City of Birmingham
A Walkable Community

NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION	
REZONING & AMENDMENTS TO ZONING ORDINANCE	
Meeting - Date, Time, Location:	Monday, August 24, 2015, 7:30 PM Municipal Building, 151 Martin Birmingham, MI 48009
Nature of Hearing:	1. 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. TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.42, TZ1 (TRANSITION ZONE) DISTRICT TO ADOPT THE FOLLOWING 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 ADOPT THE FOLLOWING LIST OF PERMITTED USES IN THIS ZONE DISTRICT. TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, TZ2 (TRANSITION ZONE) DISTRICT TO ADOPT THE FOLLOWING 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 ADOPT THE FOLLOWING LIST OF PERMITTED USES IN THIS ZONE DISTRICT TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.46, TZ3 (TRANSITION ZONE) DISTRICT TO ADOPT THE FOLLOWING DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT. TO ADD ARTICLE 4, SECTION 4.53, PK-09; SECTION 4.58, SC-06; SECTION 4.62, SB-05; SECTION 4.63, SB-06; SECTION 4.69, ST-01; SECTION 4.77, SS – 09; SECTION 4.78, SS – 10; TO ADD ARTICLE 5, SECTION 5.14, TRANSITION ZONE 1; and SECTION 5.15, TRANSITION ZONE 2 TO AMEND ARTICLE 09, DEFINITIONS, SECTION 9.02, TO ADD DEFINITIONS. *Complete copies of the proposed ordinances are available in the City Clerk's Office. 2. To consider a proposal to rezone the following parcels that are adjacent to single-family residential zones throughout the City to allow compatible uses as follows:

404 Park, 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.

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 TZ2 - 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, 877, 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 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, 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. 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. 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, Birmingham MI. Rezoning from B1-Neighborhood Business, B2B-General Business, R3-Single-Family Residential to TZ2 – Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

City Staff Contact:	Matthew Baka 248.530.1848 mbaka@bhamgov.org
Notice:	Publish: August 9 Mailed to all property owners within 300 feet of subject address.
Approved minutes may be reviewed at:	City Clerk's Office

Should you have any statement regarding the above, you are invited to attend the meeting or present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice) or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

City of Birmingham
A Walkable Community

MEMORANDUM

Community Development Department

DATE: **September 11, 2015**

TO: **Joseph A. Valentine, City Manager**

FROM: **Matthew Baka, Senior Planner**

APPROVED: **Jana L. Ecker, Planning Director**

SUBJECT: **Public Hearing on Proposed Transition Zones TZ1, TZ2 & TZ3, Associated Development Standards, Definitions, and the Rezoning of selected parcels to the Transition Zones**

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 control of uses, scale of buildings, setbacks and buffer standards. Accordingly, the proposed transition 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 and the hours of operation that would ensure that new development would be in keeping with the scale and standards that are expected in the City of Birmingham.

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 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.

On June 15, 2015, both the City Commission and the Planning Board members discussed the proposed transitional zoning classifications and the standards proposed to control the scale, density and intensity of uses on the sites in question. No action was taken.

On June 24, 2015 the Planning Board continued the public hearing. At the conclusion of the public hearing, the Planning Board voted to recommend approval of the proposed zones and the suggested parcels for rezoning with the following conditions:

- At Park and Oakland, rezone 404 Park only; the two parcels north and the parcels between Ferndale and Park to be removed from consideration;
- The three properties on Frank at Ann Street that are triple-zoned, be rezoned to TZ-2 to allow some of the commercial uses to continue;
- Take out the parking lot zoned P on Pierce near Fourteen Mile and Pierce that was previously proposed to be TZ-2; and
- Add veterinary clinic as a permitted use with a SLUP in TZ-3.

On August 24, 2015 the City Commission opened the public hearing to consider adopting the proposed changes to the Zoning Ordinance. A general overview of the three proposed new zones was given. After a lengthy discussion, the Commission decided to table the discussion on TZ1 to allow for the addition of language that would prohibit garage doors on the front elevation of the building. A presentation on the specific parcels proposed to be rezoned to TZ2 and TZ3 was given. The following comments were stated by the public in relation to specific properties contained in the proposal for TZ2 and TZ3;

The following individual spoke regarding **564, 588, Purdy, 115, 123, 195 W. Brown, 122, 178 E. Brown**:

- Paul Pereira, 543 Henrietta, commented that if it is rezoned, it should be TZ1 for attached residential units. He stated that the residents should be protected.

The following individuals spoke regarding **1111 & 1137 Holland; 801, 877, 999, 1035 & 1105 S. Adams Rd.; 1108, 1132 & 1140 Webster; 1137 & 1143 Cole St.; 1101 & 1120 E. Lincoln**:

- Dave Kolar, 1105 S. Adams, commented on the setbacks for TZ2 and noted that the building façade shall be built within five feet of the front lot line for a minimum of 75% of the street frontage. He stated that he would have to have a 75 foot wall façade of a building, forcing the parking to behind the building and would give an unusual "L" shaped building to be buildable to meet this requirement. He stated that he would like a relief of zoning so he can duplicate exactly what is there if it is taken by casualty.
- Larry Bongiovanni agreed. He noted that this has been brought up at the Planning Board review. He suggested that parking be considered if there will be a three story building overcapacity and the impact on the area.

The following individuals spoke regarding **1775, 1803, 1915, 1971, 1999, 2055, 2075 & 2151 Fourteen Mile Rd**:

- Michael Murphy, 1950 Bradford, questioned the benefit of changing the zoning and expanding what is there. He suggested fixing what is on Woodward now.
- Dorothy Conrad stated that there are all medical buildings along 14 Mile now with no commercial use. She questioned what is the benefit to the community to put a commercial strip along 14 Mile when there is already viable development along there.

The following individuals spoke regarding **412 & 420 E. Frank**:

- Irving Tobocman stated that the ordinance takes away the lawn area that is expected in a walkable community by making the developer build five feet from the sidewalk. He noted that there are no buildings with porches or greenery. He stated that the creative process that the architects bring is being taken away. (It was noted at the meeting that the Planning Board would have the ability to adjust the front setback under this proposal)

- Mr. Baka confirmed for a resident that all the parcels could be developed as residential. The resident suggested that it be broadcasted that residential opportunity would not be eliminated.
- Salvatore Bitonti, owner of the three parcels under consideration on Frank, commented that he has someone who wants to build on the property. Mr. Baka clarified that this parcel was originally intended to be TZ1. Mr. Bitonti had a concern that if he did not build his residential properties that his current tenants would be phased out eventually. Based on those, and public comments, the Planning Board switched it to TZ2.
- Paul Reagan stated that it could have continued to operate under the existing zoning.

The City Commission voted to continue the public hearing on September 21, 2015.

Please find attached all draft ordinance language, with revisions, for your review, as well as a copy of the latest Planning Board report. In addition, all relevant meeting minutes are attached to provide a history of the discussion on this topic over the last several years.

SUGGESTED ACTION:

1. To approve an ordinance to amend Chapter 126, Zoning, of the Code of the City of Birmingham 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)	4.02 4.03 4.04	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	4.82	TZ1, TZ2, TZ3

(VC)			
Window Standards (WN)	4.83	TZ2, TZ3	
AND			
TO AMEND ARTICLE 9, DEFINITIONS, SECTION 9.02 TO ADD DEFINISTIONS FOR BOUTIQUE, PARKING, SOCIAL CLUB, TOBACCONIST, INDOOR RECREATION FACILITY AND SPECIALTY FOOD STORE.			

AND

2. To approve the rezoning of **Parcel # 1925451021, Known as 404 Park Street, Birmingham, MI.** 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.

3. To approve the rezoning of **191 N. Chester Rd. Birmingham, MI.** 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.

4. To approve the rezoning of **400 W. Maple Birmingham, MI.** from O1 Office to TZ3 Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

5. To approve the rezoning of **564, 588, Purdy, 115, 123, 195 W. Brown, 122, 178 E. Brown Birmingham, MI.** from O2 Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

6. To approve the rezoning of **588, Purdy Birmingham, MI.** from R3 Single-family residential to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

7. To approve the rezoning of **1221 Bowers & 1225 Bowers Birmingham, MI.** 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.

8. To approve the rezoning of **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.** from O2 Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

9. To approve the rezoning of **500, 522 & 576 E. Lincoln; 1148 & 1160 Grant; 1193 Floyd; Parcel # 1936403030, Birmingham, MI.** from B-1 Neighborhood Business to

TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

10. To approve the rezoning of **36801, 36823 & 36877 Woodward, Parcel #'s 1925101001, 1925101006, 1925101007, 1925101008, 1925101009, Birmingham MI.** from O1- Office & P-Parking to TZ3 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

11. To approve the rezoning of **1775, 1803, 1915, 1971, 1999, 2055, 2075 & 2151 Fourteen Mile Rd., Parcel # 2031455006, Birmingham, MI.** from O1- Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

12. To approve the rezoning of **100, 124, 130 & 152, W. Fourteen Mile Rd. & 101 E. Fourteen Mile Rd., Birmingham, MI.** from B1-Neighborhood Business, P-Parking, and R5-Multi-Family Residential to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

13. To approve the rezoning of **880 W. Fourteen Mile Rd., 1875, 1890 & 1950 Southfield Rd. Birmingham, MI.** from B1-Neighborhood Business and O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

14. To approve the rezoning of **1712, 1728, 1732, 1740, 1744, 1794 & 1821 W. Maple Rd. Birmingham, MI.** 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.

15. To approve the rezoning of **2483 W. Maple Rd. Birmingham MI.** from B1-Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

16. To approve the rezoning of **151 N. Eton, Birmingham MI.** from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

17. To approve the rezoning of **412 & 420 E. Frank, Parcel # 1936253003, Birmingham MI.** from B1-Neighborhood Business, B2B-General Business, R3-Single-Family Residential to TZ2 – Mixed Use to allow commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

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.

_____

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 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.

_____
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 2.44, **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.

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 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 4,000 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**
- **veterinary clinic**

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 2.46, **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.

_____

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 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. **<u>Parking lot frontage</u>: 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. **<u>Screening</u>: 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. **<u>Structures</u>: 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. **<u>Required parking</u>: 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. **<u>On-street parking</u>: 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. **<u>Driveway access</u>: 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. **<u>Buffer Requirements</u>: 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.

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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 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. **<u>Interior parcels:</u> 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. **<u>Front setback:</u> 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. **<u>Front Yard Setback Exceptions</u>: 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. <u>Street Design</u>: All streets shall be constructed to meet the requirements of the City Birmingham.

B. <u>Sidewalks:</u> 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. <u>Street Tree</u>: 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. <u>Street Design</u>: 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. <u>Vias:</u> 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. <u>Street Furniture</u>: 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. <u>Bicycle Facilities</u>: 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 and multiple family dwellings shall meet the following architectural design requirements:

A. <u>Front Façade:</u>

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. **Garage Doors shall not be permitted on any front façade.**

B. <u>Building Materials:</u>

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. <u>Corner Parcels:</u>
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.

_____

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 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 districts:
TZ2, TZ3

A. <u>Corner Parcels:</u>
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. <u>Facade Requirements:</u>

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. <u>Roof Design:</u>

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. <u>Building Materials:</u>

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.

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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 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.

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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 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. <u>Hours of Operation:</u> 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.

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Stuart Lee Sherman, Mayor

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Laura Pierce, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM TO AMEND ARTICLE 09, DEFINITIONS, SECTION 9.02, TO ADD DEFINITIONS.

