

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

Item	Page
<p>PUBLIC HEARING</p> <p>1. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:</p> <p>TO AMEND SECTION 2.23, O-2 (OFFICE/COMMERCIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE ACCESSORY PERMITTED USES.</p> <p>TO AMEND SECTION 2.27, B-1 (OFFICE-RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.</p> <p>TO AMEND SECTION 2.29, B-2 (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.</p> <p>TO AMEND SECTION 2.31, B-2B (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.</p> <p>TO AMEND SECTION 2.33, B-2C (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.</p> <p>TO AMEND SECTION 2.35, B-3 (OFFICE-RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.</p> <p>TO AMEND SECTION 2.37, B-4 (BUSINESS RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.</p> <p>TO AMEND SECTION 2.39, MX (MIXED USE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.</p> <p>TO AMEND SECTION 4.12 FN-03, FENCE STANDARDS, TO REMOVE THE OUTDOOR STORAGE FENCE PROVISIONS FROM THIS SECTION.</p>	2

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<p>TO AMEND ARTICLE 4, SECTION 4.57, SCREENING STANDARDS, TO ADD SCREENING STANDARDS FOR OUTDOOR STORAGE.</p> <p>TO AMEND SECTIONS 4.67 TO 4.72, STORAGE AND DISPLAY STANDARDS, TO AMEND THE OUTDOOR DISPLAY AND STORAGE STANDARDS IN O-1, O-2, B-2, B-2B, B-2C, B-4 AND MX.</p> <p>TO AMEND SECTION 5.10, B-2 DISTRICT, B-2B DISTRICT, B-2C DISTRICT, USE SPECIFIC STANDARDS TO AMEND THE OUTDOOR DISPLAY AND STORAGE STANDARDS.</p> <p>TO AMEND SECTION 5.12, B-4 DISTRICT, USE SPECIFIC STANDARDS TO AMEND THE OUTDOOR DISPLAY AND STORAGE STANDARDS.</p> <p>TO AMEND SECTION 5.13, MX DISTRICT, USE SPECIFIC STANDARDS TO AMEND THE OUTDOOR DISPLAY AND STORAGE STANDARDS.</p> <p>TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD DEFINITIONS FOR OUTDOOR DISPLAY, OUTDOOR STORAGE AND BUILDING FRONTAGE, PRINCIPAL.</p>	
<p>Motion by Ms. Whipple-Boyce Seconded by Mr. Boyle to recommend approval of the proposed amendments to Chapter 126, Zoning of the Code of the City of Birmingham as stated above to the City Commission.</p>	4
<p>Motion carried, 7-0.</p>	4
<p>FINAL SITE PLAN REVIEW</p> <p>1. 856 N. Old Woodward Ave.</p>	4
<p>Motion by Ms. Whipple-Boyce Seconded by Mr. Jeffares to recommend approval of the Final Site Plan for 856 N. Old Woodward Ave. with the following conditions:</p> <ol style="list-style-type: none"> 1. Provide the City with an access easement for ingress/egress and maintenance of the proposed public parking spaces; 2. Remove all portions of the 4th floor canopy that project into the required 10 ft. setback from the 3rd floor eave using the elevation we saw tonight and obtain administrative approval for this change; 3. Comply with the requirements of all City departments. 4. The projection of the awnings on the front facade should be the same depth as the sidewalk; and 5. Recess the garage door on the front facade to accommodate a 	6

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<p>vehicle under the building and be approved administratively.</p> <p>Motion carried, 7-0.</p>	<p>7</p>
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<p>1. Outdoor Dining Enclosure Standards</p>	<p>8</p>
<p>Motion by Mr. Boyle Seconded by Ms. Whipple-Boyce to recommend that a uniform 36" in height be applied to outdoor railings on platforms.</p>	<p>8</p>
<p>Motion carried, 7-0.</p>	<p>8</p>
<p></p>	<p></p>

APPROVED

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

Minutes of the regular meeting of the City of Birmingham Planning Board held on July 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 Cousimano

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

07-116-16

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
OF JUNE 22, 2016**

Motion by Mr. Boyle

Seconded by Mr. Williams to approve the Minutes of June 22, 2016 as presented.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

07-117-16

CHAIRPERSON'S COMMENTS (none)

07-118-16

APPROVAL OF THE AGENDA (no change)

07-119-16

PUBLIC HEARING

1. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:

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TO AMEND SECTION 2.39, MX (MIXED USE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.

