet
- 20 feet abutting single family zoning district

Minimum Side Yard Setback

- 0 feet from interior side lot line
- 10 feet from side street on corner lot
- 10 feet from side lot line abutting a single family district

Minimum Floor Area per Unit

- n/a

Maximum Total Floor Area

- n/a

Building Height

- 2 stories minimum
- 3 stories maximum
- 35 feet maximum

ORDAINED this _____ day of _____, 2015 to become effective 7 days after publication.

_____
Stewart Lee Sherman, Mayor

_____
Laura Pierce, City Clerk

ORDINANCE NO._____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT TO ADOPT THE FOLLOWING LIST OF PERMITTED USES IN THIS ZONE DISTRICT.

Article 02, section 2.43 shall be established as follows:

District Intent

A. Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.

B. Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.

C. Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.

D. Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.

E. Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.

F. Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.

Residential Permitted Uses

- dwelling – attached single family
- dwelling – single family **(R3)**
- dwelling – multi-family

Commercial Permitted Uses

- art gallery
- artisan use
- barber/beauty salon
- bookstore

- boutique
- drugstore
- gift shop/flower shop
- hardware
- health club/studio
- jewelry store
- neighborhood convenience store
- office
- tailor

Accessory Permitted Uses

- family day care home
- home occupation*
- parking – off-street

Uses Requiring a Special Land Use Permit

- any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant
- assisted living
- bakery
- bank/credit union with drive-thru
- church and religious institution
- coffee shop
- delicatessen
- dry cleaner
- essential services
- food and drink establishment
- government office/use
- grocery store
- independent hospice facility
- independent senior living
- parking structure
- school – private and public
- skilled nursing facility
- specialty food shop

ORDAINED this _____ day of _____, 2015 to become effective 7 days after publication.

_____
Stewart Lee Sherman, Mayor

_____
Laura Pierce, City Clerk

ORDINANCE NO._____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, TZ2 (TRANSITION ZONE) DISTRICT TO ADOPT THE FOLLOWING DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT.

Article 02, section 2.44 shall be established as follows:

Minimum Lot Area per Unit:

- n/a

Minimum Open Space:

- n/a

Maximum Lot Coverage

- n/a

Front Yard Setback:

- 0-5 feet
- Building façade shall be built to within 5 feet of the front lot line for a minimum of 75% of the street frontage length.

Minimum Rear Yard Setback:

- 10 feet
- 20 feet abutting single family zoning district

Minimum Side Yard Setback

- 0 feet from interior side lot line
- 10 feet from side lot line abutting a single family district

Minimum Floor Area per Unit

- n/a

Maximum Total Floor Area

- n/a

Building Height

- 30 feet and 2 stories maximum
- For sloped roofs, the eave line shall be no more than 24 feet and the roof peak shall be no more than 35 feet.
- first story shall be minimum of 14 feet, floor to floor

ORDAINED this _____ day of _____, 2015 to become effective 7 days after publication.

_____
Stewart Lee Sherman, Mayor

_____
Laura Pierce, City Clerk

ORDINANCE NO._____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT TO ADOPT THE FOLLOWING LIST OF PERMITTED USES IN THIS ZONE DISTRICT.

Article 02, section 2.45 shall be established as follows:

District Intent

A. Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.

B. Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.

C. Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.

D. Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.

E. Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.

F. Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.

Residential Permitted Uses

- dwelling – attached single family
- dwelling – single family **(R3)**
- dwelling – multi-family

Commercial Permitted Uses

- art gallery
- artisan use
- barber/beauty salon
- bookstore

- boutique
- drugstore
- gift shop/flower shop
- hardware
- health club/studio
- jewelry store
- neighborhood convenience store
- office
- tailor

Accessory Permitted Uses

- family day care home
- home occupation*
- parking – off-street

Uses Requiring a Special Land Use Permit

- any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant
- assisted living
- bakery
- bank/credit union with drive-thru
- church and religious institution
- coffee shop
- delicatessen
- dry cleaner
- essential services
- food and drink establishment
- government office/use
- grocery store
- independent hospice facility
- independent senior living
- parking structure
- school – private and public
- skilled nursing facility
- specialty food shop

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Stewart Lee Sherman, Mayor

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Laura Pierce, City Clerk

ORDINANCE NO._____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.46, TZ3 (TRANSITION ZONE) DISTRICT TO ADOPT THE FOLLOWING DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT.

Article 02, section 2.46 shall be established as follows:

Minimum Lot Area per Unit:

- n/a

Minimum Open Space:

- n/a

Maximum Lot Coverage

- n/a

Front Yard Setback:

- 0-5 feet
- Building façade shall be built to within 5 feet of the front lot line for a minimum of 75% of the street frontage length.

Minimum Rear Yard Setback:

- 10 feet
- 20 feet abutting single family zoning district

Minimum Side Yard Setback

- 0 feet
- 10 feet from side lot line abutting a single family district

Minimum Floor Area per Unit

- n/a

Maximum Total Floor Area

- n/a

Building Height

- 24 feet and 2 stories minimum
- 42 feet and 3 stories maximum
- For sloped roofs, the eave line shall be no more than 34 feet and the roof peak shall be no more than 46 feet
- The first story shall be a minimum of 14 feet in height, floor to floor

ORDAINED this _____ day of _____, 2015 to become effective 7 days after publication.

_____
Stewart Lee Sherman, Mayor

_____
Laura Pierce, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 4, SECTION 4.53, PK-09

Article 4, section 4.53 PK-09

This Development Standards section applies to the following districts:
TZ1, TZ2, TZ3

Parking lots shall meet the following requirements:

1. Parking lot frontage: Parking lots (not located in the road right-of-way) are permitted only in side and rear yards as follows:
   a. When parking is located in a side yard (behind the front building line) and has frontage on a public right-of-way, no more than 25% of the total site's frontage or 60 feet, whichever is less, shall be occupied by parking lot.
   b. For a corner lot, the cumulative total of both frontages occupied by parking shall be no more than 25% or 60 feet, whichever is less, and the building shall be located at the corner of the lot adjacent to the intersection.
   c. For a double frontage lot or a lot that has frontage on 3 streets, the cumulative total of all frontages occupied by parking shall be no more than 35% of the total site's frontage or 60 feet, whichever is less.
2. Screening: Where an off-street parking lot is visible from a street, it shall be screened by a 3 foot tall screen wall located between the parking lot and the sidewalk, meeting the requirements of Section 4.53. Where a parking lot is adjacent to a single family residential district, a 6 foot tall brick screen wall meeting the requirements of Section 4.53 shall be provided between the parking lot and the residential use.
3. Structures: Parking structures shall only be permitted where there is usable building space for a portion of the ground level along the street frontage. Where a parking structure is provided or parking is located on the ground level below the building, usable building space to a depth of at least 20 feet shall be provided in front of the parking for the minimum required building length.
4. Required parking: Each use shall provide the parking required by the off street parking space requirement of Article 04 Table A, except as provided for in this

Section. Off street parking shall be provided for within 300 feet of the building being served.

5. On-street parking: On-street parking shall be allowed on all street frontages, where permitted by the Police Department. On-street parking located along a lot's frontage may be credited towards meeting the parking requirements for that use, provided the streetscape is improved to meet the requirements of Section 3.24.
6. Driveway access: Driveway access to off-street parking lots shall be located to provide safe separation from street intersections. Driveways shall be aligned with driveways on the opposite side of the street or offset to avoid turning movement conflicts.

ORDAINED this _____ day of _____, 2015 to become effective upon publication.

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Stuart Lee Sherman, Mayor

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Laura Pierce, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 4, SECTION 4.58, SC-06

Article 4, section 4.58 SC-06

This Development Standards section applies to the following districts:
TZ1, TZ2, TZ3

Parking lots shall meet the following requirements:

1. Buffer Requirements: All developments within shall provide a physical and visual buffer from adjoining single-family properties in the required setbacks adjacent to single-family uses and zones. A required buffer zone must contain a minimum 6 feet high masonry wall with a sloping stone cap along the length of the subject property that abuts a single family property. All required buffer walls must provide varying textures, materials and/or design along the length. Blank, monotonous walls are not permitted. Buffer walls must include a two (2) foot row of landscaping on the parking lot side of the wall.

ORDAINED this _____ day of _____, 2015 to become effective upon publication.

_____
Stuart Lee Sherman, Mayor

_____
Laura Pierce, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 3, SECTION 4.62, SB-05

Article 4, section 4.62 SB-05

This Development Standards section applies to the following districts:
TZ1

A. Interior parcels: Interior parcels on a side/local street which abut a single family zoned district shall have a front setback equal to the average front setback of single family homes within 200' on the same side of the street.

B. Front setback: Maximum front setbacks for Attached Single-family developments may be extended with approval of the Planning Board if the board finds that:

    1. The use of an alternative front setback would be more compatible with the scale and massing of adjacent residential land uses.

ORDAINED this _____ day of _____, 2015 to become effective upon publication.

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Stuart Lee Sherman, Mayor

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Laura Pierce, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 3, SECTION 4.63, SB-06

Article 4, section 4.63 SB-06

This Development Standards section applies to the following districts:
TZ2, TZ3

A. Front Yard Setback Exceptions: In the TZ2 and TZ3 Districts, 75% of the length of the ground level street-facing façade of the building must be built within 5 feet of the front lot line. The precise setback between 0 and 5 feet shall be consistent with the front building line along the block, or as determined by the Planning Board where a clear setback doesn't exist. The Planning Board many grant exceptions to allow a greater amount of the building to be setback when the front yard area, or forecourt, is used for one or more purposes listed below.

1. Widening the sidewalk along the frontage of the building.

2. Providing a public gathering area or plaza that offers seating, landscape enhancements, public information and displays, fountains, or other pedestrian amenities.

3. Providing outdoor seating for the proposed use.

ORDAINED this _____ day of _____, 2015 to become effective upon publication.

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Stuart Lee Sherman, Mayor

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Laura Pierce, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 4, SECTION 4.69, ST-01

Article 4, section 4.69 ST-01

This Development Standards section applies to the following districts:
TZ1, TZ2, TZ3

A. Street Design: All streets shall be constructed to meet the requirements of the City Birmingham.

B. Sidewalks: Sidewalks in the Zoning Transition Overlay District shall be a minimum of 6 feet wide. Sidewalks along Woodward Avenue shall be a minimum of 7 feet wide. The Planning Board may allow the sidewalk along blocks that are occupied by only residential uses to be a minimum of 5 feet wide.

C. Street Tree: One (1) canopy tree shall be provided for every 40 feet of frontage and may be planted within a grass boulevard or within tree grates or tree wells in the sidewalk.

D. Street Design**:** The entrances of streets into adjacent single family residential neighborhoods shall be designed to calm traffic, encourage pedestrian use and provide a distinction between less intense residential areas and more intense commercial or mixed use areas. All such street entrances and intersections of such streets with major traffic roads may include the following elements:

1. Curb extensions on the mainly residential street to narrow road width, reduce crosswalk length and to encourage slower vehicular speeds;
2. Enhanced pedestrian crosswalks, including ADA compliant ramps, highly visible pavement markings, and pedestrian countdown signals;
3. Installation of a speed table on the residential street if recommended by the Multi-Modal Transportation Board; and
4. Installation of a pedestrian crossing island on adjacent major traffic roads if recommended by the Planning Board and/or the Birmingham Multi-Modal Transportation Plan.

E. Vias: Vias shall be permitted in the Zoning Transition Overlay District and shall be required where necessary to provide access to parking lots, loading areas and garages at the property or to improve pedestrian connectivity.

1. Vias serving as access to residential garages shall be located within an easement with a minimum pavement necessary for circulation and emergency vehicle access.
2. Vias accessing commercial parking lots and loading areas in the rear of a site may be used as drive aisles in interior block parking lots with parking spaces along the alleys.

F. Street Furniture**:** Benches and trash receptacles shall be provided by the developer in park and plaza areas and along adjoining sidewalks where the Planning Board determines that pedestrian activity will benefit from these facilities.

G. Bicycle Facilities**:** All developments shall be designed to accommodate bicycle travel, including the provision of bike racks. All parking lots for commercial, recreational and institutional uses shall include sufficient bike racks to allow the parking of a minimum of one bike for every 10 automobiles or one bike for every 3,000 square feet of building floor area, whichever is greater.

ORDAINED this _____ day of _____, 2015 to become effective upon publication.

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Stuart Lee Sherman, Mayor

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Laura Pierce, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 4, SECTION 4.77, SS - 09

Article 4, section 4.77 SS - 09

This Development Standards section applies to the following district:
TZ1

Attached single family residential dwellings, multiple family dwellings and live/work dwellings shall meet the following architectural design requirements:

A. Front Façade:

1. All ground floor residential units shall provide a pedestrian door facing the front lot line.
2. Blank walls longer than 20 feet are not permitted on any front façade. Blank walls longer than 30 feet are not permitted on any façade.
3. All ground floor dwellings shall include a front patio or porch. The patio or porch shall have a minimum depth of 4 feet and a minimum area of 24 square feet.
4. The first floor elevation shall be between 0 feet and 6 feet above the exterior sidewalk elevation in front of the building.
5. The front façade of all residential units shall be at least 25% windows or doors.
6. The requirement for a front patio or porch above shall not apply to live/work units where the first floor façade is designed as a storefront meeting the requirements of section 4.83 WN - 01.

B. Building Materials:

All buildings shall utilize high-quality building materials that are in keeping with traditional architectural styles. Permitted wall materials include, brick, stone, wood, pre-cast stone and fiber cement siding. Vinyl siding is prohibited.

C. Corner Parcels:

Corner parcels in the Zoning Transition Overlay shall be developed with the front lot line facing a city major street as defined in P.A. 51. of 1959. The Planning Board may approve an alternative front lot line if the board finds that:

1. There are no city major streets fronting on the subject parcel; or
2. The use of an alternative front lot line would be more compatible with the scale and massing of adjacent residential land uses.

ORDAINED this _____ day of _____, 2015 to become effective upon publication.

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Stuart Lee Sherman, Mayor

_____
Laura Pierce, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO ADD CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 4, SECTION 4.78, SS - 10

Article 4, section 4.78 SS - 09

This Use Specific Standards section applies to the following district:
TZ2, TZ3

A. Corner Parcels:
Corner parcels in the Zoning Transition Overlay shall be developed with the front lot line facing a city major street as defined in P.A. 51. of 1959. The Planning Board may approve an alternative front lot line if the board finds that:

1. There are no city major streets fronting on the subject parcel; or
2. The use of an alternative front lot line would be more compatible with the scale and massing of adjacent residential land uses.

B. Facade Requirements:

Walls that face a public street, plaza, green or park shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing or decorative finish materials.

1. Blank walls longer than 20 feet are not permitted on any front façade. Blank walls longer than 30 feet are not permitted on any façade.
2. All buildings shall have a main entrance that is located on at least one (1) street front. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.
3. For buildings longer than 100 feet, there shall be a minimum of one (1) usable entrance every full 50 feet of frontage along the front public sidewalk and shall provide architectural variation to visually break the building up on all facades.
4. Garage doors shall not be permitted on a front façade.

C. Roof Design:

1. Mansard roofs shall not be permitted on single story buildings. Pitched and mansard roofs shall not be permitted with eaves below a height of 20 feet. All roof edges shall be accentuated in a manner proportionate to the size of the building and length of the wall.
2. Flat roofs shall be enclosed by parapets.
3. All rooftop mounted equipment shall be screened from view on all sides of the building.
4. Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, scale and height.

D. Building Materials:

The following exterior finish materials are required on the front façade and any façade facing a street, plaza, park or parking area. These requirements do not include areas devoted to windows and doors.

1. All walls exposed to public view from the street, or parking area shall be constructed of not less than 60% brick, stone or glass. Panel brick and tilt-up brick textured paneling shall not be permitted.
2. The remaining façade may include wood siding or fiber cement siding. Exterior insulation finish systems (EFIS) may be used for architectural detailing above the first floor.
3. Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accent such as a string course, change in material or textures, or an awning or canopy between the first and second stories.

ORDAINED this _____ day of _____, 2015 to become effective upon publication.

_____
Stuart Lee Sherman, Mayor

_____
Laura Pierce, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 5, SECTION 5.14, TRANSITION ZONE 1

Article 5, section 5.14 Transition Zone 1

This Use Specific Standards section applies to the following district:
TZ1

A. Home Occupation: A home occupation is subject to the following provisions:

1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
3. There shall be no exterior indication by sign or otherwise of the home occupation.
4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
7. The home occupation shall not include the direct sale of products off display shelves or racks.
8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
9. Home occupations may be conducted in a permitted accessory building.
10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
11. No more than 25% of the gross area of the building shall be used for such home occupation.

ORDAINED this _____ day of _____, 2015 to become effective upon publication.

_____
Stuart Lee Sherman, Mayor

_____
Laura Pierce, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 5, SECTION 5.15, TRANSITION ZONE 2 –

Article 5, section 5.15 Transition Zone 2

This Use Specific Standards section applies to the following district:
TZ2

A. Hour of Operation: Operating hours for all non-residential uses, excluding office, shall begin no earlier than 7:00 a.m. and end no later than 9:00p.m. However, the Planning Board may approve an extension of the hours of operation for a specific tenant/occupant upon request if the board finds that:

1. The use is consistent with and will promote the intent and purpose of this Zoning Ordinance;
2. The use will be compatible with adjacent uses of land, existing ambient noise levels and will not be injurious to the surrounding neighborhood; and
3. The use is in compliance with all other requirements of this Zoning Ordinance.

ORDAINED this _____ day of _____, 2015 to become effective upon publication.

_____
Stuart Lee Sherman, Mayor

_____
Laura Pierce, City Clerk

TRANSITION ZONES

Revision of permitted uses and development standards for selected parcels throughout Birmingham.

