

**REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY – OCTOBER 26, 2016
7:30 PM
CITY COMMISSION ROOM
151 MARTIN STREET, BIRMINGHAM**

- A. Roll Call
- B. Review and Approval of the Minutes of the regular meeting of **September 28, 2016**
- C. Chairpersons' Comments
- D. Review of the Agenda
- E. Unfinished Business
 - 1. **555 S. Old Woodward (555 Building)** – Request to amend Zoning Ordinance to render existing buildings legal, conforming structures and to permit additions and renovations.
- F. Final Site Plan Reviews
 - 1. **401 - 451 S. Eton (Irongate)** – Request for Revised Final Site Plan Review to consider as built site plan and design changes from previous approval.
- G. Preliminary Site Plan Reviews
 - 1. **2010 Cole Street (Currently under construction)** – Request for Preliminary Site Plan Review for three story addition to existing building (**Request by applicant to postpone**).
- H. Applications for Rezoning and Zoning Ordinance Amendments
 - 1. **412 – 420 E. Frank Street (Frank Street Bakery & Petrella Designs)** – Request for rezoning of the property from R3, B1 and B2B to TZ1 (Transition Zone).
 - 2. **2100 E. Maple (Whole Foods)** – Request to amend Zoning Ordinance and/or Zoning Map to clarify the boundaries of the Rail District, to include this site in the Rail District, and to allow bistro uses on parcels within the Rail District.
- I. Meeting Open to the Public for items not on the Agenda
- J. Miscellaneous Business and Communications:
 - a. Communications
 - b. **Administrative Approval** Correspondence
 - c. Draft Agenda for the next Regular Planning Board Meeting (**November 9, 2016**)
 - d. Other Business
- K. Planning Division Action Items

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- a. Staff Report on Previous Requests
 - b. Additional Items from tonight's meeting

L. Adjournment

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, SEPTEMBER 28, 2016**

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Motion by Mr. Williams Seconded by Mr. Share to postpone consideration of the Site Plan Review for 100-450 Woodland Villa Ct. to November 9, 2016.	2
Motion carried, 5-0.	2
2. 2010 and 2012 Hazel St. Crosswinds Request for Revised Final Site Plan and Design Review for construction of rear deck over existing driveways	2
Motion by Mr. Williams Seconded by Mr. Koseck to approve the Revised Final Site Plan Review for 2010 and 2012 Hazel St., Crosswinds, as proposed this evening in the materials.	3
Motion carried, 5-0.	3

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, SEPTEMBER 28, 2016
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on September 14, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Stuart Jeffares, Bert Koseck, Bryan Williams; Alternate Board Member Daniel Share

Absent: Board Members Robin Boyle, Gillian Lazar, Janelle Whipple-Boyce; Alternate Board Member Lisa Prasad; Student Representative Colin Cousimano

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

09-165-16

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
OF SEPTEMBER 14, 2016**

Motion by Mr. Williams

Seconded by Mr. Jeffares to approve the Minutes of September 14, 2016 as presented.

Motion carried, 4-0.

VOICE VOTE

Yeas: Williams, Jeffares, Clein, Koseck,

Nays: None

Abstain: Share

Absent: Boyle, Lazar, Whipple-Boyce

09-166-16

CHAIRPERSON'S COMMENTS (none)

09-167-16

APPROVAL OF THE AGENDA

There has been a request for postponement of the Site Plan Review for 100-450 Woodland Villa Ct.

09-168-16

SITE PLAN REVIEWS

- 1. 100-450 Woodland Villa Ct. (existing duplexes)**
Request for Final Site Plan approval to add a gate across Woodland Villa south of W. Maple Rd. (continued from August 10, 2016)

Motion by Mr. Williams

Seconded by Mr. Share to postpone consideration of the Site Plan Review for 100-450 Woodland Villa Ct. to November 9, 2016.

There were no comments on the motion from members of the audience at 7:34 p.m.

Motion carried, 5-0.

VOICE VOTE

Yeas: Williams, Share, Clein, Jeffares, Koseck

Nays: None

Absent: Boyle, Lazar, Whipple-Boyce

09-169-16

- 2. 2010 and 2012 Hazel St. Crosswinds**
Request for Revised Final Site Plan and Design Review for construction of rear deck over existing driveways

Mr. Baka explained the subject location is live/work units within the Crosswinds development. The Crosswinds development was originally approved by the Planning Board January 10, 2001 for mixed use. The current proposal is a request to modify one of the earlier buildings by adding a deck/carport to the back of the unit above the entrance to the attached garage to create a larger second-floor balcony. The applicant is proposing to construct two side-by-side decks on the rear elevation of 2010 and 2012 Hazel. Each deck is proposed to be 20 ft. x 16 ft. The decks would be attached to the outer wall of the building and then supported by three columns which would support an aluminum framing system. The decking material that is being proposed is a drylock waterproof aluminum decking system by Nexan. Each deck would be slightly pitched from the center towards each side to allow rain water to drain. In between the two decks the applicant is proposing to install a 6 ft. tall privacy wall that would extend out from the building 12 ft. Also, the applicant is proposing to install an additional privacy wall on the outside edges of the two decks that would be 6 ft. tall and extend 6 ft. from the back of the building.

Design Review

The privacy walls are proposed to be constructed of longboard privacy screening. The deck is proposed to be supported by three (3) 12 ft.- 2.5 in. columns. The columns are

proposed to be clad with thin brick to match the existing building and a limestone cap at the base with decorative PVC trim and wrap extending up the shaft of the column to the underside of the deck. An existing tree will be relocated to make room for the decks. Material samples were passed around.

Mr. Jeffares received confirmation that a letter signed by the president and vice-president has been received from the condominium association indicating they approved the proposal. Future plans by other condominium owners can be administratively approved if they are identical.

Board members thought the concept is a good one. Discussion considered whether the columns should be pushed back because that area is tight to maneuver. Chairman Clein didn't have a concern with the columns but he thought water dripping down might be a problem.

Mr. John Peglino, 2010 Hazel, was present with his wife, Karen. Mr. Peglino noted the deck extension will act as a backyard for them. They will work on solving the dripping water problem.

Motion by Mr. Williams

Seconded by Mr. Koseck to approve the Revised Final Site Plan Review for 2010 and 2012 Hazel St., Crosswinds, as proposed this evening in the materials.

No one from the public wanted to make a final comment at 7:47 p.m.

Motion carried, 5-0.

ROLLCALL VOTE

Yeas: Williams, Koseck, Clein, Jeffares, Share

Nays: None

Absent: Boyle, Lazar, Whipple-Boyce

09-170-16

STUDY SESSION ITEMS

1. Non-Conforming Building Regulations

Ms. Ecker provided background. On September 14, 2016, the Planning Board resumed their discussion regarding legal non-conforming buildings. After much consideration, the Planning Board directed Planning Staff to meet with the applicant for the 555 Building to craft ordinance language that would make existing buildings downtown conforming with regards to both height and setbacks, and to allow future expansion that would comply with the standards of the D-4 Overlay.

Proposed draft ordinance language addresses the improvement of commercial buildings throughout the City, and also specifically addresses the legal, non-conforming status of three buildings downtown.

The applicant agrees with the approach first to create a D-5 Zone, and second to recommend rezoning of one or more properties into the new D-5 category. This would allow the board to have further discussion on whether they want it to be the 555 Building property, or include the Birmingham Place and the Merrillwood Building, which are also non-conforming with regard to height.

Chairman Clein summarized that the language would make any property that is put into the D-5 Zone legal and conforming as to height and setback. It would allow expansions as part of building maintenance. Undeveloped portions of the property could be built upon so long as it meets the D-4 Overlay standards. The south side of the 555 Building still needs to be resolved.

Mr. Williams did not agree with limiting the south side to five stories. However, anything built above five stories would require a Special Land Use Permit ("SLUP"). Mr. Share was in favor of tying all of the expansions to a SLUP. Chairman Clein felt the D-4 controls are in place and any expansion must conform. Mr. Share thought the City should have some control over how changes get made. Mr. Koseck liked the SLUP because it allows the City to control the design to meet the spirit and intent of the D-4 Zone. Mr. Jeffares agreed.

It was noted that parking would have to be provided for any expansion because the building is not in the Parking Assessment District.

Mr. Williams observed it is in everyone's best interest to see the building improved so the City will be reasonable whether or not there is a SLUP. He feels the developer needs some flexibility, particularly at the south end. Mr. Koseck pushed for the SLUP because of the complexity that surrounds the building.

Ms. Ecker thought it could be recommended that any new buildings must be constructed under the terms of a SLUP.

Mr. Richard Rattner, Attorney, represented the applicant. He said they are almost there with allowing the 555 Building to be conforming in all respects. Secondly, the proposed expansion language is fine. Third, they would like to see the height of a new building being constructed in the D-5 Zone be up to but not exceeding the height of the building immediately adjacent or abutting it. That means the south building cannot be any higher than the 555 Building. They would like to do that without a SLUP.

Parking is not a problem for them and any new building would have parking also. With Mr. Currier's involvement, Mr. Rattner thought this will turn out to be a great package to send to the City Commission. He doesn't think a SLUP is needed because there are ordinances to control the first five floors, and above that the new building will be controlled.

Mr. Jerry Reinhart, Contract Developer, said their concept was to cap the buildings that are over five stories at their current height and to make all three buildings conforming. With respect to the 555 Building they cannot do the project on the south end unless the City wants it. They don't have the real estate to do it without involving public property. With respect to the construction on the east and west of the building, it gets complicated

with a SLUP. They would just like to build on the existing real estate in accordance with the D-4 Overlay Ordinance.

Mr. Koseck stated if it is not going to be a SLUP than the board has to establish some criteria for expansion of the building. He suggested if the applicant exceeds the D-4 Ordinance in height then that whole expansion from grade up becomes a SLUP. Board members discussed the following language:

D-5 Zone (over five stories)

- a. All existing buildings located in the D-5 Zone on _____ are deemed legal, conforming buildings.
- b. All existing buildings located in this zone district on _____ may be extended or enlarged only if the Property Owner elects to develop the extended or enlarged portion of the building under the provisions of the Overlay and the extension or enlargement meets all of the requirements of the Downtown Birmingham Overlay District and the D-4 Zone.
- c. The height of any addition and new construction in the D-5 Zone may be up to, but not exceed, the height of existing buildings in the D-5 to which they are immediately adjacent or abutting if the property owner agrees to the construction of the building under the provisions of a SLUP.

Mr. Rattner summed up what had been discussed. Everything five stories and below on the existing building is built pursuant to the D-4 Overlay standards without a SLUP. The whole parcel becomes a SLUP when it is expanded above the five stories. He asked if they could elect to go to a SLUP in order to have some design flexibility. Or, whether the Planning Board could be allowed to waive certain requirements.

Ms. Ecker replied that question would have to go to Mr. Currier.

Board members agreed to add this item to the agenda for the October 26 Planning Board meeting. Mr. Williams observed that he would like to have Mr. Currier present for that meeting.

09-171-16

PRE-APPLICATION DISCUSSION

**1. 225 E. Maple Rd.
Social Kitchen**

Mr. Josh Humphrey explained the patio area over Social Kitchen has become a little beat up due to wear and tear and the elements. They want to upgrade it with some new material. The footprint will not change. A hard glass canopy is proposed for the top. On the outside portion they would like to replace the planters with a hard glass and steel railing. Or, retaining the planters could be an option. The Eisenglass would remain all the way around the outside, allowing them to open it completely for a true patio experience. The current Eisenglass will be upgraded to a better quality product that folds up.

Ms. Ecker noted that Social Kitchen pays market rate for the space they are leasing from the City. However, there may be provisions in the agreement that limit it to the tent type structure. Ms. Ecker stated that the Building Division has indicated that there will be Code issues to address such as full footings, the need for fire-rated glass, Energy Code compliance and other code requirements. The applicant should discuss their revised plans with the Building Division prior to submitting a SLUP Amendment application.

Mr. Koseck indicated he is all in favor of doing something more permanent that would meet ordinance requirements. It would be good to see how far the canopy extends out.

The chairman thanked Mr. Humphrey for his presentation.

09-172-16

2. 2010 Cole St. (currently under construction)

Mr. Jason Krieger, Krieger Klatt Architects, said their proposal is to keep the existing footprint and site as it was approved a few times before, but now build up to a three-story, mixed-use building. Each floor going up will have stepped back balconies. Ground floor retail/commercial will have roughly 6,000 sq. ft. of fitness area. Second floor office space will be 8,800 sq. ft. and then 7,200 sq. ft. of residential on the third floor. Currently there are 52 parking spaces on-site. They propose garages at the back of the building and additional parking inside.

Parking on the east has one way in with a three point turn to leave. Mr. Share and Mr. Clein thought that area would draw some attention because board members feel it doesn't work. Mr. Koseck was curious why they would not demolish what is there and construct a building up towards the front with parking in the rear accessed by a drive. People could look out over Cole St. as opposed to looking at the rooftop of the neighboring building.

Mr. Krieger thanked everyone for their feedback.

09-173-16

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

09-174-16

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications

It was noticed that light fixtures in the Rail District do not meet Birmingham standards, except for Armstrong White. Ms. Ecker advised there were some personnel changes at DTE and somehow they changed poles, bulbs, fixtures, and wattages. The City is working on that issue with DTE.

b. Administrative Approval Correspondence

- 2100 E. Maple Rd., Whole Foods Birmingham - Install RTU screening.
- 34100 Woodward Ave., Wells Fargo Building - Replace the existing EPDM (black rubber) with new white TPD membrane.
- Ms. Ecker presented a request for Administrative Approval for District Lofts, Phase 2. Mr. LePage has found a fountain that he likes and wants to place it in the center of a roundabout area. Still there will be extensive landscaping, but not in the same layout as before. Everyone approved.

c. Draft Agenda for the Regular Planning Board Meeting on October 26, 2016

- Retroactive Final Site Plan – 401 – 451 S. Eton, Irongate;
- Rezoning to TZ-1 - 412 and 420 E. Frank;
- Study Session - Non-Conforming Uses;
- Study Session - Dormers.

d. Other Business (none)

09-175-16

PLANNING DIVISION ACTION ITEMS

a. Staff report on previous requests (none)

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

09-176-16

ADJOURNMENT

No further business being evident, the chairman adjourned the meeting at 9:28 p.m.

Jana Ecker
Planning Director



MEMORANDUM

Community Development Department

DATE: September 22, 2015

TO: Planning Board Members

FROM: Jana L. Ecker, Planning Director

SUBJECT: Study Session on Legal Non-conforming Buildings

Last year, the owners of the 555 S. Old Woodward building applied to the Planning Board to amend the Zoning Ordinance to allow the renovation of the existing building, the addition of new residential units along S. Old Woodward, as well as an addition to the south of the existing residential tower for new retail space and residential units. The Building Official had previously ruled that some changes to the existing legal non-conforming building may be permitted. However, the scale and scope of the changes that the property owner sought to implement would exceed what would be permitted as maintenance and thus were not permitted in accordance with the legal non-conforming regulations contained in the Zoning Ordinance.

In order to renovate and expand the existing building, the owners of the 555 S. Old Woodward building requested a Zoning Ordinance amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District. The proposal was then to seek rezoning of the 555 S. Old Woodward properties from the existing D-4 Overlay zoning classification to the proposed D-5 Overlay zoning classification, which would essentially render the existing building at 555 S. Old Woodward as a legal, conforming building that could then be renovated and expanded in accordance with new D5 development standards.

On May 13, 2015, the Planning Board began discussing the applicant's proposal to create a new D-5: Downtown Gateway (Over Five Stories) zoning classification in the Downtown Birmingham Overlay District. Planning Board members discussed the desire to review the proposed amendment within the spirit, vision and context of the entire downtown, and not to create a new zoning classification around a specific building. The Planning Board did, however, recognize the importance of the 555 S. Old Woodward building and the need to allow renovations and additions to improve its presence at the south end of Downtown Birmingham. Specific concerns raised regarding the existing 555 S. Old Woodward building were the unwelcome facades of the Woodward elevation, the split level concept on the S. Old Woodward elevation, and the exposed structured parking.

At subsequent Planning Board meetings on June 10th, 2015 and July 8th, 2015 the Planning Board further discussed the ways that the building could be modified and improved as a conforming structure and not through the use of variance requests. The Planning Board

indicated that they would like to craft a zoning classification or overlay expansion that allows the 555 Building to be renovated but also mirrors the development standards in the Triangle District across Woodward, which allows a maximum of 9 stories. Board members discussed taking a look at the 555 building along with several other parcels in the context of future development. It was suggested that this could be accomplished through a combination of a new zoning district and a Special Land Use Permit (SLUP) or the addition of a D6 zone as well, to differentiate permitted height north of Bowers, and south of Bowers along Woodward. The board reviewed multiple examples of similar "gateway corridor" districts in other cities (see attached), along with highlights, notes and sample ordinance language from other cities that were relevant. There were varying viewpoints on whether a new overlay should be created that included multiple properties along Woodward, and if so, which properties to include. No consensus was reached.

On September 9, 2016, the board reviewed a revised draft of the proposed D5 zone. Board members discussed the appropriate height for buildings along the west side of Woodward adjacent to the Triangle District. Some board members felt that the allowable height in a new D5 or D6 zone should mirror the 9 stories permitted in the Triangle District on the east side of Woodward. Other board members felt that additions should be permitted to match the height of existing non-conforming buildings. The board was unable to reach consensus on how to proceed, and requested additional information and direction from the City Attorney on potential options to provide exemptions for non-conforming buildings. The City Attorney's response letter dated September 29, 2016 is attached for your review.

On June 20, 2016 the issue of legal non-conforming commercial buildings was discussed at a joint meeting of the City Commission and Planning Board. The 555 S. Old Woodward building, the Merrillwood Building and Birmingham Place were referenced due to their non-conformity with regards to their height and bulk, and the desire to allow improvements or changes to these buildings. While no action was taken at the joint meeting, there was consensus that the issue of the improvement or expansion of legal non-conforming buildings should be studied.

On July 25, 2016, the City Commission again discussed the issue of legal, non-conforming commercial buildings and directed the Planning Board to review the non-conformance provisions pertaining to commercial buildings to provide specific requirements, considering a new zoning category or categories, that allow for changes to non-conforming buildings for the maintenance and renovation of existing buildings consistent with those permitted for residential buildings and structures.

On September 14, 2016, the Planning Board resumed their discussion regarding legal non-conforming buildings. Specifically, the Planning Board discussed the following options to allow changes to legal non-conforming buildings for maintenance, renovation and/or expansion:

1. Allow Maintenance and Renovation Only of Existing Legal, Non-conforming Commercial Buildings

Article 6, Section 6.02 of the Zoning Ordinance could be amended as follows:

6.02 Continuance of Nonconformity

- A. Limitations: Any nonconforming building or use existing at the time of enactment or amendment of this Zoning Ordinance may be continued if maintained in good condition, but:
 - 1. The use shall not be changed to another nonconforming use except as permitted by the Board of Zoning Appeals.
 - 2. The use shall not be reestablished after discontinuance for 6 months.
 - 3. The use or building shall not be extended or enlarged except as herein provided. Nonconforming ~~residential~~ buildings may be extended or enlarged, provided that the extension or enlargement does not itself violate any provision of the Zoning Ordinance. Where the extension or enlargement will violate any provision of the Zoning Ordinance, application for a variance shall be made to the Board of Zoning Appeals pursuant to Section 8.01(F).

The amendment noted above would allow for the maintenance, extension or enlargement of an existing legal, non-conforming building so long as the addition meets the current zoning standards for the existing zone district. This amendment would allow both commercial and residential legal non-conforming buildings to be expanded using a consistent approach. As an example, this approach would allow a 10 story legal non-conforming building in a 5 story zone district (building that is non-conforming for height only) to construct an addition. However, the addition could not be 10 stories in height to match the existing building, but could be built up to a maximum of 5 stories as currently allowed in the zone district.

2. Allow the Expansion of Existing Legal, Non-conforming Buildings To Match Existing Non-conforming Conditions

Article 6, Section 6.02 of the Zoning Ordinance could be amended as follows:

6.02 Continuance of Nonconformity

- A. Limitations: Any nonconforming building or use existing at the time of enactment or amendment of this Zoning Ordinance may be continued if maintained in good condition, but:
 - 1. The use shall not be changed to another nonconforming use except as permitted by the Board of Zoning Appeals.
 - 2. The use shall not be reestablished after discontinuance for 6 months.
 - 3. The use or building shall not be extended or enlarged except as herein provided. Nonconforming ~~residential~~ buildings may be extended or enlarged, provided that the extension or enlargement does not itself **increase the degree of the dimensional nonconformance,** **nor** violate any provision of the Zoning Ordinance. Where the extension or enlargement will violate any provision of the Zoning Ordinance,

application for a variance shall be made to the Board of Zoning Appeals pursuant to Section 8.01(F).

OR

Section 6.02 Continuance of Nonconformity

- A. Limitations: Any nonconforming building or use existing at the time of enactment or amendment of this Zoning Ordinance may be continued if maintained in good condition, but:
1. The use shall not be changed to another nonconforming use except as permitted by the Board of Zoning Appeals.
 2. The use shall not be reestablished after discontinuance for 6 months.
 3. The use or building shall not be extended or enlarged except as herein provided. ~~Nonconforming residential buildings may be extended or enlarged, provided that the extension or enlargement does not itself violate any provision of the Zoning Ordinance. Where the extension or enlargement will violate any provision of the Zoning Ordinance, application for a variance shall be made to the Board of Zoning Appeals pursuant to Section 8.01(F).~~ **A legally nonconforming structure may expand its square footage provided that the expansion does not exceed the extent of the height and/or setback in nonconformance. All other development standards must be met in the expansion.**
 - a. **A vertical expansion of a nonconforming building or structure which is legally nonconforming as to one or more setback requirements is a permitted expansion of that nonconformity.**
 - b. **A horizontal expansion of a nonconforming building or structure which is legally nonconforming as to one or more height requirements is a permitted expansion of that nonconformity.**

Both of the amendments noted above would allow for the maintenance, extension or enlargement of an existing legal, non-conforming building up to, but not exceeding, the existing non-conforming dimension. The first option listed above is more general in nature, and could include the expansion of any type of non-conformity (height, setbacks, FAR, density, lot coverage etc.). The second option listed above is limited to expanding only height and/or setback non-conformities. As an example, this approach would allow a 10 story legal non-conforming building in a 5 story zone district (building that is non-conforming for height or setbacks) to construct an addition up to 10 stories in height to match the existing building height and setbacks.

3. Convert Existing Legal, Non-conforming Buildings to Conforming Using a Special Land Use Permit

Another option to consider may be to convert buildings or structures in Downtown Birmingham that are legal non-conforming with regards to height into conforming buildings through the use of a Special Land Use Permit. An amendment to Article 3, Overlay Districts, or to Article 6, Nonconformances, could be proposed as follows:

Conversion of Non-conforming Status: A building in the Downtown Birmingham Overlay District that is a legal non-conforming building or structure with regards to height may be deemed a conforming building or structure with regards to height if the property owner agrees to specific conditions to control the future extension, enlargement or renovation of the building or structure and said conditions are approved by the City Commission under the provisions of a Special Land Use Permit.

This approach would allow for the extension or enlargement of existing legal, non-conforming buildings downtown on a case by case basis as negotiated by the City Commission. The amendment noted above would provide flexibility for different site conditions and would provide control over the parameters of future expansion based on site and neighborhood context. As an example, a 10 story legal non-conforming building in a 5 story zone district could be deemed conforming if placed under the provisions of a SLUP that establish the specific conditions for maximum extension or enlargement of the building in the future.

4. Re-establish the Zoning District(s) in effect when Building Permits were Issued for Buildings in Excess of 5 Stories (or amend the B3 Zoning District) to render existing buildings conforming

Another option to consider may be to re-establish the former zoning classification(s) in place in the 1970's when several buildings were legally constructed greater than 5 stories in height, and to rezone properties with non-conforming buildings with regards to height back to this classification. Thus, any extension or enlargement of an existing legal, non-conforming building so rezoned would be permitted as anticipated at the time of construction. As an example, a 10 story building constructed in 1975 under a classification that permitted 11 stories in height could be extended or enlarged up to 11 stories in height.

5. Create a New Zoning District(s)

Another option to consider is to create a new zoning classification(s) that would permit additional building height and rezoning certain properties to this classification, thus rendering legal non-conforming buildings or structures conforming buildings with regard to height. This approach has been discussed by the Planning Board over the past year, and amendments have been drafted to create two new classifications under the Downtown Overlay, D5 and D6, to

attempt to address the non-conforming heights of several buildings downtown. The Planning Board has also discussed using this approach to address sites along the west side of Woodward to allow additional height even for existing conforming buildings along the corridor to match the height permitted on the east side of Woodward in the Triangle District. The latest version of the draft previously discussed by the Planning Board is attached and highlighted to indicate areas noted for further discussion. As an example using this approach, an existing 10 story legal non-conforming building in a 5 story zone district could be rezoned to a new zoning classification to be created that would allow 10 story buildings as of right.

At the Planning Board meeting on September 14, 2016, board members agreed that the improvement and maintenance of existing legal, non-conforming commercial buildings should be permitted, and expansion of such buildings should also be permitted consistent with regulations for residential buildings. Board members also discussed at length the issue of several legal, non-conforming buildings in the Downtown Overlay District, and the desire to allow improvements to those buildings as well. After much discussion, the Planning Board directed Planning staff to meet with the applicant for the 555 Building to craft ordinance language that would make existing buildings downtown conforming with regards to both height and setbacks, and to allow future expansion that would comply with the standards of the D4 Overlay.

On September 28, 2016, the Planning Board discussed draft ordinance language that proposed to create a D5 zone district that would render existing buildings legal and conforming with regards to setback and height. Board members agreed that additions or renovations should be permitted to existing buildings. With regards to the construction of new buildings in the proposed D5 zone district, there was much discussion as to whether such buildings should meet the 5 story maximum height in the D4 zone district, or should be allowed to match the height of the existing adjacent buildings. The consensus of the board was to allow additional height for new buildings in the D5 to match existing adjacent buildings, if the new building was constructed under the provisions of a SLUP. At the end of the discussion, the applicant asked if the Planning Board could simply waive certain requirements in the D5 zone instead of requiring a SLUP. Staff agreed to discuss this with the City Attorney.

Since the September 28, 2016 Planning Board meeting, City staff has met with the applicant to refine the draft ordinance language. Accordingly, please find attached draft ordinance language for your review based on the Planning Board's direction from the last meeting that addresses the improvement of commercial buildings throughout the City, and also specifically addresses the legal, non-conforming status of buildings downtown.

The applicant has also provided another version of a draft ordinance for the Planning Board's discussion as well based on their desire to construct a new building that exceeds the height of the existing 555 building, but maintains the same number of stories. The applicant's revised draft is also attached for your review.

Finally, City staff has reviewed the applicant's request as to whether the Planning Board can simply waive certain requirements in the D5 zone with both the City Manager and the City Attorney. Although it was unclear as to whether there was a legal question, the City Manager directed the City Attorney to respond. The City Attorney has advised that the question of whether the Planning Board can waive specific requirements is not a legal question, but rather a policy question. Ultimately, the City Commission has the sole authorization to pass zoning legislation, with or without waivers, so long as they remain in compliance with the Michigan Zoning Enabling Act.

Should the Planning Board wish to recommend the attached ordinance amendments, the board may also wish to consider proposing a rezoning of the 555 Building, Birmingham Place and/or the Merrillwood Building to the proposed D5 Zone (over 5 stories).

Suggested Action:

To set a public hearing for December 14, 2016 to consider the following amendments to Chapter 126 Zoning:

- (a) Article 3, Downtown Birmingham Overlay District, Section 3.04, to create a new D5 Zone and to establish development standards for this district;
- (b) Article 6, Nonconformances, Section 6.02, to allow for the extension and/or enlargement of existing legal, non-conforming commercial buildings;

AND

To set a public hearing for December 14, 2016 to consider the rezoning of the following properties:

- (a) **555 S. Old Woodward** (555 Office and Residential Buildings) from D4 in the Downtown Overlay to D5 in the Downtown Overlay;
- (b) **411 S. Old Woodward** (Birmingham Place) from D4 in the Downtown Overlay to D5 in the Downtown Overlay; and
- (c) **225 E. Merrillwood** (Merrillwood Building) from D4 in the Downtown Overlay to D5 in the Downtown Overlay.

ORDINANCE NO. _____

(All changes from the last meeting are included in blue type)

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 03, DOWNTOWN BIRMINGHAM OVERLAY DISTRICT, SECTION 3.04, TO CREATE A NEW D5 ZONE AND TO ESTABLISH DEVELOPMENT STANDARDS FOR THIS DISTRICT.

Article 03 shall be amended as follows:

Section 3.04 Specific Standards

- A. Building Height, Overlay: The various elements of building height shall be determined as follows for the various zones designated on the Regulating Plan:
1. D2 Zone (two or three stories):
 - a. Eave line for sloped roofs shall be no more than 34 feet.
 - b. Peak or ridge of any sloped roof shall be no more than 46 feet as measured to the average grade.
 - c. Maximum overall height including the mechanical and other equipment shall be no more than 56 feet.
 - d. A third story is permitted if it is used only for residential.
 - e. All buildings in D2 Zone containing a third story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
 - f. A third story shall continue in a different plane, beginning at the eave line, not greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.
 - g. All buildings constructed in the D2 Zone must have a minimum eave height or 20 feet.
 2. D3 Zone (three or four stories):
 - a. Eave line for sloped roofs shall be no more than 46 feet.
 - b. Peak or ridge of any sloped roof shall be no more than 58 feet as measured to the average grade.
 - c. Maximum overall height including the mechanical and other equipment shall be no more than 68 feet.
 - d. A fourth story is permitted if it is used only for residential.
 - e. All buildings in D3 Zone containing a fourth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
 - f. The fourth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.

- g. All buildings constructed in a D3 Zone must contain a minimum of 2 stories and must have a minimum eave height of 20 feet.
- 3. D4 Zone (four or five stories):
 - a. Eave line shall be no more than 58 feet.
 - b. Peak or ridge of any sloped roof shall be no more than 70 feet as measured to the average grade.
 - c. Maximum overall height including mechanical and other equipment shall be no more than 80 feet.
 - d. The fifth story is permitted if it is used only for residential.
 - e. All buildings containing a fifth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
 - f. The fifth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or set back 10 feet from any building facade.
 - g. All buildings constructed in the D4 Zone must contain a minimum of 2 stories and must have a minimum eave height of 20 feet.

4. D5 Zone (over 5 stories)

- a. **All existing buildings located in the D5 Zone on November 1, 2016 are deemed legal, conforming buildings with regards to setbacks and height.**
 - b. **All existing buildings located in this zone district on November 1, 2016 may be extended or enlarged only if the property owner elects to develop, provided that the extended or enlarged portion of the building under the provisions of the Downtown Overlay and the extension or enlargement meets all of the requirements of the Downtown Birmingham Overlay District and the D4 Zone.**
 - c. **Any New buildings constructed or additions to existing buildings in the D5 Zone must meet all of the requirements of the Downtown Birmingham Overlay District and the D4 Zone, except that the height of any addition and new construction in the D-5 Zone may be over the maximum building height up to, but not exceeding, the height of an existing building in the D-5 to which they are immediately adjacent or abutting if the property owner agrees to the construction of the building under the provisions of a Special Land Use Permit.**
- 4.5 C and P Zones: Downtown Birmingham Overlay District building height shall comply with the underlying height restrictions listed in each two-page layout in Article 2 of the Zoning Ordinance, but may be negotiated by the Planning Board.
- 5.6. Stories at sidewalk level shall be a minimum of 10 feet in height from finished floor to finished ceiling. The Planning Board may reduce this standard for renovations to existing buildings that do not meet this standard.
- 6.7. A transition line shall be provided between the first and second stories. The transition shall be detailed to facilitate an awning.

~~7.8~~The maximum width of all dormers per street elevation on buildings may not exceed 33% of the width of the roof plane on the street elevation on which they are located.

B. Building placement. Buildings and their elements shall be placed on lots as follows:

1. Front building facades at the first story shall be located at the frontage line, except the Planning Board may adjust the required front yard to the average front setback of any abutting building.
2. In the absence of a building facade, a screenwall shall be built along the frontage line and aligned with the adjacent building facade. Screenwalls shall be between 2.5 and 3.5 feet in height and made of brick, stone or other masonry material matching the building. Upon approval by the Planning Board, screen- walls may be a continuous, maintained evergreen hedge or metal fencing. Screenwalls may have openings a maximum of 25 feet to allow vehicular and pedestrian access.
3. Side setbacks shall not be required.
4. A minimum of 10 foot rear yard setback shall be provided from the midpoint of the alley, except that the Planning Board may allow this setback to be reduced or eliminated. In the absence of an alley, the rear setback shall be equal to that of an adjacent, preexisting building.
5. First-floor awnings may encroach upon the frontage line and public sidewalk, but must avoid the street trees; provide at least 8 feet of clearance above the sidewalk; and be set back a minimum of 2 feet from the road curb.
6. Upper-floor awnings shall be permitted only on vertically proportioned windows, provided that the awning is only the width of the window, encroaches upon the frontage line no more than 3 feet, and is not used as a backlit sign.
7. Loading docks and service areas shall be permitted only within rear yards. Doors for access to interior loading docks and service areas shall not face a public street.
8. All buildings shall have their principal pedestrian entrance on a frontage line.

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

Rackeline J. Hoff, 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 AMEND ARTICLE 06, NONCONFORMANCES, SECTION 6.02, TO ALLOW FOR THE EXTENSION AND/OR ENLARGEMENT OF EXISTING LGEAL, NON-CONFORMING COMMERCIAL BUILDINGS.

Article 06 shall be amended as follows:

6.02 Continuance of Nonconformity

- A. Limitations: Any nonconforming building or use existing at the time of enactment or amendment of this Zoning Ordinance may be continued if maintained in good condition, but:
1. The use shall not be changed to another nonconforming use except as permitted by the Board of Zoning Appeals.
 2. The use shall not be reestablished after discontinuance for 6 months.
 3. The use or building shall not be extended or enlarged except as herein provided. Nonconforming ~~residential~~ buildings may be extended or enlarged, provided that the extension or enlargement does not itself violate any provision of the Zoning Ordinance. Where the extension or enlargement will violate any provision of the Zoning Ordinance, application for a variance shall be made to the Board of Zoning Appeals pursuant to Section 8.01(F).

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

Rackeline J. Hoff, Mayor

Laura Pierce, City Clerk

Planning Board Minutes
May 13, 2015

STUDY SESSION

Proposal to add D-5: Downtown Gateway Over Five Stories to the Downtown Birmingham Overlay District

Ms. Ecker advised that the Planning Division has received an application from the owners of the 555 S. Old Woodward building to request an amendment to the Zoning Ordinance to create a new D-5 zoning classification to the Downtown Birmingham Overlay District.

The building owners are interested in renovating the existing buildings and adding new residential units along S. Old Woodward Ave., as well as adding an addition to the south of the existing residential tower for new retail space and residential units. The building official previously ruled that any changes to the existing legal non-conforming building would increase the non-conformity, and thus be prohibited unless numerous variances were approved. Therefore, the petitioner feels their hands have been tied in terms of making exterior and structural improvements to the building.

Accordingly, the applicant is requesting a Zoning Ordinance amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District. Over the past several months, the applicant has reviewed several drafts of the proposed ordinance language with City staff.

Proposed ordinance language to amend Article 3, section 3.01, 3.02 and 3.04 of the Birmingham Zoning Ordinance was presented for the Planning Board to review and consider.

Mr. Rick Rattner, 380 N. Old Woodward Ave., Attorney for the petitioner, was present with a representative of the owner, Mr. Jerry Reinhart; the architect, Mr. Bob Ziegelman; and a landscaper from his office. Mr. Rattner gave a presentation aimed at convincing the Planning Board why the petitioner would like to see the changes made and why it would work in this particular location. Their primary goal is to get the building zoned so that it comes into compliance. They want to do a building that is an icon in the City of Birmingham and a great gateway to the City, along with being completely in line with the 2016 Plan. Included in the presentation was a video depicting Andres Duany's comments when he came to the City in 2014. He stated it is a special building that requires special treatment and it could become incredibly exciting and really cool.

Mr. Koseck said they have not seen a site plan showing the footprint relative to property lines, along with the expansion opportunity. The building needs to be seen in its context. He received confirmation that the tall building is apartments and the other building contains office space. Ms. Ecker said the way this ordinance is written the commercial side could potentially go up an equivalent height to the apartment side.

Mr. DeWeese thought it would be appropriate for the board to think through, if they were going to allow a building of that scale, what they would want there that fits the spirit and essence of the rest of Downtown. He knows that the back side is not inviting at all from the Woodward

Ave. side and the front side is not pedestrian oriented the way it is set up. The lower levels could be made more friendly and the parking garage covered up.

Chairman Clein felt the board should look at the proposed ordinance and decide whether creating a D-5 Zone makes sense. Mr. Williams considered this an iconic structure that is long overdue for attention. The Planning Board has almost totally ignored the south end of town, so let's start with this.

Mr. Koseck noted there are buildings being built today that look a lot like this. They have beautiful high tech glass and he knows what Duany is talking about in terms of lighting it so that it glows. Mr. Williams thought the only practical way to proceed with this study is to set up a sub-committee of this board to work with staff.

Chairman Clein suggested the next step would be to come back to a study session to allow the board to review and provide their input. It was discussed that the board should not create the language of the district around a specific project. Everyone agreed that another study session is in order so that the board can look at all of the implications of the request. June 10 would be the earliest.

Mr. Rattner said it is important to him to put together a package for Ms. Ecker as quickly as they can. Chairman Clein asked for a graphic of an existing site plan so the board knows what parcels are included and what are not. Context should be shown so it is clear what is around the site and how that plays into it. Mr. Koseck added it is about the existing footprint, the applicant's ownership limits, and context within 200 ft.

Mr. Williams stated this is an important building and the board will treat it accordingly.

Planning Board Minutes
June 10, 2015

STUDY SESSION

D-5 - Proposed Gateway Zone in the Downtown Birmingham Overlay District

Mr. Baka explained the owners of the 555 S. Old Woodward Ave. building are interested in renovating the existing building, and adding new residential units along S. Old Woodward Ave., as well as adding an addition to the south of the existing residential tower for new retail space and residential units. The building official previously ruled that any changes to the existing legal non-conforming building would increase the non-conformity, and thus be prohibited unless numerous variances were approved.

Accordingly, the applicant is requesting a Zoning Ordinance amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District. Over the past several months, the applicant has reviewed several drafts of proposed ordinance language with City staff. On May 13, 2015, the Planning Board began discussing the applicant's proposal to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District.

It was discussed this amendment should be viewed not only as to how it applies to 555 S. Old Woodward Ave., but possibly to other properties as well. Mr. Baka read highlighted areas from the proposed ordinance language to amend Article 3, section 3.01, 3.02, and 3.04 of the Birmingham Zoning Ordinance for the board to review and consider.

The 555 S. Old Woodward Ave. building is 180 ft. in height. Allowable height in the general proximity across Woodward Ave. is 114 ft. maximum. Mr. Koseck thought the board should be looking at the proposed language in a broad way, and not just specific to the 555 S. Old Woodward Ave. property. Chairman Clein advised not to incorporate a number of items for one particular parcel just because that makes it easier. Mr. Share added that if the applicant needs some variances, then the applicant needs some variances.

Mr. Rick Rattner, 380 N. Old Woodward Ave., Attorney for the applicant, was present with Mr. Bob Ziegelman, the architect; and Messrs. Jack Reinhart and Bruce Thal, the building owners. Mr. Rattner noted parts of the proposed ordinance were included because they were important to put into law so that their building could exist and not be doomed to some type of less than satisfactory condition under the current Zoning Ordinance. They hope to make their building the re-invigoration of S. Woodward Ave. In order for this to happen, a Gateway Zone must be established and their building zoned D-5. He went on to describe improvements they hope to make to the building and talked about building height, which would include an elevator shaft 14 ft. above the roof. If they construct a new building on the property they own to the south of the 555 Building it would comply with the old Overlay Zone Ordinance. They are providing their own parking on-site. With respect to architectural standards, they plan to re-surface and light the existing building as described by Andres Duany. Proposed signage standards allow for identification on all sides of the building. One way or another, the reasonable Zoning Ordinance for this area and the Gateway should be passed in order to benefit the City.

No members of the public wished to come forward to provide comment at this time.

Mr. Share announced he was having trouble conceptualizing why on any of the Gateway sites there would be buildings higher than the nine (9) maximum stories allowed in the Triangle District. Mr. Koseck noted there are all kinds of non-conforming buildings in the City and he doesn't think the goal is that they should all go away and become conforming. That is why the Board of Zoning Appeals exists. He is in favor of improvements being made to the building, but as the applicant makes enhancements he hopes they would go further to be more in compliance with D-4, D-3, D-2, and D-1. It scares him to expand D-5 beyond the limits of this property without further study.

Mr. Jeffares thought the building should be polished so that it stands out like a jewel, and other buildings should be more in context with the nine (9) stories allowed in the Triangle District. Mr. DeWeese was in support of the building enhancement, but he also did not want to see it spreading.

Chairman Clein thought of this as an opportunity to take a look at this building along with several parcels in the context of future development. If Bruce Johnson, Building Official, and Tim Currier, City Attorney, would come to a Planning Board meeting and are on board, he would be in favor of providing some relief in a unique situation; but he just doesn't want to do it capriciously. The Ordinance standards were put in place for a reason and he would be supportive of fitting them into the context of a building that obviously is not going away, in order to help make it better.

Ms. Whipple-Boyce was also in support of helping to make this Gateway building better looking. She thought also that it would be helpful to have Messrs. Johnson and Currier come to a Planning Board meeting. She could not imagine why the Planning Board could not somehow help the applicant to get their building re-skinned in some other way. Further, the ordinance proposal should not include some of the things that the board does not want to have in the City.

Ms. Lazar was in full support, as well, of trying to do something with the building. However, she didn't see how this board could whip up a new ordinance in a short period of time. It concerns her that what might be applied to this building could become applicable to some other sites which would not be appropriate. She would rather try to help the applicant get to where they need to be with this building.

Mr. Share thought another way to get through this problem would be to modify the Ordinance to change the definition of *Dimensional Expansion of Non-Conformity*.

Mr. Jack Reinhart explained that it is difficult to get financing for a non-conforming building.

Mr. Rattner was positive they would get this done, but more work is needed in order to find the right answer. It will come out the right way if everyone works for it.

Chairman Clein suggested when this draft ordinance is brought back with input from tonight that Mr. Johnson; and if possible, Mr. Currier, be present for that study session to walk through the higher level issues and answer questions.

Planning Board Minutes
July 8, 2015

STUDY SESSION

D-5 - Proposed Gateway Zone in the Downtown Birmingham Overlay District

Ms. Ecker provided background. The owners of the 555 S. Old Woodward building are interested in renovating the existing building, and adding new residential units along S. Old Woodward Ave., as well as adding an addition to the south of the existing residential tower for new retail space and residential units.

The applicant is requesting a Zoning Ordinance amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District. Over the past several months, the applicant has reviewed several drafts of proposed ordinance language with City staff.

On May 13, 2015, the Planning Board began discussing the applicant's proposal to create a new D-5: Downtown Gateway (Over Five Stories) zoning classification in the Downtown Birmingham Overlay District.

It was discussed that the building official has now ruled the reason for installing a new curtain wall on the 555 Woodward Bldg. would be to maintain the building in good condition, and therefore should be considered maintenance. Accordingly, application to the Board of Zoning Appeals ("BZA") would not be necessary.

Board members talked about considering an ordinance to allow Woodward Ave. frontage parcels up to a certain height between Hazel and Brown. Seven stories would be permitted as of right and an extra two stories for making two of five concessions.

Mr. Williams stated that everyone knows the 555 Bldg. is the gateway to Birmingham and as far as he is concerned it needs improvement and the City should work with the owners to achieve that result. That benefits everybody.

Discussion considered whether the building could be improved without creating a new zoning classification. Mr. Boyle suggested the board try to give the Woodward Ave. frontage parcels a designation that relates to Woodward Ave. Ms. Ecker thought that makes a lot of sense. It relates to more of a holistic view as to what is right for that area - not just one property. Mr. Share agreed. Start out with proper planning for that set of properties as opposed to fixing the 555 Bldg., and incidentally create a new district to do that.

Ms. Whipple-Boyce observed the board hasn't done anything to help the 555 Bldg. Ms. Ecker listed some of the key issues that the board has talked about over the last couple of meetings such as an improved retail frontage; improved street activation; pedestrian focus and pedestrian scale architecture at the street level on the S. Old Woodward and Woodward Ave. sides; and connectivity improvements - there is no sidewalk along Woodward Ave.

Mr. Rick Rattner, Attorney for the applicants, noted their building is non-conforming and they cannot expand it; all they can do is repair and maintain it. No one will provide a loan to re-skin

a non-conforming structure. If they are going to do anything, they have to make it worthwhile in terms of expansion and improvements. He went on to describe the renovations they are considering.

Mr. Jack Reinhart spoke to say they have owned the building since 1982. They are looking at this as a comprehensive redevelopment and he will not do anything on the south end unless they can go all the way up. He doesn't think it is appropriate to go the BZA as there are too many exceptions to be considered.

Mr. Williams observed everyone agrees they want to create something that is conforming; not non-conforming. In his view, there are deficiencies on the Woodward Ave. (east) side. On the S. Old Woodward (west) side he sees retail too far from the street. On the south side he sees a blank wall. Therefore, from his standpoint three of the four sides of the building are not very good and he would like to see them improve. He thinks somehow the board has to craft something that allows for the development of other parcels on Woodward Ave., but at the same time allows improvements to these three geographic areas.

Mr. Boyle thought the board probably can't do everything that the applicants would like because the City Commission may not approve it all. However if some of the proposal is approved and the project is moved forward, then it will go a long way toward helping the applicants get value from their property and do what they want to do.

Mr. Williams summed up the discussion by saying the board wants to go the conforming route and use the SLUP process to do it. Maybe the applicant won't get everything but they can probably get a substantial achievement through the combination of the new MU classification plus SLUP exceptions for what they get as of right and what they get as a bonus. Ms. Ecker noted that is consistent with what the City does in other districts and what has been approved by the City Commission. This is a methodology gives the Planning Board flexibility. It was the consensus that staff should work on crafting something to that effect, taking the 555 Bldg. separately so that it gets through the City Commission.

In response to Mr. Rattner's inquiry, Ms. Ecker explained they can keep their existing height and renovate to maintain and repair it, but if they want to add more height to the building or bring the building to the south and go up higher, then they would have to get a SLUP if new ordinance language is approved.

Planning Board Minutes September 9, 2015

STUDY SESSION

Creation of D-5 Zone in the Birmingham Overlay District

Ms. Ecker explained that in order to renovate and expand the existing building, the owners of the 555 S. Old Woodward Building are requesting a Zoning Ordinance amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District. The building official previously ruled that some changes in the existing legal non-conforming building may be permitted. The applicant is seeking to rezone the 555 S. Woodward Ave. properties from the existing D-4 Overlay zoning classification to the proposed D-5 Overlay zoning classification, which would essentially render the existing building as a legal, conforming building that could then be renovated and expanded.

At the Planning Board meetings of May 13, June 10, and July 8, 2015 the Planning Board discussed the ways that the building could be modified and improved as a conforming structure and not through the use of variance requests. The board indicated they would like to craft a zoning classification or overlay expansion that allows the 555 Building to be renovated but also mirrors the development standards in the Triangle District which allows a maximum of nine stories. Since that time, the applicant has submitted their revised draft of the proposed D-5 zone.

In accordance with the direction of the City Manager, the board can craft specific questions for the City Attorney and will respond in writing.

Mr. Williams suggested creating a D-5 District for the 555 Building and a D-6 District for other locations which might be nine stories. That would not isolate one parcel; but rather it would be a comprehensive approach. Further it would allow the 555 Building to be improved.

Ms. Ecker explained that the applicant has submitted language that has two different sub-zones. They are proposing a sub-zone north of Bowers and a sub-zone south of Bowers. South of Bowers (the tall part of the 555 Building) allows 168 ft. and includes the area they want to expand. That would make the existing residential portion of the 555 Building conforming and would allow them to expand. The sub-zone north of Bowers and south of Hazel allows nine stories.

Mr. Share announced he may be okay with making the existing building conforming but not okay with adding an additional 12 stories to it. However, Mr. Koseck thought it would look odd to have a five-story addition scabbed onto the front of the tower.

