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**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, APRIL 13, 2016**

Item	Page
No motions were made.	

APPROVED

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**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, APRIL 13, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on April 13, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams

**Absent:** Alternate Board Members Lisa Prasad, Daniel Share; Student Representative Colin Cusimano

**Administration:** Matthew Baka, Senior Planner  
Sean Campbell, Asst. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**04-58-16**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING  
OF MARCH 23, 2016**

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Williams to approve the Minutes of March 23, 2016 as presented.**

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: Whipple-Boyce, Williams, Boyle, Clein, Jeffares

Nays: None

Abstain: Koseck, Lazar

Absent: None

**04-59-16**

**CHAIRPERSON'S COMMENTS (none)**

**04-60-16**

**APPROVAL OF THE AGENDA (no change)**

04-61-16

## **STUDY SESSION**

### **Glazing**

Mr. Baka recalled that the Planning Board has been holding study sessions on this topic to explore ways that the ordinance requirements can be altered so that fewer variances are sought but the intent of the window standards remains in place. The intent of the glazing requirements has been to activate the streets and public spaces of Birmingham by creating an interactive relationship between the pedestrians and the buildings in commercial areas.

Since the last study session an error was discovered in the Zoning Ordinance that has a significant effect on how the existing language is enforced. However, the Planning Division is of the opinion that this clerical error correction would bring the regulations back in line with the original intent of the window standards. This would eliminate the need for creating definitions for primary and secondary facades as discussed at the last study session. It will reduce the amount of glazing required on non-street facing facades and will reduce the number of variance requests, but will still provide glazing on elevations of buildings that face the street. The question is whether the board wants to add more requirements for non-street facing facades.

Board members decided to strike 4.90 WN-01 (C) (e) that states glazing on the ground floor facade shall not be reduced to less than 50% between 1 and 8 ft. above grade. Discussion considered whether glazing should be required on buildings where a public entrance not on the frontage line is in the back. It was thought there must be a minimum of 30% glazing between 1 and 8 ft. above grade.

Mr. Baka agreed to write out the changes for the board to see one more time before this topic goes to a public hearing.

04-62-16

## **DESIGN REVIEW**

### **Outdoor display and storage**

Mr. Baka provided background. He noted that over the past several years, the Planning Board has been holding study sessions aimed at creating standards to add to the Zoning Ordinance that would regulate outdoor displays and storage. They have talked about coming up with a ratio similar to the way the allowable amount of signage is calculated. The square footage of signage is determined by a ratio of 1/1 from the linear footage across the principal building frontage.

Ms. Whipple-Boyce thought it should be required that outdoor display be so many feet away from the entry door.

Ms. Ecker advised that if the board wants all gas stations to come to the Planning Board for outdoor storage review, the ordinance language should specify that as not all existing gas stations currently operate under a Special Land Use Permit ("SLUP").

Other types of establishments would have to get approval from the Design Review Board. The board then discussed at what point display turns into storage. Ms. Ecker defined outdoor display as the placement of any item or items outside of a building for decorative display and that are accessible to the public for the purpose of sale or exhibit. Locked ice and propane containers are therefore outdoor storage as they are not accessible to the public. Board members thought that storage of propane and ice should not be permitted on the front of a building.

Draft language has been written to allow three (3) sq. ft. of display area for each foot of principal building frontage. It was thought that was too much. Consensus was that displays can change without the business having to come back before a board for further review.

Mr. Baka agreed to bring examples next time so the board could see the difference between 1, 2, and 3 sq. ft. of display space for each foot of linear frontage.

**04-63-16**

## **STUDY SESSION Transitional Zoning TZ-2**

Ms. Ecker recalled that on March 9, 2016, the Planning Board discussed the history of the transitional zoning study and the direction from the City Commission for the Planning Board to further study the portion of the ordinance related to TZ-2, as well as those properties that had been recommended for rezoning to the new TZ-2 Zone District. The consensus of the Planning Board was to limit continued study to the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Board members requested staff to present charts comparing the proposed uses in TZ-1, TZ-2 and TZ-3 at the next meeting, and to prepare aerial maps for each of the proposed TZ-2 properties to assist the board in understanding the neighborhood context in each case. Charts, maps and aerial photos were included in this month's materials for review by the board.

Ms. Ecker noted that the only difference between TZ-2 and TZ-3 is that TZ-3 allows a veterinarian office and a 1,000 sq. ft. larger commercial space without needing a Special Land Use Permit ("SLUP").

Mr. Williams recalled there were a number of former Commissioners who felt that all of TZ-2 should have SLUPs for permitted uses. He has no idea what the new City Commission wants to do with TZ-2. Personally, he is opposed to a SLUP for everything. He thought the SLUP should only come into play if the uses go beyond what was originally permitted in the underlying zoning. What is developed in TZ-2 is not a significant expansion, but it is a consolidation. All of the properties coming from the categories where it is not a significant expansion would stay as TZ-2. Create a TZ-4, basically three or four properties along Fourteen Mile Rd., and give them SLUPs. In his view a few properties caused TZ-2 to be derailed by the former City Commission. Now the only unknown is what this City Commission wants. He doesn't think the Planning board was that far off in its original presentation to them.