THE CITY OF BIRMINGHAM ORDAINS:

9.02 Definitions:

Boutique – A shop that provides a limited range of specialized goods or services to consumers; usually in small quantities and not for resale such as clothing, jewelry, electronics, books or similar products, excluding any regulated use or food services.

Indoor recreational facility - facilities such as indoor pools, weight rooms, basketball courts, and dance studios, art studios, and libraries.

Parking - an area used for the parking of motor vehicles.

Social club - a formal organization of people or groups of people with similar interests.

Specialty food store – A store selling foods and beverages that exemplify quality, innovation and style in their category. Their specialty nature derives from some or all of the following characteristics: their originality, authenticity, ethnic or cultural origin, specific processing, ingredients, limited supply, distinctive use, extraordinary packaging or specific channel of distribution or sale.

Tobacconist - a dealer in tobacco, especially at retail.

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

_____
Stuart Lee Sherman, Mayor

_____
Laura Pierce, City Clerk

MEMORANDUM

Community Development Department

DATE: June 18, 2015

TO: Planning Board Members

FROM: Matthew Baka, Senior Planner

SUBJECT: Transition Zone Public Hearing

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. 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.

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 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.

On May 27th, 2015 the Planning Board opened the public hearing to consider the rezoning proposal. During the public comment section of the hearing it became apparent that many of the concerns of the public, specifically with regards to density, could be resolved with additional explanation of the proposal. Accordingly, the Planning board voted to continue the public hearing on June 24, 2015. The Board requested that a detailed presentation be created that illustrated the density changes in all of the parcels proposed to be changed to TZ1 and to create a comparison chart of the currently permitted uses and the list of proposed permitted uses. In addition, the Planning Board requested that the TZ topic be placed on the June 15, 2015 joint City Commission/Planning Board meeting so that they could receive feedback from the Commission as to the current direction of the proposal.

On June 15, 2015, the City Commission and Planning Board held their bi-annual workshop. At the workshop, the Transition Zone proposal was discussed in general terms. Several Commission members express support and appreciation for the diligent work that the Planning

Board has done thus far. Commission members encouraged the Board to continue the public hearing with a focus on creating transitional zones that meet the intent of the study and to let the Commission make the final determination as to the appropriateness of each proposed location. It was also discussed that the Transition Zones have been created as a reaction to the potential of allowing contract zoning in the City. It was previously determined that the creation of the TZ zoning classification was a preferable alternative to contract zoning. However, the use of contract zoning could be reconsidered if a consensus cannot be reached on transition zoning.

The most recent draft ordinance language of the proposed changes to Article 02, Article 05 and Article 09 of the Zoning Ordinance are attached for you review.

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, which 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)	4.02 4.03 4.04	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.

Suggested Action

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 following ordinance amendments to the City Commission.

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)	**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	
AND			
TO AMEND **ARTICLE 9, DEFINITIONS, SECTION 9.02** TO ADD DEFINISTIONS 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.
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 and 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, 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 TZ2 – Attached Single-Family Residential to allow Attached Single-Family and Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

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.

REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MAY 8, 2013

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.

REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MAY 22, 2013

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.

REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JUNE 12, 2013

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.

REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JULY 24, 2013

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: <u>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</u>
- 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: <u>Re-visit</u>
- 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: <u>Include the existing residential red zone</u>
- S. Adams between Adams Square and E. Lincoln
  Recommendation: MU-2 Mixed-Use
  Planning Board Comment: <u>ASF-2 Attached Single-Family</u>
- 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.

REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, SEPTEMBER 11, 2013

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. <u>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</u>. 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
Yeas: DeWeese, Williams, Boyle, Clein, Koseck, Lazar, Whipple-Boyce
Nays: None
Absent: None

REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, OCTOBER 9, 2013

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.

REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, NOVEMBER 13, 2013

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.

REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, FEBRUARY 26, 2014

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.

Mr. Bryce Phillips, 588 Purdy, did not see how putting commercial right in his backyard will enhance the value of his property.

Mr. Salvatore Bitonti, the owner of 412 E. Frank and 420 E. Frank, would like his property to remain as it is now. Take it out of the Transitional Overlay so that he can keep it commercial. If the Frank St. Bakery moved out and it was kept in the Overlay he would not be able to have a commercial use in there again. Mr. DeWeese thought a clarification is needed as to what constitutes use. The intent is clearly not to put a person in a position that makes it unfeasible to continue with commercial. If they choose to make changes and upgrades the option is there.

Chairman Boyle noted after hearing public comments there are several issues that need to be re-visited:

- The minimum lot area which is important because it drives density;
- Permitted uses for elderly facilities on some sites;
- The technical issue regarding glazing;
- The Consumers Energy site.

Motion by Mr. Williams
Seconded by Mr. DeWeese to continue this public hearing to Wednesday, April 9 at 7:30 p.m.

Motion carried, 6-0.

Mr. Baka said the board will hold a study session on this topic prior to the public hearing.

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

The board took a brief recess at 9:35 p.m.

REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MARCH 12, 2014

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.

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.

REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 9, 2014

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.
m) **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.
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.

Mr. Harvey Zaleson said that rezoning the south side of Brown will offer a face lift for the Downtown district. He proposed that underground parking be made available for both the residents and for visitors.

Ms. Alice Thimm did not think anyone would want to live next door to most of the uses being proposed for TZ-3 and TZ-4. They eliminate a Transitional Zone.

Mr. David Bloom asked why a residential property owner that is adjacent to a potential rezoning site would be either in favor of the proposed rezoning or not care about it. Chairman Boyle replied the board is responding to a situation that is coming from the neighbors who wish to improve the situation on properties within the City. The Planning Board is carefully considering how it will deal with changes that are coming by putting into place the appropriate zoning and the appropriate land uses that will fit with the residential community.

Board members indicated their desire to continue the public hearing and deliberate one final time after staff has consolidated all of the different information and brought forth a clean document. Mr. Williams expressed his desire to walk Purdy and Chester in order to think about the concept prior to the next hearing.

Motion by Mr. Williams
Seconded by Mr. DeWeese to continue the public hearing on these issues to Wednesday, April 23 at 7:30 p.m.

Mr. DeWeese asked the board members to really think about the uses allowed in TZ-3 and TZ-4 because people have complained about their proximity to residential.

There were no members of the public who wished to comment on the motion at 9:31 p.m.

Motion carried, 6-0.

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

The board took a brief recess at 9:34 p.m.

REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 23, 2014

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.

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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.
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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

REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, OCTOBER 8, 2014

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.

REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, FEBRUARY 25, 2015

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.

REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 8, 2015

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

REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MAY 27, 2015

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:

Section Number	Applicable Zone to be Added
Accessory Structures Standards (AS)	
4.2	TZ1, TZ2, TZ3
4.3	TZ1
4.4	TZ1, TZ2, TZ3
Essential Services Standards (ES)	

4.09	TZ1, TZ2, TZ3
Fence Standards (FN)	
4.10	TZ1, TZ2, TZ3
4.11	TZ1
Floodplain Standards (FP)	
4.13	TZ1, TZ2, TZ3
Height Standards (HT)	
4.16	TZ1, TZ2, TZ3
4.18	TZ1, TZ2, TZ3
Landscaping Standards (LA)	
4.20	TZ1, TZ2, TZ3
Lighting Standards (LT)	
4.21	TZ1, TZ2, TZ3
4.22	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	TZ1, TZ2, TZ3
4.46	TZ1, TZ2, TZ3
4.47	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.

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.

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.

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

City Commission/Planning Board
Joint Meeting Minutes
June 15, 2015

A. UPDATE ON TRANSITIONAL ZONING

Mr. Share stated that he has a client with an interest in this matter, and so will not participate in the discussion.

Mr. Baka reviewed the history of the Transitional Zone Overlay discussion. 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. There are several restrictions proposed to control the new uses that would ensure that new development would maintain 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, this is proposed to be accomplished through a mixed use zone that permits residential and commercial uses.

Commissioner Rinschler asked if there are any barriers to be resolved, and how the City Commission might help to move this forward.

Mr. Clein stated that there is a misperception about density changes and what that means. The intent for the next public hearing is to show each parcel before and after a rezoning. He thinks that will help to educate the public on what the intent is. The Planning Board will have to determine if this is the sort of change, from a use perspective, that the Board believes will help stimulate the viable use of the properties, while protecting single family residences.

Ms. Boyce stated that this process has come a long way, and it became obvious after the last meeting that people did not understand what was being proposed. She believes that the plan to show what the uses are today and what they would be under the proposal will be very helpful. The plan for the public hearing is to develop a presentation to show the structures today with diagrams and lists of uses would be helpful. She suggested that information be available prior to the public hearing in some way and that the information will be very helpful in answering questions prior to the public hearing.

Commissioner McDaniel said the misunderstanding seems to be focused on increases in allowable density. He stated that the allowable density under existing zoning today is almost no different than what is being proposed.

Mr. Baka noted that is true with the exception of two areas which are Woodward and Quarton (near Gasow) and the corner of W. Maple and Chester. Under the proposal, they would be zoned TZ3 which go up an additional floor.

Commissioner McDaniel suggested a need for a process to review possible reasonable uses that have not been anticipated at this time. Presumably there are standards that are underlying the permitted uses they have already named. He understands there have been some staff discussion of that and thinks it is worth further thought. Mr. Valentine said that could be accomplished with some simple clarification of the language.

Mr. DeWeese thinks that there may be a few tweaks that could be made that might make it more amenable due to complaints he has heard. Residents do not want any expansion beyond office-type uses. There is a basic mistrust that the SLUP process. They believe the reason this is being proposed is for development. As he sees it, we are considering this to add some protections in terms of dimensionality, and to clean up of lack of strategic or overall view toward it, but many homeowners do not view it that way.

Commissioner Rinschler said the goal is to get to the point where the Board decides it has something for the best interests of residents and pass it on to the City Commission for deliberation.

Commissioner Nickita remarked that when the Board worked on the Rail District and tried to list uses for the area, the Board erred on the side of less and some level of flexibility. He suggested that the Board look at the Rail District to perhaps use that approach to formulate a use discussion here. Commissioner McDaniel agreed.

Commissioner Hoff asked Mr. Baka what the residents are unhappy about in the Oakland at Park area and on Brown and what would be allowed under the proposed zoning. He responded those areas would see a change in density going from single family to attached or multi-family.

Commissioner Hoff recognized and appreciates that the Board did a tremendous job on this. She explained this is being done to protect residents, not build up the city.

PLANNING BOARD MINUTES
JUNE 24, 2015

PUBLIC HEARINGS

Chairman Clein re-opened the public hearing at 7:35 p.m. (continued from May 27)

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:

Section Number	Applicable Zone to be Added
Accessory Structures Standards (AS)	
4.2	TZ1, TZ2, TZ3
4.3	TZ1
4.4	TZ1, TZ2, TZ3
Essential Services Standards (ES)	
4.09	TZ1, TZ2, TZ3
Fence Standards (FN)	
4.10	TZ1, TZ2, TZ3
4.11	TZ1
Floodplain Standards (FP)	
4.13	TZ1, TZ2, TZ3
Height Standards (HT)	
4.16	TZ1, TZ2, TZ3
4.18	TZ1, TZ2, TZ3

Landscaping Standards (LA)	
4.20	TZ1, TZ2, TZ3
Lighting Standards (LT)	
4.21	TZ1, TZ2, TZ3
4.22	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	TZ1, TZ2, TZ3
4.46	TZ1, TZ2, TZ3
4.47	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 DEFINISTIONS 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.

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 and 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.

Ms. Ecker advised that a typo has been corrected in the draft ordinance amendments for the TZ-2 development standards, and that is the only change to the draft ordinance language from the last meeting.