WHAT IS THE INTENT FOR "TRANSITION PARCELS"

- Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas or for property which either has direct access to major traffic road or is located between major traffic roads and predominantly single-family residential areas.

- Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.

WHEN DOES THE REZONING GO INTO EFFECT?

- Any existing use will be permitted to continue.
- When a new use is established within an existing building, the new zoning will apply.
- New zoning will apply to any expansion of an existing use or building that requires site plan approval from the Planning Board.
- Where a new building is proposed, the new zoning will apply.

EACH ZONE DESIGNATED ON THE REGULATING PLAN PRESCRIBES REQUIREMENTS FOR BUILDING FORM, HEIGHT AND USE AS FOLLOWS:

- TZ1: Attached Single-Family – Two-story attached single-family homes that provide a transition from low density commercial to single-family homes, minimum lot area per unit – 3000 sq. ft.

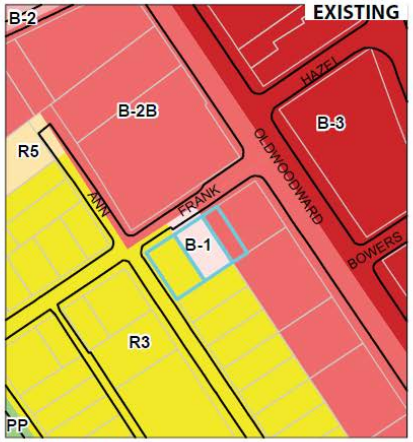
412 & 420 FRANK ST. R3/B1/B2B TO TZ1

New Permitted Uses
attached single-family
multiple-family
live/work

Eliminated Uses @ 420 Frank
bakery
barber/beauty salon
drugstore
dry cleaning
grocery store
hardware store
neighborhood convenience store
office
shoe store/repair
tailor

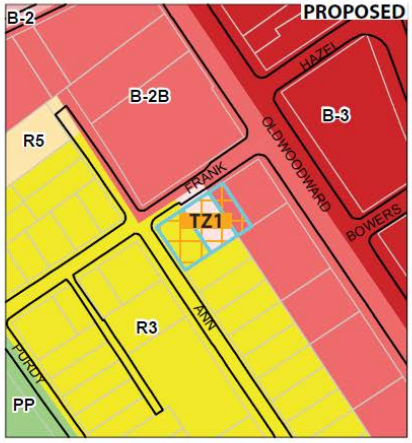
Accessory Permitted Uses
alcoholic beverage sales
kennel*
laboratory - medical/dental*
loading facility - off-street*
outdoor café
sign

Uses Requiring a S L U P
alcoholic beverage sales (off-premise consumption)
alcoholic beverage sales (on-premise consumption)
drive-in facility
gasoline full service station

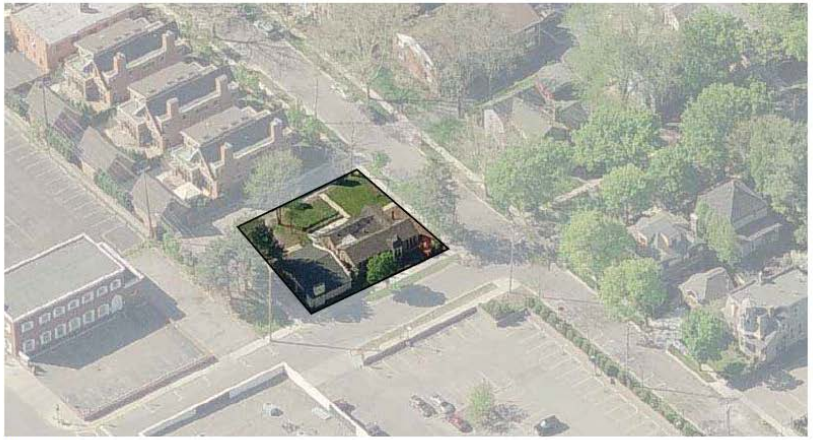


FRANK *and* ANN

0 50 100 200 Feet



PROPOSED: TZ1 - Attached Single-Family



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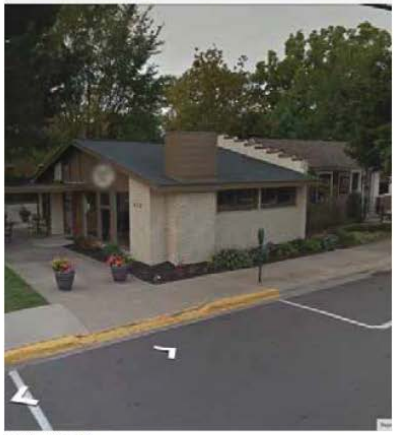

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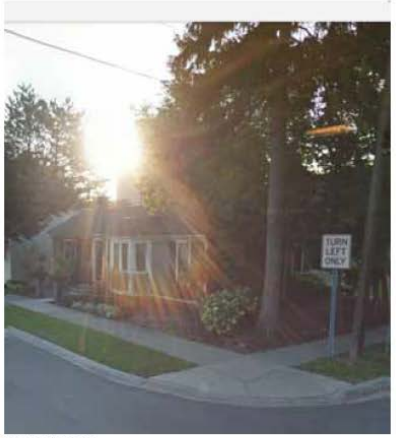


Source: Google

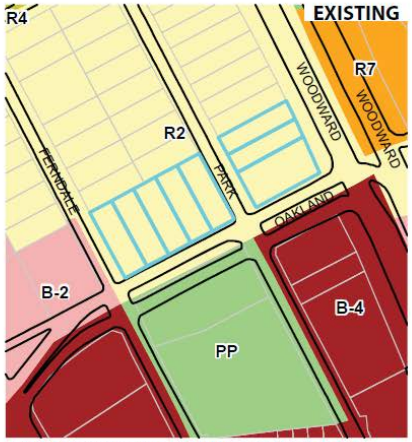
PARK AND OAKLAND – R2 TO TZ1

New Permitted Uses
Residential
dwelling – attached single family
dwelling – multi-family
live/Work

Uses Requiring a S L U P
government office
school – public

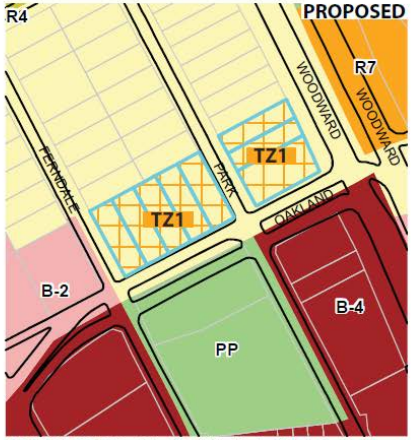
Permitted Uses eliminated
Accessory Permitted Uses
garage - private
greenhouse - private
renting of rooms*
sign
swimming pool – private
any use customarily incidental to the permitted principal uses of the same lot

Uses requiring SLUP
philanthropic use
public utility building



OAKLAND between WOODWARD and FERNDALE

Source: Bing



PROPOSED: TZ1 - Attached Single-Family

Source: Google

Source: Google

0 50 100 200 Feet

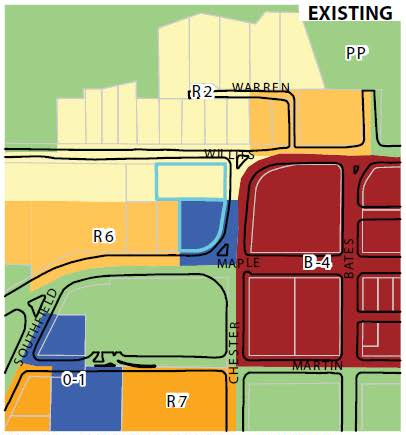
WILLITS AND CHESTER – R2 TO TZ1

R2 Parcel
<u>New Permitted Uses</u>
Residential
dwelling – attached single family
dwelling – multi-family
live/Work

Uses Requiring a S L U P
- government office
- school – public

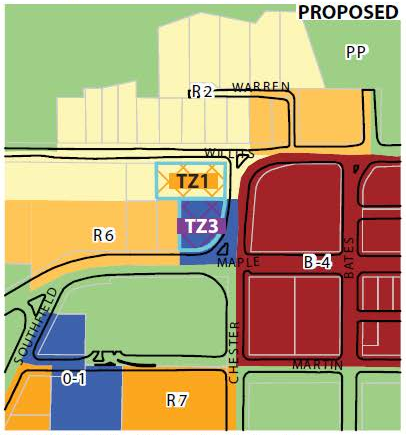
<u>Permitted Uses eliminated</u>
Accessory Permitted Uses
- garage - private
- greenhouse - private
- renting of rooms*
- sign
- swimming pool – private
- any use customarily incidental to the permitted principal uses of the same lot

<u>Uses requiring SLUP</u>
- philanthropic use
- public utility building



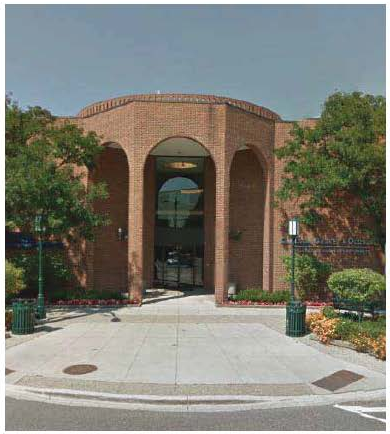
WILLTS *and* CHESTER, CHESTER *and* W. MAPLE

Source: Bing



PROPOSED: TZ1 - Attached Single-Family
PROPOSED: TZ3 - Mixed-Use

0 50 100 200 Feet


Source: Google

Source: Google

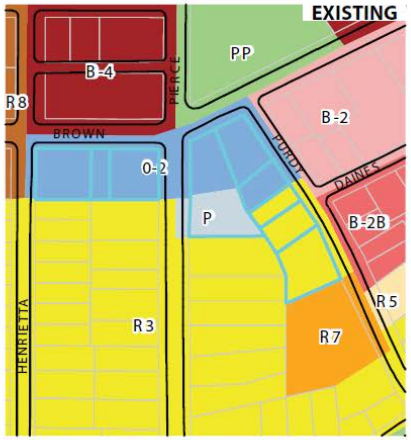
TZ2 & TZ3 – MIXED USE

- **TZ2: Mixed Use** – Two-story mix of commercial and residential uses that provide a transition in scale and massing to adjacent uses
- Commercial uses over 3,000 sq. ft. require SLUP
- Hours of operation limited to 7am-9pm(unless extended by PB)
- All food uses require SLUP
- **TZ3: Mixed Use** – Three-story mix of commercial and residential uses that provide a transition in scale and massing to adjacent uses
- Commercial uses over 4,000 sq. ft. require SLUP
- Hours of operation limited to 7am-9pm(unless extended by PB)
- All food uses require SLUP

BROWN AT PIERCE – O2/P TO TZ2
PURDY – R3 TO TZ2

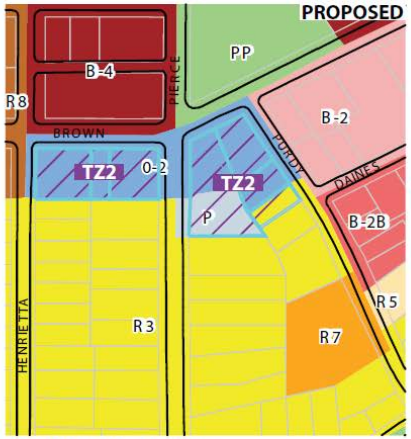
New Permitted Commercial Uses
artisan use
bakery (SLUP)
bank w/ drive-thru (SLUP)
bookstore
boutique
coffee Shop (SLUP)
delicatessen (SLUP)
drugstore
dry cleaner (SLUP)
food and drink establishment (SLUP)
grocery store (SLUP)
hardware
health club/studio
neighborhood convenience store

Eliminated Uses
clinic
hair replacement establishment
tobacconist
veterinary clinic



BROWN *and* PURDY, PURDY *and* DAINES

Source: Bing



PROPOSED: TZ2 - Mixed-Use

Source: Google

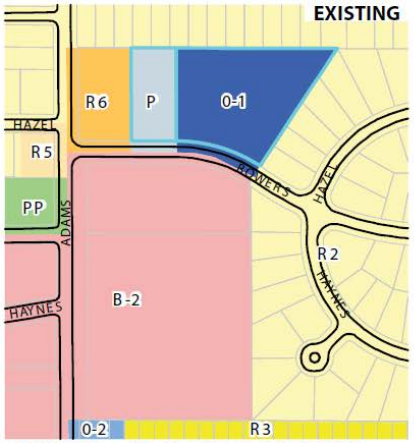
Source: Google

0 50 100 200 Feet

BOWERS/POST OFFICE - O1/P TO TZ2

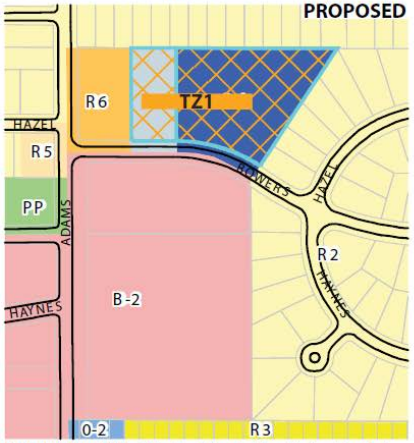
O1 Parcel
<u>New Permitted Uses</u>
Residential
dwelling – attached
single family
dwelling – Multi-family
live/Work
Uses Requiring a S L U P
- government office
- school – public

<u>Eliminated uses</u>
Commercial uses
barber/beauty salon
hair replacement
establishment
office
veterinary clinic



POST OFFICE *and* R6 PARCELS, ADAMS SQUARE

Source: Bing



PROPOSED: TZ1 - Attached Single-Family Residential

Source: Google

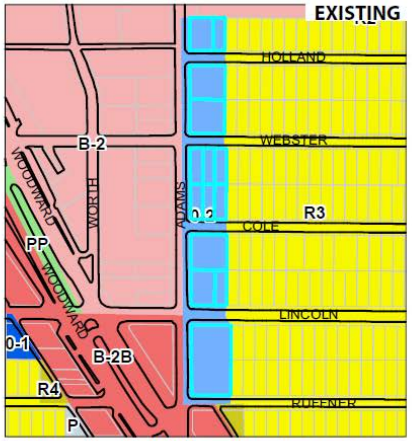
Source: Google

0 50 100 200 Feet

S. ADAMS, ADAMS SQUARE TO LINCOLN – O2 TO TZ2

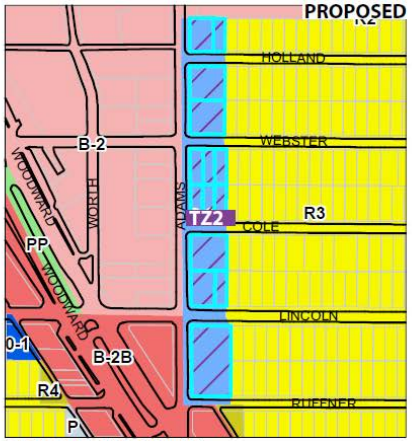
New Permitted Uses
artisan use
bakery (SLUP)
bank w/ drive-thru (SLUP)
bookstore
boutique
coffee shop (SLUP)
delicatessen (SLUP)
drugstore
dry cleaner (SLUP)
food & drink establishment (SLUP)
grocery store (SLUP)
hardware
health club/studio
neighborhood convenience store

Eliminated Uses
Commercial uses
clinic
hair replacement establishment
tobacconist
veterinary clinic



S. ADAMS *between* ADAMS SQUARE *and* LINCOLN

Source: Bing



PROPOSED: TZ2 - Mixed-Use

Source: Google

Source: Google

0 50 100 200 Feet

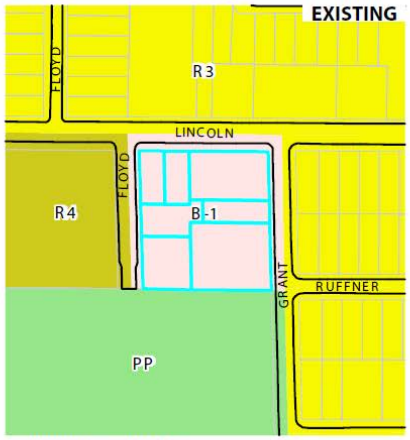
LINCOLN AT GRANT – B1 TO TZ2

New Permitted Uses
Commercial Uses
art gallery
artisan use
bakery (SLUP)
bookstore
boutique
coffee shop (SLUP)
delicatessen (SLUP)
dry cleaner (SLUP)
food & drink establishment (SLUP)
gift shop/flower shop
grocery store (SLUP)
health club/studio
jewelry store
specialty food shop (SLUP)

Eliminated Uses
Commercial uses
utility substation

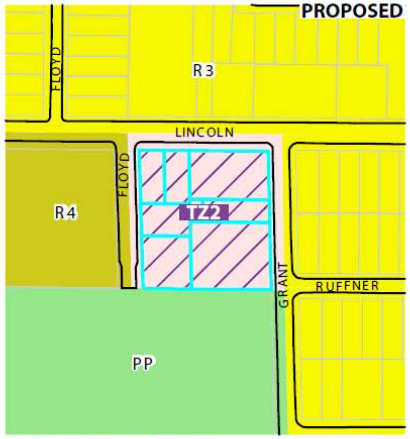
Accessory Permitted Uses
alcoholic beverage sales
kennel*
laboratory - medical/dental*
loading facility - off-street*
outdoor café
sign

Uses Requiring a S L U P
alcoholic beverage sales
(off-premise consumption)
alcoholic beverage sales
(on-premise consumption)
gasoline full service station