Motion by Mr. Share

Seconded by Mr. Koseck to extend the meeting to 11:10 p.m.

Motion carried, 7-0.

Board members suggested having identification signs on the building facade that fronts Woodward Ave. and maybe on the south facade. However, Chairman Clein was nervous about having them on the other facades that look into Downtown and across.

Other aspects of the applicant's submitted language were discussed. The group considered whether it would be feasible to make this building or any building in this condition 100% legally conforming. There are many issues, such as lighting, setbacks, height, uses. Mr. Share said that at some point they approach the problem of spot zoning. Mr. Koseck thought that enhancements and additions should comply with the ordinance. It was agreed that there need to be standards, but that there could be exceptions if certain criteria are met.

The board listed items for the City Attorney's response:

- Does our ordinance create sub-zones with geographic descriptions anywhere else? If we do this do we need to rezone anyway?
- What is the appropriate means to provide exemptions to make non-conformities conforming, other than grandfathering?
- Look at the language that takes juris from the BZA.

Board members continued to discuss sections of the proposed ordinance language. Consensus of board members was not to allow drive-through facilities without SLUPS and they must be internal. A height of 168 ft. might be okay in some instances to make an existing building conforming, but not necessarily for additions. The board is willing to consider illuminated signs on Woodward Ave. elevations only, and is not willing to allow exemptions that would eliminate pedestrian friendly requirements. Board members also agreed that the southern gateway would be the southern point of the Triangle District.

Motion by Mr. Share

Seconded by Mr. DeWeese to extend the meeting 10 minutes to 11:20 p.m.

Motion carried, 7-0.

Mr. Rick Rattner, attorney for the applicant, said that taking variances and assigning them to the Planning Board instead of the Board of Zoning Appeals ("BZA") is a very common method used in PUDs. It is recognized that planning and design control is a lot of what is done in zoning. When variances go to the BZA they are judging the variance by a different standard that has nothing to do with design or form based code. It has to do with whether there is undue hardship or something that necessitates amending the ordinance.

The other thing is he has tried to get the 555 Building in a position where it complies with the 2016 Plan and what Andres Duany said last May. This is an ordinance to put the non-conforming structures into conformance so they can be improved rather than sit there and waste away.

Lastly, the ordinance allows opting in or opting out of the D-4 Overlay District. That could mean something when moving forward to re-do buildings on a form-based code.

Motion by Mr. Williams

Seconded by Mr. Boyle to schedule a public hearing on the consideration of zoning classification D-5 for Wednesday, October 14.

Board members tended to agree they should feel comfortable prior to putting the new zoning classification before the public. That would make for a more efficient hearing.

Motion failed, 2-5.

ROLLCALL VOTE

Yeas: Williams, Boyle

Nays: Clein, DeWeese, Koseck, Lazar, Share

Absent: Whipple-Boyce

Chairman Clein wrapped up by saying this matter will be brought back at the next meeting for a study session with direction from the city manager/city attorney and language from staff.

Joint City Commission / Planning Board Minutes
June 20, 2016

D. Existing commercial non-conforming buildings

Ms. Ecker described the issue as being several properties that are non-conforming with regards to height, bulk and mass. She provided some history of the buildings in question.

After discussion regarding maintenance and renovations that might be permitted, the number of variances that would be required, it was agreed that the discussion should be continued at the Planning Board level, with direction from the Commission.

There were no public comments.

City Commission Minutes
July 25, 2016

Existing Commercial Non-Conforming Buildings

City Planner Ecker explained that if a review of all the buildings in town was done, one would find something slightly non-conforming on many of the buildings that were built, especially if they were built prior to the sixty's when the zoning ordinance came into effect. She noted specifically buildings such as the Merrillwood Building, Birmingham Place, and the 555 building in regards to the height and bulk of the buildings. She explained that the discussion at the workshop was that there should be some regulation in the zoning ordinance that allows for some maintenance or renovation to those types of buildings when they are already nonconforming.

The City does have that for residential non-conforming now.

Mayor Hoff questioned whether renovation includes expansion as expansion is another issue. Ms. Ecker explained that it would be something for the Board to discuss.

Commissioner DeWeese noted that there are two elements – general language about what anyone could do for non-conformance and language that specifically applied to non-conforming and tell them what limits they can go to. That will give developers an opportunity to not always have to get exceptions.

Mayor Pro Tem Nickita commented that this is an issue that the Commission wants to address. He questioned if the City is looking at identifying a district or a series of buildings throughout the City. Ms. Ecker explained that this is to establish a procedure where if there was a nonconforming building in the City and whichever way it is non-conforming, it would give the owner a way to make changes to modernize that building.

MOTION: Motion by DeWeese, seconded by Bordman:

To review the non-conformance provisions pertaining to commercial buildings to provide specific requirements, considering a new zoning category or categories, that allow for changes to non-conforming buildings for the maintenance and renovation of existing buildings consistent with those permitted for residential buildings and structures.

Jerry Reinhart, representing the 555 Building, suggested this item be moved to the top of the priority list.

VOTE: Yeas, 7
Nays, None
Absent, None

Planning Board Minutes September 14, 2016

2. Non-Conforming Building Regulations

Ms. Ecker provided background. This is also at the top of the board's revised Priority List. She recalled that last year, the owners of the 555 S. Old Woodward building applied to the Planning Board to amend the Zoning Ordinance to allow the renovation of the existing building, the addition of new residential units along S. Old Woodward, as well as an addition to the south of the existing residential tower for new retail space and residential units. The Building Official had previously ruled that some changes to the existing legal non-conforming building may be permitted. However, the scale and scope of the changes that the property owner sought to implement would exceed what would be permitted as maintenance and thus were not permitted in accordance with the legal non-conforming regulations contained in the Zoning Ordinance.

In order to renovate and expand the existing building, the owners of the 555 S. Old Woodward building requested a Zoning Ordinance amendment to create a new D-5 Downtown Gateway Over Five Stories zoning classification.

At subsequent Planning Board and City Commission meetings, the ways that the building could be modified and improved as a conforming structure and not through the use of variance requests was discussed.

On July 25, 2016 the City Commission directed the Planning Board to review the non-conformance provisions pertaining to commercial buildings to provide specific requirements, considering a new zoning category or categories that allow for changes to non-conforming buildings for the maintenance and renovation of existing buildings consistent with those permitted for residential buildings and structures.

Ms. Ecker advised the 555 Bldg., Birmingham Place, and Mountain King are the only properties in the City that are zoned B-3 in the underlying zone. She suggested an option that would amend the regulations for height and setback similar to what they were when the buildings were approved. Mr. Williams wanted to limit the focus on just the 555 Woodward Bldg. as he thinks it needs to be approved.

Ms. Ecker noted this option would allow the applicant to have a conforming status and apply for financing to do an expansion and improvement on the building. It would allow them to do an addition to the south and come to zero setback, and to go up to match the height of the building that is there. What it would not do is force them to address the issue of the garden level or the dead zone along Woodward Ave. However, it would permit them to address that.

Mr. Koseck was in favor of allowing the building to continue to be updated but that doesn't mean it should be permitted to grow. Any add-on to the south would have to meet the current Ordinance.

Mr. Rick Rattner, Attorney for the property owner, gave a PowerPoint presentation requesting to amend the Downtown Birmingham Overlay District to provide that the property be permitted to accommodate a building at the existing height of the 555 structures as they exist today. The building was completed in 1972 and after construction the Ordinance was amended and the building was de-zoned, which prevents any room for renovation. The solution is easy. Just

amend the B-3 Ordinance to what it was to say that the maximum building height is 168 ft. and 14 stories. Secondly, allow them to have the same type of setbacks that are allowed in the Overlay District.

They want to make the east side of the building that faces the Triangle District presentable. They also want to do that to the west side, which is not so much of a problem. It is a tragedy that this building is not conforming and doesn't have the advantage of modern setbacks. Ms. Ecker explained modern setbacks. In the Overlay, front building facades at the first story shall be located at the frontage line except that the Planning Board may adjust the required front yard to the average front yard setback of any abutting building. The frontage line has been determined to be on or within 3 ft. Side setbacks shall not be required. A minimum of 10 ft. rear setback shall be provided from the mid-point of an alley except that the Planning Board may allow this setback to be reduced or eliminated. In the absence of an alley the rear setback shall be equal to that of an adjacent pre-existing building.

Discussion concerned whether B-3 zoning that allows Birmingham Place and Mountain King to reach 168 ft. in height would be a hard sell to the public. The conclusion was they could not sell it on more than one piece of property. Mr. Williams proposed they go back to a previous zoning for the 555 Building that existed 45 years ago. He didn't think it should include any other property. Because of that they would not be making a special case for this building in the form of spot zoning. The legal argument is that it would be remedying a wrong.

Mr. Jerry Reinhart, the developer, said that for financing purposes and for preservation of value they want the entire property to be conforming. De-zoning has impacted the value of their asset and they are asking for proper zoning. Ultimately they want to expand the property to do some really cool things that would make it the gateway building to Birmingham. His suggestion was to allow any building in B-3 now and into the future to have building height at the height that was permitted at the time the building was constructed. So they have an existing conforming use; if they expand the building then they have to conform to D-4 setback requirements. That brings them to the lot line.

The board's dilemma was they want buildings to be at zero lot line, but not at 144 ft. which is the tallest building. The applicant wants the building to be entirely conforming. The board's consensus was to ask staff to meet with the applicant to craft steps to make these buildings conforming in the Overlay for both height and setbacks. That means future construction would comply with the existing Overlay which allows five stories.

**DRAFT PLANNING BOARD MINUTES
SEPTEMBER 28, 2016**

STUDY SESSION ITEMS

1. Non-Conforming Building Regulations

Ms. Ecker provided background. On September 14, 2016, the Planning Board resumed their discussion regarding legal non-conforming buildings. After much consideration, the Planning Board directed Planning Staff to meet with the applicant for the 555 Building to craft ordinance language that would make existing buildings downtown conforming with regards to both height and setbacks, and to allow future expansion that would comply with the standards of the D-4 Overlay.

Proposed draft ordinance language addresses the improvement of commercial buildings throughout the City, and also specifically addresses the legal, non-conforming status of three buildings downtown.

The applicant agrees with the approach first to create a D-5 Zone, and second to recommend rezoning of one or more properties into the new D-5 category. This would allow the board to have further discussion on whether they want it to be the 555 Building property, or include the Birmingham Place and the Merrillwood Building, which are also non-conforming with regard to height.

Chairman Clein summarized that the language would make any property that is put into the D-5 Zone legal and conforming as to height and setback. It would allow expansions as part of building maintenance. Undeveloped portions of the property could be built upon so long as it meets the D-4 Overlay standards. The south side of the 555 Building still needs to be resolved.

Mr. Williams did not agree with limiting the south side to five stories. However, anything built above five stories would require a Special Land Use Permit ("SLUP"). Mr. Share was in favor of tying all of the expansions to a SLUP. Chairman Clein felt the D-4 controls are in place and any expansion must conform. Mr. Share thought the City should have some control over how changes get made. Mr. Koseck liked the SLUP because it allows the City to control the design to meet the spirit and intent of the D-4 Zone. Mr. Jeffares agreed.

It was noted that parking would have to be provided for any expansion because the building is not in the Parking Assessment District.

Mr. Williams observed it is in everyone's best interest to see the building improved so the City will be reasonable whether or not there is a SLUP. He feels the developer needs some flexibility, particularly at the south end. Mr. Koseck pushed for the SLUP because of the complexity that surrounds the building.

Ms. Ecker thought it could be recommended that any new buildings must be constructed under the terms of a SLUP.

Mr. Richard Rattner, Attorney, represented the applicant. He said they are almost there with allowing the 555 Building to be conforming in all respects. Secondly, the proposed expansion language is fine. Third, they would like to see the height of a new building being constructed in the D-5 Zone be up to but not exceeding the height of the building immediately adjacent or abutting it. That means the south building cannot be any higher than the 555 Building. They would like to do that without a SLUP.

Parking is not a problem for them and any new building would have parking also. With Mr. Currier's involvement, Mr. Rattner thought this will turn out to be a great package to send to the City Commission. He doesn't think a SLUP is needed because there are ordinances to control the first five floors, and above that the new building will be controlled.

Mr. Jerry Reinhart, Contract Developer, said their concept was to cap the buildings that are over five stories at their current height and to make all three buildings conforming. With respect to the 555 Building they cannot do the project on the south end unless the City wants it. They don't have the real estate to do it without involving public property. With respect to the construction on the east and west of the building, it gets complicated with a SLUP. They would just like to build on the existing real estate in accordance with the D-4 Overlay Ordinance.

Mr. Koseck stated if it is not going to be a SLUP than the board has to establish some criteria for expansion of the building. He suggested if the applicant exceeds the D-4 Ordinance in height then that whole expansion from grade up becomes a SLUP. Board members discussed the following language:

D-5 Zone (over five stories)

- a. All existing buildings located in the D-5 Zone on _____ are deemed legal, conforming buildings.
- b. All existing buildings located in this zone district on _____ may be extended or enlarged only if the Property Owner elects to develop the extended or enlarged portion of the building under the provisions of the Overlay and the extension or enlargement meets all of the requirements of the Downtown Birmingham Overlay District and the D-4 Zone.
- c. The height of any addition and new construction in the D-5 Zone may be up to, but not exceed, the height of existing buildings in the D-5 to which they are immediately adjacent or abutting if the property owner agrees to the construction of the building under the provisions of a SLUP.

Mr. Rattner summed up what had been discussed. Everything five stories and below on the existing building is built pursuant to the D-4 Overlay standards without a SLUP. The whole parcel becomes a SLUP when it is expanded above the five stories. He asked if they could elect to go to a SLUP in order to have some design flexibility. Or, whether the Planning Board could be allowed to waive certain requirements.

Ms. Ecker replied that question would have to go to Mr. Currier.

Board members agreed to add this item to the agenda for the October 26 Planning Board meeting. Mr. Williams observed that he would like to have Mr. Currier present for that meeting.

DRAFT AMENDMENTS TO DOWNTOWN OVERLAY (SEPT 2015)

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 03, DOWNTOWN BIRMINGHAM OVERLAY DISTRICT, SECTIONS 3.01 TO 3.04, TO CREATE A NEW D5: DOWNTOWN GATEWAY DISTRICT, AND TO ESTABLISH DEVELOPMENT STANDARDS FOR THIS DISTRICT.

Article 03 shall be amended as follows:

Section 3.01 Purpose

The purposes of the Downtown Birmingham Overlay District are to:

- A. Encourage and direct development within the boundaries of the Downtown Birmingham Overlay District and implement the Downtown Birmingham 2016 Plan;
- B. Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of Downtown Birmingham and to maintain the desired character of the City of Birmingham as stated in the Downtown Birmingham 2016 Plan;
- C. Encourage the renovation of buildings; ensure that new buildings are compatible with their context and the desired character of the city; ensure that all uses relate to the pedestrian; and, ensure that retail be safeguarded along specific street frontages; and
- D. Ensure that new buildings are compatible with and enhance the historic districts which reflect the city's cultural, social, economic, political, and architectural heritage.
- E. Establish an overlay zone to enhance and implement the master plan concept and desired character of Birmingham's gateways as stated in the Downtown Birmingham 2016 Plan, as has been applied and updated.**

Section 3.02 Applicability

- A. The Downtown Birmingham Overlay District shall be an overlay district that applies over the existing zoning districts.
- B. Use and development of land within the Downtown Birmingham Overlay District shall be regulated as follows:

1. Any existing use shall be permitted to continue and the use shall be subject to the underlying zoning requirements and not the Downtown Birmingham Overlay District.
 2. Where the usage within an existing building is proposed to be expanded by more than 50% of the existing size, the new use shall be subject to the building use standards of the Downtown Birmingham Overlay District to the maximum extent practical, as determined by the Planning Board.
 3. Any expansion to an existing building that expands the area of the building by more than 40% of the existing building area shall subject the entire building to the requirements of the Downtown Birmingham Overlay District and shall be brought into compliance with the requirements of the Downtown Birmingham Overlay District to the maximum extent practical, as determined by the Planning Board.
 4. Where a new building is proposed, the use and site shall be subject to the requirements of the Downtown Birmingham Overlay District.
- C. Development applications within the Downtown Birmingham Overlay District shall be required to follow the Site Plan Review and Design Review standards contained in Article 7.
- D. A Downtown Birmingham Overlay District Regulating Plan has been adopted that divides the Downtown Birmingham Overlay District into zones. Each zone designated on the Regulating Plan prescribes requirements for building form, height and use as follows:

D2: Downtown Two or Three Stories

D3: Downtown Three or Four Stories

D4: Downtown Four or Five Stories

D5: Downtown Over Five Stories

C: Community Use

P: Parking

Section 3.03 General Standards

- A. The design of buildings and sites shall be regulated by the provisions of the Downtown Birmingham Overlay District.
- B. Section 3.01 to Section 3.04 shall govern the design of all privately owned land within the Downtown Birmingham Overlay District.
- C. The provisions of the Downtown Birmingham Overlay District, when in conflict with other articles of the Zoning Ordinance, shall take precedence.
- D. The provisions of the Downtown Birmingham Overlay District shall specifically supersede the floor-area- ratio, maximum height, band minimum setback regulations contained in each two-page layout in Article 2 of the Zoning Ordinance.
- E. The provisions of the building and building regulations Chapter 22 of the Birmingham City Code and the historic preservation regulations in Chapter 62 of

the Birmingham City Code, when in conflict with the Downtown Birmingham Overlay District, shall take precedence.

- F. The design of community buildings and improvements shall not be subject to the specific standards of this article, but shall be subject to design review by the Planning Board.
- G. Locations designated on the Regulating Plan for new **public** parking garages and civic buildings shall be reserved for such development.

Section 3.04 Specific Standards

B. Building Height, Overlay: The various elements of building height shall be determined as follows for the various zones designated on the Regulating Plan:

1. D2 Zone (two or three stories):

- a. Eave line for sloped roofs shall be no more than 34 feet.
- b. Peak or ridge of any sloped roof shall be no more than 46 feet as measured to the average grade.
- c. Maximum overall height including the mechanical and other equipment shall be no more than 56 feet.
- d. A third story is permitted if it is used only for residential.
- e. All buildings in D2 Zone containing a third story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
- f. A third story shall continue in a different plane, beginning at the eave line, not greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.
- g. All buildings constructed in the D2 Zone must have a minimum eave height or 20 feet.

2. D3 Zone (three or four stories):

- a. Eave line for sloped roofs shall be no more than 46 feet.
- b. Peak or ridge of any sloped roof shall be no more than 58 feet as measured to the average grade.
- c. Maximum overall height including the mechanical and other equipment shall be no more than 68 feet.
- d. A fourth story is permitted if it is used only for residential.
- e. All buildings in D3 Zone containing a fourth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
- f. The fourth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.
- g. All buildings constructed in a D3 Zone must contain a minimum of 2 stories and must have a minimum eave height of 20 feet.

3. D4 Zone (four or five stories):

- a. Eave line shall be no more than 58 feet.

- b. Peak or ridge of any sloped roof shall be no more than 70 feet as measured to the average grade.
- c. Maximum overall height including mechanical and other equipment shall be no more than 80 feet.
- d. The fifth story is permitted if it is used only for residential.
- e. All buildings containing a fifth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
- f. The fifth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or set back 10 feet from any building facade.
- g. All buildings constructed in the D4 Zone must contain a minimum of 2 stories and must have a minimum eave height of 20 feet.

4. D5 Zone (over 5 stories)

- d. Eave line or roof height of any flat roof building shall be no more than 168 feet as measured to the average grade.**
- b. Peak or ridge of any sloped roof shall be no more than 180 feet as measured to the above average grade.**
- c. Maximum overall height including mechanical and other equipment shall be no more than 180 feet.**

The Planning Board has indicated that this is too high for buildings in this district. Instead, we recommend allowing buildings up to 9 stories that mirrors the regulations in the MU7 zone. The Planning Board may wish to consider allowing additions to existing buildings provided that there is a threshold or maximum percentage increase for non-conforming dimensions.

- d. All buildings should be designed harmoniously with adjacent structures in the D5 Zone in terms of mass, scale and proportion to the best extent possible.**

4.5 C and P Zones: Downtown Birmingham Overlay District building height shall comply with the underlying height restrictions listed in each two-page layout in Article 2 of the Zoning Ordinance, but may be negotiated by the Planning Board.

- 5.6.** Stories at sidewalk level shall be a minimum of 10 feet in height from finished floor to finished ceiling, **except this subsection 3.04 (A)(6) shall not apply to those renovations to existing buildings in a D5 Zone that do not have stories existing at the sidewalk level.** The Planning Board may reduce this standard for renovations to existing buildings that do not meet this standard.

The Planning Department understands that this type of renovation would be exempt to this regulation because it is grandfathered in

6-7.A transition line shall be provided between the first and second stories. The transition shall be detailed to facilitate an awning, **except this subsection shall not apply to those renovations to existing buildings in a D5 Zone that do not have a transition line that will facilitate an awning.**

7-8The maximum width of all dormers per street elevation on buildings may not exceed 33% of the width of the roof plane on the street elevation on which they are located.

C. Building placement. Buildings and their elements shall be placed on lots as follows:

1. Front building facades at the first story shall be located at the frontage line, except the Planning Board may adjust the required front yard to the average front setback of any abutting building, **except this subsection shall not apply to renovations to any existing building in the D5 Zone where the placement of the building shall not be relocated by the proposed renovations.**

The Planning Department understands that this type of renovation would be exempt to this regulation because it is grandfathered in

2. In the absence of a building facade, a screenwall shall be built along the frontage line and aligned with the adjacent building facade. Screenwalls shall be between 2.5 and 3.5 feet in height and made of brick, stone or other masonry material matching the building. Upon approval by the Planning Board, screen- walls may be a continuous, maintained evergreen hedge or metal fencing. Screenwalls may have openings a maximum of 25 feet to allow vehicular and pedestrian access.
3. Side setbacks shall not be required.
4. A minimum of 10 foot rear yard setback shall be provided from the midpoint of the alley, except that the Planning Board may allow this setback to be reduced or eliminated. In the absence of an alley, the rear setback shall be equal to that of an adjacent, preexisting building. **This subsection 3.04(B)(4) shall not apply to renovations to existing buildings in a D5 Zone where the rear property line abuts a street and the placement of the building shall not be relocated by the proposed renovations.**
5. First-floor awnings may encroach upon the frontage line and public sidewalk, but must avoid the street trees; provide at least 8 feet of clearance above the sidewalk; and be set back a minimum of 2 feet from the road curb.
6. Upper-floor awnings shall be permitted only on vertically proportioned windows, provided that the awning is only the width of the window, encroaches upon the frontage line no more than 3 feet, and is not used as a backlit sign.
7. Loading docks and service areas shall be permitted only within rear yards. Doors for access to interior loading docks and service areas shall not face a public street. **This section shall not apply where a building faces more than one public street, loading docks, service areas and access doors**

shall not face the front property line that faces the public street designated as the address of the building.

The loading docks that are currently in on this building would be accepted as a prior use after the renovations

8. All buildings shall have their principal pedestrian entrance **facing the** ~~on a~~ frontage line.

D. Building use. Buildings shall accommodate the following range of uses for the various designations on the Regulating Plan of the Downtown Birmingham Overlay District:

1. Uses shall be limited to those allowed in each underlying zoning district, unless otherwise specifically provided for herein.
2. The following uses and conditions are prohibited:
 - a. Automatic food and drink vending machines outdoors;
 - b. Drive-in facilities or any commercial use that encourages patrons to remain in their automobiles while receiving goods or services, **except for the D5 Zone where drive-in banks are permitted on the Woodward Avenue frontage;**
The Planning Board may wish to consider whether drive-in facilities should be permitted in D5.
 - c. Outdoor advertising.
3. Community uses (C).
4. Those sites designated as parking uses (P) on the Regulating Plan shall be premises used primarily for parking, except retail frontages shall be encouraged at the first floor level.
5. Those sites designated D2 Zone, D3 Zone, ~~or D4 Zone,~~ **or D5 Zones** on the Regulating Plan may be used for any commercial, office or residential use as allowed in the underlying zoning district. Upper story uses may be commercial, office or residential, provided that no commercial or office use shall be located on a story above a residential use.
6. Buildings that have frontage along the required retail frontages, as specified on the Regulating Plan, shall consist of retail with a minimum depth of 20 feet from the frontage **façade** line within the first story. Lobbies for hotels, offices, and multiple-family dwellings may be considered as part of the required retail front- age, provided that any such lobby occupies no more than 50% of the frontage of said building. **This subsection 3.04 (C)(6) shall not apply to existing buildings in a D5 Zone where retail does not exist at the front façade line.**
7. Retail, office or residential uses are required to have minimum depth of 20 feet from the frontage line on all stories. The remaining depth may be used for off-street parking. Parking access on a frontage line shall be an opening a maximum of 25 feet wide. Openings for parking garage access shall repeat the same rhythm and proportion as the rest of the building to maintain a consistent streetscape.
8. In any D2 Zone, D3 Zone, or D4 Zone, the first floor shall consist of retail with a minimum depth of 20 feet from the frontage line where designated on the

Regulating Plan as a retail frontage line in conformance with Section 3.04(C)(5) and Section 3.04(C)(6).

9. Office use is limited to one story, except:
 - a. In any D3 Zone or D4 Zone, a two-story building dedicated to office use is permissible; and
 - b. In a D4 Zone, two stories may be dedicated to office use when the Planning Board permits a fifth story; **and**
 - c. In a D5 Zone, a maximum of 3 stories may be dedicated to office use.**
10. Bistros are permitted with a valid Special Land Use Permit with the following conditions:
 - a. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
 - b. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 - c. No dance area is provided;
 - d. Only low key entertainment is permitted;
 - e. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 - f. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height. **Except in a D5 Zone, this subsection 3.04(C)(10)(f) shall apply only to the building façade facing the front property line for the building, and the 1 foot and 8 foot in height regulation shall not apply to other facades of the building that are not facing the front property line that is adjacent to the public street designated as the address of the building.**
The D-5 zone will not be exempt from this requirement but a change to glazing requirements could be made requiring less glazing
 - g. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 - h. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
11. Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development, are permitted with a valid Special Land Use Permit only on those parcels on Woodward Avenue identified on Exhibit 1; Appendix C. **and in a D5 Zone.**

D. Parking requirements.

1. For all nonresidential uses located within the parking assessment district, parking on the site shall not be required, provided such site is in full compliance with the requirements of the parking assessment district.
 2. For all residential uses located within the parking assessment district, the on-site parking requirements contained in Section 4.46, Section 4.49, Section 4.50 and Section 4.51 may be complied with through leasing the required spaces from an off-site parking area, provided the requirements of Section 4.45(G) are met and all parking is supplied on site or within 300 feet of the residential lobby entrance of the building.
 3. For all sites located outside of the parking assessment district, off-street parking must be provided in accordance with the requirements of Article 4 for parking, loading and screening.
 4. Notwithstanding the above regulations, residential dwelling units within the existing second and third floors of landmark buildings, as defined in Section 62-87 of the Birmingham City Code, located within the central business historic district are exempt from required off-street parking requirements.
 5. Off-street parking contained in the first story shall not be permitted within 20 feet of any building facade on a frontage line or between the building facade and the frontage line, **except in a D5 Zone this section 3.04(D)(5) shall only apply to the building façade facing the front property line that is adjacent to the public street designated as the address of the building. This amendment would further make the Woodward side of the 555 building inaccessible to pedestrians and would not continue the overall plan of the gateway**
 6. The placement of two abutting off-street parking lots with continuous street frontages shall not be permitted.
- E. Architectural standards. All buildings shall be subject to the following physical requirements:
1. At least 90% of the exterior finish material on all facades that face a street shall be limited to the following: glass, brick, cut stone, cast stone, **pre-cast or cast in place concrete**, coarsely textured stucco, or wood. Dryvit or E.F.I.S is prohibited.
 2. The primary colors of building exteriors shall be compatible with the colors of adjacent buildings and in character with the surrounding area **within the same Downtown Overlay zone**, although the trim may be of a contrasting color.
 3. Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or decorative finish materials.
 4. Storefronts shall be directly accessible from public sidewalks. Each storefront must have transparent areas, equal to **a minimum of 70%** of its portion of the facade, between one and eight feet from the ground. The wood or metal armature (structural elements to support canopies or signage) of such storefronts shall be painted, bronze, or powder-coated.

5. Storefronts shall have mullion systems, with doorways and signage integrally designed. Mullion systems shall be painted, powder-coated, or stained.
6. The glazed area of a facade above the first floor shall not exceed 35% of the total area, with each facade being calculated independently.
7. Glass shall be clear or lightly tinted only. Opaque applications shall not be applied to the glass surface.
8. Facade openings, including porches, windows, and colonnades, shall be vertical in proportion.
9. Sliding doors and sliding windows are prohibited along frontage lines, **except for residential uses in a D5 Zone above street level.**
10. ~~(Reserved for future use.)~~ **Notwithstanding any regulations set forth in the foregoing subsections, subsections 3.04(E)(3), (5), (6) and (7), in their entirety, do not apply to the existing buildings in a D5 Zone.**
Changes regarding Subsection 3.04(E)(6) are grandfathered in
Changes regarding Subsection 3.04(E)(7) could be permitted above the first floor only
11. Cantilevered mansard roofs are prohibited
12. Balconies, railings, and porch structures shall be metal, wood, **glass**, cast in **place or preformed** concrete, or stone.
13. Facades may be supplemented by awnings, which shall be straight sheds without side flaps, not cubed or curved. Awnings shall be between 8 and 12 feet above sidewalk grade at the lower drip edge.
14. Outside dining tables and chairs shall be primarily metal, wood, or similar material. Plastic outside dining tables and chairs shall be prohibited.
15. Any building that terminates a view, as designated on the Regulating Plan, shall provide distinct and prominent architectural features of enhanced character and visibility, which reflect the importance of the building's location and create a positive visual landmark.
16. Flat roofs shall be enclosed by parapets. Rooftop mechanical and other equipment shall be limited, positioned and screened to minimize views from adjacent properties and public rights-of-way in accordance with the regulations set forth in Section 4.16, Section 4.18, and Section 4.53.

F. Signage Standards. Signage, when provided, shall be as follows:

1. Building Sign Design Plan: For all newly constructed or exterior renovated buildings, an overall building sign design plan shall be approved by the appropriate reviewing body.
2. Design: Signage shall be integrally designed and painted with the storefront.
3. Address Numbers: Address numbers shall be a maximum of 8 inches in vertical dimension.
4. Sign Band:
 - a. General: A single external sign band or zone may be applied to the facade of a building between the first and second floors, provided that it shall be a maximum of 1.5 feet in vertical dimension by any horizontal dimension.
 - b. Woodward Avenue Address: The external sign band or zone shall be a maximum of 2 feet in vertical dimension by any horizontal dimension. The sign band or zone may contain multiple individual signs, but all must refer to

a tenant of the building whose principal square footage is on the first floor.

Except in a D5 Zone where an existing building has retail below grade level, the sign band shall exist either between the below grade level and the next story above the below grade level, and/or above the first story that is above grade.

The sign band could be grandfathered in.

- c. Lowercase letters with ascenders and descenders that extend beyond the limits of the sign height by a maximum of 50% will not be calculated into total sign area.
 - d. Each business whose principal square footage is on the first story, may have one sign per entry. **Except in a D5 Zone where an existing building has retail below grade level, each business whose principal square footage is on either a below grade level or the first floor may have one sign per entry.**
 - e. Where the Historic District Commission, Design Review Board or Planning Board has determined that a horizontal sign band is not architecturally feasible based on building design, an alternative design will be considered, provided the following conditions are met:
 - i. The sign must fit within the total sign area allowed for the business;
 - ii. The sign must be compatible with the building's street design and will enhance the streetscape.
 - iii. The sign adheres to the goals of the 2016 Plan.
5. Building Identification:
- a. **In a D5 Zone, lighted building identification signs may be placed on all sides of the building. The following sections 3.04 (F)(5)(c), (d) and (e) do not apply to buildings in a D5 Zone.**
The Planning Department feels that four signs would be excessive signage. But a provision could be made to allow illuminated signage on the south end of the zone
 - ~~a~~.b. Signage identifying the entire structure by a building name may be permitted on the sign band.
 - ~~b~~.c. One sign will be allowed on the principal building frontage.
 - ~~c~~.d Two identical signs will be allowed on each elevation of a corner building.
 - ~~d~~.e Non-illuminated signs identifying the entire structure by a building name may be permitted above the first floor provided the following conditions apply:
 - i. The building must be located on Woodward;
 - ii. A tenant name must have legal naming rights to the building;
 - iii. The sign must located on the top floor; and
 - iv. Only one Building Identification sign may be located on the principal building frontage.
6. Tenant Directory Sign: A directory sign may be comprised of individual nameplates no larger than one square foot each, or a changeable copy board for characters not exceeding one inch in height.

7. Additional Signs: Additional pedestrian signs for first floor tenants shall meet the following requirements:
 - a. These signs shall be attached to a building perpendicular to the facade, and extend up to 4 feet from the facade.
 - b. These signs shall be a maximum of 1.5 feet in vertical dimension and 4 feet in horizontal dimension.
 - c. There may be one (1) individual pedestrian sign for each business located on the first floor, provided that such signs are spaced no less than 20 feet apart horizontally; this shall not deny any first floor place of business at least one projecting sign.
8. Glass: The storefront glass may be stenciled with signage not to exceed 1.5 feet in vertical dimension and 4 feet in horizontal dimension.
9. First Floor Awning: The valance shall not be more than 9 inches in height. The valance of an awning may be stenciled with signage totaling no more than 33% of the valance area.
10. Lighting:
 - a. General: External signs shall not be internally illuminated, but may be back lit or externally lit.
 - b. Woodward Avenue Address: External signs may be internally illuminated.

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

Stuart Lee Sherman, Mayor

Laura Pierce, City Clerk

**PROPOSED-DRAFT ORDINANCE LANGUAGE SUBMITTED BY APPLICANT
FOR NEWLY PROPOSED D5 ZONE
AT SECTION 3.04.4 (“SPECIAL STANDARDS”)**

4. **D5 Zone (over 5 stories)**
- a. All existing buildings located in the D5 Zone on November 1, 2016 are deemed legal, conforming buildings with regard to setbacks and height.
 - b. All existing buildings located in this zone district on November 1, 2016 may be extended or enlarged, provided that the extended or enlarged portion of the building meets all of the requirements of the Downtown Birmingham Overlay District and D4 Zone.
 - c. New buildings constructed or additions to existing buildings in the D5 Zone must meet the requirements of the Downtown Birmingham Overlay District and the D4 Zone except that a new building or an addition to an existing building in the D5 Zone may be permitted to be constructed over the D4 height up to but not exceeding the number of stories and 110% of the ~~the~~ height of an existing, abutting building in the D5 Zone, if the property owner agrees to specific conditions approved by the City Commission under the provision of a Special Land Use Permit.

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MEMORANDUM

Planning Department

DATE: October 19, 2016

TO: Planning Board

FROM: Sean Campbell, Assistant Planner

SUBJECT: Revised Final Site Plan & Design Review
451 S. Eton – Irongate

The Irongate building is a recently completed building located on the east side of S. Eton Street south of Villa. The subject development received Revised Final Site Plan approval on July 25, 2012 as an addition to the Crosswinds Development. Upon a final inspection conducted by Planning Staff on August 23, 2016, numerous discrepancies were cited on all sides of the building in relation to approved plans, which resulted in receipt of a Temporary Certificate of Occupancy, and the posting of a substantial bond. While many of these issues are considered minor in nature and may be eligible for administrative approval, the number and extent of some of the changes were unsuitable for administrative approval and thus require Planning Board review.

The applicant is seeking approval for changes to the approved Final Site Plan & Design which was approved by the Planning Board on July 25, 2012. Specifically, the applicant is proposing to keep the previously approved footprint for the building with various changes to the design on all elevations and the rear of the site adjacent to the driveways. The landscaped bump-outs where the HVAC units are currently installed do not match the approved plans and further do not properly screen the HVAC units. Additionally, the required number of trees for this development have not been provided.

This Revised Final Site Plan is based on a Revised Final Site Plan report produced in 2012 and therefore includes old language and terminology. At the time of the approval, the development was called "Eton Street Station." **All new information relating to the proposed changes has been highlighted in Blue.**

1.1 Land Use and Zoning

- 1.2 Existing Land Use - The existing site has been currently built out based on approved plans but currently exhibits nonconformities.
- 1.3 Existing Zoning – The entire Irongate development, including the subject site, is currently zoned MX-Mixed Use.
- 1.4 Master Plan – The site is not located within the boundaries of the Downtown Birmingham 2016 Overlay District. Hence, the standards from the report do not

apply in this case. The site is located within the boundaries of the Eton Road Corridor Plan.

1.5 Summary of Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	South	East	West
Existing Land Use	Vacant - Phase 2 of District Lofts (live/work and residential units)	Mixed Use (live/work, commercial & residential units)	Mixed Use (live/work, commercial & residential units)	Multiple Family Residential
Existing Zoning District	MX, Mixed Use	MX, Mixed Use	MX, Mixed Use	R4 – Two Family Residential
Eton Road Corridor Plan	Yes	Yes	Yes	No

2.0 Setback and Height Requirements

The applicant is proposing only minor changes to the previously approved footprint of the building. The only changes proposed are to provide recessed portions on the ends of building to create more visual interest. Thus, the only setback changes will be to slightly increase the side setbacks to the north and south, and to move the building 4' closer to the street by providing a 42' front setback. The previous 45' depth of the building has been increased to 52' as the building was moved forward. All setbacks comply with the requirements for the MX District.

The overall height of the building is proposed to change from the previously approved height of 45' (pitched roof building) and 4 stories to 37' in height at the ridge line of the pitched roof. The building is now a 2.5 story building.

3.0 Screening and Landscaping

3.1 Screening – The applicant is proposing to install 11 AC units which measure 3' x 3' x 2.43' in height each adjacent to the east elevation (rear) of the building. These units are proposed to be located on curbed islands that separate the individual rear garage entries. Specification sheets for the mechanical equipment state that the units are 2.02' x 2.02'. The proposed condensing units are proposed to be screened with 9 Emerald Green Arborvitae shrubs 5' in height at the time of planting. The proposed screening will be sufficient to fully screen the

mechanical units. **Upon final inspection, it was found that the approved 9 emerald green Arborvitaes that were to be planted around each unit for screening were not installed, and thus 11 condensing units are unscreened. The applicant has now revised the landscaping plan and proposes that each unit will be fully screened by 6 Juniper shrubs to meet the screening requirements.**

- 3.2 Landscaping – The landscaping for the revised building design is proposed to be similar to the previously approved landscape plan. Foundation plantings are proposed along the north, east and west elevations with a combination of shrubs, perennials and groundcover, but the design has been altered to accommodate the proposed new entry design of the building. There are now 9 entry walks proposed to the 9 middle units, with an outdoor patio space on each side of the entrance. The end units have both side and front entrances. Species proposed around each entrance include 84 Boxwood shrubs and 6 Rose bushes.

There are six landscaped islands proposed in between garages as originally approved, although the plantings have been increased. Each island includes 9 Arborvitaes, 1 Red Maple, 4 Gold flame Spirea, Neon Sedum groundcover and two of the islands include 6 Daylily plantings. **A final inspection also revealed that the number of landscaped islands has been increased from six to 10. Additionally, the length of each island has been reduced, and further, 18 emerald green Arborvitaes, 6 Red Maple trees, and 36 neon sedum groundcover plants were eliminated. The applicant now proposes to landscape five (5) islands with 6 Blue Arrow Juniper shrubs to screen the mechanical units, three (3) islands with 3 Blue Arrow Juniper shrubs, and two (2) islands with 1 Upright Columnar Spruce planting.**

Other planting beds include: 2 Pyramidal European Hornbeam trees, 4 Red Maples, 6 Tuliptrees, 5 Pear trees, 10 Lilac Trees, 56 Arborvitae, 226 Boxwood Shrubs, 58 Yews, 3 Purple Sandcherries, 16 Hostas, 9 Hydrangeas, 80 Rose bushes, 83 Daylilies, 306 Ivy Plantings, 6 Black Eyed Susans, 7 Japanese Silvergrass, 14 Fountain grasses, and 10 Sumac groundcover plantings. These beds also include seasonal flowers. The variety of species has changed slightly to comply with the landscape provisions now contained in the Zoning Ordinance. The Plaza area located on Eton Street now appears to contain fewer canopy tree plantings, however, it also appears to contain more plantings overall than the applicant's last submittal. Please note that landscaping quantity totals are incorrect on the plant list for Arborvitaes (TO), Boxwood Shrubs (BW), Purple Sandcherry (PXC), and Baltic Ivy (HHB). **The applicant is now seeking approval to for a total of ten (10) Patriot Hosta shrubs along the front of the building.**

In accordance with Article 4, section 4.20 of the Zoning Ordinance, new buildings in the MX District are required to provide 1 evergreen and 1 deciduous tree for every two residential units, and thus 6 evergreen and 6 deciduous trees are required to be provided on site. These trees are in addition to the required street

trees. As the applicant is not intending to preserve any of the existing vegetation on the site, a landscaping credit is not available. The applicant meets the deciduous tree requirement, as 12 deciduous trees are proposed in front of the building and 8 are proposed in the rear of the building. **The applicant is now seeking approval to plant 6 trees in the front of the building to make up for the 6 Red Maple trees that were originally proposed for the landscaped islands. The applicant meets the required number of 20 deciduous trees.**

In addition, the applicant is also required to provide 1 street tree for every 40' of road frontage. Thus, 7 street trees are required along S. Eton, and 3 street trees are required along both Villa and Hazel. The applicant proposes to plant 4 Red Maples on Villa Avenue and 5 Red Maples on Hazel Street adjacent to the proposed development. Eton Street has 4 existing Red Maples, and the applicant is proposing to plant 6 additional Red Maple trees. Thus, the proposed landscape plans meet the requirements for street trees based on all frontages. **Upon final inspection, it was found that the applicant had planted only 3 Tulip Trees instead of the approved 6 Red Maples along S. Eton and only 4 Cleveland Select Pear trees instead of the approved 5 Red Maples along Hazel Ave. While still meeting the required number of street trees per the Zoning Ordinance, the applicant is seeking approval for these changes.**

In addition to all of the plant material proposed on the site, the applicant is also proposing the addition of several hardscape elements that will improve the design of the site and streetscape. Unilock decorative pavers are proposed to create a plaza area in front of the building, and to connect all entrances to the public sidewalk. Eighteen decorative planters are also proposed scattered throughout the plaza area. Photos of three types have been provided. Two appear to be black metal, and one appears to be concrete. In addition, 4 City standard benches are proposed in the plaza area surrounding a proposed sculpture feature which is detailed on page LS-3. Two City standard trash receptacles are also proposed at either end of the plaza area. Four smaller metal gear sculptures are also proposed adjacent to the patio areas along the front (west) façade of the building. Finally, the applicant is also proposing to add a black steel tube bike rack at the southwest corner of the site.

4.0 Parking, Loading and Circulation

- 4.1 Parking – There are no changes to the previously approved parking configuration. Each unit will provide 2 enclosed parking spaces within individual garages, as well as room for 2 additional vehicles to be parked in the drive outside of the garage.
- 4.2 Loading – N/A.
- 4.3 Circulation – Vehicular circulation at the site will not be altered from previously approved plans. Pedestrian circulation to the site will remain from public

sidewalks on Villa, Hazel and S. Eton as previously proposed. The only minor changes include a redesign of the plaza area in the front of the building along S. Eton. A sidewalk will remain immediately adjacent to the building for access to each live/work unit, but the curved sidewalks connecting the public sidewalk on S. Eton to the building sidewalk will be reconfigured. The proposed design will keep the circular elements of the previous sidewalk layout and continue to provide full access, but the locations will vary. **Vehicular circulation on the site has been altered with the addition of five (5) new traffic islands in the backside of the building in between each of the tenant parking garages.**

- 4.4 Streetscape – After the former Crosswinds Development went into bankruptcy, the trustee was required to finalize the streetscape improvements that were originally approved. Thus, the required sidewalks have already been installed along both Villa and Hazel Street. The City also installed the required public sidewalk along S. Eton several years ago. In accordance with the originally approved plans, the applicant will be required, and is proposing, to install decorative street lighting along Hazel, Villa and S. Eton. In addition, the Planning Division recommends the addition of trash receptacles along S. Eton in the vicinity of the existing benches.

5.0 Lighting

The applicant submitted a photometric plan for the entire site, although it does not mark the location of bollard lighting. The proposed photometric plan meets the maximum foot-candle levels along the rear (east) property line as required, and provides a 11.4:1 maximum: minimum ratio for the parking area, which also complies with Birmingham's lighting standards.

Building Lighting

The applicant is proposing to change the light fixtures originally approved on the building. The proposed fixtures are made by Philips Hadco, and are proposed at 60 watts. There are a total of 32 wall mounted fixtures proposed around the entire building. However, no specification sheets for these fixtures have been provided at this time. The applicant will be required to submit specification sheets for the fixtures to the Planning Division for administrative approval. **The final inspection also revealed numerous changes to the approved lighting. The applicant is now seeking approval for the installation of 18 lantern-type light fixtures above each front entry door and one (1) gooseneck light fixture above the arched Irongate sign on the front elevation. No spec sheets have been submitted for the gooseneck and lantern-type light fixtures. On the south elevation, the applicant is proposing two (2), black, aluminum Modern Forms, model:WS-W19 light fixtures with high output LED lights above the second floor balcony and to eliminate the previously approved light fixtures for the third floor balcony. On the east elevation, the applicant is proposing to install 22 black, aluminum Modern Forms, model:WS-W19 light fixtures with high output LED lights between each garage door. On the north elevation, the applicant is proposing to eliminate a first floor light fixture and to install two (2) black,**

aluminum Modern Forms, model:WS-W19 light fixtures above the second floor balcony. Additionally, upon final inspection, some of the installed light fixtures on the subject building did not match the previously approved plans. Since the revised plans indicate the originally approved light fixtures, the applicant must verify that the fixtures that were installed will be changed.

The applicant must provide specification sheets for all light fixtures in order to demonstrate that all proposed fixtures are cut-off and comply with the lighting standards contained in the Zoning Ordinance.

Street Lighting

In accordance with the previously approved Eton Street Station (Crosswinds) site plan, street lights are required to be installed. The applicant is proposing to install 6 new streetlights along S. Eton, and 1 on each of Villa and Hazel. The lights proposed are the approved lights for Crosswinds (Hadco gooseneck fixtures), which are now the City standard in the Rail District.

Pedestrian Path Lighting

Twelve bollard path lights, manufactured by Philips Hadco are proposed along the edge of the sidewalk and plaza area in front of the building, as noted on the landscape plan. However, the photometric plan indicates there are 14 bollard path lights proposed, but does not show these on the plan. The proposed bollards are black. A photo of the bollard light was submitted, but a specification sheet was not. The applicant will be required to clarify the number of bollard lights, and to provide a specification sheet.

6.0 Approval Criteria

In accordance with Article 7, section 7.27, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.

- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

7.0 Conformance with the Eton Road Corridor Plan

The subject site is located within the boundaries of the Eton Road Corridor Plan. The vision of the Eton Road Corridor Plan ("ERCP") was to encourage high density, multi-family residential uses mixed with new, small scale commercial uses in a scale that is compatible with the surrounding neighborhood to create an eclectic, mixed use district. The ERCP specifically encourages development that is visually compatible with the adjacent neighborhoods, use quality architecture and provide streetscape enhancement to improve pedestrian circulation within the district and through the district.

The ERCP also provides design guidelines to ensure that this vision is realized, including the following:

- moving buildings close to the road with little or no front parking;
- moving parking to the rear of buildings and providing screening;
- providing entrance features to buildings, using high quality building materials and pedestrian-scaled building details;
- encouraging landscaping between buildings and the road and the conversion of all interior area between buildings into landscaped open space; and
- encouraging lighting to accent architecture and improve the pedestrian environment while maintaining light levels that are compatible with neighborhood ambient light levels.

The building proposed by the applicant at this time includes eleven multi-family units, and is compatible in scale and height with adjacent residential neighborhoods. The proposed location and footprint of the building is as recommended on the Future Land Use Plan, and parking is provided at the rear of the building only. The applicant is proposing to use stone and brick with metal roofing, awnings, balconies and railings for accent. Front walks are proposed from the sidewalk to each of the eleven entries to each unit. Landscaping is also proposed between the building and the right-of-way, and on either end of the building. Lighting provided will be minimal and compatible with neighborhood ambient light levels.