Mr. Baka recalled last time he covered the basics of each zone and started to get into each individual parcel. At the board's request, his presentation tonight will focus much more on individual properties and how each individual location would be affected by the proposed amendments as far as use and density. He briefly described the TZ-1, residential zone, and the TZ-2 and TZ-3 zones that are mixed-use. Any currently existing use or building would be grandfathered in as long as it doesn't close for six months or the building is destroyed more than 75%. When a new use is established within an existing building the new zoning regulations would go into effect. The new zoning will apply to any expansion of an existing use or a building that requires site plan approval from the Planning Board. Where a new building is proposed the new proposed ordinance would apply.

TZ-1 Properties

- **E. Frank - R-3/B-1/B-2B to TZ-1**

Total property area - approximately 15,000 sq. ft.
# of residential units currently permitted - 1 unit on R-3 parcel
0 units on B-1 parcel
No limit on B-2B parcel
# of units permitted under TZ-1 zoning - 5

It was discussed that if Frank St. Bakery goes out of business they would be allowed to establish another bakery within 6 months or go to a residential use.

- 412 E. Frank - R-3 to TZ-1
- 420 E. Frank (Frank St. Bakery) - B-1 to TZ-1
- E. Frank Parking - B-2B to TZ-1

- **Park and Oakland - R-2 to TZ-1**

Property area per lot on Oakland - approximately 7,500 ft.
# of residential units currently permitted - 1
# of residential units permitted under TZ-1 zoning - 2
Property area of 404 Park - approximately 14,000 sq. ft.
# of residential units currently permitted - 2
# of residential units permitted under TZ-1 zoning - 4
Property area per lot on Park - approximately 7,200 sq. ft.
# of residential units currently permitted - 1
# of residential units permitted under TZ-1 zoning - 2

It was discussed that TZ-1, three stories, would have a similar impact as the current R-2 three story structures.

- **Willits and Chester - R-2 to TZ-1 (Church of Christ Scientist)**

Total property area - approximately 17,000 sq. ft.
# of residential units currently permitted - 2
# of residential units permitted under TZ-1 zoning - 5

- **Bowers/Post Office - 0-1/P to TZ-1**

Total property area - approximately 125,000 sq. ft.
# of residential units currently permitted - no limit
# of residential units permitted under TZ-1 zoning - 41

At 8:10 p.m. Chairman Clein invited the public to come forward and comment on anything related to the potential rezoning of the TZ-1 parcels.

Ms. Patti Shane who lives on Purdy did not understand why there has to be a major overhaul of all the zones when every issue could be approved by the Planning Board as it comes through. The neighborhood is thrilled with the little bakery at the corner of Frank and Ann and they don't want it to go away.

Mr. Benjamin Gill, 520 Park, received confirmation this is a continuation of the public hearing that began May 27 to discuss whether the Planning Board will recommend approval to the City Commission of the ordinance changes including the rezonings. The City Commission would consider the recommendation and hold a public hearing before making its decision.

Mr. Salvatore Bitonti, 709 Ann, said he is the owner of the Frank St. Bakery building. He asked for reassurance that if the bakery moves out he will not have to pay taxes on an empty space.

Ms. Ecker observed this is a difficult site with the three parcels that all allow different things. The parcels are not big enough to develop each one separately.

Mr. Brad Host said he and his wife own the house next to 404 Park which under this proposal could be developed into four condo units. They see this as an expansion of the city. If TZ-1 is enacted, it would take away part of their neighborhood. The only advocate for this is the developer. Everyone else has said they don't want it. Density has always been their biggest issue and the TZ-1 proposal will exacerbate that problem.

Ms. Ann Stolcamp, 333 Ferndale, echoed what Mr. Host said. People in her neighborhood have asked not to be rezoned. Parking is an issue there. The suggestion that her neighborhood is a transition zone is disturbing to her.

Ms. Bev McCotter, the owner of 287 Oakland, urged the board to remove Little San Francisco from the TZ-1 zoning recommendation. Under TZ-1, future property owners could join together and sell their properties to a developer of multi-family residences. That would change the whole flavor of this neighborhood of single-family homes.

Ms. Gina Russo, 431 Park, said she also would appreciate a recommendation for removal of Little San Francisco from TZ-1. It would be a shame for their neighborhood to increase 100% in density.

Mr. Paul Reagan thought the problem isn't with crowding in Little San Francisco; the problem is with the principles of zoning that are being considered, which do not fit across the town. It is not an appropriate buffer concept anywhere in town.

Mr. Larry Bertolini, 1275 Webster, had concerns about traffic on Bowers if the Post Office moves out. Forty-one units seems dense for that small area. He received clarification that if the Post Office wants to make modifications to their building there are no restrictions because they are the Federal Government.

Mr. David Bloom said it looks to him like there has been an attempt to simplify zoning. Each of the properties has unique differences and presents a challenge with trying to fit it into TZ-1 zoning. He thinks more research is needed to maybe take each area and find some zoning for it that is individualized rather than crammed into TZ-1.

Mr. Michael Shook, owner of 247 and 267 Oakland, said it seems to him the only reason they are talking about rezoning is because of the vacant lot between Park and Ferndale. When the issue came up about rezoning the empty lot, the initial reaction of the board was they did not want to do spot zoning. So it looks like they got around spot zoning by rezoning the neighborhood. Theirs isn't a transitional zone; there is no reason to rezone them. The neighbors oppose it and therefore, he asked that they be removed from that consideration.

Ms. Sharon Self, 227 Euclid, observed that it is such a small neighborhood that anything that is done along Oakland or anywhere else in the area affects everyone.

Mr. Benjamin Gill noted theirs is a neighborhood and not a commercial place where people invest and just sell houses.

Mr. DeWeese expressed his opinion that area is clearly inappropriate for rezoning.

TZ-2 Properties

- **Brown at Pierce/Purdy - 0-2 to TZ-2; P to TZ-2; R-3 to TZ-2**
- **S. Adams, Adams Square to Lincoln - O-2 to TZ-2**
- **Lincoln at Grant - B-1 to TZ-2**
- **E. Fourteen Mile Rd. east of Woodward - O-1 to TZ-2**
- **Fourteen Mile Rd. at Pierce - B-1, P, and R-5 to TZ-2**
- **Market Square and Pennzoil - B-1 to TZ-2**
- **Southfield at Fourteen Mile Rd. - O-1 to TZ-2**
- **Mills Pharmacy Plaza/W. Maple Rd. and Larchlea - B-1, O-1, P to TZ-2**
- **W. Maple Rd. and Cranbrook - B-1 to TZ-2**
- **N Eton - B-1 to TZ-2**

Mr. DeWeese received clarification that when single-family residential is developed, it falls under the R-3 specifications in all of the zones.

The chairman called for comments from the public on TZ-2 properties at 9:13 p.m.

Ms. Patti Shane talked about the density in her area on Purdy and reiterated that it seems every case is unique. Again, she does not understand why parcels cannot be considered on a case-by-case basis and then determine what the community thinks. She doesn't know what the development of the Green's Art Supply property will do to her neighborhood, let alone adding all the new allowances.

Mr. David Bloom received clarification that for the Market Square property, if it were to change to TZ-2, the use could continue but if they ever came up for site plan review they would have to do it under a Special Land Use Permit ("SLUP").

Mr. Paul Reagan stated with respect to the north side of Purdy there is no apparent reason to rezone residential into TZ-2. The best he can tell is someone is planning to have a large, multi-family apartment building going in there. This looks like it is developer driven. It is completely unacceptable to that neighborhood.

Mr. Harvey Salizon, 564 Purdy, said he understands if the owner of the corner building at Pierce and Brown did not get a two-level building approved he could put up a four- story structure at the south side of the parking lot. Mr. Baka explained under the R-7 standards the P Zone allows multi-family. Mr. Salizon thought putting up a four-story building would literally block off the neighborhood.

Mr. Larry Bertolini saw some inconsistency with the streetscape when commercial development is allowed on Adams along with residential. In response to Mr. Bertolini's question, Ms. Ecker advised there is no annual review for SLUPs. If there is a complaint and a violation is found the SLUP could be revoked.

TZ-3 Properties

- **W. Maple Rd. and Chester - O-1 to TZ-3**

- **Quarton and Woodward - O-1 to TZ-3**

There were no comments from the audience on TZ-3 at 9:28 p.m.

Mr. Williams was comfortable with the concepts of TZ-1, TZ-2, and TZ-3 and thought they should remain.

- He did not think there is any dispute over the TZ-3 classifications on both properties.
- For TZ-2 it is pretty clear they tried to go to more neighborhood type uses. Where there may be questions a SLUP is attached. The only properties that raise a concern for him are the two residences on Purdy. The intent for including them is because the parcel to the west (P) could be developed to four stories.
- From his perspective in most instances TZ-1 is an improvement from what currently exists. The only area where there is a significant increase in density from what exists presently is at Park and Oakland. He is inclined not to include that parcel.
- The only properties he would leave out of the recommendation are the parcels along Oakland.

Ms. Whipple-Boyce agreed with a lot of what Mr. Williams said.

- TZ-3 seems not to be controversial; however, she would add veterinary clinic to uses with a SLUP.
- At Fourteen Mile and Pierce it may be a mistake to include the parking lot directly behind it. Given the conditions that surround it, it would be more appropriate as an R-2 classification and leave the others as TZ-2.
- A lot of problems might be solved if Frank St. was zoned TZ-2.
- She is not sure that the entire area at Oakland and Park should be removed from the consideration of TZ-1. Brownstones would be a real benefit to the community directly behind it.

Mr. Koseck said he is in support of what he has heard. He doesn't mind pulling properties out of the bundle because there are no advocates. Mr. Williams thought this ordinance language should permit development but not prohibit what is there now. The existing uses in some cases are there and are acceptable to the neighborhood and the owners. It seems to him to be a mistake that if an existing use disappears for 181 days it can't come back. He is troubled by the language being mandatory, it should be voluntary.

Chairman Clein agrees with the TZ-1, TZ-2, and TZ-3 concepts in general.

- He agrees that TZ-3 is a simple thing.
- He has no issue with the Parking designation at Fourteen Mile and Pierce being removed.
- He thinks the R-3 designation at Purdy should be removed. It is an example of good intention to square off a block.
- At Oakland and Park, remove the parcels between Park and Ferndale. Keep 404 on the corner in. Remove the two properties to the north that he thinks were added to square off a block.
- As to the parcel at Frank and Ann, he supports TZ-2. If that is done, the whole question of mandatory and voluntary might go away. He thinks mandatory makes more sense.

Mr. Jeffares said condos for empty nesters are very scarce. At Woodward and Oakland Woodward is loud and busy and not palatable for someone building a single-family house; it is suitable for a four unit condo.

Ms. Lazar agreed with Ms. Whipple-Boyce. TZ-1 zoning for Frank and Ann is a little more passive than it needs to be.

Mr. DeWeese thought everyone agrees they have the right form in these places. There has been some question that the uses are not appropriate. But looking at the uses, in most instances either stronger controls are recommended, or the uses have been cut back. Also there is the possibility of developing residential in every location. He agrees with the Chairman that the property on Purdy should remain residential and not be rezoned to TZ-2.

Ms. Whipple-Boyce felt the language needs to be mandatory and not optional and she wouldn't support it if it was optional. In her opinion If the overlay is allowed to be optional the board would not be doing its job, which is to find a way to protect the residents that are adjacent to all of these properties.

Mr. Williams advocated looking at all the parcels again to make sure the same mistake hasn't been made of putting them in the wrong classification. The chairman felt comfortable going forward with the modifications that have been discussed, knowing there will be a public hearing at the City Commission.

