

**REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY – JUNE 22, 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 **June 8, 2016**
- C. Chairpersons' Comments
- D. Review of the Agenda
- E. Final Site Plan Review
 - 1. **100 – 450 Woodland Villa (existing duplexes)** – Request for Final Site Plan approval to add a gate across Woodland Villa south of W. Maple.
- F. Petition to Amend Zoning Ordinance
 - 1. **245, 325 & 375 S. Eton** – Petition to amend maximum height for mechanical equipment in the MX (Mixed Use) zoning district.
- G. Debrief of Joint Meeting with the City Commission
- H. Meeting Open to the Public for items not on the Agenda
- I. Miscellaneous Business and Communications:
 - a. Communications
 - b. **Administrative Approval** Correspondence
 - c. Draft Agenda for the next Regular Planning Board Meeting (**July 13, 2016**)
 - d. Other Business
- J. Planning Division Action Items
 - a. Staff Report on Previous Requests
 - b. Additional Items from tonight's meeting
- K. Adjournment

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**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, JUNE 8, 2016**

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PUBLIC HEARING	2
1. To consider amendments to Article 04, section 4.90 WN-01 and Article 07, section 7.05 of the Zoning Ordinance to amend the glazing standards	
Motion by Ms. Whipple-Boyce Seconded by Mr. Share to recommend to the City Commission approval of the proposed changes to Article 04, section 4.90 WN-01 and Article 07, section 7.05 of the Zoning Ordinance to amend the glazing standards.	3
Motion carried, 6-0.	3
PRELIMINARY SITE PLAN REVIEW AND COMMUNITY IMPACT STUDY ("CIS")	3
1. 748-750 Forest Ave. (existing office buildings) Request for Preliminary Site Plan and CIS Review to allow construction of a new five-story mixed-use building, three stories along Elm (continued from May 25, 2016)	
Motion by Mr. Share Seconded by Mr. Koseck to accept the CIS for 748-750 Forest Ave. as submitted.	4
Motion carried, 6-0.	4
Motion by Mr. Share Seconded by Mr. Koseck to approve the Preliminary Site Plan Review as revised for 748 and 750 Forest with the following conditions: <ol style="list-style-type: none"> 1. The applicant provide three (3) additional parking spaces or obtain a variance from the Board of Zoning Appeals; 2. Demonstrate compliance with section 3.08 (E) of the Triangle Overlay Plan permitting two (2) additional stories in the MU-3 zone that is at least 100 ft. from single-family residential; 3. The applicant reduce parking frontage to 25% of total street frontage length or 60 ft., whichever is less; 4. The applicant provide a minimum depth of 20 ft. of usable building 	7

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<p>space along a minimum of 75% of the total street frontage length; 5. The applicant provide glazing calculations for the first floor and upper level floors at Final Site Plan & Design; 6. The applicant incorporate the requirements of the Via Activation Plan into their proposal at Final Site Plan & Design; 7. The applicant provide four (4) bike racks as per City standards; and 8. The applicant complies with requests from City Departments.</p>	
<p>Motion carried, 6-0.</p>	7
<p>REQUEST FOR SITE PLAN EXTENSION</p>	7
<p>1. 2000-2070 Villa St. (currently vacant) Request for extension of Final Site Plan (expiring June 9, 2016)</p>	
<p>Motion by Mr. Share Seconded by Mr. Jeffares to approve extension of the Final Site Plan approval for 2000-2070 Villa St. for a period of 90 days from June 9, 2016.</p>	8
<p>Motion carried, 6-0.</p>	8
<p>STUDY SESSION ITEMS</p>	8
<p>1. Outdoor Storage and Display</p>	
<p>Motion by Mr. Koseck Seconded by Mr. Share to move this to a public hearing on Outdoor Display and Storage on July 13, 2016.</p>	9
<p>Motion carried, 5-1.</p>	9

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JUNE 8, 2016
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on June 8, 2016. Chairman Scott Clein convened the meeting at 7:32 p.m.

Present: Chairman Scott Clein; Board Members Stuart Jeffares, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce; Alternate Board Member Daniel Share; Student Representative Colin Cousimano (left at 9 p.m.)

Absent: Board Members Robin Boyle, Bryan Williams; Alternate Board Member Lisa Prasad

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

06-93-16

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
OF MAY 25, 2016**

Motion by Ms. Lazar

Seconded by Mr. Jeffares to approve the Minutes of May 25, 2016 as presented.

Motion carried, 4-0.

VOICE VOTE

Yeas: Lazar, Jeffares, Clien, Koseck

Nays: None

Abstain: Share, Whipple-Boyce

Absent: Boyle, Williams

06-94-16

CHAIRPERSON'S COMMENTS (none)

06-95-16

APPROVAL OF THE AGENDA (no change)

PUBLIC HEARING

1. To consider amendments to Article 04, section 4.90 WN-01 and Article 07, section 7.05 of the Zoning Ordinance to amend the glazing standards

Chairman Clein opened the public hearing at 7:40 p.m.

Mr. Baka recalled that the Planning Board has been holding study sessions on this topic to explore ways that the ordinance requirements can be altered so that fewer variances are sought but the intent of the window standards remains in place. The intent of the glazing requirements has been to activate the streets and public spaces of Birmingham by creating an interactive relationship between the pedestrians and the buildings in commercial areas. The Planning Board decided that the standard of measuring the percentage of glazing on a site should be consistently measured between 1 and 8 ft. above grade in all zoning districts. Accordingly, the board recommended approval of the proposed amendments to the City Commission, which were later adopted by the Commission. Since that time, the Planning Division has held several study sessions on the subject of window standards.

At the last study session the Planning Board discussed an error in the Zoning Ordinance that was discovered by staff and that has a significant effect on how the existing language is enforced. The definition of facade was inadvertently altered when the Zoning Ordinance was reformatted in 2005. The reformatting changed the definition of facade to the vertical exterior surface of a building that is set parallel to a setback line which is all four sides of the parcel; rather than a frontage line which is elevations that front on a public street. The change from frontage line to setback line significantly alters what is considered a facade.

This discovery eliminated a lot of the need to make drastic changes to the window standards. However, the board did determine that building elevations that have a public entrance should contain some element of glazing on elevations that are not on a frontage line. Accordingly, the board directed staff to draft a provision that requires 30% glazing between 1 and 8 ft. on those elevations. In addition, the Planning Division recommends adding Article 4, section 4.90 (C) to prevent blank walls longer than 20 ft. in most situations, and would also recommend the removal of Article 7, Processes, Permits and Fees, section 7.05 (B), Architectural Design Review, as it is out of place in this location, and would be best addressed in Article 4, Development Standards – Window Standards.

Also a section has been added to allow flexibility in architectural design considerations. These standards may be modified by a majority vote of the Planning Board, Design Review Board, and/or Historic District Commission provided certain conditions are met. Discussion brought out that the ordinance dictates which board an applicant will appear before.

On May 11, 2016, the Planning Board discussed the proposed amendments to the glazing standards, and voted unanimously to set a public hearing for June 8, 2016. No changes have been made to the proposed language since that time.

There were no comments from the public on the proposed amendments at 7:52 p.m.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Share to recommend to the City Commission approval of the proposed changes to Article 04, section 4.90 WN-01 and Article 07, section 7.05 of the Zoning Ordinance to amend the glazing standards.

No one from the audience wished to discuss the motion at 7:53 p.m.

Motion carried, 6-0.

VOICE VOTE

Yeas: Whipple-Boyce, Share, Clein, Jeffares, Koseck, Lazar

Nays: None

Absent: Boyle, Williams

The chairman closed the public hearing at 7:53 p.m.

06-97-16

PRELIMINARY SITE PLAN REVIEW AND COMMUNITY IMPACT STUDY ("CIS")

- 1. 748-750 Forest Ave. (existing office buildings)
Request for Preliminary Site Plan and CIS Review to allow construction of a new five-story mixed-use building, three stories along Elm (continued from May 25, 2016)**

Mr. Baka provided background. The subject site is composed of two parcels, 748 and 750 Forest Ave., located at the corner of Forest Ave. and Elm St. The combined parcels are 13,200 sq. ft. The applicant is proposing to demolish the existing buildings to construct a mixed-use, office and residential development occupying both lots. The proposed building consists of 22 residential units and 850 sq. ft. of office space.

At the May 25, 2016 meeting of the Planning Board the CIS and Preliminary Site Plan were postponed to allow staff time to review the Phase 1 Environmental Assessment and noise study and to allow the applicant time to consider some potential site plan changes that would eliminate the need for several of the variances that would be required under their current proposal.

CIS

Land Development Issues:

A Phase 1 Environmental Report has been provided by the applicant and is dated July 20, 2015. The study states that the historic use of the site indicates no contamination issues. Proper testing should be done before any demolition to confirm whether any

issues are present. In summary, at this time the report does not recommend any further investigation of the subject site beyond the Phase 1 Environmental.

Mr. Share noticed there appears to be an open underground storage tank leak at the Speedway Station. Therefore he recommended that staff follow up to make sure that it gets closed.

Utilities, Noise and Air Issues:

The applicant provided a noise study from Kolano and Saha Engineers, Inc. that was completed on May 19, 2016. The results of the noise study state that the proposed development should be compatible with the surrounding neighborhood and should not create a significant source of noise beyond the property line. However, should it be necessary to install a back-up generator, the specification of this unit should be reviewed to ensure that it will be compliant with the noise regulations contained in the City Code.

Parking Issues:

The applicant indicates that a total of 39 parking spaces are proposed, with 37 spaces located on-site and two spaces located on Elm St.. A total of 42 parking spaces is required.

Motion by Mr. Share

Seconded by Mr. Koseck to accept the CIS for 748-750 Forest Ave. as submitted.

Motion carried, 6-0.

VOICE VOTE

Yeas: Share, Koseck, Clein, Jeffares, Lazar, Whipple-Boyce

Nays: None

Absent: Boyle, Williams

Preliminary Site Plan Review

Mr. Baka indicated there have been significant changes to the first floor to address issues that were present at the last meeting. The applicant now intends to orient the building towards Elm St. which eliminates the need for the rear setback provision in the MU-3 portion of the building. If the building fronts on Elm St. the rear is in MU-5 which does not require a rear setback.

The applicant is also proposing to construct a portion of the MU-3 section of the building up to five (5) stories. This is permitted by the Triangle Overlay if the building is 100 ft. or more from residential and meet the requirements of section 3.08 (E), which requires that they meet two (2) or more of the conditions listed. As currently proposed, the plan meets provision three (3) by providing over 50% of the floor area as residential. The applicant must demonstrate compliance with at least one of the other provisions listed or reduce the MU-3 portion of the building to three (3) stories.

The parking lot frontage as proposed exceeds the permitted 60 ft. allowed by section 3.08 of the Zoning Ordinance for corner lots. With regard to the streetscape, the applicant has now amended the plans to push the building back 2 ft. in order to include the required 12 ft. sidewalks on both Forest Ave. and Elm St.

The applicant is now proposing 37 spaces on site and is permitted to count the two on-street spaces along Elm St. towards their parking requirements as well. **Accordingly, the applicant must provide three (3) additional spaces or obtain a variance from the Board of Zoning Appeals ("BZA").** The Triangle Overlay Plan provides alternatives to providing required spaces including utilizing a shared parking agreement or contribution to the public parking fund. The applicant has stated that they are considering the use of car lifts to supply the additional required parking.

The applicant must reduce parking frontage to 25% of street frontage length to meet 3.08 (G)(1)(b) requirements of the Zoning Ordinance or apply for a variance from the BZA.

The building must have usable building space to a depth of at least 20 ft. along a minimum of 75% of the total street frontage length when parking is located on the ground level, or the applicant must obtain a variance from the BZA. Right now the applicant is proposing 65%.

Design Review

The building consists of five (5) stories on the western section, and three (3) stories on the eastern section, both of which have flat rooftops. The flat roof of the eastern section will serve as an outdoor terrace. The ground level of the western section consists of a masonry wall with a grey finish which will enclose the parking lot. The exterior of the building is grey and navy blue. The windows are vertically proportioned and appear to be transparent. The residential units have balconies with concrete bases and metallic checkered fencing. The applicant has now moved the residential lobby to the Elm St. facade, and the office space now fronts on Forest Ave.

The current design adjacent to the via on the south side of the building includes a masonry wall with six (6) garage doors. Staff recommends that the Planning Board may wish to suggest design amenities that will enhance the character, visual interest, and surveillance of the building facing the via. A complete Design Review will be provided at Final Site Plan Review.

Mr. Paul Robertson appeared on behalf of Robertson Brothers and the Robertson-Larson Partnership that is constructing the building. With him was Mr. Jim Clark from Robertson Brothers; and Messrs. Michael Poris and Ross Hoekstra from McIntosh Poris Associates. Mr. Robertson thought they have made a lot of progress since the last meeting. The entry has been moved to get rid of the 10 ft. required setback. They have added to the sidewalk by putting an overhang on the building. With regard to the parking, it doesn't make sense to him to allow street parking on only one side of a corner lot. The only way to make these buildings work for residential is to provide parking. However, public parking seems to be years away in the Triangle District. Office space that has limited value is required in front of the liner building. They plan to

comply with LEED Certification or add 15 spaces to the parking deck. The two parking spaces that are short will be made up with lifts.

Mr. Michael Poris said he attended the Congress of New Urbanism convention in Detroit recently and had a long conversation about their site with Mr. Andres Duany. Mr. Duany thought there should be no parking requirements for any ground-floor retail liner. As far as street frontage, Mr. Duany was adamant there should not be any disincentives on the City's part.

Mr. Robertson asked the Planning Board to look very hard at specific line items that are in the ordinance for the Triangle District such as the parking requirement and liner space. It is all of those things that don't allow any latitude for a developer. The most troublesome thing that could be passed very quickly is the corner lot ordinance that would allow parking along both street frontages.

Mr. Share was concerned about the short and long-term visual effect of the garage doors on the alley side. Mr. Poris considered it an opportunity to have the repetitive element of the garages going down the alley. Mr. Share noted the parking garages in South Beach are fabulous and very imaginative.

In response to Ms. Whipple-Boyce, Mr. Robertson said he thinks there is a very limited demand for either office or commercial in that location based on the parking problem, and the space will go to whoever wants to lease it.

There was no one from the public who wished to comment at 8:15 p.m.

Mr. Koseck reiterated that a parking structure is certainly needed in this district. He feels the required liner building aspect is very important. One of the fundamental premises of the ordinance is to create a walkable community, and he believes they have a good ordinance. Ms. Whipple-Boyce added that no one wants to walk past a building that is absolutely dead - those active spaces are needed and she would never be in favor of eliminating them.

Mr. Cousimano noted that when he visited Bologna, Italy the buildings hung over the sidewalk and added square footage. Ms. Ecker replied that doesn't necessarily address the parking issue because the more square footage that is added the more the parking requirement increases.

Mr. Jeffares said he would go for a variance that says because he is going to activate the streets he will be short a couple of parking spots. It's tough, because this is a pioneer project.