8.0 Design Review

The applicant is proposing to change the design of the former Crosswinds building #6A/1 from a four story traditional styled pitched roof structure to a two and a half story pitched roof building that blends traditional materials such as brick and stone with the use of metal detailing on the upper floors and railings.

The applicant is proposing to use the following materials:

- Pine Hall brick from the Textured Series, "Liberty Rose" (salmon color) with a blade cut sand coated texture for the main body of the building;

- Halquist Stone in “Fond Du Lac Ledge” (cream color) with a split-face finish at grade and quoins, and a smooth finish on the sign band of the end units;
- Vertical corrugated metal wall cladding in “Charcoal” for the second level of the rear elevation of the building;
- Aluminum Clad windows in black with clear glass;
- Standing seam metal roofing with snow guards in black;
- Powder coated steel awnings, balconies, railing and brackets in black to accent the brick and stone of the building; and
- Aluminum 16’ carriage style overhead garage doors in black on the rear elevation.

The proposed building design effectively blends the contemporary metal accents of the District Lofts building on the north side of Villa with the traditional style of the existing Eton Street Lofts (Crosswinds) buildings contained within the entire development to create a building design that is harmonious with both the mixed use district on the east side of Eton and the single family residential district on the west side of Eton.

The applicant is proposing the following design changes to subject building:

West Elevation (Front facing Eton)

- **Installing five (5) additional downspouts**
- **Installing 18 additional light fixtures – one above each entry door**
- **Installing one (1) additional gooseneck light fixture above the arched Irongate sign**
- **Entry doors to be constructed of metal instead of previously approved wood doors**
- **Leaving off the previously approved awnings above units 401, 405, 411, 441, 445, and 451**
- **Removing planters next to entry doors**

South Elevation

- **Changing the first level middle row of windows to be single panel; without mullions**
- **Adding a third floor balconette**
- **Adding two (2) light fixtures above second floor balcony**
- **Removing light fixtures for third floor balcony**
- **Removing metal brackets at eaves**
- **Eliminating aluminum brackets and sign that reads “MAIL” from mail box**

East Elevation (Back facing alley)

- **Eliminating two balconies (at units 451 and 401)**
- **Changing balcony openings to have a straight lintel instead of an arched lintel**

North Elevation

- **Eliminating aluminum brackets and sign that reads “MAIL” from mail box**

- **Eliminating wall from the left of the mailbox**
- **Installing two lights above second floor balcony**
- **Removing light fixture from first floor exterior**
- **Installing a third floor balconette**
- **Eliminating metal brackets at eaves**
- **Changing the first level middle row of windows to be single panel; without mullions**
- **Eliminating tables and umbrellas as shown in approved plans**

9.0 **Recommendation**

Based on our review of the site plan revisions submitted, we recommend the Planning Board APPROVE the Revised Final Site Plan for 401 - 451 S. Eton subject to the following conditions:

- 1. The applicant shall verify that the current unpermitted work shall be changed to match those demonstrated in the submitted revised plans.**
- 2. The applicant submits spec sheets for the gooseneck and lantern-type light fixtures and obtain administrative approval for same.**

10.0 **Sample Motion Language**

Motion to APPROVE the Revised Final Site Plan and Design for 401 - 451 S. Eton subject to the following conditions:

- 1. The applicant shall verify that the current unpermitted work shall be changed to match those demonstrated in the submitted revised plans.**
- 2. The applicant submits spec sheets for the gooseneck and lantern-type light fixtures and obtain administrative approval for same.**

OR

Motion to DENY the Revised Final Site Plan and Design for 401 - 451 S. Eton.

OR

Motion to POSTPONE the Revised Final Site Plan and Design for 401 - 451 S. Eton.

**Planning Board Minutes
July 25, 2012**

REVISED FINAL SITE PLAN REVIEW

401-451 S. Eton

Iron Gate of Birmingham (current vacant land)

To allow construction of a 2.5 story mixed-use building with multi-family and live/work units

Ms. Ecker outlined the proposal. The Eton Street Station (Crosswinds Development) is located on the east side of S. Eton St. south of Villa. The current applicant has purchased the lot that was to house the original building #6A in the Eton Street Station (Crosswinds Development), which later became building #1 in the Eton Street Station. The current applicant is seeking to make design changes to the previously approved building. While a part of the approved Crosswinds Development, the current owner has been approved to withdraw from the jurisdiction of the Crosswinds Condominium Association, and thus will be providing maintenance privately for the building and site.

Ms. Ecker advised that the applicant is seeking approval for changes to the Revised Final Site Plan & Design which was approved by the Planning Board on May 25, 2005. Specifically, the applicant is proposing to primarily keep the previously approved footprint for the building with minor changes on the north and south ends of the building; and to make design changes to the building to alter the interior layout of the units; and the exterior design of the building to distinguish the building somewhat from the other Crosswinds building, while continuing to complement the character of the area. Eleven units were previously approved for this building, and eleven are proposed at this time.

Site Plan Review

The building proposed by the applicant at this time is compatible in scale and height with adjacent residential neighborhoods. The proposed location and footprint of the building is as recommended on the Future Land Use Plan, and parking is provided at the rear of the building only. The applicant is proposing to use stone and brick with metal roofing, awnings, balconies and railings for accent. Front walks are proposed from the sidewalk to each of the eleven entries to each unit. Landscaping is also proposed between the building and the right-of-way, and on either end of the building. Lighting provided will be minimal and compatible with neighborhood ambient light levels.

Design Review

The applicant is proposing to change the design of the former Crosswinds building #6A/1 from a four-story traditional styled pitched roof structure to a two-and-a-half story pitched roof building that blends traditional materials such as brick and stone with the use of metal detailing on the upper floors and railings.

The proposed building design effectively blends the contemporary metal accents of the District Lofts building on the north side of Villa with the traditional style of the existing Eton Street Lofts (Crosswinds) buildings contained within the entire development to create a building design that is harmonious with both the Mixed-Use District on the east side of Eton and the Single-Family Residential District on the west side of Eton.

Mr. Dominic J. Mocerì, Co-Manager of FMD Land Company, LLC, the applicant, described how they have taken a very careful approach towards fulfilling the vision of the Rail District.

Mr. Robert J. Lipka, RLA Studio, the architect, outlined the floor plans. Mr. Mocerì added that the units will be for lease. The more intensive live/work units are at the end caps where more parking is available. They want to attract a difference in intensity within the building. He noted the streetlights are comprised of double goosenecks; one is for the parallel parking space and one is for the sidewalk.

Mr. Koseck thought they have taken the proposal up a notch in terms of quality. He likes the metal roof and is impressed with the other architectural elements. Mr. Mocerì said many ideas came from talking to the neighbors. Board members were impressed with the complete package that came to them.

Ms. Ecker read one letter into the record that was very much in favor of the new building.

Motion by Ms. Whipple-Boyce

Seconded by Mr. DeWeese to approve the Revised Final Site Plan and Design for 401-451 S. Eton subject to the condition that the applicant comply with the requests of all City Departments and subject to administrative approval.

At 8:57 p.m. no one from the public wished to comment on the motion.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

Mr. Mocerì indicated they hope to break ground this fall. He presented rail spikes to board members and staff to remind everyone they all are stakeholders in the future of the Birmingham Rail District.

existing
District Lofts

EXISTING RED MAPLE STREET
TREES

ALL DRIVEWAY LANDSCAPE ISLANDS TO BE
EXCAVATED OF ALL BUILDING MATERIALS AND POOR
SOILS A MIN. OF 16"-18" DEPTH. BACK FILL WITH GOOD,
MEDIUM TEXTURED PLANTING SOILS. ADD A MIN. 4" OF
TOPSOIL OVERFILL TO FINISH GRADE. PROVIDE
IRRIGATION AS REQUIRED.

PROPOSED MAIL BOX KIOSK

proposed
District Lofts II

LAWN AREAS TO RECEIVE SOD
ON FINISH GRADES. PROVIDE
POSITIVE DRAINAGE TYP.

EXISTING TRANSFORMER
LOCATION

PROPOSED ARBORVITEA TO BE
ALLOWED TO 'KNIT' TOGETHER HEDGE
AND HEIGHT MAINTAINED AT 6' HIGH.

PROPOSED MARKETING SIGN
LOCATION-SEE SHT L-2 FOR DETAIL

HOS-215
LS-5
SIGN

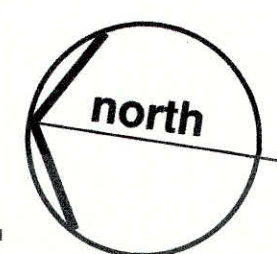
developer:
FMD LAND COMPANY, LLC
3005 University Drive
Auburn Hills, Michigan 48326

landscape plan for:

TRONGATE
ON ETON

MOCERI

scale: 0' 8' 16' 32' 48'
1" = 16'-0"



existing
Eton Street Station II Condominium

EXISTING AC UNIT
EXISTING BURNING BUSH
EXISTING SPIREA

EXISTING RED MAPLE
EXISTING ARBORVITEA

Hazel Avenue

EXISTING PEAR STREET TREES
PROPOSED ARBORVITEA TO BE
ALLOWED TO 'KNIT' TOGETHER HEDGE
AND HEIGHT MAINTAINED AT 5' HIGH.

LAWN AREAS TO RECEIVE SOD ON FINISH
GRADES. PROVIDE POSITIVE DRAINAGE TYP.

PROPOSED DECORATIVE STREET
LIGHTS. SEE SHEET L-3 FOR DETAILS

existing
Whistlestop

EXISTING TRANSFORMER

EXISTING ARBORVITEA HEDGE

4" BLACK STEEL EDGING BETWEEN
LANDSCAPE BEDS AND LAWN AREAS.

Eton Street

PROPOSED BOXWOOD TO BE ALLOW TO 'KNIT'
TOGETHER HEDGE AND HEIGHT MAINTAINED
AT 24" HIGH.

EXISTING BENCH
SEATING
EXISTING MEANDERING
CONCRETE PEDESTRIAN
WALK

PROPOSED 4" WIDE PAVEMENT
CONNECTOR

EXISTING UTILITY POLE

NEW AND DISTURBED LAWN AREAS TO
RECEIVE SOD ON FINISH GRADES. PROVIDE
POSITIVE DRAINAGE TYP.

PROPOSED BOXWOOD TO BE ALLOW TO 'KNIT'
TOGETHER HEDGE AND HEIGHT MAINTAINED AT
24" HIGH.

general landscape notes:

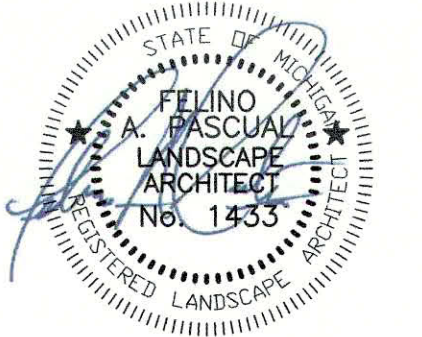
1. LANDSCAPE CONTRACTOR SHALL VISIT THE SITE, INSPECT EXISTING CONDITIONS, REVIEW PROPOSED PLANTINGS AND RELATED WORK. CONTACT THE OWNER AND/OR LANDSCAPE ARCHITECT WITH ANY CONCERNS OR DISCREPANCY BETWEEN THE PLANS, PLANT MATERIAL LIST, AND/OR SITE CONDITIONS.
2. PRIOR TO BEGINNING OF CONSTRUCTION ON ANY WORK, CONTRACTORS SHALL VERIFY LOCATIONS OF ALL ON-SITE UTILITIES (GAS, ELECTRIC, TELEPHONE, CABLE) TO BE LOCATED BY CONTACTING MISS DIS (1-800-482-7111). ANY DAMAGE OR INTERRUPTION OF SERVICES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. COORDINATE ALL RELATED WORK ACTIVITIES WITH OTHER TRADES AND REPORT ANY UNACCEPTABLE JOB CONDITIONS TO OWNER PRIOR TO COMMENCING.
3. NUMERICAL VALUE ON THE LANDSCAPE QUANTITIES SPECIFIED ON THE PLAN TAKE PRECEDENCE OVER GRAPHIC REPRESENTATION. VERIFY ANY CONCERN/DISCREPANCY WITH LANDSCAPE ARCHITECT.
4. ALL CONSTRUCTION AND PLANT MATERIAL LOCATION TO BE ADJUSTED ON SITE IF NECESSARY.
5. ALL SUBSTITUTIONS OR DEVIATIONS FROM THE LANDSCAPE PLAN MUST BE APPROVED BY CITY AND LANDSCAPE ARCHITECT.
6. ALL LARGE TREES AND EVERGREENS TO BE STAKED, GUYED AND WRAPPED AS DETAIL SHOWN ON PLAN.
7. PLANT BEDS TO BE DRESSED WITH MIN. 3" OF FINELY DOUBLE SHREDDED HARBARK MULCH.
8. DIS SHRUB PITS 1' LARGER THAN SHRUB ROOT BALLS AND TREE PITS 2' LARGER THAN ROOT BALL. BACK FILL WITH ONE PART TOP SOIL AND ONE PART SOIL FROM EXCAVATED PLANTING HOLE.
9. REMOVE ALL TWINE, WIRE AND BURLAP FROM TREE AND SHRUB EARTH BALLS, AND FROM TREE TRUNKS.
10. NATURAL COLOR, FINELY SHREDDED HARDWOOD BARK MULCH REQUIRED FOR ALL PLANTINGS.
11. 4" THICK BARK MULCH FOR TREES IN 4" DIA. CIRCLE WITH 3" PULLED AWAY FROM TRUNK.
12. 3" THICK BARK MULCH FOR SHRUBS AND 2" THICK BARK MULCH FOR PERENNIALS.
13. PLANT MATERIAL QUALITY & INSTALLATION SHALL BE IN ACCORDANCE WITH THE CURRENT AMERICAN ASSOCIATION OF NURSERYMEN LANDSCAPE STANDARDS.
14. PROVIDE PEAT SOD FOR ALL NEW AND DISTURBED LAWN AREAS UNLESS NOTED OTHERWISE.
15. ALL PLANTING AREAS TO BE PREPARED WITH APPROPRIATE SOIL MIXTURES AND FERTILIZER BEFORE PLANT INSTALLATION.
16. NO TREES OR EVERGREENS TO BE INSTALLED OVER ANY PROPOSED OR EXISTING UTILITY LINES AS SHOWN ON THE OVERALL LANDSCAPE PLAN. SEE ENGINEERING PLANS FOR EXACT LOCATION AND DETAILS.
17. WATERING OF ALL PLANTS AND TREES TO BE PROVIDED IMMEDIATELY AND MULCHING WITHIN 24 HOURS AFTER INSTALLATION.
18. PLANT TREES AND SHRUBS GENERALLY NO CLOSER THAN THE FOLLOWING DISTANCES FROM SIDEWALKS, CURBS AND PARKING STALLS:
 - a). SHADE TREES _____ 5 FT.
 - b). ORNAMENTAL AND EVERGREEN TREES _____ 10 FT.
 - c). SHRUBS THAT ARE LESS THAN 1 FOOT TALL AND WIDE AT MATURITY _____ 2 FT.
19. ALL LAWN AREAS AND LANDSCAPE BEDS TO BE FULLY IRRIGATED WITH A AUTOMATIC UNDERGROUND SYSTEMS. IRRIGATION SYSTEM TO HAVE SEPARATE ZONES FOR LAWN AREAS, DRIVEWAY ISLANDS, AND SHRUB BEDS WITH DIFFERENT CONTROL MOISTURE LEVEL ADJUSTMENT PER ZONE AS REQUIRED.
20. UNLESS NOTED OTHERWISE, LANDSCAPE BEDS ADJACENT TO LAWN TO RECEIVE EDGING. EDGING SHALL BE 4" X 1/8" METAL (FINISH BLACK OR GREEN) OR APPROVED EQUAL AND TO BE INSTALLED WITH HORIZONTAL METAL STAKES AT 32" O.C. OR PER MANUFACTURER'S SPECIFICATION.
21. ALL DRIVEWAY LANDSCAPE ISLANDS AND LANDSCAPE BEDS ADJACENT AND NEXT TO BUILDING SHALL BE EXCAVATED OF ALL BUILDING MATERIALS AND POOR SOILS A MIN. OF 16"-18" DEPTH. BACK FILL WITH GOOD, MEDIUM TEXTURED PLANTING SOILS. ADD A MIN. 4" OF TOPSOIL OVERFILL TO FINISH GRADE. PROVIDE POSITIVE DRAINAGE.
22. ALL TREE PITS TO BE TESTED FOR PROPER DRAINAGE PRIOR TO TREE PLANTING. PROVIDE APPROPRIATE DRAINAGE SYSTEM AS REQUIRED IF THE TREE PIT DOES NOT DRAIN SUFFICIENTLY.
23. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL LANDSCAPE PLANT MATERIALS AND IRRIGATION INSTALLATION FOR A PERIOD OF ONE YEAR BEGINNING AFTER THE COMPLETION OF LANDSCAPE INSTALLATION DATE APPROVED BY THE CITY OR LANDSCAPE ARCHITECT. THE CONTRACTOR SHALL REPLACE DURING AND AT THE END OF THE GUARANTEE PERIOD, ANY DEAD OR UNACCEPTABLE PLANTS AS DETERMINED BY THE CITY OR LANDSCAPE ARCHITECT, WITHOUT COST TO THE OWNER.
24. ALL DEAD OR DISEASED PLANT MATERIALS SHALL BE REMOVED AND REPLACED WITHIN SIX (6) MONTHS AFTER IT DIES OR IN THE NEXT PLANTING SEASON, WHICHEVER OCCURS FIRST. THE PLANTING SEASON FOR DECIDUOUS SHALL BE BETWEEN MARCH 1, JUNE 1, AND OCTOBER 1 UNTIL THE PREPARED SOIL BECOMES FROZEN. THE PLANTING SEASON FOR EVERGREEN PLANTS SHALL BE BETWEEN MARCH 1 AND JUNE 1. PLANT MATERIAL INSTALLED TO REPLACE DEAD OR DISEASED MATERIAL SHALL BE AS CLOSE AS FEASIBLE TO THE SIZE OF MATERIAL. IT IS INTENDED TO REPLACE.
25. ALL PROPOSED EVERGREEN SHRUB PLANTINGS ADJACENT TO WALKS AND ROAD R.O.M. TO BE PROTECTED WITH DARK GREEN COLOR BURLAP SCREEN AND SPRAYED WITH KILT PRUF PLANT PROTECTOR PRODUCT DURING WINTER SEASON.
26. ALL EXISTING LANDSCAPE SHRUBS, PERENNIALS, GRASSES AND TREES ON SITE TO BE RELOCATED TO A DESIGNATED NURSERY FOR CARE OR TRANSPLANTED TO ADJACENT PROPERTIES OR OPEN SPACE WITH OWNER APPROVAL TO THE EXTENT AS POSSIBLE.

FPA

FELINO A. PASCUAL
and ASSOCIATES

Community Land Planner and
registered Landscape Architect
16000 W. 9-Mile Road, Suite 520
Southfield, Michigan 48075

ph. (248) 557-5588
fax. (248) 557-5416



client:

FMD LAND COMPANY, LLC

3005 University Drive
Auburn Hills, Michigan
48326

ph. (248) 340-9400

project:

TRONGATE
ON ETON

MOCERI

project location:

City of Birmingham,
Michigan
Eton Street, Villa Avenue, and
Hazel Avenue

sheet title:

LANDSCAPE PLAN

issue/revision date:

owner review	6-13-2012
city submittal	6-20-2012
sign update	7-3-2012
plan update	7-19-2012
plan update	7-23-2012
plan updates	7-24-2014

drawn by:

JP

checked by:

FP

date:

6-1-2012

notice:

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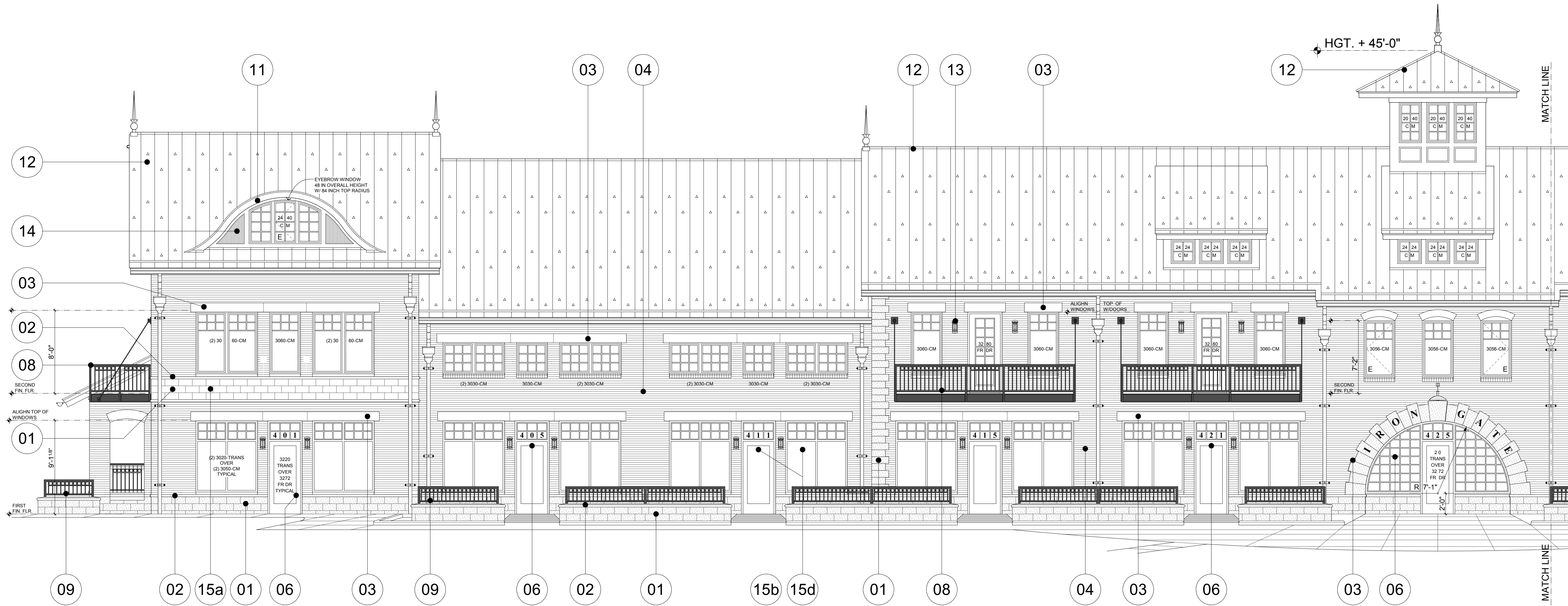
project no:

LS12.041.06

sheet no:

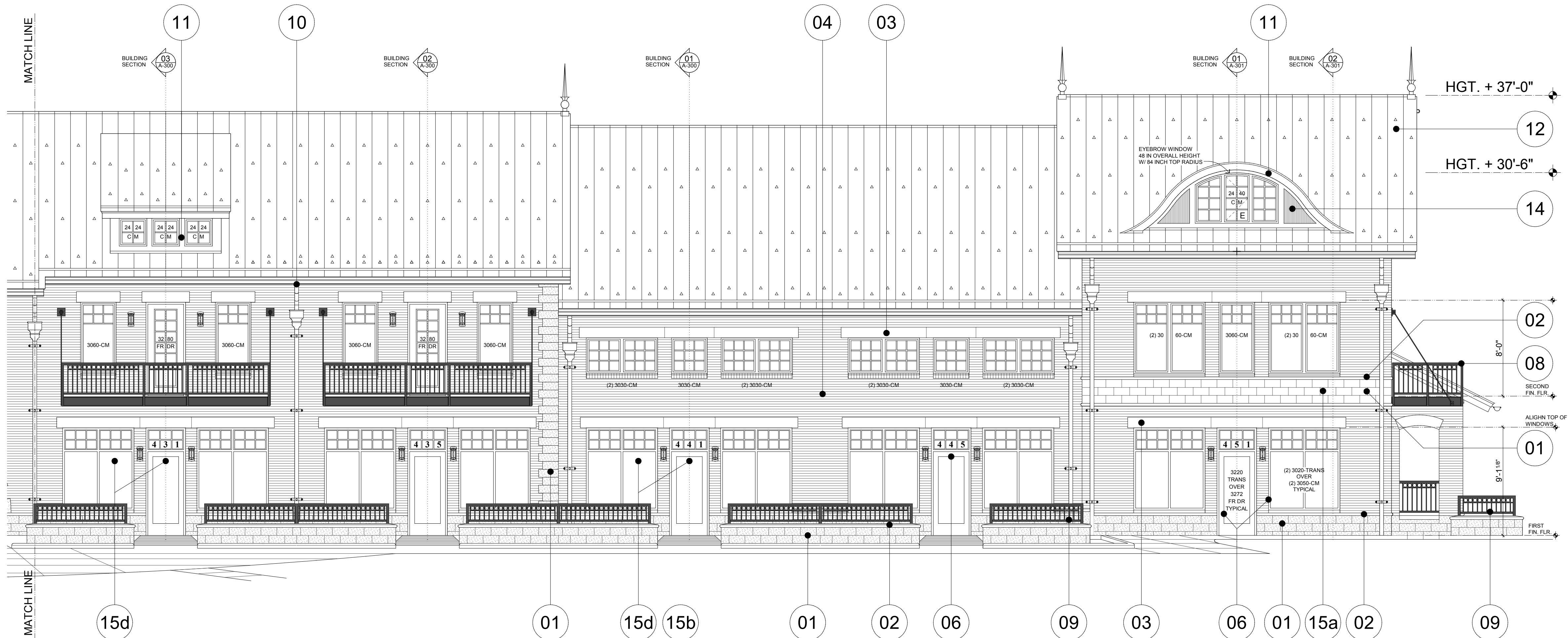
LS-1 of 3





01 West Elevation - Eton Street Facade

A-200 SCALE: 0' 2' 4' 6' 12' 18'



02 West Elevation - Eton Street Facade

A-200 SCALE: 0' 2' 4' 6' 12' 18'

KEYED NOTES

ARCHITECTURAL MATERIALS

- STONE MASONRY UNITS by HALQUIST STONE
Stone Masonry Units 8 inches high x 16 or 24 inches long. Split-Face finish at grade and quoins. Smooth finish at "Sign-Band" on End Units.
COLOR: Fond Du Lac Ledge
- STONE SILL by HALQUIST STONE
Built-Nose Sill 16 or 24 inches long, height equal to one brick course.
COLOR: Fond Du Lac Ledge
- STONE LINTEL (or ARCH) by HALQUIST STONE
All window/door lintels or arches shall be Smooth-Face, height equal to four brick courses. Center Unit Keystone Arch to be Split-Face.
COLOR: Fond Du Lac Ledge
- BRICK VENEER by Pine Hall Brick
Modular Brick, (3) courses = 5 inches in height.
COLOR: Liberty Rose of the Textured Series
- BRICK SOLDIER and SILL by Pine Hall Brick
Modular Brick, Soldier course = 8 inches, Sill = 4 inches in height.
COLOR: Liberty Rose of the Textured Series
- WINDOWS and DOORS
Aluminum Clad and/or Aluminum Frame. Carriage Style Overhead Garage Doors shall be Aluminum with Painted Composite Trim/Jamb.
COLOR: Black
- METAL AWNINGS
Powder Coated Steel and/or Aluminum
COLOR: Black
- METAL BALCONIES
Powder Coated Steel and/or Aluminum
COLOR: Black
- METAL RAILINGS
Powder Coated Steel and/or Aluminum
COLOR: Black
- FINIALS, GUTTERS and DOWNSPOUTS
Aluminum Half-Round Gutters and Round Downspouts.
COLOR: Black
- FASCIA, FRIEZE, RAKES and TRIM BOARDS
Painted Composite Trim Boards or Aluminum Cladding.
COLOR: Black
- METAL ROOF
Standing Seam Metal Roofing with Snow Guards.
COLOR: Pewter
- EXTERIOR LIGHTS
Wall Mounted Metal Fixtures, see cut sheet for details.
COLOR: Black
- METAL CLADDING
Vertical Corrugated Metal Wall Cladding.
COLOR: Charcoal
- BUSINESS SIGNAGE
All business signage for the live-work units shall conform to the Overlay District Sign Standards of the City of Birmingham Sign Ordinance. Additionally, tenant signage shall be installed within the sign area(s) designated herein and/or plaques installed on the building by the building owner. Signage may be externally illuminated; however signage shall NOT be internally illuminated. Total signage area shall be limited to (1) one square foot per lineal foot of principal building frontage. End Units (1) and (11) have 26 feet of frontage and may place signage on side facade. Units (2) thru (9) have 22 feet of frontage.
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ROBERT LIPKA ARCHITECT

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O. 586.207.1088

F. 586.935.3643

www.rlastudio.com



PROJECT LOCATION
City of Birmingham, on
Eton Street, between
Villa and Hazel Avenue

CLIENT
FMD Land Company, LLC
3005 University Drive
Auburn Hills, MI 48326

ph. (248) 340-9400

CLIENT REPRESENTATIVE
Tom Wujczyk

ISSUED FOR	DATE
FINAL SITE PLAN REVIEW	06.20.2012
STRUCTURAL REVIEW	08.22.2012
BIDDING + CLIENT REVIEW	09.20.2012
PERMITS	05.21.2014
REVISED PERMITS + FOUND.	07.11.2014
REV. FOUND. FOR CONST.	06.24.2015
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REV. AS-BUILT ELEVATIONS	08.15.2016
REV. 3rd Floor ROOM NAMES	08.24.2016
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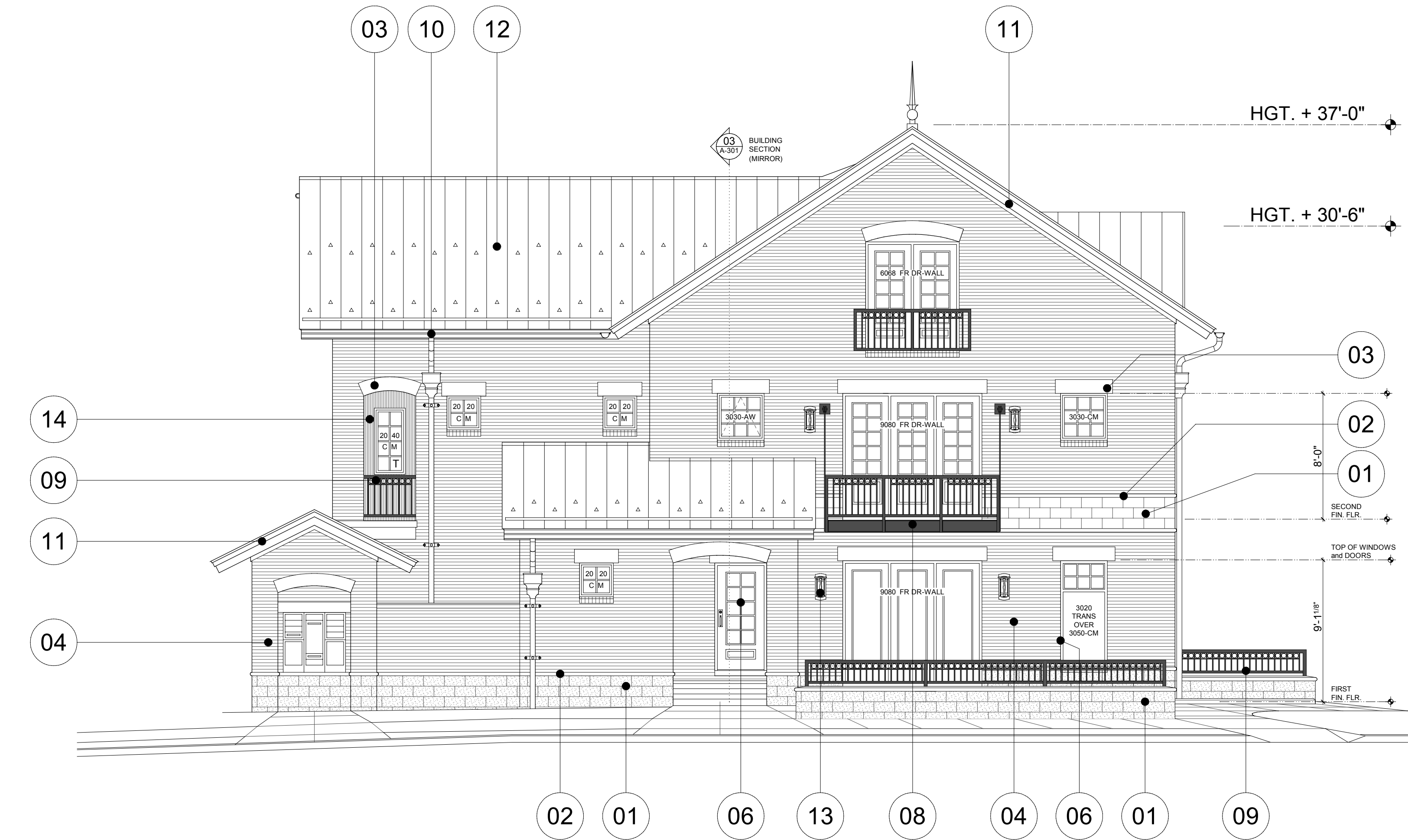
SHEET TITLE
FRONT ELEVATION

PROJECT NUMBER

2012-0111

SHEET NUMBER

A-200



01 North Elevation - Villa Avenue Facade
A-201 SCALE: 0' 2' 4' 6' 12' 18'



02 South Elevation - Hazel Avenue Facade
A-201 SCALE: 0' 2' 4' 6' 12' 18'

KEYED NOTES

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COLOR: Black
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Standing Seam Metal Roofing with Snow Guards.
COLOR: Pewter
- EXTERIOR LIGHTS
Wall Mounted Metal Fixtures, see cut sheet for details.
COLOR: Black
- METAL CLADDING
Vertical Corrugated Metal Wall Cladding.
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PROJECT	ISSUED FOR	DATE
TRONGATE PROJECT LOCATION City of Birmingham, on Eton Street, between Villa and Hazel Avenue	FINAL SITE PLAN REVIEW	06.20.2012
	STRUCTURAL REVIEW	08.22.2012
	BIDDING + CLIENT REVIEW	09.20.2012
	PERMITS	05.21.2014
	REVISED PERMITS + FOUND.	07.11.2014
CLIENT FMD Land Company, LLC 3005 University Drive Auburn Hills, MI 48326 ph. (248) 340-9400 CLIENT REPRESENTATIVE Tom Wujczyk	REV. FOUND. FOR CONST.	06.24.2015
	REV. FRAMING FOR CONST.	08.18.2015
	REV. WINDOWS FOR CONST.	09.29.2015
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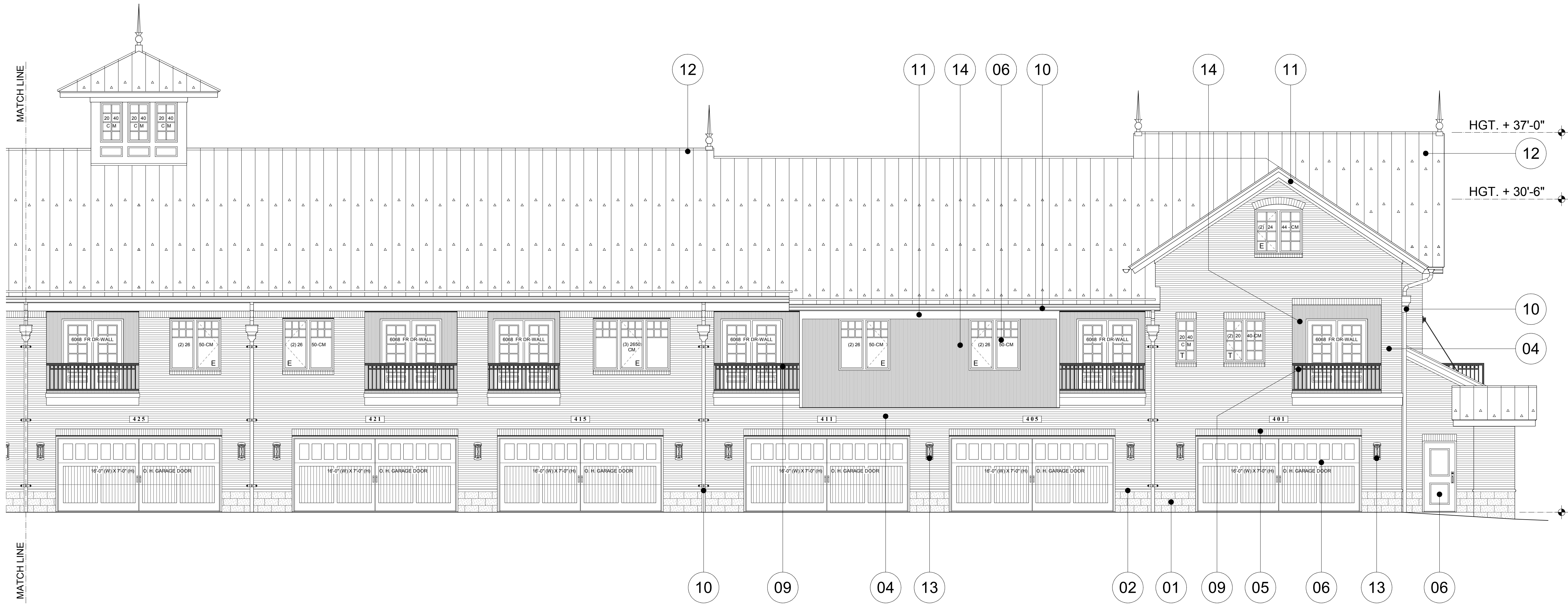
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SHEET TITLE
SIDE ELEVATIONS

PROJECT NUMBER
2012-0111

SHEET NUMBER

A-201



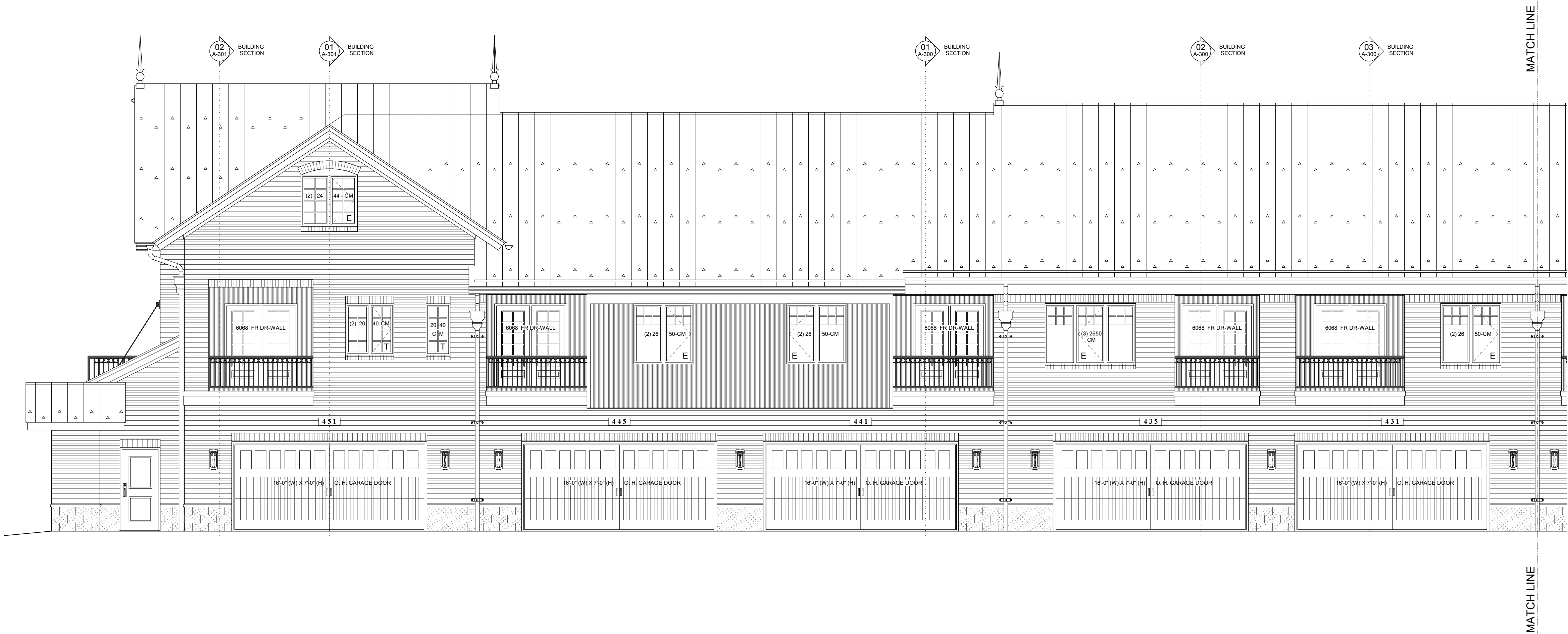
01 East Elevation - Service Alley

A-200 SCALE: 0' 2' 4' 6' 12' 18'

KEYED NOTES

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02 East Elevation - Service Alley

A-202 SCALE: 0' 2' 4' 6' 12' 18'

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www.rlastudio.com

PROJECT

TRONGATE
PROJECT LOCATION
City of Birmingham, on
Eton Street, between
Villa and Hazel Avenue

CLIENT

FMD Land Company, LLC
3005 University Drive
Auburn Hills, MI 48326

ph. (248) 340-9400

CLIENT REPRESENTATIVE

Tom Wujczyk

ISSUED FOR

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SHEET TITLE
REAR ELEVATION

PROJECT NUMBER

2012-0111

SHEET NUMBER

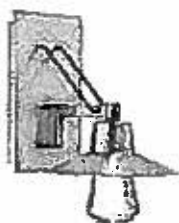
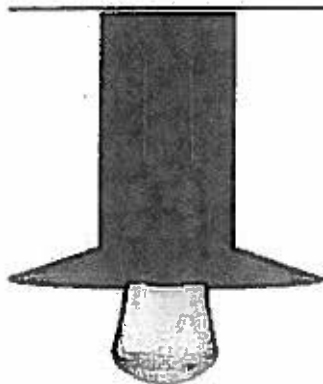
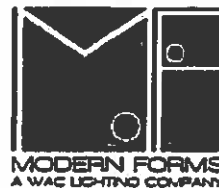
A-202



SUSPENSE – model: WS-W19

LED Outdoor

Exterior
Lights

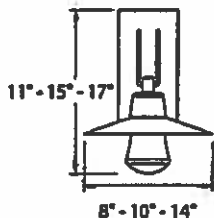
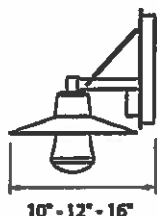


Fixture Type:

Catalog Number:

Project:

Location:



15" size

PRODUCT DESCRIPTION

Giving the proverbial nod to tradition, it takes a powerful LED to pull off this look in a dark sky design. This contemporary lantern showcases a mouth blown clear glass element and is equipped with state of the art LEDs for a filament-free design. Couple your passion for living with our passion for lighting.

FEATURES

- CEC Title 24 compliant for WS-W1917
- ETL & cETL listed for wet locations
- Dark sky friendly
- Universal driver (120V, 220V, 277V) for WS-W1917
- Twist lock glass for minimal hardware
- Integral transformer in canopy
- Replaceable LED module
- 70,000 hour potential life
- Color Temp: 3000K
- CRI: 90

SPECIFICATIONS

Construction: Aluminum with a thick, mouth blown clear glass element.

Light Source: High output LED.

Dimming: Dims to 10% with an electronic low voltage (ELV) dimmer.

Mounting: Mounts directly to junction box.

Finish: Brushed Aluminum (AL), Bronze (BZ).

ORDER NUMBER

Model	Height	Width	Watt	Voltage	LED Lumens	Delivered Lumens	Finish
WS-W19	11	11"	8"	11W	120V	860	590
	15	11"	8"	11W	120V	860	625
	17	11"	14"	11W	Universal*	1050	835
							AL Brushed Aluminum BZ Bronze

REPLACEMENT GLASS

Inner glass	Fixture
RPL-GLA-1911	WS-W1911
RPL-GLA-1915	WS-W1915
RPL-GLA-1917	WS-W1917

Back Plate Dimensions:

Model	Dimension
WS-W1911	8L x 4 1/4W x 1 3/4H
WS-W1915	9 3/4L x 4 3/4W x 1 3/4H
WS-W1917	11 3/4L x 5 1/4W x 1 3/4H

WS-W19 -

Example: WS-W1915-AL

wacighting.com
Phone (800) 526.2588
Fax (800) 526.2585

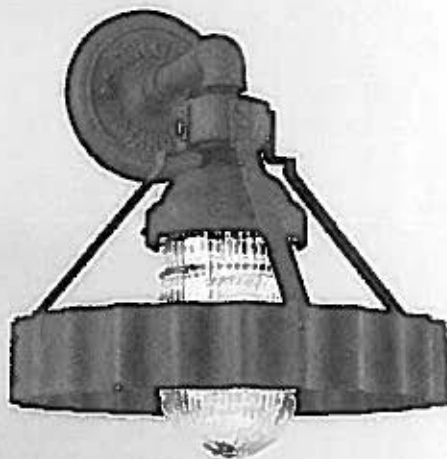
Headquarters/Eastern Distribution Center
44 Harbor Park Drive
Port Washington, NY 11050

Central Distribution Center
1600 Distribution Ct
Lithia Springs, GA 30122

Western Distribution Center
1750 Archibald Avenue
Ontario, CA 91760

WAC Lighting retains the right to modify the design of our products at any time as part of the company's continuous improvement program. SEP 2015

CANARY WHARF



B4242

INTERIOR / EXTERIOR SCONCE

Hand-Crafted Iron

Burnt Sienna Finish

Clear Pressed Glass

14"W 16"H 14 5"P 3"TCD

Back Plate 6"W 1.25"D

1-60W Med Base

P = Projection

TCD = Top to Center Dimension

Shown with 60W optional Early Electric Lamps

LB60-6 (Six-pack 60W Med-Base Early Electric Lamps)

LB60-48 (Forty-eight-pack 60W Med-Base Early Electric Lamps)

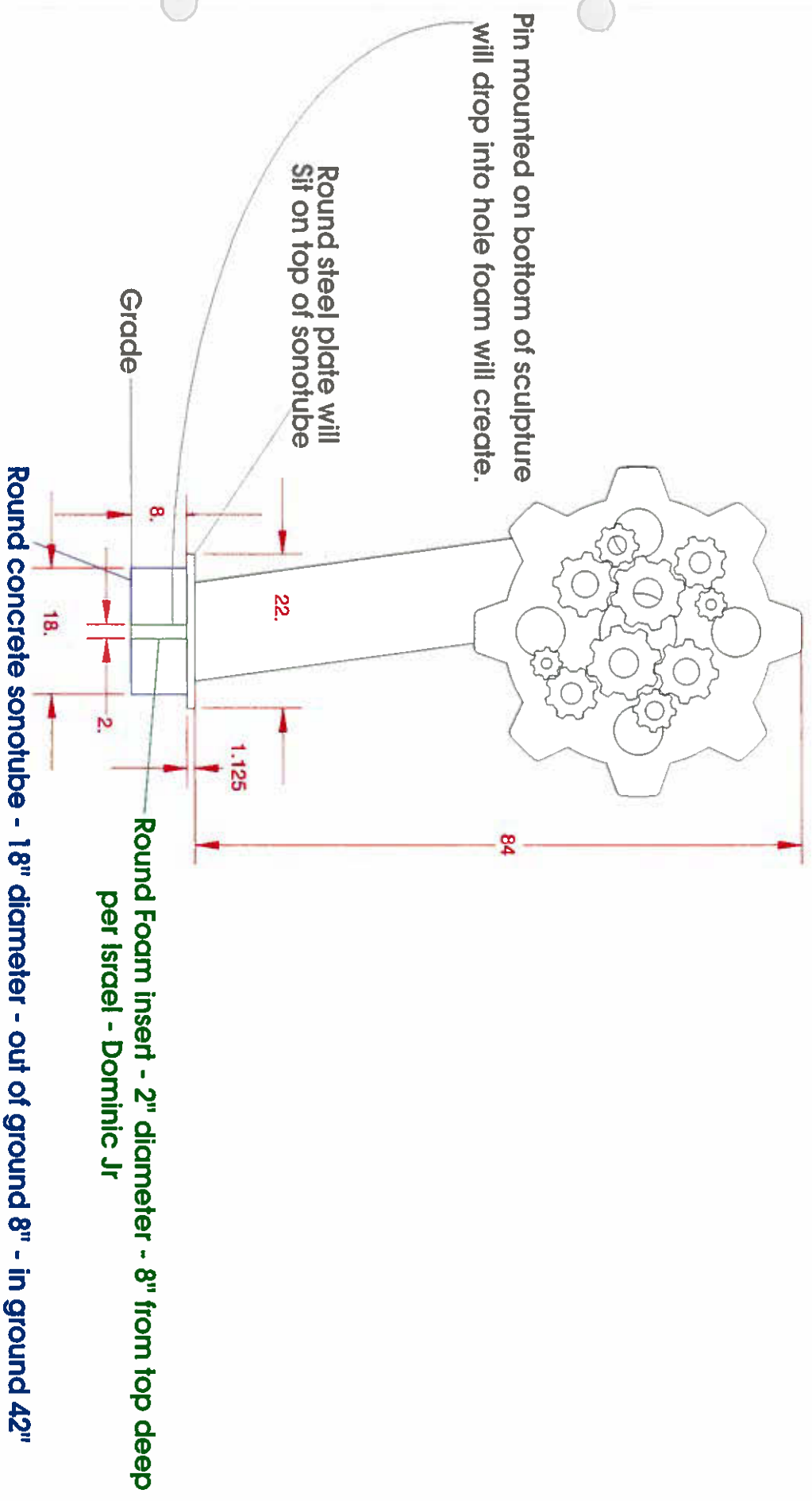


TROY LIGHTING

Est. 1961

14508 Nelson Avenue City of Industry CA USA (91744) Phone 626-336-4511 Fax 626-330-4266 www.troy-lighting.com





DETROIT DESIGN CENTER- 6-10-16

Double sided sign
Illuminated center
section

12"

8"

3'-8"

3'-4"

5'-0"

5'-0"

13'-5"

19'-5"

White Vinyl

Illuminated
White Push-thru
letters

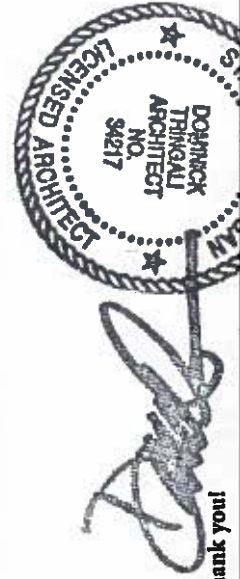
White Vinyl

1/4" Aluminum 4"h letters

White Vinyl

Limestone base with cap
(by other)

4" x 4" Pole



** There is NO CHARGE for the FIRST REVISION, any customer changes after that are subject to a \$20 art charge. Thank you!