Motion by Ms. Whipple-Boyce
Seconded by Ms. Lazar to adopt the package as written with the exceptions of:

- **404 Park in only; the two parcels north and the parcels between Ferndale and Park are out.**
- **The three properties on Frank that are triple-zoned, switch from TZ-1 to TZ-2 which would allow some of the commercial uses to continue.**
- **Take out the parking lot zoned P on Pierce near Fourteen Mile and Pierce that was previously proposed to be TZ-2.**
- **Add veterinary clinic as a permitted use with a SLUP in TZ-3.**

The chairman called for discussion from the public on the motion at 10:12 p.m.

Mr. Brad Host said should this be put through on 404 Park he is the real victim because he lives next door and it will lower his property values. He doesn't want to live next door to a four unit condo project.

Mr. Salvatore Bitonti said he wants to be able to rent his property if the bakery moves out. Chairman Clein explained the TZ-2 recommendation would allow him to build single-family and a small amount of multi-family and also keep the limited commercial uses that are there now.

Mr. Larry Bertolini still had concerns about the post office site on Bowers and the amount of units that could be permitted there.

Mr. Harvey Salizon asked for clarification about the parcel at Purdy and Brown. If the residences are eliminated, the land is too valuable to develop a two-story structure on that limited parcel. The owner will probably construct a four-story building at the south side of the parking lot. Chairman Clein clarified that tonight's motion would not allow the four-story building to be built.

Mr. Michael Shook thought if four units are allowed at the Woodward and Oakland corner parcel there is no way a developer will put up anything as nice on that corner as along Brown.

Mr. David Bloom did not understand the reasoning for leaving the Pierce parking section off. He thought the reason for rezoning that whole area was so no one could put a four-story parking deck there. Ms. Whipple-Boyce explained she omitted the parking area on Pierce because she believes R-2 zoning is more appropriate than TZ-2. The board can come back to that at a later date.

Mr. Frank Gill, 520 Park, commented on the property at 404 Park. If the property wasn't selling it was probably priced too high. If it is unique as far as its location at Woodward and Oakland then the price should reflect that. Some developer could build a single-family house or a duplex and still come out with a profit. He hopes the board will understand that the market, if it is allowed to, will take care of it and develop a building that is appropriate for that corner.

Ms. Patti Shane spoke about Purdy again, The biggest nightmare to her would be if someone would put up multiple dwelling units on the property at the corner of Brown and Purdy. They have a density issue and it would impact their neighborhood.

Mr. Chuck Dimaggio with Burton Katzman spoke to represent the owners of 404 Park. He urged the board to recommend to the City Commission that they keep 404 Park in the Transitional Overlay. He assured that when they come back for site plan approval the board will be very pleased with the four unit building they will propose, and it will become a real asset for the City as one enters off of Park.

Ms. Ann Stolcamp said the people here from Little San Francisco are all homeowners that are representing themselves and what they care about. The developer sent a representative.

Mr. DeWeese commented he will not be supporting the motion. He supports the concept but thinks the Park area should be removed; Purdy at the minimum should be 588; and he agrees that Frank should not be optional but still have flexibility somehow.

Motion carried, 4-3.

ROLLCALL VOTE
Yeas: Whipple-Boyce, Lazar, Clein, Jeffares
Nays: DeWeese, Koseck, Williams
Absent: Boyle

Chairman Clein thanked the public for their comments which are definitely taken to heart. This is not the last hearing on the rezoning, as it will go to the City Commission and there will be more opportunities to provide further input. He closed this public hearing at 10:26 p.m.

BIRMINGHAM CITY COMMISSION MINUTES
AUGUST 24, 2015
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Stuart Lee Sherman, Mayor, called the meeting to order at 7:30 PM.

II. ROLL CALL

ROLL CALL: Present, Mayor Sherman
Commissioner Dilgard
Mayor Pro Tem Hoff
Commissioner McDaniel
Commissioner Moore
Commissioner Nickita
Commissioner Rinschler
Absent, None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, PSD Director Heiney, City Engineer O'Meara, City Planner Ecker, Planner Baka, Police Chief Studt, Deputy Police Chief Clemence

08-183-15 PUBLIC HEARING TO CONSIDER ORDINANCE AMENDMENTS TRANSITIONAL ZONING

Mayor Sherman opened the Public Hearing to consider amendments to Chapter 126, Zoning, of the Code of the City of Birmingham at 7:36 PM.

City Planner Ecker explained that the Planning Board did a comprehensive review of the transitional type. The Planning Board found that there were some common characteristics between the properties including that the properties were already used or zoned commercial uses, abutting a single family residential property or neighborhood, located on major streets or a combination of those. She noted that all are commercial in their use or zoning with the exception of one property on Purdy which is zoned and used for single family.

She noted that the proposed zones would still allow for residential uses. Transitional Zone 1 (TZ1) is proposed to be residential uses only. Transitional Zone 2 (TZ2) and Transitional Zone 3 (TZ3) would allow for residential uses and some commercial uses. She noted that the Planning Board reviewed these use by use in each category and determined that each is a neighborhood compatible use and added controls to ensure it was neighborhood compatible. Anything related to food would require a special land use permit (SLUP). Some of the other standards include design standards, materials, and streetscape to further control the use and how the building would sit on a site.

Ms. Ecker explained that TZ1 is the most restrictive type of zoning proposed with regards to use. TZ1 is residential use only – only single family or attached single family or multi-family would be allowed on these properties. No commercial uses. She explained that the intent is come up with a comprehensive approach to providing for the orderly transition from commercial to residential areas which include a fully integrated mixed use pedestrian oriented environment, to protect the existing residential neighborhoods, to regulate the building height and mass to make sure the scale is appropriate, to review the uses to make sure the uses are appropriate, to make sure that the site design and building design are compatible with adjacent

neighborhoods, and to encourage right-of-way design to calm traffic and create a distinction between the less intense residential areas and the more intense commercial areas.

Ms. Ecker explained that the uses requiring a SLUP include assisted living, churches, government use and office, independent hospice and senior living, schools, and skilled nursing facility. She noted that all of the current uses and buildings on the sites today would be allowed to remain as legal non-conforming. She noted that two to three stories are allowed with a maximum height of 35 feet, which is consistent with the permitted height in single family neighborhoods.

Ms. Ecker explained that the TZ2 are already used or zoned for commercial uses, with the exception of the property on Purdy. She noted that this allows for the same residential use and noted the list of uses proposed for that area was thoroughly vetted by the Planning Board and determined that the uses are neighborhood compatible commercial uses. She explained the uses allowed with a SLUP include anything with food. She further explained the development standards and noted the permitted height is 30 feet and two stories maximum.

Ms. Ecker noted that in TZ3 is only in two locations – at Quarton and Woodward Ave and Chesterfield and Maple. She noted that there is no single family actual use or home directly abutting the property. She noted that the height would require two-stories minimum and three-stories maximum. She explained that all residential uses are permitted. The commercial uses are listed as well as those allowed with a SLUP.

She explained the design standards, buffer standards, and streetscape standards required for all transition zones. In response to a question from Commissioner Rinschler regarding uses, Ms. Ecker confirmed that if a use is not listed, it is not allowed.

Commissioner McDaniel suggested that under the SLUP category there be an “other” category with standards delineated such as low vehicle traffic, limited hours of operation, etc. He suggested eliminating the list of permitted uses and make everything subject to review against some predetermined standards. Ms. Ecker noted that the catch all category was debated by the Planning Board and determined that it was not how the rest of the ordinance was written and it was not something they wanted to add. Commissioner McDaniel stated it is worthy of reconsideration.

In response to a question from Commissioner Nickita, Ms. Ecker explained that the Planning Board wanted to make sure that everyone was clear that if they moved into a neighborhood around these parcels that all the uses were specifically listed and the resident would know what could be built next to them.

Mayor Sherman commented on the uses which are heavier than what is currently allowed such as food and drink establishments. Ms. Ecker explained that the public stated that they wanted a small scale neighborhood use such as a specialty food shop. She noted that they also heard from the public who did not want a food shop which is why it is in the SLUP category.

Commissioner Moore expressed his understanding of the tension the Board went through in terms of uses and predictability. At the same time, the City wants to encourage entrepreneurship. He suggested this is a discussion to have down the line in terms of how we go about ensuring that the City remains relevant in terms of uses.

Enid Livingston stated that she would like the see the height in TZ1 restricted to the average of the adjacent heights rather than 35 feet.

Dorothy Conrad expressed concern with the number of units permitted under the development standards.

David Conlin suggested a different definition of transition as it can have a disruptive connotation.

David Bloom stated that the City has gotten away from the term buffer zone and started calling it transition which is a vague word. He suggested more time be spent trying to find a way to get more neighborhood buy-in for this.

Jim Partridge stated that the discussion is out of sync with the existing building code. He commented on the amount of glazing required. He expressed concern that this will become a City of awnings and transitional zoning should not be discussed until the windows are resolved, otherwise nothing will be built.

Patti Shayne expressed concern with density for such a small area, in particular on Purdy, as it is congested near the park. She stated that she is not clear how some of these zoning categories have emerged and is nervous about what could be built in such a small area.

Irving Tobocman expressed concern with the situation of the townhouses on Brown Street. He stated that the setbacks for residential should be left to the designer and architect so there is a closer relationship between the walkable pedestrian situation and the people on the front porch like it is in most of the residential areas of the City.

Michael Murphy expressed concern with allowing the use of on-street parking as part of the parking requirement. He stated that blanketing the TZ2 with on-street parking across the board is not right.

Bill Finnicum expressed concern with the TZ1 zoning allowing front garages as they disrupt the rhythm of the street and the front porches are lost. He also expressed concern that there is no requirement for outside living space and allowing a building to be built up to the street as it will result in massive cumbersome structures.

David Kolar agreed with the suggested to incorporate a catch-all phrase for SLUP's. He expressed concern that with the new ordinance buildings would be built to an unusual shape and not leasable.

Larry Bertollini expressed concern with parking and increased traffic with the proposed uses. He noted that there is not a parking requirement with outdoor dining, which is allowed in TZ1 and TZ2. He noted that neighborhoods suffer with the parking issue.

Paul Reagan commented that there is a difference between the structural or dimensional provisions and the usages. He expressed concern that these buffers will be sieves, with the introduction of SLUPs.

Jim Mirro commented that he does not trust the process. He stated that spot zoning is bad and agreed with Mr. Reagan.

Bill Dow stated that he is unhappy with the ever increasing density and over-building of the City which is creating a lot of problems such as lack of parking, congested traffic, and encroachment in the neighborhoods.

Benjamin Gill agreed with Mr. Dow. He stated that when a particular problem comes up, a gigantic overview plan is not needed to take care of a few minor issues. He stated suggested using the rules already in place.

Commissioner Rinschler suggested eliminating all uses in TZ1 except for those that are specifically residential. Commissioner Nickita noted that it is a matter of interpretation as to whether the City wants the flexibility. He stated that for the most part it is residential unless there is a special condition in which case it is a SLUP. Commissioner McDaniel suggested having no defined uses, instead define the standards against which that proposal would be evaluated.

Commissioner McDaniel expressed concern with the design standards as expressed by architects tonight. He suggested a resolution is needed. In response to a question from Commissioner Nickita, Ms. Ecker explained that a building could be built, but it may not be in the same configuration. She confirmed that the glazing standards have been studied by the building department who found that buildings could be built to comply with the energy code standards.