Chairman Clein wondered if TZ-2 should be a bit more restrictive with fewer permitted uses so there is more of a separation between TZ-2 and TZ-3.

Mr. Boyle thought TZ-2 should be simplified so there is the intent of having a modest amount of mixed uses with some commercial activity, and there are not lots of regulations which is what a SLUP is. Discussion concerned making health club a SLUP use because of the need for parking, and its effect on the neighborhood. Mr. Williams suggested making anything a SLUP that impinges on the neighborhood in terms of its demands. Leave many of the uses the way they are because they are not that controversial.

Ms. Whipple-Boyce felt differently. She wanted to take some of the SLUP uses and put them into permitted uses because she thinks the whole idea is to activate the buildings and get small business owners into the spaces. She feels the board went wrong by taking some of the permitted uses away, and they have become too restrictive with what is being proposed for TZ-2. Mr. Jeffares thought that once you restrict the uses you will end up with empty stores.

Mr. Williams recalled that back in history the board took out some of the most objectionable uses. Their mistake was that they didn't report on that to the City Commission as part of this package. Now when they go forward to the Commission they have to go back and tell the whole story because the Commission needs to understand the original charge years ago and what has happened since. Mr. Boyle added that in the joint session it behooves this board to be very clear about what it wants and not apologize.

Ms. Whipple-Boyce thought there could be a way to clean up the uses so there is a better distinction between TZ-2 and TZ-3. Mr. Boyle said that understanding the long history is important along with presenting it in a logical simplified way to the Commission.

The group's consensus was to remove from TZ-2 drycleaner, grocery store, delicatessen, parking structure; make health club a SLUP; move coffee shop and bakery up from uses requiring a SLUP to permitted uses. All TZ-2 requirements kick in upon a change in use. A 3,000 sq. ft. limitation applies to permitted uses. Larger permitted uses require a SLUP.

It was agreed to look at the revised list of uses and start talking about them at the next study session.

**04-64-16**

## **MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

Mr. Harvey Salizar, 564 Purdy, said the City Commission is looking to the Planning Board for direction and this issue goes back and forth and nothing has been accomplished because no one wants to take the responsibility to make a move. Let's get something done. Mr. Williams countered that the Planning Board did approve TZ-1,

TZ-2, and TZ-3 and sent them to the City Commission. Chairman Clein noted that good planning takes time and this is a complicated issue.

#### 04-65-16

### MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications (none)

b. Administrative Approval Correspondence

- 1800 W. Maple Rd., Lutheran Church of the Redeemer - Replace the existing wood privacy fence along the east, north, and west side of the property.
- 300 Strathmore Rd., communication facility - AT&T swapped out three existing antennas on their existing communication monopole.
- Phase II of the District Lofts - Ms. Ecker reported they want to add landscaping and trees and vegetation to the walkway between Phase 1 and Phase 2. Everyone was in favor of granting administrative approval.
- 2400 E. Lincoln - The applicant was told that they could not use combustible material above 40 ft. Therefore, they want to replace that with fire retardant treated wood. Board members thought whatever wood is chosen should all have the same finish and color so it looks the same. Some of the other things the applicant is proposing are:
  - to add new vents;
  - change the rhythm of windows, still meeting the glazing requirement;
  - switch to inoperable windows at the bottom;
  - add mechanical screening;
  - place two columns to hold up the canopy, rather than having it totally supported by the building;
  - on the assisted living side, change to more and smaller condenser units so each room has its own controls; and
  - on the opposite side of the memory care they are going with bigger units.

All were in agreement with the proposed changes, with the condition that all of the wood used should have the same finish and color.

#### 04-66-16

c. Draft Agenda for the Regular Planning Board Meeting on April 27, 2016

- 404 Park, rezoning to TZ-1;
- 191 Chester, First Church of Christ Scientist, Site Plan Review and rezoning from TZ-1 to TZ-3;

- 835-909 Haynes, Fred Lavery request for SLUP;
- Fire Station, Courtesy Site Plan Review.

Mr. Williams thought with respect to the Fire Station the one important issue that needs to be addressed is this huge, highly congested facility on half of the property that is so close to residential.

d. Other Business

Ms. Ecker reported that five bistro applications were submitted and reviewed by the City Commission at their last meeting. None were selected to move forward.

**04-67-16**

**PLANNING DIVISION ACTION ITEMS**

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

**04-68-16**

**ADJOURNMENT**

No further business being evident, board members motioned to adjourn at 10 p.m.

Jana Ecker  
Planning Director