File Name: Irongate

Date: 4/26/16

Revised:

Artwork By: Scott Jones

114 N. MAIN UNIT 102
ROCHESTER, MI 48307

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APPROVAL: X

DATE:

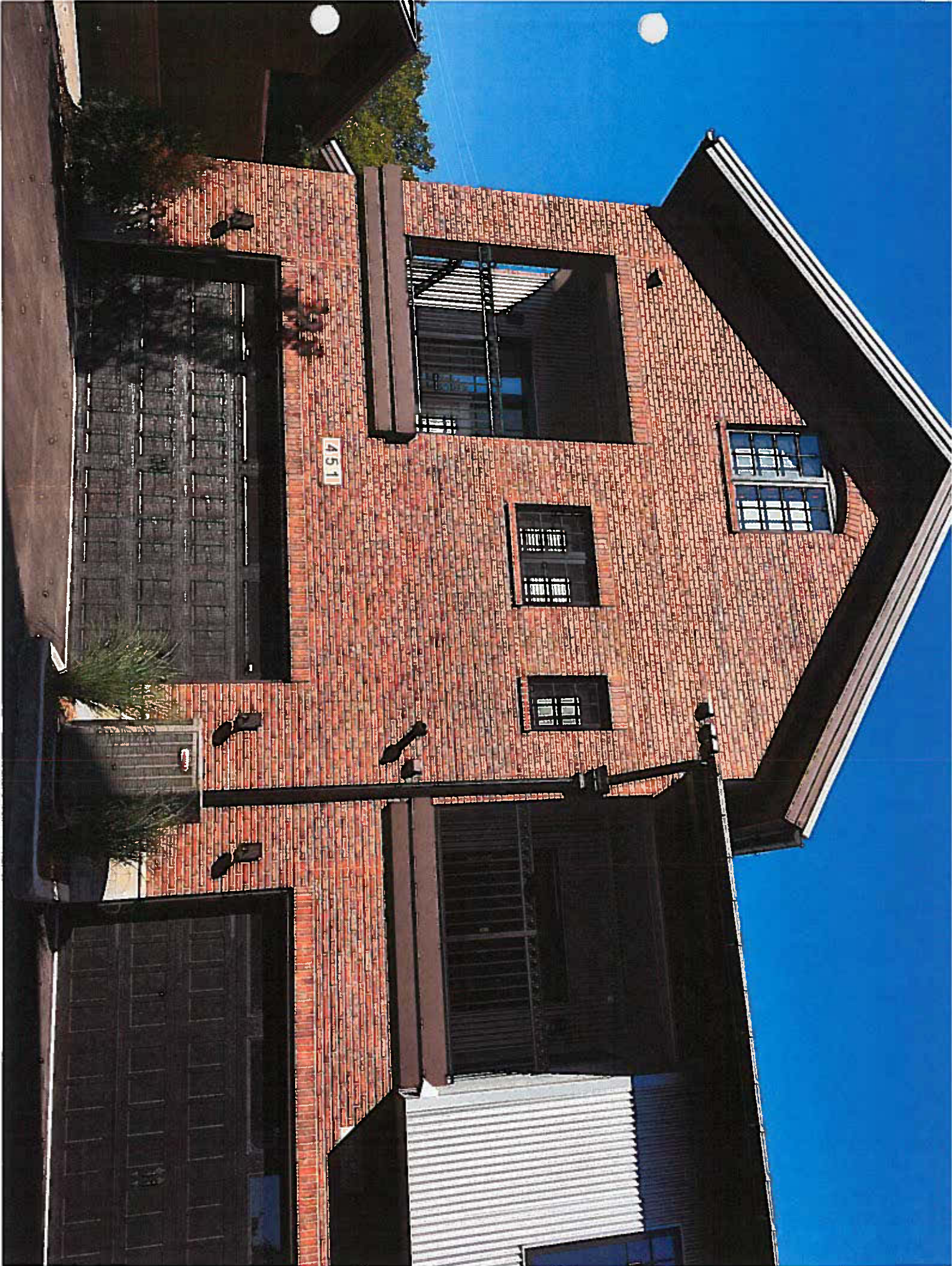
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PH: (248) 682-2750
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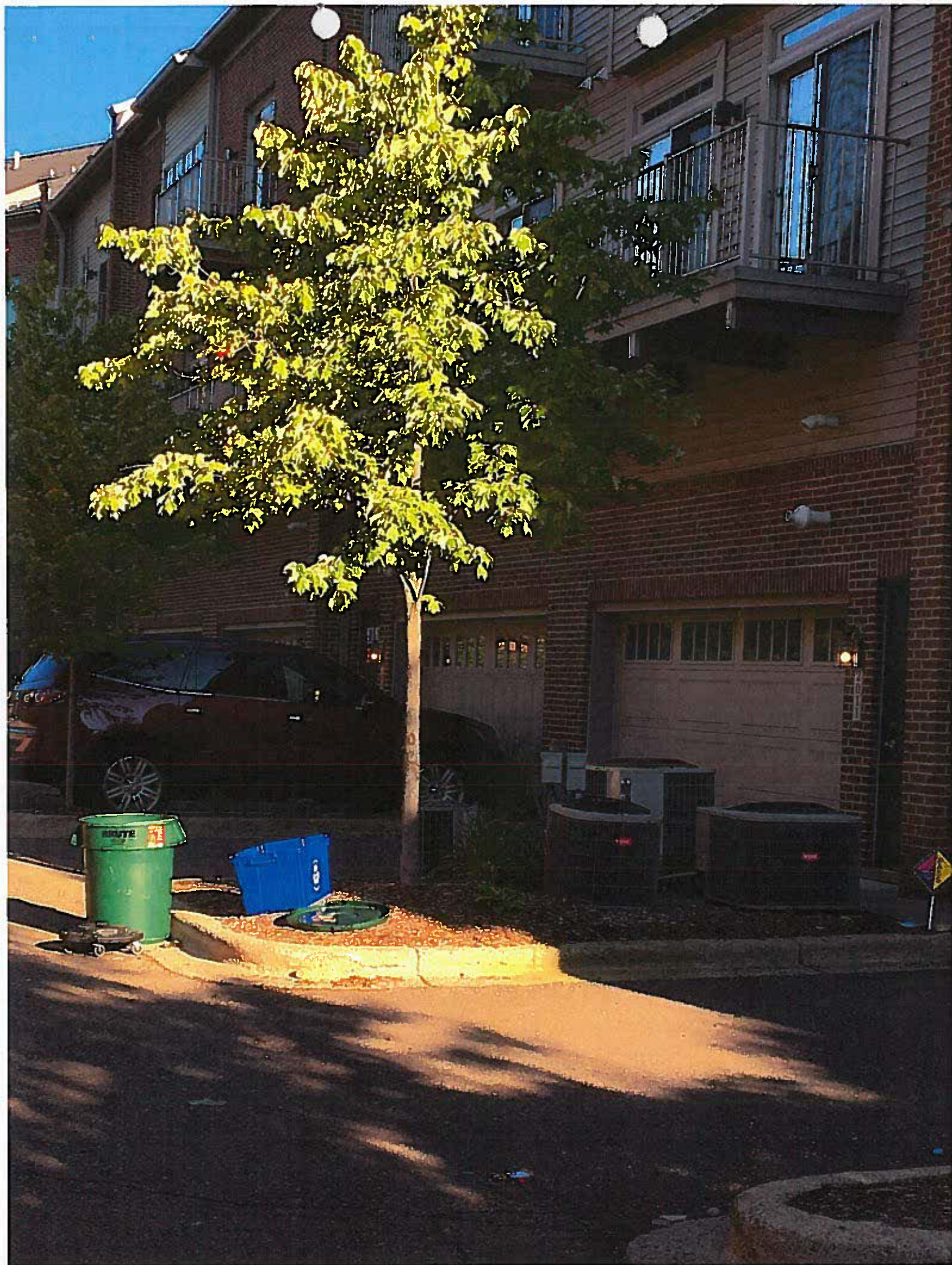


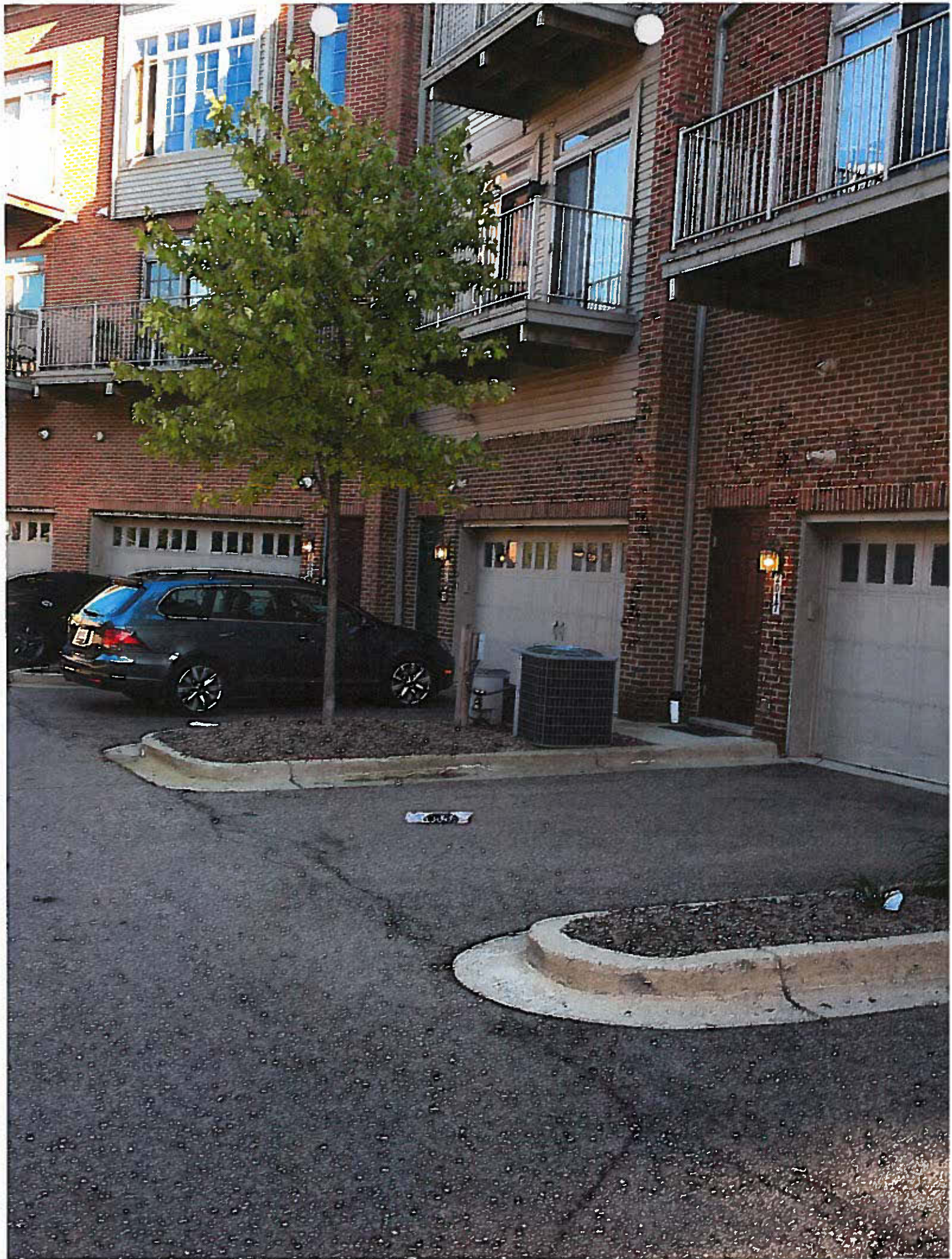














OL Bolyard Lumber
3770 S Rochester Rd
Rochester Hills, MI 48307
Phone: 248 852-8004
Fax: 248 852-4730

QUOTE: 1564

QUOTE DETAIL
Project Number: 1564
Printed: 12/22/2015 12:16:17 PM

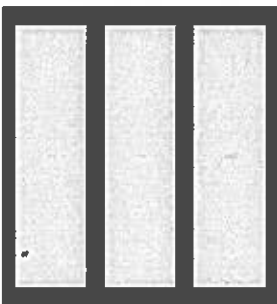
CQ Prj #:	1564	System #:	0	Order Date:	12/10/2015	Valid Date:	1/10/2016
Sold To:	4	Dealer Prj #:	1564	Ship To:	1		
MOCERI DEVELOPMENT 3005 UNIVERSITY DRIVE SUITE100 AUBURN HILLS, MI 48326				OL BOLYARD LUMBER 3770 S ROCHESTER RD ROCHESTER HILLS, MI 48307			
Phone:	248 340-9400	Fax:	248 340-9401	Phone:	248 852-8004	Fax:	248 852-4730

Delivery
Instructions:

Drop Ship:

Weather Shield proposes to furnish products as stated below.
All Units viewed from Exterior.

Item Number: 4
Quantity: 1
Total Jamb To Jamb: 107 3/32 X 112
Total Rough Opening: 107 7/8 X 112 1/2



Contemporary Collection
Bi-Fold Patio Door 3 Panel
Rectangle
Product Configuration-Complete Unit
Manufactured Date-2-23-2015 to Present
Panel Type-2 1/4" Thick Premium Panel
Product ID-8618
Architectural Style-Contemporary
Sizing Method-Rough Opening
Jamb Width-107 3/32
Jamb Height-112
R/O Width-107 7/8
R/O Height-112 1/2
Glass Width-29 5/32
Glass Height-99 7/8
Operating Code-3L
Panel Identification-ADB
Exterior Frame Finish-Aluminum Clad
Exterior Panel Finish-Aluminum Clad

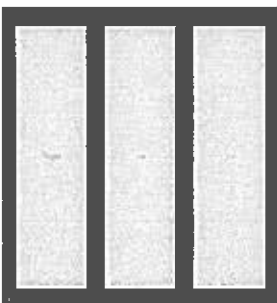
Aluminum Paint Finish-AAMA 2605
Exterior Color-Jet Black
Bottom Rail Options-5 1/8 Inch
Sill Options-Bronze
Overall Jamb Depth-6 9/16
Glass Type-Insulated Low E
Spacer Material-Stainless Steel
Gas-W/Inert Airspace Gas
Glazing Bead Type-Flush Bead
Glazing Bead Profile-Square
Lite Configuration-1 Lite
Lock Options-3 Point Lock System
Lockset Style-Dallas
Lockset Color-Matte Black
Keyed Locks-No Keyed Lock
Hinge Type-Adjustable Hinge
Hinge Color-Oil Rubbed Bronze
Astragal-No Astragal
Frame Assembly-KD

PO: IRONGATE
JOB NAME: IRONGATE
LOCATION: CONTEMPORARY BI FOLD

Per Unit: Ext. Price:

Unit Price:

Item Number: 5
Quantity: 1
Total Jamb To Jamb: 107 3/32 X 112
Total Rough Opening: 107 7/8 X 112 1/2



Contemporary Collection
Bi-Fold Patio Door 3 Panel
Rectangle
Product Configuration-Complete Unit
Manufactured Date-2-23-2015 to Present
Panel Type-2 1/4" Thick Premium Panel
Product ID-8618
Architectural Style-Contemporary
Sizing Method-Rough Opening
Jamb Width-107 3/32
Jamb Height-112
R/O Width-107 7/8
R/O Height-112 1/2
Glass Width-29 5/32
Glass Height-99 7/8
Operating Code-3R
Panel Identification-BDA
Exterior Frame Finish-Aluminum Clad
Exterior Panel Finish-Aluminum Clad

Aluminum Paint Finish-AAMA 2605
Exterior Color-Jet Black
Bottom Rail Options-5 1/8 Inch
Sill Options-Bronze
Overall Jamb Depth-6 9/16
Glass Type-Insulated Low E
Spacer Material-Stainless Steel
Gas-W/Inert Airspace Gas
Glazing Bead Type-Flush Bead
Glazing Bead Profile-Square
Lite Configuration-1 Lite
Lock Options-3 Point Lock System
Lockset Style-Dallas
Lockset Color-Matte Black
Keyed Locks-No Keyed Lock
Hinge Type-Adjustable Hinge
Hinge Color-Oil Rubbed Bronze
Astragal-No Astragal
Frame Assembly-KD

PO: IRONGATE
JOB NAME: IRONGATE
LOCATION: CONTEMPORARY BI FOLD

Per Unit: Ext. Price:

Unit Price:



EQUIPMENT

FURNACE- 1 & 11

Lennox Model SPL98UH090XV60C, upflow, 2,000 CFM @ @ .6 E.S.P., 75 CFM outside air, variable capacity heating. Htg; 88 MBH input, 85 MBH output. Cooling; 5 tons, Lennox Model XC-16, two stage, air cooled condensing unit with low ambient control down to 0 degrees F.

FURNACE- 2 thru 10

Lennox Model SPL98UH070XV36B, upflow, 1,200 CFM @ .6 E.S.P., 75 CFM outside air, variable capacity heating. Htg; 66 MBH input, 64 MBH output.. Cooling; 3 tons, Lennox Model XC-16, two stage, air cooled condensing unit with low ambient control down to 0 degrees F.

Furnaces shall have Lennox Healthy Climate Model HCC10 air filter and General Model No.1099L power humidifiers.

HEATING/COOLING TEMPERATURE CONTROL

The contractor shall furnish and install a zone temperature control system for all furnaces. The system shall be an independent zone temperature regulation in a multi-zone heating/cooling system. The system shall provide direct digital control of the heating/cooling unit and all air flow regulating devices. All controls and air flow devices to be furnished and installed by mechanical contractor. The system shall be iHarmony with main panel, and thermostats as manufactured by iHarmony. Furnish and install zone thermostats and zone dampers (ZD) as shown on drawing.

GRILLE & REGISTER SCHEDULE

(FSR) Floor sup. reg. Hart & Cooley No. 531
(WSR) Wall sup. reg. Hart & Cooley No. 661
(CSR) Ceiling sup. reg. Hart & Cooley No.
(WRG) Wall ret. grille Hart & Cooley No. 650
(CRG) Ceiling ret. grille Hart & Cooley No. 650

SHEET METAL

Install ductwork in adherence to ceiling height schedules on architectural drawings. Coordinate and establish necessary space requirements with other trades so as to maintain required headroom. All sheet metal shall be best grade, prime sheets, open hearth galvanized steel, unless otherwise noted. Ducts 19" and over shall be cross broken or beaded. Duct Construction: All ductwork shall be constructed and supported in accordance with the requirements of the latest SMACNA'S issue of "Low Pressure Duct Construction Standards".

All duct hangers, supports and spacing for low velocity and round and rectangular ductwork

shall conform to the latest SMACNA standards, unless otherwise indicated.
All transverse joints shall be sealed off with Foster #32-14 duct sealant.

DUCT INSULATION

Provide duct wrap of type, thickness and location as specified hereinafter. All insulation shall have a flame spread classification of less than 25 and smoke developed less than 50 in accordance with UL, ASTM and NFPA.

Owens-Corning fiberglass faced ductwrap commercial grade type 100, 2" thick, 1 lb./CU ft. density with factory attached "FRK" vapor barrier jacket or laminated aluminum foil open mesh glass fiber reinforcing mesh scrim and flameproof Kraft paper. All ductwork located in non-heated areas to be insulated with duct wrap.

ELECTRIC BASEBOARD HEATER (EBH-1 & 2)

Markel Model No. 3700, baseboard heater, 48" long, , 120 volts, single phase with wall mounted thermostat. 3.4 MBH, 1000 watts, 115 volts, single phase.

EXHAUST FAN EF- 1 thru 18

Greenheck Model No. SP-B80, ceiling mounted, 75CFM @ 1/4" S.P., .60 amps, 115 V, 1 phase.

KEYED NOTES

- 1 Furnace-1 Zone damper #1 20" x 8"
- 2 Furnace-1 Zone damper #2 18" x 8"
- 3 Furnace-1 Zone damper #3 12" x 8"
- 4 Furnace-2 Zone damper #1 16" x 8"
- 5 Furnace-2 Zone damper #2 16" x 8"
- 6 Furnace-3 Zone damper #1 18" x 8"
- 7 Furnace-3 Zone damper #2 16" x 8"
- 8 Furnace-4 Zone damper #1 18" x 8"
- 9 Furnace-4 Zone damper #2 16" x 8"

NOTE:

Provide balancing damper at each branch duct take-off from main and other locations as required to properly balance systems.

Round flexible ductwork is not approved.

All wall sup registers (WSR) shall be located near floor unless noted otherwise.

All wall ret grilles (WRG) shall be located near ceiling unless noted otherwise.

PLUMBING

PLUMBING FIXTURES:

Provide and connect all fixtures shown on drawings or herein called for.. All fixture trim shall be by one manufacturer only. No mixing of trim or fixtures will be permitted, unless otherwise specified. Fixtures selected shall be installed by this contractor.

Fixture connections shall be chrome plated flexible brass pipe. All water supply connections shall be provided with wheel handle stops or valves, with escutcheons.

Provide all traps, valves, stops, shut-off valves, tailpieces, fittings, and piping including back flow preventers.

SANITARY AND VENT PIPING:

Pipe and Fittings, shall be plastic PVC: Type DWV, per; ASTM D2665.
Joints shall be plastic PVC solvent welded, per; ASTM D2665.

CLEANOUTS AND ACCESS COVERS (CO):

Provide cleanouts at the foot or base of each vertical waste or soil stack, in drainage lines at all changes in direction and at 100'-0" intervals in lines having no changes in direction.

GAS PIPING (above ground):

Standard weight schedule 40, ASTM 1-20 black steel pipe with class 150 screwed malleable iron fittings.

GAS VALVE:

Gas valve shall be non-lubricated plug valves; ACF or Dezurik. Provide plug valves at all connections to equipment.

DOMESTIC WATER PIPING:

Above ground: Type L, hard temper copper tube with wrought copper fittings and non-lead solder joints.

DOMESTIC WATER VALVES:

- A. Gate valve: Jenkins 901-A bronze ball valve, screwed ends, or approved equal.
- B. Balance valve: Dezurik 427S bronze or approved equal.

FLUSHING AND STERILIZATION:

Upon completion of water distribution piping system and prior to being placed into service, the system, including fittings and pumps, shall be flushed and disinfected as follows:

- A. System shall be flushed with water at maximum system pressure.
- B. Open all drains and fixture valves in the building, starting with the valve nearest the water service line and permit the water to run clear for ten (10) minutes.
- C. Disinfecting shall be accomplished by introducing liquid chlorine into the system.
- D. The chlorinating agent shall be applied at the beginning of the water main to be disinfected.



MEMORANDUM

Planning Division

DATE: October 18, 2016

TO: Planning Board

FROM: Lauren Chapman, Assistant Planner

SUBJECT: 412 – 420 E. Frank Street, Lots 31 & 32 and the west 32' of lots 3 & 4
Blakeslee Addition - Application for Rezoning from R-3 and B-1 to TZ1

The subject property is located on the southeast corner of Frank Street and Ann Street, and includes one corner lot (Lot 32, Blakeslee Addition), one lot immediately to the south facing Ann Street and running parallel to Frank Street (Lot 31, Blakeslee Addition), and the rear 32' of lots 3 and 4 of the Blakeslee Addition that front on S. Old Woodward. **All three of these lots or portions of lots were previously combined and appear to have been split into three independent parcels prior to 1960. All three parcels are currently under common ownership.**

Only a person who has a fee interest in a piece of property, or a contractual interest which may become a fee interest in a piece of property, may seek an amendment in the zoning classification of that property under this section. The applicant has a contractual interest in the subject property, which includes the three parcels noted above. In accordance with the requirements of the Zoning Ordinance the property owner of parcels #19-36-253-001, 19-36-253-002 and 19-36-253-003, being Lots 31 & 32 and the west 32' of lots 3 & 4 Blakeslee Addition has also consented to this rezoning application.

The property proposed for rezoning includes a former home converted for office use (commonly known as 412 E. Frank Street), the Frank Street Bakery (commonly known as 420 E. Frank Street) and a vacant parcel striped for parking (no known street address). The applicant is requesting that the Planning Board hold a public hearing to consider the rezoning of the western portion of the property (412 E. Frank Street, parcel #19-36-253-001) from R-3 (Single-Family Residential) to TZ1 (Transition Zone), and the central portion of the property (420 E. Frank Street, parcel #19-36-253-002) from B-1 Neighborhood Business to TZ1 (Transition Zone) and the eastern portion of the property (no known address, parcel #19-36-253-003) from B2-B to TZ1 (Transition Zone).

Existing Zoning of Subject Property

The **western portion** of the entire parcel (roughly 60' along Frank, starting at Ann, known as 412 E. Frank, parcel # 19-36-253-001) is currently zoned **R-3 Single Family Residential**. A building currently exists on the western portion which was previously used for office use and associated parking. However, office uses are not permitted in an

R-3 zone district, and thus a Notice of Violation was issued. The previous office tenant relocated and the building is currently vacant.

The **central portion** of the entire parcel (60' in width along Frank, known as 420 E. Frank, parcel # 19-36-253-002) is currently zoned **B-1 Neighborhood Business**. This center portion is currently occupied by a one-story building that is used for Frank Street Bakery. An adjacent outdoor dining area and associated parking are also located on the central portion of the property.

The **eastern portion** of the entire parcel (32' in width along Frank, no known address, parcel # 19-36-253-003) is zoned **B-2B (General Business)**.

History of 412 E. Frank Street (Western Portion of Property)

The western portion of the property was zoned R-6 (Multiple-Family Residential) from 1935 to 1960. During this time, the existing building was used as a single family home, and occupied by the same family from 1931-1992.

On February 8, 1960, the western portion of the site (along with the eastern and central portions of the site) was rezoned to B-1(Neighborhood Business) at the request of the owners and occupants. The homeowners during this time also ran a custom drapery business from the site, and continued to reside in the home.

In 1980, the City of Birmingham adopted a new master plan, and direction was given by the City Commission to review zoning classifications in certain areas and consider rezoning. The area south of Brown, west of Woodward, north of Lincoln and east of Southfield was one of the areas identified as "Sensitive Residential" and considered for rezoning. Accordingly, in 1987 the City initiated the rezoning of the western portion of the property from B-1 (Neighborhood Business) to R-3 (Single-family Residential). On November 9, 1987, the City Commission approved the rezoning of the western portion of the property from B-1 to R-3. As a result of this downzoning, the property owner commenced a lawsuit against the City which was later discontinued.

In April 1995, an application for rezoning was initiated by the family of the long term property owners to attempt to rezone the western portion of the site back to the former B-1 (Neighborhood Business) zoning. The Planning Board denied the application based on the 1980 Master Plan, the desire of the City to strengthen the single-family nature of the areas west of Woodward and south of Brown, and the finding that the proposed zoning amendment would not further the residential character of the neighborhood.

In 2013 the property owner (not the current applicant) applied for a rezoning of the western and central portions of 412-420 E. Frank St. from B-1 and R-3 to B-2B. The property owner discussed numerous options for the redevelopment of the site, and the matter was postponed on several occasions to allow the property owner to finalize development plans.

The western portion of the property was included in discussions by the Planning Board and City Commission regarding the Transitional Zoning classifications. The Planning

Board found that this property was transitional in nature, and recommended the rezoning of the parcel to TZ1, and then modified the recommendation to TZ2 based on the input of the neighbors. In September of 2015, the City Commission considered the rezoning of this transitional parcel and several others throughout the City of Birmingham. After much discussion, the City Commission approved the creation of both the TZ1 and TZ3 zoning classifications, and requested that the Planning Board provide further study and analysis of the permitted uses proposed in the TZ2 zone.

On February 24, 2016, the property owner moved forward again with the request to rezone 412 – 420 E. Frank to B-2B. However, at that time the Planning Board recommended denial of the proposed rezoning of the western portion of 412-420 E. Frank St. from R-3 to B-2B, in order to explore the possibility of rezoning the property to a transitional zoning designation as previously recommended to the City Commission. Relevant meeting minutes and City records from previous applications are attached.

The former home remains on the western portion of the site, facing Frank Street. It is currently vacant.

History of 420 E. Frank Street (Central Portion of Property)

The central portion of the property was zoned R-6 (Multiple-Family Residential) from 1935 to 1960. During this time, it appears that the central portion of the property was vacant, possibly used as a yard for the home on the western portion of the property. No records were found detailing any other uses until 1960.

On February 8, 1960, the central portion of the site (along with the western and eastern portions of the site) was rezoned to B-1(Neighborhood Business) at the request of the owners and occupants of 412 E. Frank. On September 8, 1960, a Building Permit was issued for construction of the existing one story building which was built as a medical clinic. A Certificate of Occupancy was granted for this building in 1961. Records indicate that this building was used for medical purposes into the 1990's. Prior to its current use as Frank Street Bakery, a vintage resale shop operated at this location. The resale shop was not a permitted use in the B-1 Neighborhood Business district, but a use variance was approved by the Board of Zoning Appeals in 2007.

In 2013 the property owner (not the current applicant) applied for a rezoning of the western and central portions of 412-420 E. Frank St. from B-1 and R-3 to B-2B. The property owner discussed numerous options for the redevelopment of the site, and the matter was postponed on several occasions to allow the property owner to finalize development plans.

The central portion of the property was included in discussions by the Planning Board and City Commission regarding the Transitional Zoning classifications. The Planning Board found that this property was transitional in nature, and recommended the rezoning of the parcel to TZ1, and then modified the recommendation to TZ2 based on the input of the neighbors. In September of 2015, the City Commission considered the rezoning of this transitional parcel and several others throughout the City of Birmingham. After much discussion, the City Commission approved the creation of both the TZ1 and TZ3 zoning

classifications, and requested that the Planning Board provide further study and analysis of the permitted uses proposed in the TZ2 zone.

On February 24, 2016, the property owner moved forward again with the request to rezone 412 – 420 E. Frank to B-2B. However, at that time the Planning Board recommended denial of the proposed rezoning of the central portion of 412-420 E. Frank St. from B-1 to B-2B, in order to explore the possibility of rezoning the property to a transitional zoning designation as previously recommended to the City Commission. Relevant meeting minutes and City records from previous applications are attached.

A one story commercial building remains on the central portion of the site, and is currently occupied by Frank Street Bakery.

History of Eastern Portion of Property (no known address)

The eastern portion of the property was zoned R-6 (Multiple-Family Residential) from 1935 to 1960. During this time, the eastern portion of the property was considered vacant. No records were found detailing any other uses until 1960.

On February 8, 1960, the eastern portion of the site (along with the western and central portions of the site) was rezoned to B-1(Neighborhood Business) at the request of the owners and occupants of 412 E. Frank.

The eastern portion of the property was included in discussions by the Planning Board and City Commission regarding the Transitional Zoning classifications. The Planning Board found that this property was transitional in nature, and recommended the rezoning of the parcel to TZ1, and then modified the recommendation to TZ2 based on the input of the neighbors. In September of 2015, the City Commission considered the rezoning of this transitional parcel and several others throughout the City of Birmingham. After much discussion, the City Commission approved the creation of both the TZ1 and TZ3 zoning classifications, and requested that the Planning Board provide further study and analysis of the permitted uses proposed in the TZ2 zone.

The site is currently zoned as B2B. The site is currently used as a parking lot.

Current Rezoning Application

The requirements for a request for the rezoning of a property are set forth in Article 07 section 7.02 B as follows:

Each application for an amendment to change the zoning classification of a particular property shall include statements addressing the following:

- 1. An explanation of why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership.**

Response

- *The current zoning classifications of the properties in the general area of the Subject Property are R-3 (Single Family Residential) to the west and south, and B-2B (General Business) as well as D-2 in the Downtown Birmingham Overlay to the north and east. The Subject Property is surrounded by properties with different uses, some consistent with existing zoning classifications and many in variance of existing zoning. The Subject Property is bordered on the east side by an office building and parking lot which fronts on Old Woodward and is in the B2B zoning district. The property adjacent on the north side of Frank Street is a CVS drug store and surface parking lot which fronts on Old Woodward. While the properties to the west and south are in the R-3 (Single Family Residential) zoning district, the home directly west of the Subject Property at the south west corner of Ann Street and Frank Street currently has a multi-family use with three families occupying it. The three buildings on the west side of Ann Street immediately to the south of this corner home are all multi-family properties with 4 units, 24 units and 4 units respectively. The building on the west side of Ann Street two houses to the north of the intersection of Ann and Frank is being used as an office building with an adjacent parking lot containing 22 parking spots. Directly to the north of this property on the west side of Ann Street is an 8 unit multi-family building. One block to the west at the intersection of Frank and Purdy is a building with 3 commercial offices and directly to the north is a 23 unit multi-family property. Other than this last property, all of the other multi-family and commercial properties west of the Subject Property have a non-conforming use in the R-3 Single Family Residential zoning district.*

2. An explanation of why the existing zoning classification is no longer appropriate.

Response

- *The parcel is made up of three contiguous lots with three different zonings (R-3, B-1, and B-2B).*
- *Given the current mix of uses on the three parcels which make up; the Subject parcel is a transitional property. The very limited areas of the three individual parcels would make it difficult to develop anything consistent to each of the parcel's current zoning. The B-2B eastern piece is zoned is only 32 feet in width. Further, Frank Street from Woodward to Ann has been widened and on-street metered parking added, with the effect of extending the Woodward business district along Frank Street, which along with the CVS plaza on the north side of Frank, with its large surface parking lot visible from the windows of any structure facing Frank Street from the Subject Property, makes this an undesirable site for single family homes.*

3. An explanation of why the proposed rezoning will not be detrimental to surrounding properties.

Response

- *The applicant requests that the Subject Property be rezoned to the transitional zoning classification of TZ-1. This request is consistent to the intent of the City's transitional zoning. The applicant intends to develop the property as multi-family with no commercial component to the project. Given the very close proximity of a half a dozen or more multi-family properties, this rezoning and use would provide a good transition from B-2B General Business and D-2 in the Downtown Birmingham Overlay to the north and east and would not change the character of the neighborhood.*

Applications for amendments that are intended to change the zoning classification of a particular property shall be accompanied by a plot plan. Information required on plot plans shall be as follows:

- 1. Applicant's name, address and telephone number.**
- 2. Scale, north point, and dates of submission and revisions.**
- 3. Zoning classification of petitioner's parcel and all abutting parcels.**
- 4. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 100 feet of the site.**
- 5. Existing use of the property.**
- 6. Dimensions, centerlines and right-of-way widths of all abutting streets and alleys.**
- 7. Location of existing drainage courses, floodplains, lakes, streams, and wood lots.**
- 8. All existing easements.**
- 9. Location of existing sanitary systems and/or septic systems.**
- 10. Location and size of existing water mains, well sites and building service.**
- 11. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared the plans. If any of the items listed above are not applicable to a particular plot plan, the applicant must specify in the plot plan which items do not apply, and, furthermore, why the items are not applicable.**

The Applicant submitted a plot plan as a part of their application package. However, the plot plan submitted does not list the current zoning of surrounding properties. A separate map indicating the zoning of the subject properties and the surrounding properties and their zoning classifications has been submitted.

The Planning Board shall hold at least one public hearing on each application for amendment at such time and place as shall be established by the Planning Board. The Planning Board shall make findings based on the evidence presented to it with respect to the following matters:

- A. The objectives of the City's then current master plan and the City's 2016 Plan.**
- B. Existing uses of property within in the general area of the property in question.**

- C. Zoning classification of property within the general area of the property in question.**
- D. The suitability of the property in question to the uses permitted under the existing zoning classification.**
- E. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification.**

Following receipt of the written report and recommendations from the Planning Board, the City Commission may grant or deny any application for the amendment for rezoning. If the City Commission denies the application, no application shall be reheard for at least one year, unless there have been substantial changes in the facts, evidence, and/or conditions demonstrated by the applicant. The determination of whether there have been such changes shall be made by the Planning Board at the time the application is submitted for processing.

Planning Division Analysis and Recommendations

A. The objectives of the City's then current master plan and the City's 2016 Plan.

Birmingham Future Land Use Plan (1980)

The Birmingham Future Land Use Plan ("The Birmingham Plan") in 1980 noted that townhouse and multiple-family residential development could be found in five principal locations across the City: 1) in or adjacent to the central business district, 2) west of the central business district, 3) along North Woodward Avenue, 4) along the Grand Trunk Western Railroad right-of-way, and 5) at certain points along major thoroughfares in the city. The area surrounding the subject property, which is adjacent to the central business district to the west, was noted to contain a variety of duplex and multi-family residential properties in 1980.

The Birmingham Plan further provides that single-family residential development is indicated in the Future Land Use Plan for some areas in which two-family and multiple-family residential development has occurred in the past. The Birmingham Plan notes that these areas are indicated as single-family residential areas because it is the intention of the plan to prevent further proliferation of two-family and multiple-family residential development within the City. Specifically, the Plan notes that single-family residential development is to be preserved throughout most of the area bounded by Brown, Southfield, Lincoln, and the rear property lines of Woodward Avenue commercial uses. Accordingly, many properties in the area of Purdy, Frank and Ann Street were rezoned to R-3 in 1987. The Plan further states that densities in these areas should be compatible with then existing (1980) densities of approximately two units per net acre to nine units per net acre.

The western portion of the property known as 412 E. Frank Street is identified in the Birmingham Plan for future single family residential use, and is within the area defined as

a "Sensitive Residential Area" that that should be protected against non-residential encroachment. Thus, this parcel was rezoned to R-3 in 1987. However, the future land use map was drawn by hand without the benefit of verified parcel lines, and thus it is not clear if the map on page 44 of the Birmingham Plan includes the central portion of the property known as 420 E. Frank, or the eastern portion of the property. Presumably it does not, as neither of these parcels were rezoned to R-3 in 1987 when others in the neighborhood were changed.

Overall, the Birmingham Plan provides the following relevant policy guidelines for residential development throughout the City:

Policy 1: The city's basic single-family residential character should be preserved. The pattern or private reinvestment in older neighborhoods should be encouraged by a firm determination to protect the long-range residential viability of these areas and prevent incompatible non-residential and high-density residential uses from being established in them.

Policy 2: The housing choice characteristics of the city should be preserved. Additional townhouse and multiple-family residential development should be permitted to occur, but not in locations where it will contribute to the instability of existing single-family areas.

The applicant is proposing the change in the zoning classifications for the Subject Property to allow the use of the properties for multi-family residential use with no commercial uses, which protects this area from non-residential encroachment as recommended in the Birmingham Future Land Use Plan.

2016 Plan (1996)

None of the 3 parcels forming the subject property are within the Downtown Birmingham Overlay District. They are however, immediately adjacent to the south and west of the Downtown Birmingham Overlay District.

B. Existing uses of property within the general area of the property in question.

The existing uses in the general area of the subject property are a mix of single-family residential (to the south), multi-family residential (to the west), office (to the east), commercial and retail (to the north and south).

C. Zoning classification of property within the general area of the property in question.

The current zoning classifications of the property in the general area are R-3 (Single-family Residential) to the west and south, R-7 (Multiple Family Residential) to the northwest and B-2B (General Business) as well as D-2 in the Downtown Birmingham Overlay to the north and east. The adjacent D-2 properties are also within the red-line

retail district of the Downtown Overlay, with a first floor retail requirement along S. Old Woodward.

D. The suitability of the property in question to the uses permitted under the existing zoning classification.

The subject property is in a transition zone from the two to three story D-2 section of the south end of the Central Business District to a downtown residential neighborhood with a mix of single and multi-family residential uses within the block. The subject property on the southeast corner of Frank and Ann was used for detached single-family residential exclusively through the early to middle part of the last century. Since 1960 however, the once large single-family lot has been subdivided and commercial uses have been added. In addition, Frank Street from Woodward to Ann was widened and on-street metered parking was added, effectively extending the central business district. The development of the CVS plaza in the 1990's created the view of the large surface parking lot from the front windows of the home, further eroding the desirability of the lot for detached single-family residential use. In 1996, the creation of the 2016 Plan also encouraged higher uses for the property to the east, encouraged a mix of uses to allow residential, retail and commercial uses along Old Woodward, and created a transition approach from the central business district into downtown residential areas. The southeast corner of Frank and Ann Street is now a small, isolated, single-family residential parcel on the block of Frank between S. Old Woodward and Ann Street. There is a single-family parcel to the south fronting on Ann Street which is significantly larger than the remainder of the single-family parcel at the corner of Frank and Ann. As previously noted by the Planning Board, the three parcels being considered for rezoning to TZ1 are clearly transitional from the commercial uses along Old Woodward to the residential neighborhood surrounding Barnum Park, and the Planning Board has previously recommended these parcels for rezoning to TZ1 as a suitable zoning classification for this site.

E. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification.

In 1960 the entire parcel was rezoned to B-1 Neighborhood Business to match the commercial zoning on the north side of the Frank Street block from Old Woodward to Ann Street. At some point in the 1960's the once large single-family parcel was split into three lots and a new medical clinic was built on the central portion of the site. As discussed above, the City again rezoned only the western portion of the property at 412 E. Frank in 1987 back to R-3, but did not alter the commercial zoning of the central and eastern portion of the lot. The development of the CVS plaza in the 1990's created the view of the large surface parking lot from the front windows of the home. Other development trends in the area included the development of multi-family residential buildings along both Ann and Purdy, as well as the development of several new single family residential homes on Ann Street south of the subject property.

Recommendation

As the Planning Board has previously found, the entire parcel at 412 – 420 E. Frank Street is clearly a transitional property that separates the commercial areas to the north and east from the residential area to the west. The use of the property for low density multiple family use acts as a transition and buffer, and is entirely consistent with recent rezonings in similar transitional locations around the downtown. The proposed multiple-family residential development will also add to the diversity of housing options available, and is similar to those already found in the surrounding area. The proposed request to rezone the entire property to TZ1 Transition Zone and limit the use to residential use only is very appropriate in such a transition zone.

Accordingly, the Planning Division finds that the proposed rezoning of the Subject Property from R-3 (Single-Family Residential), B-1 (Neighborhood Business), and B-2B (General Business) to TZ1 (Transition Zone) should be recommended for approval.

Suggested Action:

Motion to RECOMMEND APPROVAL of the proposed rezoning of 412 - 420 E. Frank Street from B1, R3, & B2B to TZ1 to the City Commission.

OR

Motion to RECOMMEND DENIAL of the proposed rezoning of 412 - 420 E. Frank Street from B1, R3, & B2B to TZ1 to the City Commission.

**Planning Board Minutes
September 25, 2013**

REZONING APPLICATION

412-420 E. Frank St.

Request to rezone property from R-3 and B-1 to B-2B General Business

Ms. Ecker described the property in question. She advised the subject property is located on the southeast corner of Frank St. and Ann St., and includes one corner lot (Lot 32, Blakeslee Addition); one lot immediately to the south facing Ann St. and running parallel to Frank St. (Lot 31, Blakeslee Addition); and the rear 32 ft. of lots 3 and 4 of the Blakeslee Addition that front on S. Old Woodward Ave. **All three of these lots or portions of lots were previously combined and appear to have been split into three independent parcels prior to 1960. The three parcels are currently under common ownership.**

Ms. Ecker advised that only a person who has a fee interest in a piece of property, or a contractual interest which may become a fee interest in a piece of property, may seek an amendment in the zoning classification of that property under this section. The applicant is the owner of the subject property, which includes the three parcels, noted above, and has provided authority to his architect to act on his behalf regarding the application for rezoning. In accordance with the requirements of the Zoning Ordinance the applicant is the property owner of parcels #19-36-253-001, 19-36-253-002 and 19-36-253-003, being Lots 31 & 32 and the west 32 ft. of lots 3 & 4 Blakeslee Addition. The applicant is requesting that the Planning Board consider the rezoning of the western portion of the property (a former home converted for office use, 412 E. Frank Street, parcel #19-36-253-001) to B-2B (General Business); and the central portion of the property, The Frank Street Bakery, 420 E. Frank St., parcel #19-36-253-002) to B-2B (General Business) to match the existing zoning of the eastern portion of the property (no known address, parcel #19-36-253-003), which is striped for parking and is currently vacant.

Existing Zoning of Subject Property:

The **western portion** of the entire parcel (roughly 60 ft. along Frank, starting at Ann, known as 412 E. Frank, parcel # 19-36-253-001) is currently zoned **R-3 Single-Family Residential**. A building currently exists on the western portion which is used for office use and associated parking.

The **central portion** of the entire parcel (60 ft. in width along Frank, known as 420 E Frank, parcel # 19-36-253-002)) is currently zoned **B-1 Neighborhood Business**. This center portion is currently occupied by a one-story building that is used for Frank Street Bakery. An adjacent outdoor dining area and associated parking are also located on the central portion of the property.

The **eastern portion** of the entire parcel (32 ft. in width along Frank, no known address, parcel # 19-36-253-003) is already zoned **B-2B General Business**. No zoning change is requested for this portion of the property.

Ms. Ecker went on to offer a history of each of the two properties requested for rezoning to B-2B in order to build a projected four-unit condominium project.

Ms. Ecker advised that the Planning Division finds that the proposed rezoning of the subject property at 412 E. Frank St. from R-3 Single-Family Residential to B-2B General Business, and the proposed rezoning of 420 E. Frank St. from B-1 Neighborhood Business to B-2B General Business

should not be recommended for approval. B-2B Zoning allows for all kinds of commercial, recreational, institutional and residential uses. As an alternative, the Planning Board may wish to consider allowing Attached Single-Family Residential on the subject property, perhaps under an R-8 Attached Single-Family or ASF Attached Single-Family (under the Zoning Transition Overlay District) zoning classification instead. This would be consistent with the Planning Board's approach to similar transitional properties throughout the City.

Mr. Williams noted there are other parcels that would fit the definition of a transition area that haven't been identified. His view was that they all should be included when the board holds its public hearing on transition zoning.