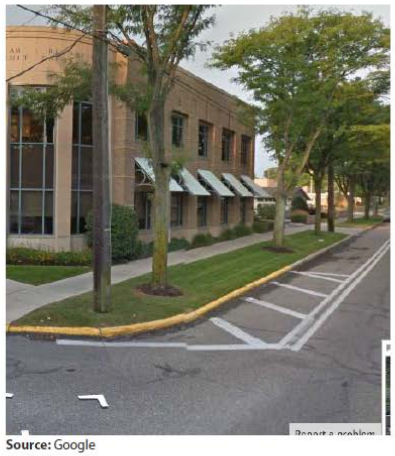
E. LINCOLN *and* GRANT

Source: Bing



PROPOSED: TZ2 - Mixed-Use

0 50 100 200 Feet

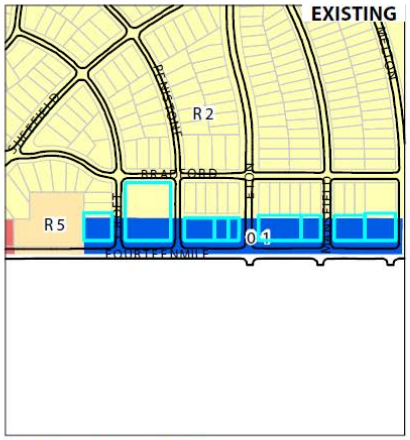

Source: Google

Source: Google

E. 14 MILE RD. EAST OF WOODWARD – O1 TO TZ2

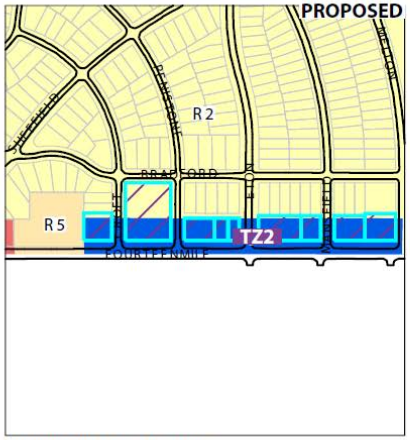
New Permitted Commercial Uses
art gallery
artisan use
bakery (SLUP)
bank w/ drive-thru (SLUP)
bookstore
boutique
coffee shop (SLUP)
drugstore
dry cleaner (SLUP)
food & drink establishment (SLUP)
gift shop/flower shop
grocery store (SLUP)
hardware
health club/studio
jewelry store
neighborhood convenience store
specialty food shop (SLUP)
tailor

Eliminated Uses
hair replacement est.
veterinary clinic

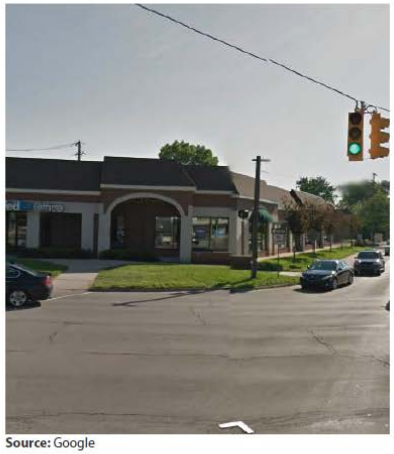


14 MILE *east of* WOODWARD

Source: Bing



PROPOSED: TZ2 - Mixed-Use



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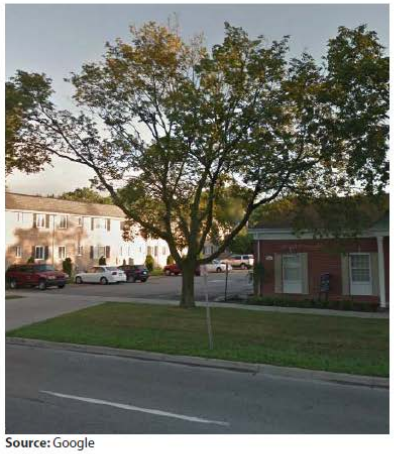


Source: Google

0 50 100 200 Feet

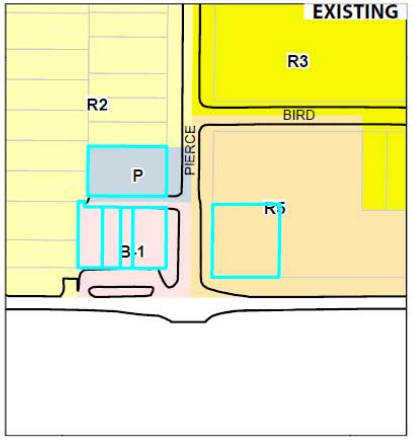
14 MILE RD. AT PIERCE – B1/P/R5 TO TZ2

New Permitted Uses
Commercial Uses
art gallery
artisan use
bakery (SLUP)
bookstore
boutique
coffee shop (SLUP)
delicatessen (SLUP)
dry cleaner (SLUP)
food & drink establishment (SLUP)
gift shop/flower shop
grocery store (SLUP)
health club/studio
jewelry store
specialty food shop (SLUP)

Eliminated Uses
Commercial uses
utility substation

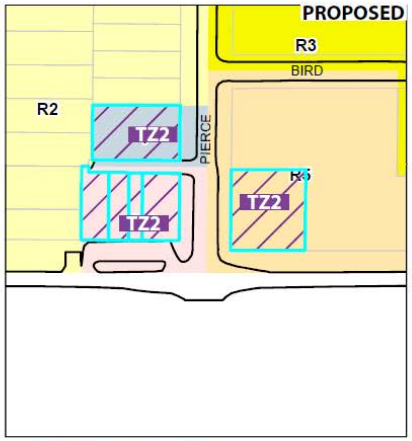
Accessory Permitted Uses
alcoholic beverage sales
kennel*
laboratory - medical/dental*
loading facility - off-street*
outdoor café
sign

Uses Requiring a S L U P
alcoholic beverage sales
(off-premise consumption)
alcoholic beverage sales
(on-premise consumption)
gasoline full service station



14 MILE *and* PIERCE

Source: Bing



PROPOSED: TZ2 - Mixed-Use

Source: Google

Source: Google

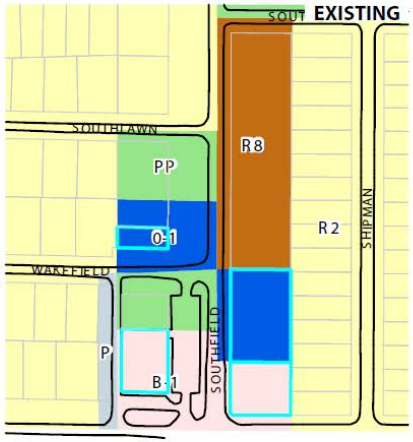
MARKET SQUARE & PENNZOIL – B1 TO TZ2

New Permitted Uses
Commercial Uses
art gallery
artisan use
bakery (SLUP)
bookstore
boutique
coffee shop (SLUP)
delicatessen (SLUP)
dry cleaner (SLUP)
food & drink establishment (SLUP)
gift shop/flower shop
grocery store (SLUP)
health club/studio
jewelry store
specialty food shop (SLUP)

Eliminated Uses
Commercial uses
utility substation

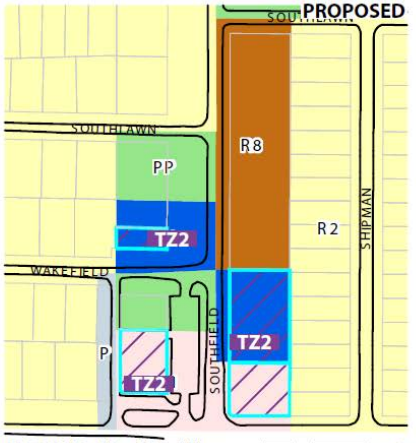
Accessory Permitted Uses
alcoholic beverage sales
kennel*
laboratory - medical/dental*
loading facility - off-street*
outdoor café
sign

Uses Requiring a S L U P
alcoholic beverage sales
(off-premise consumption)
alcoholic beverage sales
(on-premise consumption)
gasoline full service station



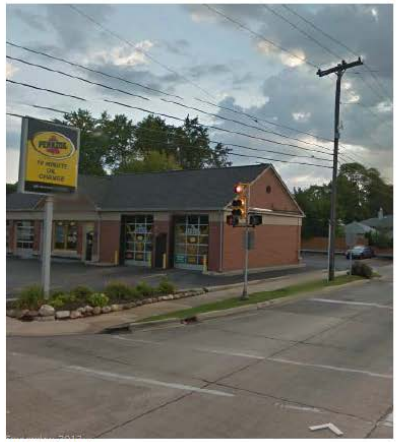
SOUTHFIELD *and* 14 MILE

Source: Bing



PROPOSED: TZ2 - Mixed-Use

0 50 100 200 Feet



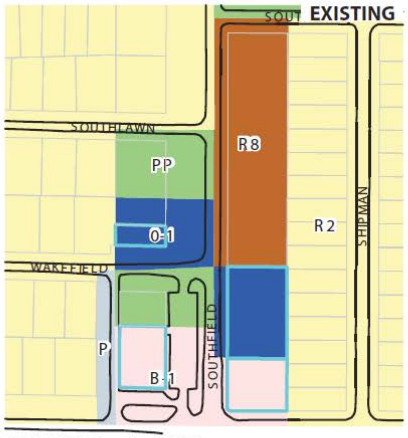
Source: Google

Source: Google

SOUTHFIELD AT 14 MILE RD. – O1 TO TZ2

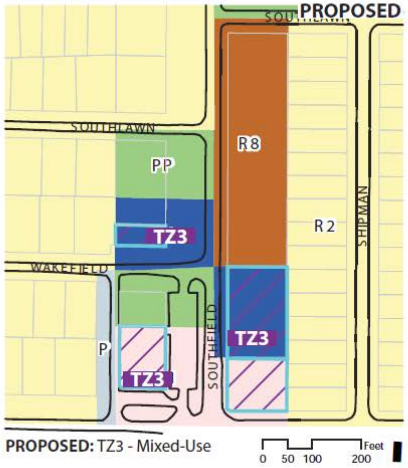
New Permitted Commercial Uses
art gallery
artisan use
bakery (SLUP)
bank w/ drive-thru (SLUP)
bookstore
boutique
coffee shop (SLUP)
drugstore
dry cleaner (SLUP)
food & drink establishment (SLUP)
gift shop/flower shop
grocery store (SLUP)
hardware
health club/studio
jewelry store
neighborhood convenience store
specialty food shop (SLUP)
tailor

Eliminated Uses
hair replacement est.
veterinary clinic



SOUTHFIELD *and* 14 MILE

Source: Bing



PROPOSED: TZ3 - Mixed-Use

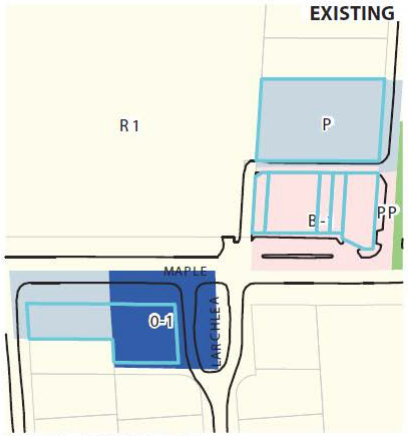
Source: Google

Source: Google

W. MAPLE AT LARCHLEA – O1 TO TZ2

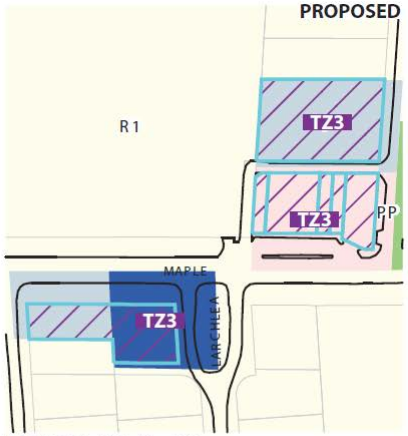
New Permitted Commercial Uses
art gallery
artisan use
bakery (SLUP)
bank w/ drive-thru (SLUP)
bookstore
boutique
coffee shop (SLUP)
drugstore
dry cleaner (SLUP)
food & drink establishment (SLUP)
gift shop/flower shop
grocery store (SLUP)
hardware
health club/studio
jewelry store
neighborhood convenience store
specialty food shop (SLUP)
tailor

Eliminated Uses
hair replacement est.
veterinary clinic



MAPLE *and* CHESTERFIELD

Source: **Bing**



PROPOSED: TZ3 - Mixed-Use

0 50 100 200 Feet

Source: Google

Source: Google

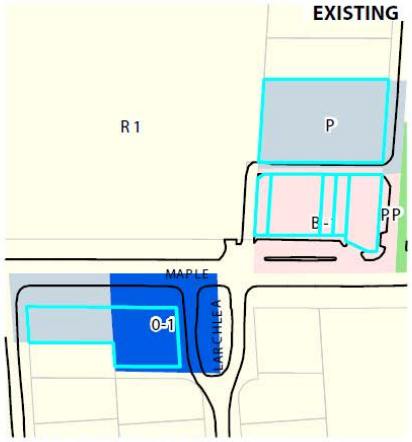
MILLS PHARMACY PLAZA – B1 TO TZ2

New Permitted Uses
Commercial Uses
art gallery
artisan use
bakery (SLUP)
bookstore
boutique
coffee shop (SLUP)
delicatessen (SLUP)
dry cleaner (SLUP)
food & drink establishment (SLUP)
gift shop/flower shop
grocery store (SLUP)
health club/studio
jewelry store
specialty food shop (SLUP)

Eliminated Uses
Commercial uses
utility substation

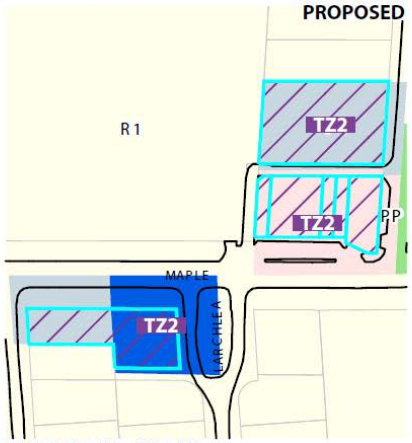
Accessory Permitted Uses
alcoholic beverage sales
kennel*
laboratory - medical/dental*
loading facility - off-street*
outdoor café
sign

Uses Requiring a S L U P
alcoholic beverage sales
(off-premise consumption)
alcoholic beverage sales
(on-premise consumption)
gasoline full service station



MAPLE *and* CHESTERFIELD

Source: Bing



PROPOSED: TZ2 - Mixed-Use

0 50 100 200 Feet

Source: Google

Source: Google

W. MAPLE AND CRANBROOK – B1 TO TZ2

New Permitted Uses

Commercial Uses

art gallery
artisan use
bakery (SLUP)
bookstore
boutique
coffee shop (SLUP)
delicatessen (SLUP)
dry cleaner (SLUP)
food & drink establishment (SLUP)
gift shop/flower shop
grocery store (SLUP)
health club/studio
jewelry store
specialty food shop (SLUP)

Eliminated Uses

Commercial uses

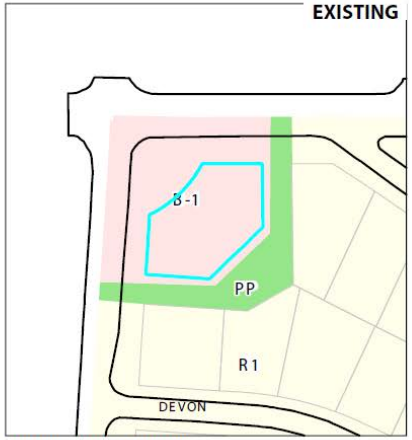
utility substation

Accessory Permitted Uses

alcoholic beverage sales
kennel*
laboratory - medical/dental*
loading facility - off-street*
outdoor café
sign

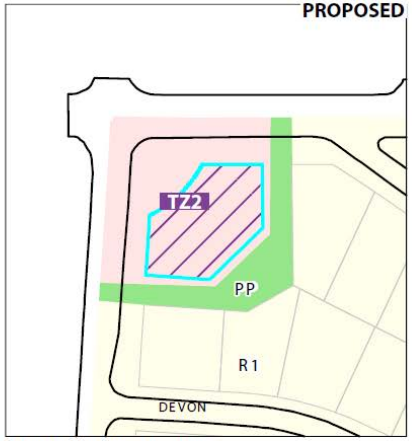
Uses Requiring a S L U P

alcoholic beverage sales
(off-premise consumption)
alcoholic beverage sales
(on-premise consumption)
gasoline full service station



MAPLE *and* CRANBROOK

Source: Bing



PROPOSED: TZ2 - Mixed-Use

0 50 100 200 Feet

Source: Google

N. ETON– B1 TO TZ2

New Permitted Uses

Commercial Uses

art gallery
artisan use
bakery (SLUP)
bookstore
boutique
coffee shop (SLUP)
delicatessen (SLUP)
dry cleaner (SLUP)
food & drink establishment (SLUP)
gift shop/flower shop
grocery store (SLUP)
health club/studio
jewelry store
specialty food shop (SLUP)

Eliminated Uses

Commercial uses

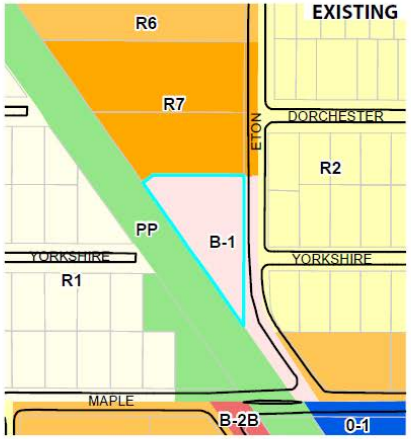
utility substation

Accessory Permitted Uses

alcoholic beverage sales
kennel*
laboratory - medical/dental*
loading facility - off-street*
outdoor café
sign