Commissioner Moore questioned 404 Park. Ms. Ecker stated that it is currently zoned R2. There are no commercial uses proposed on that site. Churches, schools and government offices would be allowed with a SLUP. She noted that those uses are currently allowed in R1, R2, and R3. It is consistent with what is allowed in the single family districts already in the City.

Commissioner Nickita noted that the Board has looked at the adjacent residential and commercial condition and extended the residential condition into this area to make it adhere more to what was there. He noted that the heights are an extension of the current heights in the neighborhoods. He pointed out that the City has added a series of requirements in the 2016, Triangle District, Rail District Plans that give direction on development to make sure that the sidewalks, streets, and buildings address their particular block so they are in context in the most appropriate way. The Plans give guidance to make sure that we maintain the street activity that we have throughout these districts. These edge conditions have lacked the additional controls and guidelines. This is a very controlled zoning that adheres to what we have in these other districts.

Commissioner Moore stated that this ordinance would provide for controls over these buffer/transition zones.

Mayor Sherman commented that the concerns are about the uses. He noted that there were no garage door standards on the front in TZ1. It should be consistent in all three zones as the City does not want the garage door in the front.

Commissioner Nickita stated that in the conditions identified in TZ3, it will lessen the impact of the conditions that are there.

The Commission agreed that the ordinance needs revisions.

City Attorney Currier explained the transitional zoning amendments do not legally constitute spot zoning. Taking a look at what has been considered with the transition zoning, there has been an attempt to bring before the Commission a comprehensive plan for transitional zoning to make a gradual transition that is not abrupt nor cause harm to either district. The plan is to make an appropriate transition from one zoning classification to another where the two different districts are next to each other. The Planning Board has considered this matter for several years and has taken into account the health, safety, and welfare of the entire community and the adjacent owners and occupants of nearby properties.

Commissioner Nickita disclosed that his architectural firm has previously consulted with one of the developers interested in one particular site that will be reviewed regarding rezoning. Therefore, he will recuse himself from consideration of 404 Park.

Planner Baka presented the proposed revisions to each property in TZ2 and TZ3 comparing the current uses and the proposed uses.

The following individual spoke regarding 564, 588, Purdy, 115, 123, 195 W. Brown, 122, 178 E. Brown:

- Paul Pereira, 543 Henrietta, commented that if it is rezoned, it should be TZ1 for attached residential units. He stated that the residents should be protected.

The following individuals spoke regarding 1111 & 1137 Holland; 801, 877, 999, 1035 & 1105 S. Adams Rd.; 1108, 1132 & 1140 Webster; 1137 & 1143 Cole St.; 1101 & 1120 E. Lincoln:

- Dave Kolar, 1105 S. Adams, commented on the setbacks for TZ2 and noted that the building façade shall be built within five feet of the front lot line for a minimum of 75% of the street frontage. He stated that he would have to have a 75 foot wall façade of a building, forcing the parking to behind the building and would give an unusual "L" shaped building to be buildable to meet this requirement. He stated that he would like a relief of zoning so he can duplicate exactly what is there if it is taken by casualty.
- Larry Bongiovanni agreed. He noted that this has been brought up at the Planning Board review. He suggested that parking be considered if there will be a three story building overcapacity and the impact on the area. Mr. Baka confirmed that the same setbacks would apply for residential and commercial.

The following individuals spoke regarding 1775, 1803, 1915, 1971, 1999, 2055, 2075 & 2151 Fourteen Mile Rd:

- Michael Murphy, 1950 Bradford, questioned the benefit of changing the zoning and expanding what is there. He suggested fixing what is on Woodward now.
- Dorothy Conrad stated that there are all medical buildings along 14 Mile now with no commercial use. She questioned what is the benefit to the community to put a commercial strip along 14 Mile when there is already viable development along there.

The following individuals spoke regarding 412 & 420 E. Frank:

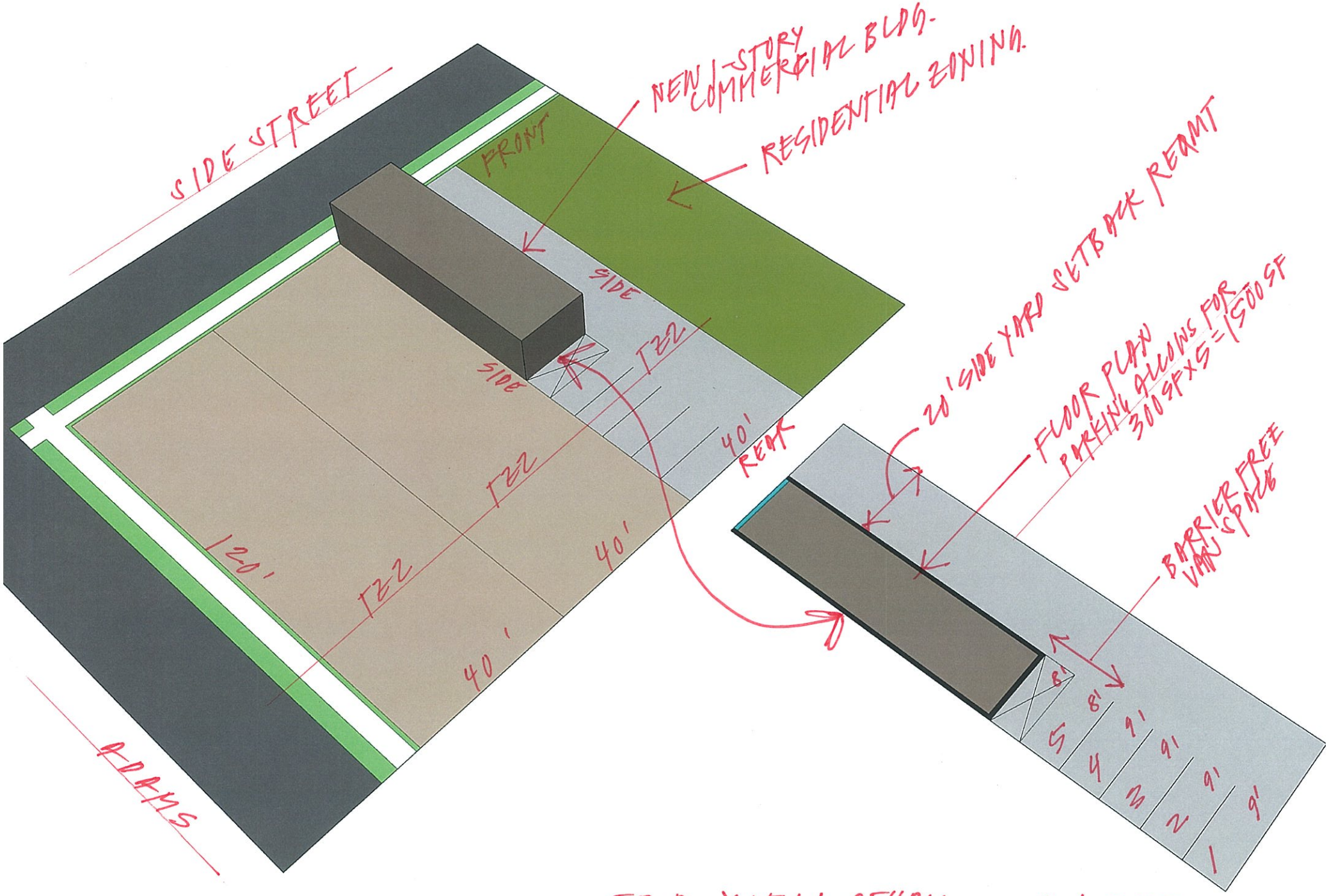
- Irving Tobocman stated that the ordinance takes away the lawn area that is expected in a walkable community by making the developer build five feet from the sidewalk. He noted that there are no buildings with porches or greenery. He stated that the creative process that the architects bring is being taken away.
- Mr. Baka confirmed for a resident that all the parcels could be developed as residential. The resident suggested that it be broadcasted that residential opportunity would not be eliminated.

- Salvatore Bitonti, owner of a bakery, commented that he has someone who wants to build on the property. Mr. Baka clarified that this parcel was originally intended to be TZ1. Mr. Bitonti had a concern that if he did not build his residential properties that his current tenants would be phased out eventually. Based on those comments, the Planning Board switched it to TZ2.
- Paul Reagan stated that it could have continued to operate under the existing zoning.

MOTION: Motion by Rinschler, seconded by Nickita:
To continue the Public Hearing to September 21, 2015.

VOTE: Yeas, 7
Nays, None
Absent, None

Commissioner Moore left at 10:41 PM



TZ2 YIELD STUDY 6.1.2015

Jana Ecker <jecker@bhamgov.org>

412 @ 420 E. Frank St.

1 message

Eric Wolfe <elwolfe1@comcast.net> Tue, May 19, 2015 at 1:32 PM
To: jecker@bhamgov.org
Cc: Markforbham <markforbham@yahoo.com>

Dear Ms. Ecker,

Please forward our comments to the City Clerk (as advised in the Notice of Public hearing) and to the Planning Board directly. Thank you.

Eric & Tracey Wolfe

Dear Planning Board:

We are unable to attend the May 27, 2015 Planning Board meeting, so *please carefully consider each of our comments* on this proposed rezoning.

We strongly oppose the rezoning of 412 & 420 Frank St. for the following reasons:

- No hardship has been demonstrated by the applicant. Redevelopment under the current zoning is feasible and would not require any variances. Financial reward (or a claimed financial hardship) is not a legal, valid reason for rezoning.

- The transition from the office parcel at the southwest corner of Old Woodward and Frank already exists. Moving west along the south side of Frank finds that the zoning currently changes from B2B to B1 to R-3. This is a perfect illustration of transition zoning and further zoning options are unnecessary, inconsistent and would be deleterious to the neighborhood, and in particular, the value of my home.

- The corner parcel (412 East Frank St.) is zoned R-3. It is adjacent to other R-3 parcels on Ann St. It could easily be redeveloped in a manner compatible with those parcels (facing west as the others do) and create the

anchor to the neighborhood as it transitions from B-1.

- 420 East Frank St. is the address of the Frank Street Bakery, which is a wonderful asset to the neighborhood, as well as the entire City, and a rezoning would likely be the end of this wonderful operation. As stated in Observer/ Eccentric article dated June 6, 2014, “They like the idea of having a coffee shop at the end of their street that they can walk to”.

- After years of very little activity, Ann St. is currently undergoing substantial redevelopment with new single family homes. There are a few multifamily projects that currently exist and are the most poorly maintained of any of the property on this street. Rezoning would encourage the demolition of the small buildings on 412 & 420 East Frank St., which are compatible with the 40 and 50 foot lots in this neighborhood, in favor of a monolith which would eliminate the interesting character of this area (and potentially create unintended consequences especially if these parcels are combined with others).

- Traffic and parking, already under pressure at this busy corner, would be negatively affected. While any future development would contain parking for the residents, there would be no parking, other than the surrounding streets, for their guests. It is likely that small businesses would operate from an attached single family unit which would face CVS, so there is the additional unknown of customers parking as well. Ann St. already suffers from downtown shoppers and employee parking, and there is busy traffic to and from CVS constantly. Enough is enough at this location.

- The current owner of these parcels bought the properties at a price based upon their current zoning. Transitional zoning would create a windfall to this owner, who bears large responsibility for the poor condition of the many other parcels he owns in the immediate area. He has made no effort to include the views of his neighbors in any of his redevelopment ideas, and has even threatened to seek even more dense uses in retribution for opposition to his proposals.