The property owner, Mr. Sal Bitonti, 709 Ann St., and his architect, Mr. Irving Tobocman, 439 Greenwood, were present to discuss their proposal to go to B-2B Zoning in order to construct four attached single-family homes on the site. Mr. Tobocman said their reason for requesting B-2B zoning is so they can set the buildings back approximately 24 ft. from Frank St. At the corner, the idea is to continue that green area along Ann St. Lawn and trees will be planted within the setbacks to separate the units from people on the street. They chose this zoning because under R-8 Residential Zoning their building coverage would be very much smaller than what they are proposing.

Ms. Ecker noted the ASF Zoning could increase the building footprint because it allows them to move closer to Frank St. Chairman Boyle said if they go to B-2B Zoning it would open up a whole variety of permitted land uses. The ASF Zoning narrows down the land use to residential.

In response to a question from Mr. Koseck, Mr. Bitonti stated that he purchased and assembled the three properties about fifteen years ago.

The chairman took comments from the public at 8:32 p.m.

Mr. Eric Morganroth, 631 Ann St., said his biggest challenge with Ann St. is the parking. He wants to make sure that his home maintains its value and that the rezoning request is good for his children as well as the surrounding community.

Mr. Eric Wolfe, 393 E. Frank, said he has no objection to the current uses on the site. As far as rezoning to B-2B, the allowed uses are totally incompatible. The property could easily be combined with the piece to the east that is on S. Old Woodward Ave. and it would now be a very substantial parcel. So, the potential for a much greater density on this site is there; it is inevitable. He doesn't think there is a real plan, only an idea. B-2B just grants heavier zoning to permit the sale at a maximum price. As a homeowner directly impacted, he objects. The two buildings on the site are small parcels and act as a transitional buffer; they prevent the potential for a large development on this site. It was the intention of the 2016 Plan to prevent further proliferation of two-family and multi-family residential development in areas just like this. So he disagrees with the Planning Dept.'s conclusion which says that four attached units are a good idea. He doesn't think that should be addressed at this point.

Ms. Krista Winger, 371 E. Frank, expressed her opposition to the rezoning because the property could turn into anything rather than residences. She was afraid that more commercial would come into the neighborhood.

Mr. Clein pointed out that Transitional Zoning does not yet exist.

Several board members said they are not in favor of the B-2B Zoning Classification because far too many uses are allowed.

Motion by Mr. Clein

Seconded by Mr. Williams to recommend postponement of the proposed rezoning for 412-420 E. Frank St. to the December 11 Planning Board meeting.

No one from the public commented on the motion at 9 p.m.

Motion carried, 7-0.

ROLLCALL VOTE

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

Nays: None

Absent: None

Chairman Boyle asked the applicant to make an appointment with Ms. Ecker and her staff to come in and get a better sense of why the Planning Board is postponing and perhaps they will reconsider their idea regarding the zoning of this site.

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

**Planning Board Minutes
December 11, 2013**

OLD BUSINESS

412-420 E. Frank St.

Request for Rezoning (postponed from the meeting of September 25, 2013)

Mr. Baka advised the subject property is located on the southeast corner of Frank St. and Ann St, and includes one corner lot (Lot 32, Blakeslee Addition), one lot immediately to the south facing Ann St. and running parallel to Frank St. (Lot 31, Blakeslee Addition), and the rear 32 ft. of lots 3 and 4 of the Blakeslee Addition that front on S. Old Woodward Ave.

On September 25, 2013, the property owner and his architect appeared before the Planning Board to present a conceptual drawing of an attached single-family development that would encompass the three parcels proposed for rezoning. The applicant explained that they chose to request rezoning from R-3 and B-1 to B2-B, a commercial zone, because the development standards allowed for the setbacks that they desired on the site. The applicant indicated that they were not interested in the commercial uses. However, the Planning Board voiced concerns regarding the long term implications of such a change. While the current owner may not wish to pursue the commercial uses, any future owner would be permitted to do so. Considering the proximity of the parcels to the adjacent single-family residential, this area has been identified as a "sensitive residential area" in the Future Land Use Plan and meets the criteria of a transitional area as outlined in recent Planning Board study sessions.

Accordingly, the Planning Board postponed the public hearing for the proposed rezoning to allow the applicant to consider withdrawing their rezoning request in lieu of inclusion in the Zoning Transition Overlay District. Since that time the Planning Division has met with the applicant's architect to discuss the feasibility of constructing the proposed attached single-family development under one of the proposed ASF zones. Through those discussions it was determined that the ASF zones as currently proposed would permit the proposed development to be built without the need for any variances.

Based on this information, the applicant has indicated that they are amicable to being included in the Zoning Transition Overlay rather than pursuing the B2-B rezoning.

Mr. Irving Tobocman, 439 Greenwood, the architect for this proposal, was present with Mr. Salvador Bitonti, the property owner. Mr. Tobocman indicated they would be happy to postpone their application and see how the Overlay District develops. The only concern they have at this point is there was talk about a setback of 25 ft. from Ann St. Their major building is set about 21 ft. from the property line and their roof overhang and porch is approximately 17 ft.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to postpone consideration of the proposed rezoning of 412-420 E. Frank St.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Absent: Clein, Koseck

**Planning Board Minutes
Wednesday, May 27, 2015**

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

4.30 TZ1, TZ2, TZ3 (OS)

Outdoor Dining Standards (OD)

4.44 TZ2, TZ3

Parking Standards (PK) **4.45 4.46**

4.47

TZ1, TZ2, TZ3 TZ1, TZ2, TZ3 TZ1, TZ2, TZ3

Screening Standards (SC)

4.53 TZ1, TZ2, TZ3

Setback Standards (SB)

4.58 TZ1, TZ2, TZ3

Structure Standards (SS)

4.69 TZ1, TZ2, TZ3

Temporary Use Standards
(TU)

4.77 TZ1, TZ2, TZ3

Utility Standards (UT)

4.81 TZ2, TZ3

Vision Clearance Standards
(VC)

4.82 TZ1, TZ2, TZ3

Window Standards (WN)

4.83 TZ2, TZ3

AND

TO AMEND **ARTICLE 9, DEFINITIONS, SECTION 9.02** TO ADD DEFINITIONS FOR BOUTIQUE, PARKING, SOCIAL CLUB, TOBACCONIST, INDOOR RECREATION FACILITY AND SPECIALTY FOOD STORE.

3. To consider a proposal to rezone the following transitional parcels that are adjacent to residential zones throughout the City as follows:

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

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

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 from B1-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

**Planning Board
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:

Ordinance Section Name Section Number Applicable Zone to be Added

Accessory Structures Standards (AS)

4.2	TZ1, TZ2, TZ3 TZ1
4.3	TZ1, TZ2, TZ3
4.4	

Essential Services Standards (ES)

4.09 TZ1, TZ2, TZ3

Fence Standards (FN)

4.10	TZ1, TZ2, TZ3 TZ1
4.11	

Floodplain Standards (FP)

4.13 TZ1, TZ2, TZ3

Height Standards (HT)

4.16	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
4.18	

Landscaping Standards (LA)

4.20 TZ1, TZ2, TZ3

Lighting Standards (LT)

4.21	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
4.22	

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 DEFINITIONS FOR BOUTIQUE, PARKING, SOCIAL CLUB, TOBACCONIST, INDOOR RECREATION FACILITY AND SPECIALTY FOOD STORE.

3. To consider a proposal to rezone the following transitional parcels that are adjacent to residential zones throughout the City as follows:

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

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

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 from B1-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 current 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 sq. 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 - O-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 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 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.

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 he has heard. He doesn't mind pulling properties out of the 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 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.

**CITY COMMISSION MINUTES
AUGUST 24, 2015**

**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 to 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 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

CITY COMMISSION MINUTES
SEPTEMBER 21, 2015

09-204-15 CONTINUED PUBLIC HEARING TO CONSIDER
ZONING ORDINANCE AMENDMENTS TRANSITIONAL ZONING

Mayor Sherman reopened the Public Hearing to consider amendments to Chapter 126, Zoning, of the Code of the City of Birmingham at 7:44 PM.

Planner Baka explained the recent revision to TZ1 requested by the City Commission prohibits garage doors on the front elevation. Commissioner Rinschler pointed out the previous discussion to eliminate all non-residential uses from TZ1. City Manager Valentine noted that any modifications to TZ1 could be addressed tonight.

Mr. Baka explained that TZ1 allows for attached single-family or multi-family two-story residential and provides transition from low density commercial to single family homes. He noted the maximum height is thirty-five feet with a two-story minimum and three-story maximum.

Commissioner McDaniel questioned why other properties on Oakland Street were removed from the original proposal. Mr. Baka explained that it was based on the objections from the homeowners as the current residents did not want their properties rezoned. Commissioner Rinschler pointed out that the rezoning is not about what is there currently, but what could be there in the future.

Mayor Pro Tem Hoff commented that the setback in TZ1 is required to have a front patio or porch which is very limiting with the five foot setback. She questioned why one-story is not allowed. Planner Ecker explained that two-stories will allow for more square footage and it is intended to be a buffer from the downtown to residential.

Commissioner Rinschler suggested that post office, social security office, school, nursing center, and church be removed from the list of uses so it is only residential use. He noted that the City is trying to create a buffer so there are no businesses abutting residential. He suggested a future Commission review the residential standards. Commissioners Dilgard and McDaniel agreed.

Ms. Ecker commented on the front setback requirement. She noted that the development standards include a waiver which would allow the Planning Board to move the setback further if a larger patio or terrace is desired.

Commissioner Nickita commented on the additional uses in TZ1. He noted that this is a zoning designation which is essentially residentially focused allowing for multi-family. He stated that those uses which stand out to be residential are independent senior living and independent hospice which are aligned with multi-family residential uses. The Commission discussed the intensity of each use including assisted living.

Mayor Sherman summarized the discussion from the Public Hearing at the previous meeting. He explained that the three ordinances were presented to the Commission – TZ1 which is strictly residential; TZ2 which is residential, but allows for some commercial; and TZ3 which does allow for residential, but is more commercial in nature. At the hearing, people were

comfortable with the language in TZ2 and TZ3. There were concerns and questions with TZ1 and the Commission requested staff make revisions to TZ1. The Commission then discussed the parcels that were proposed to be rezoned into the TZ2 and TZ3 categories. Discussion was not held regarding the TZ1 parcels at that time.

Commissioner Nickita suggested that in considering the commercial permitted uses and the Special Land Use Permit (SLUP) uses that several uses would be better served with a SLUP such as convenience store, drug store, and hardware store. Commissioners Rinschler and Hoff agreed.

Commissioner Rinschler noted the trouble with defining uses. He questioned why not let all the uses require SLUP's. Commissioner McDaniel suggested developing standards to evaluate SLUP's. Commissioner Nickita noted that it is not a one size fits all.

Mayor Sherman summarized the discussion that TZ1 would be restricted to solely residential; in TZ2 residential would be allowed, but any commercial uses would require a SLUP; in TZ3 would remain as drafted.

Bill Finnicum, 404 Bates, stated that having zero to five foot setbacks is impractical. He suggested that the biggest danger is losing the character and rhythm of the streets.

Michael Murphy, 1950 Bradford, stated that the suggestion to require a SLUP is an acceptable compromise.

In response to a question from Commissioner Moore regarding parking, Ms. Ecker explained that commercial entities must provide for their own parking on-site if they are not in the parking assessment district. On-street parking can only be counted if the property is located in the triangle district.

Reed Benet, 271 Euclid, stated that changing the zoning from single family residential to protect single family residential is illogical.

Ms. Ecker confirmed for David Crisp, 1965 Bradford, that the parcels on 14 Mile would not be able to count the on-street parking unless they came through a separate application process and tried to get approval of the City Commission.

A resident at 1895 Bradford stated that the more uses which are subject to a SLUP would decrease the predictability of the neighborhood in the future and the value of the zoning effort.

Benjamin Gill, 520 Park, stated that the height of the buildings should be controlled by the neighborhood.

Irving Tobocman, 439 Greenwood, questioned the restriction on the depth of a porch relative to the setback on the street.

David Kolar, commercial real estate broker, expressed concern with the unintended consequences of making everything a SLUP. He noted that a SLUP is a high barrier of entry for small businesses. He suggested defining the appropriate uses in the TZ1, TZ2, and TZ3 districts.

Erik Morganroth, 631 Ann, expressed support of the idea of limitations and commented that the SLUP is most appropriate.

Mr. Baka discussed the parcels proposed in TZ1. He noted the proposal increases the number of units currently permitted at 404 Park from two to four, increase the number of units currently permitted on the parcel at Willits and Chester from two units to a maximum of five, and set the number of units currently permitted on the post office parcel from no limit to one unit for every 3,000 square feet. He discussed the lot area and setbacks.

Mr. Baka confirmed for Mayor Pro Tem Hoff that if the post office moved, a single family residential would be permitted.

Commissioner Rinschler expressed concern that only one lot was included in the 404 Park area. He suggested either extend it to the other parcels on Oakland Street or direct the Planning Board to reopen the hearing to redo the process including all three parcels.

Commissioner Moore stated that there is still a strong potential of economic viability to having those remain single family residential. The purpose of the ordinance is not to invade or lessen a neighborhood, but to enhance the neighborhood by protecting it and ensuring it will be contextual and there are building standards. Commissioner McDaniel agreed.

Commissioner Dilgard stated that the Planning Board was correct with the proposed zoning on 404 Park.

Mayor Sherman pointed out that Commission Nickita recused himself from 404 Park as he was involved with a project with someone who has an interest in 404 Park.

Mayor Sherman agreed with Commissioner Rinschler and noted that the zoning that is suggested does not make a lot of sense.

The following individuals spoke regarding 404 Park:

- Debra Frankovich expressed concern with sectioning out one double lot as it appears to support one property owners best interest.
- Tom Ryan, representing the Host's who are the property owners just north of 404 Park, commented that to single out one parcel is not appropriate.
- Benjamin Gill, 525 Park, expressed opposition to the rezoning of this parcel.
- Bill Finnicum, 404 Bates, commented that the rezoning will only benefit the property owner and will harm the adjacent property owner.
- Chuck DiMaggio, with Burton Katzman Development, explained the history of the property and noted that the Planning Board has spent thirty months studying 404 Park and the other transitional properties.
- Brad Host, 416 Park, stated that the residents are not interested in being rezoned.
- Kathryn Gaines, 343 Ferndale, agreed that Oakland is the buffer. She questioned what four units on that corner bring to the neighborhood that two could not.
- Bev McCotter, 287 Oakland, stated that she does not want the development of this lot into four units.
- Jim Mirro, 737 Arlington, stated that Oakland is the buffer and stated that the parcel should not be rezoned as proposed.

- Ann Stallkamp, 333 Ferndale, stated that she is against the TZ1 rezoning on Park and stated that 404 Park should be taken off the list.
- David Bloom questioned the number of units which would be allowed on the Bowers property.
- Reed Benet, 271 Euclid, commented that it is illogical that this has gone on for three years.
- Chuck DiMaggio, with Burton Katzman Development, noted that they want to do something that benefits the community and provide the proper transition and lead in to the downtown and is compatibility with the neighborhood.
- Tom Ryan, representing the Host's who are the property owners just north of 404 Park, commented that this is not a transition zone and there are ways to put more than one unit on the parcel.

The Mayor closed the Public Hearing at 9:21 PM.

MOTION: Motion by Rinschler, seconded by Dilgard:

To adopt the ordinances amending Chapter 126, Zoning, of the Code of the City of Birmingham as suggested with the following modifications: to modify TZ1 with the changes presented plus the elimination of all non-residential uses; to modify TZ2 that all commercial uses require a SLUP, and TZ3 would remain as proposed: **(TZ2 RESCINDED)**

- 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
CREAT
E 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;

Commissioner Moore commented that an important part of this package is the building standards for the transitional areas where commercial abuts residential. Requiring SLUP's in the TZ2 district will be more cumbersome for the small proprietor. There may be some unintended consequences.

VOTE: Yeas, 7

Nays, None Absent, None

MOTION: Motion by Rinschler, seconded by Dilgard:

To amend Chapter 126, Zoning, of the Code of the City of Birmingham, Article 4, all Sections noted below, to apply to each Section to the newly created TZ1, TZ2, and/or TZ3 Zone Districts as indicated: (TZ2 RESCINDED)

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 (VC)	4.82	TZ1, TZ2, TZ3
Window Standards (WN)	4.83	TZ2, TZ3

VOTE: Yeas, 7

Nays, None Absent, None

MOTION: Motion by Hoff, seconded by Nickita:

To amend Article 9, Definitions, Section 9.02 to add definitions for boutique, parking, social club, tobacconist, indoor recreation facility, and specialty food store.

VOTE: Yeas, 7

Nays, None Absent, None

In response to a question from Commissioner Nickita, City Manager Valentine explained that there was a question on the current use of the property at 412 & 420 East Frank zoned R3. Staff has determined that the property appears to be in violation of the zoning ordinance with regard to the current use. It is currently under investigation as the current zoning is residential and the current use appears to be commercial. He noted that it is an enforcement issue.

City Attorney Currier stated that the Commission action on the rezoning is independent of the violation. He stated that staff has not had access to the property as of yet.

Commissioner Nickita stated that the current use may have an effect on how the Commission views the property. Commissioner Rinschler responded that the current use has no bearing on the future zoning.

MOTION: Motion by Hoff, seconded by McDaniel:

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.

Mr. Baka explained for Patty Shayne that the property would be commercial or residential zone.

Erik Morganroth, 631 Ann, questioned why R3 would not be zoned TZ1 as it is a corner buffer lot.

Eric Wolfe, 393 Frank, stated that rezoning is not necessary on these parcels.

Nirav Doshi, 659 Ann, stated that the R3 should not be converted to TZ2. It should stay residential.

The Commission discussed the possibility of removing R3 out of the motion. Mayor Pro Tem Hoff suggested amending the motion to remove R3. There was no second.

Commissioner McDaniel suggested referring this back to the Planning Board to consider what has been proposed. Mr. Baka noted that the property owner requested to be in the study so they could consolidate the parcels under a single zone. Commissioner Nickita concurred that this should be reconsidered at the Planning Board level.

Mayor Pro Tem Hoff withdrew the motion. MOTION WITHDRAWN

MOTION: Motion by Nickita, seconded by Rinschler:
To send this item back to the Planning Board with direction based on the conversation tonight.

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by McDaniel, seconded by Nickita:
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. (RESCINDED)

Dorothy Conrad stated that the Pembroke neighborhood does not object.

David Kolar stated that he was in favor of TZ2, until the SLUP requirement was added tonight which he objects. He stated that an identified number of basic uses is needed as these are small units.

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Hoff, seconded by McDaniel:
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. (RESCINDED)

VOTE: Yeas,

Nays, None
Absent, None

MOTION: Motion by Dilgard, seconded by McDaniel:

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. (RESCINDED)

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Nickita, seconded by Dilgard:

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. (RESCINDED)

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Nickita, seconded by Hoff:

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. (RESCINDED)

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by McDaniel, seconded by Moore:

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. (NO VOTE TAKEN)

Commissioner Moore stated that he will oppose this item. He stated that he approves the concept, but thinks the timing is wrong due to future changes to Woodward Avenue.

Dorothy Conrad noted that the current uses along 14 Mile Road are offices. There is no benefit to the neighborhood by changing the zoning to allow commercial uses with a SLUP.

David Kolar stated his objection and noted that the property owners should be notified that every use now requires a SLUP. It is a big change for a property owner.

City Attorney Currier stated the addition of the SLUP requirement is an additional restriction which was not part of the original notice to the property owners. He noted that this could be an issue for those not aware that the SLUP requirement was added tonight. In response to a question from the Commission, Mr. Currier confirmed that renotification to the property owners would be needed and the ordinance to add the SLUP restriction would have to go back to the Planning Board.

MOTION: Motion by Nickita, seconded by Hoff:
To rescind the motions regarding TZ2 for review of the Planning Board.

VOTE: Yeas, 7
Nays, None Absent, None

Mr. Valentine explained that TZ2 will be sent back to the Planning Board to hold a public hearing to incorporate the proposed language to include the SLUP restriction for commercial uses, and then back to the City Commission.

MOTION: Motion by Hoff, seconded by McDaniel:
To rescind the adoption of the TZ2 ordinance and all housekeeping pertaining to TZ2, but not TZ1 or TZ3, and refer TZ2 to the Planning Board per the discussion and to have the Planning Board take into consideration the discussion from the City Commission and from the public to arrive at a conclusion.

Commissioner Dilgard stated that he does not agree with the direction that everything has to be a SLUP. If it is sent back to the Planning Board, he suggested a SLUP be required for properties 1500 square feet or greater rather than just a blanket SLUP regardless the size of the property.

Commissioner McDaniel agreed and expressed concern that a 1500 square foot store would have to pay high fees for the approvals.

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Hoff, seconded by Nickita:
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.

VOTE: Yeas, 7
Nays, None Absent, None

MOTION: Motion by Nickita, seconded by McDaniel:
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.

VOTE: Yeas, 7

Nays, None Absent, None

MOTION: Motion by Dilgard, seconded by Hoff:

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.

VOTE: Yeas, 7

Nays, None Absent, None

MOTION: Motion by Nickita, seconded by Dilgard:

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.

VOTE: Yeas, 7

Nays, None Absent, None

Mr. Currier noted that a protest petition was received on 404 Park which requires a $\frac{3}{4}$ vote of the elected Commission. Mayor Sherman noted that six votes are needed and Commissioner Nickita has recused himself from this item.

MOTION: Motion by Dilgard, seconded by Moore:

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.

Commissioner Rinschler stated that if a buffer zone is being created, it should include properties further down Oakland. He stated that he considers rental properties as commercial development.

Mayor Pro Tem Hoff stated that she will not support the motion. She noted that the plans look good, however she has heard from residents who are very unhappy about this.

Mayor Sherman noted that he will not support the motion. If a buffer zone is going to be created, it should be the entire side of the street. He noted that Oakland is an entranceway into the City. Eventually, there may be that transition, but now is not the time.

VOTE: Yeas, 3 (Dilgard, McDaniel, Moore)

Nays, 3 (Hoff, Rinschler, Sherman)

Absent, None Recusal, 1 (Nickita)

Commissioner Rinschler and Commissioner Dilgard agreed that this should be referred back to the Planning Board based on the discussion.

**Planning Board Minutes
February 24, 2016**

REZONING APPLICATIONS

- 1. 413 E. Frank St. (taupe building)
420 E. Frank St. (Frank Street Bakery) being lots 31 and 32 and the west 32 ft. of lots 3 and 4, Blakeslee Addition**

Request to rezone 412 E. Frank St. from R-3 Single Family Residential to B-2B General Business, and request to rezone 420 E. Frank St. from B-1 Neighborhood Business to B-2B General Business

Motion by Mr. Williams

Seconded by Mr. Jeffares to receive and file the following:

- **E-mail from Bonnie Fry dated Wednesday, February 24, 2016.**

VOICE VOTE

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

Nays: None

Absent: None

Motion carried, 7-0.

Mr. Baka advised that all three of these lots or portions of lots were previously combined and appears to have been split into three independent parcels prior to 1960. All three parcels are currently under common ownership.

Mr. Baka provided history as to the various rezonings that have taken place:

- Essentially since 1987 412 E. Frank St., the western portion of the property, has been zoned R-3.
- 420 E. Frank St., the central portion of the property, has been B-1 since 1960.
- The eastern portion of the entire parcel (32 ft. in width along Frank St.) is already zoned B-2B and no zoning change is requested.

The Planning Division's recommendation is that the Birmingham Future Land Use Plan is pretty clear that this is a sensitive residential area. There has been much discussion recently about taking a new look at the existing Master Plan. The eastern portion is not designated as a sensitive residential area; however, changing it to B-2B would be much more intense than B-1 allows and it is felt that B-2B would be too intense. The City Commission has also specifically made a request that TZ-2 be reconsidered by the Planning Board for some additional changes. Therefore, perhaps this is not the right time to move a rezoning forward when there is another study on the table.

The property owner, Mr. Salvatore Bitonti, 709 Ann St., said he is afraid if the lessee for his 421 E. Frank St. property moves away he will not be able to rent it as residential.

Mr. Erik Morganroth, 631 Ann St., disclosed that he is a member of the Board of Zoning Appeals. However, he is speaking as a resident, not as a board member. He wants the property to remain residential because it is the corner that creates that sensitive residential area. In general along Ann St. the new construction has been residential. Combining the three parcels would be profitable for the current owner but it doesn't benefit the community.

Mr. Nero Padochi, 659 Ann St., thought that putting in a business would ruin the street.

Mr. Eric Wolf, 393 E. Frank St., noted that residents on the three corners of Frank St. and Ann St. all oppose this rezoning to B-2B. There are all kinds of alternatives for this site, although he would prefer that the corner remain R-3. There is no reason to introduce commercial options using the Transitional Zoning when they want the corner to remain single-family.

In response to a question, Ms. Ecker advised that TZ-1 would allow attached single-family similar to Brown St. It is up to Mr. Bitonti to decide what zoning he wants. Mr. Williams suggested that the board act on the City Commission's directive in the near future and look at transitional parcels.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Williams to recommend denial of the proposed rezoning of 412-420 E. Frank St. from B-1 and R-3 to B-2B to the City Commission.

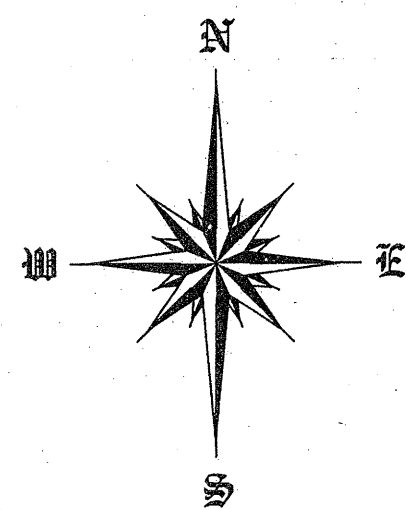
Motion carried, 7-0.

VOICE VOTE

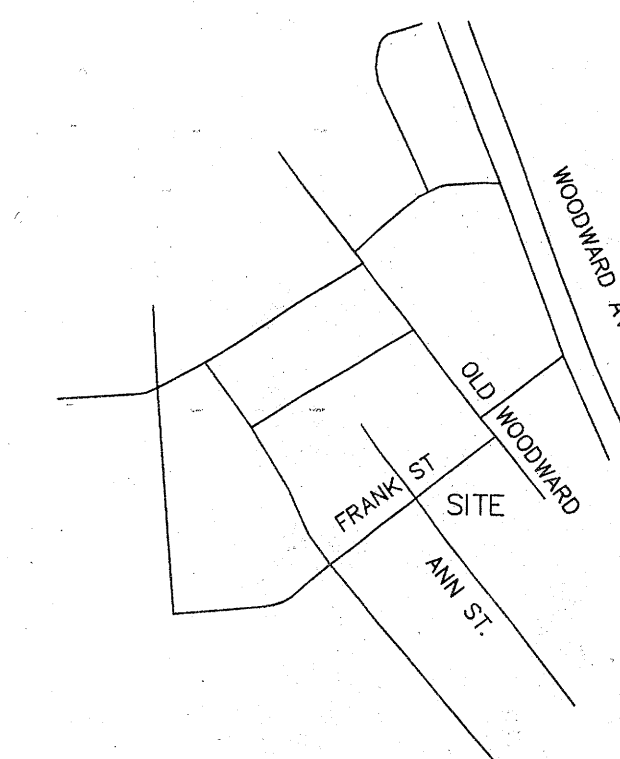
Yeas: Whipple-Boyce, Williams, Jeffares, Boyle, Clein, Koseck, Lazar

Nays: None

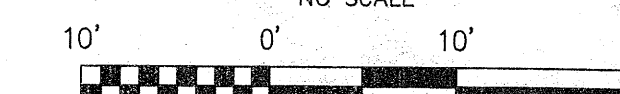
Absent: None



BENCHMARK
NAIL IN POLE
ELEV = 765.29
U.S.G.S. DATUM



LOCATION MAP



SCALE: 1" = 10'

LEGEND

- EX. GRADE
- EX. INDEX CONTOUR
- EX. CONTOUR
- EX. WATER MAIN
- EX. STORM SEWER
- EX. SANITARY SEWER
- EX. OVERHEAD
- EX. GAS
- EX. UNDERGROUND
- EX. FENCE
- EX. RAILROAD
- EX. WALL
- EX. DITCH
- EX. WETLAND
- HYDRANT
- CATCH BASIN
- MANHOLE
- SIGN
- GATE VALVE
- LIGHT POLE
- UTILITY POLE
- METAL LIGHT POLE
- TOP OF BERM
- TOE OF BERM
- TREE TAG
- TOP OF CURB
- GUTTER
- TOP OF ASPHALT
- TOP OF WALK
- TOP OF WALL
- FOUND IRON ROD
- SET IRON ROD
- FOUND IRON PIPE
- ASPHALT
- CONCRETE

TOPO. NOTES:

- THIS SURVEY WILL NOT SHOW ALL EASEMENTS OF RECORD UNTIL AN UPDATED TITLE POLICY HAS BEEN FURNISHED TO THE SURVEYOR BY THE OWNER.
- ALL ELEVATIONS ARE EXISTING ELEVATIONS
- SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD ZONE
- THE LOCATION OF THE EXISTING UTILITIES AS SHOWN WERE OBTAINED FROM MUNICIPAL AND UTILITY COMPANIES RECORDS. NO GUARANTEE CAN BE MADE REGARDING THE COMPLETENESS OR EXACTNESS OF THE UTILITIES LOCATION. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY IN THE FIELD THE LOCATION OF ALL UTILITIES. ANY POTENTIAL CONFLICT SHALL BE REPORTED TO THE ENGINEER PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL CONTACT MISS DIG 3 WORKING DAYS PRIOR TO CONSTRUCTION.

LEGAL DESCRIPTION:

LOTS 31 & 32 AND THE WEST 32 FEET OF LOTS 3 & 4, BLAKESLEE ADDITION, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

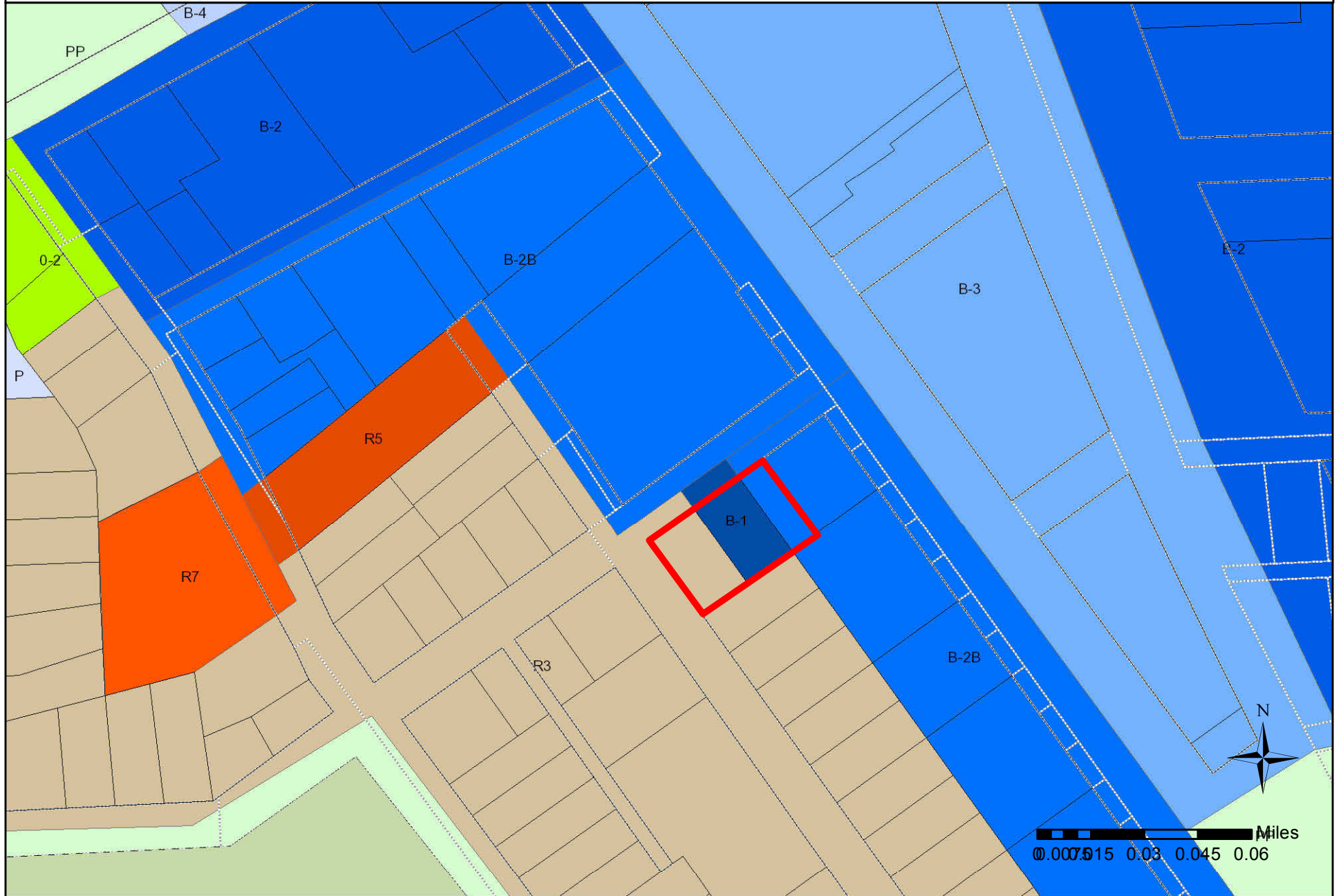
SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON THAT THE PROPERTY LINES ARE AS SHOWN.

THOMAS M. SMITH
R.L.S. No. 31606

		THOMAS M. SMITH P.S. PROFESSIONAL LAND SURVEYOR 7559 OLDE STURBRIDGE TRAIL CLARKSTON, MICHIGAN 48348 PHONE: (248) 625-3276	
PROJECT 412 & 420 FRANK BIRMINGHAM, MI		DRAWN BY: TMS CHECKED BY: TMS APPROVED BY: TMS SCALE HORIZ. 1"=10' SCALE VERT. N/A DATE 03-08-13 PROJECT No. 13-128 SHEET No. 1 OF 1	
TITLE TOPOGRAPHIC SURVEY		CLIENT BITONTI	







2.41 TZ1 (Transition Zone) District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Other Use Regulations
<p>The TZ1 (Transition Zone) District is established to:</p> <p>(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.</p> <p>(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.</p> <p>(c) Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.</p> <p>(d) Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.</p> <p>(e) Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.</p> <p>(f) Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.</p>	<p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • dwelling - attached single family • dwelling - multiple-family • dwelling - one-family(R3) 	<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • family day care home • home occupation* • parking facility - private off-street • parking - off-street <p>Uses Requiring a Special Land Use Permit</p> <ul style="list-style-type: none"> • assisted living • independent hospice facility • independent senior living • skilled nursing facility

* = Use Specific Standards in Section 5.14 Apply

2.42 TZ1 (Transition Zone) District Development Standards

Minimum Lot Area Per Unit:

- 3,000 sq ft

Minimum Open Space:

- n/a

Maximum Lot Coverage:

- n/a

Minimum Front Yard Setback:

- 0-5 feet

Minimum Rear Yard Setback:

- 10 feet
- 20 feet abutting single-family zoning district

Minimum Combined Front and Rear Setback:

- n/a

Minimum Side Yard Setback:

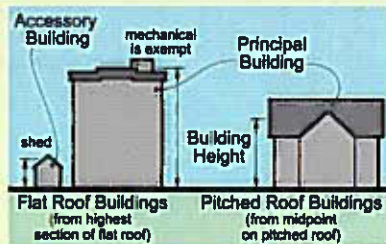
- 0 feet from interior side lot line
- 10 feet from side street on corner lot
- 10 feet from side lot line abutting a single-family district

Minimum Floor Area Per Unit:

- n/a

Maximum Total Floor Area:

- n/a



Maximum Building Height:

- 35 feet
- 3 stories

Minimum Building Height:

- 2 stories

Additional Development Standards that Apply

Accessory Structure (AS)

- AS-01 Page 4-3
- AS-02 Page 4-3
- AS-03 Page 4-4

Essential Services (ES)

- ES-01 Page 4-7

Fences (FN)

- FN-01 Page 4-8
- FN-02 Page 4-8

Floodplain (FP)

- FP-01 Page 4-9

Height (HT)

- HT-01 Page 4-12
- HT-03 Page 4-12

Landscaping (LA)

- LA-01 Page 4-14

Lighting (LT)

- LT-01 Page 4-18
- LT-02 Page 4-21

Loading (LD)

- LD-01 Page 4-22

Open Space (OS)

- OS-01 Page 4-25

Parking (PK)

- PK-01 Page 4-30
- PK-02 Page 4-32
- PK-03 Page 4-32
- PK-09 Page 4-36

Screening (SC)

- SC-01 Page 4-37
- SC-06 Page 4-39

Setback (SB)

- SB-01 Page 4-40
- SB-05 Page 4-41

Street (ST)

- ST-01 Page 4-44

Structure (SS)

- SS-01 Page 4-45
- SS-09 Page 4-48

Temporary Use (TU)

- TU-01 Page 4-50

Vision Clearance (VC)

- VC-01 Page 4-55

CITY OF BIRMINGHAM

ORDINANCE NO. 557

AMENDMENT TO ORDINANCE NO. 527

AN ORDINANCE TO AMEND SECTION 3.3 OF ORDINANCE NO. 527 OF THE ORDINANCES OF THE CITY OF BIRMINGHAM, AND THE ZONING MAP, BY ADDITION OF A SECTION TO BE KNOWN AS SECTION 3.3-13.

THE CITY OF BIRMINGHAM ORDAINS:

Section 1. That Section 3.3 of Article 3 of Ordinance No. 527, be amended by addition of a section to be known as Section 3.3-13, said Section to read as follows:

Section 3.3-13. Property located on the southeast corner of Ann and Frank Street, described as Lots 31 and 32, Blakeslee's Addition shall be changed from its present classification of R-6 Multiple-Family Residential Zone District to B-1 Non-Retail Business Zone District.

Section 2. The Zoning Map attached to Ordinance No. 527 shall be deemed modified to incorporate this change.

Ordained by the Commission of the City of Birmingham this 8th day of February, 1960, to be effective upon publication.

Harry M. Denyes, Jr.
Mayor

Irene E. Hanley
Clerk

I, Irene E. Hanley, Clerk of the City of Birmingham, hereby certify that the foregoing ordinance was duly passed by the Commission of the City of Birmingham at a regular meeting held Monday, February 8, 1960, and that the same was published in the Birmingham Eccentric on Thursday, February 18, 1960.

Irene E. Hanley
Clerk

APPLICATION FOR ZONING MAP CHANGE

Birmingham, Michigan

Date September 3, 1959

TO THE CITY COMMISSION:

The undersigned hereby make application to the City Commission to:
Change premises described as 412 East Frank (W 60 ft of Lot 31 also
W 60 ft. of lot 32, Blakeslee's Addition from its present zoning
classification of R-6 Multiple Family Residence to B-1 Non-Retail Busi-
ness.

A plot plan showing size of lot and placement of building (if any) on
the lot to scale must be attached.

Statements and reasons for request, or other data having a direct
bearing on the request. My property abuts B-3 Community Business on
the east and is directly across the street from B-3 zoning. The
development of the property across the street as an auto agency and used
car lot with the accompanying noise, bright lights and traffic makes my
property undesirable for residential use

/s/ Frank Van Fleteren
Signature of Applicant

Name of Owner Frank VanFleteren

Address of Owner 412 E. Frank, Birmingham Tel. No. Mi 4-2222

A letter of authority, or power of attorney, shall be attached in case
the appeal is made by a person other than the actual owner of the property.

Date Received _____

Delivered by _____

Resolution No. _____

Disposition _____

September 8, 1959/bc

November 19, 1959

City Commission
Birmingham, Michigan

SUBJECT: Zone Change Request - W 60' of lot 31 & W 60' of
Lot 32, Blakeslee's Addition - 412 E. Frank St.

Gentlemen:

At the City Commission meeting of September 8, 1959, a zone change request was submitted by Mr. Frank VanFleteren dated September 3, 1959 requesting a zone change for the property described as follows:

The West 60' of Lot 31, and the West 60' of lot 32, Blakeslee's Addition, from the present R-6 Multiple Family Residential Zone District to B-1 Non-Retail Business Zone District (southeast corner of Ann and Frank).

The request was referred to the Planning Board for report and recommendation.

The Planning Board considered the zone change request at the regular meetings of Wednesday, October 21, 1959 and Wednesday, November 18, 1959.

The subject property is located on the southeast corner of Ann and Frank. The property is the westerly 1/2 of Lots 31 and 32 of Blakeslee's Addition. The easterly 1/2 of the platted lots #31 and #32 are presently vacant. East of the vacant parcel is a frame single family dwelling located on property presently zoned B-3 Community Business Zone District. All of lots 31 and 32 are presently zoned R-6 Multiple Family Residential. To the north of the subject property across Frank Street is a Forbes Printing Press and a frame single family residential building utilized for office-business use.

To the east of the Forbes Printing Press and frame office building is the Harold Turner Sales Agency and used car lot. The used car lot has expanded in a westerly direction during recent years and is almost directly across the street from Mr. VanFleteren's single family home. The Forbes Printing Press, frame office use and the Harold Turner sales agency uses are located on properties presently zoned B-3 Community Business Zone District.

West of the subject property across Ann Street are properties zoned R-6 Multiple Family Residential and utilized for one and two family dwelling purposes. The property on the east side of Ann Street south of the subject property is zoned R-6 Multiple Family Residential Zone District and utilized for one, two and multi-family dwelling units.

The City of Birmingham recently replaced the concrete pavement on Frank Street from Woodward to Bates Street. The pavement width in front of the subject property has the normal business pavement width of 37 feet. West of Ann Street the pavement has the normal residential width of 29 feet.

The Planning Board recommends to the City Commission that the zone change request of Mr. Frank VanFleteren for rezoning the westerly 1/2 of Lots 31 and 32 from R-6 Multiple Family Residential Zone District to B-1 Non-Retail Business Zone District, be approved. The Planning Board considers the rezoning as reasonable based upon the undesirable factors created by the Harold Turner Sales Agency and used car lot. The lights from the used car lot create an undesirable influence upon single family residential development during the evening hours. The B-1 Non-Retail Business Zone District would provide a transition from the B-3 Community Business Zone District on Woodward to the R-6 Multiple Family Residential Zone District on the west side of Ann Street.

The Planning Board further recommends that the easterly 1/2 of Lots 31 and 32 be considered for rezoning from R-6 Multiple Family Residential Zone District to B-1 Non-Retail Business Zone District based on the consideration given to the subject zone change request.

Respectfully submitted,



Eliot Robinson
Vice-Chairman, Planning Board

HH/br

November 12, 1959

Planning Board
Birmingham, Michigan

SUBJECT: Zone Change Request - West 60 ft. of Lot 31 and the
West 60 ft. of Lot 32, Blakeslee's Addition -
412 E. Frank St.

Gentlemen:

At the City Commission meeting of September 8, 1959, a zone change request was submitted by Mr. Frank VanFleteren dated September 3, 1959 for a change of zoning described as follows:

The W 60 ft. of Lot 31 and the W 60 ft. of Lot 32,
Blakeslee's Addition, from the present R-6 Multiple Family
Residential Zone District to B-1 Non-Retail Business Zone
District (SE corner of Ann and Frank).

The request was referred to the Planning Board for report and recommendation.

At the Planning Board regular meeting of Wednesday, October 21, 1959, the writer advised that Mr. VanFleteren was a personal friend and is the Plumbing Inspector of the City of Birmingham. For that reason, the writer advised that he would disqualify himself from any discussion or recommendation of this request. However, I further advised that I will present any information requested by the Planning Board or any other information regarding this request.

The Planning Board requested that the writer study the request and review the area to determine a recommendation regarding the subject request.

The property is located on the southeast corner of Ann and Frank. The property in question is the westerly 1/2 of Lots 31 and 32, Blakeslee's Addition. The easterly half of the subject lots are presently vacant. East of the vacant parcel is a frame single family dwelling on property presently zoned B-3 Community Business. All of lots 31 and 32 are presently zoned R-6 Multiple Family Residential. Across Frank Street and directly to the north is the Forbes Printing Press and a frame residential single family dwelling utilized for office business use.

To the east of the Forbes Printing Press and office use is the Harold Turner sales agency with its allied used car lot. The used car lot has been expanded during recent years and is almost directly across the street from Mr. VanFleteren's single family home. These uses are located on property presently zoned B-3 Community Business.

Across Ann Street to the west are properties zoned R-6 Multiple Family Residential and utilized for 1 and 2 family dwelling units.

The property on the east side of Ann Street south of the subject property is zoned R-6 Multiple Family Residential and utilized for two family and multi-family dwelling units.

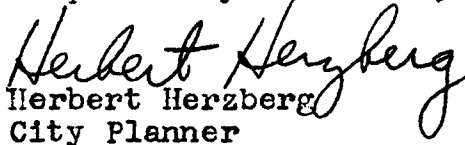
Generally speaking, Ann Street frontage suffers from its location abutting the B-3 Community Business zoned property on Woodward Avenue. Many of the homes and lawn areas are not maintained as well as other areas of comparable aged homes in the City of Birmingham.

The City of Birmingham has just replaced the old concrete pavement with a new concrete pavement on Frank Street from Woodward to Bates Street. The pavement width in front of the subject property is the same as any normal business pavement width of 37 feet. West of Ann Street the new pavement width is 29 feet or the same as any residential street. The writer would recommend the rezoning from R-6 Multiple Family Residential Zone District of Lots 31 and 32 based solely upon the undesirable living factor created by the Harold Turner Sales Agency and allied used car lot. The lights from the used car lot causes an undesirable influence upon residence development during the evening hours. The B-1 Non-Retail Business would provide a transition from the B-3 Community Business Zone District on Woodward to the R-6 Multiple Family Residential Zone District on the west side of Ann Street.

The writer would also suggest that the B-1 Community Business Zone District might be studied for the east side of Ann from Frank to Landon. However, the writer would not recommend any additional change at this time without incorporating adequate parking for the B-3 and possible B-1 zoned areas of this area.

This matter will be considered by the Planning Board at the Regular Meeting of Wednesday, November 18, 1959 at 8:00 PM in Room 200 of the Municipal Building.