Mr. Robertson commented this is not the Central Business District and he is not exactly sure who will be walking here. There is nothing there but automotive related businesses except for the Forest Grill.

Chairman Clein indicated he will support the plan. The ordinance requirements are in line with what the board has been working for all of these years. Mr. Jeffares noted that

in time Woodward Ave. will become easier to cross because of the changes that are coming.

Motion by Mr. Share

Seconded by Mr. Koseck to approve the Preliminary Site Plan Review as revised for 748 and 750 Forest with the following conditions:

- 1. The applicant provide three (3) additional parking spaces or obtain a variance from the Board of Zoning Appeals;**
- 2. Demonstrate compliance with section 3.08 (E) of the Triangle Overlay Plan permitting two (2) additional stories in the MU-3 zone that is at least 100 ft. from single-family residential;**
- 3. The applicant reduce parking frontage to 25% of total street frontage length or 60 ft., whichever is less;**
- 4. The applicant provide a minimum depth of 20 ft. of usable building space along a minimum of 75% of the total street frontage length;**
- 5. The applicant provide glazing calculations for the first floor and upper level floors at Final Site Plan & Design;**
- 6. The applicant incorporate the requirements of the Via Activation Plan into their proposal at Final Site Plan & Design;**
- 7. The applicant provide four (4) bike racks as per City standards; and**
- 8. The applicant complies with requests from City Departments.**

There were no comments from members of the audience at 8:34 p.m.

Motion carried, 6-0.

VOICE VOTE

Yeas: Share, Koseck, Clein, Jeffares, Lazar, Whipple-Boyce

Nays: None

Absent: Boyle, Williams

06-98-16

REQUEST FOR SITE PLAN EXTENSION

- 1. 2000-2070 Villa St. (currently vacant)
Request for extension of Final Site Plan (expiring June 9, 2016)**

Ms. Ecker recalled a six month extension was approved for this project six months ago.

Mr. Andy Prescott, Torian, LLC said that Mr. Steuer, the property owner, retained them in early February to find funds to move forward with the project. They found a lender and expect to close by the end of July, which would allow them to break ground around Labor Day.

Board members thought a 90-day extension would be plenty.

Motion by Mr. Share

Seconded by Mr. Jeffares to approve extension of the Final Site Plan approval for 2000-2070 Villa St. for a period of 90 days from June 9, 2016.

No one from the public wished to speak on the motion at 8:47 p.m.

Motion carried, 6-0.

VOICE VOTE

Yeas: Share, Jeffares, Clein, Koseck, Lazar, Whipple-Boyce

Nays: None

Absent: Boyle, Williams

06-99-16

STUDY SESSION ITEMS

1. Outdoor Storage and Display

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

Draft ordinance language was presented at the March 9, 2016 Planning Board meeting that incorporated many of the concepts that had been discussed during previous study sessions. At that time, the board expressed a desire to simplify the draft ordinance by pushing all storage to the rear or side of buildings with full screening, eliminating any use of parking spaces for displays and requiring design review for any outdoor display regardless of use. It was also suggested that the amount of outdoor display area permitted be a ratio of the principal building frontage, similar to the way that signage is regulated.

For the purposes of discussion, draft ordinance language was presented at the April 13, 2016 Planning Board meeting to allow three (3) square feet of display area for each foot of principal building frontage. In addition, the definition of principal building frontage contained in the Sign Ordinance was added to Article 09 of the Zoning Ordinance.

It was requested that staff provide additional examples of how much display area would result from various principal building frontage calculations. In addition, the Planning Board requested that language be added prohibiting ice machines and propane storage in the front open space.

On May 11, 2016, the Planning Division presented several outdoor display scenarios at existing sites to illustrate the potential size of outdoor display areas based on a few different ratios being considered for review and discussion. Based on these illustrations, the Planning Board recommended a ratio of 0.5 sq. ft. of outdoor display space per linear foot of building frontage.

Board members also requested that site plan and design review be conducted for all gasoline stations and convenience stores. Additional information was requested from the City Attorney regarding amortization clauses or “sunset clauses” to determine how much notice is required to remove outdoor storage and display areas that have not previously been approved through the site plan and/or design review process.

Accordingly, the draft ordinance language has been amended to reflect the requested changes.

Ms. Ecker advised that staff recommends using the term party store rather than convenience store because there is no definition of convenience store in the ordinance. At the last meeting the board changed propane tanks to propane containers. The board might want to change ice machines to ice storage containers. It was also discussed that these should not be permitted between the building and any frontage line. The letter from the City Attorney has not yet been completed. However, Mr. Currier advised that a sunset clause cannot be written for outdoor storage because the Michigan Zoning Enabling Act does not allow it.

Ms. Whipple-Boyce thought it unfortunate that the two examples that prompted the board to look into storage and display can remain as they are. Where a business owner may have come to the Planning Board for a subtle change, now they may decide not to do so in order to avoid getting hit with these restrictions.

Ms. Ecker noted you have to start somewhere, and if the rules and regulations are not set up to get where you want to go, you will never get there.

Motion by Mr. Koseck

Seconded by Mr. Share to move this to a public hearing on Outdoor Display and Storage on July 13, 2016.

There was no public to comment on the motion at 9:05 p.m.

Motion carried, 5-1.

VOICE VOTE

Yeas: Koseck, Share, Klein, Jeffares, Share

Nays: Whipple-Boyce

Absent: Boyle, Williams

06-100-16

3. Transitional Zoning (TZ-2)

Ms. Ecker recalled at the last meeting the board discussed the uses in TZ-2. To assist in the discussion of permitted uses in TZ-2 (and in relationship to TZ-1 and TZ-3), the Planning Division has compiled a chart that lists all permitted uses in TZ-1, TZ-2 (as proposed) and TZ-3. All of the changes have been made based on comments at the last meeting. As the board requested, this Transitional Zoning issue will be on the June 20

joint meeting with the City Commission agenda. Mr. Koseck commented that how this is presented will be key. Ms. Ecker said she will suggest that the Planning Board is happy with TZ-1, TZ-2 and TZ-3, and it is just a matter of fine tuning the uses, so they will focus the discussion on that.

Ms. Whipple-Boyce thought it makes a lot of sense to compare the three TZ zones side-by-side. Chairman Clein agreed that having the comparison chart is very important.

The group discussed the definition of party store and whether to change the ordinance to say party store rather than convenience store. The chairman said after the joint meeting definitions can be clarified for uses that are open to interpretation.

There was no audience left at 9:17 p.m.

06-101-16

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

06-102-16

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications

b. Administrative Approval Correspondence

- Mr. Baka described an administrative approval request for an individual property in Crosswinds. The applicants want to expand the balcony on the back of their unit. The enlarged balcony with support columns would create a covered carport. Discussion concluded the Condo Association would have to approve the proposal. Mr. Koseck thought some variety there would be good. The board's conclusion was for staff to talk with the applicants and see if they can go through the Condo Association process first to come up with something that works. Then they can bring a cross-section and plan view to the Planning Board.

c. Draft Agenda for the Regular Planning Board Meeting on June 22, 2016

- Woodland Villa - Application to add a gate across the entry drive off of Southfield Rd.
- 245, 325 & 375 S. Eton - Request to amend the ordinance in the MX District to allow additional height for mechanical equipment.

d. Other Business (not discussed)

06-103-16

PLANNING DIVISION ACTION ITEMS

a. Staff report on previous requests (none)

b. Additional items from tonight's meeting

- Ms. Lazar observed there is no action along the ground level at All Seasons.
- Signs in the Shain Park Real Estate Office are being worked on by Code Enforcement.

06-104-16

ADJOURNMENT

No further business being evident, the chairman adjourned the meeting at 9:32 p.m.

Jana Ecker
Planning Director



MEMORANDUM

Planning Department

DATE: June 16, 2016

TO: Planning Board Members

FROM: Brooks Cowan, Planning Intern

SUBJECT: 100-450 Woodland Villa Court Street Gate

Executive Summary

The subject location is a 1.84 acre parcel that was split into four lots in 2003. The property is located on Woodland Villa Court, a no-outlet street 370 feet in length that is privately owned. The street location was approved by the City Commission on July 14, 2003 as a relocated easement by prescription. The subject site is on the south side of W. Maple Road, adjacent to Martha Baldwin Park near the intersection of W. Maple and Southfield. The parcel is zoned R-4 Two Family Residential. The site consists of four two-family dwelling unit buildings with a single family dwelling option on lots 3 & 4.

At this time, the applicant is requesting approval to place a gate across the entire width of Woodland Villa Court. The proposed gate is sensor activated and opens for all cars. The applicant has stated the intent of the gate is to discourage cars from using Woodland Villa Court as a turnaround street.

Background

On July 14, 2003, the City Commission approved the lot split of the previously single platted lot commonly known as Woodland Villa Court. Four new lots were created ranging in size from 16,492 sq.ft. to 24,040 sq.ft. In addition, the City Commission approved the relocation of the prescriptive easement that existed prior to December 12, 1966.

On April 14, 2004, Preliminary Site Plan approval was granted. On June 23, 2004, Final Site Plan approval was granted.

On August 10, 2004 the petitioner received four variances from the Board of Zoning Appeals. Each dwelling unit was granted a dimensional variance for the front yard setback requirement facing Woodland Villa Court of 25' in an R-4 zone.

On March 9, 2005, the applicant appeared before the Planning Board and received approval on a Revised Site Plan. The applicant proposed creating a single-family option on Lots 3 and 4 of the development to allow potential property owners the choice of purchasing a single-family residential home or a two-family condo-style unit.

On September 27, 2006, the applicant appeared before the Planning Board with a proposal for a gated entry into Woodland Villa Court. Woodland Villa residents would

have access through the gate, and visitors would have to call in to residents and be granted entry. The proposal was denied 6-1 by the Planning Board.

All changes noted to this report since Final Site Plan approval are marked with bold type. Relevant meeting minutes are attached for your review.

1.0 Land Use and Zoning

- 1.1 Existing Land Use - The existing land use is residential. Land uses surrounding the site include residential to the south, west and east, and a public park to the north and east of the site.
- 1.2 Existing Zoning - R-4, Two Family Residential; a majority of the surrounding uses appear to conform to the permitted uses of each Zoning District.
- 1.3 2016 Regulating Plan - The subject site is located outside the Downtown Birmingham DB 2016 Overlay District.
- 1.4 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	Rouge River & Parkland (across W. Maple)	Multiple Family & Single Family Residential	Martha Baldwin Park & Multiple Family Residential	Single Family Residential
Existing Zoning District	PP – Public Property	R-7 & R-8 Multiple Family Residential & R-1 Single Family Residential	PP Public Property & R-7 & R-8 Multiple Family Residential	R-2 Single Family Residential

2.0 Setback and Height Requirements

The project meets most of the required bulk, height, area and placement regulations. A Zoning Compliance Summary is attached for review.

On August 10, 2004 the petitioner received the following variances:

- A. A dimensional variance of 4.6 ft. on Lot 1 to reduce the required front yard setback to 20.4 ft. in lieu of the 25 ft. minimum required by Section 126-446 (26) of the Zoning ordinance: and

- B. A dimensional variance of 3.5 ft. on Lot 2 to reduce the required front yard setback to 21.5 ft. in lieu of the 25 ft. minimum required by Section 126-446 (26) of the Zoning Ordinance; and
- C. A dimensional variance of 6.1 ft. on Lot 3 to reduce the required front yard setback to 18.9 ft. in lieu of the 25 ft. minimum required by Section 126-446 (26) of the Zoning Ordinance.

No changes are proposed with regards to the setback or height of the existing houses at this time.

4.0 Screening and Landscaping

- 4.1 Screening of Ground-mounted Mechanical Equipment - **The applicant is proposing to add four new sensors on either side of the proposed gate across the street. Two are proposed on the north side of the gate, and two are proposed on the south side. Specifications for the sensors have not been provided. The applicant is required to provide screening of any new ground mounted sensors.**
- 4.2 Parking Facility Screening -**No changes are proposed at this time.**
- 4.3 Landscaping – **No changes are proposed at this time.**
- 4.4 Streetscape – **Two 10'-10" clad wood posts are proposed that will extend 6'4" above the ground. One on the west side of the street, 22' from the W. Maple sidewalk, and another on the east side of the street, 28.3' from the W. Maple sidewalk. Each post has a clad wood mechanical gate that extends 14'6" into the road, for a total of 29' of gate length. The gate when closed would extend across the street between 42'-48' south of W. Maple Road.**

The gates are proposed to open when the vehicle sensor system is activated. The sensor does not require a private pass; it may be activated by any car. The two gates are proposed to swing south whenever the sensor is activated to permit access to Woodland Villa Court. The amount of time it takes for the sensor to activate and the gate to open has not been indicated.

The proposal is not compatible with other developments in the area. The property addresses and lot setback requirements are based on Woodland Villa Court, which makes this a street, not a driveway. Gates blocking access to roads are not approved streetscape elements.

5.0 Parking, Loading, Access, and Circulation

- 5.1 Parking - **No changes are proposed at this time.**

- 5.2 Loading – No loading spaces are required, nor proposed.
- 5.3 Vehicular Access & Circulation –Woodland Villa Court runs south of W. Maple Road. A sign is located on the east side of the entrance indicating “No U Turns”. Each unit has a private driveway from Woodland Villa Court to access private garages. The applicant has not indicated how close a car must be to activate the gate sensor, and the amount of time it takes for the gate to open. With the addition of a mechanically operated gate blocking off the street, access to Woodland Villa Court could be delayed, with the possibility to create a dangerous queuing situation onto W. Maple Road. Within the 42’-48’ span between W. Maple Road and the proposed gate, roughly two standard sized vehicles could safely queue before impeding traffic on W. Maple. Thus, the proposed gate’s placement in the street will create a relationship to both Woodland Villa and W. Maple that can interfere with or be hazardous to vehicular traffic.
- 5.4 Pedestrian Access & Circulation – The entrance gate is 22’ from the sidewalk, and the sensor is approximately 5’ from the sidewalk. Cars slowing down to activate the sensor and wait for the gate to open could create a queuing situation that blocks the flow of pedestrian traffic on the sidewalk. Thus, the proposed gate’s placement in the street will create a relationship to the sidewalk along W. Maple that can cause interference with or a hazard to pedestrian traffic.

6.0 Lighting

No lighting is proposed to illuminate the gate proposed across the width of the street.

7.0 Departmental Reports

- 7.1 Engineering Division - As noted previously several times, including the most recent review dated January, 2005, masonry pier structures with footings are not allowed within a utility easement. The westerly proposed pier is clearly within an easement, and is only three feet from the center of the public combined sewer servicing this site. The Engineering Division requests that the Planning Board not approve this proposal as it will potentially damage the sewer, and hamper any further maintenance on this sewer in the future.
- 7.2 Department of Public Services – Comments from the Department of Public Services will be provided by June 22, 2016.
- 7.3 Fire Department – The Fire Department has concerns if the gate installation would hinder access or cause delays in response time. Access would be required for the following:

- Normal hydrant maintenance
- Emergency fire, medical and investigations
- Power outage – gate operation

7.4 Police Department – The Police Department is fundamentally opposed to any gate being installed on any street from a response standpoint.