When we moved to our home at 393 E. Frank St. in 2007,which is directly across the street from these parcels, we were fully aware of the zoning in the immediate area, and relied upon the City to protect the neighborhood from further density. The character of the neighborhood appealed to us, including the small lots, small buildings and proximity to downtown. We would be dramatically affected by the proposal to rezone, including traffic, parking, and views from my home, and the value of my home would drop substantially. It is the City’s obligation to protect property values. The pressure for this rezoning comes from the owner only. If he feels he has a case for rezoning, the BZA exists for this purpose. If the City truly feels that additional options should be available to property owners, the proper forum would be a reevaluation of the City’s master plan, not a parcel by parcel transitional zoning change.

In summary, we strongly oppose the rezoning of these parcels. It is our expectation that the City will protect our property values and the character of the neighborhood. This process is really a circumvention of the master plan and would have a deleterious effect on the area, including a substantial reduction of my home’s value, which we will protect. We urge you to oppose this plan. Thank you.

Sincerely,

Eric and Tracey Wolfe

393 E. Frank St.

RECEIVED
MAY 20 2015
CITY OF BIRMINGHAM
COMMUNITY DEVELOPMENT DEPARTMENT

May 20, 2015

Planning Board

City of Birmingham

RE: Proposed Rezoning of 404 Park

Dear Planning Board,

The major issues currently being considered are density, parking, and height. On density, LSL recommended "a modest increase in density" and four units is overwhelming and a 100% increase; on parking, four units is a minimum of 8 cars on a tiny lot and—by pushing the building up to Oakland—too much traffic will be abutting our house. If you allow said property 35 feet height, the building will loom over our 28.5 feet height as well as 287 Oakland's 30.5 feet height.

All these issues have been beaten to death in the last 2.5 years of your minutes, and please consider throughout this discussion the SOLE rezoning advocate has been the owner/developer. 100% of the 100 footers have been against this rezoning with each new proposal. The Oakland boulevard feature serves as a perfect barrier separating the Downtown from our neighborhood.

Respectfully submitted,

Brad & Laura Host

Brad and Laura Host

416 Park Street

Birmingham, Michigan 48009

June 15, 2015

RECEIVED
JUN 16 2015
CITY OF BIRMINGHAM
COMMUNITY DEVELOPMENT DEPARTMENT

The Planning Board
City of Birmingham

RE: Proposal Rezoning Oakland/Park from R2 to TZ1

Dear Planning Board,

We, the undersigned owners, are 100% of the aforementioned single family residences you are considering rezoning. We fervently believe you should remove Oakland/Park from your rezoning considerations for the following reasons:

1) We have been part of The Little San Francisco neighborhood for over a Century and bought/built our homes believing we are part of a cohesive neighborhood.
2) Little San Francisco is close to the Downtown but not part of the Downtown.
3) Oakland Street has long been a natural buffer for our neighborhood. The lush, spacious boulevard with four traffic lanes has afforded us an expansive separation from the Downtown.
4) We have always been a part of a very close—both figuratively and literally—neighborhood.
5) Any increase in density will only exacerbate existing traffic and parking problems.
6) Any application of TZ1 Classification in The Little San Francisco neighborhood will adversely affect property values as well as degrade the comprehensive clarity of our single family residences neighborhood.

This rezoning proposal is an issue of grave concern, and we believe intensifying our density is unwanted, imprudent, and unwarranted. Historically, Little San Francisco has been single family residences within a very well defined perimeter imparting a very cohesive neighborhood close to the Downtown, and we have withstood the test of time. All of us steadfastly oppose any rezoning of our neighborhood.

Respectfully submitted,

416 Park _____ 424 Park _____

287 Oakland _____ 267 Oakland _____

247 Oakland _____ 233 Oakland _____

300 Ferndale _____

Contact person for above property owners: Brad Host 248-219-2249 or 248-357-1000

City of Birmingham

Jana Ecker <jecker@bhamgov.org>

Re: Vacate Lot between Woodward, Oakland and Park

1 message

Joe Valentine <jvalentine@bhamgov.org> Wed, Jul 29, 2015 at 4:35 PM
To: Little San Francisco <littlesanfran@gmail.com>
Cc: "sdm984@sbcglobal.net" <sdm984@sbcglobal.net>, "gdilgard@hotmail.com" <gdilgard@hotmail.com>, "rackyhoff@hotmail.com" <rackyhoff@hotmail.com>, "mcdaniel_tom@hotmail.com" <mcdaniel_tom@hotmail.com>, "markforbirmingham@yahoo.com" <markforbirmingham@yahoo.com>, "gordon4bham@aol.com" <gordon4bham@aol.com>, "stuart.sherman@sbcglobal.net" <stuart.sherman@sbcglobal.net>, Jana Ecker <Jecker@bhamgov.org>

Ms. Erwin,

Thank you for your email to the City Commission concerning potential plans for the vacant lot between Woodward, Oakland and Park. I will share your comments with the Planning Department so they can be made available to the Planning Board when further discussion on their plans occur. Their plan has been amended several times and may be revisited following discussions on Transitional Zoning, which includes this parcel. The discussion on Transitional Zoning is planned for August 24th City Commission meeting.

Thank you again for sharing your suggested stipulations for this parcel for consideration.

Regards,
Joe Valentine

On Wed, Jul 29, 2015 at 7:01 AM, <littlesanfran@gmail.com> wrote:

To: Birmingham City Council

The developer shared their preliminary drawings for this property. I think the following:

- Overall plan will be a nice addition to the area
  - It's size appropriate for the lot and location
  - Design is in keeping and similar to other new homes built in the area
  - Setbacks and height are appropriate for the area
- I prefer to have the lot developed with this size appropriate building versus staying vacate

The developer's representative, Chuck DiMaggio with Buton Katzman, has stated the following, and I would request the City Council stipulate these provisions if they approve this plan:

- Angel driveway as shown on renderings to force traffic onto Park going east toward Oakland Avenue
  - This would limit additional traffic onto Park Street going into neighborhood

- Do not offer neighborhood parking passes to this property
  - Chuck DiMaggio consistently stated they would have appropriate parking and additional needs would be serviced by the parking structure at Park and Oakland

Thanks you for your consideration.

Michelle Erwin
356 Ferndale Ave

Sent from Windows Mail

--
Joseph A. Valentine
City Manager
City of Birmingham
151 Martin Street
Birmingham, MI 48009
(248) 530-1809 Office Direct
(248) 530-1109 Fax
jvalentine@bhamgov.org

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Visit www.bhamgov.org/aroundtown to sign up.

Jana Ecker <jecker@bhamgov.org>

Re: City Commission comments for 8/24 meeting

1 message

Joe Valentine <jvalentine@bhamgov.org> Fri, Aug 14, 2015 at 11:22 AM
To: Laura Pierce <lpierce@bhamgov.org>, Jana Ecker <Jecker@bhamgov.org>

Please include with the agenda report for the 24th.

On Fri, Aug 14, 2015 at 8:57 AM, Laura Pierce <lpierce@bhamgov.org> wrote:

See below.

City of Birmingham
Laura M. Pierce, MMC, CMMC | City Clerk | City Clerk's Office |
P.O. Box 3001, 151 Martin | Birmingham, Michigan 48012 |
Phone 248.530.1802 or 248.530.1880 | Fax 248.530.1080 | www.bhamgov.org

---------- Forwarded message ----------
From: **Eric Wolfe** <elwolfe1@comcast.net>
Date: Thu, Aug 13, 2015 at 2:51 PM
Subject: City Commission comments for 8/24 meeting
To: lpierce@bhamgov.org

Dear Ms. Pierce

Please forward our comments to the City Commission pursuant to the Notice of Public Hearing concerning their meeting. Thank you.

Eric & Tracey Wolfe

Dear City Commission:

We are unable to attend the April 24, 2015 City Commission meeting, so *please carefully consider each of our comments* on this proposed rezoning.

We strongly oppose the rezoning of 412 & 420 Frank St. for the following reasons:

- No hardship has been demonstrated by the applicant. Redevelopment under the current zoning is feasible and would not require any variances. Financial reward (or a claimed financial hardship) is not a legal, valid reason for rezoning.

- The transition from the office parcel at the southwest corner of Old Woodward and Frank already exists. Moving west along the south side of Frank finds that the zoning currently changes from B2B to B1 to R-3. This is a perfect illustration of transition zoning and further zoning options are unnecessary, inconsistent and would be deleterious to the neighborhood, and in particular, the value of my home.

- The corner parcel (412 East Frank St.) is zoned R-3. It is adjacent to other R-3 parcels on Ann St. It could easily be redeveloped in a manner compatible with those parcels (facing west as the others do) and create the anchor to the neighborhood as it transitions from B-1.

- 420 East Frank St. is the address of the Frank Street Bakery, which is a wonderful asset to the neighborhood, as well as the entire City, and a rezoning would likely be the end of this wonderful operation. As stated in Observer/ Eccentric article dated June 6, 2014, “They like the idea of having a coffee shop at the end of their street that they can walk to”.

- After years of very little activity, Ann St. is currently undergoing substantial redevelopment with new single family homes. There are a few multifamily projects that currently exist and are the most poorly maintained of any of the property on this street. Rezoning would encourage the demolition of the small buildings on 412 & 420 East Frank St., which are compatible with the 40 and 50 foot lots in this neighborhood, in favor of a monolith which would eliminate the interesting character of this area (and potentially create unintended consequences especially if these parcels are combined with others).

- Traffic and parking, already under pressure at this busy corner, would be negatively affected. While any future development would contain parking for the residents, there would be no parking, other than the surrounding streets, for their guests. It is likely that small businesses would operate from an attached single family unit which would face CVS, so there is the additional unknown of customers parking as well. Ann St. already suffers from downtown shoppers and employee parking, and there is busy traffic to and from CVS constantly. Enough is enough at this location.

- The current owner of these parcels bought the properties at a price based upon their current zoning. Transitional zoning would create a windfall to this owner, who bears large responsibility for the poor condition of the many other parcels he owns in the immediate area. He has made no effort to include the views of his neighbors in any of his redevelopment ideas, and has even threatened to seek even more dense uses in retribution for opposition to his proposals.

When we moved to our home at 393 E. Frank St. in 2007,which is directly across the street from these parcels, we were fully aware of the zoning in the immediate area, and relied upon the City to protect the neighborhood from further density. The character of the neighborhood appealed to us, including the small lots, small buildings and proximity to downtown. We would be dramatically affected by the proposal to rezone,

including traffic, parking, and views from my home, and the value of my home would drop substantially. If the City truly feels that additional options should be available to property owners, the proper forum would be a reevaluation of the City's master plan, not a parcel by parcel transitional zoning change.

In summary, we strongly oppose the rezoning of these parcels. It is our expectation that the City will protect our property values and the character of the neighborhood. This process is really a circumvention of the master plan and would have a deleterious effect on the area, including a substantial reduction of my home's value, which we will protect. We urge you to oppose this plan. Thank you.

Sincerely,

Eric and Tracey Wolfe

393 E. Frank St.

--

Joseph A. Valentine
City Manager
City of Birmingham
151 Martin Street
Birmingham, MI 48009
(248) 530-1809 Office Direct
(248) 530-1109 Fax
jvalentine@bhamgov.org

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RECEIVED BY
AUG 14 2015
CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

August 14, 2015

Birmingham City Commission,
151 Martin,
Birmingham, Michigan 48009

RE: Spot Rezoning from R2 to TZ1, Parcel 1925451021, Lot 66 and 67 of Oak Grove Addition, commonly known as 404 Park

Dear City Commissioners,

404 Park's transitional rezoning discussion started three years ago as spot zoning, and now three years later it ends up as spot zoning. It is possibly the purest SPOT ZONING ever attempted in our City. Little San Francisco neighborhood has enjoyed over a Century as a cohesive neighborhood, and this proposed rezoning is truly a leap across Oakland from the Downtown, an obvious attempt to expand the Downtown into our neighborhood. This is wrong.