Respectfully submitted,


Herbert Herzberg
City Planner

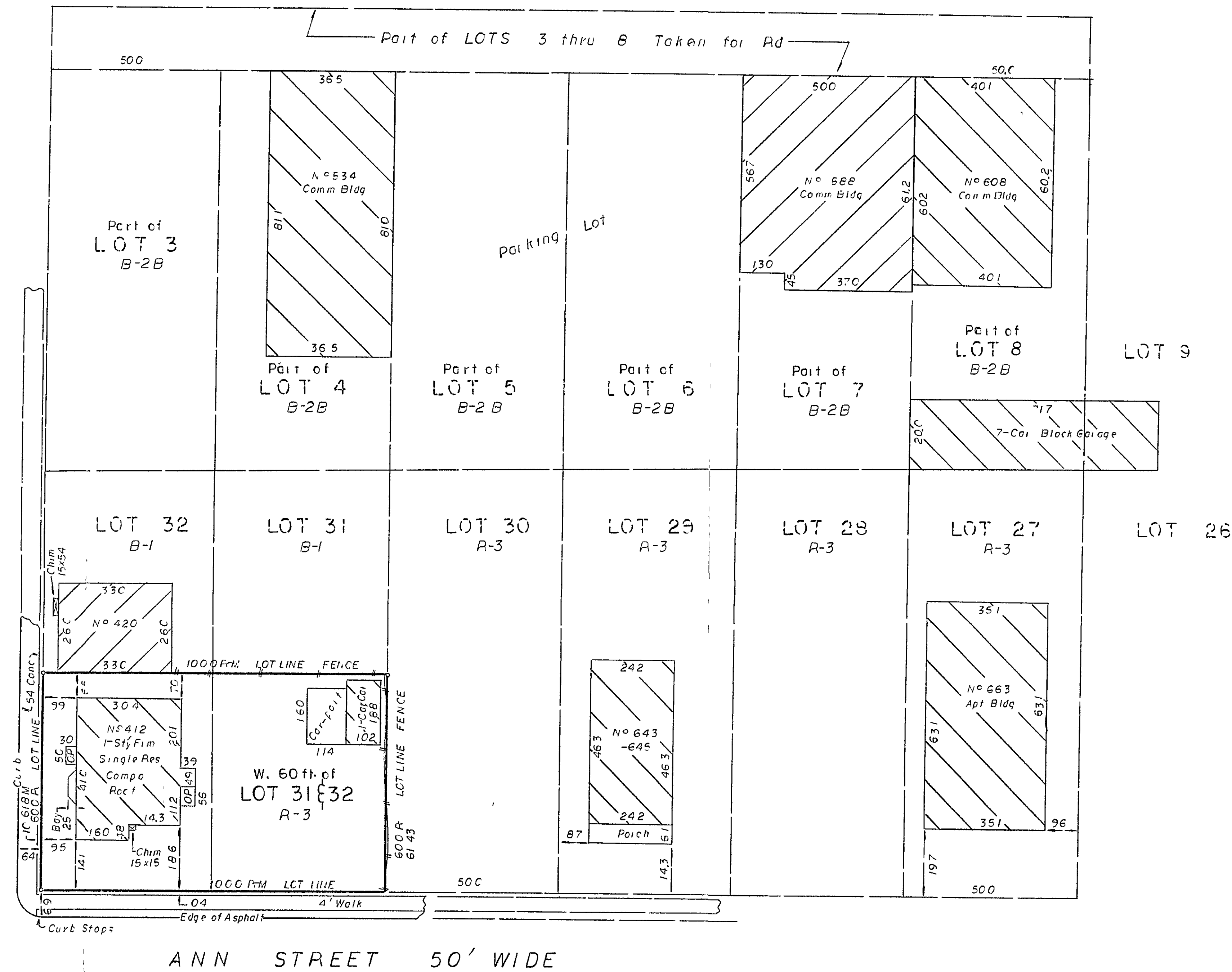
HH/br

cc: Mr. VanFleteren
Abutting property owners

N
SCALE: 1"=20'

S. WOODWARD AVENUE

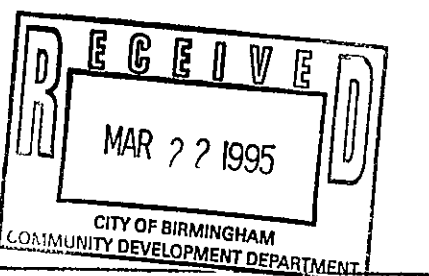
FRANK STREET 50' WIDE



NOTE
Symbol "o" indicates
Iron Stake Found

LEGAL DESCRIPTION OF PROPERTY

West 60.0 ft. of Lots 31 and 32, BLAKESLEE ADDITION, a part of the
Northeast 1/4 of Section 35, T.2N., R.10E., Bloomfield Twp., now
CITY OF BIRMINGHAM, Oakland County, Michigan.
Plat recorded in LIBER 2, PAGE 50, Oakland County Records
SUBJECT to easements and restrictions of record, if any



REZONING APPLICATION

Prepared For
WARREN VANFLETEREN

1-810-646-8745

I HEREBY CERTIFY that I have surveyed and
mapped the property herein described; and that
said survey was performed with a relative error
of closure of no greater than 1 in 5000 and that
all the requirements of P.A. 132, 1970 have been
complied with.

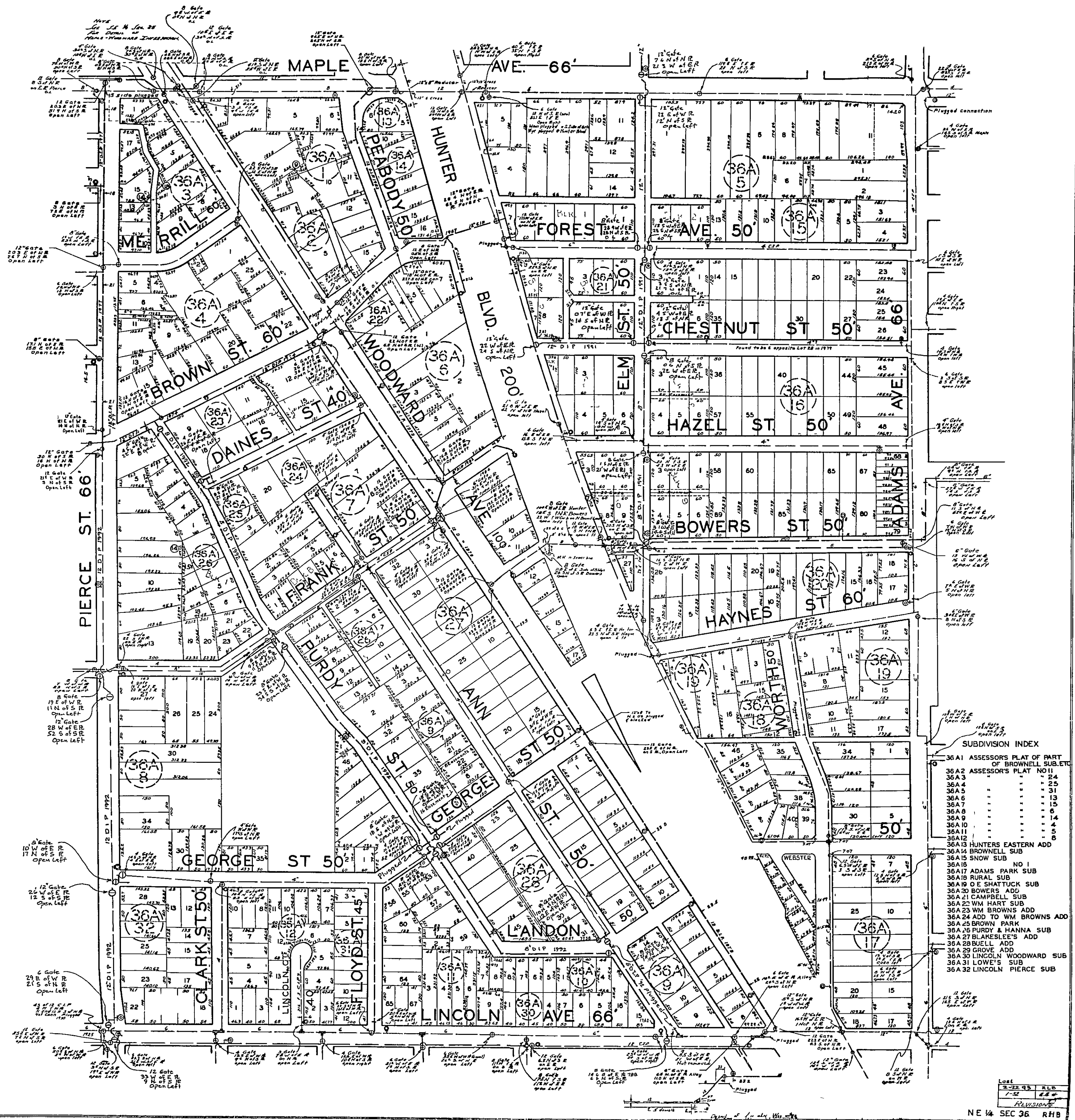
DATE 12/22/94

GUARANTY SURVEY CO.

REGISTERED LAND SURVEYORS
1022 SOUTH WASHINGTON
ROYAL OAK, MICHIGAN 48067

PETER G. PITCHFORD
LESTER G. CHARLES

313 545 17 7
FAX (313) 545 17 8



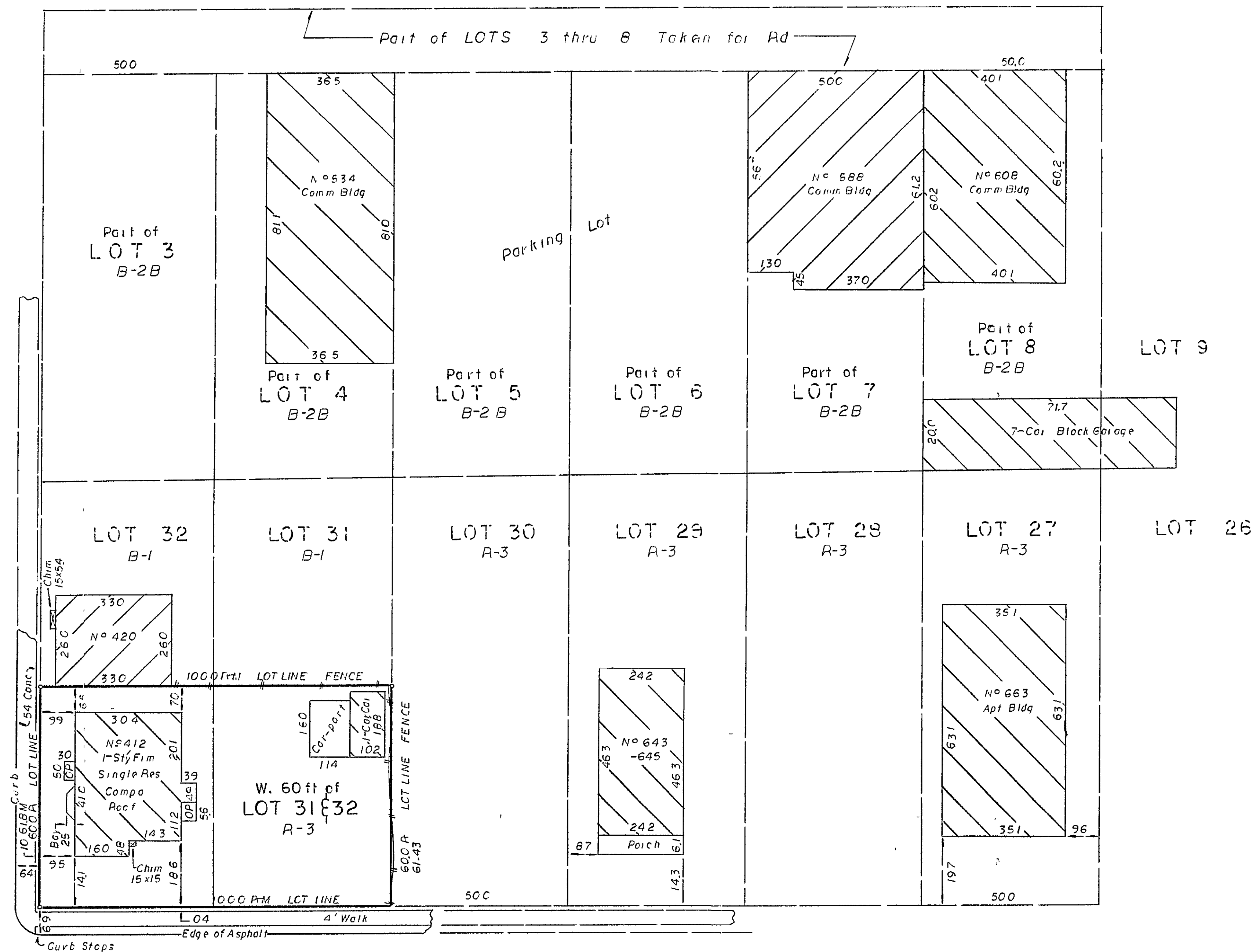
SUBDIVISION INDEX

36A1	ASSESSOR'S PLAT OF PART OF BROWNELL SUB. ETC.
36A2	ASSESSOR'S PLAT NO 11
36A3	" " " " " " " " " " " "
36A4	" " " " " " " " " " " "
36A5	" " " " " " " " " " " "
36A6	" " " " " " " " " " " "
36A7	" " " " " " " " " " " "
36A8	" " " " " " " " " " " "
36A9	" " " " " " " " " " " "
36A10	" " " " " " " " " " " "
36A11	" " " " " " " " " " " "
36A12	" " " " " " " " " " " "
36A13	HUNTERS EASTERN ADD
36A14	BROWNELL SUB
36A15	SNOW SUB
36A16	NO 1
36A17	ADAMS PARK SUB
36A18	RURAL SUB
36A19	O SHATTUCK SUB
36A20	BOWERS ADD
36A21	CAMPBELL SUB
36A22	WM HART SUB
36A23	WM BROWNS ADD
36A24	ADD TO WM BROWNS ADD
36A25	BROWN PARK
36A26	PURDY & HANNA SUB
36A27	BLAKESLEE'S ADD
36A28	BUELL ADD
36A29	GROVE ADD
36A30	LINCOLN WOODWARD SUB
36A31	LOWE'S SUB
36A32	LINCOLN PIERCE SUB

N
SCALE: 1"=20'

S. WOODWARD AVENUE

FRANK STREET 50' WIDE



NOTE
Symbol 'o' indicates
Iron Stake Found

LEGAL DESCRIPTION OF PROPERTY:

West 60.0 ft of Lots 31 and 32, BLAKESLEE ADDITION, a part of the Northeast 1/4 of Section 36, T 2N, R 10E, Bloomfield Twp, now CITY OF BIRMINGHAM, Oakland County, Michigan
Plat recorded in LIBER 2, PAGE 50, Oakland County Records
SUBJECT to easements and restrictions of record, if any

REZONING APPLICATION

Prepared For .

WARREN VANFLETEREN

1-810-646-8745

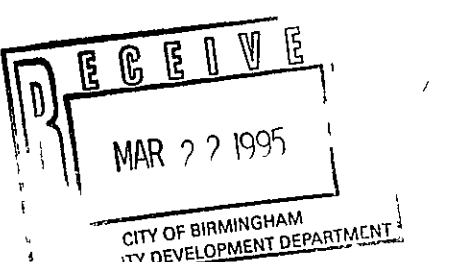
I HEREBY CERTIFY that I have surveyed and mapped the property herein described; and that said survey was performed with a relative error of closure of no greater than 1 in 5000 and that all the requirements of P.A. 132, 1970 have been complied with.

DATE: 12/22/94

GUARANTY SURVEY CO.
10 GUTHRIE BLVD AND NE 17TH ST
1029 SOUTH WASHINGTON
ROYAL OAK MICHIGAN 48067

PETER G PITCHFORD
LESTER G CHARLES

(313) 545 1717
FAX (313) 545 1718



City of Birmingham

151 Martin Street - P.O. Box 3001

Birmingham, Michigan 48012

January 31, 1989

MEMORANDUM

TO: Lawrence W. Ternan, City Attorney

FROM: Larry L. Bauman, City Planner

RE: Van Fleteren Vs. City of Birmingham
Case No. 88-345562-CH (412 Frank Street)

Dear Mr. Ternan:

At the time of our recent deposition we were asked to provide information regarding: 1) the history of the B-1 Zoning District classification at 412 Frank Street (The subject parcel); 2) the date that the existing medical clinic at 420 Frank Street was developed; 3) the date of adoption of the Birmingham Future Land Use Plan; 4) a catalogue of Zoning Ordinance amendments put into place within the year following Future Land Use Plan adoption.

Our responses to these items follow:

The history of the B-1, Neighborhood Business Zoning classification at 412 Frank originated in 1960 when the site was rezoned to B-1 from a previous multiple family residential zone classification which had been established in 1935. The B-1, Neighborhood Business zoning has been maintained since 1960 to the present.

The adjacent site to the east at 420 Frank was also zoned Multiple-family residential until 1960, when it was rezoned to B-1 Neighborhood business. The existing medical clinic was developed in 1960.

The Future Land-Use Plan for the City of Birmingham was adopted by the Birmingham City Commission on March 24, 1980. The following ordinances were adopted within the year following the adoption of the Future Land-Use Plan:

<u>Date</u>	<u>Ordinance</u>	<u>Action</u>
4-14-80	1092	Adopted definition of "Family"

Area Code (313)

General Information	644-1800	Assessor	644-3814	Lincoln Hills Golf Course	647-4468
Clerk	644-1800	Building Department	644-3869	Public Services	644-1807
Police Business	644-3405	City Manager	646-6454	Springdale Golf Course	644-2254
POLICE EMERGENCY	644-3400	Engineering/Planning	644-3865	Treasurer	644-3830
Fire Business	646-1127	Ice Arena	645-0731	Water Department	644-3800
FIRE & E.M.S. EMERGENCY	644-1616				

5-5-80	1094	Adopted Cluster Housing Program in Single Family Residential zones.
8-11-80	1108	Changed zoning requirements for schools and churches in R-1 Single Family Zone District from being permitted principal uses formerly requiring BZA permit.
8-18-80	1109	Added 1219 Quarton to Zoning Map.
11-24-80	1125	Adopted definitions of "basement", "grade", "building height", and "story".
1-5-81	1133	Rezone Lots 12-22 Bird and Stanley Sub. from R-8, Single-Family (S. side of Brown between Southfield to East of Stanley) to R-2, Single-Family
	1134	Amend R-7 zone requirement for setbacks and landscaped open space. Establish R-8 Attached Single Family Residential Zone District.
2-9-81	1138	Adopted fence requirements in Zoning Ordinance.
2-17-81	1140	Lots 4-7, Torrey, Hood's, Smith's, Addition Sub. from R-8 Attached Single Family to R-2 Single Family (s. side of Brown St. west of Chester)
3-16-81	1142	Rezone Grand Trunk Depot from Industrial to B-2 General Business (245 S. Eton).

In addition to the responses above, we were asked to provide a copy of the analysis and recommendation relating to 412 Frank Street which we prepared earlier for the City of Birmingham City Commission.

We trust that you will find the information provided sufficiently complete. However, should additional information be required, please call.

Respectfully submitted,
CITY OF BIRMINGHAM



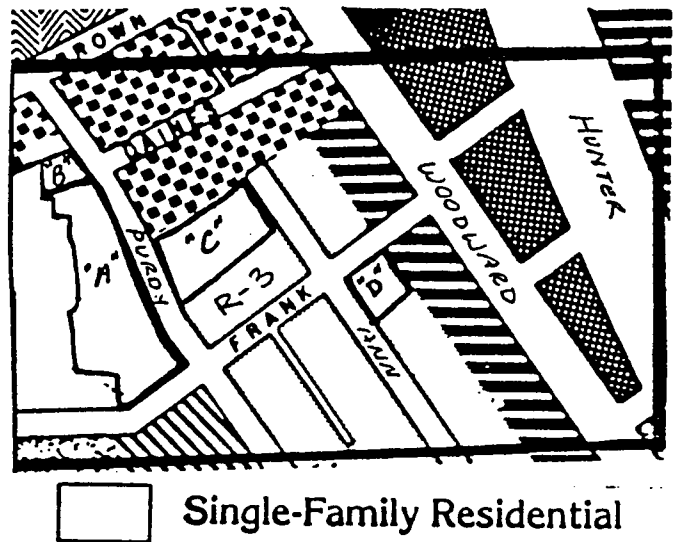
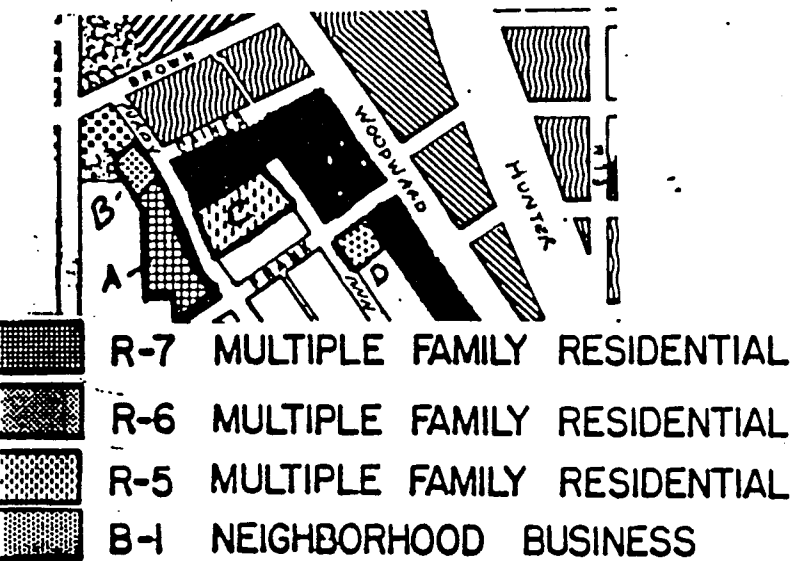
Larry L. Bauman
City Planner

LLB/nn
cc: R.S. Kenning, City Manager

AREA 11

ZONING

MASTER PLAN



*C.C. rezoned. Ord. #138
11/9/87*

CURRENT ZONING: (A) R-7 Multi Family
(B) R-6 Multi Family
(C) R-5 Multi Family
(D) B-1 Neighborhood Business

MASTER PLAN: Single Family

CURRENT USES:	660 Purdy - Single Family	(19-36-203-012)	REZONED TO R
	666 Purdy - Multi-Family	(19-36-203-025)	
"A"	223 E. Frank - Single Family	(19-36-203-022)	} REZONED R-3
	259, 275, 283 E. Frank - Office	(19-36-203-022/023)	
"B"	564 Purdy - Single Family	(19-36-203-012)	} REZONED TO R
	588 Purdy - Single Family	(19-36-203-013)	
	608 Purdy - Single Family	(19-36-203-014)	
	645-53, 647-55,		
"C"	649-57 Purdy - Multi-Family	(19-36-205-005)	} REZONED TO R
	663 Purdy - Single Family	(19-36-205-006)	
	675 Purdy - Single Family	(19-36-205-007)	
	Lot 4 - Vacant/Parking	(19-36-205-008)	
	566/8 Ann - Two Family	(19-36-205-034)	
"D"	412 Frank - Single Family	(19-36-253-001)	REZONED TO R
	420 Frank - Office-Medical	(19-36-253-002)	REZONED TO B

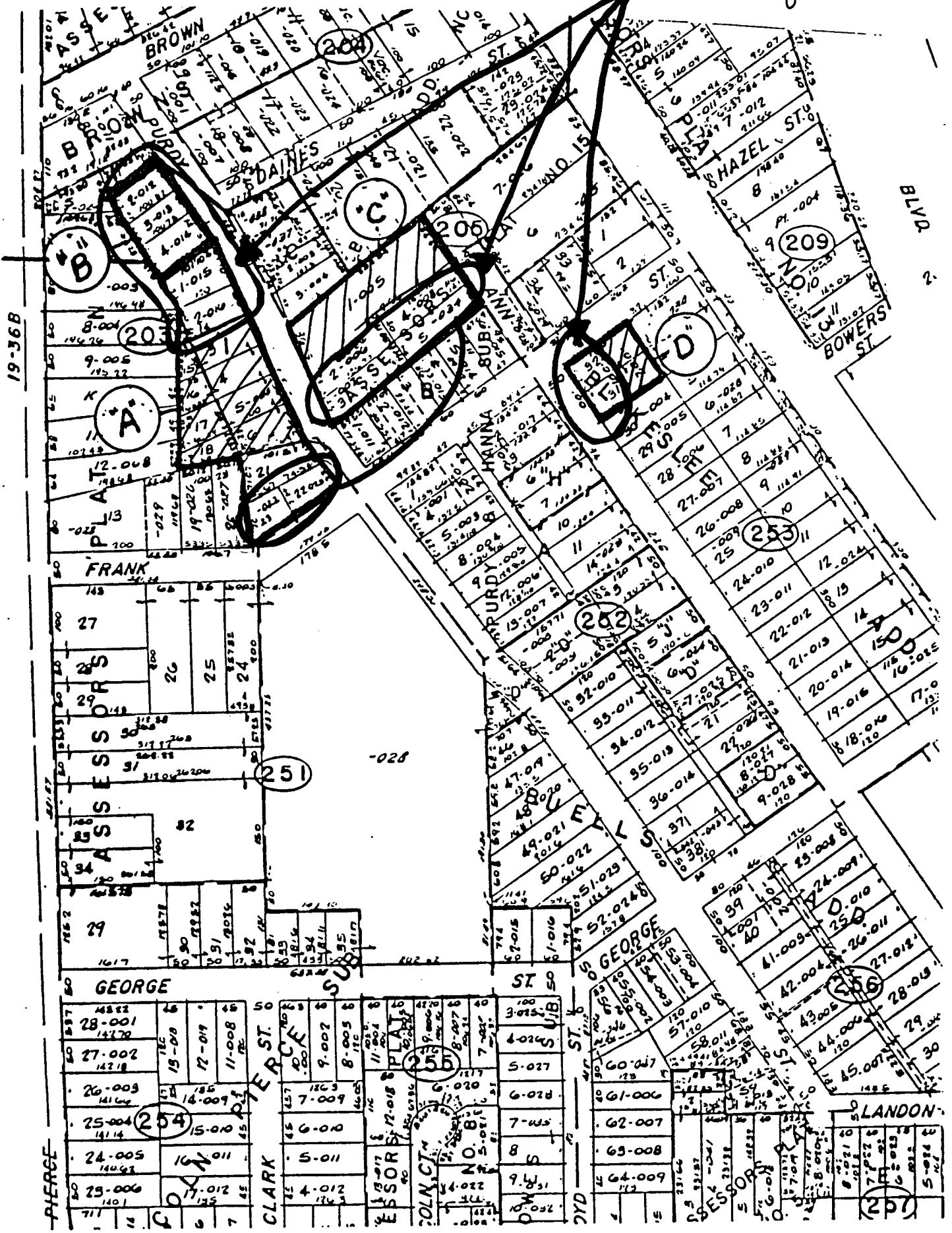
ADJACENT ZONING: R-3 Single Family, B-2B General Business.
Adjacent zoning is compatible with Master Plan.

HISTORIC: None

RECOMMENDATION: See Attached

AREA 11

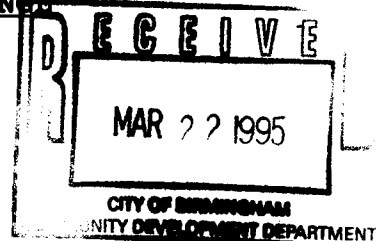
*Refer to R-3
11/9/87
Ord. #1384*



APPLICATION FOR ZONING MAP CHANGE

Birmingham, Michigan

Date 3-22-95



TO THE CITY COMMISSION:

The undersigned hereby make application to the City Commission to:

Change premises described as 412 E. Frank
(No.) (Street)

West 1/2 of Lots 31 and 32 Blakeslee's Addition
(Legal Description)

to the Village of Birmingham from its present zoning
(Location)

classification of R-3 to B-1

A sealed land survey showing location, size of lot and placement of building (if any) on the lot to scale must be attached.

Statements and reasons for request, or other data having a direct bearing on the request.

See attached letter
from Raymond L. King,
Attorney at Law
Dated Nov. 12, 1994

Mary M. King
Signature of Applicant

Mary M. King
Print Name

Name of Owner Mary M. King and F.W. VanFleteren

Address of Owner 4256 Lakeside Dr. Tel No: (517) 345-1310 h
West Branch, MI. 48661 (517) 345-5000 w

A letter of authority, or power of attorney, shall be attached in case the appeal is made by a person other than the actual owner of the property.

Date Received _____ Received by _____

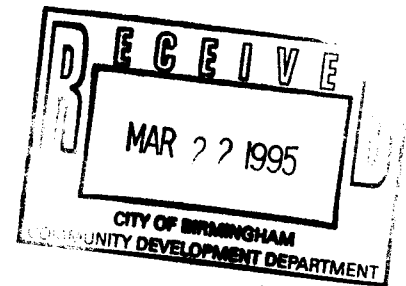
Resolution No. _____ Approved/Denied _____

Application Fee: \$500.00

Receipt No: _____



342 E. Houghton Ave.
West Branch, MI 48661



Telephone
(517) 345-KING
(517) 345-5464
FAX: CALL FOR NUMBER

November 12, 1994

Ms. Patricia McCullough
City Planner
City of Birmingham
151 Martin Street
P.O. Box 3001
Birmingham, MI 48012-3001

RE: Rezoning request for 412 E. Frank

Dear Ms. McCullough:

Sorry that we were unable to make contact by phone but I do appreciate your attempts to return my several calls.

I am an attorney representing my wife, Mary Van Fleteren King and my brother-in-law, Warren Van Fleteren. Their mother, Marjorie Van Fleteren, is no longer able to afford the cost or bear the pressure of this conflict and has deeded her home over to my clients, her two children.

Perhaps some history of this property would be helpful. My client's mother and father, Marjorie Haven Van Fleteren, and Frank Van Fleteren were married on November 27, 1929. Frank Van Fleteren purchased the W 1/2 of Lots 31 and 32, Blakeslee Addition to the Village of Birmingham, from his Aunt and Uncle, Victor and Emma Van Fleteren, on a Land Contract dated March 16, 1931 although they had earlier rented the property from the sellers.

Put another way, the home at 412 E. Frank Street was the only house this couple ever had. Marjorie Van Fleteren is 86 at the present time. Both of her children, my clients, were born and grew up in this house and are very familiar with its history.

Mrs. Van Fleteren ran a custom drapery business from this property and, as you know, the property was always zoned B-1, Neighborhood Business, in modern time.

Ms. Patricia McCullough
November 12, 1994
Page Two.

The City of Birmingham, for reasons not clear to me, and against the advice of the PHDC Planning Consultant, on November 9, 1987, downzoned the property to R-3, Single Family Residential.

Mrs. Marjorie Van Fleteren, by then the widow of Frank Van Fleteren, a former City of Birmingham employee and pensioner, commenced an appeal in Oakland County Circuit Court. Unfortunately the strain was too much for her health and her pocketbook and, at her request, the suit was dismissed without prejudice on March 21, 1989.

It is not my desire to get into the merits of that appeal. I was not the attorney in that case and Mrs. Van Fleteren did not seek my advice about her appeal. If she had I think I would have advised her to take it all the way but I do understand how the elderly can have unfounded fears about their security and even their pensions.

I believe that regardless of the decision made in 1987 the nature of the neighborhood has changed greatly since that date. In 1987 directly to the North there was a quaint little antique shop and across Frank Street to the Northeast was a nine to five foreign car sales business.

The Antique shop is gone as is Estate Motors, the Mercedes Dealership. They were demolished in 1992 and replaced by Little Caesar's Pizza, Arbor Drug, Blockbuster Video and a dry cleaning business. These businesses are open all hours of the day and night and, I believe, the drug store is open 24 hours a day.

Major new construction is taking place on the Southwest corner of Frank Street and Woodward Avenue, the nature of which is probably known to you but not to me.

In the summer of 1992 the Birmingham Planning Board granted a Special Land Use Permit for the property just across Woodward Avenue from Frank Street at 555 S. Woodward to permit outdoor drinking and dining at the Old Woodward Grille.

All of these changes have greatly contributed to the noise and confusion in the area to the point that a good night's sleep becomes impossible. I know because I have tried to sleep there recently.

I should point out that the whole neighborhood, North, East, South and West from the subject property, has

Ms. Patricia McCullough
November 12, 1994
Page Three

not been used for single family residence purposes for a very long time. It has been multi-family or commercial in fact if not in zoning for many years.

The point is that the value of this piece of property, which was zoned B-1 prior to November 9, 1987, has been rendered almost useless for single family residential use since that date.

This change in value was appropriately recognized by the Birmingham City Assessor who dropped the S.E.V. on this property by \$7,700 from 1993 to 1994, an inadequate amount but clearly a step in the right direction.

Mr. Kelly Sweeney of Weir, Manuel, Snyder & Ranke, Inc. of Birmingham advised my client, Warren Van Fleteren, in a letter dated September 3, 1994,

"I should point out to you that the subject property suffers from significant economic obsolescence due to its proximity to commercially zoned properties on two sides and overlooking a parking lot across the street. I would estimate that the property would be worth approximately fifty percent more than our estimate of value contained herein should the property be rezoned from its present classification of residential to commercial."

I am advised that Mr. Sweeney served as Birmingham City Assessor as well as having 19 years in the real estate profession.

My wife, Mary, in her conversation with you last week, advised me that you needed some background information concerning this property. I trust this is the type of information you need. We are going to be out of the State for a few weeks but we will try to call your office next week and see what else we need to do before asking the City Commission to rezone this property. I hereby make a formal request for a December Initial Hearing in this matter.

Sincerely,

Raymond L. King

cc: Mr. F. Warren Van Fleteren

BIRMINGHAM PLANNING BOARD PROCEEDINGS

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 26, 1995. Chairman Roger Gienapp convened the meeting at 7:30 p.m.

Present: Chairman Roger Gienapp, Brian Blaesing, Sheila McEntee, William McMachan, Gary Rogers, Mary Steffy (arrived at 7:45 p.m.), Gordon Thorsby

Absent: None

Administration: Ms. Alisa Duffey Rogers, Asst. City Planner
Ms. Carole Salutes, Secretary

04-36-95

Approval of Minutes of April 12, 1995

Mr. McMachan substituted "seems to be" for the word "only" in the second sentence at the top of page 9.

Ms. McEntee substituted the second sentence in the second to last paragraph at the bottom of page 9 for the following: "The Planning Board is supportive of residential development in downtown."

Motion by Mr. McMachan.

Supported by Ms. McEntee to approve the Minutes from the meeting of April 12, 1995 as corrected this evening.

Motion carried, 4-0

Abstain: Mr. Rogers and Mr. Thorsby.

04-37-95

Public Hearing

To consider an amendment to Chapter 126, the Zoning Ordinance of the Code of the City of Birmingham, by amending Section 126-48, the Zoning Map, to rezone the property described as: west 1/2 of lots 31 and 32 of Blakeslee's Addition from R-3 Single Family Residential to B-1 Neighborhood Business.

The Planning Department has received a request from the property owner to rezone the west 60 feet of Lots 31 and 32 of Blakeslee's Addition from R-3 Single Family Residential to B-1 Neighborhood Business. This parcel is also known as 412 E. Frank, located on the southeast corner of Frank and Ann Streets.

The parcel has a width of 60 ft. on Frank Street and a depth of 100 ft. on Ann Street for a total of 6,000 sq. ft. The minimum land area required for the R-3 Residential district is 4,500 sq. ft. The current land area and dimensional constraints with providing parking on the site will limit many of the uses identified as permitted uses in the B-1 district from being developed on this site.

The 1980 Future Land Use Plan, otherwise known as the Master Plan, calls for single family residences for the Frank/Ann/Purdy/ George block. This block is in an area defined by the Master Plan as a "sensitive residential area," which merits special attention with its proximity

to commercial uses and a major thoroughfare.

In 1987, the City Commission directed the Planning Board to review and evaluate the existing land uses in the City in comparison with the Master Plan recommendations. Fifteen areas were identified as being contrary to the recommendations. From 1987 to 1989, the Planning Board held a series of public hearings to consider the merits of retaining or rezoning the identified areas. The area of Frank and Ann Streets was reviewed at that time to consider rezoning to the single family residential classification as recommended. In 1987, the site in question and the adjacent medical office property to the east were zoned B-1 Neighborhood Business. After the Planning Board's review, the Board recommended to the City Commission retaining the medical office site at B-1 Neighborhood Business and rezoning the current single family residence to R-3 Single Family at the corner.

On June 14, 1993, the City Commission accepted a Planning Board conceptual plan for right-of-way design improvements on Frank Street between S. Woodward and Ann Street with several amendments. The plan incorporates landscaping, brick paving, pavement striping, signage and the elimination of on-street parking spaces as design modifications to the right-of-way. Specifically, the plan was amended by the City Commission to remove the two metered on-street parking spaces on Frank Street in front of the residential house on the southeast corner of Ann and Frank Streets and to extend the green space between the sidewalk and curb to match the proposed green space on the north side of Frank Street.

The Community Development Department has received four letters of objection from residents as well as a letter from the Central Birmingham Residents Association expressing their opposition to the rezoning. Two other letters in objection were received this evening.

Mr. Raymond King, attorney representing the owners of the property, offered a history of the parcel and the surrounding neighborhood. The neighborhood has changed considerably since 1987. The little antique shop on the north side of Frank Street is gone. Estate Motors is gone and was replaced by Little Caesar's Pizza, Arbor Drug, Blockbuster Video, and a dry cleaning business. Major new construction has taken place on the southwest corner of Frank Street and Woodward Ave. In 1992, a Special Land Use Permit was granted to permit outdoor drinking and dining at the Old Woodward Grill. All of these changes have altered the potential of this property to be a single-family residence. It is located just 6 ft. from the first step to the parking meters. Mr. King's realtor pointed out to him that the subject property suffers from significant obsolescence due to its proximity to commercially zoned properties on two sides and overlooking a parking lot across the street. The realtor estimated the property would be worth approximately 50 percent more, should it be rezoned from its present classification of Residential to Commercial. Mr. King opined the property would be ideal for a neighborhood type business such as a little yarn shop, an antique business, or a small professional office. As it is now, Mr. King described the property as a residential beachhead into a commercial area.

Ms. Duffy Rogers clarified the zoning history of the parcel. From 1929 until 1959 the property was zoned Multi-Family. In 1959 a change of zoning was made (effective in 1960) from R-6 Multi-Family Residential to B-1 Non-Retail Business.

Mr. Blaesing noted the uses Mr. King mentioned as "neighborhood businesses" are things which would not be used solely by the surrounding neighborhood. He thought Mr. King's examples were more the types of businesses which would not be disruptive to a neighborhood, rather than neighborhood businesses.

Mr. Blaesing asked Mr. King to explain how the change he recommends would be in the best interests of Birmingham. Mr. King offered an example from his home town of West Branch. Converting old houses along the main street to offices and multi-family was economically viable, and so the properties were maintained and kept up. Now, what was a declining area looks very beautiful.

Chairman Gienapp opened the public discussion at 8:05 p.m.

Ms. Christa Wingrich stated that increasing the commercial properties will not help the rest of the block.

Ms. Maureen VanDine, president of the CBRA, spoke for the Association. They are concerned this is a symbol of what can happen to the whole residential neighborhood. There are attempted commercial encroachments all the time. We have to be ever vigilant. We cannot allow the economic problem of a single individual to justify modifying the Master Plan and changing the whole residential district to something other than what it was intended to be.

Ms. Susan Welsh, board member of the CBRA, thinks that a nice residential house could be built on that lot after Frank Street has been narrowed and given more of a neighborhood feeling. When they bought their house they did so because they knew the limits defined by the Master Plan. They put a lot of money into the property, believing the City Commission would abide by the limits that it set down. The line has been drawn, and she thinks that it should be kept.

Mr. Rodney Shackett, 870 Purdy, said that is truly a very poorly zoned corner. He feels the answer for that whole first block would be R-8 row houses with garages along the back. This zoning should increase the value of the property and be a good buffer between the commercial and the residential.

Mr. Sameer Eid said he owns the property next to Mr. King's. He has had it for sale for the last eight years. He has changed real estate agents, changed price, tried to sell it on his own. He has not, in all of that time, received one single offer. He agreed with Mr. Shackett that making that block R-8, Attached Single Family, would help the whole neighborhood.

Mr. Sal Bitonti, 709 Ann Street, said that street was always zoned for duplexes. Mr. Dave Conlin petitioned to change to single family because he was supposed to tear the houses down and build new homes. Instead, he just cosmetically painted them up and boosted the price.

Ms. Diane Kant, 864 Ann, said there are a lot of single-family dwellings on that street and she would say the majority of the single-family dwellings are owner occupied.

Mr. John Mehan from Chester Street said this is a very fragile area and he encouraged the board to stick to the Master Plan.

Ms. Ann Honhart, 197 E. Frank, sees it as a snowball effect if the City were to change the zoning on that piece of property to B-1. The people next door would feel their property is devalued because that property is B-1. They might request a change in their zoning too, and it would snowball on down the street. She is definitely opposed to the changing of that property to B-1. It was a long struggle back in 1987 to get the property rezoned to residential. This is a fragile neighborhood, and we do not need to have any commercial erosion. She hopes the board members will stand by the decision that was made by their predecessors in 1987. Two years ago the neighbors struggled long and hard to try to change the environment of that house. They felt very badly that lady had to be faced with two parking meters and a lot of concrete. That is one of the reasons they came before this Planning Board time and time again, to try to change that half of the street. The only hope of improving the situation at the end of the street is to add some green space, pull out the meters, get the cars away from that poor woman's house, and make it more of a residential neighborhood.

Mr. Shackett pointed out there are four single-family dwellings on the west side of Ann Street. There are five on the east side of Ann Street. Everything else is apartments and multiple. He feels the petitioners are entitled to B-1 if R-8 is not put in there.

Mr. Bitonti said he lived on Ann Street for 20 years. The street should be reconsidered. Duplexes would not create any more traffic than there is now.

Mr. King indicated the reason they are requesting B-1 zoning is because that is what it was prior to being changed. If the best use of the whole area is a buffer zone of multi-family, they would have no objection to that.

Chairman Gienapp noted the R-8 zoning they are talking about is Single-Family Attached; not Multiple-Family. Mr. King had no objection. He just would like to see something happen that would make that property marketable.

There being no further comments from the audience, Chairman Gienapp closed the public hearing at 8:30 p.m.

Mr. McMachan commented the City is about to embark on a whole new Master Plan. He personally would not be in favor of rezoning the street until the consultants which are hired come back with their report.

Chairman Gienapp explained the City will ask the planners, when they are hired, to look at the issue of separating the uses. Through their study, the planners will undoubtedly understand the nature of this neighborhood, and will have some recommendation for the use of this property. Ms. Duffey Rogers added the planning consultant should be on board by August and the study should be completed within 18-24 months. Mr. King was glad to hear of the long-range plans.

Mr. Rogers noted that very pleasing local uses for this property were described. However, what would stop a video arcade or a party store that sells liquor from moving in?

Ms. Duffey Rogers explained property is rezoned to a district, not a use.

Mr. Blaesing stated the area between residential and commercial is the hardest thing to deal with in any city. It's the transition zone where we always come to loggerheads. You need higher density residential to get the same value when it is abutting a business area than when you are further away. He liked the idea of R-8 zoning as a transition. In his mind, on this particular issue there is no other way to go but to keep this as a residential lot and not go back to commercial or business of any kind.

Moved by Mr. Blaesing.

Supported by Ms. McEntee that the request to rezone portions of lots 31 and 32 of Blakeslee's Addition at 412 E. Frank be denied due to the following:

1. Based on the Master Plan for the City.
2. Based on the desire of the City to strengthen and enhance the single-family nature of the area west of Woodward and south of Brown Street.
3. This change would not further the residential character of the neighborhood.

Ms. Mary King, petitioner, asked if it would be prudent to table her appeal in order to see what the new planner will come up with. Ms. King continued they have already spent \$1,000 to come here tonight. She would hate to think they would have to redo their appeal a year and a half from now.

Ms. Duffey Rogers explained that when the consultants look at the neighborhood and if they make a recommendation for anything other than detached, single family, that will be part of the recommendation that will ultimately be adopted by this board and the City Commission. Therefore, it will not cost the petitioner any more money.

Chairman Gienapp said that part of zoning the property into the R-3 district was to establish a direction for the district. What we are hoping to do through the Master Plan is to encourage a residential use. We feel that should be some form of residential use, as opposed to a business use. Given the petition was for a business use, Chairman Gienapp, personally, supports the motion. The impact of what we are proposing to do with narrowing Frank Street is somewhat of an unknown at this time. The condition that makes Ms. King's property unusable as a single family home in its present state may be, in fact, improved by the street improvement that should be done this summer. The issue of R-8 also has potential as well.

Vote on the motion:

Motion carried, 7-0.



MEMORANDUM

Planning Division

DATE: October 20, 2016
TO: Planning Board
FROM: Jana Ecker, Planning Director
SUBJECT: Rail District bistro map

On September 30, 2015 the Planning Board approved the final site plan for the Whole Foods Market, which is currently under construction at 2100 E. Maple. As a part of the development plan the owners of Whole Food Market are interested in pursuing a bistro license in order to establish a full service restaurant inside of the new store serving alcohol. To that end, the owners of Whole Foods submitted the required five (5) page Bistro concept summary by October 1st of this year in order to be considered for one of the two available licenses in 2017.

On October 10, 2016, the City Commission selected the Whole Foods Bistro concept to be considered by the Planning Board for a Special Land Use Permit that would permit the issuance of a liquor license for this purpose. However, the Whole Foods property zoned B2 (General Business and does not currently permit bistros as a use.

Accordingly, the developers of the Whole Foods have submitted a request for an amendment to clarify the boundaries of the Rail District to include the Whole Foods site and to permit bistros throughout the district. Currently, the MX (Mixed Use) zoning district allows bistros in what is commonly referred to as the "Rail District". Although there are several references to the Rail District throughout City documents, there are no specifically defined boundaries to the Rail District. As a response to the request of the applicant, the Planning Division has drafted ordinance language and amendments that would create a map defining the Rail District boundaries, as well as ordinance language to permit bistros within the boundaries of the Rail District.

SUGGESTED ACTION

The Planning Division requests that the Planning Board review the proposed amendments as requested by the applicant and consider if it is appropriate to hold a public hearing and make a formal recommendation to the City Commission.

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND SECTION 2.27, B1 (OFFICE-RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.

Section 2.27 B1 (Neighborhood Business) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

- Alcoholic beverage sales*
- Kennel*
- Laboratory – medical/dental*
- Loading facility – off-street*
- Outdoor café
- **Outdoor display**
- Parking facility – off-street*
- Sign

Uses Requiring a Special Land Use Permit

- alcoholic beverage sales (off-premise consumption)
- alcoholic beverage sales (on-premise consumption)
- **bistro (only permitted in the Rail District)***
- child care center
- continued care retirement community
- independent hospice facility
- drive-in facility*
- gasoline full service station*
- skilled nursing facility

ORDAINED this _____ day of _____, 2016 to become effective 7 days after publication.

Rackeline J. Hoff, Mayor

Laura Pierce, Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND SECTION 2.29, B2 (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.

Section 2.29 B2 (General Business) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

- Alcoholic beverage sales (off-premise consumption)*
- Kennel*
- Laboratory – medical/dental*
- Loading facility – off-street
- Outdoor café*
- Outdoor display
- Outdoor storage
- Parking facility – off-street
- Retail fur sales cold storage facility
- Sign

Uses Requiring a Special Land Use Permit

- alcoholic beverage sales (on-premise consumption)
- assisted living
- auto laundry
- auto sales agency
- bistro (only permitted in the Triangle District **or Rail District**)*
- bus/train passenger station and waiting facility
- continued care retirement community
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)
- drive-in facility
- establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District and on Woodward Avenue identified on Exhibit 1; Appendix C)
- funeral home
- gasoline full service station*
- gasoline service station
- independent hospice facility

- independent senior living
- skilled nursing facility
- trailer camp

Uses Requiring City Commission Approval

- regulated uses*

ORDAINED this _____ day of _____, 2016 to become effective 7 days after publication.

Rackeline J. Hoff, Mayor

Laura Pierce, Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND SECTION 2.31, B2B (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.

Section 2.31 B2B (General Business) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

- Alcoholic beverage sales (off-premise consumption)*
- Kennel*
- Laboratory – medical/dental*
- Loading facility – off-street
- Outdoor café*
- Outdoor display
- Outdoor storage
- Parking facility – off-street
- Sign

Uses Requiring a Special Land Use Permit

- alcoholic beverage sales (on-premise consumption)
- assisted living
- auto laundry
- bistro (only permitted in the Triangle District **or Rail District**)*
- bus/train passenger station and waiting facility
- continued care retirement community
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)
- drive-in facility
- establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1; Appendix C)
- funeral home
- gasoline full service station*
- gasoline service station
- independent hospice facility
- independent senior living
- skilled nursing facility
- trailer camp

Uses Requiring City Commission Approval

- regulated uses*

ORDAINED this _____ day of _____, 2016 to become effective 7 days after publication.

Rackeline J. Hoff, Mayor

Laura Pierce, Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

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

Section 2.39 MX (Mixed Use) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

- Alcoholic beverage sales*
- Dwelling – accessory*
- Garage – private
- Greenhouse – private
- Home occupation
- Loading facility – off-street*
- Outdoor café*
- Outdoor display
- Outdoor storage
- Parking facility – off-street*
- Parking structure*
- Renting of rooms*
- Sign
- Swimming pool – private
-

Uses Requiring a Special Land Use Permit

- alcoholic beverage sales (on-premise consumption)
- bistros operating with a liquor license granted under the authority of Chapter 10, Alcoholic Liquors, Division 4 - Bistro Licenses
- church
- college
- dwelling - first floor with frontage on Eton Road
- outdoor storage*
- parking structure (not accessory to principal use)
- religious institution
- school – private
- school – public
- residential use combined with a permitted nonresidential use with frontage on Eton Road
- any permitted principal use with a total floor area greater than 6,000 sq. ft.

Uses Requiring City Commission Approval

- assisted living
- continued care retirement community
- independent hospice facility
- independent senior living
- regulated uses*
- skilled nursing facility

ORDAINED this _____ day of _____, 2016 to become effective 7 days after publication.

Rackeline J. Hoff, Mayor

Laura Pierce, Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND SECTION 5.09, B1 DISTRICT, USE SPECIFIC STANDARDS TO ADD REGULATIONS GOVERNING BISTROS.