7.5 Building Department - The Building Department has provided its standard comments. In addition the safety features of the gate must be provided.

8.0 Design Review

The applicant is proposing two 10'-10" wood clad posts that will extend 6'4" above the ground. Each post has a wood clad mechanical gate attached. The top of each gate is 4'4" above grade, and they each extend 14'6" into the street. The bottom of the gate tapers from 4' in length at the post to 2'10" in length at the center of the road.

9.0 Approval Criteria

In accordance with Article 7, section 7.27(B) of the Zoning Ordinance, 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 nor 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.

10.0 Recommendation

Based on our review of the plans submitted, the Planning Division finds that the proposed design does not meet the approval criteria set out in Article 07, section 7.27(B) of the Zoning Ordinance as the proposal has the potential to interfere with and create a hazardous situation for both vehicular and pedestrian traffic on W. Maple. In addition, the proposal is not compatible with other developments in the area. The property addresses and lot setback requirements are based on Woodland Villa Court, which makes this a street, not a driveway. As there are no other gated streets within the City of Birmingham, the Planning Division recommends DENIAL of the Revised Final Site Plan and Design Review for 100-450 Woodland Villa Ct.

11.0 Sample Motion Language

Motion to DENY the Revised Final Site Plan and Design Review for 100-450 Woodland Villa Court as the proposed site plan does not meet the approval criteria set out in Article 7, section 7.27(B) of the Zoning Ordinance.

OR

Motion to POSTPONE the Revised Final Site Plan and Design Review for 100-450 Woodland Villa Court.

OR

Motion to APPROVE the Revised Final Site Plan and Design Review for 100-450 Woodland Villa Court.

**Revised Zoning Compliance Summary Sheet
Final Site Plan Review
for 100-450 Woodland Villa Court**

Existing Zoning: R-4 Two-Family Residential

Existing Land Use and Zoning of Adjacent Properties:

	North	South	East	West
Existing Land Use	Rouge River & Parkland	Multiple Family & Single Family Residential	Martha Baldwin Park & Multiple Family Residential	Single Family Residential
Existing Zoning District	PP – Public Property	R-7 & R-8 Multiple Family Residential & R-1 Single Family Residential	PP Public Property & R-7 & R-8 Multiple Family Residential	R-2 Single Family Residential

Land Area: existing: 79,160 sq. ft. or 1.82 acres.
proposed: 79,160 sq. ft. or 1.82 acres, now split into four lots.
Lot 1 17,512 sq. ft.
Lot 2 24,040 sq. ft.
Lot 3 17,364 sq. ft.
Lot 4 21,265 sq. ft.

Minimum Lot Area: required: 3,000 sq. ft. /unit
proposed: Lot 1 8,756 sq. ft. /unit
Lot 2 12,020 sq. ft. /unit
Lot 3 8,682 sq.ft./unit
Lot 4 10,632 sq.ft./unit

Front Setback: required: 25'
proposed: Lot 1 20'
Lot 2 22'
Lot 3 20'
Lot 4 15'

The applicant obtained a variance from the Board of Zoning Appeals for the front setback on all lots on August 10, 2004.

Side Setbacks: required: 9' or 10% of lot width, whichever is greater (9' one side and 5' other side setback minimum)
proposed: Lot 1 5' and 25'.

		Lot 2	9.5' and 22.9'		
		Lot 3	5' and 20.9'		
		Lot 4	15' and 23.9'		
Rear Setback:	required:	30'			
	proposed:	Lot 1	30'	Lot 3	30'
		Lot 2	30'	Lot 4	30'
Minimum Distance Between buildings:	required:	14' or 25% of lot width, whichever is larger			
		Between Lot 1 & 2:	27.9'		
		Between Lot 2 & 3:	25'		
		Between Lot 3 & 4:	28.9'		
	proposed:	Between Lot 1 & 2:	27.9'		
		Between Lot 2 & 3:	31'		
		Between Lot 3 & 4:	28.9'		
Minimum Floor Area:	required:	800 sq. ft. / unit			
	proposed:	Unit 1	3410 sq. ft.	Unit 5	3325 sq. ft.
		Unit 2	3589 sq. ft.	Unit 6	3627 sq. ft.
		Unit 3	3883 sq. ft.	Unit 7	3358 sq. ft.
		Unit 4	3876 sq. ft.	Unit 8	3655 sq. ft.
Floor Area Ratio:	maximum:	40%			
	proposed:	Lot 1	39.9%	Lot 3	40.0%
		Lot 2	32.2%	Lot 4	32.9%
Maximum Lot Coverage:	required:	N/A			
	proposed:	N/A			
Minimum Open Space:	required:	N/A			
	proposed:	N/A			
Max. Bldg. Height:	permitted:	35' and 2.5 stories			
	proposed:	Lot 1	32'		
		Lot 2	31'		
		Lot 3	28.8'		
		Lot 4	32'		
Parking Spaces:	required:	2 spaces / unit = 16 spaces (8 units)			
	proposed:	Units 1, 2, 3, 4, 7 & 8 provide 3 spaces each			
		Units 5 & 6 provide 2 spaces each			
		Total parking provided: 22 spaces			
Loading Spaces:	required:	N/A			
	proposed:	N/A			

Site Access:	required:	All lots must abut a street for at least 30', and street must be at least 30' in width.
	proposed:	Lot 1 111.7' frontage Lot 2 100' frontage Lot 3 115.6' frontage Lot 4 83.1' frontage
Woodland Villa Court is a private road 27' in width. The street location was approved by the City Commission on July 9, 2003 as a relocated easement by prescription.		
Screening of Ground Mounted Mechanical Equipment.	required:	Screening is required per section 126-572(d)(5)
	proposed:	the 2 proposed transformers and 16 proposed air conditioning units. All units are fully screened, with the exception of the transformer closest to the east property line and the north side of the air conditioning units proposed for residential unit # 3. Please see staff report for additional details.
Screening for Loading:	required:	N/A
	proposed:	N/A
Screening for Parking:	required:	N/A for parking provided indoors.
	proposed:	All parking spaces will be provided in private, attached garages.
Trash Receptacles:	required:	Per section 126-572(d)(7), 6 ft. masonry screen wall with wood gates for dumpsters.
	proposed:	No dumpsters are proposed. Trash will be stored indoors, with private curbside pick up.

City Commission Meeting Minutes
July 14, 2003

07-182-03 PUBLIC HEARING – LOT SPLIT
219-375 WOODLAND VILLA COURT
679-697 WEST MAPLE

The mayor opened the public hearing to consider a request for a lot division for property known as 219-375 Woodland Villa Court and 679-697 West Maple at 8:45 PM.

Mr. Sabo reviewed background of this request. He stated that the applicant has attempted to address the adjacent property owners' concerns.

Commissioner Lanzetta pointed out that the plan has not changed and the developer has promised to work with the city to resolve the grade issue. He stated his concern that there are no guarantees.

Commissioner Hoff reported that she has been in contact with Mrs. Galbraith, 400 Southfield, who had been concerned that units would be built along her property line. Understanding the proposal, Mrs. Galbraith is in agreement with the development.

Mr. Sabo confirmed for Commissioner Lanzetta that there is no hold harmless to be provided by the developer.

Mr. Germain, engineer with Nowak & Fraus, explained for Commissioner Hoff that raising the grade of the roadway will lessen the severity of the slope.

Mr. Germain also explained that the plan calls for boulders to retain the slope on the east property line, however, an alternative method may be applied if recommended to be more effective.

Commissioner Thorsby expressed concern with the high grade which could result in drainage problems. Mr. Germain explained that an under drain will direct water to an on-site collection area.

Mayor Chafetz stated that storm water should drain into the soil where it falls and not into the city sewer.

Mr. Rattner, representative of the applicant, responded to a question from Commissioner Lanzetta stating that the permeable surface currently will be about the same as the proposal.

The applicant confirmed for Paul Bormon, 719 Maple Hill Lane, that there is a minimum 30 foot setback on the west side.

Barbara Shapiro, 366 Southfield, and Karen Gunther, 364 Southfield expressed support the development but was concerned about support of the east side retaining wall during construction. The mayor assured them that all necessary precautions would be taken prior to the project proceeding.

The mayor closed the public hearing at 9:32 PM.

MOTION: Motion by Thorsby. seconded by McKeon:

To approve the subdivision of 219-375 Woodland Villa Court / 679-697 W. Maple as proposed, including the storm sewer on the west side and conditioned upon a structural analysis performed by an engineering firm that supports the method and material to be used for the construction of the retaining wall on the east property line in order to maintain the existing grade of the property to the east and subject to payment of any outstanding taxes.

VOTE: Yeas, 6
Nays, None
Absent, 1 (Dixon)

Commissioner Thorsby stated he now supports this proposal since the flooding and drainage issues have been resolved.

Commissioner Hoff stated she supports this development since the neighbors concerns have been addressed.

**Planning Board Meeting Minutes
March 24, 2004**

**Preliminary Site Plan Review
219-375 Woodland Villa Court
Multi-family development**

Ms. Ecker called out the names of the residents she was advised of who did not receive a notice from the City:

Steven Carson

Daniel Sherr

Paul Borman

Steven Potler

Arlene Rice Fredrick

Since none were present, Ms. Ecker explained the city attorney has advised this matter should be postponed to the next available Planning Board meeting. Ms. Ecker apologized for the delay and explained that there were problems with county data used in the city's noticing software.

Motion by Mr. Neuhard

Seconded by Ms. Holland to postpone this review to the next available slot.

There was no public comment on the motion at 8:35 p.m.

Motion carried, 6-0.

ROLL CALL VOTE

Yeas: Neuhard, Holland, Blaesing, Dilgard, Tazelaar, Thal

Nays: None

Absent: None

Planning Board Meeting Minutes April 14, 2004

Preliminary Site Plan Review
219-375 Woodland Villa Court and
679-697 W. Maple
Proposed multi-family development

Ms. Ecker stated the subject site was a 1.82 acre parcel that was split into four lots, and is located on the south side of W. Maple, next to Martha Baldwin Park at the corner of W. Maple and Southfield. The parcel is zoned R-4 Two-Family Residential, and the applicant is proposing to demolish the seven existing homes on the site and construct four new two-family residential buildings, thus creating eight new residential units.

On July 14, 2003, Ms. Ecker advised that the City Commission approved the lot split of the previously single platted lot commonly known as Woodland Villa Court. Four new lots were created ranging in size from 16,492 sq. ft. to 24,040 sq. ft. In addition, the City Commission approved the relocation of the prescriptive easement that existed prior to December 12, 1966.

Ms. Ecker advised that the applicant appeared before the Planning Board for a pre-application discussion on January 28, 2004. The applicant has provided a plan that shows all surrounding buildings and photos of the existing site and views from W. Maple. This evening The applicant intends to bring a massing study and a section drawing of the site, along with a sunlight study.

Ms. Ecker went on to present the overall site plan.

Mr. Ronald Hughes, the owner of Woodland Villa, said prior to the recording of this plat, the parcel was in litigation between the former property owner and the City of Birmingham. This became a settlement for the City. It ended up with four separate platted lots under the R-4 zoning and permitting two structures per lot for a total of eight units. They are proposing to construct within the footprint of the setbacks of those four lots. The road was predetermined as well. Mr. Hughes pointed out they have been very sensitive to the neighbors to the west and to the east as to how they aligned their homes. He turned the presentation over to Mr. Bogaerts to go through the entire site plan.

Mr. Alex Bogaerts, the architect, explained they selected a shingle-style architecture for the project because they felt it is sympathetic to the streetscape. They are replicating for their first building the same chocolate brown with light trim as the existing home on Maple Road. He went on to describe how the topography changes 20 ft. between their site and the neighbors to the east who are higher. Mr. Dul is handling that grade differential with a decorative landscape wall. For the neighbors to the west they have as part of their landscape plan a hedge format and landscaping. As for the buildings, they are looking at a variety of building colors to keep them from being repetitive. The units range in size from about 3,500 sq. ft. to 4,500 sq. ft.

Mr. Michael Dul, landscape architect, outlined the landscape plan and plant materials, and described the retaining wall that is planned to handle the grade change.

Mr. Blaesing noted this is a difficult site and all of the extra effort that has been taken to deal with the grade changes is very important. Mr. Blaesing asked how visitors, parties, salespeople, etc. could be accommodated along a street where no parking is allowed because it is posted for a fire lane. Mr. Bogaerts explained there are parking spaces in the driveway apron of unit 4 and unit 7, which have side entry garages. Unit 8 is at the end and can stack cars. Units 1, 2, 3, 5, and 6 have aprons in front of the garage door. Additionally, there is a parking structure right up the street.

Mr. Ted Germaine, civil engineer from Nowak & Frause, said the width of the road has been established by the City Commission along with the lot splits. The width varies from 20 – 26 ft. Mr. Nickita suggested as a compromise that some parking spaces could be provided along the street. Ms. Ecker said the applicant would need to work that out with the Fire Marshal. The discussion could be held between Preliminary and Final Site Plan Review.

Mr. Germaine spoke about the 20 ft. drainage easement along the westerly property line. A rigid 12 in. concrete pipe will pick up the storm water so that it doesn't cascade down the wall.

Mr. Nickita inquired why there is not a sidewalk from the development to the public sidewalk so that pedestrians can walk safely into town. Mr. Bogaerts agreed to look at extending the paver area down to the street. He appreciates Mr. Nickita's idea of making this a walkable community. Mr. Nickita suggested it is very important that the front loaded garages be masked with vegetation as much as possible along the edge of the park. It would be very positive to diminish the garage house effect especially with regards to the first unit, which is the most visible. Mr. Bogaerts agreed that the combination of additional landscaping on the park side and the very rich and handsome designer doors that would be used will target the issue.

There was discussion about limiting the width of the doors to 8 ft. in order to break up the garage façade. However, Mr. Bogaerts thought that their targeted market of empty nesters may have trouble negotiating such a narrow span. Chairman Thal asked about whether there is risk that tree roots may cause damage to the drain in the rear easement. Mr. Dul said the trees are placed 10 ft. away from the pipe. Chairman Thal then determined from Mr. Bogaerts that there is 28 – 30 ft. of open space between the residences. Ms. Ecker advised that they meet the requirement in all instances.

Chairman Thal opened up the discussion to the public at 10 p.m.

Mr. Paul Borman who lives on Maple Hill had a question about setback. It was determined that the trellis is allowed to extend into the 30 ft. setback area. Also, the transformers are allowed within the setback. Mr. Borman also asked about the height of the units, which was specified to be 38 ft. to the ridge of the roof. Flame gas lights are proposed for the back of the houses.

Mr. Jamal Lewis, 400 Southfield, explained their condo faces unit 7. He questioned whether the project has been over developed and how it would impact the value of his condo. Mr. Bogaerts responded that Mr. Lewis's property is 13 ft. higher than his site. Secondly, the setbacks are more significant in the development that is proposed than

what exists presently. Mr. Lewis produced a picture of what he sees now from his balcony and asked what he would see from his balcony with the new development. Mr. Hughes showed him the front elevation of unit 7.