TO AMEND SECTION 4.12 FN-03, FENCE STANDARDS, TO REMOVE THE OUTDOOR STORAGE FENCE PROVISIONS FROM THIS SECTION.

TO AMEND ARTICLE 4, SECTION 4.57, SCREENING STANDARDS, TO ADD SCREENING STANDARDS FOR OUTDOOR STORAGE.

TO AMEND SECTIONS 4.67 TO 4.72, STORAGE AND DISPLAY STANDARDS, TO AMEND THE OUTDOOR DISPLAY AND STORAGE STANDARDS IN O-1, O-2, B-2, B-2B, B-2C, B-4 AND MX.

TO AMEND SECTION 5.10, B-2 DISTRICT, B-2B DISTRICT, B-2C DISTRICT, USE SPECIFIC STANDARDS TO AMEND THE OUTDOOR DISPLAY AND STORAGE STANDARDS.

TO AMEND SECTION 5.12, B-4 DISTRICT, USE SPECIFIC STANDARDS TO AMEND THE OUTDOOR DISPLAY AND STORAGE STANDARDS.

TO AMEND SECTION 5.13, MX DISTRICT, USE SPECIFIC STANDARDS TO AMEND THE OUTDOOR DISPLAY AND STORAGE STANDARDS.

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD DEFINITIONS FOR OUTDOOR DISPLAY, OUTDOOR STORAGE AND BUILDING FRONTAGE, PRINCIPAL.

Chairman Clein opened the public hearing at 7:31 p.m.

Mr. Baka recalled that over several study sessions Planning Board members reviewed the existing ordinance language, and requested staff to prepare draft ordinance language and to provide definitions for outdoor display and outdoor storage. Board members felt that each use should be distinguished by the short term or long term nature of the outdoor display, and that limited hours should be considered. Further, the board requested the addition of standards to control the location, size and looks of both outdoor display and storage areas, without imposing extensive and detailed standards.

After much consideration the Planning Board has drafted proposed ordinance amendments that would do just that. These would apply to the majority of commercial zones in the City with the exception of O-1. Mr. Baka presented a short PowerPoint that illustrated several outdoor display scenarios at existing sites and how they are proposed to be regulated. If there is a shed roof over the top but open sides, it would be considered outdoor display/storage. A ruling from the City Attorney has stated that the Michigan Zoning Enabling Act would not permit the City to phase out the existing non-conformances. However, Code Enforcement can regulate potential nuisance situations.

Mr. Baka explained the current provisions that regulate outdoor storage and display are scattered throughout the whole ordinance. They have now been located and/or replaced with new language in the Storage and Display Standards section of the ordinance and they apply to O-1, O-2, B-1, B-2, B-2B, B-2C, B-3, B-4, MX, TZ-3. He went on to talk about the various standards. Outdoor storage is much less regulated but it is intended to be kept in the back of the building and fully screened.

It was discussed that at Tim Horton's, which is located on an island, the front entrance is considered the rear and outdoor storage would be permitted there with administrative approval. Ms. Ecker clarified that legal, non-conforming uses can continue unless they have stopped for six months.

At 7:50 p.m. no one from the public came forward to provide comment.

Ms. Whipple-Boyce expressed her disappointment that the board could not make changes because the current storage/displays are grandfathered. Mr. Koseck was not sure how much change they will see.

Chairman Clein noted the new ordinance will control new developments or major changes to existing businesses. Mr. Williams wanted to make sure the non-conforming uses are documented. Ms. Ecker stated that staff will attempt to photo catalogue the size and height of existing outdoor displays and storage at locations discussed by the Planning Board.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Boyle to recommend approval of the proposed amendments to Chapter 126, Zoning of the Code of the City of Birmingham as stated above to the City Commission.

There was no discussion by members of the audience at 8 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

The public hearing closed at 8 p.m.

07-120-16

FINAL SITE PLAN REVIEW

1. 856 N. Old Woodward Ave.

Ms. Ecker advised the parcel at 856 N. Old Woodward Ave. is currently vacant. The applicant intends to build a four-story mixed-use building at the subject site, with an additional level of underground parking. The site has a total land area of .56 acres and is located on the east side of N. Old Woodward Ave., south of Oak St.