5.09 B1 District

This Use Specific Standards section applies to the following district:

The following use specific standards apply:

- A. Alcoholic Beverage Sales: Alcoholic beverage sales for consumption off the premises in conjunction with grocery stores and drugstores is permitted subject to special land use permit.
- B. **Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:**
 - 1. **No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;**
 - 2. **Alcohol is served only to seated patrons, except those standing in a defined bar area;**
 - 3. **No dance area is provided;**
 - 4. **Only low key entertainment is permitted;**
 - 5. **Bistros must have tables located in the storefront space lining any street, or pedestrian passage;**
 - 6. **A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;**
 - 7. **All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and**
 - 8. **Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.**
- C. Drive-in Facility: A drive-in facility is permitted provided it is accessory to the permitted principal use.
- D. Gasoline Full Service Station: A gasoline full service station is permitted provided any mechanized car wash systems shall be limited to 25 cars per hour.

- E. Kennel: A kennel is permitted in conjunction with veterinary clinics when completely enclosed within a building (see Sections 18-86, 18-87, 18-88 of the Birmingham City Code).
- F. Laboratory: A laboratory is permitted when incidental to a medical or dental office located within the same building.
- G. Loading Facility: A loading facility is permitted provided facilities are screened according to Section 4.54.
- H. Parking Facility: A parking facility is permitted provide such facilities are screened according to Section 4.54.

ORDINANCE NO. _____

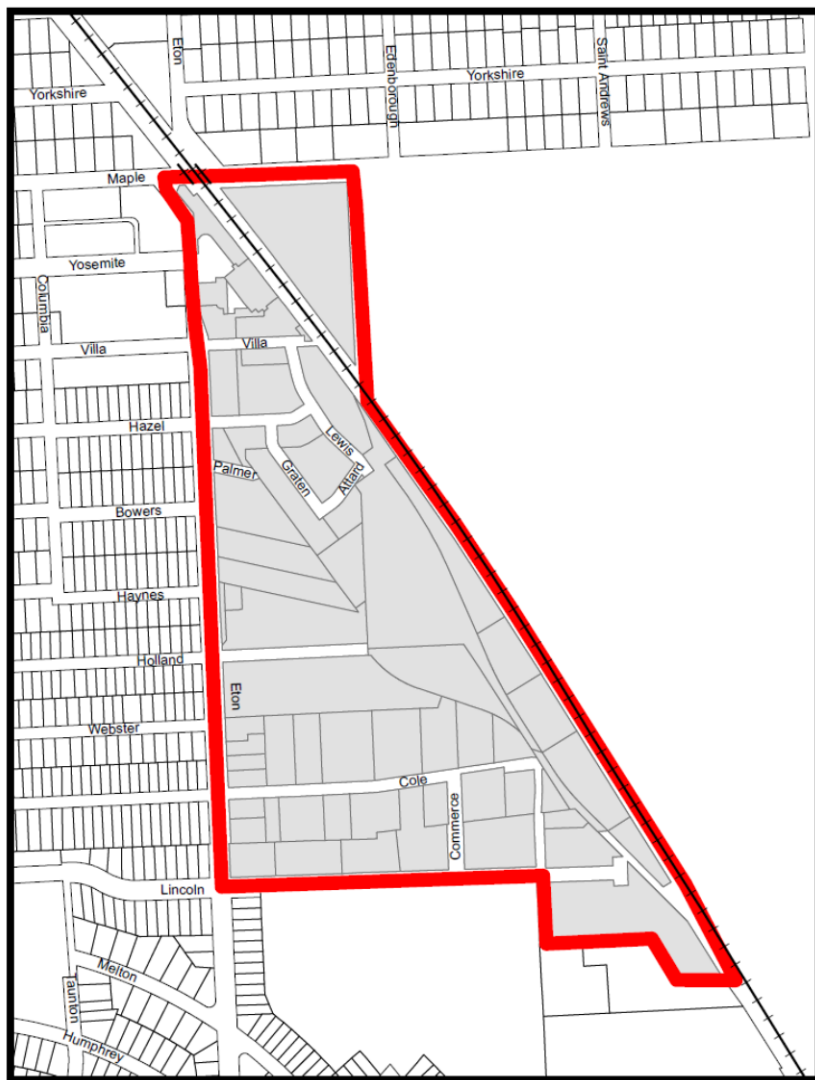
THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD A DEFINITION FOR RAIL DISTRICT.

Article 9, Section 9.02

Rail District– All properties located within the boundary lines shown on the map below.



ORDAINED this _____ day of _____, 2016 to become effective 7 days after publication.

Rackeline J. Hoff, Mayor

Laura Pierce, Clerk



LAW OFFICES

ADKISON, NEED, ALLEN, & RENTROP

PROFESSIONAL LIMITED LIABILITY COMPANY

PHILLIP G. ADKISON
KELLY A. ALLEN
SALAM F. ELIA
GREGORY K. NEED
G. HANS RENTROP

39572 Woodward, Suite 222
Bloomfield Hills, Michigan 48304
Telephone (248) 540-7400
Facsimile (248) 540-7401
www.ANAfirm.com

OF COUNSEL:
KEVIN M. CHUDLER
SARAH J. GABIS
LINDA S. MAYER

October 7, 2016

Via Electronic Mail

Mr. Joseph Valentine
City Manager
City of Birmingham
151 Martin St.
Birmingham, MI 48012

Ms. Jana Ecker
Planning Director
City of Birmingham
151 Martin St.
Birmingham, MI 48012

**Re: Whole Foods Request to Be Included in
Rail District/Ordinance or Zoning Map Change**

Dear Mr. Valentine and Ms. Ecker:

Whole Foods, located at 2100 East Maple, appeared for extensive hearings before the Planning Board and the City Commission in 2016. As a result, Whole Foods is designated on the Zoning Map as B-2, Limited to Grocery Store Use. See Zoning Map attached as Exhibit 1. Whole Foods is directly adjacent to what is commonly known as the "Rail District."

Whole Foods has applied to operate a small Bistro under the City's Zoning Ordinance, Article 3, 3.04(10) and City Ordinance Chapter 10, Alcoholic Liquors, Article 11, Licenses, Division 4, Sections 10-80 to 10-87.

BISTROS PERMISSIBLE IN RAIL DISTRICT – MX DISTRICT

Pursuant to the current Zoning Ordinance, Bistros are permissible in the following locations:

Downtown Overlay District (Section 3.04 of Zoning Code).

Triangle Overlay District (Section 2.21 (O1), 2.23 (O2), 2.25 (P), 2.29 (B2),
2.31 (B2B) of Zoning Code).

Rail District – MX District (Section 2.39 of Zoning Code).

The "Rail District" is denoted on an unofficial map used by the City to show where the Rail District is located. This unofficial map shows the Rail District in light yellow, attached as Exhibit 2. Section 2.39 MX (Mixed Use) of the Zoning Ordinance, which permits the Bistro use, does not include and does not define the Rail District. Section 2.39 MX (Mixed Use) of the Zoning Ordinance is attached as Exhibit 3.

The MX District is denoted on the Zoning Map in purple. The properties which appear to be outside of the MX District and the unofficial Rail District, yet adjacent to the railroad tracks, are the Whole Foods site and a small area designated B2B (General Business). See map attached as Exhibit 4.

Whole Foods is requesting that either: 1) the Zoning Ordinance be changed to define the Rail District, to include the properties adjacent to the railroad tracks (including Whole Foods); or 2) to change the Zoning Map to officially include the Rail District (including Whole Foods). Either of these proposed changes would clarify and/or define the Rail District, which would appear to be in the best interest of the City and the property owners in the area.

For some time, the City has desired more commercial activity in the Rail District, including Bistro establishments. In fact, in July of 2016 a proposal was brought forth from staff to accept only Bistro applications in the Rail and Triangle Overlay Districts. This proposal was not adopted; however, by amending the Zoning Map of the Zoning Ordinance to include the Whole Foods' property, the goal of establishing a Bistro in the Rail District would be accomplished.

NO OBJECTION FROM NEIGHBORING RESIDENTS

Prior to submitting this request, the undersigned, as counsel for Whole Foods, contacted Mrs. Dorothy Conrad, the representative of the Pembroke Manor Association. The Pembroke Manor Association encompasses the neighborhood closest to the Whole Foods property. Mrs. Conrad has been provided with information on Whole Foods' request for a Bistro License and this request as to the Zoning. Further, Mrs. Conrad has been provided with the following:

- A copy of Whole Foods' Bistro Submission;
- A copy of this Zoning Change Request; and
- A letter which sets for the benefits that Whole Foods Birmingham Bistro will bring to the area and the protections the City has in place to ensure that the use will not be changed.

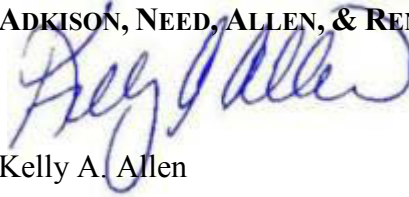
Mrs. Conrad supports Whole Foods' requests.

Enclosed with this correspondence is an Application for Zoning Map or Ordinance Change and a check for the Application Fee in the amount of \$1,500.00.

On behalf of Whole Foods, thank you for your consideration. Please contact me should you have any questions or require any further information.

Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC



Kelly A. Allen

KAA/kjf

cc: Ryan Bissett
Linden Nelson

Exhibit 1

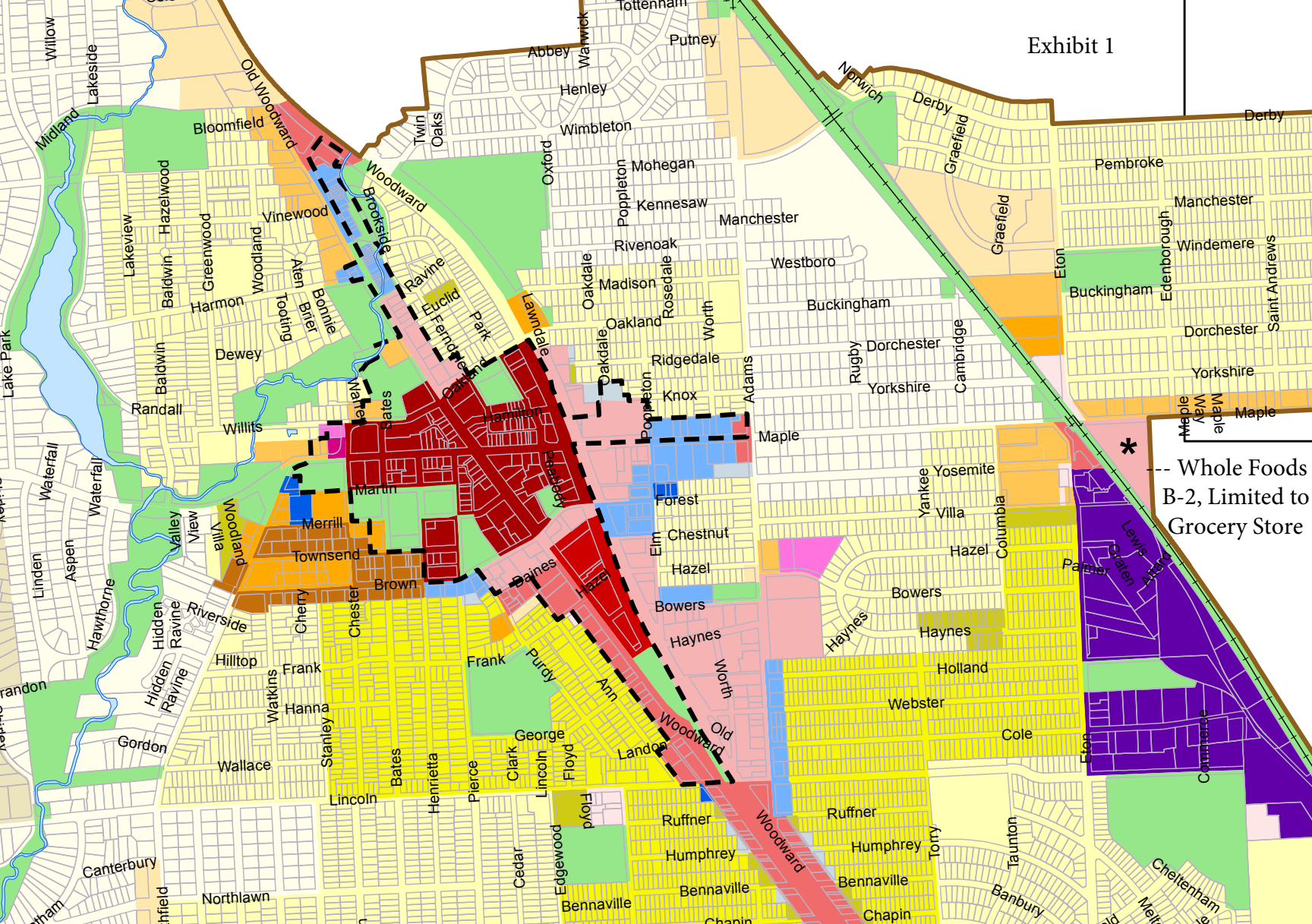


Exhibit 2

Bistros of Birmingham 2015

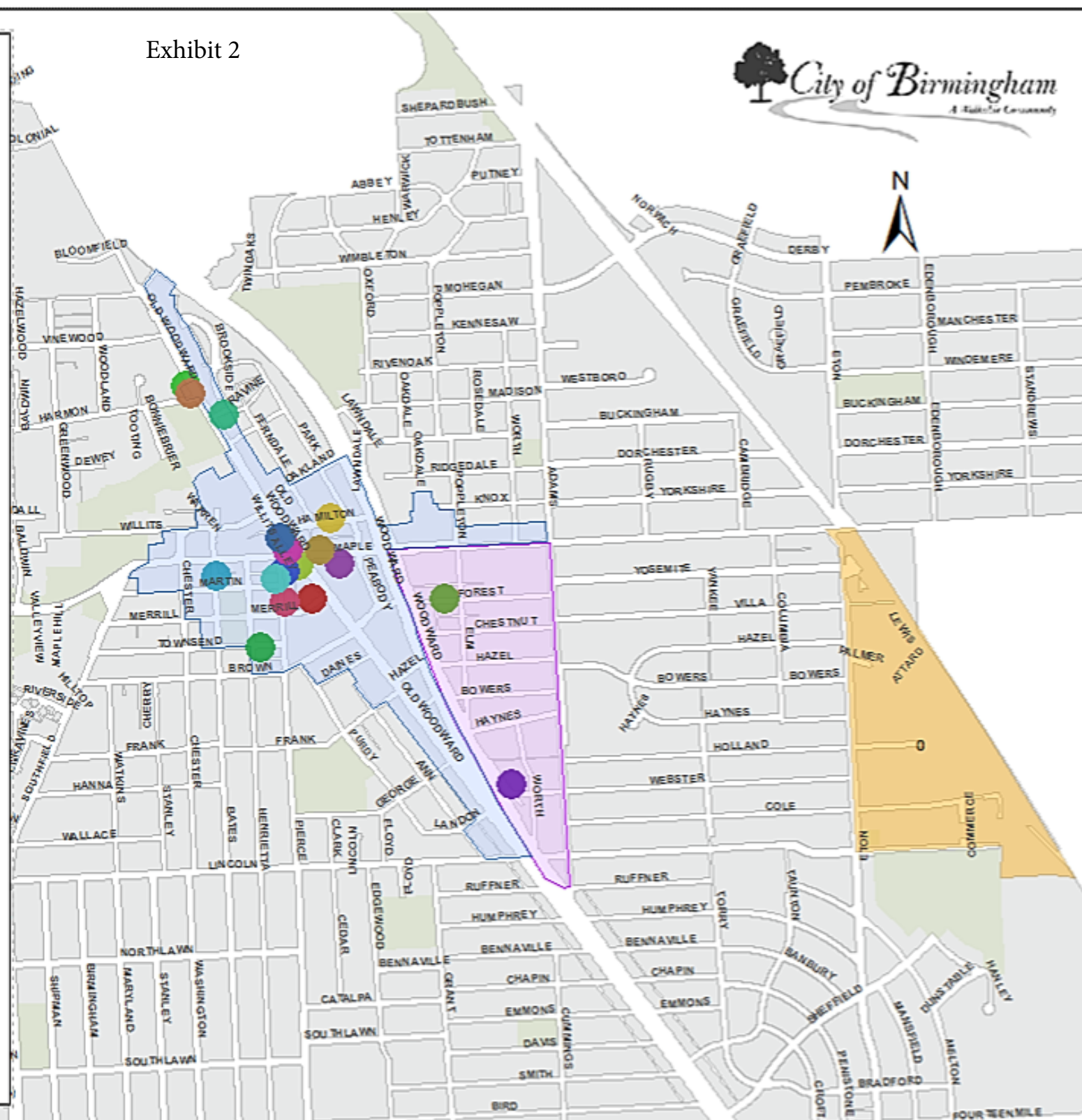
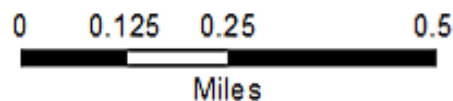
Establishments

- | | |
|---|--|
|  Bella Piatti |  La Strada Caffe |
|  Birmingham Sus hi Cafe |  Luxe Bar & Grill |
|  Bistro Joe's |  Mad Hatter Cafe |
|  Cafe' Via |  Market North End |
|  Churchill's Bistro & Cigar Bar |  Salvatore Scallopini |
|  Cosi |  Social Kitchen & Bar |
|  Elie's Mediterranean Grill/Bar |  Tallulah Wine Bar and Bistro |
|  Forest Grill |  Toast |
| |  Townhouse |

Districts Permitting Bistros

- | | |
|---|-------------------|
|  | Rail District |
|  | Triangle District |
|  | Downtown |

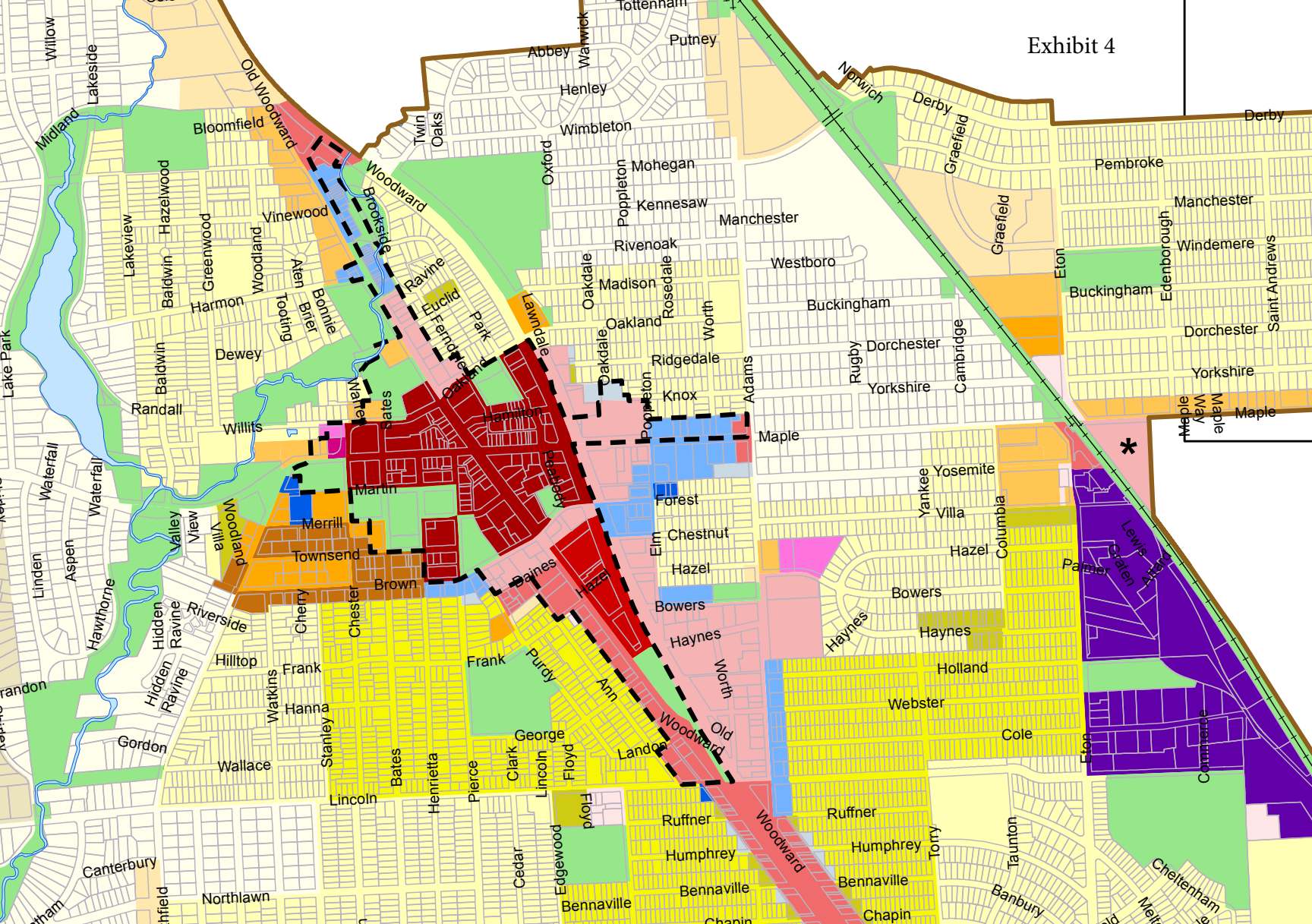
Coordinate System: State Plane
Coordinate System Michigan South
Zone 2113 Projection: Lambert
Conformal Conic, Units: International
Feet, Datum: NAD83
Data Sources: Oakland County GIS
Utility, City of Birmingham
Updated: December 1, 2015



2.39 MX (Mixed Use) District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Other Use Regulations
<p>The MX (Mixed Use) District is established to:</p> <p>(a) Encourage and direct development within the boundaries of the Eton Road Mixed Use District and implement the Eton Road Corridor Plan.</p> <p>(b) Encourage residential and nonresidential uses that are compatible in scale with adjacent residential neighborhoods.</p> <p>(c) Encourage the retention, improvement, and expansion of existing uses that help define the Eton Road Corridor.</p> <p>(d) Allow mixed use developments including residential uses within the Eton Road Corridor.</p> <p>(e) Minimize the adverse effects of nonresidential traffic on the adjacent residential neighborhood.</p>	<p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • family day care facility* • group day care home* • live/work unit <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • bus/train passenger station • government office • government use • publicly owned building <p>Recreational Permitted Uses</p> <ul style="list-style-type: none"> • indoor/outdoor recreational facility • park • swimming pool - public, semipublic <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • animal medical hospital • art gallery • artisan use • auto rental agency* • automobile repair and conversion • bakery • barber shop/beauty salon • boutique • child care center • clothing store • drugstore • dry cleaning • flower/gift shop • food or drink establishment* • furniture • greenhouse • grocery store • hardware store • health club/studio • interior design shop • jewelry store • kennel* • laboratory • leather and luggage goods shop • neighborhood convenience store • office • pet grooming facility • photography studio • shoe store/shoe repair • specialty food store • specialty home furnishing shop • tailor • tobacconist • veterinary clinic <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • light industrial uses • warehousing <p>Other Permitted Uses</p> <ul style="list-style-type: none"> • gas regulatory station • telephone exchange building • utility substation <p>* = Use Specific Standards in Section 5.13 Apply</p>	<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • alcoholic beverage sales* • dwelling - accessory* • garage - private • greenhouse - private • home occupation • loading facility - off-street* • outdoor cafe* • outdoor sales or display of goods* • parking facility - off-street* • parking structure* • renting of rooms* • sign • swimming pool - private <p>Uses Requiring a Special Land Use Permit</p> <ul style="list-style-type: none"> • alcoholic beverage sales (on-premise consumption) • bistros operating with a liquor license granted under the authority of Chapter 10, Alcoholic Liquors, Division 4 - Bistro Licenses • church • college • dwelling - first floor with frontage on Eton Road • outdoor storage* • parking structure (not accessory to principal use) • religious institution • school - private • school - public • residential use combined with a permitted nonresidential use with frontage on Eton Road • any permitted principal use with a total floor area greater than 6,000 sq. ft. <p>Uses Requiring City Commission Approval</p> <ul style="list-style-type: none"> • assisted living • continued care retirement community • independent hospice facility • independent senior living • regulated uses* • skilled nursing facility <p>* = Use Specific Standards in Section 5.13 Apply</p>

Exhibit 4



APPLICATION FOR ZONING MAP OR ORDINANCE CHANGE
Birmingham, Michigan

TO THE CITY COMMISSION:

The undersigned hereby makes application to the City Commission to:

1. **Zoning Map Change:**

Change premises described as:

2100 East Maple Road

No.
(see attached)

Street

Legal Description

from its present zoning

classification of B-2, Limited to Grocery Store to inclusion in the MX or Rail District.

A sealed land survey showing location, size of lot and placement of building (if any) on the lot to scale must be attached. (On file with City.)

Statements and reason for request or other data have a direct bearing on the request.
(See letter attached).

2. **Change premises described as:**

2100 East Maple Road

No.
(see attached)

Street

Legal Description

from its present zoning

classification of B-2, Limited to Grocery Store to "Rail District".

A sealed land survey showing location, size of lot and placement of building (if any) on the lot to scale must be attached. (On file with City.)

Statements and reasons for request or other data have a direct bearing on the request.

Signature of Applicant: Scott Sawyerberry

Print Name: SCOTT SAWYERBERRY

Name of Owner: Linden Nelson

Address and Telephone Number: 2100 E Maple Rd, Suite 200

Birmingham, MI 48009 (248) 822-9500

EXHIBIT C-1

LEGAL DESCRIPTION OF DEMISED PREMISES

Land located in the City of Birmingham, Oakland County, Michigan, more particularly described as follows:

All that portion of Lots 22 to 51, inclusive, 100 to 105, inclusive, and part of Lots 16 to 21, inclusive, 52 to 55, inclusive, 96 to 99, inclusive, 106 to 108, inclusive, 162 and 163, and vacated streets and alleys, lying South of East Maple Road and East of Grand Trunk Railway, of BIRMINGHAM GARDENS SUBDIVISION, according to the plat thereof, as recorded in Liber 31 of Plats, page 38, Oakland County Records, EXCEPTING therefrom the North 17 feet of Lots 16 through 43, inclusive, taken for road as disclosed in instrument recorded in Liber 25922, page 99, Oakland County Records

Tax Parcel No. 20-31-202-001

Commonly known as: 2100 E. Maple Road, Birmingham, Michigan 48009

Administrative Approval Application Planning Division

Form will not be processed until it is completely filled out

1. Applicant

Name: Hutson / Hart / Cool
Address: P.O. Box 411
Phone Number: 586 776 3377
Fax Number: _____
Email: _____

Property Owner

Name: Parody Street Partners LLC
Address: 29743 Parkway
Rosville AL 35866
Phone Number: 582 778-0216
Fax Number: _____
Email: Jim@imglenn.com

2. Applicant's Attorney/Contact Person

Name: Harry Eisenberg
Address: 27777 Franklin Road
Southfield MI 48075
Phone Number: _____
Fax Number: 248 727 1438
Email: hseisenberg@att.net

Project Designer

Name: NST ATM Consultants
Address: 13746 Mulford Ave
Dearborn MI 48126
Phone Number: 313 582 0022
Fax Number: 313 582-0028
Email: _____

3. Project Information

Address/Location of Property: 180 Brown Street
Name of Development: MH
Parcel ID #: 08-19-36-203-011
Current Use: office
Area in Acres: 1
Current Zoning: office

Name of Historic District site is in, if any: _____
Date of HDC Approval, if any: _____
Date of Application for Preliminary Site Plan: _____
Date of Preliminary Site Plan Approval: _____
Date of Application for Final Site Plan: _____
Date of Final Site Plan Approval: _____
Date of Revised Final Site Plan Approval: _____

4. Attachments

- Warranty Deed with legal description of property
- Authorization from Owner(s) (if applicant is not owner)
- Completed Checklist
- Material Samples/Specification Sheets
- Digital Copy of plans

- Two (2) folded copies of plans including an itemized list of all changes for which administrative approval is requested, with the changes marked in color on all elevations

5. Details of the Request for Administrative Approval

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes to the approved site plan.

Signature of Applicant: R. Jones

Date: 10/3/16

Application #: 16-123

Office Use Only

Date Received: 10/3/16

Fee: \$100

Date of Approval: 10/18/16

Date of Denial: _____

Reviewed by: M. B.

BROWN ST.

PURDY ST.

STANDING SEAM METAL ROOF

HVAC
HVAC SCREENING 4 FT. Ht.
COLOR TO MATCH STANDING
SEAM METAL ROOF

180 E. BROWN ST.

92.81'

82.83'

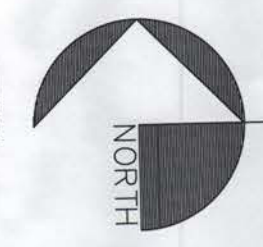
88.29'

EXISTING TRASH ENCLOSURE

EXISTING 6' HIGH WOOD FENCE

180 E. BROWN ST. WEST NEIGHBOR

TOP OF ROOF



ROOF & SITE PLAN LAYOUTS

SCALE: 1" = 10'-0"

EAST ELEVATION
SCALE: 1/4" = 1'-0"

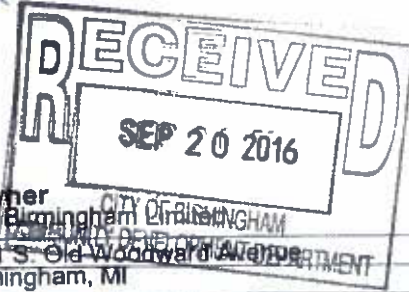
NORTH ELEVATION
SCALE: 1/4" = 1'-0"



CITY OF BIRMINGHAM
Date 09/28/2016 4:00:28 PM
Ref 00132165
Receipt 336735
Amount \$100.00

Administrative Approval Application Planning Division

Form will not be processed until it is completely filled out



1. Applicant

Name: New Cingular Wireless PCS, LLC (AT&T)
Address: c/o Centerline Communications, LLC
95 Ryan Drive, Suite 1, Raynham, MA 02767
Phone Number: 508-844-9813
Fax Number: 508-819-3017
Email: mgentile@clinellc.com

Property Owner

Name: VS Birmingham
Address: 401 S. Old Woodward Avenue
Birmingham, MI
Phone Number: 248-642-9000
Fax Number: _____
Email: mprentice@brodersachse.com

2. Applicant's Attorney/Contact Person

Name: Mike Gentile
Address: 95 Ryan Drive, Suite 1, Raynham, MA
Phone Number: 508-844-9813
Fax Number: _____
Email: same as above.

Project Designer

Name: Advantage Engineers
Address: 435 Independence Avenue
Mechanicsburg, PA
Phone Number: 717-458-0800
Fax Number: _____
Email: _____

3. Project Information

Address/Location of Property: 401 S. Old Woodward Avenue
Birmingham, MI
Name of Development: N/A
Parcel ID #: _____
Current Use: Telecommunications
Area in Acres: N/A
Current Zoning: _____

Name of Historic District site is in, if any: N/A
Date of HDC Approval, if any: N/A
Date of Application for Preliminary Site Plan: _____
Date of Preliminary Site Plan Approval: _____
Date of Application for Final Site Plan: _____
Date of Final Site Plan Approval: _____
Date of Revised Final Site Plan Approval: _____

4. Attachments

- Warranty Deed with legal description of property
- Authorization from Owner(s) (if applicant is not owner)
- Completed Checklist see attached application with owner sig.
- Six (6) folded copies of plans including an itemized list of all changes for which administrative approval is requested, with the changes marked in color on all elevations

5. Details of the Request for Administrative Approval

AT&T proposes to replace three (3) existing antennas with three (3) new and add three (3) RRUS (small radios)
to the existing configuration.

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes to the approved site plan.

Signature of Applicant: _____

Date: 9/16/2016

APPROVED

Application #: <u>16-0117</u>	Office Use Only Date Received: <u>9/20/16</u>	Fee: <u>\$100</u>
Date of Approval: <u>9/28/16</u>	Date of Denial: _____	Reviewed by: <u>M. Bah</u>

132165

AT&T B25 RRH4430-4R
PER SECTOR, 3 TOTAL
A-1 FOR MORE DETAIL

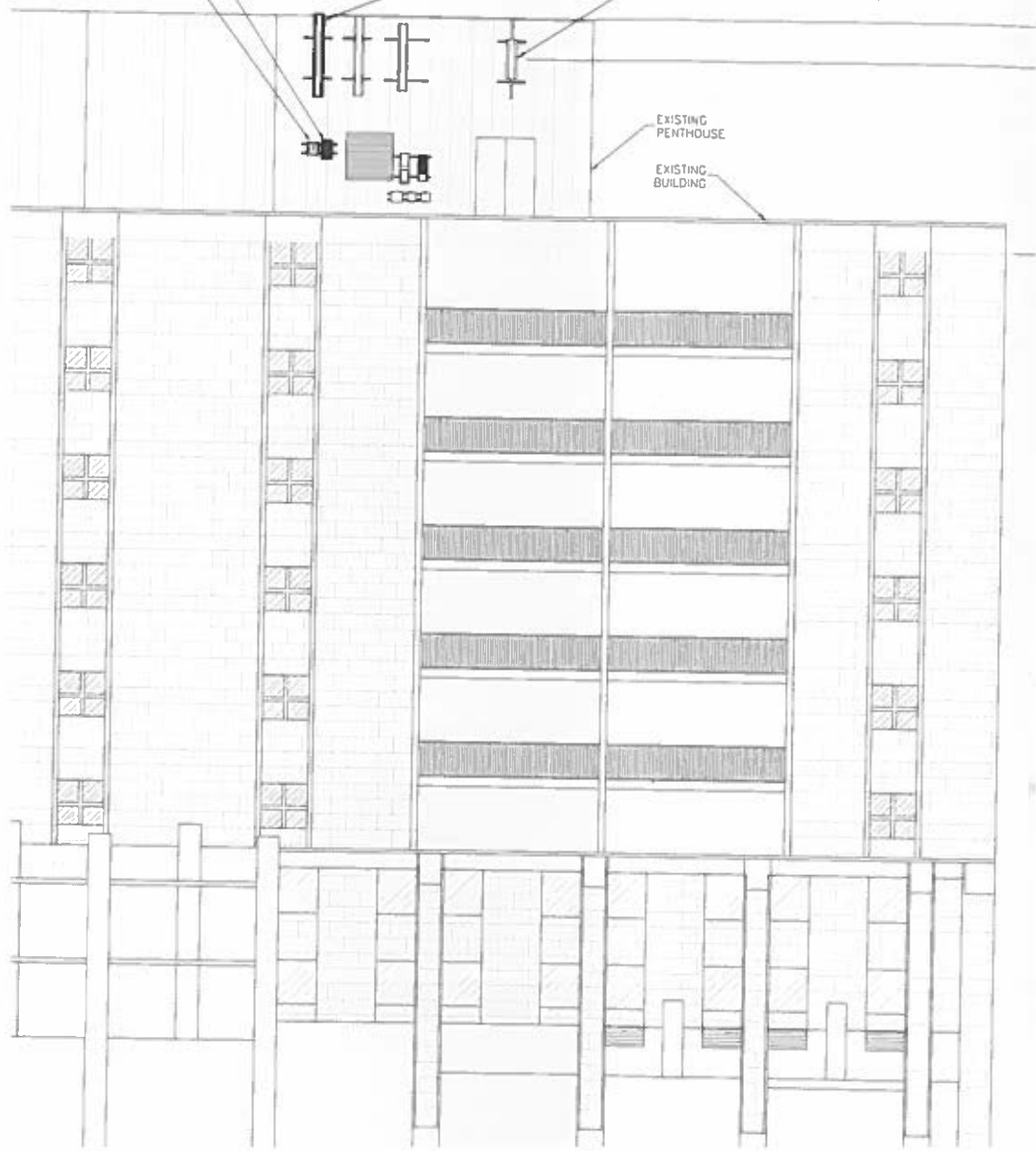
RT REMOTE RADIO HEAD
PER SECTOR, 9 TOTAL

EXISTING AT&T ANTENNA TO BE REMOVED
AND REPLACED WITH NEW AT&T ANTENNA
(TYP OF 1 PER SECTOR, 3 TOTAL)
(SEE SHEET A-1 FOR MORE DETAIL)

EXISTING AT&T ANTENNA
(TYP OF 3 PER SECTOR, 9 TOTAL)
(SEE SHEET A-1 FOR MORE DETAIL)

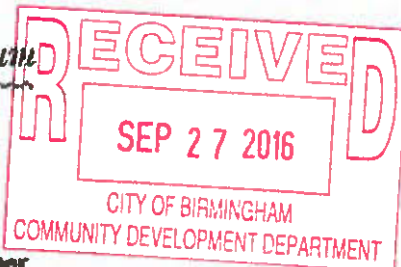
EXISTING
PENTHOUSE

EXISTING
BUILDING





City of Birmingham
A 150th Anniversary



Administrative Approval Application Planning Division

Form will not be processed until it is completely filled out

1. Applicant

Name: Alan Perchala / Everkold Refrigeration
Address: 1187 Gelida St.
Livonia, MI 48150
Phone Number: (313) 304-7614
Fax Number: (313) 458-1341
Email: ALAN@EVERKOLD.COM

Property Owner

Name: Amy Pohl
Address: 912 S. Old Woodward
Birmingham, MI 48069
Phone Number: 248-719-5042
Fax Number: 248-645-1763
Email: amypohl@hotmail.com

2. Applicant's Attorney/Contact Person

Name: _____
Address: _____
Phone Number: _____
Fax Number: _____
Email: _____

Project Designer

Name: _____
Address: _____
Phone Number: _____
Fax Number: _____
Email: _____

3. Project Information

Address/Location of Property: 912 Old Woodward
Birmingham, MI 48069
Name of Development: C.W.C.
Parcel ID #: _____
Current Use: _____
Area in Acres: _____
Current Zoning: _____

Name of Historic District site is in, if any: _____
Date of HDC Approval, if any: _____
Date of Application for Preliminary Site Plan: _____
Date of Preliminary Site Plan Approval: _____
Date of Application for Final Site Plan: _____
Date of Final Site Plan Approval: _____
Date of Revised Final Site Plan Approval: _____

4. Attachments

- Warranty Deed with legal description of property
- Authorization from Owner(s) (if applicant is not owner)
- Completed Checklist
- Material Samples
- Digital Copy of plans

- Two (2) folded copies of plans including an itemized list of all changes for which administrative approval is requested, with the changes marked in color on all elevations

5. Details of the Request for Administrative Approval

Making/relocating placement of Wine Cellar Condensing Unit
on Property. AS shown on plans attached.

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes to the approved site plan.

X Signature of Applicant: [Signature]

Date: 9/23/2016

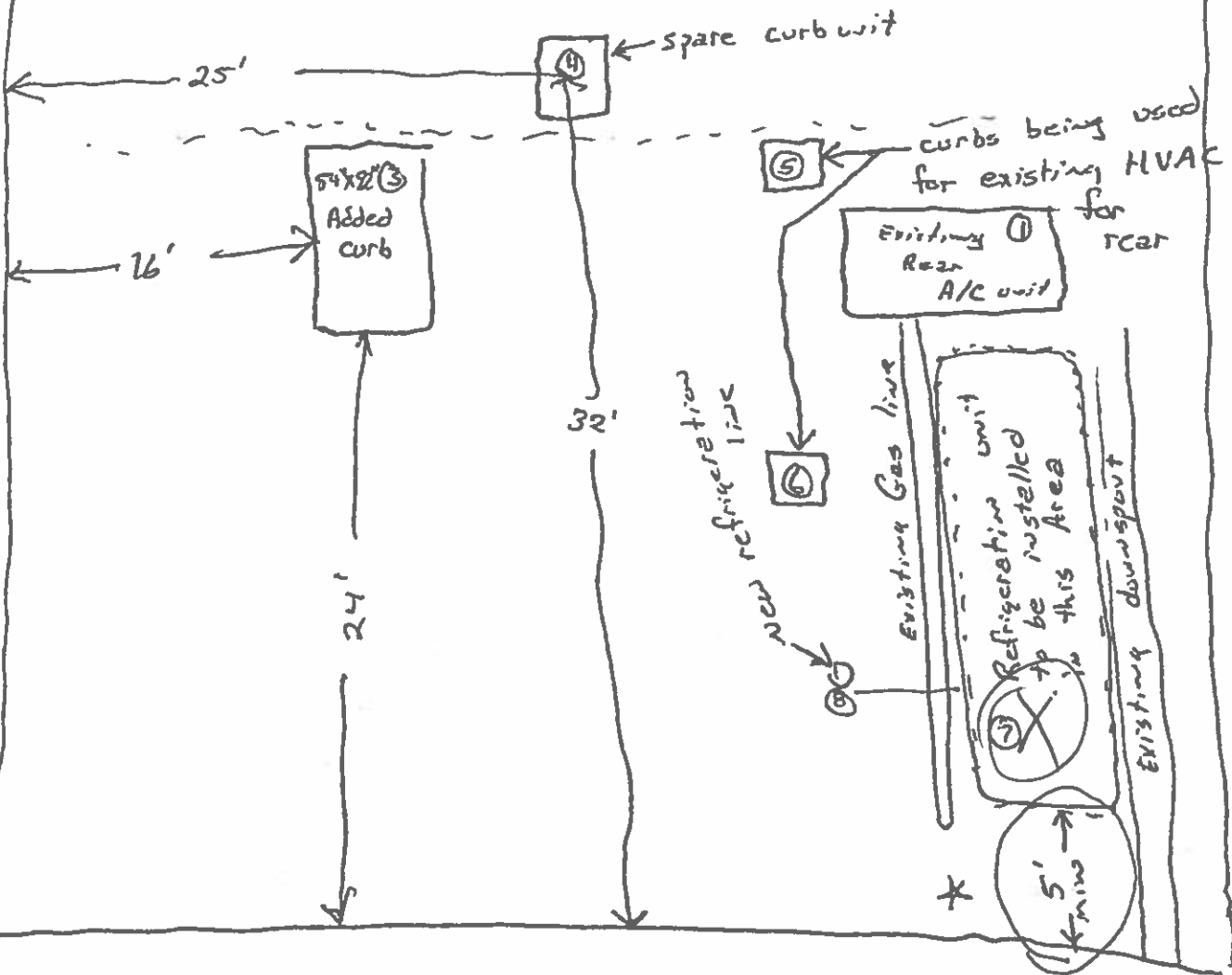
Application #: <u>16-0114</u>	Office Use Only Date Received: <u>9/27/16</u>	Fee: <u>\$100</u>
Date of Approval: <u>9/28/16</u>	Date of Denial: _____	Reviewed by: <u>M.B./L</u>

132080

Bridal Shop upstairs

Existing ②
A/C unit
for
Bridal
Shop

spare frame
for additional
unit





PRODUCTS

BETTAG & ASSOCIATES, INC.
SPECIALIST IN SHEET METAL / WIRE FABRICATION



Hom
Join
Abol
Cor
Prod
Enc
Cac
Roc
Wir
Serv
Sale
Clea

PSE SERIES

UL Listed

Premium design condensing unit enclosures



- Galvanized Steel Base
- 20 ga. Embossed Galvanized Steel Cabinet
- Hinged Access for Easier Servicing
- Wind Safety Latch
- Shipped Knocked Down for Convenient Warehousing
- Easily Assembled in the Shop or on the Job
- All Front Louvers are at a 45 degree Angle
- Rain Trough Under Hinge to Catch Moisture
- Condenser Screen Protected with High Temp, Baked-on, Clear Lacquer Coating
- All Necessary Fasteners Provided



Condensing Unit Protection System

Designed and developed in 1973, RDM Products was the first to offer pre-fabricated protective hoods for industrial equipment.



Ma

CON-PAK	DIMENSIONS (INCHES)			ANCHOR BOLT HOLE CENTERS (IN.)		HOOD PROJECTION	APPROX SHIPPING WEIGHT
	L	W	H	L2	W2		
131D	26 (19)	13 (13)	17 (13)	18.25	18.25		34"
181D	37 (28)	20 (24)	20 (18)	22.50	21.25		21"
191D	26.50 (24.50)	37 (37)	27.50 (22.50)	26.50	33		63"
201D	27 (24)	34.50 (24.50)	23 (18)	22.50	24.75		50"
231D	35.00 (34.00)	34 (24)	28 (27)	31	28.25		50"
241D	28.00 (28.00)	37 (37)	27.50 (22.50)	28.25	33		63"
311D	33.50 (32.50)	48.50 (48.50)	35.50 (30.50)	33.25	44.50		121"
331D	48.00 (48.00)	36 (30)	30 (23)	48.00	30.00		141"
401D	33.00 (32.50)	48.00 (48.00)	48 (40)	33.25	44.00		135"
411D	42.50 (41.50)	72 (72)	48.50 (48.00)	42.25	70		274"

() Indicates Inside Dimension

* Indicates Item may ship UPS

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PSE-131D

181D

201D

231D

PSE-191D

241D

PSE-311D

331D

401D

411D

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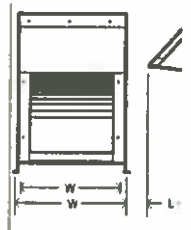


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CON-PAK	DIMENSIONS (INCHES)			ANCHOR BOLT HOLE CENTERS (IN.)		APPROX SHIPPING WEIGHT
	L	W	H	L2	W2	
180A	29 (24)	29 (20)	20 (16)	22.50	21.50	37"
190A	28.50 (28.50)	34 (24)	22 (18)	24	28.25	67"
200A	28 (28)	24.50 (24.50)	22 (18)	22.50	28.75	46"
230A	34.50 (34.50)	24 (24)	25 (21)	31	28.25	84"
240A	28.50 (28.50)	37 (37)	26.50 (22.50)	24.75	38	87"

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3-FGH	35-11/16	48-13/16	24-11/16	60
4-J	35-5/8	48-13/16	24-5/8	67
5-K	35-5/8	60-5/8	28-5/8	79
6-L	35-5/8	60-5/8	32-5/8	83
7-M	35-3/8	60-5/8	24-11/16	75



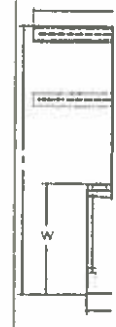
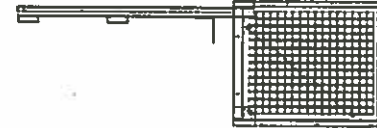
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PCU-2000-20	61.50	27.75	21.50	64.00	30.25
PCU-2000-24	64.50	32.75	26.00	64.00	40.25

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Cycling Lessons Learned From Amsterdam That No One Talks About

I recently had the honour of visiting Amsterdam. Amsterdam is a city where 48% of all trips made in the city centre are made by bicycle. A total of 78% of trips in the region are made by walking, cycling and transit. Only 22% of trips are made by cars. This is most impressive when you notice who is cycling, as you will see people of all ages, and significantly more women cycling. People are dressed in everyday clothes and carry out typical everyday tasks.

With the resurgence of cycling around the world, Amsterdam is often the subject of case studies. People often assume that the Dutch culture operate in a elevated understanding of all things cycling. However there have been very surprising discoveries while exploring this city. Many of these observations reveal that the Dutch are not a divine cycling culture, and pleasantly highlight that there are basic steps other cities can take to move towards a safer and inviting cycling and walking environment.



Cars are still permitted, even when space is limited

1. There is still a place for cars. Despite the high rate of people cycling, cars were still seen parked in every nook and cranny of the city. Supporting cycling does not mean that you banish the vehicle outright, you permit access for cars but tolerate them at slower speeds. This demonstrates other cities can achieve a high cycling rates while still accommodating the automobile.





2. When you don't want cars, use barriers to keep them out. The Dutch do not operate from an elevated state of mind. When the Dutch want to keep traffic out, they put up barriers. When they want traffic to slow down, they build the road to feel unsafe at unsafe speeds. The Dutch do not plan on good faith from people driving and anticipate that vehicles will take advantage of a situation. Consequently the Dutch physically build the roadway to get the result they want, which is to slow down traffic to protect people walking, cycling and using transit and create a pleasant place to live, work and play. When you narrow the street, use chicanes to make travelling in a straight line impossible, and make streets incredibly pleasant places to walk, bike and stay, these all make people driving think twice about their speed.