Mr. Shawn Kirshat, 400 Southfield, asked how far unit 7 is from their property line. Mr. Bogaerts responded that it is 35 – 40 ft. away, which includes a topographic change.

When Mr. Bogaerts was asked how his project will affect the value of the homes around it, he assured that the effect will be absolutely positive, without question. They expect this to be a stunning, beautiful development.

Ms. Ecker read into the record several letters received from adjoining property owners.

Mr. Nickita noted that the letters brought up a couple of points. He asked what existing trees are to be taken down. Secondly, what do the letters refer to when they talk about a gate? Mr. Dul explained the courtyard gates are an architectural detail. He went on to say that some trees will be lost but they are trying to save as many as possible. They are adding a lot of trees too.

Motion by Mr. Blaesing

Seconded by Mr. Potts that the board approve Preliminary Site Plan for Woodland Villa Court on W. Maple Road with the following conditions:

- 1. The applicant comply with the recommendations of all City departments;**
- 2. The applicant install additional screening on the east side of the second transformer;**
- 3. The applicant submit catalog specifications sheets on all mechanical units and any proposed building or street lighting, plus a list of proposed plant species, the elevation drawings of all planters, decorative walls and retaining, and a photometric plan at the time of final site plan and design review;**
- 4. The applicant agree to install “No Parking – Fire Lane” signs along Woodland Villa Court Road;**
- 5. The applicant get approval from the Engineering Department for the storm sewer in the western portion of the drain easement where pavers and landscaping are proposed;**
- 6. The applicant add a pedestrian sidewalk to connect Maple Road to the garage apron near unit 1; and**
- 7. The applicant provide additional landscaping along the edge of Martha Baldwin Park as approved by City staff.**

Mr. Nickita said he thinks the applicant is interested in having on-street parking on part of the private road. If the Fire Marshal is in agreement he suggested they pursue that. Also, he asked the applicant to consider adding 8 in. vertical posts to the garage of at least the first building in order to diminish the amount of garages visible to the street.

Mr. Blaesing thought the garage door issue should become part of the final design rather than a site plan concern. With respect to the parking matter, he would like to provide a site plan that meets all city staff requirements at this point. If the board wants to change the plan later, it has a chance at Final Site Plan Review to do that. Mr. Hughes indicated

that without a favorable recommendation, as Mr. Nickita has suggested, the Fire Department will not talk to them about parking.

Chairman Thal then stated the board recommends that Mr. Hughes pursue street parking in some form or other. Mr. Blaesing added that he would suggest the Fire Department consider talking with the applicant about increasing the width of the drive and/or allowing on-street parking on one side.

Mr. Nickita suggested that in the future the Planning Board consider adding garage width standards to prohibit this kind of garage situation in order to maintain pedestrian oriented situations as is requested in R-1, R-2 and R-3.

There was no public comment relative to the motion at 10:35 p.m.

Motion carried, 6-0.

ROLL CALL VOTE

Yeas: Blaesing, Potts, Dilgard, Holland, Nickita, Thal

Nays: None

Absent: None

The board took a short break at 10:36 p.m.

**Planning Board Meeting Minutes
June 23, 2004**

**FINAL SITE PLAN AND DESIGN REVIEW
219 – 375 Woodland Villa Court and 679 – 697 W. Maple
Construction of four new two-family buildings**

Ms. Ecker advised that the subject site was a 1.82 acre parcel that was split into four lots, and is located on the south side of W. Maple, next to Martha Baldwin Park at the corner of W. Maple and Southfield. The parcel is zoned R-4 Two-Family Residential, and the applicant is proposing to demolish the seven existing homes on the site and construct four new two-family residential buildings, thus creating eight new residential units.

Ms. Ecker advised that on July 14, 2003 the City Commission approved the lot split of the previously single platted lot commonly known as Woodland Villa Court. Four new lots were created. In addition, the City Commission approved the relocation of the prescriptive easement that existed prior to December 12, 1966.

Ms. Ecker further advised that on April 14, 2004, the Planning Board approved the Preliminary Site Plan for Woodland Villa with the following conditions: (1) compliance with the recommendations of all City departments; (2) full screening of the second transformer; (3) provision of specification sheets on mechanical equipment, elevation drawings of all walls, planters and piers, plant list and photometric plan; (4) installation of "No Parking – Fire Lane" signs; (5) Engineering approval for the installation of a storm sewer in the drainage easement; (6) the addition of a pedestrian sidewalk from the City sidewalk to Unit 1; and (7) the addition of more landscaping and trees along the western edge of Martha Baldwin Park. Although not part of the formal motion, the Planning Board strongly recommended that the applicant pursue permission to provide on-street parking from the Fire Department.

Accordingly, the applicant has had ongoing negotiations with the Fire Department regarding emergency vehicle access into the site, the width of the roadway, and turning radiuses. The Fire Department has worked with them to come up with an agreeable re-design of the road and it is no longer concerned about the access for larger trucks. In addition, the applicant has provided 3.5 ft. of paving which the Fire Department is pleased with because if there were trouble they can drive over the top of it with their trucks and still get safely out of the development. With the alteration of the road to accommodate the Fire Department's concerns, the front setbacks have been reduced. Therefore, each of the buildings is out of compliance with regard to the front setback. The applicant has provided a 20 ft. front setback on Lots 1 and 3, a 22 ft. front setback on Lot 2, and a 15 ft. front setback on Lot 4.

The project meets all of the required bulk, area and placement regulations for the R-4 Two-Family Residential Zoning District, with the exception of the 25 ft. required front setback. *Accordingly, the applicant will be required to obtain a variance from the Board of Zoning Appeals for the front setback on all lots or move the buildings back to the 25 ft. setback.*

The chairman called for comments from the audience at 10:43 p.m.

Mr. Ronald Hughes, owner and developer of Woodland Villa, was present with Messrs. Bogaerts from Alexander Bogaerts & Associates, the architects; Mr. Tim Germaine, Nowak & Fraus Engineers; and Mr. Michael J. Dul, the landscape architect.

Mr. Alexander Bogaerts pointed out that one of the biggest changes that has occurred is changing the garage doors on Units 1 and 2 from a double door down to three individual doors. They have made an effort to create a sense of individuality from one unit to the next.

Mr. Germaine commented on the concerns of the City Engineering Division regarding the proposed masonry walls, piers, a patio column, and special paving materials in the City's easement, which are not permitted. The Engineering Division will require the applicant to obtain a Special Treatment License to install special paving materials and outlining the liability repair these special treatments when necessary. The developer is fully aware that the materials that he is choosing to place in these areas will be repaired if needed. Major structural components are not within the easement. Mr. Germaine addressed the retaining wall on the east property line and assured the board of its long-term viability. The wall where the maximum elevation occurs is designed as a structural wall, sealed by a structural engineer, with full footings, and poured concrete reinforcement.

Chairman Thal took the discussion to the public at 10:43 p.m.

Mr. Ron Fredrick who lives on Maple Hill Lane inquired about the sound standard for the air conditioning units. He added that most of the residents on Maple Hill Lane are pleased with this plan. Mr. Zander Bogaerts, architect, replied the units are all located at the rear of the buildings.

Motion by Mr. Blaesing

Seconded by Mr. Potts that the board approve the Final Site Plan for Woodland Villa Court on West Maple Road with the following conditions:

- ❖ **That the plan comply with all of the recommendations of the City departments including those of the Engineering Division with regard to the utility easement;**
- ❖ **That the petitioner obtain a variance from the BZA for the front setback for the four buildings, particularly since the need for the variance was caused by the request of this board to obtain both parking on the street and fire access, to the extent which the petitioner widened the road to obtain both fire access and parking and therefore reduced the front setback, throwing the development out of compliance with the zoning;**
- ❖ **That the developer install screening around the transformer located closest to the east property line;**
- ❖ **That additional plantings be secured as screening for the ground-mounted mechanical units proposed for Unit 3 so that it is screened from the north; and**
- ❖ **The applicant submit elevation drawings with respect to the planters and decorative piers for administrative approval.**

Mr. Blaesing noted this project has been before the board for some time in at least a couple of different configurations and this is by far the best design and the best function of the ones the board has seen. It provides the least impact on the neighbors on both

sides. The petitioner has worked with the board with regard to its previous recommendations and suggestions for the road and the parking situation. The board is very much in favor of seeing this project move forward and he is hopeful the BZA would understand why the variance is necessary, and the trade-off is certainly worth it for the better access and parking that the board has requested.

Mr. Potts said he thinks this is the type of project that the community should encourage. The developer's response to the requirements that the Planning Board has imposed has been exemplary.

Mr. Dilgard offered high kudos for the photometrics of the site plan showing very low footcandles, especially along the property lines.

Chairman Thal said he is totally in accord with the idea that the Planning Board has caused the need for a variance and along with the other members, he strongly supports the developer's efforts before the BZA. He went on to read one letter into the record which was in favor of the project, but asked for an expedited clean-up of the property. After hearing the letter, Mr. Hughes inquired whether there would be a mechanism to submit their engineering and building plans as soon as possible so that they could take the buildings down. Ms. Ecker agreed to set up a meeting for him with the Building Department.

There was no public comment on the motion at 10:50 p.m.

Motion carried, 5-0.

ROLL CALL VOTE

Yeas: Blaesing, Potts, Boyle, Dilgard, Thal

Nays: None

Absent: Holland, Nickita

Motion by Mr. Blaesing

Seconded by Mr. Dilgard to extend the meeting as long as necessary, but no later than midnight.

Motion carried, 5-0.

Yeas: Blaesing, Dilgard, Boyle, Potts, Thal

Nays: None

Absent: Holland, Nickita

Board of Zoning Appeals Minutes
August 10, 2004

219-375 WOODLAND VILLA COURT
(Appeal 04-42)

The owners of the property known as 219-375 Woodland Villa Court request the following variances:

- D. A dimensional variance of 4.6 ft. on Lot 1 to reduce the required front yard setback to 20.4 ft. in lieu of the 25 ft. minimum required by Section 126-446 (26) of the Zoning ordinance; and
- E. A dimensional variance of 3.5 ft. on Lot 2 to reduce the required front yard setback to 21.5 ft. in lieu of the 25 ft. minimum required by Section 126-446 (26) of the Zoning Ordinance; and
- F. A dimensional variance of 6.1 ft. on Lot 3 to reduce the required front yard setback to 18.9 ft. in lieu of the 25 ft. minimum required by Section 126-446 (26) of the Zoning Ordinance.

The property is zoned R-4 Two-Family Residential.

Two letters objecting to the variances have been received by the Building Department.

Mr. Ronald Hughes, developer of the project, explained they propose four buildings for a total of eight units, and the plan has received both preliminary and final site plan approval from the Planning Board. They are requesting a front yard setback variance for lot numbers 1 - 3 on the site.

The original road configuration of Woodland Villa Court was approved in preliminary site plan approval, but it yielded no off-street parking. Furthermore, the curvature of the road would have made maneuvering a fire engine truck somewhat of a challenge. Therefore the road configuration was straightened out as much as possible at the request of the Planning Board, both for ease of maneuvering a fire engine truck as well as adding off-street parking. This in turn reduced the front setback for Lots 1 - 3.

Mr. Tim Germaine, engineer from Nowak and Frause, explained where the variances would occur along the private road.

Chairman Cotton noted the problem is the private road. The Ordinance is designed to address dedicated streets.

Chairman Cotton abstained from voting on this appeal.

Motion by Mr. Judd

Seconded by Mr. Hughes in regard to Appeal 04-42 to approve the appeal. This particular appeal deals with variances for front yard setbacks on three pieces of property. The board is dealing with odd-shaped lots. The setbacks are necessitated by the placement of a private road. To require strict

compliance with the Ordinance would unreasonably prevent the owner from using his property for its intended purpose. The motion is tied to the plans as presented this evening.

Motion carried, 6-0.

ROLL CALL VOTE

Yeas: Judd, Hughes, Conlin, Koseck, Stamps, Livingston

Nays: None

Abstain: Cotton

Absent: Lillie

**Planning Board Meeting Minutes
February 23, 2005**

FINAL SITE PLAN AND DESIGN REVIEW

**100 – 450 Woodland Villa Court (formerly 219 – 375 Woodland Villa Court)
Multi-family residential development which includes a proposal for two single-family homes and a request for a screened-in-porch**

One letter was received requesting that the board deny or postpone the petitioner's request.

Mr. Sabo explained to the board that the subject site was a 1.82 acre parcel that was split into four lots, and is located on the south side of W. Maple, adjacent to Martha Baldwin Park at the corner of W. Maple and Southfield. The parcel is zoned R-4 Two-Family Residential.

The applicant received Final Site Plan approval on June 23, 2004 for four two-family residential units at the site. The applicant proposes to create a single-family option on Lots 3 and 4 of the proposed development to allow potential property owners to choose a single-family residential home or a two-family condo-style unit. Further, the petitioner proposes to enclose the rear porch on Unit 2. The building footprint for Unit 2 will not change. However, there will be additional floor area as a result of the proposal. Finally, the petitioner proposes to add an enclosed courtyard area at the south elevation of Unit 2 as well. The proposed landscaping will be slightly altered to accommodate the courtyard.

The project meets most of the required bulk, height, area, and placement regulations. The R-4 Two-Family Residential Zoning District regulations apply for lots 1 and 2, and the R-3 Single-Family Residential regulations apply for lots 3 and 4 as single-family units are proposed. *The petitioner will be required to comply with the provisions of the Zoning Ordinance for the following items, which are R-3 Single-Family standards:*

- *Total side setback of 28.75 ft., presently 25.9 ft. for Lot 3;*
- *65% required unpaved surface in front open space for Lots 3 and 4;*
- *Garage must be set back 5 ft. from the front façade of residential house, in this case the garage is out in front of the house; and*
- *Maximum height requirement of 30 ft. for Lots 3 and 4, presently 40 ft. for Lot 3 and 38.67 ft. for Lot 4;*

Or, obtain the requisite variances from the Board of Zoning Appeals.

Mr. Sabo advised that in the R-4 Zoning District roof height is measured to be mid-point between the eave and the peak. The original approved midpoint between eave and peak measurements in July was 28.8 ft. for Lot 3 and 32 ft. for Lot 4. That is how the two-family units were measured. Therefore, approved height to the ridge on Lot 3 was about 34 ft. and on Lot 4 it was approximately 37 ft. What they are proposing now is 40 ft. to the ridge on Lot 3 and 38.5 ft. on Lot 4. Therefore, Lot 3 is about 6 ft. taller than was approved last July and Lot 4 is about the same.

In the R-1 through the R-3 Zoning Districts the top of the ridge is the maximum height, and 30 ft. is allowed. Therefore, the R-4 Zoning District allows a taller building height,

while the R-3 keeps it down lower. The footprints for the R-3 Zoning District proposal are nearly identical to what was originally approved for R-4.