On June 24th, the Planning Board 4-3 vote includes some noteworthy statements not reflected in the minutes. All three dissenters are in favor of transitional zoning in concept, BUT believe it should not be implemented at 404 Park. Also, on three separate occasions the Planning Board's Bert Koseck said in these three years of hearings NOT ONE PERSON--- excepting the developer--- has said anything positive about 404 Park's proposed rezoning. Lastly, Planning Board member Stuart Jeffares stated rezoning to a four unit apartment building was a more acceptable alternative to having two houses built like the ones on the west side of Telegraph, just south of Square Lake; his analogy is a huge conceit since no one can legislate aesthetics, and –more importantly---he is asserting he knows what is best for the neighborhood despite our neighborhood's persistent, unanimous disapproval.

You all bought single family residences in Birmingham to live here and had certain expectations when purchasing your home. If you had a choice, would your live next door to a four unit apartment building? Your immediate answer is NO. Laura and I purchased our single family residence 416 Park Street twenty five years ago and are delighted to be so close to town and plan to expand our house someday for our retirement. We enjoy being in a single family , close knit neighborhood, and took it for granted there would be single family residence on either side. 404 Park's rezoning will DOUBLE the density, and we will be looking at four two-car garages with ten cars running close by our living room. As the most directly affected single family residence , this spot zoning is unnecessary, unwarranted, and unwanted. You should expunge 404 Park's from your transitional rezoning parcels as this spot zoning would be a detriment to our whole neighborhood.

Respectfully,

Brad & Laura Host

Brad and Laura Host
416 Park St.
248-219-2249 or 248-357-1000

City of Birmingham

Laura Pierce <lpierce@bhamgov.org>

COMMUNICATION FOR PUBLIC HEARING AUGUST 24, 2015

1 message

Alice Thimm <adthimm@att.net> Sun, Aug 16, 2015 at 9:30 PM
To: "Laura M. Pierce" <lpierce@bhamgov.org>
Cc: "Joseph A. Valentine" <jvalentine@bhamgov.org>

Dear Mayor Sherman and City Commissioners,

Since the review of permitted uses on O1/O2 commercial properties has now morphed into a compounded, complicated, and confusing study that's mixing several unrelated City zones in the same stew pot, there are additional concerns of residents to consider. The zones in the mix are R-2 Single-Family Residential, R-3 Single-Family Residential, R-5 Multi-Family Residential, P Parking, B1 Neighborhood Business, and B2B General Business, along with O1 Office and O2 Office zones. All of the Office zoned properties directly abut single-family residential. There are parcels in other zones that do not. This letter refers only to Office zoned parcels that directly abut someone's home.

The recommendation for a Transitional Zone is suggesting that an extensive list of what are mostly commercial uses designated in "Business" zones, are what residents now want applied to our current "Office" zoned properties. Quite the opposite is true. The majority of the uses the Planning Board is suggesting as appropriate uses that would be for our current O1/O2 properties is simply a plan for increasing commercial expansion that would encroach into our neighborhoods and impact directly abutted single-family homes! This is not needed. It is not wanted. High intensity business use space is more appropriately provided for in all other zones of the city. For residents that would be negatively impacted, it's insulting and disrespectful. It has never been a request of residents to have business uses of much higher intensity move into buildings that have been occupied by "offices" for over fifty years.

The Commission-directed review to the Planning Board more than several years ago was in fact, a response to the residential concern of "current" Office zone uses. The concern and request was to lessen, not increase commercial uses in Office zones!

The existing variety of offices, now occupying the majority of Office Zone parcels, are generally daytime operations. Commercially generated activity, neighborhood traffic, parking issues, noise, and offensive odors are not now the concern of directly abutted residents or the single-family neighborhoods.

Our "Office" zones ARE the intended zones of "transition" now! With the intended limited uses, they buffer and separate our single-family residential neighborhoods from the more intensive commercial uses of the "Business" zones where those uses are more appropriately accommodated for, expected, existing, and accepted. We can simply cross the road or take a short walk for just about everything.

Office zones are designated in our ordinance to have only "Office and Low-Intensity Uses", preserving and protecting neighborhood integrity and the property values of our homes. It is also wisely stipulated in our Master Plan that only businesses of the "lowest intensity" be allowed to share a property line with someone's home.

More than doubling the commercial uses in Office zones is an unwanted, irrational, and extreme deviation from the Planning Board's original directive given by the City Commission and from what the Board presented three or four years ago with the "N" (Neighborhood) proposal at their public hearing which was continued for tweaking, then surprisingly abandoned with fabricated reasons offered as to why. The number and types of business uses being suggested for Office zones now, goes against the reasoning of why the "transitional" Office zones were established. The recommendation appears to represent unnecessary commercial expansion opportunities that would allow unwanted encroachment of more intensive commercial uses and their impact along the fringes of our neighborhoods.

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be beneficial to what is now.

It has always been and is now an intensified concern and opposition mainly of the business "uses". Many would consider this rezoning recommendation a failure if suggested high intensity business "uses" are approved for the O1/O2 parcels on interior roads that directly abut and would negatively impact single-family homes and the neighborhoods. The current "transitional" Office Zones, meant to be occupied with businesses of the lowest intensity out of respect to our neighborhoods, must not be eliminated by rezoning but preserved and bettered with the removal of several current permitted uses now in place, the original concern of residents.

Sincerely,

Alice Thimm

Sent from my iPad

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SEP 16 2015

CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

September 16,2015

Birmingham City Commission,

151 Martin Street,

Birmingham, Michigan 48012

Re: Proposed rezoning of 404 Park from R2 to TZ1

Dear Commissioners,

Having been involved in this process for over three years, we agree there is a need for transitional/buffer zoning classifications, but any application of these zoning classifications to 404 Park is inappropriate.

These two vacant residential lots could be built as a single family residence similar to 505 West Brown. Additionally, these two vacant residential lots could be built as two single family residences similar to the white houses addressed as 233 Oakland and 300 Ferndale. Why are these alternatives not advantageous? Because the developer wants to maximize his profit by increasing the vacant lot's density.

If this rezoning is approved, what happens when the developer sells this four unit apartment building or switches management? Approval of this rezoning is unneeded and unwarranted and would eventually lead to more rezoning applications, sending our neighborhood down a slippery slope which is unnecessary.

Lastly, as our elected representatives, you are the stewards of our neighborhoods and should endeavor to protect us from exploitation by commercial interests. Further, the outcry of single family residents' directly affected by this rezoning has been unanimous. You should see this rezoning as an expansion of the Downtown and as an unwanted intrusion into our neighborhood. We ask you to honor the neighborhood and remove 404 Park from rezoning consideration.

Respectfully submitted,

Brad and Laura Host

416 Park

Birmingham, Mi. 48009

248.219.2249

248.357.1000

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John D. Staran
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September 16, 2015

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SEP 16 2015
CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

Via Facsimile & U.S. Mail

Birmingham City Commission
151 Martin Street, P.O. Box 3001
Birmingham, MI 48012-3001

Re: ***Rezoning 404 Park, Birmingham, MI***

Dear City Commissioners:

We represent Brad and Laura Host, the owners of 416 Park, which is adjacent to the vacant property at 404 Park that is proposed for rezoning from its longstanding R-2 Single–Family Residential District to the new TZ1 Transition Zone district. A divided Planning Commission forwarded the rezoning proposal to the City Commission on a 4-3 vote. Our clients strongly oppose the rezoning, and we urge the City Commission, as elected representatives of the Hosts and the many other residents of their "Little San Francisco" neighborhood, to please deny this proposed rezone. Denying the rezone is the right thing to do for a number of reasons grounded in sound planning and zoning principles.

A Transition Zone Is Unnecessary.

The newly created transition zone district is designed to create a use buffer between incompatible land uses or zoning districts by providing separation and protection for less intensive zoning or land uses from incompatible adverse effects of an adjacent more intensive zoning district or land use. Transition zones can be an effective zoning technique when properly implemented, and in some of the areas being considered by the City Commission for rezoning to TZ, it may be appropriate. But, the need for a transition zone or use buffer to achieve zoning compatibility in all instances where a non-residential zoning district or land use is adjacent to single-family residential is a fallacy. Indeed, the modern zoning concept of form–based zoning, which focuses on physical form and layout of structures and improvements rather than separation of uses as its guiding principle, is proof of that. And, in some cases even simple landscaping between land uses can serve as an adequate use buffer. In the case of 404 Park, the proposed transition zone designation is a solution in search of a problem that does not exist.

Oakland Avenue provides a very clear, well-defined, and logical demarcation between the business district to the south and the single-family residential neighborhood to the north. It has an attractive dividing median and provides nearly 100 feet of separation between the parking structure and office buildings on the south side and the subject property on the north side. The business

properties to the south of Oakland Avenue are at their highest intensity in terms of activity, lights, traffic and noise during weekdays, and much less so on weeknights and weekends when homeowners on the north side are more likely to be affected. Parking restrictions in the neighborhood north of Oakland Avenue further mitigate and protect the residents against adverse effects of traffic and parking problems. The proposed rezoning, on the other hand, will allow a non-single family residential land use to intrude beyond this boundary line and create an undesirable precedent that may lead to future requests of a similar nature affecting the welfare and integrity of the Little San Francisco neighborhood.

The Longstanding R-2 Single Family Residential District Designation Remains Reasonable.

The threshold inquiry for any rezoning proposal should be whether the current zoning is reasonable for the property. Unless the answer to that question is no, then the decision to deny the rezoning proposal is an easy decision to make. The City's planning and legal advisors have undoubtedly advised the City Commission that the law does not require the City to zone every property for its highest and best (i.e., most profitable) use, but rather to allow a reasonable use. In the case of 404 Park, a demonstration that the site cannot be reasonably redeveloped and used for single-family residential has not been convincingly made. We do not doubt that the subject property may be worth more if marketed or developed for multi-family purposes. It may be worth even more for commercial, retail or office. But, that is not the appropriate line of inquiry. The appropriate and threshold inquiry should be is there anything wrong with the current single-family zoning designation, or – asked another way – can the subject property no longer be reasonably used for single family residential? The answer to this question is no. Until razed in 1988, the subject property was improved with a house, and upon information and belief, the commercial owners of the property ever since that time have made no real effort to re-build a house on the site or to market the site at a prevailing residential property price.

As further testament to the validity and continuing vitality of the current R-2 single family zoning, consider the other similarly situated homesteads along Oakland Avenue at 233, 247, 267 and 287 Oakland Ave. and 300 Ferndale. And, of course, the Little San Francisco neighborhood behind them, which they are an integral part of, continues to thrive and prosper.

We have all heard and probably used the expression, "If it isn't broken, don't fix it." That expression is apropos here. The surrounding area is single family residential on three sides, with R-2 to the north and west, and R-7 to the east. The area to the south, across boulevard Oakland Avenue, is zoned PP and B-4. Rather than provide a protective buffer to the residential neighborhood north of Oakland Avenue, this proposed rezoning and proposed redevelopment of 404 Park for an apartment building will have the opposite, adverse impact. It will create a foothold and precedent for non-single family residential uses to intrude into the neighborhood on the north side of Oakland Avenue, where none currently exist in the immediate area. Rather than protect the neighborhood residents from the effects of the parking structure and office buildings located south of Oakland Avenue, the proposed rezoning of 404 Park will expose the neighbors to a new higher intensity, multi-family use with increased density, a larger and taller profile, greater lot coverage, more impervious surfaces, and increased noise, traffic and parking under the guise of a transition zone where none is needed.