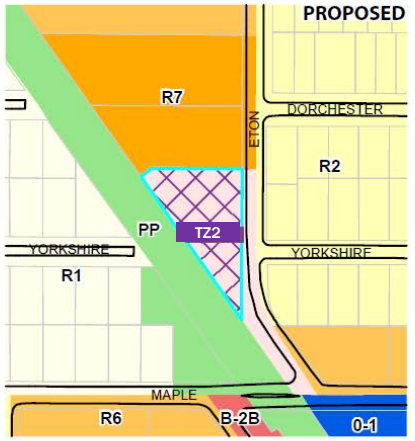
Uses Requiring a S L U P

alcoholic beverage sales
(off-premise consumption)
alcoholic beverage sales
(on-premise consumption)
gasoline full service station



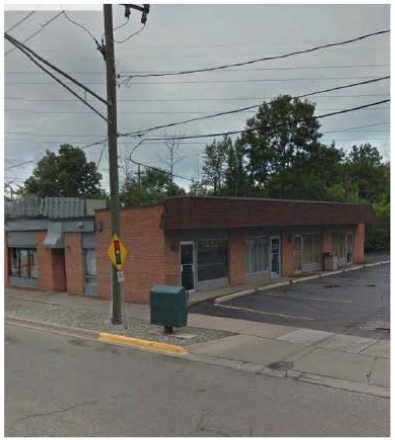
E. MAPLE *and* N. ETON

Source: Bing



PROPOSED: TZ3 - Mixed-Use

Source: Google

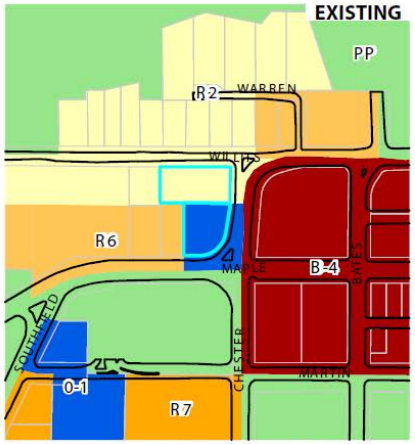


Source: Google

W. MAPLE AND CHESTER – O1 TO TZ3

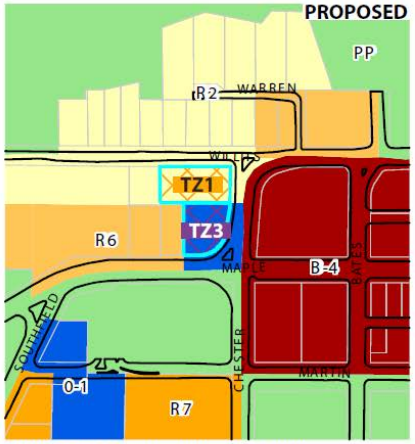
New Permitted Commercial Uses
art gallery
artisan use
bakery (SLUP)
bank w/ drive-thru (SLUP)
bookstore
boutique
coffee shop (SLUP)
drugstore
dry Cleaner (SLUP)
food & drink establishment (SLUP)
gift shop/flower shop
grocery store (SLUP)
hardware
health club/studio
jewelry Store
neighborhood convenience store
specialty food shop (SLUP)
tailor

Eliminated Uses
hair replacement est.
veterinary clinic



WILLTS *and* CHESTER, CHESTER *and* W. MAPLE

Source: Bing



PROPOSED: TZ1 - Attached Single-Family
PROPOSED: TZ3 - Mixed-Use

0 50 100 200 Feet

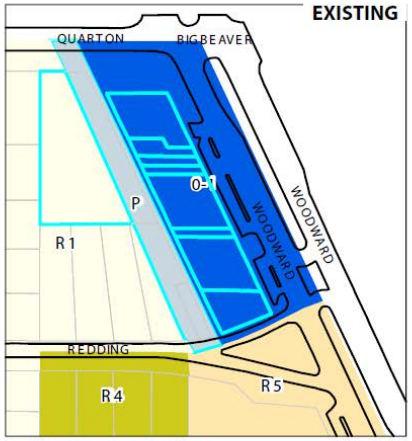
Source: Google

Source: Google

WOODWARD AT QUARTON– O1 TO TZ3

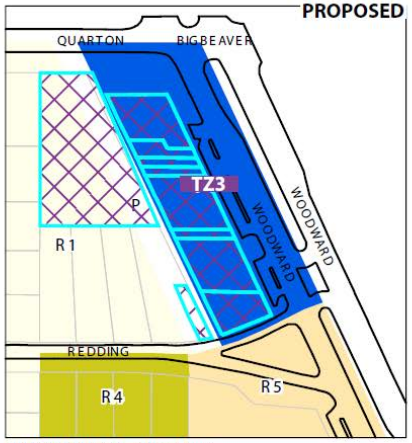
New Permitted Commercial Uses
art gallery
artisan use
bakery (SLUP)
bank w/ drive-thru (SLUP)
bookstore
boutique
coffee shop (SLUP)
drugstore
dry cleaner (SLUP)
food & drink establishment (SLUP)
gift shop/flower shop
grocery store (SLUP)
hardware
health club/studio
jewelry store
neighborhood convenience store
specialty food shop (SLUP)
tailor

Eliminated Uses
hair replacement est.
veterinary clinic



WOODWARD *and* QUARTON

Source: Bing



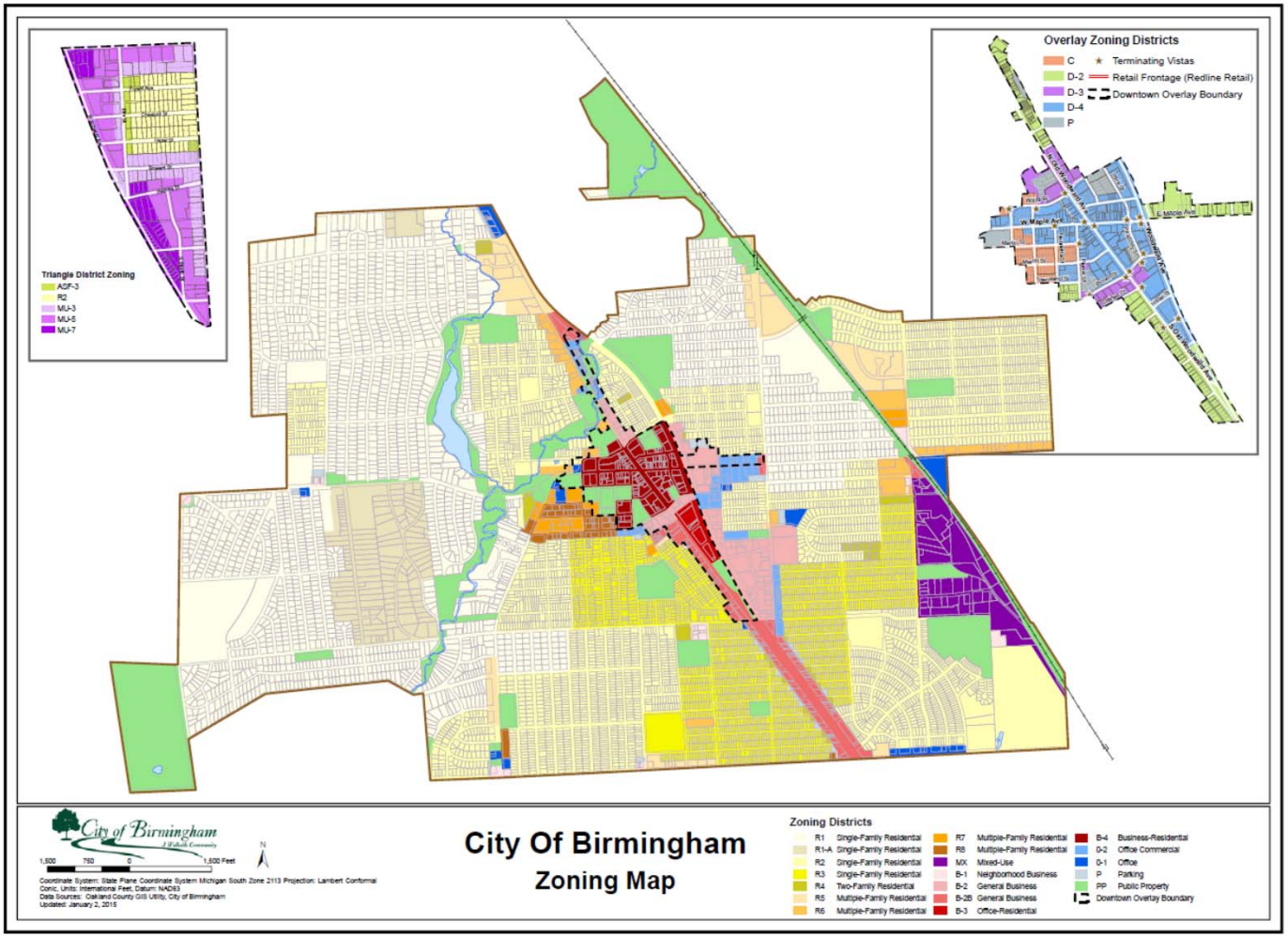
PROPOSED: TZ3 - Mixed-Use

Source: Google

Source: Google

0 50 100 200 Feet

QUESTIONS & COMMENTS



CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 10, 2013
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held April 10, 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: Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

04-61-13

STUDY SESSION
Review transitional areas of Birmingham where residential areas abut commercial areas

Ms. Ecker recalled that in accordance with the direction of the City Commission and Planning Board, the Planning Dept. presented information regarding the "transition areas" of Birmingham at the March 27th Planning Board meeting. These are the areas of town where commercial zones abut single-family residential. Each of these areas has a unique set of conditions that determine their relationship with the adjacent residential areas.

In many instances, the use of screening, landscaping, height standards, and appropriate lighting methods are key to providing a buffer to a residential area. Based on the discussion at the Planning Board, the Planning Division has assembled information regarding the various Zoning Ordinance provisions that are in place in the areas where residential is abutting commercial zones.

In addition, photos have been collected to demonstrate the inconsistency of the existing conditions throughout these areas. Some of these photos illustrate that the current standards do provide a significant buffer for the residential. However, as seen in the recent Woodward Gardens site proposal, meeting those standards can often create additional difficulties in meeting the parking requirement. If the need for additional parking is determined to be a paramount concern, then the existing standards may need to be modified to maximize the parking opportunities while providing a balance that still protects the residential areas.

Mr. Williams observed the only green space vegetation that provides coverage is evergreens. Higher walls may be needed between Lincoln and Fourteen Mile Rd. to protect the residences. The residents need to be solicited as to what they think is best to protect the neighborhoods from intrusion in these transition areas. The Master Plan for Woodward Ave. from the Detroit River to Pontiac is being re-done. There will be pressure to soften Woodward Ave. by putting in bicycle paths and more walking areas. That will ultimately serve to reduce parking all along Woodward Ave. and force parking to the back. The neighborhood associations need to be solicited to come forward and say what they would like.

Chairman Boyle suggested bringing forth best practice that works, such as the former IHOP on Woodward Ave. that is now a bank and is wonderfully screened. Rather than stipulating wall heights, types of plantings, etc. for screening, maybe consider a form of screening that gets across the goal but doesn't give the detail.

Mr. DeWeese was concerned there is nothing that requires maintenance. He likes the example that was shown of a decorative wall that is pedestrian friendly and appropriate to the area.

Ms. Whipple-Boyce indicated her preference for a consistent material on the walls. Mr. Koseck thought landscaping is good, but not right up to the street. For screenwalls, ideally find a way to always specify quality materials and make sure that is enforced.

In response to Ms. Lazar, Ms. Ecker said right now a site plan review would require the applicant to go in and modify the screenwall to bring it into compliance. It was concluded that in many instances this would discourage the property owner from making a change.

Mr. Clein said he considers that site development standards are somewhat lacking in the ordinance. There is not a development standard of providing landscape buffers in front of walls so that cars will not bump into them. Roads can be throated down just past the commercial areas leading to residential neighborhoods. The best plans that he has seen define the edge where no more parking can be added. Instead of a consistent material for the walls, maybe consider something consistent with the development. Additionally, perhaps a SLUP should be required for properties immediately adjacent to residential.

Ms. Whipple-Boyce loved the idea of having a point of no return for parking into the neighborhoods. It will discourage business owners from purchasing residences in the hope that some day they can be turned into a parking lot for their business.

No members of the public wished to join the discussion at 8:21 p.m.

The board discussed the next steps. Mr. Koseck thought this ties into the scope of what LSL Planning and Hamilton Anderson are doing. He was interested to see where they go with it and then the board can have a productive conversation.

Chairman Boyle commented that the aesthetic they are trying to build is completely overwhelmed by the clutter of overhead wires. He recommended that possible options for screening in transitional areas be pursued by staff in conjunction with the consultants who are engaging with topics in the S. Woodward Ave. area, and the sub-contract that has been let for the Oakland/Park/Woodward Ave. sub-area. Chairman Boyle said he will contact the

consultants to see if they would perhaps consider allowing an intern to take some photographs of other examples up and down the corridors, particularly those that are at an angle to the grid.

Ms. Lazar thought it is the property owners who should contribute to the meetings, rather than the tenants, because there may not be a fair reading of what the consensus really is.

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

05-83-13

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.

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, May 22, 2013
City Commission Room
151 Martin Street, Birmingham, Michigan

05-93-13

OAKLAND/PARK/WOODWARD SUB-AREA – OVERLAY ORDINANCE

Mr. Baka recalled that In accordance with the direction of the City Commission and Planning Board, the Planning Dept. presented information regarding the "Transition Areas" of Birmingham at the March 27th Planning Board meeting. These are the areas of town where commercial zones abut single-family residential. At the May 8th Planning
Board meeting, Brad Strader of LSL Planning presented a draft report for the Oak/Park sub-area plan. The report contains analysis and recommendations for protecting the integrity of the sensitive residential areas that can be applied throughout Birmingham.

The Planning Dept. recently presented maps and data on the commercial areas that could be considered "Transition Areas." The maps focus on the main commercial areas in the city. Each of these has unique conditions that determine their relationship with the adjacent residential areas. In many instances the use of screening, landscaping and appropriate lighting methods are key to providing a buffer to the residential area:

- Downtown Overlay Zone
  - Oakland between Woodward Ave. and Ferndale
  - Willits at Chester
  - Purdy at Daines
- N. Old Woodward
- S. Old Woodward
- S. Woodward Ave. Corridor
- Triangle District

It was noted the City map system shows the zoning going to the center line of the street and it is very confusing. Mr. Baka agreed to mention that to the IT Dept.

Ms. Ecker went over the first draft of the Transition Overlay District Ordinance.

- A key point in the Purpose section is to encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.
- The Applicability section indicates when the ordinance will kick in and when it does not. A Zoning Transition Overlay District Regulating Plan divides the District into two zones. Each zone prescribes requirements for building form, height, and use as follows:
  - ASF-3: Attached Single-Family 3
  - MU-3: Mixed Use 3
- Permitted Uses and Use Regulations section contains a land use matrix that tells what uses may or may not be acceptable and lists operating hours from 7 a.m. to 9 p.m. Mr. DeWeese suggested including a process where the hours can be extended with public review.

- The section on Height and Placement Requirements contains district development standards for ASF-3 and for MU-3. Basically it is three story maximum, 35 ft. maximum height, and a two story minimum. Buildings must be oriented towards the street, and they are moved up to create a street wall. Parking has to be hidden in the back. Design requirements for commercial and residential properties ensure they are pedestrian scaled. A physical and visual buffer from adjoining single-family properties in the required setbacks is required. It could be a masonry wall or the Planning Board could approve a landscape buffer. No occupancy permit would be issued until the buffer is in place.
- The Commercial/Mixed-Use Architectural Requirements section includes:
  - Front façade requirements
  - Windows and doors
  - Roof design: Pitched roofs in keeping with typical residential style
  - Building materials
  - Awnings
  - Corner buildings
- In Streetscape and Right-of-Way Design Requirements the draft ordinance talks about ensuring sidewalks and street trees. Street design requires one or more of the following:
  - Curb extensions
  - Enhanced pedestrian crosswalks
  - Installation of a speed table
  - Installation of a pedestrian crossing island
  - Street furniture and bicycle facilities
  - Vias are permitted and shall be required where necessary for circulation

Mr. Williams was in favor of the overlay approach in concept. However, in terms of the MU classifications one size fits all will not work. More categories are needed and it is necessary to be specific about which category is appropriate for a particular location. It is key going forward to push the development forward to the street and away from adjoining neighbors.

Mr. DeWeese agreed with the need for more categories. Leave three stories as a maximum. He wanted more consideration in section 3.22 about the need to have steps on the front façade to ensure ADA compliance. In the S. Woodward Ave. Gateway a firm line may be needed that creates more depth. More flexibility in the categories may be desirable.

Under MU-3 District Development Standards it was determined the statement that an additional 24 ft. and/or two stories of building height can be allowed if certain requirements are met should be deleted.

Mr. Koseck thought this is the right approach, but is not sure that more zoning code conditions are needed. It is more about understanding relationships between the properties. Ms. Lazar liked the concepts but felt more emphasis is needed on rear design and Mr. DeWeese agreed.

Mr. Baka advised they focused on the areas where single-family abuts major commercial areas. Ms. Ecker noted it was intentional to have the City rather than the developer say what they required in what district. Chairman Boyle wanted to think about having the developer prepare the overlay within the context laid out and show how it is going to work in an area. That would

minimize the imposition of very detailed regulations. Mr. Williams did not see any way to avoid many pages of Zoning Ordinance changes in the specific context of street blocks and neighborhood-by-neighborhood analysis if that approach was taken.