Mr. Zander Bogaerts from Alexander Bogaerts & Associates Architects was present with the owner of Woodland Villa, Mr. Ronald Hughes of Hughes Properties. Mr. Bogaerts began by discussing the proposed covered screened-in porch for Unit 2. The owner would prefer a screened porch as opposed to a pergola. Also, he would like to have 2 ft. x 2 ft. stone piers at the back rather than a column. The effect on the plantings is extremely minor.

Mr. Bogaerts pointed out that the adjacent property to the east is about 6 ft. up from their location and contains a four-story apartment building. They wonder why they must comply with the R-3 restrictions where there is an extremely tall building adjacent. Chairman Thal responded that Mr. Bogaerts does not compare their site to the buildings to the west which start at a much lower plane. Secondly, Chairman Thal noted they want to stay within the R-4 limitations, but the buildings are now 5 ft. higher than when they were originally approved in the summer. Mr. Bogaerts indicated they could go back and re-design the elevation. However, he said that according to his calculations they are actually lower than what has already been approved.

Mr. Hughes explained they are looking for the flexibility to use the R-4 Zoning District lots that have already been approved to downzone to R-3 if the market dictates it. They understand that the ordinance requires them to go back to R-3 regulations and that just doesn't work. They feel this plan is very complimentary to the site and density will be decreased.

Mr. Bogaerts went on to state that in his opinion the massing is very much the same as what has been approved and the styles are very comparable. The eaves will be exactly the same.

Chairman Thal asked for comments or questions from members of the public at 9:35 p.m.

One letter was received requesting that the board deny or postpone the petitioner's request.

Mr. Paul D. Borman, 719 Maple Hill Lane, said his property is below the grade of Lot 3. Lot 3 is about three or four feet above grade compared to where they are. When that is added on plus the extra 6 ft., it is a significant difference and it would block the air and light to his property. The notice that was sent out to the neighbors just speaks of a screened porch and two single-family homes. It does not mention the height variance requirement with regard to the Final Site Plan. Mr. Borman said he would like some time to meet with his consulting engineer to resolve several questions.

Mr. Richard McMains, 362 Southfield Road, said his property is immediately to the east and slightly above the site. Since construction started, there have been major vibrations and he has major damage to his property. He is very concerned about the soundness of his structure. He asked that the project be stopped until something has been done to make sure that his property is safe, that Piety Hill is safe, and until they put up a retaining wall as promised. They are not getting any response back after notifying the City and are very concerned about what is going on with this project.

Mr. Ron Fredrick, 731 Maple Hill Lane, the adjoining property, reiterated what Mr. Borman said. There should be some opportunity to consider the required variance in advance. He thought that was the purpose of sending out notices.

Mr. Steven Patler, 727 Maple Hill Lane, said he has similar concerns as to the height. He would not want anything higher than has already been approved. Otherwise, he welcomes the project because it is a major improvement to what is there. He confirmed with the architect there would be no additional impervious surface created with the single-family option.

Mr. Bogaerts responded to the comments from the public. With respect to rainwater, they have a 20 ft. easement with several catch basins. They will definitely make sure that the building height is exactly the same as what has been approved. Mr. Borman felt that the board's job would not be done unless they see final drawings of the proposal. Mr. Bogaerts pointed out that Lot 4 is exactly the same height as it was previously approved. Also, the level of architecture is consistent with the earlier approval.

Ms. Pat McKenna from the Tory Community Association asked that the Zoning Ordinances are adhered to, rather than using the ordinances from R-4 zoning on their R-3 Single-Family home. Chairman Thal explained the BZA would be making a judgment as to whether they find that acceptable.

Mr. Seth Chafetz recalled when the Commission approved this a couple of years ago they liked the idea there would be duplexes with proximity to Downtown. They thought that there should be greater density with more people living on this property. There was considerable discussion about how to engineer the lots so the surrounding properties to the east would not be put in jeopardy. He commented that generally for new construction there is no hardship involved. So, it may be difficult for the applicant to prove to the BZA that it is a hardship not to follow the current zoning requirements.

Mr. Sabo came up with the actual previously approved height for Lot 3 measured to the ridge, which was 42 ft. Tonight's proposal for Lot 3 is 40 ft. to the ridge. Therefore the proposal is 2 ft. lower. The approved ridge height for Lot 4 was 38.5 ft., and the proposal before the board tonight is 36.8 ft. The proposal for Lot 4 is 1.7 ft. lower.

Mr. Bogaerts commented that now the height issue is clarified they do not feel they should be postponed. The heights are very similar to what was approved before.

Mr. Hughes followed up further on comments from the audience. The retaining wall was approved by the City. Their engineers and the city engineers have worked in unison on the entire construction of the site. There has been vibration to the units to the east. They have met with the owners to determine whether there has been severe damage. They are addressing those concerns. He noted this is not an issue for the Planning Board and further noted that what they are doing is conventional construction and excavation. There is a soil stabilization problem within the condominium development that is having issues. Once the retaining wall is in place, then they will go back and re-address any damage that may have been caused by Woodland Villa and they will be fully responsible for those issues.

Mr. Borman observed the figures have changed since the beginning of the meeting. He maintained that he would like the opportunity to get a consulting engineer to determine whether or not the height has been increased. Therefore he asked that the case be delayed until the next meeting.

Mr. Hughes said assuming the board will grant their request there will be adequate time for Mr. Borman or any other neighbors to consult with an engineer before the BZA meets. The Planning Board does not decide the height issue. The BZA will hear all of the arguments with regards to height. Ms. Ecker informed the audience about the notice that was sent out. It meets the terms of the Zoning Ordinance in terms of the time it was sent out and its content. The notice gives every neighbor within 300 ft. notice in general terms that there are changes proposed to the site. The plans are a matter of public record so anyone can come in and review them. Mr. Sabo added that the notices that will go out for the BZA are very specific and will call out each of the variances and how much variance is requested.

Mr. Boyle spoke to say he is sympathetic about the dangers of delay. However, a measure of delay to satisfy the concerns of the neighbors will not prevent the process from going forward. Secondly, the board only has hand drawn plans for the potential single-family homes. Therefore his suggestion was to delay the process to allow the neighbors who are concerned to see detailed final drawings in order to be satisfied there will not be a major height issue.

Motion by Mr. Boyle

Seconded by Mr. Dilgard to postpone to March 9, 2005

There were no comments from the public relative to the motion at 10:15 p.m.

Motion carried, 4-0.

ROLL CALL VOTE

Yeas: Boyle, Dilgard, Nickita, Thal

Nays: None

Absent: Blaesing, Holland, Potts

Planning Board Meeting Minutes
March 9, 2005

FINAL SITE PLAN REVIEW

100-450 Woodland Villa Court (formerly 219-375 Woodland Villa Court)

Multi-family residential development which includes a proposal for two single-family homes and a request for a screened-in porch.

Mr. Sabo noted this item was considered at the last meeting of the Planning Board on February 23, 2005. The subject site was a 1.82 acre parcel that was split into four lots, and is located on the south side of W. Maple, adjacent to Martha Baldwin Park at the corner of W. Maple and Southfield. The parcel is zoned R-4 Two-Family Residential.

Mr. Sabo advised that the applicant received Final Site Plan approval on June 23, 2004 for four two-family residential units at the site. The applicant proposes to create a single-family option on Lots 3 and 4 of the proposed development to allow potential property owners to choose to purchase a single-family residential home or a two-family condo-style unit. Further, the petitioner proposes to enclose the rear porch on Unit 2. The building footprint for Unit 2 will not change. However, there will be additional floor area as a result of the proposal. Finally, the petitioner proposes to add an enclosed courtyard area at the south elevation of Unit 2 as well. The proposed landscaping will be slightly altered to accommodate the courtyard.

Mr. Sabo noted that at their February 9, 2005 meeting, the Planning Board moved to postpone action on 100-450 Woodland Villa Court to allow neighbors to see detailed final drawings in order to be satisfied there will be no major height issues as to whether or not what has been proposed as single-family residences would be higher or lower in absolute height from what was approved in June 2004. Because height is measured differently in the R-4 Zone District than in the R-1 Single-Family Zone Districts, there was confusion as to how the heights of the buildings compare to each other. The petitioner has submitted revised drawings and has adjusted the building height for the proposed single-family residential option buildings on Lots 3 and 4. The revised height matches the approved building height measured to the ridge for the two-family buildings reviewed on June 23, 2004. However, the proposed building heights still exceed the maximum allowable height for single-family residential buildings and a variance will be required.

Mr. Sabo said the single-family option would not affect the light and air to the properties to the west because the maximum height that is proposed is the same as the height proposed in June 2004. Additionally, the massing is approximately the same.

Mr. Xander Bogaerts with the architectural firm of Alexander Bogaerts & Associates was present with the owner of Woodland Villa, Mr. Ronald Hughes of Hughes Properties. Mr. Bogaerts used drawings to illustrate that the massing on Lot 3 for the single-family residence is almost identical to what has been approved. On Lot 4, the massing is in favor of the single-family option. He went on to note that the ridge heights for the single-family option are exactly the same as what was approved for the duplexes.

Mr. Dilgard noted this process has been on-going for a long time and the City Commission approved the lot split with the expectation that these would be two-family dwellings on all four lots.

In response to a question from Mr. Dilgard, Mr. Hughes explained the benefit to the City of his proposal is that there is only one unit vs. two units, but there isn't any diminished value tax wise. There would be less massing and all of the roof heights would be consistent, so there would be no aesthetic detriment to the City from what is currently approved. It gives his firm tremendous marketing flexibility as well to either offer a duplex product or a very high end single-family home which is permitted in the R-4 Zoning District.

Mr. Hughes indicated that the duplexes would be marketed in the \$2.5 million range and the single-family residences would sell for significantly higher than that.

Mr. Blaesing recalled that over the years the City Commission, this board, and a number of others have spent many, many hours in hearings and discussions and debate to try and arrive at a standard, single-family ordinance that would describe what is allowed under single-family zoning. Now this proposal has come along and after many more hours of discussion the Planning Board finally arrived at a solution that everyone agreed to. A year later, the applicants are back telling the board they want to build single-family at the same heights as the duplexes. He cannot go along with that. If they want to build single-family they need to comply with the ordinances that apply to single-family, and not come in and switch a duplex to a single-family and keep the same dimensions. He feels they should do one or the other.

Mr. Hughes maintained they are permitted to build single-family within the R-4 District. If they are permitted to build a single-family home, then they should not be penalized because now they are going to have heights that are not consistent within the same development and that would not look good. All they are asking for tonight is the ability to go to the BZA with ridge heights that are consistent. Chairman Thal responded that he noticed Lot 4 is approximately 31 ft. high and Lot 3 is almost 39 ft. Therefore, some height variation already exists. Mr. Hughes responded that the heights vary because there is a grade differential going down to Maple Road. Mr. Bogaerts added the units have different geometries and different floor plans.

Chairman Thal observed after looking at the drawings that Lot 4 is set back farther east and does not go as far west in the single-family house as compared to the duplex. Lot 3 is approximately the same for both.

Chairman Thal took the discussion to the public at 8:33 p.m.

Ms. Dorothy Conrad, 2252 Yorkshire, inquired if this is a return to the garage house. If it is, she would object. Mr. Hughes explained it is a side entry garage, which is much better than what is currently approved which is three garage doors on the front.

Mr. Paul Borman, 719 Maple Hill Lane, thanked the board for giving him an opportunity to bring in his engineer to meet with both Mr. Hughes and with the Planning Division. It turned out that the proposal at the last meeting was higher than the proposal approved last June. After the meeting, the applicants agreed to go back to the originally approved heights. The western side of the complex which overlooks the Maple Hill condominiums is up 6 ft. already and then they are going up. So, the impact on the light and air on the Maple Hill properties from Lot 3 would be much more significant with the single-family if

they are allowed to go above the single-family into the two-family height, taking it above 30 ft. to 38.8 ft.

Mr. Bogaerts pointed out that lowering the roof on the single-family unit would make it uglier. The shingle style is not about a low, flat roof. It won't match the other buildings. More importantly, they just want the option to build a single-family unit and it may never exist.

Mr. Boyle commented that there was a significant number of the neighbors who were here in June and they are not here tonight. That suggests that after meetings and discussions with the planning staff at least some of their concerns have been put aside. That is positive. He is sympathetic with what Mr. Blaesing has said. However, it would appear that the nature of the zoning allows the applicant to build either duplexes or single-family structures. This is a difficult site and the applicants are working hard to try and get decent properties into this site which is a high visibility area. Because he thinks the neighbors to a certain extent are satisfied, and because the applicants tried to make this fit, he would make the motion to approve.

Motion by Mr. Boyle

Seconded by Mr. Potts to approve the Final Site Plan for 100-450 Woodland Villa Court with the following conditions:

- 1) That the applicant comply with the recommendations of all City departments;**
- 2) The applicant amends the plans to conform to the provisions of the Zoning Ordinance for 126-466 Total Setbacks and Maximum Building Height; 126-99 Limitation on Paved Surface, and 126-101 Provisions for Single-Family Garages, or obtain variances from the BZA.**
- 3) This motion encompasses the proposal for Lot 1, Unit 2 to add a screened porch.**

Mr. Nickita felt the board should add multiple-family garage standards as a future agenda item.

Mr. Blaesing said what bothers him is that there are four issues dealing with single-family variances which require not a few inches, but several feet. The applicants are asking for too big of a change; too many variances; and too many items that need to be adjusted, and not by just a little bit. He does not know how the BZA would even deal with these. Further, he doesn't see any hardships at all; they are all self-imposed by changing the design of the house and thereby creating their own problem. Therefore, he will not support the motion.

Mr. Dilgard indicated he will not support the motion because the hardships are self-created. Further, the City Commission's expectation in granting the lot split was that there would be eight units on the site. Ms. Ecker advised that while that may have been the understanding, there was no condition attached to the lot split for a particular development or particular architectural types. The lot split was not conditioned on the construction of two-family residential houses.

Ms. Holland said after looking at a lot of houses she has concluded that steeply pitched roofs are not particularly intrusive, and a higher roof line with a steeply pitched roof may

sometimes have less impact than a lower flat roof. Ms. Ecker noted it is the BZA's job to determine whether or not a height variance should be granted based on whether or not there is a practical difficulty on the lot. It is this board's job to determine whether this is a good development.

No one from the public had a comment on the motion at 9:07 p.m.

Motion carried, 5-2.

ROLL CALL VOTE

Yeas: Boyle, Potts, Holland, Nickita, Thal

Nays: Blaesing, Dilgard

Absent: None

**Planning Board Meeting Minutes
September 27, 2006**

FINAL SITE PLAN REVIEW

100 – 450 Woodland Villa

Request for approval to install a gate across Woodland Villa Court

Ms. Ecker advised the board that the subject site is a 1.84 acre parcel that was split into four lots in 2003. The property is located on the south side of W. Maple, adjacent to Martha Baldwin Park at the corner of W. Maple Rd. and Southfield. The applicant is now proposing the addition of two stone piers and a mechanically operated gate to be located at the entrance of the development 21 ft. from the sidewalk and 49.8 ft. from W. Maple.