A shared street slows down traffic, but mixes cycling and driving

3. Not all cycling routes are separated from vehicle traffic. In North America there is currently a fixation on adding separated cycling lanes in every city. While it is great to finally see movement to provide safe, convenient access for cycling. However we must not assume a one size solution fits all, that is what got us where we are in the first place with an auto-oriented priority. We must not lose sight that there are other tools to achieve the same results. Only 50% of the cycling routes in the Netherlands are separated from vehicular traffic. According to the C.R.O.W. Manual the Dutch only use separated or protected cycling lanes when the traffic volumes and speeds are sufficient high enough to pose a threat to lives of people cycling. Alternatively the Dutch use painted bike lanes, shared streets and woonerfs (a residential version of the shared street). In all cases the Dutch ensure that the physical design of the street only tolerates a safe vehicle speed, they do not rely on suggestive tools such as posted speed limits.





4. Retail streets still survive and in fact thrive. Most businesses in North America oppose adding bike lanes in front of their businesses for the fear of losing driving customers and running out of business. Businesses often over estimate how many of their customers drive. The businesses in Amsterdam not only survive with a bike lane in front of their business, but they thrive as inviting, interesting places to shop, live and play. It is important to point out that one concern of businesses may have some teeth to it, parking must be maintained as explained by the next point.



On street parking is maintained on a neighbourhood retail street

5. Parking and vehicular access is provided on almost all retail streets. With the provision of on-street parking on almost all retail streets in Amsterdam, it is clear that providing access for vehicles is still important. Parking is also critical for providing access for deliveries of supplies. This way all modes of transportation can access the businesses safely and comfortably, maximizing the potential patrons for businesses.



6. Bike lanes do not prevent crucial business deliveries. As mentioned above, by maintaining on-street parking on retail streets, access for loading and unloading is still provided for delivery trucks without having them block traffic by double parking in the travel lane. In addition to this large vehicles can be found in most places in Amsterdam.



An attractive retail complete street with two bi-directional bike lanes, generous sidewalks, two lanes of trams and several vehicular lanes

7. Street widths in Amsterdam are comparable to North America. The excuse often in North America is that there is no room on the streets for bike lanes. The streets in Amsterdam have comparable widths but can still accommodate a complete street including wide sidewalks, patios, two cycling lanes, two parking lanes and two lanes of traffic. Even larger streets also accommodate at least two lanes of transit and transit stops.



A floating tram stop allows cycling and transit to coexist efficiently

8. Transit stops and bike lanes can mix. We need to stop reinventing the wheel! Often in North America bikes and buses will share a curb side lane creating a dangerous situation. People cycling are forced to overtake the bus at transit stops, which inevitably results in a bus, cycling chicken game with each constantly overtaking the other. The Dutch have already figured out how to make cycling and transit coexist, using floating transit stops and generous sidewalks it works. People cycling can go around the transit stop maintaining their dedicated right of way, while transit patrons can still board and disembark the vehicle safely and efficiently.

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This entry was posted in Uncategorized on March 13, 2015

[<https://dnproulx.wordpress.com/2015/03/13/cycling-lessons-learned-from-amsterdam-that-no/>] .

3 thoughts on “Cycling Lessons Learned From Amsterdam That No One Talks About”



Examiné Spoke

September 19, 2016 at 12:17 am

Great writeup! Here's my perspective on a couple of them:

“1. There is still a place for cars”

David Hembrow makes this point often, though the way that I see it, cars are deprecated. Parking is expensive (\$7 per hour to a max around \$40 on the street), routes are slower than cycling, and road priorities are given to cyclists. We are a long way of shifting to this mindset in North America.

“3. Not all cycling routes are separated from vehicle traffic.”

I believe that almost no North American street would have sufficiently slow speed limits, much less actual speeds, to get shared-space treatment in The Netherlands. For instance, the default limit in most U.S. residential areas is 25 mph (40 kph), far beyond the 15 kph limit of a woonerf. Riding in a woonerf is more akin to riding around a mall parking lot.

“5. Parking and vehicular access is provided on almost all retail streets.”

Deliveries are sometimes limited by time of day and driving sometimes requires a special permit.

“7. Street widths in Amsterdam are comparable to North America.”

...and often narrower!



dnproutx

Post author

September 19, 2016 at 3:34 am

This is great to know especially #1 & #5, thanks!



Examed Spoke

September 20, 2016 at 3:52 pm

As for 3, here's a contra example, where drivers are allowed up to 60 khp on shared streets:

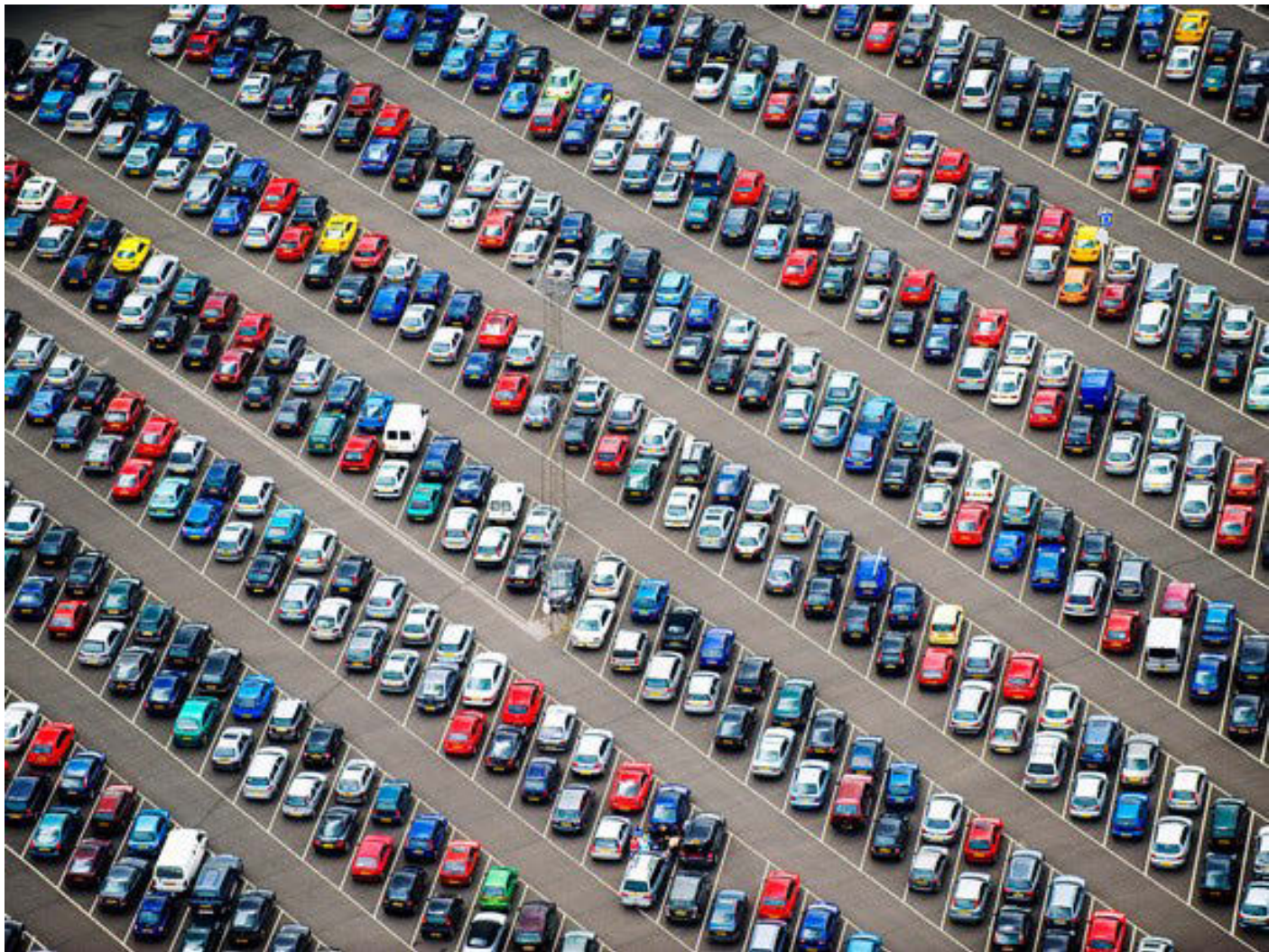
The F59 cycle route from Den Bosch to Oss



☺

AARIAN MARSHALL TRANSPORTATION 09.28.16 9:00 AM

THE WAR ON CITY PARKING JUST GOT SERIOUS



JASON HAWKES/GETTY IMAGES

THE NATIONAL POLITICAL dialogue is suffused with substantive issues like Benghazi, beauty pageants, and the best debate memes. But the biggest bugbear in neighborhood politics just got some serious side eye from the Obama administration: Parking.

It sounds bitty and trivial, but parking is a very big deal in city halls and neighborhood associations. Even dense cities like New York, Boston, and Washington, DC, have long required developers to cough up enough parking to serve the residential projects they hope to build.

If you live in the neighborhood, this makes sense—you don't want n00bs taking your spot. But as cities impotently scrabble to keep housing affordable, requiring developers to provide off-street parking feels like dead weight. The cost—up to \$60,000 per underground spot—can kill projects before they even start. And you could argue that it's better to use that land for bedrooms and kitchens and living rooms, not hunks of metal that spend most of the day sitting still. Don't forget that in 2013, more than a quarter of US renters spend over 50 percent of their monthly income on housing. Affordability is a huge problem.

Indeed, says the White House. In a Housing Development Toolkit released Monday, the Obama administration calls off-street parking minimums an affordable housing no-no. "When transit-oriented developments are intended to help reduce automobile dependence," it says, "parking requirements can undermine that goal by inducing new residents to drive, thereby counteracting city goals for increased use of public transit, walking and biking."

Granted, the toolkit is merely a list of recommendations, with no teeth. And cities control zoning laws that dictate things like off-street parking. But the Obama administration is reiterating what urban planners have long said: Parking ain't great for your city. And cities are finally listening.

Death to the Parking Lot

People have written tomes detailing the downsides of the urban parking lot, but let's lay out the case against it real quick. By investing in cycling infrastructure, sidewalks, and bikeshare programs, dense cities have made it clear they don't want people driving. But requiring developers to provide parking incentivizes car purchases—along with congestion and pollution. UCLA urban planner Donald Shoup found that people searching for parking in one 15-block stretch of Los Angeles burn 47,000 gallons of gas and produce 730 tons of carbon dioxide annually.

Parking requirements are especially nonsensical in a real estate landscape where buyers pay a premium to live near transit and *not* have a car. In fact, the requirements effectively tax those who don't want or can't afford a car, by

passing that cost on to them. And don't forget that the cost of parking often prevents affordable housing development.

Building parking lots to reduce the demand for on-street parking doesn't actually work, says Michael Manville, an urban planner who studies land use and traffic congestion at UCLA. "The street is an unpriced commons, which is why you have a shortage of parking," he says. Cities once thought they could protect free parking *and* make existing residents happy by passing the hidden costs of those spots on to new residents. But the free spots will always be full—thanks, Econ 101. Manville says any city worried about parking should do the smart but unpopular thing: require permits or install meters.

The Very Slow Death of the Parking Lot

Into this lake of evidence wades the White House. It isn't the first to do so. People like Manville have been warning anyone who will listen about the downsides of off-street parking minimums for at least 15 years. And cities have been getting in on the anti-parking lot regs for almost a decade. Seattle relaxed requirements for developments within a quarter-mile of mass transit in 2012. New York City and Denver did much the same for low-income housing. Other cities are granting developers waivers to parking requirements, but they aren't making it easy.

You can attribute the change in part to a growing shortage of affordable housing, says Stockton Williams, the executive director of the Urban Land Institute's Terwilliger Center for Housing. And you can expect such policies to become more popular as the affordable housing crisis reaches ever further into the middle class. "Affordability is increasingly understood to be a problem that affects people beyond those in the lowest income bracket," says Williams. Even tech workers feel the squeeze.

Of course, hitting parking where it hurts is no panacea. The White House toolkit points out other important policy adjustments—like taxing vacant land, zoning for density, and letting homeowners build additional dwellings in their backyards—that will promote affordable housing. All of them must be enacted together to keep everyone housed.

But the White House has said its piece. “Obama’s a lame duck, but as [his administration is] heading out the door, they can choose to make bold statements on any number of fronts. The fact that one of the fronts they chose to make a statement on is zoning, I think, is symbolically important,” says Manville, the urban planner.

Symbols serve their purpose, so go sleep in your nearest parking lot tonight.

Will car drivers ever learn to share the road with bikes?

In many 'car-centric' cities around the world, drivers still think they own the whole road - with cyclists merely unwelcome interlopers. So how do you go about changing this mindset?

Cities is supported by  **THE ROCKEFELLER FOUNDATION** About this content
Laura Laker

Wednesday 28 September 2016 07.50 EDT

Looking around at our streets, it's startling when you first notice it: like waking from a dream and forgetting where you are. A moment of disorientation as your eyes make sense of the shadows and see the room for what it is.

After that, it's unmistakable: our streets are not our own. From the parked cars that line the roads to the traffic that speeds along them, in many of our cities we are second-class citizens if we're not inside a motor vehicle.

The incident in which TV presenter Jeremy Vine alleged he had been intimidated and assaulted while riding his bike on a west London road is not uncommon but it is a reminder of just how deeply we are in thrall to the motor car.

Research on drivers' attitudes to cyclists has shown that people in car-centric countries such as the UK sometimes don't view those on bike and on foot as "proper" road users, and at times treat them as if they shouldn't be on the road at all.

This isn't the case everywhere: some countries, and their cities, prioritise those who walk and cycle when they design their streets. Cycling or walking in the Netherlands is a joyful experience - infrastructure caters for walking and cycling, and drivers respect those outside of cars.

Cycling UK's campaigns and communications coordinator, Sam Jones, believes part of the difference is in attitude: that while people grow up cycling in continental Europe, and continue into old age, "in countries with a problem of car dominance it tends to be younger, or middle-aged people, cycling".

In car-centric countries cycling is often viewed as a sport for young-ish, healthy people (often men), rather than a mode of transport for all demographics, so it's perhaps not such a stretch to conclude a cycling trip is considered less important than a car trip. Shopkeepers' resistance to bike lanes on the basis only drivers spend money - also untrue - is another illustration of this.

As Cycling UK's road safety and legal campaigns officer, Duncan Dollimore, puts it, people pass their driving test as teens, and don't always adapt their driving as roads become busier with more

cyclists whose behaviour they may not understand. Cyclists are often seen as an “out group”, making it easy to attribute many of the problems on the road to them.

Walking charity Living Streets’ head of policy, Tom Platt, says that whether we walk, cycle or drive regularly, “the way the street is designed makes people react in a certain way when they’re in a car. It gives them cues”.

Cues could be anything from guard rails on pavements giving the impression that “this is a car space, keep off”, to splayed junctions encouraging people to drive into residential roads at speed.

A classic example of how these cues affect our behaviour is the school run. A generation ago, 70% of people in England walked to school; now it is less than half. “People walk less and cycle less; that gives an indication that they don’t feel safe,” says Platt.

Living Streets’ research suggests the aggressive crush of motor vehicles outside the school gates is the main reason people drive their kids, rather than walking or cycling with them, each day.

Edinburgh is one city that has recognised this, trialling car-free streets outside more than 30 schools in a bid to encourage walking and cycling, and reduce congestion and pollution. The results have not yet been published, but if successful it could usher in permanent “school zones” and encourage other cities to follow suit. The benefits of walking are many and far-reaching, from health to business investment in walkable, and therefore desirable, areas.

Narrow escapes can be enough to put people off. Participants of the Near Miss Project claimed to experience several close calls with cars on a single day cycling, and project author Rachel Aldred reports a feeling of “systematic disregard” for cyclist safety and comfort from motorists, traffic engineers, designers and policymakers.

We get what we plan for. A key underlying aim of street schemes is often smooth traffic flow. Even if an engineer wants to prioritise those on foot or bike over motor traffic, it disrupts planners’ computer models, making such change difficult if not impossible.

This gives us a walking and cycling infrastructure that is often meaningless. For instance: pavement cycle lanes that are simultaneously inconvenient for cyclists and intimidating for those on foot, or three-stage pedestrian crossings that only suit those quick enough to cross before traffic gets the green light again.

One could argue much of our street design is directly at odds with the needs of the people who use those streets.

Some cities are trying to change this bias, though. New York saw a rapid proliferation of bike lanes under Michael Bloomberg’s tenure as mayor, as well as the introduction of the hugely popular Citibikes.

The New York blogger and author Eben Weiss says the city’s new bike lanes legitimised cycling, telling people “this is something you can be doing, and should be doing.”

“It’s an important symbol to see a bike lane or a sign with a picture of a bike – it means something,” he says. “I started seeing lots more cyclists. And pick any street where they have built an actual protected bike lane. If you’re just walking down that street, it makes a huge

difference when cars aren't encroaching on every inch of the space. You can see around the corner when you're trying to cross the street."

In New York "yield collisions" are being investigated, and driving into someone when they have the crossing priority is now a crime. In a city where less than 50% of households own a car Bloomberg tried to introduce congestion charging but the idea died in the state capital, Albany, where many more people drive.

Much of America's car-centric thinking goes back to the early days of the motoring in the country, and has much to do with how we view and talk about different road users today.

Weiss says: "When cars started to take over every city in America, people were getting creamed out there. Cities were trying to impose speed limits or ban cars, and the auto industry weren't having it.

"Part of what they did was a propaganda campaign depicting a 'jaywalker', which I guess back then was slang for idiot. So they came up with this idea of a Jaywalker, this hapless moron who walks into traffic and gets hit, and it's his or her fault. Now it's part of our language." It's now illegal to "jaywalk" in the US.

"Now we have this thing in this country where the road doesn't belong to you. You have this brief flickering window, when you have the walk sign, to run across the street for your life, and then anything that happens to you is your problem," he says.

"We have been so successfully trained to linguistically and legally insulate drivers. I guess we have the auto industry to thank for that, they did a great job making it possible for you to drive at all times with no consequences."

Many believe this language is key when it comes to prosecution of dangerous drivers, or lack thereof. "There is still the automatic victim blaming and lack of investigation on the part of police when a pedestrian or cyclist gets hit by a driver," Weiss says. "It's enough for the driver to say, 'They came out of nowhere'. The police tell reporters, 'It looks like the cyclist ran the light', and that's it."

It's not all down to police, though. "There's so much working against all of these people. After all these years, the attitude is, 'Call it an accident, let the civil courts take care of it'. So your only recourse if you get hit by a driver is to hope that driver has insurance and file a civil suit, get some kind of settlement.

"That is the problem and that is the thing that's not really changing, that's why with the advocates there has been this big push to stop using the word 'accident'."

Attempts to "educate" or tackle the problem by focusing on the vulnerable road user is another symptom of that bias but, as Living Streets' Platt puts it: "If we want to make streets safer we need to tackle the source of the problem."

"People will always make mistakes," says Platt. "We need to reduce speeds, rather than making campaigns that tell people to be careful. We need to think first and foremost about how the street works for people."

To change that culture is not easy, but more cities are dipping in a toe. Toronto is in the early stages, and its growing pains are familiar. It's a city recovering from the late Rob Ford, the mayor who said it's a cyclist's fault if they are killed, while ripping out a bike lane to save drivers two minutes. Now, improved bike lanes and bike boxes, which give cyclists a visible refuge at traffic lights, are being introduced. The city is growing fast and, like in London, planners have recognised cycling as an efficient way to relieve pressure on full-capacity infrastructure.

Toronto resident Phillip Cates believes the city's early bike lanes created "dangerous road conditions for cyclists and angered motorists". Although the later iterations, he says, are improvements, as with most North American cities the car-centric culture, wide, straight roads and big cars are still at odds with safe cycling and walking. The move away from a "windshield perspective" is thanks to senior Toronto politicians who commute by bike, and a supportive mayor in John Tory.

Which suggests what many of us already know: political leadership is needed to prioritise people in cities. Like the Leicester mayor, Sir Peter Soulsby, former London mayor, Boris Johnson, and the ex-New York mayor Bloomberg, we need politicians with relevant powers who recognise the benefits of walking and cycling - and are willing to stand up for them.

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HOME & GARDEN OCTOBER 3, 2016 10:12 AM

Forget tiny houses – researchers think the next big thing is tiny villages



BY OLIVER MORRISON
omorrison@wichitaeagle.com

A tiny house can be cheaper. It can be better for the environment. It may even help foster community or stimulate physical activity, say researchers at Kansas State University. So wouldn't it be even better if there were bunches of tiny houses clustered together into large tiny villages?

That's the question two researchers at Kansas State, Brandon Day and Julia Irwin, will be studying this year.

"We think (living in a tiny village) does a few things for one's health, including creating a better sense of community, satisfying people's basic needs for relationships, offering affordable housing options and encouraging physical activity through community gardens and walking to urban establishments."

But one of the biggest challenges, they say, are laws and perception. Many community laws were created to keep out small structures, like mobile homes, which some may see as lower class.

"The biggest challenge with tiny houses is trying to find a place to put them," Irwin said. "Zoning laws dictate where you can and cannot put a house. Right now, the big question is what is a tiny house, because how you define a tiny house dictates where you can put it."

Now the problem is that tiny houses are perceived as constraint for the privileged few: they believe that large tiny house villages could also help address problems of low-income housing.

"Tiny houses have a different connotation to them; they are typically seen as a middle- or upper-middle-class housing structure," Irwin said. "We know that's not the case – they can be economical – but we can harness that image that they have to address a real problem: affordable housing."

One of the main benefits the researchers are looking into is how what some are calling "orphan apartments" will affect the environment once they've been reunited with a new, flatter family of smaller apartment-like houses.

"Design elements and strategies such as solar panels or low-water-use fixtures are part of the bigger sustainability and environmental health picture, but when designing and building a tiny house — or any house — it is beneficial to thoughtfully select building materials without harmful chemicals to increase indoor air quality and health," Day said. "In addition, there are many known health benefits for natural lighting and fresh air in living spaces, a common theme in many tiny house designs."

In September the two researchers will be working full time on tiny house villages, thanks to a grant from the Department of Ecology: "We want to immerse ourselves in those places and learn about how things work there," Irwin said.



Couple gets ready to move into tiny house

House on wheels has 172 square feet, two lofts, and a composting toilet. (Video by Annie Calovich/Oct. 16, 2015)

acalovich@wichitaeagle.com

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MORE HOME & GARDEN

COMMENTS

PORTLANDERS ASK CITY COUNCIL TO ELIMINATE PARKING REQUIREMENTS

📅 October 9, 2016 👤 TonyJ 💬 0 Comment 🗑️ Uncategorized

On October 6th, the first of two hearings on the Comprehensive Plan Early Implementation Project were held at city hall and Portland's Shoupistas asked city council to [eliminate parking requirements in Mixed Use Zones](#).

At least eight Portlanders, out of approximately 40 citizens who testified on many topics, asked the commissioners to place a higher priority on housing people rather than garaging cars:

- Tony Jordan, founder of Portlanders for Parking Reform, [cited the recently released Housing Development Toolkit](#) and the failures of our current requirements to ease curbside parking anxieties as reasons to act now.
- Alan Kessler [commended City Council for not expanding parking requirements into NW Portland](#) and asked them to free the rest of the city from the burdensome 2013 requirements.
- Kiel Johnson, owner of the Go By Bike Shop and operator of North America's largest bike valet [told commissioners that he specifically chose to buy a condo in a building with no parking](#) and pointed out that "whatever you build, people will use it and that's what they will use to get around."
- Chris Rall spoke as the father of three school age children. He [expressed concern that parking requirements lead to more traffic](#) and more expensive housing. In 20 years, he wondered, "will there be enough housing for [his children] or only for cars they won't even be likely to own?"
- Charlie Tso, vice-president of Portlanders for Parking Reform, [laid out the case for why our proposal is supported by the current city policy](#) and asked council to "trade parking requirements for more affordable housing."

- Sam Noble [started his testimony by saying “I drive almost everywhere I go.”](#) Nevertheless, he said, it is “not fair to expect residents of new mixed-use buildings to pay more rent in order to subsidize [his] on-street parking.” Noble’s testimony led to a strange follow-up from Commissioner Amanda Fritz who asked him: “Where do you park your vehicle?” Mr. Noble said he had a garage and driveway, but pays for a parking permit where he works. “All right,” was Fritz’ response.
- Margot Black [spoke as a renter and a car driver who is against “anything at all that would possibly limit more housing being built or increase the cost of more housing being built”](#), including parking requirements and downzoning. Black said that she often hears that renters who can no longer afford to live in the “cool, hip city” of Portland “should just move.” She responded that Portland’s growth “comes with increased parking and traffic situations” and “big cities make room for people, not cars.” Perhaps, she suggested, people who don’t like not being able to find a parking spot should move as well.” Ms. Black also took time to refer to [controversy earlier in the day regarding a proposed police contract](#). “People of color in this city who are being killed by police officers need to be heard” and “we should listen to their input and prioritize them.”
- Doug Klotz [spoke later in the hearing](#) and strongly supported our campaign to eliminate minimum parking requirements in the new mixed-use zones (Doug serves on the Mixed Use Zones Project Advisory Committee).

This in-person testimony is important, but we are asking others to submit letters to city council members and as official comprehensive plan testimony. Join [Oregon Walks](#), [Portland for Everyone](#), and other concerned citizens and ask City Council to trade parking requirements for more affordable housing. Ask them to eliminate parking requirements in mixed-use zones.

We have prepared a [document with talking points for your convenience](#).

Send testimony to City Council

Before midnight on Thursday, October 13th you can send written testimony to cputestimony@portlandoregon.gov with subject line “Comprehensive Plan Implementation.”

Write to the Commissioners

Send an email to the members of City Council. We suggest you do this **by October 13th**.

Write to [Commissioner Steve Novick](#), [Mayor Charlie Hales](#), [Commissioner Nick Fish](#), [Commissioner Dan Saltzman](#), and [Commissioner Amanda Fritz](#). Your letter doesn't need to be very long or wonky, simply let them know that you value housing for people over shelter for cars.

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[Tell Portland City Council: Housing For People Is More Important Than Space For Cars](#)
July 4, 2016
In "Minimum Parking Requirements"

From The Atlantic

CITYLAB

Why 12-Foot Traffic Lanes Are Disastrous for Safety and Must Be Replaced Now

Let's make "10 not 12!" a new mantra for saving our cities and towns.

JEFF SPECK | [@JeffSpeckAICP](#) | Oct 6, 2014 | [636 Comments](#)



When state DOTs bring streets through cities, they apply highway standards (above, Okeechobee Boulevard in West Palm Beach, Florida). (Screenshot via Google Maps)

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A friend of mine heads an office in the White House. I never see him anymore, except at the occasional black tie design dinner, where he is always good for a

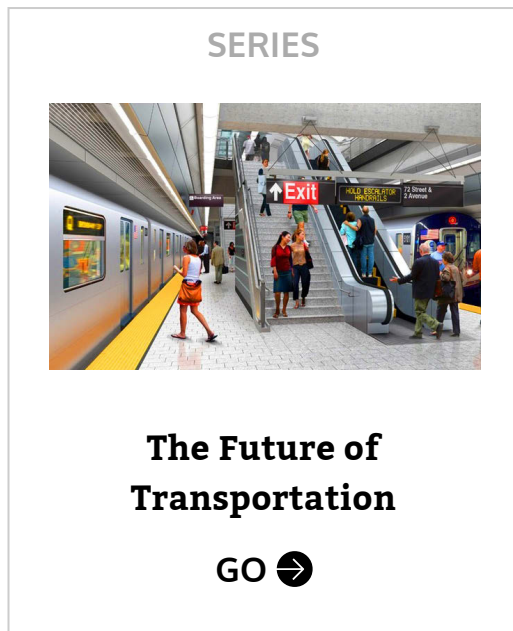
couple of gin and tonics as the crowd disperses. At the last such event, he asked me a question. Or maybe he didn't. But I answered it.

"What's the number one most important thing that we have to fight for?" I said. "You mean, besides corporations being people and money being speech?"

"Besides that."

"Well that's easy: 10-foot lanes instead of 12-foot lanes."

"Explain."



And so I did, brilliantly. So brilliantly that the White House issued an Executive Order the very next day. Or so I imagined; such is the power of gin.

Sobered by my now palpable failure, I have steeled myself for the task of explaining here, in a manner that can never be disputed or ignored, why the single best thing we can do for the health, wealth, and integrity of this great nation is to forbid the construction, ever again, of any traffic lane wider than 10 feet.

(Before beginning, let me thank the traffic engineers Paul Moore and Theodore Petritsch, who taught me most of this stuff. Yes, there are some good ones out there. This article borrows heavily from an article by Petritsch, ["The Influence of Lane Widths on Safety and Capacity: A Summary of the Latest Findings."](#))

A little background: First, we are talking only about high-volume streets here. Neighborhood streets can have much narrower lanes. The classic American residential street has a 12-foot lane that handles traffic *in two directions*. And many busy streets in my hometown of Washington, D.C., have eight-foot lanes that function wonderfully. These are as safe and efficient as they are illegal in most of the United States, and we New Urbanists have written about them plenty before, and built more than a few. But what concerns us here are downtown streets, suburban arterials and collectors, and those other streets

that are expected to handle a good amount of traffic, and are thus subject to the mandate of free flow.

Second, you should know that these streets used to be made up of 10-foot lanes. Many of them still exist, especially in older cities, where there is no room for anything larger. The success of these streets has had little impact on the traffic-engineering establishment, which, over the decades, has pushed the standard upward, almost nationwide, first to 11 feet, and then to 12. Now, in almost every place I work, I find that certain streets are held to a 12-foot standard, if not by the city, then by a state or a county department of transportation.

States and counties believe that wider lanes are safer. And in this belief, they are dead wrong.

In some cases, a state or county controls only a small number of downtown streets. In other cases, they control them all. In a typical city, like Cedar Rapids or Fort Lauderdale, the most important street or streets downtown are owned by the state. In Boise, every single downtown street is owned by the Ada County Highway District, an organization that, if it won't relinquish its streets to the city, should at least feel obliged to change its name. And states and counties almost always apply a 12-foot standard.

Why do they do this? Because they believe that wider lanes are safer. And in this belief, they are dead wrong. Or, to be more accurate, they are wrong, and thousands of Americans are dead.

They are wrong because of a fundamental error that underlies the practice of traffic engineering—and many other disciplines—an outright refusal to acknowledge that human behavior is impacted by its environment. This error applies to traffic planning, as state DOTs widen highways to reduce congestion, in complete ignorance of all the data proving that new lanes will be clogged by the new drivers that they invite. And it applies to safety planning, as traffic engineers, designing for the drunk who's texting at

midnight, widen our city streets so that the things that drivers might hit are further away.

The logic is simple enough, and makes reasonable sense when applied to the design of high-speed roads. Think about your behavior when you enter a highway. If you are like me, you take note of the posted speed limit, set your cruise control for 5 m.p.h. above that limit, and you're good to go. We do this because we know that we will encounter a consistent environment free of impediments to high-speed travel. Traffic engineers know that we will behave this way, and that is why they design highways for speeds well above their posted speed limits.

Unfortunately, trained to expect this sort of behavior, highway engineers apply the same logic to the design of city streets, where people behave in an entirely different way. On city streets, most drivers ignore posted speed limits, and instead drive the speed at which they feel safe. That speed is set by the cues provided by the environment. Are there other cars near me? Is an intersection approaching? Can I see around that corner? Are there trees and buildings near the road? Are there people walking or biking nearby? And: How wide is my lane?

When lanes are built too wide, pedestrians are forced to walk further across streets on which cars are moving too fast and bikes don't fit.

All of these factors matter, and others, too. The simplest one to discuss, and probably the most impactful, is lane width. When lanes are built too wide, many bad things happen. In a sentence: pedestrians are forced to walk further across streets on which cars are moving too fast and bikes don't fit.

In the paragraphs that follow, I will lay out the evidence against 12-foot lanes, evidence compiled by traffic engineers, for traffic engineers. When presented with this evidence, DOT officials will face a mandate: provide conflicting

evidence, or give in. In over a year of searching for conflicting evidence, I have failed to find any. The closest I came was the following conversation, with a DOT district commissioner in a western state, which I recorded faithfully within moments of it taking place:

"Yeah, you've got your studies that say that 10-foot lanes are safer than 12-foot lanes. But I've got a pile of studies *this* high," he insisted, waving at his hip, "that say the opposite."

"Wonderful," I said. "May I see them?"

"No. They're from the early days. I threw them out."

Emboldened by that exchange, I will again present the evidence at hand. First, we will investigate what the American Association of State Highway and Transportation Officials *Green Book*, the traffic engineers' bible, has to say on the subject. Then we will review the very few studies that compare crash statistics and driver speeds on lanes of different widths. These will allow us to draw some clear conclusions about safety.

Consulting the Green Book

For traffic engineers, AASHTO is the keeper of the flame. Its "Green Book," the *Policy on Geometric Design of Highways and Streets*, is the primary source for determining whether a road design is an accepted practice. As such, it is useful in protecting engineers against lawsuits; if something is in the *Green Book*, it's "safe."

Given the protection it affords, nobody questions the *Green Book*. Never mind that very little of it is evidence-based, and that there are no footnotes justifying its pronouncements. I mean, does the Bible have footnotes?

Whether or not it reflects reality, the *Green Book's* position on lane widths is more than relevant, since the engineers need its blessing to modify a standard. Theodore Petritsch relates this position as follows:

For rural and urban arterials, lane widths may vary from 10 to 12 feet. 12-foot lanes should be used where practical on higher-speed, free-flowing, principal arterials. However, under interrupted-flow

(signalized) conditions operating at lower speeds (35 MPH or less), narrower lane widths are normally quite adequate and have some advantages.

Here, the takeaway is clear: AASHTO says that 10-foot lanes are just fine—for what it's worth.

The Studies: Rare but Conclusive

A number of studies have been completed that blame wider lanes for an epidemic of vehicular carnage. One of them, presented by Rutgers professor Robert Noland at the 80th annual meeting of the Transportation Research Board, determined that increased lane widths could be blamed for approximately 900 additional traffic fatalities per year. Unfortunately, Noland is a mere Ph.D. and not a practicing engineer. His evidence apparently didn't mean squat to the TRB. If you don't have short-sleeved white shirt and a pocket protector, you may as well stay home.

Happily, it turns out that engineers have conducted studies of their own. Two of these deserve our rapt attention. The first study, called ["Effective Utilization of Street Width on Urban Arterials,"](#) was completed by the TRB itself. It found the following:

... all projects evaluated during the course of the study that consisted of lane widths exclusively of 10 feet or more [rather than 12 feet] resulted in accident rates that were either reduced or unchanged.

So far so good. A second study, called ["Relationship of Lane Width to Safety for Urban and Suburban Arterials,"](#) was conducted by the conservative Midwest Research Center. Comparing 10- to 11-foot lanes to 12-foot lanes, it found:

A safety evaluation of lane widths for arterial roadway segments found no indication, except in limited cases, that the use of narrower lanes increases crash frequencies. The lane widths in the analyses conducted were generally either not statistically significant or indicated that narrower lanes were associated with lower rather than higher crash frequencies.

It is clear, then, that at the very least, 10-foot lanes cause no more accidents than 12-foot lanes, and may cause fewer. But what about the severity of these accidents, a subject on which these studies appear to be mute?

Here we can make use of another study and some common sense. We all know that people drive faster in wider lanes, but we need the engineers to say it. Fortunately, the Texas Transportation Institute, as old-school as they come, [has done just that](#). They state:

On suburban arterial straight sections away from a traffic signal, higher speeds should be expected with greater lane widths.

Granted, this study covers only one type of road, but there is no reason to expect opposite results on, for example, straight urban roads. The same logic would apply, although perhaps less dramatically: people drive faster when they have less fear of veering off track, so wider lanes invite higher speeds.

A pedestrian hit by a car traveling 30 m.p.h. is between seven and nine times as likely to be killed as one hit by a car traveling 20 m.p.h.

To conclude this radical thought experiment, we need to confirm another commonsense assumption, that higher-speed crashes cause more injuries and deaths than lower-speed crashes. This has been amply demonstrated to apply to all road users, especially pedestrians. According to a broad collection of studies, a pedestrian hit by a car traveling 30 m.p.h. at the time of impact is between seven and nine times as likely to be killed as one hit by a car traveling 20 m.p.h. This tremendously sharp upward fatality curve means that, at urban motoring speeds, every single mile per hour counts.

All of the above data, studies, and pronouncements, collected and disseminated by the mainstream traffic engineering establishment, point to the following conclusion: 10-foot lanes cause no more accidents than 12-foot lanes, and they may cause fewer. These accidents can be expected to be slower, and thus less deadly. Therefore, 10-foot lanes are safer than 12-foot lanes.

Protecting Capacity

Before finishing, we need to investigate the carrying capacity of different width lanes, since traffic volume remains a legitimate concern. If safety were the only goal of traffic planning, all streets would be one-lane wide—or better yet, zero lanes wide. The fact that they are not means that we, as a society, are more than willing to sacrifice lives for automobility. So, what's the data?

Here, as again reported by Petritsch, a thorough literature search conducted by the Florida DOT yielded these findings:

The measured saturation flow rates are similar for lane widths between 10 feet and 12 feet. ... Thus, so long as all other geometric and traffic signalization conditions remain constant, there is no measurable decrease in urban street capacity when through lane widths are narrowed from 12 feet to 10 feet.

It is striking to hear this news from FDOT, the agency that may preside over the greatest pedestrian massacre in U.S. history. Four out of the five deadliest American cities for walking are currently in Florida. This is by design: in no other state has the DOT had such a powerful influence on the design of urban streets.

Pointing Fingers

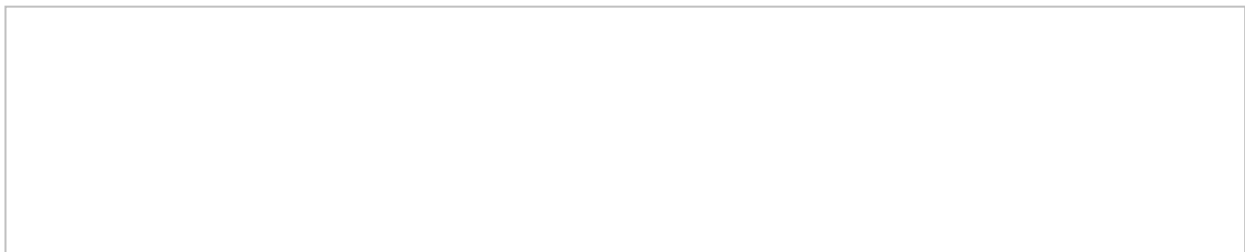
Alarmed by its horrifying safety ranking—and the barrage of resulting bad publicity—FDOT has taken bold measures to improve pedestrian safety. It released just last year a 44-page *Florida Pedestrian and Bicycle Strategic Safety Plan*. Unfortunately, while this document talks plenty about such things as driver, cyclist, and pedestrian education, only two of its pages deal remotely with the real culprit, traffic engineering. Here, we are told that FDOT intends to "implement pedestrian and bicycle best practices," a phrase that is fairly meaningless without further definition.

To its credit, the plan advocates for the application of a "complete streets" policy to benefit cyclists and pedestrians. But such policies, as we have learned, make sure that some streets include bike lanes and sidewalks, but rarely require the dimensional properties that make them safe. Nowhere in the entire *Strategic Safety Plan* are lane widths discussed, or any other design feature of the roadway that might encourage deadly speeds.

In fact, you can learn all you need to know about this effort by glancing at the cover of the report, which is stamped with the project motto: "Alert Today, Alive Tomorrow." Think about that statement, and what it implies. In an encounter between a car and a pedestrian, whose life is at risk? Who, then, is expected to reform her behavior? Certainly not the driver—and most certainly not any engineers who endanger their populations with 12-foot lanes.

A Test Case

I believe that FDOT—and every DOT—is capable of reform, but experience suggests that this will only happen when enough people make a stink. In Florida, we will be able to gauge the DOT's willingness to enter the reality-based community by how it responds to a proposal recently made to restripe Okeechobee Boulevard, a deadly state highway that cuts through downtown West Palm Beach. Its nine lanes separate the Palm Beach County Convention Center from everything that conventioners walk to, and are a nightmare to walk across or beside. These lanes, of course, are 12 feet wide.





Before and after drawings for Okeechobee Boulevard in West Palm Beach, Florida, show how narrowing 12-foot lanes to 10 feet creates ample room for protected bike lanes. (Image: Speck & Associates LLC)

What would happen if these lanes were reduced to 10-feet wide, as proposed? Three things. First, cars would drive more cautiously. Second, there would be roughly eight feet available on each side of the street for creating protected cycle lanes, buffered by solid curbs. Third, the presence of these bike lanes would make the sidewalks safer to walk along. All in all, an easy, relatively inexpensive win-win-win that DOT could fund tomorrow.

But will they? Only if they are capable of reform. Let's find out. The agency's bike and pedestrian coordinator, Billy Hattaway, is one of the good ones. But does he have the power to move FDOT to a 10-foot standard?

Moving beyond Florida, the task is clear. Our lives are currently being put at risk daily by fifty state DOTs and hundreds of county road commissions who mistakenly believe that high-speed street standards make our cities and towns safer. In my most considered opinion, these agencies have blood on their hands, and more than a little. There are many standards that they need to change, but the easiest and most important is probably the 12-foot lane. Armed with the facts, we can force this change. But only if we do it together.

It's time to push this discussion to its logical conclusion. Until conflicting evidence can be mustered, the burden of proof now rests with the DOTs. Until they can document otherwise, every urban 12-foot lane that is not narrowed to 10 feet represents a form of criminal negligence; every injury and death, perhaps avoidable, not avoided—by choice.

In the meantime, I welcome evidence to the contrary. We've shown them our studies; now let them show us theirs. Unless, of course, they've thrown them out.

This article is part of ['The Future of Transportation,'](#) a CityLab series made possible with support from [The Rockefeller Foundation](#).

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About the Author

Jeff Speck, AICP, CNU-A, LEED-AP, Honorary ASLA, is a city planner and the author of several books, most recently *Walkable City: How Downtown Can Save America, One Step at a Time*.



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Friday, October 21, 2016

7 Comments

Tesla's Vision for the Future of Autonomous Cars Should Scare Us

by [Angie Schmitt](#)

What impact will self-driving cars have on cities?

The range of potential outcomes is enormous. In the best-case scenario, private car ownership gives way to [shared fleets of autonomous cars](#), freeing up vast amounts of land that used to be devoted to vehicle storage.

Then there's the scenario promoted by Tesla, in which everyone owns their personal autonomous vehicle. The consequences would be frightening, says Yonah Freemark at the [Transport Politic](#):



Will self-driving cars also bring about shared fleets or will they operate in the old individual ownership model? Photo: [Flickr/David van der Mark](#)

Robin Chase, the founder of Zipcar, has laid out an intuitive way of understanding this issue using [a binary "heaven or hell" construction](#) (note: [I've interviewed her in the past on how autonomous cars will impact the transit system](#)). According to this formulation, we could have "heaven" if we had fleets of shared, electric, driverless cars powered by renewable energy, plus a redistributive economy that ensures that people who once had jobs in the transportation sector have access to a minimum income. On the other hand, we could have "hell" if everyone owns his or her own driverless car that does our errands, parks our cars, and circles the neighborhood waiting for us to need it again.

Tesla seems to be resolving this issue for us.

In the [video the company released](#) announcing its new technology, a man enters a car outside of his bucolic suburban home, from which it whisks him away — without him touching the steering wheel — to the (also suburban) Tesla factory. Once there, he gets out of the car, at which point it goes off to find a parking space, where it will presumably sit all day until he's ready to go back home.

One promotional video is hardly enough to make an assessment about the future, but the imagery Tesla is projecting, which is of an anti-urban, individualized nature, certainly aligns closely with Chase's "hell" scenario. After all, multiplied across the millions of people living in a metropolitan area, Tesla's independently owned self-driving cars would simply replicate much of the existing transportation system, except this time, unlike for current drivers, they'll have no incentive to minimize driving time — since automated cars can go driving off, circling the block or finding some distant parking space, without inconveniencing the driver.

Freemark says we shouldn't accept that. Public policy should shape the driverless car future:

It isn't a random coincidence that people commute in very different ways in New York and Dallas. We do not have to accept the "hell" scenario of Tesla's creation — but working to produce "heaven" requires more than resting our hopes on the economic benefits of sharing vehicles versus owning our own. Advancing positive change for our cities means recognizing the trouble with simply accepting whatever is most appealing on the market, or whatever the market leaders are promoting.

In the course of my work developing [Transport Databook](#) (which, if you haven't checked it out yet, is a resource for up-to-date transportation data), I pulled together information on changes in transportation mode shares in U.S. cities over time. I was sadly unsurprised to find that the share of people commuting by car in the country's ten biggest cities is [little changed from what it was in 1970](#). The level of car reliance is a fact of life, one might say. Given public interest in autonomous vehicles, cities should give up on bus lanes, abandon pedestrianized streets — just give people what they want.

Yet examining [similar data for Paris and London](#) suggests that, in fact, policy can matter. In those wealthy cities, the level of automobile travel has declined quite substantially since the early 1990s. That decline is not an accident. It is the product of clear-headed policies that implemented a vision of the city where travel by walk, bike, and transit is prioritized; the recent [pedestrianization of the Seine highway](#) and the plans for new [cross-Thames pedestrian bridges](#), for example, reinforce those policies.

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Elsewhere on the Network today: [Mobility Lab](#) reports that Arlington, Virginia, is beginning the process of reforming its residential parking policies. [Systemic Failure](#) says that changes to the boarding platforms for California High Speed Rail will effectively cut capacity in half. And [Seattle Transit Blog](#) fact checks the recent Seattle Times non-endorsement of the \$54 billion light rail expansion plan on the November ballot.

Email Share

1976boy

Yeah, well maybe Musk is not the visionary he's made out to be.

qrt145

I often see people suggest that autonomous cars will mean people will now only use shared cars, essentially driverless taxis. But rarely do I see mention of the elephant in the trunk: a major benefit of having your own car is that you also get a portable storage locker. This is particularly useful when doing multiple trips carrying stuff around, or when your car needs extra stuff such as child seats (I suppose those could be shared too, if you don't mind your child seating other children's vomit...)

I don't own a car. I sometimes use shared cars or taxis, because it's cheaper for me and I don't need them that often. But not having my own portable storage locker is definitely an inconvenience. Would most people be willing to put up with it? We'll see. Maybe if the price is right.

Jeff

Good call. While I definitely prefer this lifestyle overall, one of the biggest drawbacks of living car-free is that deciding whether or not to bring a sweatshirt or a novel or whatever with you in the morning is a really, really big deal.

thielges

The portable locker utility of a personal car is indeed a factor. Just as people need to adapt from "jump in the car and drive to the destination" to "understand the timetable and walk to transit", they also need to find alternatives to the portable locker. And there are plenty.

The most fundamental is the realization that most of the junk in the portable locker isn't necessary. I've even left stuff in my car simply because I was too lazy to find a place for it in my home. Lightening up seems daunting at first though can be liberating as anyone who's pared down their travel luggage from a huge suitcase to a smaller carry-on bag.

Sanitation of child seats (or adult seats for that matter) can be mitigated by frequent cleaning and/or slipcovers. And why would anyone concerned with their kid contacting other kids spewage ever allow their child to attend school or play in a public park? You'll never appeal to hard core germaphobes. They're a lost cause on shared transit.

There should be incentives to use shared self-driving cars. There's already an economic incentive: you don't need to own and maintain your own vehicle and its associated parking spot. Cities could also start phasing out parking subsidies. Place a price on public land used for storage, even in the burbs. Reduce or remove the parking minimums on developments. Those parking lots create dead space that could be put to better use, bringing in more tax revenue by housing and employing more residents. Plus a more compact arrangement of buildings reduces the need to drive in the first place.

Michel S

At the end of the day, Tesla is trying to sell you a product. That means they have to appeal to what people know, they have to be relatable and relevant. The model and fetishization of private car ownership in the US is still all anybody here knows, so it's entirely predictable that self-driving cars will be marketed the same way cars have been marketed for decades. Until public policy changes such that the model of mass automobile consumption becomes untenable, nothing will change.

com63

They are just trying to sell more cars so of course they prefer the individual model to the shared model. Consumers however prefer saving money. If the shared model is convenient enough, but saves money, they will choose that.

murphstahoe

The simplest argument for the "Heaven" argument is all the drivers who have signed up to drive for Uber to make money. Now imagine you can make that money while doing some other money making or pleasurable task.

Why would you park your self driving car in the company parking lot all day when it could be out running uber errands?

A project of