Mr. Williams suggested the approach should be to determine how many categories there are and based on the type of category, get some guidance for the drafting stage.
Mr. Koseck was not convinced it would be so complicated. He thinks it is about setback, bulk, architecture and buffers.

At 9:34 p.m. no one from the audience came forward to speak.

Ms. Ecker said for the next meeting staff will present more broad categories and a sample trial map that can be seen on the big screen.

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JUNE 12, 2013
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held June 12, 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

Absent: Board members Janelle Whipple-Boyce, Bryan Williams; Student Representative Arshon Afrakhteh

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

06-102-13

STUDY SESSION
Oakland/Park/Woodward Sub-Area – Overlay Ordinance

Ms Ecker recalled at the May 22, 2013 Planning Board meeting a draft overlay district amendment to Article 3 of the Zoning Ordinance was discussed, utilizing either ASF-3 or MU-3 as the transitional zoning for the subject parcels identified above. Board members agreed that they supported the Zoning Transition Overlay concept, and asked the Planning Division to create additional categories to provide a range of options for these difficult transition zones. The board also requested standards to allow flexibility for the hours of operation of businesses in this overlay, and made several comments regarding design requirements for rear facades, and to consider removing the elevated front porch requirement for residential to provide more housing options for our aging population.

This evening the board reviewed an updated draft overlay ordinance reflecting the comments of the Planning Board at the May 22, 2013 meeting. In addition, they studied an overlay map to commence the discussion as to which classifications should apply to individual properties, and larger scale maps for each specific area to be discussed.

Two new zoning classifications have been added so there are now four different categories in the draft overlay ordinance:

- Mixed-Use, three story maximum;
- Attached Single-Family, three story maximum;
- Attached Single-Family, two story maximum;
- Mixed-Use, two story maximum.

Other changes include:

- Design requirements for the rear façade;
- Front steps will be required on residential units;
- Tobacconists will not be permitted in the use chart;
- Health and fitness studios have been added;
- Flexibility in hours of operation has been provided;
- Minimum rear yard setback is 10 ft. for two and three stories;
- Maximum height for two-story is 30 ft. and maximum height for three story is 35 ft.;
- Additional language has been added to the buffer requirements;
- Rear design standards.

Ms. Ecker advised that the illustrations in the draft overlay are not up to date. They will be redone once the final draft of the overlay is ready. It was discussed that by adding two additional residential zoning districts they are gaining density, appropriate buffering, design standards, and streetscape standards.

Under 3.18 (E) Mr. Clein suggested the addition of a one sentence definition of what Attached Single-Family is attempting to be. Also, masonry screenwalls at the back of a parking lot can be buffered with some sort of landscape. Everyone agreed.

Discussion contemplated adding "or other similar uses" to the permitted uses, "subject to Planning Board approval." Also, add "bookstore." In. Section 3.19, Permitted Uses and Use Regulations, insert a section that states a maximum size requirement.

The board then studied the maps and determined which properties to include on each overlay map:

- Downtown Birmingham
- S. Old Woodward Ave.
- S. Woodward Ave.
- S.E. Section, Birmingham
- N.C. Section, Birmingham
- E. Birmingham
- W. Section, Birmingham
- S.W. Section, Birmingham

The chairman called for public comments at 9:17 p.m.

Mr. Brad Host, 416 Park, found out that a house on the south side of Maple Rd. at Larchlea is excluded from the overlay map.

This study session will be continued at a future meeting.

Yeas: DeWeese, Williams, Boyle, Clein, Koseck, Lazar, Whipple-Boyce
Nays: None
Absent: None

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JULY 24, 2013
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held July 10, 2013. Chairman Robin Boyle convened the meeting at 7:32 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Arshon Afrakhteh

Absent: Board Member Carroll DeWeese

Administration: Matthew Baka, Sr. Planner
Jana Ecker, Planning Director
Paul O'Meara, City Engineer
Carole Salutes, Recording Secretary

07-125-13

STUDY SESSION
Zoning Transition Overlay – Map

Mr. Baka recalled at the June 12, 2013 Planning Board meeting the Planning Dept. presented maps identifying potential transition areas and overlay ordinance language that could be applied to those areas. Based on the last study session, the Planning Dept. has developed a range of zone classifications that can be applied to these areas as deemed appropriate. Also, new ordinance language has been incorporated as a result of comments at that meeting. The transition overlay includes four zoning classifications that can be applied in the various locations that have been identified. depending on the conditions present at each site.

Also, the use of screening, landscaping and appropriate lighting methods has been emphasized in each zone to provide a significant buffer to the residential area. He showed maps that identified each zone as discussed at the June 12, 2013 Planning Board meeting, along with staff's recommendations for each area based on the existing and adjacent land uses as well as the proximity to single-family residential. Input from the Planning Board was requested for each recommendation.

- Oakland between Woodward Ave. and Ferndale
  Recommendation: ASF-3 Attached Single-Family

Planning Board Comments: ASF-2 Attached Single-Family, include two lots that run EW, consider the parking, consider removing institutional and recreational uses, consider setting up a separate transitional classification

- N. Old Woodward Ave. between Oakland and Ravine
  Recommendation: MU-3 Mixed-Use
- Willits at Chester (First Church of Christ Scientist)
  Recommendation: ASF-3 Attached Single-Family
  Planning Board Consensus: Re-visit
- Chester at W. Maple Rd. (O-1 Office)
  Recommendation: MU-3 Mixed-Use
- Brown and Purdy (O-2 Office Commercial and P Parking)
  Recommendation: MU-3 Mixed-Use
- Purdy at Daines (R-3 Single-Family Residential)
  Recommendation: ASF-3 Single-Family Residential
- Woodward Ave. and E. Maple Rd. to Adams (B-2 General Business, P Parking, and R-4 Two-Family Residential)
  Recommendation: MU-3 Mixed-Use
- Post Office (O-2 Office/Commercial, P Parking)
  Recommendation: ASF-2 Attached Single-Family
- Adams Square (B-2 General Business)
  Recommendation: MU-3 Mixed-Use
  Planning Board Comment: Include the existing residential red zone
- S. Adams between Adams Square and E. Lincoln
  Recommendation: MU-2 Mixed-Use
  Planning Board Comment: ASF-2 Attached Single-Family
- E. Lincoln at Grant
  Recommendation: MU-2 Mixed-Use
- Woodward at Quarton, west side (O-2 Office/Commercial)
  Recommendation: MU-3 Mixed-Use
- Fourteen Mile Rd. east of Woodward Ave. (R-5 Multiple-Family Residential, O-1 Office)
  Recommendation: R-5 parcel to ASF-3 Single-Family Residential
  O-1 parcels to MU-2 Mixed-Use
  Planning Board Consensus: R-5 parcel to MU-2 Mixed-Use
- Fourteen Mile Rd. at Pierce (B-1 General Business, P Parking, R-5 Multiple- Family Residential)
  Recommendation: B-1 and P to MU-2 Mixed-Use
  R-5 to ASF-3 Attached Single-Family
  Planning Board Consensus: R-5 parcel to ASF-2 Attached Single-Family
- Southfield at Fourteen Mile Rd. (PP Public Property, O-1 Office, B-1 Neighborhood Business, R-8 Multiple-Family Residential)
  Recommendation: PP, O-1, B-1 to MU-2 Mixed-Use
  R-8 to ASF-2 Attached Single-Family
  Planning Board Consensus: Remove PP Public Property
- W. Maple Rd. at Chesterfield (P Parking, B-1 Neighborhood Business, O-1 Office)
  Recommendation: MU-2 Mixed-Use
- W. Maple Rd. and S. Cranbrook (B-1 Neighborhood Business)
  Recommendation: MU-2 Mixed-Use
- S. Woodward Ave. Corridor between Lincoln and Fourteen Mile Rd. (B-2B

Recommendation: To be made after the master planning process is completed.

Mr. Baka said the Planning Department will take these comments and create final ordinance language and develop better maps that show the roads for review in advance of a public hearing. Mr. Williams said to use ASF-2 as the standard and look at heights of the neighboring residential properties as against what would be allowed under the new designation.

The chairman asked for comments from the public at 10:05 p.m.

Mr. Brad Host, 416 Park, thought what has happened on Brown St. could easily happen on Adams. He was confident that three of the five homes in the Overlay on Oakland are happy to be included in the Overlay. The same is true for his property and the neighbor to the north, 430 Park.

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, SEPTEMBER 11, 2013
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held September 11, 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
Paul O'Meara, City Engineer
Carole Salutes, Recording Secretary

09-158-13

STUDY SESSION
Transitional Zoning

Mr. Baka recalled that over the course of several Planning Board study sessions, the Planning Dept. has presented maps identifying potential transition areas and overlay ordinance language that could be applied to those areas. The maps have been revised and refined to reflect the input of the Planning Board. Depending on the conditions present at each site, the overlay provides five distinct zones that vary in permitted height, bulk, and use. The maps for each area were last discussed in detail at the August 28, 2013 Planning Board meeting. In accordance with that discussion, each map now reflects the recommendation of the Planning Board where consensus was achieved.

First, it was suggested at the last Planning Board meeting that the ordinance language be revised to allow for a further increase in density at the Adams Square site and the strip of commercial parcels at the southwest corner of Quarton and Woodward Ave. The language has been included that would permit five stories along the frontage line but require the building height to step down to three stories as it approaches the residential properties. This MU-5 Zone resembles the Triangle Zone but maxes out at five floors. There is a 6,000 sq. ft. limit to a commercial use.

Second, the parcel located at the southeast corner of Lincoln and Adams has been added to the overlay at the request of the property owner.

Third, the vacant parcel at the west of the P Zone at Woodward Ave. and Quarton has been added to the recommendation of MU-5.

In addition to the changes made to the maps, the Planning Board has been provided with information that they requested to assist with specific decisions related to height and lot depth. A comparison of the lot depth of the R-8 District along W. Brown St. to the depth of the parcels along Oakland between Woodward Ave. and Ferndale was given.

A massing model provided by LSL Planning demonstrated a massing comparison of the proposed height of the ASF-3 Zone and the existing R-2 Single-Family Residential that it would be abutting as to what the maximum build-out would look like west and east down Oakland across Woodward Ave.

Mr. Williams wanted to see a drawing that shows the entire area developed. Ms. Ecker assured Mr. Koseck that 9 ft. ceilings would be possible to achieve.

Mr. Clein was bothered by the addition of the second non-single family residential building in that neighborhood. Discussion concluded the parcels on both sides of Park should be treated the same in terms of the buffer zone between them and the residential properties to the north, ASF-3 with a 10 ft. rear setback. The two parcels will have to front on Oakland. Ideally, it would be nice to have more density right at the corner through setbacks or frontage requirements. The City Attorney may need to become involved with the language on this matter.

Mr. Williams noted objections from residents in the neighborhood that MU-5 is too high for the Adams Square site. The question is whether two stories at the border of residential would be better for the neighboring residential properties, still permitting five stories along Adams. Ms. Ecker noted in reality there will probably be parking in the back. Chairman Boyle explained this is the largest single property in the City and was previously consistent with what the Board wanted to do in the Triangle District. Now the market has changed, the tenants have changed, the condition has deteriorated, and here is an opportunity to seek a better and higher use of the site. Ms. Ecker stated that with MU-3 zoning, such as across Adams, a developer can go from three to an extra two floors with certain concessions. After a great deal of discussion Chairman Boyle summarized that the board is moving toward an MU-3 designation for this site.

In response to a question from Ms. Lazar, Ms. Ecker said if the Adams Square parcel is added into the Triangle District and then the Corridor Improvement Authority, it would assist in funding a parking structure in the district if the property was redeveloped. Also, if it is brought into the Triangle District it opens up the opportunity for a Bistro License at this site, which the Coney there has wanted for years.

Mr. Baka indicated they have proposed rezoning the property at Quarton and Woodward to MU-5, and within 100 ft. of the residential parcels they would be forced to step down to three stories. That would allow five stories right at the corner. Mr. Koseck did not think there is enough room to go up five stories. Further discussion concluded that for consistency, MU-3 zoning should be proposed with a 15 ft. separation requirement from residential.

Chairman Boyle thought the parcels on the west side of Southfield and Fourteen Mile present the opportunity for a small neighborhood center that would be of value to the area as a whole. After deliberation, the Chairman encouraged staff to change this to MU-2 zoning.

Mr. Baka pointed out another change from the last meeting. The board said that the area between Adams Square and Lincoln on the east side of Adams should be changed to MU-2. The parcel on the south side of Lincoln was added as well.

Based on discussion last time, on Purdy and Daines staff included the first residentially zoned property with MU-2 to line it up with the P Zone district.

Ms. Whipple-Boyce thought it would be a good idea to change the zoning from R-5 to ASF-2 along Fourteen Mile from Pierce to the Comerica Bank driveway. Development would be the same height, but closer to the street. Board members thought that would work.

Ms. Ecker summarized the discussion:

Ordinance

- With any MU or ASF-3 increase the rear setback to 15 ft. from 10 ft.;
- Update the illustrations.

Mapping

- 404 Park and Oakland: Talk to the City Attorney for language that may require them to front on Oakland to deal with the two lots and get them to deal with the big one on Oakland.
- Adams Square: Go down to MU-3 with no step-down;
- Quarton and Woodward: Change from MU-5 to MU-3 and extend into the right-of-way, no step down;
- Southfield and Fourteen Mile Rd.: Change the whole block to MU-2, including public property;
- Pierce and Fourteen Mile Rd.: Include the property on the north side of Fourteen Mile Rd. east of Grant all the way to where Comerica starts.

Motion by Mr. DeWeese
Seconded by Mr. Williams to set a public hearing on the Transition Area Maps and Zoning Classifications for October 9, 2013.

The chairman invited comments from members of the public at 9:45 p.m.

Mr. David Underdow, 437 Southfield, said he is partial owner of property on Eton north of Maple Rd. that is zoned B-1. He asked that his property be included in MU-3 zoning. He was hopeful that would allow more uses. Mr. Koseck thought he could do other things that would bring his property more into conformance and improve its marketability. After deliberation, board members thought that MU-3 zoning makes perfect sense. Ms. Ecker agreed to include this parcel as MU-3 at the public hearing and a decision can always be made at that time.

Motion carried, 7-0.

VOICE VOTE

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, OCTOBER 9, 2013
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held October 9, 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; Student Representative Arshon Afrakhteh

Absent: None

Administration: Matthew Baka, Sr. Planner
Mark Clemence, Deputy Police Chief
Timothy Currier, City Attorney
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

10-178-13

PUBLIC HEARING
Zoning Transition Overlay

TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 03 BY ADDING NEW SECTIONS 3.17 THROUGH 3.24 TO ADD A NEW ZONING TRANSITION OVERLAY DISTRICT TO REGULATE DEVELOPMENT ON TRANSITIONAL ZONING PARCELS ACROSS THE CITY
AND
TO AMEND ARTICLE 1, SECTION 1.14 BY AMENDING THE ZONING MAP IN ITS ENTIRETY TO INCLUDE THE ZONING TRANSITION OVERLAY DISTRICT ZONING

The chairman formally opened the Public Hearing at 7:34 p.m.

Mr. Baka recalled at the September 11, 2013 Planning Board meeting the board set a public hearing to consider amendments to the Zoning Ordinance that would establish the Zoning Transition Overlay District and to amend the existing Zoning Map in agreement with the accompanying maps.

In accordance with the direction of the City Commission and Planning Board, the Planning Department has conducted study sessions over the past several months

focused on the “Transition Areas” of Birmingham. These are the areas of town where commercial zones abut single-family residential. This study was done in conjunction with the current study of the S. Woodward Corridor and the Oak/Park Sub-Area Plan, both of which must find sensitive ways to address the interface of commercial property and residential property.

Mr. Baka advised that the study sessions have resulted in four (4) transition overlay zoning classifications that can be applied in the various locations that have been identified. Those zones are MU-2 and MU-3, which stands for two and three story Mixed Use, and ASF-2 and ASF-3, which stands for two and three story Attached Single Family. Depending on the conditions present at each site, the overlay zones have been applied based on what is considered to be the appropriate height, bulk and use standards. The maps for each area have been discussed in detail at several study sessions. Each map reflects the recommendations of the Planning Board.

Mr. Baka went on to point out changes that are a result of the board’s previous discussion. Corner parcels in the Zoning Transition Overlay shall be developed with the front lot line facing an Arterial Street. The Planning Board may approve an alternative front lot line. Mr. Williams thought Arterial Street should be defined in the Zoning Ordinance. Ms. Ecker noted at the last meeting the board asked that the buildings be oriented at the front of an Arterial Street. This means that the side next to residential would be considered a side yard, which would be 20 ft. for MU-3 and 15 ft. for MU-2.

Mr. Baka highlighted the parcel descriptions of the 15 areas the board has identified for re-zoning:

- Oakland between Woodward Ave. and Ferndale

Proposed: ASF-3 from R-2

- N. Old Woodward Ave. between Oakland and Ravine

Proposed: MU-3 from B-2

- Corner of Willits and Chester and W. Maple Rd.

Proposed: ASF-3 and MU-3 from R-2 and O-1

- Brown and Purdy, Purdy and Daines

Proposed: MU-2 and ASF-2 from O-2 and R-3

- Post Office and R-6 parcels, Adams Square

Proposed: ASF, MU-2 and MU-3

- E. Lincoln and Grant

Proposed: MU-2 from B-1

- Woodward and Quarton

Proposed: MU-3 from O-1

- Fourteen Mile east of Woodward Ave.