On July 14, 2003, the City Commission approved the lot split of the previously single platted lot commonly known as Woodland Villa Court. Four new lots were created. In addition, the City Commission approved the re-location of the prescriptive easement that existed prior to December 12, 1966.

The applicant received final site plan approval on June 23, 2004 for four two-family residential units on the site. Two of the four units have been completed, and two are in various stages of building.

On March 9, 2005, the applicant received approval from the Planning Board for a revised site plan. The applicant proposed creating a single-family option on Lots 3 and 4 of the development to allow potential property owners the choice of purchasing a single-family residential home or a two-family condo-style unit.

Ms. Ecker indicated the Fire Dept. is concerned about emergency access, and how the gate would operate in a power outage. Also, the Engineering Dept. has reported that masonry pier structures with footings are not allowed within a utility easement. The proposed westerly pier is only 3 ft. from the center of the public combined sewer system. That is too close to the sewers and might damage them, plus it would hamper future maintenance on the sewers. Therefore they recommend that the board does not approve the proposal.

Discussion disclosed that there are two existing gated communities in Birmingham: 1111 N. Old Woodward, north of Oak that is 35 years old; and Brookside, which is 25 years old.

Mr. Xander Bogaerts, Architect with Alexander Bogaerts & Associates, was present with Mr. Ronald Hughes, the owner of the development, and some residents. Mr. Xander Bogaerts explained the reason they are before the board is safety. Westbound cars traveling along Maple Rd. enter at great speed and use their turnaround to come back and hit Southfield, rather than waiting for the next green arrow. This a safety concern for the residents. Concerning the sewer, they are prepared to put something in the condo documents that, should service on the sewer ever become necessary, it would be the complete responsibility of the condominium association to do repairs.

Mr. Ronald Hughes said they will operate the security gate the same way that the City does. The Police and Fire Depts. will get in with no problem, no card, no codes. Mr. Alex

Bogaerts explained if a guest wished to enter, they could touch a call box that would ring at the house. Mr. Xander Bogaerts said their experience has been that signs would not be effective.

Mr. Ronald Hughes described there is a steady stream of cars coming into the complex within a one-hour period. So, they are very concerned about the safety. With respect to the easement, their deed restriction declares everything is private and anything at all that needs repair is the responsibility of the Association, not the City.

The chairman asked for public comment at 9:08 p.m.

Mr. Dan Sebolt said he lives at 101 Woodland Villa. The traffic in and out has been an ongoing problem since they moved in four months ago. It is awful. He urged the board to really consider allowing a gate.

Mr. Paul Borman, who lives on Maple Hill Lane, just west of this development, suggested a "No Left Turn" sign. He was concerned with cars being backed up onto Maple Rd. which would cause congestion going back down Maple. A gate could be placed further into the complex in order to eliminate queuing.

Mr. Alex Bogaerts, 100 Woodland Villa, described the very serious safety problem they have. Mr. Haberman inquired how many cars would be able to stack north of the fence. Mr. Alex Bogaerts replied there would not be a stacking problem, but there is room for two cars.

Ms. Ecker read two letters into the record opposing the installation of a mechanical gate across Woodland Villa.

Mr. Potts commented the case for a gate is responding to a condition that nobody anticipated. Originally the developer did not contemplate a gate, so if the reason for a gate is something other than safety, a gate would have been proposed at the time they originally came before the board. So, he would support the gate in the interest of safety.

Mr. Blaesing explained what the Oakland County Road Commission would do in this circumstance. They would put up a sign indicating that left turns are prohibited. Then they would park a police car there to hand out tickets for a week, and the problem would generally stop. He would not approve a gate across a private road in the City of Birmingham. He thinks the problem needs to be addressed in another manner and the Traffic and Safety Board may be able to come up with a proper solution.

Mr. Dilgard described how a similar situation was resolved in about a month through the use of signage **and police enforcement**.

Mr. Nickita noted that a gated community is a very negative connotation and the board has strongly steered away from that whenever it has come up. There are a variety of other alternatives that could be attempted prior to even having a discussion on a gated community: signs, no left turn, private road, and speed bumps may dramatically change the situation. Further, he doesn't think the gate would solve the problem. Ultimately the gate is 21 ft. away from the sidewalk and the apron is another 25 ft. from the street.

Basically it is nearly 50 ft. to the gate. If someone wants to turn in there, they still will and the pedestrians walking along Maple are still in danger with or without the gate.

Ms. Lazar pointed out that a "No Left Turn" sign precludes residents from turning in as well. She doesn't think signage will assist those who live there. With the pressure on the budget, Mr. Potts was not in favor of using police resources to monitor this. He felt that private initiative could solve the issue. He would not want to be responsible for any person or animal being hit by a car speeding in to make a turn. So, he will support the proposal.

Motion by Mr. Blaesing

Seconded by Mr. Nickita to deny the Revised Final Site Plan and Design Review for 100-450 Woodland Villa Court.

Chairman Boyle took discussion of the motion to the public at 9:25 p.m.

Mr. Dan Sebolt explained that a "No Left Turn" sign going into the complex would be a hardship for him. He would have to turn around in another development. Mr. Nickita said an easy solution would be to exclude residents from a no left turn requirement.

Mr. Haberman said that as part of the process the board can suggest this go before the Traffic and Safety Board for their analysis.

Motion to deny carried, 6-1.

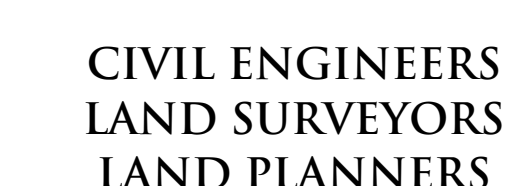
ROLLCALL VOTE

Yeas: Blaesing, Nickita, Boyle, Dilgard, Haberman, Lazar

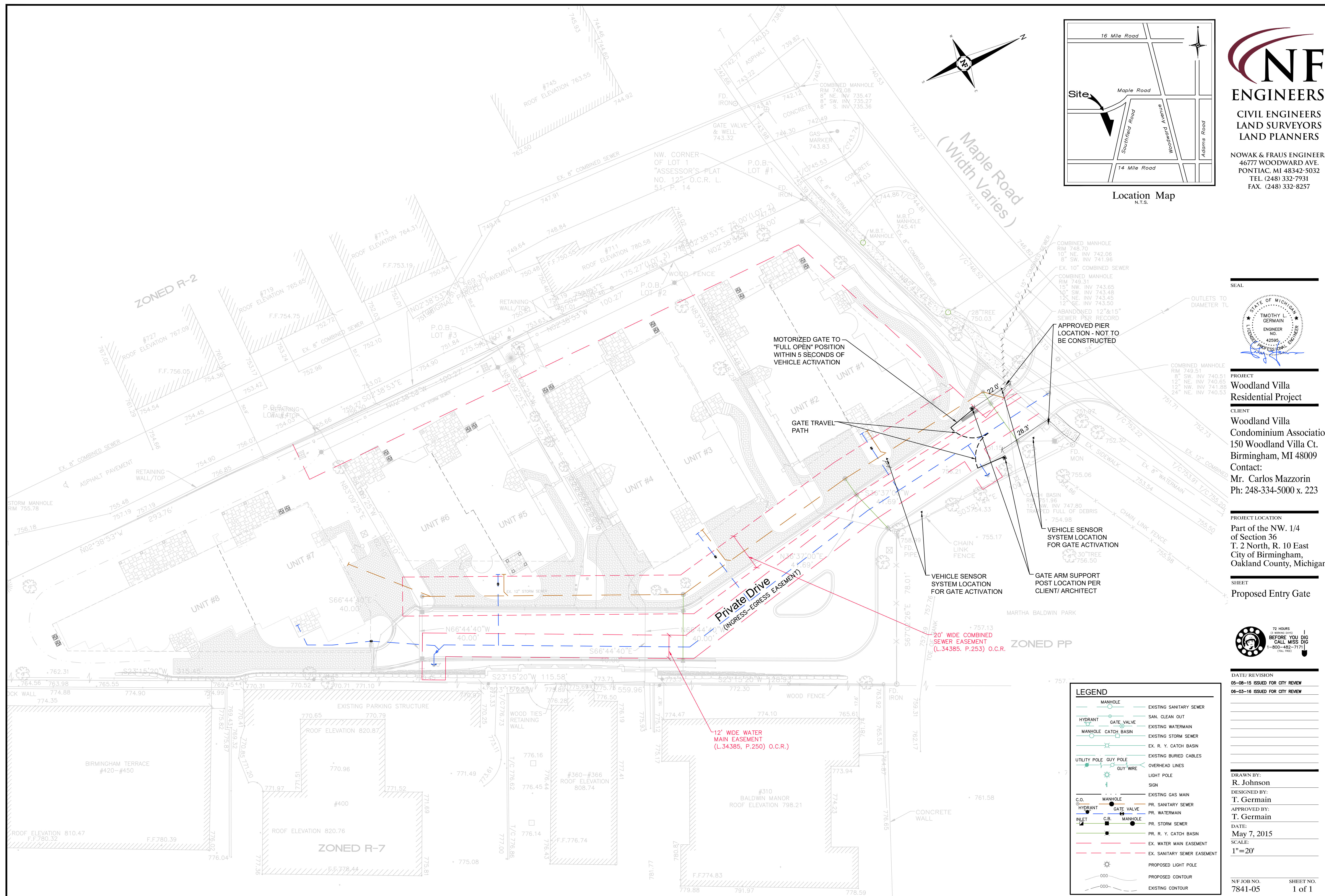
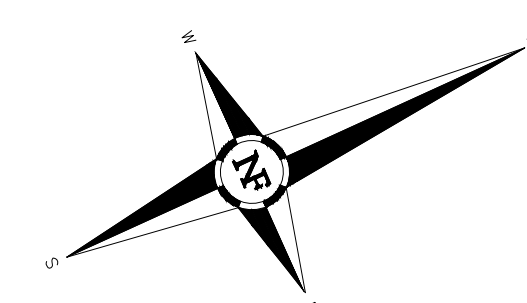
Nays: Potts

Absent: None

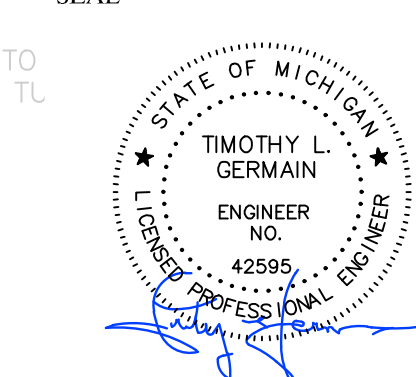
The board took a short recess at 9:30 p.m.



NOWAK & FRAUS ENGINEER
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257



SEA



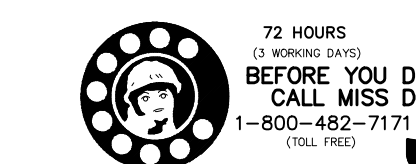
PROJECT
Woodland Villa
Residential Project

CLIENT
Woodland Villa
Condominium Association
150 Woodland Villa Ct.
Birmingham, MI 48009
Contact:
Mr. Carlos Mazzorin
Ph: 248-334-5000 x. 223

PROJECT LOCATION
Part of the NW. 1/4
of Section 36
T. 2 North, R. 10 East
City of Birmingham,
Oakland County, Michigan

SHEET

Proposed Entry Gate



DATE/ REVISION
05-08-15 ISSUED FOR CITY REVIEW
06-03-16 ISSUED FOR CITY REVIEW

DRAWN BY:
R. Johnson

DESIGNED BY:
T. Germain

APPROVED BY:
T. Germain

DATE: May 7, 2014

May 7, 2013

SCALE:

$$\underline{1'' = 20'}$$

N/F JOB NO
7841-0

7841-03 1 01 1



LANDSCAPE
ARCHITECTURE

MICHAEL J. DUL
& ASSOCIATES, INC



212 DAINES STREET
BIRMINGHAM
MICHIGAN 48009

P 248 644 3410
F 248 644 0819

www.mjdul.com
info@mjdul.com

Developer:

Villas at Woodland, L.L.C.
29755 Beck Road
Wixom, Michigan 48393
(248) 668-3100
(248) 798-7665 Craig Steinhaus

Units 5-8

Woodland Villa
300-450 Woodland Court
Birmingham, Michigan 48009

PROJECT

Landscape Development
Entry Gate

SHEET TITLE

1"= 20' -0"



SCALE

PROJECT NUMBER: 15130
DRAWN: T. Shoemaker
CHECKED: M. Dul
DATE: June 16, 2015
REVISIONS:



LANDSCAPE
ARCHITECTURE

MICHAEL J. DUL
& ASSOCIATES, INC



212 DAINES STREET
BIRMINGHAM
MICHIGAN 48009

P 248 644 3410
F 248 644 0819

www.mjdul.com
info@mjdul.com

Developer:

Villas at Woodland, L.L.C.
29755 Beck Road
Wixom, Michigan 48393
(248) 668-3100
(248) 798-7665 Craig Steinhaus

Units 5-8

Woodland Villa
300-450 Woodland Court
Birmingham, Michigan 48009

PROJECT

Landscape Development
Entry Gate

SHEET TITLE

1/8" = 1' -0"



NORTH

SCALE

PROJECT NUMBER: 15130
DRAWN: T. Shoemaker
CHECKED: M. Dul
DATE: June 16, 2015
REVISIONS:



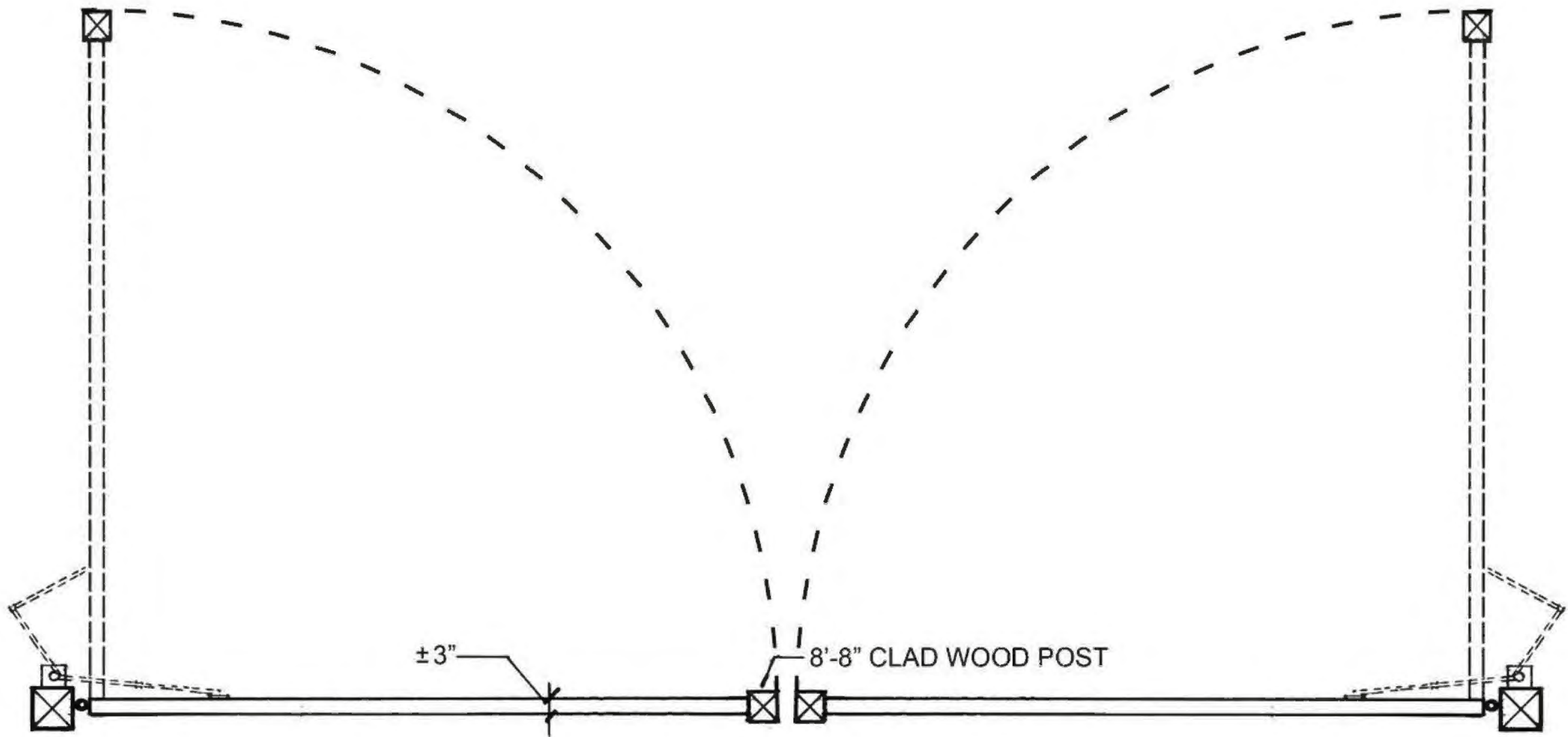
ELEVATION - MOTORIZED GATE

SCALE: 3/8" = 1'-0"

MATERIAL SAMPLES

WOOD FINISH

STAINLESS STEEL



PLAN - MOTORIZED GATE

SCALE: 3/8" = 1'-0"



WOODLAND
VILLA
BUILDER
ARCHITECT
LANDSCAPE ARCHITECT











Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors

380 North Old Woodward Avenue
Suite 300

Birmingham, Michigan 48009

Tel: (248) 642-0333

Fax: (248) 642-0856

June 14, 2016

Richard D. Rattner
rdr@wwrplaw.com

HAND DELIVERED

City of Birmingham
Planning Board
151 Martin St.
Birmingham, MI 48012

***Re: Application for Proposed Motorized Traffic Control Gate ("Application")
100 - 450 Woodland Villa Court, Birmingham, MI ("Subject Property")***

Dear Members of the Planning Board:

This letter supplements the above referenced Application filed by Woodland Villa Association, a Michigan non-profit corporation ("Applicant") on June 3, 2016. The Application requests approval to construct a motorized traffic control gate to limit dangerous and unauthorized trespassing traffic using Woodland Villa Court for U-turns and generally as a turnaround area.

Application has been made to allow the installation of a motorized traffic control gate for the purpose of ensuring the safety, health and welfare of owners within the development as well as all other citizens visiting or traveling near the Subject Property. Note, the gate, though motorized, opens automatically when approached by vehicles. It is not locked! Due to its location – the South side of Maple Rd. approximately 450 feet West of Southfield Rd, and the first street West of Southfield Rd – the Subject Property experiences an inordinate amount of traffic unrelated to the Subject Property or its residents. Some eastbound drivers entering the Subject Property are attempting to "cut through" to Southfield Rd. in order to avoid traffic stored at the traffic control light. Of course this is impossible, but these motorists try anyway despite a "No Outlet" sign. Some are westbound drivers who have missed the left turn onto Southfield Rd. and use the Subject Property to turn around. Other eastbound drivers have missed other roads and turn around at the Subject Property in order to avoid the Southfield Rd. intersection.

Unfortunately, some of these drivers are either distracted or otherwise oblivious to the fact that they are driving on what is essentially a driveway and maneuver about the Subject Property at dangerous speeds or in reckless fashion. At a previous hearing before the Planning Board, Board Member David Potts, recognizing the generally poor driving of Michigan drivers,

observed, “Not just a safety issue for the people who live there, but the public who walk by, and *I have been driving on Michigan roads for a long time and never underestimate the venom, stupidity, or conduct of Michigan drivers.*” (Emphasis added)

Exhibit A, attached hereto and incorporated by reference, contains images of the proposed gate in both its closed and open elevations.

The Prior Request

In 2006, Applicant requested approval to install a traffic control gate. On September 27, 2006, the Planning Board conducted a hearing on Applicant’s application. At the time, there had been no traffic study performed. The Board voted 6-1 to reject the Revised Final Site Plan and Design Review. The Board suggested that the traffic problem could be remedied by the installation of signage that would limit turns or entry onto the Subject Property.

Applicant installed signs as recommended by the Planning Board. It installed a sign that forbade left hand turns onto Woodland Villa Ct. except for residents. It installed “No Outlet” signs. It installed a “Private” sign at the top of the street sign. None of these worked.

Applicant engaged Birchler Arroyo Associates, Inc. (“BAA”) to conduct a traffic study. In its report dated January 30, 2007 (the “2007 BAA Report”), see Exhibit B, BAA found the following:

- Woodland Villa Court had an average of 78 (one-way) daily trips, over four times the traffic to be expected for a condominium development with only two occupied units.
- Most non-project traffic comes from the east and returns to the east, apparently to bypass the left-turn lane from westbound Maple to southbound Southfield.
- The observed traffic pattern inconveniences residents of Woodland Villa and decreases safety for the general public, due to 1) the increased left turns (into Woodland Villa Court) at a location on Maple lacking a center left-turn lane; 2) the significant grade between Woodland Villa Court and Southfield; and 3) increased right turns and merging.
- These findings warrant serious consideration of measures for deterring the use of Woodland Villa Court by non-residents.

Applicant appealed the Planning Board’s denial to the Board of Zoning Appeals. A hearing was heard on March 14, 2007, whereat Applicant provided the 2007 BAA Report. Ultimately, Applicant withdrew the appeal and no motion was made by the BZA.

The Birmingham Police Department asked Tetra Tech, Inc. ("TTI") to analyze Applicant's gate request. On April 24, 2007, TTI provided its analysis (the "2007 TTI Analysis"), see Exhibit C, which can be summed up as follows, "We do not recommend any changes to the current traffic signal operations at these intersections at this time."

On April 24, 2007, the Traffic and Safety Board conducted a hearing regarding the requested entrance gate. Though the Traffic and Safety Board was not receptive to Applicant's request, Chief Patterson did offer that a traffic study should be completed after completion of the complex and that same should be brought to the board at that time.

The Current Request

Since April of 2007 the development has been completed and all 8 units are occupied. The Subject Property continues to experience an overwhelming amount of extraneous traffic as described above. Applicant retained Midwestern Consulting, LLC to perform an updated traffic study. Midwestern's updated traffic study (the "Midwestern Report"), dated November 12, 2015, see Exhibit D, utilized digital cameras to observe traffic over an 18.5 hour period on September 9 and 10, 2015. Over that brief measurement period, 20 unauthorized vehicles made unauthorized turnarounds on the Subject property, for an average hourly frequency of 1.1. The Midwestern Report shows that even with the ameliorative effect of the Maple Rd. reconfiguration the Subject Property continues to experience significant amounts of dangerous and unauthorized trespassing traffic using Woodland Villa Court for U-turns and generally as a turnaround area. The Application is Applicant's renewed requested for approval to install a motorized traffic control gate.


As the Planning Board is aware, there are a number of entrance gates located throughout the City. Some of these have been in existence for some time while many are of a more recent vintage. Exhibit E contains photos of entrance gates at 1119 Southfield Rd., 1111-1115 N Old Woodward, 511 – 541 Brookside, 373 Townsend, 834 Southfield Rd., 560 Southfield, 687 Southfield, and 1407 Southfield.

The requested approval to construct a motorized traffic control gate to limit extraneous traffic using Woodland Villa Court will be a clear benefit to the health, safety and welfare of the residents of Woodland Villa and all the citizens of Birmingham.

Applicant respectfully requests that the Planning Board grant it approval to install a motorized traffic control gate to limit extraneous traffic upon the Subject Property.

Respectfully submitted yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

By: 
Richard D. Rattner
Attorney for Applicant

RDR/
(01060219)

A





B

January 30, 2007

Bruce Sanders / Hughes Properties
Brucesanders@earthlink.net



**Subject: Extraneous Traffic Using Woodland Villa Court at
Maple Road, West of Southfield Road, City of Birmingham**

Dear Mr. Sanders:

As you requested, we have conducted traffic counts at the above driveway serving your upscale condominium development. These counts consisted of automated, bi-directional (hose) counts over two recent weekdays, plus manual (turning-movement) counts during three, two-hour periods of a representative weekday (7:00-9:00 a.m., 3:00-5:00 p.m., and 5:00-7:00 p.m.). The detailed count data are attached to this letter.

Key Findings

- ☐ Woodland Villa Court had an average of 78 (one-way) daily trips, over four times the traffic to be expected for a condominium development with only two occupied units.
- ☐ Most non-project traffic comes from the east and returns to the east, apparently to bypass the left-turn lane from westbound Maple to southbound Southfield.
- ☐ The observed traffic pattern inconveniences residents of Woodland Villa and decreases safety for the general public, due to 1) the increased left turns (into Woodland Villa Court) at a location on Maple lacking a center left-turn lane; 2) the significant grade between Woodland Villa Court and Southfield; and 3) increased right turns and merging.
- ☐ These findings warrant serious consideration of measures for deterring the use of Woodland Villa Court by non-residents.

Location

Figure 1 shows the site, surrounding land uses, and area street system. At the time of our traffic counts, only two of the subject condominium units were occupied. We observed a limited amount of visitation to a third unit; however, there did not appear to be any construction traffic, per se.

The nearby intersection of Maple and Southfield Roads is signalized, with the westbound left turn onto Southfield having its own lane but also frequently having to wait for a green arrow to proceed. The eastbound right turn onto Southfield, on the other hand, is allowed to bypass the signal via a separate turning roadway yielding to southbound traffic on Southfield. Maple west of Southfield has two through lanes for each direction of travel, but no center turn lane.

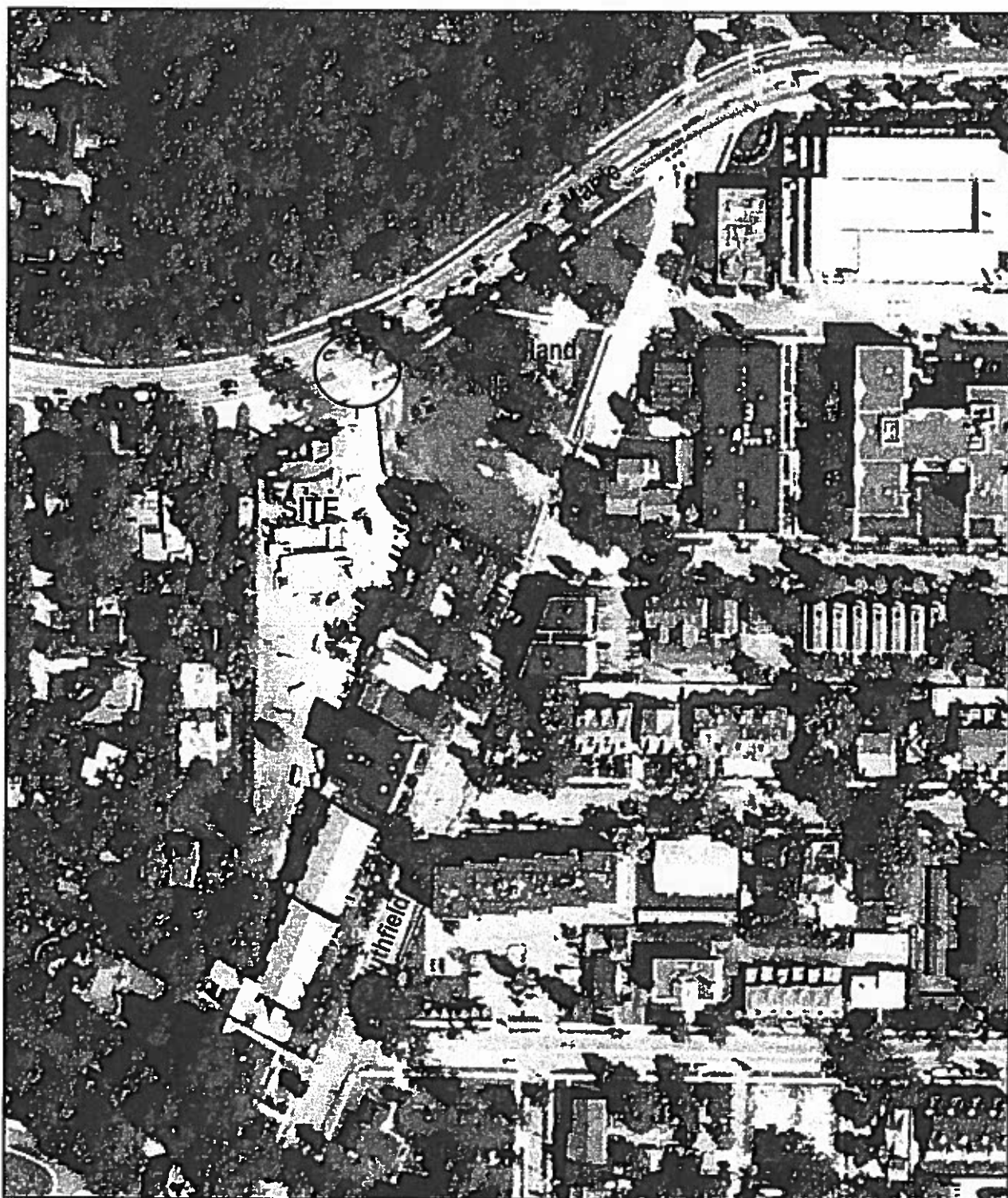


Figure 1. Site Aerial

Total Entering and Exiting Traffic Volumes

Our automated traffic counts found an average of 78 unidirectional driveway trips per day. The two busiest hours were 2:00-3:00 p.m. (12 trips) and 10:00-11:00 a.m. (11 trips), hours when there should have been very little if any residential traffic.

The observed daily driveway traffic volumes substantially exceed the levels to be expected for the two occupied dwelling units. Legitimate residential traffic alone for just two units would typically be only 1-2 unidirectional trips in the busiest hour, with perhaps ten times as many trips over 24 hours.

The directionality of the total entering and exiting volumes was determined manually for the above six weekday hours. The detailed total count data, attached, are summarized in Figure 2.