This Is Spot Zoning.

City Attorney Tim Currier recently provided the City Commission with a letter about spot zoning, which the City Attorney explained is often misunderstood. Nevertheless, our Supreme Court has defined spot zoning as the creation of a small zone of inconsistent use within a larger zone. *Penning v Owens,* 340 Mich 355, 367 (1954). We believe that is exactly what will result here if 404 Park is rezoned. Especially noteworthy in the City Attorney's letter is the statement of the doctrine:

> Spot zoning has come to mean arbitrary and unreasonable zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from and inconsistent with the classification of surrounding land, and not in accordance with the comprehensive plan. *Spot zoning is a zoning for private gain designed to favor or benefit a particular individual or group and not the welfare of the community as a whole.* [Emphasis added]

The City Attorney's letter ultimately concludes the proposed transitional zoning amendments do not constitute spot zoning, but we respectfully disagree. To determine spot zoning requires a case specific analysis of the particular facts and circumstances involved. Although, spot zoning may not be illegal per se, it is universally frowned upon by planners, municipal attorneys, judges zoning scholars alike. It is a disfavored practice. The proposed rezoning of 404 Park will not benefit anyone but the owner of 404 Park. It will definitely not benefit the single-family residential neighborhood it is an integral part of, and it is not needed to buffer or protect those residents from the business district to their south, the proximity to which has not adversely impacted their neighborhood. Instead, the proposed rezoning will create an island of inconsistent zoning and land use amid a larger, well-defined sea of single family residences. Rezoning 404 Park as proposed will serve only to benefit and profit its owner to the detriment of the neighbors and neighborhood.

We commend the City Commission for their thoughtful consideration and approach to the proposed rezoning, and we hope the Commission will take into account our client's serious concerns as the Commission strives to do the right thing to promote the public health, safety and welfare of its taxpaying, voting residents. In closing, we urge and caution the City Commission to not try to fix zoning that is not broken by creating a so-called transition zone that is not needed at this location and will establish an inconsistent land use and precedent in an otherwise cohesive and beloved single family residential neighborhood.

Very truly yours,

John D. Staran

JDS/ijd

cc: Mr. Timothy J. Currier, City Attorney
Thomas J. Ryan, Esq.
Client

RECEIVED BY
SEP 16 2015
CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

09/16/2015

Dear City Commissioners
I am writing to oppose the re-zoning of 404 Park Street, on the corner of Park and Oakland, to multi-family status.
The lot now referred to as 404 Park is a double lot that 25 years ago (+ or -) had a small sturdy craftsman house that the new owner had torn down to prepare for maximizing the use of the space. It was a home identical to the one next door, and similar to several others along Park St that have been remodeled and rehabilitated over the years to accommodate larger families and changing needs of residents. But the new owner of 404 Park had a vision of the potential for development on this site . Politics in Birmingham however were not amenable to his plans. So he waited. At around the same time on the other end of Oakland, at the corner of Ferndale, four houses away, local architects were designing two single family homes as models of what in-town homes could be. These homes stand today as beautiful examples of their efforts. One of the homes in 2010 received a prestigious AIA 25-yr award as an example of a sustainable in-town dwelling that had stood the test of time. Two other homes along Oakland are by any measure "historic' and well maintained properties. One is a Craftsman home; the other is earlier, a Victorian. Either could qualify for inclusion in a coffee table book on historic homes. The owners of all these homes love and care for them. They view Oakland Ave with it's wide grassed tree-lined boulevard as a more than adequate buffer to the commercial buildings to the south, and thus not in need of any further 'transition'. In addition to the homes along Oakland there are two beautiful homes on Park across from what would become the parking lot for the proposed 404 Park development.

.All of these properties would be negatively affected by the incursion of a multi-family property with the implication that adjoining properties could be next for a zoning change. The anxiety regarding the zoning issue has a direct impact on the value of these surrounding single family homes. The people who own, maintain and live in these homes are universally opposed to a multi-family building on their corner. These homes are not 'tear-downs'.

Beyond the immediately adjoining properties is the impact of a multi-family dwelling on the neighborhood as a whole. The Ravines area is small, with approximately 90 homes. It is two blocks wide and 3-4 blocks long. There are only four entrances/egresses into the neighborhood —at Park, Ferndale, Euclid and Ravine. Increasing the density on any lot in the neighborhood affects everyone to a greater or lesser degree in terms of traffic, parking and drainage issues.

Over the several years that the development of 404 Park has been on the table we have had numerous meetings in neighborhood homes including a discussion of case law as it applies to 'spot zoning' or 'transition zoning'. The classic example is of a large residential development far from commercial services that wish to rezone a parcel for the provision of needed amenities for the surrounding neighborhood—such as a grocery, hardware, drugstore or even a 'big box' store. This qualifying example has no bearing on the discussion of our site. The surrounding neighbors here in large majority see no benefit to the proposed building at 404 Park.
Therefore I ask that you reject the applicants request for a multi-family development. There is no 'shared benefit' to this proposal. The only benefit is to the property owner.

Thank you for your time, energy and consideration.
Sharon Self
227 Euclid

Sharon Self

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CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

September 16, 2015

Dear Commissioners:

My name is Paul Gillin and I live at 273 Euclid and also own 271 Euclid, properties in what is referred to as the "Little San Francisco" neighborhood. I am writing to you to express my opposition to the proposed rezoning of what has become known as the 404 Park rezoning proposal to TZ1.

I would like to recap the history of this proposal as it relates to the area along Oakland...

A few years ago, the owner/developer of what is referred to as 404 Park met with neighbors to discuss basically an apartment building with 14 units. This was met with opposition for many reasons and, over the course of numerous meetings, was culled down to 4 units – or double the existing density of these two lots. At the same time, the City hired urban planners to study the "fringe" areas of downtown and evaluate properties adjacent to the business district for their "at risk" status. The outcome of that expenditure turned into a major rezoning proposal of numerous "at risk" areas across the City to provide "transition" from business to residential areas. Included in this proposed rezoning was all of Oakland between Woodward and Ferndale and the two houses adjacent to the empty lots at Oakland/Park. After two or three years of discussion and meetings, it is now my understanding only the two empty lots on Oakland/Park are under consideration.

My reasons for opposing the rezoning are as follows:

1. The arguments for the proposal have been to provide transition from the City to the residential area, which the

residents have long argued to be fallacious because the existing wide boulevard provides a beautiful and natural buffer. If the rest of the properties along Oakland are now not at risk and protected from the City by this natural buffer, then it would appear to me that 404 Park remains under consideration for rezoning only for political, tax base or developer interests, which I believe to be abhorrent. It is not the responsibility, duty or obligation of the City or residents to maximize anyone's financial interest and. despite the condescension and belittling to which residents were subjected at the last meeting regarding the definition of spot zoning by counsel, rezoning of these remaining parcels seems to fit the definition of spot zoning even more.

2. In the early 1990s City officials waged a war on properties zoned multifamily (duplexes mostly) and tried converting them all to single-family zoning. I know this because my neighbors and I fought the City and prevailed on the duplexes along Euclid Ave in Little San Francisco. A decade or so later, the City became very concerned about areas throughout town where homes were occupied by multiple unrelated adults and strict rules were put in place on the licensing of landlords regarding how many folks of different ages etc. could occupy a rental. I know this too because I had to provide detailed scaled drawing of my rental to obtain the license and was told how many occupants it could have. My purpose in relating these pieces of history is to remind you that zoning is not a fashion to be changed in reflex to someone's request today due to the prevailing mood at any given point of time. Decisions made today to rezone and allow this project will continue to have ramifications on this neighborhood today and into the future, when the next inevitable proposal is made to develop another property along Oakland for the purpose of providing "a transition" to protect the homeowners from what they currently have and like!

3. The brownstones along Brown are beautiful and often touted as an example of how great this and other projects could be and, though I agree they look great, they do not create a neighborhood feel. They are thoroughly landscaped, walled and moated in the front, with no yard and have little porticos for front entrances. In short, there is nothing about them that is open and conducive to engagement with the neighborhood/neighbors around them. Placing such a structure within Little San Francisco would be at odds to the existing homes and neighborhood feel.

4. Finally, properties adjacent to the proposed development become less desirable/valuable as single family homes because they live in the shadow of a larger structure than would be allowed under single family zoning or find themselves suddenly living next to a parking lot with people coming and going at all hours.

Thank you for your time and I hope you will support the voice of the residents and vote no for this proposed rezoning.

Sincerely,

Paul A. Gillin

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SEP 16 2015
CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

September 16, 2015

Birmingham City Commission

Dear Commissioners,

We are writing to you regarding the proposed rezoning of 404 Park Street, Birmingham MI. The City Commission is considering rezoning this property from R-2, single family residential, to TZI. The rationale is that TZI is compatible with the adjacent single family residences.

We respectfully disagree with this philosophy. The neighborhood known as "Little San Francisco" is comprised of 80 single family homes and 5 duplexes. The exception to this is the property on Brookside and Ravine which is a 5 unit condo. It is not a rental property, it is not adjacent to any other residential property, it's elevation is below the homes on the other side of Ravine, and the garages are built underneath the condos and do not impact traffic in the neighborhood.

In the past several years there have been many changes to our neighborhood. On Ferndale Avenue there are 3 new-builds and 2 major renovations to existing homes. There are new-builds on Euclid, a major renovation at the northwest corner of Park St and additional renovations to homes on Euclid. More importantly are the changes taking place on Park Street. Currently there are two new-builds that are occurring on the sites of teardown homes. There is also a home on Park that is undergoing a large addition and renovation. This is particularly noteworthy because these three properties back up to Woodward Ave. This fact reinforces the idea that backing up to Woodward Ave. is not a situation that makes a lot unsaleable.

If a multi-unit property is built on the corners of Woodward, Oakland and Park Streets, this will add traffic congestion to an already over-burdened area. If the garages and driveways of the proposed units exit onto Oakland Ave there will be an increase in traffic to a very short stretch of road that is already bordered by two traffic signals. East bound traffic exiting onto Oakland requires traffic to go west to the Ferndale & Oakland turn. This turn is already a known traffic hazard because of a visibility issue created by the newly added parking spaces on the south side of Oakland. If the garages exit onto Park, east bound traffic will have to go north on Park, turn onto Euclid, turn south onto Ferndale and exit at the already busy intersection.

It is understandable that as the desirability of living in downtown Birmingham becomes more appealing, each neighborhood will be viewed in various ways. However, changing the character of our neighborhood that has existed for over 100 years should not be a viable option.

Thank you for thoughtfully considering this issue.

Ann and Thomas Stallkamp

333 Ferndale Avenue

To the Board of Commissioners:
Moore, Nikita, Rinschler, Dilgard,
Hoff and Mc Daniel

Regarding the proposed rezoning of the two lots on Park Street:
Many residents of this small area already park on the street. The addition of more people, probably mostly with cars, would only add to the problem with the proposed designation

Please do not change the present zoning classification.

Sincerely,
Jane McKee
392 Ferndale Ave
Birmingham
September 18, 2015

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SEP 17 2015
CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

City of Birmingham

Laura Pierce <lpierce@bhamgov.org>

COMMUNICATION FOR PUBLIC HEARING AUGUST 24, 2015

1 message

Alice Thimm <adthimm@att.net> Sun, Aug 16, 2015 at 9:30 PM
To: "Laura M. Pierce" <lpierce@bhamgov.org>
Cc: "Joseph A. Valentine" <jvalentine@bhamgov.org>

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Ann and Thomas Stallkamp

333 Ferndale Avenue