Proposed: MU-2 from O-1

- Fourteen Mile west of Woodward Ave. to Pierce

Proposed: ASF-2

- Southfield and Fourteen Mile

Proposed: MU-2 and ASF-2 from B-1, O-1 and R-8

- W. Maple Rd. and Cranbrook

Proposed: MU-2 from B-1

- E. Maple Rd. and N. Eton

Proposed: MU-3 from B-1

- Frank and Ann

Proposed: ASF-3 from B-1

Chairman Boyle provided context. This process started when a proposal came in for contract zoning at the site on Oakland between Woodward Ave. and Ferndale. The City decided that contract zoning is inappropriate for the City of Birmingham. Instead, they asked this board to look at transitional border areas as a whole. The goal was to provide an appropriate zoning mechanism in these transitional areas that will help the City to deal with proposals when they come forward from individual developers and not have to challenge spot zoning as it emerges over the years to come. Most importantly, the board wants to preserve the neighborhoods by not allowing the intrusion of inappropriate uses, but keep them on the edges so they would fit with the residential.

The chairman took comments from members of the public at 7:55 p.m.

Mr. Frank Carnovale, Birmingham Architect, questioned how a change in zoning will impact current projects that are in the works. Ms. Ecker replied this matter will go to the City Commission in December at the earliest. If an application comes in after this ordinance is adopted, it would be subject to the new rules. Responding further to Mr. Carnovale, she said that the majority of what is being discussed tonight will allow more flexibility of use and tighter control over form, placement and scale.

Ms. Dorothy Conrad, 2252 Yorkshire, noticed that hardware store is not a permitted use under the proposed MU-3 Adams Square zoning. Chairman Boyle said the overlay allows them to control uses as well as the size of uses. Ms. Ecker explained that uses that are not called out as of right could be allowed with a Special Land Use Permit. Further, Ms. Conrad did not think proper notification was given for this hearing. Ms. Ecker replied that proper notification was given in accordance with State requirements. Staff takes direction from the City Commission with respect to additional notice going out.

Mr. Gary Andres, the owner of S. Adams Square, 725 S. Adams, said with respect to the square footage limitation, his older buildings cannot be divided up into smaller spaces of 4,000 sq. ft. based on their current design. Ms. Ecker advised that any existing use shall be permitted to continue. The building and the uses are grandfathered in. However, a new use must fall under one of the permitted uses. Mr. Williams did not understand why the hardware store use that was formerly there could not be included under MU-3 permitted uses for Adams Square. Mr. Andres explained the overlay idea for his property is very troublesome for him because of the limitation on square footage. He feels the board made the right decision on the allowable number of stories.

It was discussed that allowing “small scale retail” could be changed to “retail.”

Ms. Conrad asked that grocery and drug stores be considered as proper uses in an area such as Adams Square. They are convenient for the nearby residents. Mr. Andres noted that if uses are not listed as permitted, it decreases the opportunity for tenant proposals to be brought forward to the land owner.

Ms. Alice Thimm asked for consideration of a step-down with MU-3 when it is a certain number of feet towards the residential. She agreed with the added uses of hardware, grocery and drug store for MU-3. She asked whether commercial properties that face the side street and abut a single-family home to the side need to follow the residential front setback. Ms. Ecker replied it would not be a corner lot and the setback would be between 0 ft. and 5 ft. from the sidewalk. Ms. Thimm did not think a commercial building out to the sidewalk next to someone's home is proper. Mr. Koseck suggested where interior lots face residential streets the setback should the average of properties within 200 ft.

Ms. Thimm thought the noticing was very inadequate. She agrees with most aspects of the overlay, but believes it should only move forward if an additional, more sensitive level of MU is established. Further, the O-2 Zone currently has a 20 ft. rear setback. However, the overlay proposal for MU-2 states a 15 ft. rear setback, and it brings the development that much closer to someone's home.

Mr. Andres observed that many uses appropriate for a residential area, such as restaurants, have been eliminated and so he is not in favor of the overlay.

Mr. Brad Host, 416 Park, said that he does not agree with the types of uses permitted in ASF-3, such as school, daycare center, and government office. Mr. Williams did not think uses that are already permitted should be taken away. Chairman Boyle said it would be dangerous to start defining uses for individual plots because the board would be back to square one.

Mr. Williams noted where there is an existing usage on a site, the question going forward of whether to deny a use that has been in existence strikes him as a legal issue. To take a use that historically has not been permitted and add it to the list may be objectionable but isn't a legal issue. He doesn't think that adding a Special Land Use Permit ("SLUP") as a way to address the first issue answers the legal aspect.

Mr. Host hoped ASF-3 side and rear setbacks would go to 15 ft.

Ms. Conrad observed that the parcel on E. Maple Rd. and N. Eton was zoned MU-3 without study at the request of the owner. She commented that site has not had any improvements for 50 years. There are a number of things that could be done to make it more desirable for people to rent.

Mr. Charles DiMaggio with Burton-Katzman had sent a letter and he noted they have an interest in the property at 404 Park. In the ASF-3 District the definition of an attached

single-family unit requires that the units be divided vertically. However, they believe there is a demand for units to be on one floor horizontally and he asked the board to take a look at that. The form and setbacks are the same and it provides more flexibility on the smaller lots. This design will become more and more important as older people want to move close to Downtown and not climb stairs.

Mr. Clein felt there are some things that need flushing out before he would feel comfortable moving forward.

Ms. Whipple-Boyce noted potential problems:

- Reduced side and rear setbacks compared to what is existing;
- Whether to remove existing uses that are not permitted in Adams Square and at Lincoln and Grant;
- Perhaps Adams Square needs its own classification based on the square footage of the existing spaces. The same thing with the Quarton site. Mr. Williams noticed that on the Quarton site the house on Redding that is immediately adjacent seems to be partially in the Transition Area. Ms. Ecker advised the zoning splits that lot;
- ASF-2 seems inappropriate for Fourteen Mile because of the zero front setback.

Mr. Koseck's suggestions:

- Square off Adams and Bowers and include the apartment building that is zoned R-6;
- At E. Maple Rd. and N. Eton three stories is totally out of place;
- The City should not dictate how residential units are laid out – allow for creativity;
- The setbacks are wrong in ASF-2 and ASF-3. They should be 20 ft. at a minimum and he also was concerned about the 5 ft. setback from the street;
- Other than that the Overlay is perfect and allows for flexibility.

Ms. Lazar concurred with Mr. DiMaggio that there is increased demand for one-floor living.

Mr. DeWeese's suggestions:

- Consider setbacks to be one-half the height of the building, or other options;
- Where the underlying zoning is R-1 through R-3, allow a choice whether or not to build in the overlay;
- Provide a three-month period after the ordinance is adopted for people to submit plans under the previous zoning;
- End this public hearing and have a study session before scheduling another public hearing. Receive noticing directions from the City Commission.

The consensus was to terminate this hearing, revisit several items in a study session, and then present the package to the public in a public hearing.

The chairman closed the public hearing at 9:45 p.m. and board members took a short recess.

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, NOVEMBER 13, 2013
City Commission Room

151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held November 13, 2013. Chairman Robin Boyle convened the meeting at 6:32 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Student Representative Arshon Afrakhteh

Absent: Board Member Gillian Lazar

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

11-192-13

STUDY SESSION
Transitional Zoning

Mr. Baka recalled the Planning Board has held several study sessions over the past several months in order to refine the maps identifying potential transition areas and the overlay ordinance language that could be applied to those areas. The studies have resulted in four transition overlay zoning classifications. Depending on the conditions present at each site, the overlay zones have been applied based on what is considered to be the appropriate height, bulk and use standards. Maps for each area prepared by LSL Planning have been discussed in detail at several study sessions. At the public hearing on October 9, 2013 issues were raised that the Planning Board determined required further review:

- Revisit the list of proposed permitted uses to determine if additional uses should be added. Some uses which were cited at the public hearing have been added to the draft ordinance - bookstore, drugstore, drycleaner, food and drink establishment, grocery store, hardware store.

It was concluded that the following permitted uses under 3.19 will need definitions: artisan use, boutique, essential services, parking, social club, indoor recreational facility, pharmacy, specialty food store.

Under 3.18 Applicability A (3) add the words "to the maximum extent practical."

- Permit the construction of single-family homes in ASF Zones that were previously zoned for such.

Language has been added to allow SF homes in those areas.

- Allow setbacks greater than 5 ft. in the ASF Zones. The board may wish to consider this provision to be contingent on Planning Board approval. 5 ft. minimum setback has been provided.

Under 3.20 Height and Placement Requirements (A) ASF-2 District Development Standards, should have read "0 to 5 ft. minimum front yard setback." However it was decided to give flexibility in the front yard, but protect the back and sides.

- Provide ordinance language that ensures developments that take place on corner parcels will be oriented toward the dominant street on that corner. Language has been added to the draft ordinance that incorporates the street hierarchy.

That language was clear.

- Interior parcels on residential streets should have a front setback equal to the homes on that street. That language has been added to the draft ordinance.

It was agreed that the side yard setbacks directly adjacent to residential should be considered in addition to the front yard issue on interior lots.

Make the Christian Science church at the corner of Maple Rd. and Southfield Rd. ASF-3.

- ASF Zones should permit multi-family developments provided that they meet setbacks and development standards set forth for that zone.

That was agreed and language has been incorporated into the draft ordinance.

- The rear setback for MU-2 was increased from 15 ft. to 20 ft. Rear setback has been increased to 20 ft.

Board members agreed.

- What should the maximum size limit be for commercial uses.

If the space is existing, but the use is changing, then it is grandfathered in on parcels up to a certain amount of sq. ft. For those that are larger, like Adams Square, it is different. Adams Square should have its own zone.

- Should additional O-1 and O-2 properties be included? Such parcels not currently under consideration follow along with the decisions that were made:
    - O-1 parcel on Southfield Rd. at Martin - in.
    - O-1 parcel on E. Lincoln @ Woodward Ave.- in.
    - O-1 parcel @ 2100 E. Maple Rd.- out.
    - O-2 parcels north of Ravine on N. Old Woodward Ave.- out.
    - O-2 parcels on Brown west of Pierce - in.

The chairman summed up what has been done up to this time. A public hearing was held and the board realized there were a number of issues and definitions that needed work. Those have been brought back to this board and decisions have been made. They will be included for the next public hearing.

Members of the public were invited to speak at 10:06 p.m.

Mr. Jim Partridge, owner of several parcels on Adams Rd. south of the shopping center, agreed that the shopping center should not be in the discussion. There is opportunity to look at the three or six small parcels on the east side of Adams Rd. as part of the entry into the City. He doesn't see them ever being developed, except as one as long as it is not shrunk back from the residential property line so much that it can't get the return on the rent.

Ms. Alice Thimm did not think the previous speaker understands that he shouldn't be concerned. In response to her several inquiries, the chairman said the board has worked through and now is asking staff to go back and clarify definitions, uses, setbacks, heights, use of previous ordinances, etc. This will ensure a more complete package will be brought to the public and the board at the next public hearing.

Mr. Jim Partridge asked if it would be possible to start these discussions early in the meeting so more people would participate. Chairman Boyle said the next time this topic is on the agenda it will be a continuing study session with the expectation that the public hearing will be set at the end of deliberations.

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, FEBRUARY 26, 2014
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held February 26, 2014. Chairman Robin Boyle convened the meeting at 7:30 p.m.

Present: Chairman Robin Boyle; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representatives Shelby Wilson and Jack Moore (arrived 7:45pm)

Absent: Board Member Scott Clein

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

02-27-14

PUBLIC HEARING
Transitional Overlay Districts

At 7:40 p.m. Chairman Boyle formally opened the public hearing to review the Zoning Transition Overlay ordinance amendments and the proposed property rezoning. He went on to note that the neighborhoods are fundamental to the future of this city and the Planning Board feels responsible for ensuring they are maintained and continue to be the core of the city. At the same time the board is pursuing the opportunity to identify new neighborhood scaled activities at the fringes of the neighborhoods that will improve the quality of life and make the city an even better place to live. It has taken 18 months of meetings to get to this point, and tonight the board will receive public comment on how to deal with these transition areas.

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, TZ-2 – 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 transitional parcels that are adjacent to residential zones throughout the City.

Mr. Baka recalled the Planning Board has held a number of study sessions in order to develop the Zoning Transition Overlay. 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 Planning Board has selected fifteen (15) locations throughout the City where these zones are proposed to be implemented.

The chairman noted this has been an evolutionary process. The standards have developed from the rules, regulations, ordinances and practices that have been applied for a long time in other areas of the City.

Mr. Baka went on to show a Powerpoint presentation that summarized the content of the proposed changes and explained what uses were added or taken away in order to strengthen the neighborhoods. In addition, senior uses might be included in some of the areas. Mr. Baka reviewed the following properties being considered for rezoning:

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 O-1 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 O-1- 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.

i) **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 B1-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 B1-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 B-1-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, B-2B-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. Williams directed attention to minimum lot areas which are specified in TZ-1 and TZ-2 at 1,000 and 1,280 sq. ft. He is quite certain that 1,000 sq. ft. is too low and it needs to be further expanded beyond that number. In his mind it will permit too many units within a very small parcel. Mr. Koseck wanted to make sure that an ordinance is not created that will not allow downsizing for people who want to continue living in town but are looking for smaller units. The more the minimum lot area is increased, the bigger the units will become as developers seek to maximize their return on investment.

Mr. DeWeese pointed out that under the proposed changes if an area is currently defined as Single-Family Residential and it is getting changed with the Overlay, a person can build either to the Overlay or stay with Single-Family Residential.

Chairman Boyle invited comments from the public at 8:43 p.m.

Mr. Benjamin Gill, 520 Park St., wondered why the whole neighborhood zoning is being changed for one particular parcel.

Mr. Jim Partridge, 925 S. Adams, talked about the transitional area from the shopping center south. He advised that the Michigan Uniform Energy Code precludes clear glass. A shading coefficient of .4 is mandated. He showed why the parcels on Adams cannot be developed and it was suggested that he submit his drawings and comments in writing to the Planning Dept.

Mr. Dan Wingard, 389 N. Old Woodward Ave., representing Brookside Townhomes, was present to address the TZ-3 zoning at 185 Oakland down to Ravine. He asked they be part of an MU-5 Transitional Overlay. Mr. DeWeese told him that request should be formally sent to the Planning Dept. so they can figure out an appropriate use.

Mr. Brad Host, 416 Park, pointed out that minimum lot area per unit has nothing to do with square footage of a unit. It has everything to do with density. Further, he was not happy with family day care home being permitted in all residential zones.

Ms. Kristin Irkin, 1896 Pierce, wondered what can be done because there has been an increase in cars and parking along her street. Ms. Ecker advised that she, along with her neighbors, can submit a Permit Parking Request to the Police Dept. It is not something that this board considers.

Mr. Harvey Zalzin, 564 Purdy, said he disagrees with some of the proposals, specifically Southfield Rd. and Fourteen Mile Rd.; the Mills Pharmacy area; Eton and Fourteen Mile Rd. Creating larger buildings there takes away the quaintness of Birmingham.

Mr. Paul Prayer, 543 Henrietta, talked about 115, 123, and 195 Brown which is proposed to go to TZ-3 and why it isn't going to TZ-1. Everything else on the other side of Pierce going west is zoned R-8. The area on Henrietta north of Brown on the west side is also R-8. Ms. Ecker replied one of the factors the board looked at was that there are already commercial uses there.

Mr. Michael Shuck, 247 Oakland, who also owns 267 Oakland, said he is concerned about the density of what is being built on the corner of Woodward Ave. and Oakland. He is not really concerned with maybe three units there, but under this plan seven units are possible and to him that is way too much.

Mr. Vince Rangle, 5750 New King St., spoke on behalf of Cranbrook Auto Care. They are in agreement with the Overlay District and are happy to see it coming.

Mr. Michael Poris, 527 Graeton, said it is odd to him to restrict lot size because it makes it hard for someone to come along and develop it and make it work. In which case, nothing will happen. To him lot size is market driven. He was advised by board members that townhouses can be built either vertically or horizontally. Chairman Boyle

added that just responding to the market is not necessarily what the neighborhood wants. So the board is trying to find some common ground in these areas. Mr. Koseck commented that the decisions made here will last for years and years to come.

Mr. Fred Sherlow, owner of the small medical building at 775 E. Fourteen Mile Rd., had a concern that if something happens to his building and he has to rebuild with a 10 ft. offset it would pretty much destroy it. He wondered if he could build back on the existing footprint. Mr. Baka responded if it is more than 75% destroyed then he would have to build to the current standards. Mr. Sherlow questioned what has changed in the neighborhood that he is in from 25 years ago until today.

Ms. Dorothy Conrad, 2252 Yorkshire, had questions about the rules and regulations governing TZ-3 and TZ-4. The way this is written, non-residential uses are required to be 3,000 sq. ft. or less in TZ-3 and 4,000 sq. ft. or less in TZ-4. She believes that to clarify it should say "per use." Secondly, she believes there should not be an exception allowed to the rules and regulations that improve what a place should look like, such as the requirement for a buffer or green space in a parking lot. Make the building smaller and leave the green space in.

Ms. Whitney Shaplin, representing the church at 191 E. Chester, advised the church is currently in use.

Mr. Aaron Fisk represented Consumers Energy on the proposed TZ-4 Overlay Zoning. The change would require them to obtain a Special Land Use Permit ("SLUP") for any improvements. To them the change would be excessively burdensome. He requested the City keep the Essential Service exemption in the new zoning overlay. Consumers Energy does not want a natural gas facility building up near the road. Ms. Ecker responded that she sent Mr. Fisk's letter to the city attorney and he has ruled that the City has the authority to make this a SLUP if desired.