The first floor frontage will contain 4,500 sq. ft. of retail space, a residential lobby, and garage doors providing access to first-floor and basement level parking. The second, third and fourth floors are proposed to contain 26 residential units. On-street parking will also be provided on N. Old Woodward Ave. The footprint of the building proposed is 20,428 sq. ft., giving the building an approximate total of 102,000 sq. ft. The applicant was required to prepare a Community Impact Study ("CIS") in accordance with Article 7, section 7.27(E) of the Zoning Ordinance, as they are proposing a new building containing more than 20,000 sq. ft. of gross floor area.

On January 13, 2016, the Planning Board voted to accept the CIS with the provision that if the number of units or stories change, or there are other significant changes, the applicant would have to provide an update to the impacts for administrative approval.

On February 24, 2016, the Planning Board reviewed the site plan and traffic study and voted unanimously to approve the Preliminary Site Plan with several conditions.

On May 25, 2016, the applicant submitted revised plans for the building, and the Planning Board granted Revised Preliminary Site Plan approval with conditions that the applicant has completed.

On June 14, 2016 the applicant appeared before the Board of Zoning Appeals requesting two variances. The first variance asked that the maximum allowable number of floors be extended from three to four, and it was approved 6-0. Moving up, the third floor steps back 10 ft. and the fourth floor steps back an additional 10 ft. The second request was a dimensional variance of 20 ft. for a canopy that extends from the third and fourth floors and connects to the eave line of the first and second floors. This request was denied by a vote of 3-3 and therefore the applicant must remove all portions of the fourth floor canopy that extend into the required 10 ft. setback from the third floor eave line.

Mr. Williams observed that vehicles cannot exit before they have crossed where traffic is entering the building. People will have to be careful there. He proposed that a sign be added to alert people that there is two-way traffic from that point on.

Design Review

The plans submitted indicate that the applicant is proposing to utilize the following materials for the exterior finish of the building:

- Stone (knee walls and upper level panels);
- Lake Superior Green Granite base at pilasters and window bases;
- Bronze metal (C channels, railings metal panels and awnings);
- Glass windows and storefront door systems with bronze frames and glass in bronze frame garage doors; and
- Bronze security screening and decorative bronze metal fencing in the easement south of the building.

The primary colors of the exterior finish are white, maroon, Lake Superior Green, bronze, and black. Blank walls do not face the street, and the façade openings are vertical in proportion. The retail storefront is directly accessible from the public sidewalk, and the first floor glazing calculations are 70%, which satisfies the minimum requirements of Article 3.04 (E) of the Zoning Ordinance. The glazed area of the façade above the first floor is 28%, which also satisfies the maximum glazing requirements of Article 3.04 (E) of the Zoning Ordinance. The architectural details of the exterior finish include an overhead canopy, cornice work, edge detailing, and decorative finish material. The first floor overhead awning is of bronze material, 12 ft. 4 in. above the sidewalk, and extends 5 ft. out from the building.

The design and use of the building conforms to the intent of the Downtown Birmingham 2016 Plan.

Mr. John Marusich, architect for the project, showed visuals with regards to the lighting scheme. He passed around the three basic materials and pointed out where they would be placed. A medallion pattern was chosen as decorative screening for the parking area. He described the canopy as being a design element that adds a little bit of panache to the building. To the degree that they didn't get the 20 ft. variance, the

canopy has now been set back. They will work with planning staff in order to fulfill this requirement.

Mr. Jeffares was concerned with the sound that may come from the condensers on the roof. Mr. Marusich answered these are very hi-tech, up-to-date electric a/c units with very little sound. Mr. Jeffares went on to note there could be some traffic congestion caused by vehicles waiting for the garage door to open. Chairman Clein observed there is almost 40 ft. from N. Old Woodward Ave. to the entrance of the building.

Mr. Koseck thought the proposed building would stand out as a landmark. He suggested moving the garage doors back into the building so they are in line with the building to the south. Now they have created a port au cochere that would improve pedestrian safety on the sidewalk and allow more queuing space for vehicles. Mr. Koseck further suggested that the awning be extended out the full 7 ft. width of the sidewalk in order to keep the rain off pedestrians.

It was discussed that the retail has exceptional exposure because of its pedestrian profile and glass condition. In response to Ms. Lazar, Mr. Marusich described how the interior lobby is separated for the privacy of access to the units above. Also, he explained how a special vehicle will come in to pick up the trash.

No one from the public wished to comment at 8:58 p.m.

Ms. Whipple-Boyce liked the idea of moving the garage door back into the space far enough so a car could pull in without blocking the sidewalk, activate the garage door and then move into the space. She is happy with the omission of the original canopy on the third floor and likes the extension of the awning to 7 ft.