Mr. Robert DeWitt, 1890 Southfield Rd., DeWitt Salon, said his concern regarding the proposal is the mention of restrictions regarding business hours. They have always had flexible hours for their clients and it is important for them to be able to continue this service for their clients as needed. He asked the board to allow them to continue to extend flexible business hours to their clients. It was determined that as an existing business he would be allowed to continue in his current operation.

Ms. Alice Thimm asked the board to reconsider the following:

- To permit evergreens in lieu of a wall;
- The option to eliminate plantings along a screenwall in order to meet parking requirements;
- To allow an additional 10 ft. of building height for towers, peaks, or building accents;
- There is no justification to permit commercial uses in an Office Zone where they have never been. Only businesses of the lowest intensity should be allowed to share a property line with someone's home.

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; Board Member Gillian Lazar

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

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

Permitted uses
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. in TZ-1 and one unit per 1,280 sq. ft. 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 and too small. 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") needs 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.

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 9, 2014
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held April 9, 2014. Chairman Robin Boyle convened the meeting at 7:31 p.m.

Present: Chairman Robin Boyle; Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Shelby Wilson

Absent: Board Member Scott Clein; Student Representative Jack Moore

Administration: Timothy Currier, City Attorney
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

04-49-14

PUBLIC HEARING
Zoning Transition Overlay

The chairman re-opened the public hearing at 8:12 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) **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.

c) **400 W. Maple Birmingham, MI**
Rezoning from O1 Office to TZ-4 Mixed-Use to allow Commercial and Residential uses.
d) **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.
e) **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.
f) **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.
g) **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.
h) **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.
i) **36801, 36823 & 36877 Woodward, Birmingham MI**
Rezoning from O-1- Office & P-Parking to TZ-4 - Mixed-Use to allow Commercial and Residential uses.
j) **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.
k) **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.
l) **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.
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Rezoning from B-1-Neighborhood Business, P-Parking, O-1-Office to TZ-3 - Mixed-Use to allow Commercial and Residential uses.
n) **2483 W. Maple Rd. Birmingham MI**
Rezoning from B1-Neighborhood Business to TZ-3 - Mixed Use to allow Commercial and Residential uses
o) **151 N. Eton, Birmingham MI**
Rezoning from B-1 Neighborhood Business to TZ-3 - Mixed-Use to allow Commercial and Residential uses.
p) **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.

Chairman Boyle 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.

Mr. Williams thought it is important that the minutes of the joint meeting with the City Commission where this topic was discussed be made available.

Ms. Ecker recalled at the March 12, 2014 study session the Planning Board directed staff to present the Board with additional information regarding the impact of various minimum lot area per unit ("MLA") standards. The discussion at the last study session centered on the appropriateness of the 3,000 sq. ft. MLA. Accordingly, the Planning Department is providing an analysis of the density that would result from the 3,000 sq. ft. standard as compared to 2,500 sq. ft. in the TZ-2 zone. Currently only the parcels along Purdy are recommended for TZ-1. For this area staff has provided three comparison MLAs, 1,500, 2,500, and 3,000 sq. ft. The greater square footage reduces the number of units allowable.

The board considered each of the TZ-1 and TZ-2 transitional properties. Mr. Williams and Mr. DeWeese thought the Ring Road sites ought to be consistent at 3,000 sq. ft.

Board members concluded the following:

Park and Oakland Site
East - approximately 24,500 sq. ft. - MLA 3,000 sq. ft. allows 8 units
West - approximately 37,500 sq. ft. - MLA 3,000 sq. ft. allows 12 units
Parcel at 404 Park - approximately 12,500 sq. ft.- MLA 3,000 sq. ft. allows 4 units

First Church of Christ Scientist
approximately 17,000 sq. ft. - MLA 3,000 sq. ft. allows 5 units

West side of Purdy south of Brown, two most southern parcels (TZ-1)
approximately 17,000 sq. ft. - MLA 3,000 sq. ft. allows 5 units

Post Office Site
approximately 124,000 sq. ft.- MLA 3,000 sq. ft. allows 41 units

Frank St. at Ann
approximately 15,000 sq. ft. - MLA 3,000 sq. ft. allows 5 units

The board discussed TZ-1 and TZ-2. The setbacks are the same but the difference is 2 stories at 30 ft. for TZ-1, and 3 stories at 35 ft. for TZ-2.

Discussion on the Land Use Matrix corrected the use to "bank/credit union" under Commercial Uses. Any parking structure should be a Special Land Use. Under Recreational Uses "Recreation Club" is eliminated. "Dwelling - one family" should be added under Residential Uses. Also, under Residential Uses live/work unit is not suitable for TZ-1 or TZ-2.

Under C in the Land Use Matrix, insert "each" in front of "use" in numbers 1 and 2.

In the Parking section Number 5 should read: "Each use shall provide the parking required by the off-street parking space requirements in the underlying district except as provided for in this Section."

In Commercial/Mixed-Use Architectural Requirements, Section F Corner Buildings, the first sentence should read: "Buildings situated at a corner shall possess a level of architectural design that incorporates accents and details that accentuate its prominent location." Delete the remainder of that sentence.

Under Definitions, change "Specialty food store" to "Specialty food shop." Parking - off-street should read "an area used for the parking of motor vehicles not located in the public right-of-way."

Chairman Boyle took comments from the public at 9 p.m.

Mr. Norman Fell who lives on Pierce read into the record a letter from Paul Reagan, President of the Central Business Residents Assoc. ("CBRA"). The preservation of residential property values is the primary concern of the CBRA. Mr. Reagan urged the Planning Board to return to its earlier N proposal regarding uses where commercial property is adjacent to residential. The CBRA is deeply concerned about the proposed rezoning of single-family homes into multi-family properties for property value preservation reasons. He asked the Planning Board to consider the City Commission's charge to lessen the intensity of use on commercial properties adjacent to residential.

On a personal note, Mr. Fell urged the board in some cases not to bootstrap spot zoning that occurred on an adjacent use. In other words, unspot zone.

Ms. Linda Ulray, 663 Purdy, said she finds the proposals before the board are definitely unfriendly to single-family homeowners in the community that are affected by this zoning. It leaves only two homes on Purdy north of Frank that are zoned Single-Family. They will be surrounded now by either existing multi-family homes or the potential for more multi-family residences. Therefore, she asked the board not to eliminate the two remaining homes on Purdy from the proposal. Perhaps extend the transitional zoning designation option for those two homes near Frank Street to be some day transitioned into multi-family instead of leaving them stranded.

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 supersedes 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.

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. Also, 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.

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

04-60-14

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.

I) **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

BIRMINGHAM CITY COMMISSION MINUTES
JUNE 9, 2014
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Scott D. Moore, Mayor, called the meeting to order at 7:30 PM.

II. ROLL CALL

ROLL CALL: Present, Mayor Moore
Commissioner Dilgard
Commissioner Hoff
Commissioner McDaniel
Commissioner Nickita
Commissioner Rinschler
Mayor Pro Tem Sherman (arrived at 7:36 PM)
Absent, None

Administration: Interim City Manager Valentine, City Attorney Currier, City Clerk Pierce, DPS Director Wood, Finance Director Ostin, City Planners Ecker & Baka, Police Chief Studt, City Engineer O'Meara

III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.

06-126-14 CHANGE TO THE AGENDA REGARDING THE PUBLIC HEARING TO CONSIDER ZONING ORDINANCE AMENDMENT RE: TRANSITIONAL ZONING

Mayor Moore discussed noticing regarding the transitional zoning public hearing. He stated that was proposed as an overlay on the existing zoning, however it is a rezoning. He noted that the City has complied with all noticing requirements except for the sign boards required for a rezoning. He suggested that this item be posted until such time as the proper notification can be done.

MOTION: Motion by Rinschler, seconded by Dilgard:
To change the agenda to eliminate New Business Item B regarding the Public Hearing to consider amendments to the zoning ordinance regarding transitional zoning.

The following individuals commented on the change to the agenda:
Anne Stallkamp, 333 Ferndale
Benjamin Gill, 520 Park
Carroll DeWeese, 932 Purdy
Paul Reagan, President of Central Birmingham Neighborhood Association
Jim Partridge, 925 S Adams

VOTE: Yeas, 7
Nays, None
Absent, None

Absent, None
Abstentions, None

06-132-14 PUBLIC COMMENT REGARDING TRANSITIONAL ZONING

Leo Hagen of Rochester, MN, explained his background as a resident of Birmingham. He encouraged the Commission to preserve the history of the City and plan for the future. He commented that this is a residential community, not a business community.

06-133-14 WINDOW CLEANING SERVICES AGREEMENT

Commissioner Hoff noted that the resolution should indicate the agreement is for four-years. Interim City Manager Valentine confirmed for Commissioner Hoff that if the City wanted to add another building, a discussion could be held with the contractor.

MOTION: Motion by Hoff, seconded by McDaniel:
To approve the four-year agreement with Saber Window Cleaning DBA Transparent Window Cleaning in the amount not to exceed $41,160.00 ($10,290.00 per year) to perform window cleaning services to the City of Birmingham Facilities and charge these services to the respective department accounts; and further authorizing the mayor to sign the agreement on behalf of the City.

VOTE: Yeas, 7
Nays, None
Absent, None

06-134-14 SET PUBLIC HEARING – ZONING ORDINANCE AMENDMENT REGARDING MEDICAL MARIJUANA

Commissioner Rinschler expressed concern with the public hearing to be held in July as there has not been much publicity on the matter. He suggested either publicizing this item or delay it until there is more interest.

Commissioner McDaniel commented that the definition of the business should be clarified and the proposed district should be further reviewed.

City Attorney Currier explained that this is prohibited in the zoning ordinance, however it is permitted under State law. He explained proposed legislation.

Commissioner Nickita commented that additional information is needed such as whether there is a size requirement of the area and what is the justification to allow this in the rail district.

The Commission agreed to direct administration to return with a new date for the hearing and more specific information.

06-135-14 LIQUOR LICENSE REQUEST TEA PARLOR, INC

Dorothy Conrad expressed concern that this item was in the consent agenda.

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, OCTOBER 8, 2014
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held October 8, 2014. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams (left at 7:35 p.m.); Student Representative Jack Moore (left at 9:45 p.m.)

Absent: Robin Boyle, Student Representative Shelby Wilson

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

STUDY SESSION
Transitional Zoning Update

Chairman Clein advised it was brought to the attention of the City Commission and the city attorney that there were concerns over the nature of noticing related to an overlay versus a strict rezoning. That is why the City Commission has asked the Planning Board to take a look and determine the next steps.

Mr. Baka explained the key with an overlay is that it is optional. A rezoning is not optional. The draft ordinance language was reviewed and the Applicability section was modified to make it optional, so it is a true overlay. It was brought out that now there is not much incentive for a developer to choose the overlay because the perks aren't so good.

Ms. Whipple-Boyce hoped this document would be mandatory rather than optional. Chairman Clein suggested if they start out optional the board might want to consider going through the parcels to see if they have the right perks from that perspective. Consensus was that single-family residential can always be done, no matter the zoning.

Ms. Ecker said the document will be reformatted and brought back to the Planning Board in a month; then the board will look at it and eventually set a public hearing. Following that there will be another public hearing at the City Commission. Board members agreed to make Transitional Zoning mandatory.

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, FEBRUARY 25, 2015
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on February 25, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Carroll DeWeese, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Stuart Jeffares; Student Representatives Scott Casperson, Andrea Laverty

Absent: Board Members Robin Boyle, Gillian Lazar; Alternate Board Member Daniel Share

Administration: Matthew Baka, Senior Planner
Jana Ecker, Planning Director
Shalaka Puranik, Assisstant City Planner
Carole Salutes, Recording Secretary

02-36-15

STUDY SESSION
Transitional Zoning

Mr. Baka recalled that the Planning Board has held several study sessions over the past several years in order to develop the Zoning Transition Overlay ("ZTO") that could be applied to areas that abut single-family residential zones and are adjacent to commercial zones and/or located on major thoroughfares. The goal of these study sessions was to identify and revise the zoning classifications of these properties to provide a transition or buffer to the single-family neighborhoods. The Planning Board selected fourteen (14) locations throughout the City where these zones are proposed to be implemented. On some existing residential parcels this is proposed to be accomplished through attached single-family or multi-family housing. On commercial parcels, it is proposed to be accomplished through a mixed-use zone that permits residential and commercial uses that are considered to be compatible with single-family residential neighborhoods by allowing small scale businesses that would be likely to serve the immediate vicinity.

The City Manager had directed staff to review the draft ordinance, language, and recommend changes based on any concerns. The draft ordinance language was reviewed and several changes were suggested by the Building and Engineering Departments as well as the City Attorney.

Current Changes
On October 8, 2014 the Planning Board reviewed the suggested changes. The Board instructed staff to revise the proposal to make it a rezoning that would create three new zoning classifications that mirror the criteria and development standards outlined in the ZTO. Accordingly, the Planning Dept. is providing draft ordinance language for three new zoning classifications, TZ-1, TZ-2, and TZ-3. These new zones are a direct translation of the standards drafted for the ZTO.

If the Planning Board is satisfied with the concepts presented for TZ-1, TZ-2, and TZ-3, then the Planning Department suggests further examination of the suggested placement of the ZTO provisions into the appropriate locations in the Zoning Ordinance, consideration for which existing ordinance section should apply to the TZ zones and which set of single-family standards should apply.

Mr. Williams observed there is not that much difference between what takes place along Woodward Ave. between Lincoln and Fourteen Mile Rd. and some of these other parcels in terms of impact on the neighborhood. Therefore, he views this as a piecemeal effort because they are not dealing with other similarly situated commercial areas which impact immediately adjacent residential. Some of the issues are common to all. He would rather see the Board spend time looking at Master Plan revisions for all areas of the City other than those that have been dealt with in the Downtown, Triangle, and Rail District Plans.

Mr. DeWeese advised treating this as a rezoning and getting it as clean as possible so that it can go back to the City Commission for them to take action. Meanwhile, the Board can tackle Woodward Ave., which is even more complicated.

Chairman Clein thought the Master Plan, as old as it is, begs to be updated. Further, he feels it is Birmingham's responsibility as a community to jump in ahead of any M-DOT related Master Plan for Woodward Ave. It is imperative to do this soon rather than waiting for that plan. Ms. Whipple-Boyce agreed, but thought the board still has to go through this exercise to solve some of the other problems.

Mr. Koseck said that to move forward the board has to really understand the issues, find what is reasonable, and pass it on to the City Commission.

Ms. Ecker stated that updating the Master Plan would not change the whole issue of transitional zoning properties a whole lot because the Master Plan is general in nature. Mr. Williams did not think the Board should limit itself to considering 14 parcels, but rather include everything that has fundamentally similar issues, such as all of Woodward Ave., Adams Sq., Quarton and Woodward, Woodward and Southfield. Mr. Jeffares was in favor of the Board doing what it can now. Mr. DeWeese added if they cannot get rezoning for the 14 properties because of strong objections raised by concerned residents, they cannot do it with the similar properties.

Ms. Whipple-Boyce thought there may be something to taking the first 14 parcels and trying to get somewhere with them, but only with the understanding that the Board will bring back all of the other properties. It was discussed that quite often the public is against a rezoning only because they have gotten the wrong impression about what to expect.

Chairman Clein summarized that there is a fundamental discussion to be had about use, about what parcels are included or excluded and whether anything is done with that. Does the board stick with the 14 properties or make a larger scale effort. He noted if they do nothing more with any additional parcels, staff has a clear path of work. Mr. Williams suggested affirmatively seeking out residents from the affected neighborhoods who they know will object and bringing them in from the start. Misinformation can be fed if they are not part of the process. Tell people what they have now and then identify what could happen under that same zoning. Mr. DeWeese added that the whole intent of the rezoning is to provide some barriers and transition.

Chairman Clein took comments to the public at 8:28 p.m.

Mr. Chuck DiMaggio from Burton Katzman, owners of the property at 404 Park St., said all they want to do is build four units there. Transitional Zoning TZ-1 would allow four units and that is what they would like. He encouraged the Board to move through the process so that at some point they can go forward with construction.

Board members discussed looking at a few parcels at a time in neighboring areas, thus dividing proposed transitional zoning into blocks. Ms. Ecker stated staff will reformat some of the language and next time the Board can work through the new layout and decide whether to divide the properties up into sections.

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 8, 2015
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 8, 2015. Vice Chairperson Gillian Lazar convened the meeting at 7:30 p.m.

Present: Vice-Chairperson Gillian Lazar; Board Members Carroll DeWeese, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Daniel Share (left at 8:45 p.m.)

Absent: Chairman Scott Clein; Board Member Robin Boyle; Alternate Board Member Stuart Jeffares; Student Representatives Scott Casperson, Andrea Laverty

Administration: Matthew Baka, Sr. Planner
Timothy Currier, City Attorney
Jana Ecker, Planning Director
Shalaka Puranik, Assistant City Planner
Carole Salutes, Recording Secretary

04-70-15

STUDY SESSION
Transitional Zoning

Mr. Share recused himself from this study session because of a conflict of interest. One of his clients has property in one of the zones.

Mr. Baka recalled that the Planning Board has held several study sessions over the past several years in order to develop the Zoning Transition Overlay ("ZTO") that could be applied to areas that abut single-family residential zones and are adjacent to commercial zones and/or located on major thoroughfares. The goal of these study sessions was to identify and revise the zoning classifications of these properties to provide a transition or buffer to the single-family neighborhoods. The Planning Board selected fourteen (14) locations throughout the City where these zones are proposed to be implemented.

The city manager has directed staff to review the ordinance and recommend changes based on any concerns they might have. The draft ordinance language was reviewed and several changes were suggested by the Building and Engineering Departments as well as the city attorney.

Article 04

In addition to the regulations provided in Article 02 of the Zoning Ordinance, the Planning Dept. identified many additional development standards contained in the draft of the ZTO that would generally be found in Article 04, Development Standards. The Planning Dept. is now providing draft ordinance language for those development standards in a format that would allow for integration into Article 04 of the Zoning Ordinance. Also, sections of the ZTO have been identified that could be eliminated and covered by existing sections of Article 04 as indicated.

Article 05
The creation of the new zoning classifications would also require additions to Article 05, Use Specific Standards, for any permitted uses allowed in the TZ Zones. The only thing that would have to be included are restrictions on hours of operation.

Single-family dwellings in Transition Zones
Under the heading “Residential Permitted Uses” of each two-page layout where “dwelling – one-family” is listed as a permitted use, the set of development standards that apply are shown in parentheses. As discussed at the last study session, the standards that have been applied are R-3, which is consistent with the rest of the Zoning Ordinance.

Mr. Williams' feeling was to go forward and address the 14 parcels as a rezoning. However, it ought to be decided by the City Commission. Mr. DeWeese agreed. Schedule a public hearing, send it to the City Commission as a rezoning, and let them decide.

There were no comments from the public at 8:50 p.m.

Mr. Baka went through points that were not translated from the Overlay into the new zoning classifications because they are already covered in the ordinance.

Motion by Mr. DeWeese
Seconded by Mr. Williams to schedule a public hearing for May 27.

Mr. Chuck DiMaggio with Burton Katzman, the owners of 404 Park St., gave permission to put a notification of rezoning sign on their property.

Motion carried, 5-0.

VOICE VOTE
Yeas: DeWeese, Williams, Koseck, Lazar, Whipple-Boyce
Nays: None
Absent: Boyle, Clein, Share

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MAY 27, 2015
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on May 27, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams (left at 11:30); Alternate Board Member Stuart Jeffares

Absent: Board Member Robin Boyle, Alternate Board Member Daniel Share; Student Representatives Scott Casperson, Andrea Laverty

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

05-87-15

APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING HELD MAY 13, 2015

Ms. Whipple-Boyce asked that approval of the minutes be postponed so that more of her comments could be included regarding why she does not feel medical marijuana facilities are appropriate in the MX District.

05-99-15

CHAIRPERSON'S COMMENTS (none)

05-100-15

APPROVAL OF THE AGENDA (no change to the posted agenda)

05-101-15

PUBLIC HEARING

1. An ordinance to amend Chapter 126, Zoning, of the Birmingham City Code as follows:

TO ADD **ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.41, TZ1 (TRANSITION ZONE) DISTRICT** TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;

TO ADD **ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.42, TZ1 (TRANSITION ZONE) DISTRICT** TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
TO ADD **ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT** TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
TO ADD **ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, TZ2 (TRANSITION ZONE) DISTRICT** TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
TO ADD **ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT** TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
TO ADD **ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.46, TZ3 (TRANSITION ZONE) DISTRICT** TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
TO ADD **ARTICLE 4, SECTION 4.53, PARKING STANDARDS, PK-09**, TO CREATE PARKING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
TO ADD **ARTICLE 4, SECTION 4.58, SCREENING STANDARDS, SC-06**, TO CREATE SCREENING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
TO ADD **ARTICLE 4, SECTION 4.62, SETBACK STANDARDS, SB-05**, TO CREATE SETBACK STANDARDS FOR TZ1 ZONE DISTRICTS;
TO ADD **ARTICLE 4, SECTION 4.63, SETBACK STANDARDS, SB-06**, TO CREATE SETBACK STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
TO ADD **ARTICLE 4, SECTION 4.69, STREETSCAPE STANDARDS, ST-01**, TO CREATE STREETSCAPE STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
TO ADD **ARTICLE 4, SECTION 4.77, STRUCTURE STANDARDS, SS – 09**, TO CREATE STRUCTURE STANDARDS FOR THE TZ1 ZONE DISTRICT;
TO ADD **ARTICLE 4, SECTION 4.78, STRUCTURE STANDARDS, SS – 10**, TO CREATE STRUCTURE STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
TO ADD **ARTICLE 5, SECTION 5.14, TRANSITION ZONE 1**, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ1 ZONE DISTRICT;
TO ADD **ARTICLE 5, SECTION 5.15, TRANSITION ZONES 2 AND 3**, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ2 AND TZ3 ZONE DISTRICTS;
AND
TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM, **ARTICLE 4, ALL SECTIONS NOTED BELOW,**
TO APPLY EACH SECTION TO THE NEWLY CREATED TZ1, TZ2 AND/OR TZ3 ZONE DISTRICTS AS INDICATED:
Ordinance Section Name Section Number Applicable Zone to be Added Accessory Structures
Standards (AS)
4.2
4.3
4.4
TZ1, TZ2, TZ3
TZ1
TZ1, TZ2, TZ3
Essential Services Standards (ES)

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4.09 TZ1, TZ2, TZ3
Fence Standards (FN) **4.10**
4.11
TZ1, TZ2, TZ3
TZ1
Floodplain Standards (FP) **4.13** TZ1, TZ2, TZ3
Height Standards (HT) **4.16**
4.18
TZ1, TZ2, TZ3
TZ1, TZ2, TZ3
Landscaping Standards (LA)
4.20 TZ1, TZ2, TZ3
Lighting Standards (LT) **4.21**
4.22
TZ1, TZ2, TZ3
TZ1, TZ2, TZ3
Loading Standards (LD) **4.24** TZ1, TZ2, TZ3
Open Space Standards **4.30** TZ1, TZ2, TZ3 (OS)
Outdoor Dining Standards
(OD)
4.44 TZ2, TZ3
Parking Standards (PK) **4.45**
4.46
4.47
TZ1, TZ2, TZ3
TZ1, TZ2, TZ3
TZ1, TZ2, TZ3
Screening Standards (SC) **4.53** TZ1, TZ2, TZ3
Setback Standards (SB) **4.58** TZ1, TZ2, TZ3
Structure Standards (SS) **4.69** TZ1, TZ2, TZ3
Temporary Use Standards
(TU)
4.77 TZ1, TZ2, TZ3
Utility Standards (UT) **4.81** TZ2, TZ3
Vision Clearance Standards
(VC)
4.82 TZ1, TZ2, TZ3
Window Standards (WN) **4.83** TZ2, TZ3
AND
TO AMEND **ARTICLE 9, DEFINITIONS, SECTION 9.02** TO ADD DEFINITIONS FOR BOUTIQUE, PARKING, 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:

300 Ferndale, 233, 247, 267 & 287 Oakland, 416 & 424 Park, Parcel # 1925451021, Birmingham, MI.

Rezoning from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow attached Single-Family and Multi-Family Residential which are compatible with adjacent Single-Family Residential uses.

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191 N. Chester Rd. Birmingham, MI.
Rezoning from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow Attached Single-Family and Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.
400 W. Maple Birmingham, MI. - O1 Office to TZ3 Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
564, 588, Purdy, 115, 123, 195 W. Brown, 122, 178 E. Brown Birmingham, MI.
Rezoning from O2 Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
1221 Bowers & 1225 Bowers Birmingham, MI.
Rezoning from O1- Office/ P - Parking to TZ1 - Attached Single-Family to allow Attached Single-Family, Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.
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 O2 Office to TZ2 - Mixed-Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
500, 522 & 576 E. Lincoln; 1148 & 1160 Grant; 1193 Floyd; Parcel #1936403030, Birmingham, MI.
Rezoning from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
36801, 36823 & 36877 Woodward, Parcel #'s 1925101001, 1925101006, 1925101007, 1925101008, 1925101009, Birmingham MI.
Rezoning from O1- Office & P-Parking to TZ3 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
1775, 1803, 1915, 1971, 1999, 2055, 2075 & 2151 Fourteen Mile Rd., Parcel # 2031455006, Birmingham, MI.
Rezoning from O1- Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
100, 124, 130 & 152, W. Fourteen Mile Rd. & 101 E. Fourteen Mile Rd. Parcel #1936379020, Birmingham, MI.
Rezoning from B1-Neighborhood Business, P-Parking, R5-Multi-Family Residential to TZ2 - Mixed-Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
880 W. Fourteen Mile Rd., 1875, 1890 & 1950 Southfield Rd. Birmingham, MI.
Rezoning fromB1-Neighborhood Business, O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
1712, 1728, 1732, 1740, 1744, 1794 & 1821 W. Maple Rd. Birmingham, MI.
Rezoning from B1-Neighborhood Business, P-Parking, O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
2483 W. Maple Rd. Birmingham MI.
Rezoning from B1-Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
151 N. Eton, Birmingham MI.
Rezoning from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
412 & 420 E. Frank, Parcel # 1936253003, Birmingham MI.
Rezoning from B1-Neighborhood Business, B2B-General Business, R3-Single-Family Residential to TZ1 – Attached Single-Family Residential to allow Attached Single-Family and Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

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Mr. Baka recalled the Planning Board has held several study sessions over the past several years in order to develop a Transition Zoning classification that could be applied to areas of the City that abut single-family residential zones and are adjacent to commercial zones and/or located on major thoroughfares. The goal of these study sessions was to identify and revise the zoning classifications of these properties to provide a transition/buffer to the single-family neighborhoods through the use of screenwalls and landscaping.

Additionally, the new zones were crafted to incorporate small scale, neighborhood friendly uses that are likely to be patronized by residents of the immediate area. There are several restrictions proposed to control the new uses that would ensure that new development would be in keeping with the scale and standards that are expected in the City of Birmingham.

The Planning Board selected fourteen (14) locations throughout the City where these zones are proposed to be implemented. On some existing residential parcels this is proposed to be accomplished through attached single-family or multi-family housing. On commercial parcels, it is proposed to be accomplished through a mixed-use zone that permits residential and commercial uses.

On April 8, 2015 the Planning Board reviewed draft ordinance language for three new zoning classifications, TZ1, TZ2, and TZ3. At that time the Planning Board set a public hearing for May 27, 2015. The following outlines the proposal to be considered.

Article 04
In addition to the regulations provided in Article 02 of the Zoning Ordinance, the Planning Dept. identified many additional development standards contained in Article 04, Development Standards, that should be applied to the new transition zones. The Planning Department is now providing draft ordinance language for those development standards in a format that would allow for integration into Article 04 of the Zoning Ordinance.

Article 05
The creation of the new zoning classifications would also require additions to Article 05, Use Specific Standards, for any permitted uses allowed in the TZ zones. Draft ordinance language to add to Article 05 has been proposed for review.

Single-family dwellings in Transition Zones
Throughout the course of the study sessions it has been consistently maintained that single-family residential should be a permitted use in each zone. As discussed at the last study session, the standards that have been applied are R3, which is consistent with the rest of the Zoning Ordinance.

Mr. Baka discussed the permitted uses and development standards for each of the three zones, TZ1, TZ2, and TZ3. TZ1 is strictly residential and TZ2 and TZ3 are mixed-use or commercial zones. The only difference between TZ2 and TZ3 is that the maximum height is higher on TZ3 which allows three stories (minimum of two stories) and 42 ft.; whereas TZ2 permits a maximum of two stories.

Mr. Jeffares received clarification that E.F.I.S. is permitted as a building material for TZ1. For TZ2 and TZ3 it is allowed but not on the first floor.

Ms. Ecker spoke about why the City is taking this initiative. There are multiple parcels throughout the City that are in a difficult situation because they are either on a major road, adjacent to commercial uses, and/or abutting up against single-family neighborhoods. These parcels have not been dealt with by either the Zoning Ordinance or the Master Plan over the last several decades. The Planning Board is attempting to create a Transitional Zone to show the unique circumstances in each of the cases and to clearly delineate which uses are appropriate for those locations. Some protection for the nearby residents has been put into place and the size of any commercial proposal has been limited. Mr. Koseck hoped this would get better tenants, better buffers and respect the neighborhoods.

At 8:08 p.m., Chairman Clein called for comments from the public related to dimensional standards or the creation of transitional zoning in general.

Ms. Patricia Shane who lives on Purdy spoke against the rezoning. She doesn't want commercial coming into her neighborhood.

Ms. Catherine Gains, 343 Ferndale, believed the rezoning will increase on-street parking and traffic which is already getting crazy in her neighborhood. Consider not passing the rezoning.

Mr. Larry Bertolini thought off-street parking for outside dining should be incorporated. He wanted to see a comparison of what was to what can be as far as change in density and change in parking. He hopes the area will not become over commercialized by developers.

Ms. Schuger, who owns property at 467 Park and 1823 Bradford, questioned what the City will be bringing to the residents of the community other than assisting developers. She thinks graphics would be very helpful.

Ms. Jean Rizzo, 431 Park, received confirmation that the rear setback for a TZ1 property is 20 ft. and the side setback is 10 ft. No one in her neighborhood wants the rezoning.

Mr. Steve Rockoff who lives on Webster asked if environmental or traffic impact studies have been done with the parcels as to how the residents could be affected by the rezoning. Chairman Clein answered that without the specifics of a development proposal the details of what the impacts would be could be very far flung. Mr. Rockoff stated everyone he has talked to about the rezoning is against it. Mr. Baka noted that in the TZ2 and TZ3 zones the density will not change.

Ms. Cathleen Schwartz, 582 Henrietta, noted the residents moved in with what is there now. Change is always hard and some of the changes proposed could be very different from what currently exists. She would like to see the parcels in the context of the whole City in order to get a sense of the scope of change.

Mr. Joe Murphy, 751 Ann, said the rezoning appears to him to be a commercial undertaking. He urged the board to consider another way to raise money for the City.

Mr. Jim Partridge, owner of property at the SE corner of Webster and Adams, observed there are four parcels along Adams Rd. that do not meet the criteria and are therefore unbuildable because they are 120 ft. x 40 ft. His is 120 ft. x 42.3 ft. There is no parking. That needs to be looked at. Further there will be disagreements about whether the City is complying with the Uniform Energy Code.

Mr. Will Huffacre, 532 Pierce, agreed that parking could become an issue. He is opposed to the Transition Zones. He hasn't heard why it would really benefit him as a resident. There don't seem to be any provisions to protect residents. He asked if the proposed ordinance amendments would be retroactive. Chairman Clein responded there are code compliance officers who have the ability to issue violations for anything related to the ordinance. Ms. Ecker explained if the ordinance were to go through, an existing building is grandfathered in by legal non-conforming status. However, if a new use comes in or the building is expanded it would be subject to the new rules.

Mr. David Bloom who lives on Stanley stated the residents in this community have made it clear that they do not want to see this kind of development. He doesn't know why it is needed right now when there is so much other expansion going on in the City.

Mr. Paul Regan who lives on Purdy said that staff has done a yeoman's job on determining dimensionality, the height and the setbacks. However, the essence of zoning is usage and what is being considered now is not relief. Therefore, he is not in support. Separate the dimensionality from the uses and you would have a winner.

Mr. Koseck emphasized this proposal is not commercially driven in an effort to achieve more taxes for the City. It is not about putting more on a piece of property than can currently occur, because they all have to provide for their own parking.

Mr. Williams noted the board should focus on density in TZ1. Dimensions are not changing in TZ2 and TZ3 so focus on uses there.

Mr. Baka started a PowerPoint showing existing and proposed zoning for the 14 areas that are under consideration. Initial discussion centered around property at Park and Oakland which is a density issue because single-family is changing to multi-family. It may be the only one of the 14 that truly has density changes proposed. The post office is proposed to go to TZ1 if it is ever sold by the Federal Government.

Mr. Williams wanted to see a graphic depicting for each parcel what exists now and what could exist under current zoning; and what the proposed changes are with respect to uses. Other board members agreed the presentation needs to be a little simpler so that it is easier to understand.

Motion by Mr. DeWeese
Seconded by Mr. Williams to continue this public hearing to June 24, 2015 in order to provide more detailed information.

The chairman took discussion to the public for comments on the motion at 9:25 p.m.

Mr. Larry Bertolini noted additional items that might be reviewed at the next meeting:

- Clarification as to what happens if the existing church and the existing post office decide to vacate;
- Show graphically that there will be no increase in density;
- Review of parking for outside dining establishments.

Mr. Michael Poris, 36801 Woodward Ave. did not support the motion. He wanted to see the rest of staff's presentation.

Mr. Paul Regan noted that some of the uses come with cars and parking more so than others.

Motion carried, 7-0.

ROLLCALL VOTE
Yeas: DeWeese, Williams, Clein, Jeffares, Koseck, Lazar, Whipple-Boyce
Nays: None
Absent: Boyle

The board took a short break at 9:30 p.m.

05-102-15

COMMUNITY IMPACT STATEMENT REVIEW ("CIS")
PRELIMINARY SITE PLAN REVIEW
2100 E. Maple Rd.
Request for approval of a CIS and Preliminary Site Plan Review to review the construction of a new one-story, 46,000 sq. ft. retail building for Whole Foods Market

CIS
Ms. Ecker advised the subject site, 2100 East Maple Rd., is currently vacant, but was previously an office building, and then an urgent care medical clinic. At this time, the applicant is proposing a new single-story 46,500 sq. ft. structure. The subject site is located on the south side of E. Maple Rd., west of the existing LA Fitness facility and east of the railroad tracks. The proposed new building will house a Whole Foods grocery store selling natural and organic foods. The site occupies a total of 4.62 acres.

The applicant was required to prepare a Community Impact Study in accordance with Article 7, section 7.27(E) of the Zoning Ordinance as they are proposing a new building containing more than 20,000 sq. ft. of gross floor area.

The applicant has submitted a Phase 1 Update, Environmental Site Assessment ("Phase 1") conducted on the property most recently by AKT Environmental Consultants. The Phase 1 Update has revealed no evidence of recognized environmental conditions except for documented historical industrial use of the property