Ms. Lazar was curious if the materials have been costed out or if the board would be subject to approving some material changes in the future. Mr. Marusich replied that he asked the masonry contractor for the building to the south about the cost of stone. The contractor indicated the stone that has been chosen is cost effective. Using the real granite obviously adds value to the building. The other materials will work as well.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Jeffares to recommend approval of the Final Site Plan for 856 N. Old Woodward Ave. with the following conditions:

- 1. Provide the City with an access easement for ingress/egress and maintenance of the proposed public parking spaces;**
- 2. Remove all portions of the 4th floor canopy that project into the required 10 ft. setback from the 3rd floor eave using the elevation we saw tonight and obtain administrative approval for this change;**
- 3. Comply with the requirements of all City departments.**
- 4. The projection of the awnings on the front facade should be the same depth as the sidewalk; and**
- 5. Recess the garage door on the front facade to accommodate a vehicle under the building and be approved administratively.**

No one from the public wished to comment at 9:05 p.m.

Motion carried, 7-0.

VOICE VOTE

Yeas: Whipple-Boyce, Jeffares, Boyle, Coir, Koseck, Lazar, Williams

Nays: None

Absent: None

Mr. Williams stated that from a pedestrian standpoint and a traffic standpoint, and certainly residence and retail, this will be a spectacular site. Board members agreed this is a tremendous boost for that end of town

07-121-16

STUDY SESSION ITEMS

1. Outdoor Dining Enclosure Standards

Mr. Baka noted the Planning Board has recently been asked to review the City policy regarding the height currently required for the guard rails that enclose on-street outdoor dining platforms. Currently, applicants are required to provide a 42 in. high rail. The rationale behind choosing this height was that 42 in. is the Commercial Building Code (1013.3 Height) standard for open-sided walking surfaces, including stairs, ramps and landings, that are located more than 30 in. or more above the floor/ground.

However, since the majority of the platforms are less than 30 in. tall this height is not required and it has been suggested that perhaps the City should alter its policy to allow slightly lower rails of 36 in. on all sides, which is the Residential Building Code standard for railing heights (R312.2). As the height of the platforms does not mandate the use of guard rails, it is up to the discretion of the City to determine what a suitable height would be and still provide adequate safety for the patrons and restaurant staff.

Accordingly, the Planning Board has been asked to provide input as to whether or not the current policy should remain or if the City should adopt a new policy to reduce the railing heights around the platforms.

Board members were okay with 36 in. in lieu of 42 in. as long as it complies with the Building Code.

Motion by Mr. Boyle

Seconded by Ms. Whipple-Boyce to recommend that a uniform 36" in height be applied to outdoor railings on platforms.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

07-122-16

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

07-123-16

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications (none)

b. Administrative Approval Correspondence

- 630 Harmon St., Holy Name Church - Remove and replace existing sidewalk section (8 ft. x 9 ft.) with 4 in. thick concrete.
- 2225 E. Fourteen Mile Rd., Our Shepherd Lutheran Church, - Install 6 ft. picket fence.
- 245, 325, 375 Eton St., District Lofts - To provide and replace existing landscaping and tree grates.
- 746 E. Maple Rd., Love & Buttercream - A/C condenser to be located on roof with required screening.
- 555 S. Old Woodward Ave., Triple Nickel Restaurant - Illuminated sign at west elevation entrance canopy. Non-illuminated sign at east elevation overhang.
- 210 S. Old Woodward Ave, Suite 200 - Adding a balcony to make a usable outdoor area. The space already exists.
- 34222 Woodward Ave. - Change number of sign lights from three to two (due to location of I-beam).

c. Draft Agenda for the Regular Planning Board Meeting on July 13, 2016

- 100 - 450 Woodland Villa Ct. - Placement of a gate across the road;
- 400 W. Maple Rd. - Addition to expand a lobby on the first floor;
- 748 - 750 Forest - Final Site Plan;
- MX District - Increase height limitation to allow an extra 10 ft. for rooftop mechanical.

d. Other Business (not discussed)

07-124-16

PLANNING DIVISION ACTION ITEMS

a. Staff report on previous requests (none)

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

07-125-16

ADJOURNMENT

No further business being evident, the chairman adjourned the meeting at 9:15 p.m.

Jana Ecker
Planning Director

APPROVED