Turnaround Entering and Exiting Volumes

Each vehicle tallied entering the site in our manual counts was observed long enough to determine whether it had entered to:

- ☐ Visit one of the condominium units,
- ☐ Turn around and return to the direction from which it arrived, or to
- ☐ Simply stop briefly before continuing in the original direction (i.e., a pass-by trip).

Vehicles doing either one of the latter two things were recorded, specifically noting each vehicle's direction of approach as well as its direction of departure. The last three attached spreadsheets show the results of these special counts. All vehicles tallied on these sheets were also tallied on the earlier total count sheets.

Figure 3 illustrates the combined "turnaround" volumes for the three manually observed periods. Note that most turnaround traffic occurs in the afternoon hours and consists of drivers approaching from and returning to the east. This phenomenon may reflect an attempt by westbound drivers destined for southbound Southfield to use the westbound through lanes and longer through-traffic green time to reach the site, where they then turn around and access Southfield via the "free" right turn bypassing the signal. Such a strategy not only inconveniences the residents of Woodland Villa, it decreases traffic safety for the general public due to the lack of a center turn lane on Maple, the significant grade on Maple between Woodland Villa Court and Southfield, and the increased volume of total left and right turns generated.

We believe that the above findings and discussion warrant serious consideration of measures for deterring the use of Woodland Villa Court by non-residents having no legitimate visitation purpose.

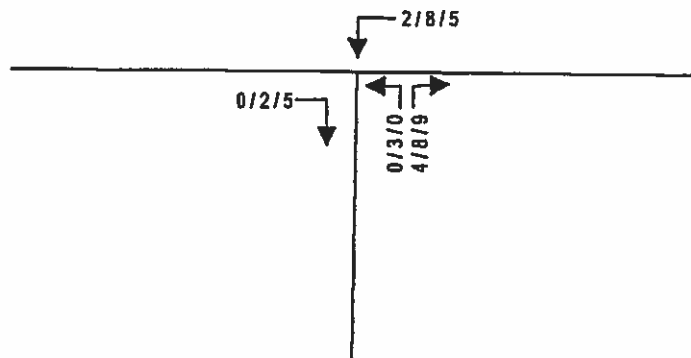
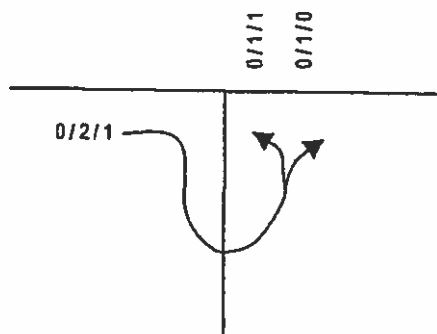


Figure 2. Total Entering and Exiting Traffic Volumes in Three Peak Periods

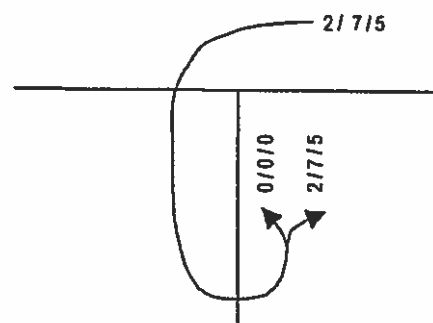


Legend

X/Y/Z, where
 X = 7:00 - 9:00 am,
 Y = 3:00 - 5:00 pm, &
 Z = 5:00 - 7:00 pm



Approaching from West



Approaching from East

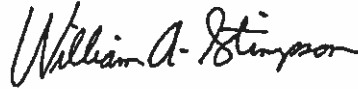
Figure 3. Turnaround Traffic Volumes in Three Peak Periods

Woodland Villa Court, page 5

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.



Rodney L. Arroyo, AICP
Vice President



William A. Stimpson, P.E., PTOE
Director of Traffic Engineering

Attachments

C

original 1000 1224 11:00 AM 4/24/07



TETRA TECH, INC.

April 24, 2007

Deputy Chief Studt
Birmingham Police Department
151 Martin Street
PO Box 3001
Birmingham, MI 48012-3001

**Re: Woodland Villa's
Entrance Gate Analysis**

Dear Deputy Chief Studt:

At your request, Tetra Tech collected weekday AM peak hour (7:00 AM to 9:00 AM) and PM peak hour (4:00 PM to 6:00 PM) traffic counts at the intersections of Maple Road with Southfield Road and Chester Street in order to complete a traffic operations analysis using the Synchro analysis program. This analysis was used to determine if there is currently extensive queuing on Maple Road at Southfield Road. It has recently been suggested that there is an extensive queue for the left turn movement at the Southfield Road and Maple Road intersection causing vehicles to travel past the intersection and complete a U-turn movement on Woodland Villa Court. In addition, we observed the operation of the Southfield Road and Maple Road intersection and the Woodland Villa Court and Maple Road intersection for 60 minutes on the evening of April 18, 2007.

The Synchro analysis shows that the westbound left turn queue is currently 65 feet in the AM peak hour and 83 feet in the PM peak hour. The westbound left turn operates at a LOS B during both peak hours. The SimTraffic analysis shows that the maximum westbound left turn queue would be 187 feet during the AM peak hour and 190 feet during the PM peak hour. Two hundred thirty feet (230 feet) of storage is provided for the westbound left turn.

During our onsite observation, the left turn queue extended past the provided storage 2-3 times during the 60 minutes observed. The eastbound through queue on Maple Road at Southfield Road was observed to extend almost to Woodland Villa Court during the PM peak hour. This westbound queue would prohibit vehicles to easily make a right turn onto Southbound Southfield Road due to the short storage provided for the right turn movement (75 feet). Furthermore, no U-turn vehicles were observed on Woodland Villa Court while Tetra Tech was on site.

We do not recommend any changes to the current traffic signal operations at these intersections at this time.

We trust that this meets your current transportation engineering needs. Please feel free to contact our office if we can be of additional assistance.

Sincerely,

Michael J. Labadie, P.E.
Unit Vice President

Kelly K. Ferencz, P.E.
Project Engineer

:be

123P0044047T.05-02

P:\123P0044047\05\Woodland Villas Traffic Analysis 4-24-07.doc

123 Brighton Lake Road, Suite 203
Brighton, MI 48116
Tel 810.220.2112 Fax 810.220.0094

D



M I D W E S T E R N
C O N S U L T I N G

3815 Plaza Drive
Ann Arbor, Michigan 48108
734.995.0200

Land Development • Land Surveying • Municipal • Wireless Communications • Institutional • Transportation • Landfill Services

November 12, 2015

Woodland Villa Condominium Association
150 Woodland Villa Court
Birmingham, MI 48009

Attn: Mr. Carlos Mazzorin

Re: **Woodland Villa Unauthorized Vehicle Occurrences**

Dear Mr. Mazzorin:

Midwestern Consulting, LLC has completed our initial work examining the frequency of unauthorized vehicles entering the Woodland Villa development for the purpose of circumventing the traffic signal at Southfield Road and Maple Road. Our initial task was to place recording digital cameras with a view of the Woodland Villa access to Maple Road and record all traffic during a significant period of time. We recorded for a total of 18.5 hours on September 9th and 10th. We also recorded intersection turning movements at Southfield Road and Maple Road during the same time period.

In reviewing the Woodland Villa access, I counted the total number of vehicles entering the development and then exiting within a minute. The video was segmented into two-hour increments and revealed the results tabulated below:

Date/Time Interval	Number of Unauthorized Turnaround Vehicles	Hourly Frequency
Sept 9 th 7:00 am – 9:00 am	2	1
Sept 9 th 9:00 am – 11:00 am	1	0.5
Sept 9 th 11:00 am – 1:00 pm	2	1
Sept 9 th 1:00 pm – 3:00 pm	3	1.5
Sept 9 th 3:00 pm – 5:00 pm	3	1.5
Sept 9 th 5:00 pm – 7:00 pm	3	1.5
Sept 10 th 7:00 am – 9:00 am	1	0.5
Sept 10 th 9:00 am – 11:00 am	2	1
Sept 10 th 11:00 am – 1:00 pm	2	1
Sept 10 th 1:00 pm – 1:27 pm	1	0.5
Total Occurrences	20	1.1

Woodland Villa Condominium Association
November 12, 2015
Page 2

The individual occurrences tabulated above included vehicles primary entering the development from the east and exiting the development back to the east. These movements are assumed to be motorists circumventing the left-turn traffic signal queue at the Southfield Road traffic signal. There were some vehicles observed entering from the west and turning around to head back to the west. It is not very likely that these were also attempting to circumvent the traffic signal but may have just been vehicles that missed an intersection lying west of the development along Maple Road.

Additionally, the observed vehicles did not all physically enter the development: about ¼ used the access approach and stayed within public right of way to U-turn. The videos also revealed that there were more commercial pickup trucks and vans entering the development for maintenance activities that did not immediately leave. These vehicles belonged to landscaping companies and contractors working within the development.

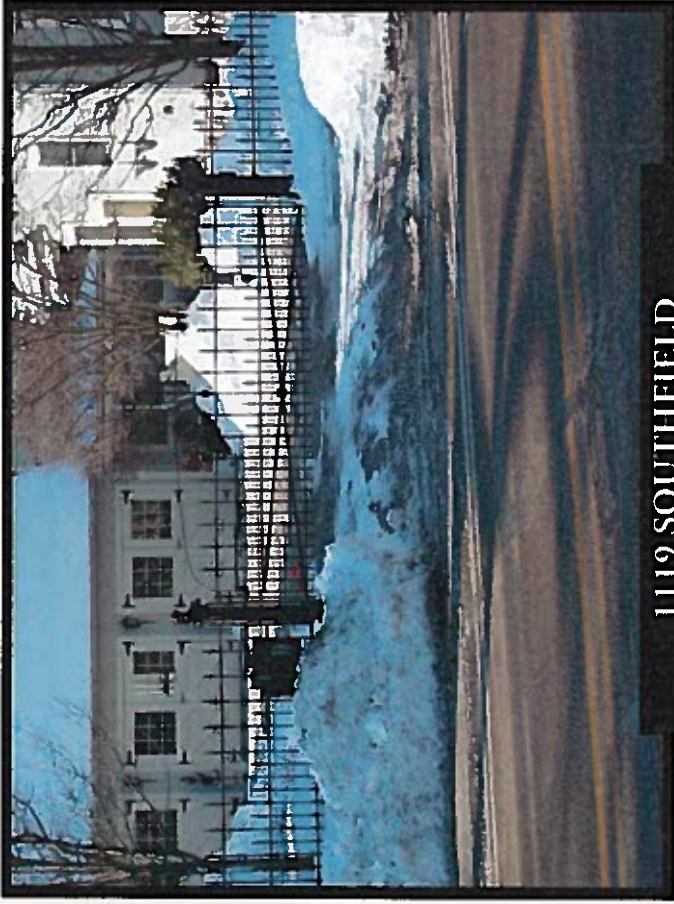
Very truly yours,

Midwestern Consulting, LLC

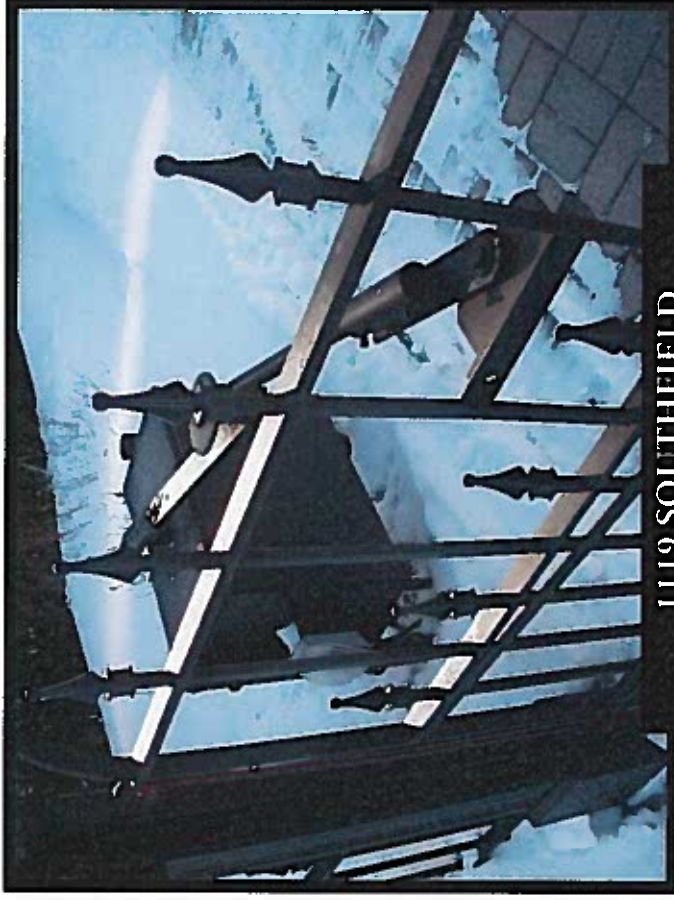
A handwritten signature in black ink, appearing to read 'J Valenta', with a stylized flourish at the end.

James J. Valenta, PE
Senior Traffic Engineer

E



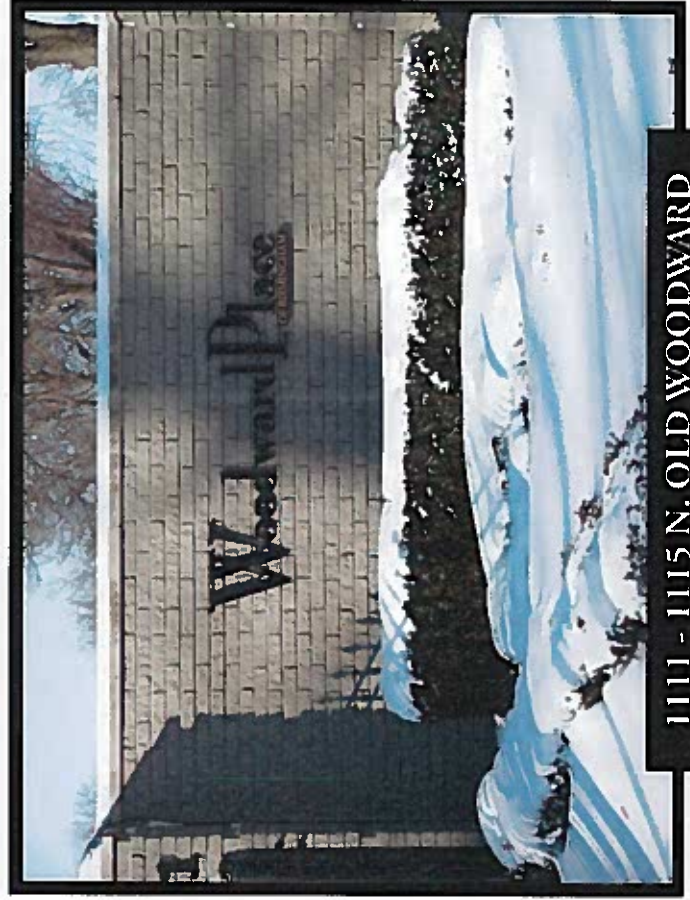
1119 SOUTHFIELD



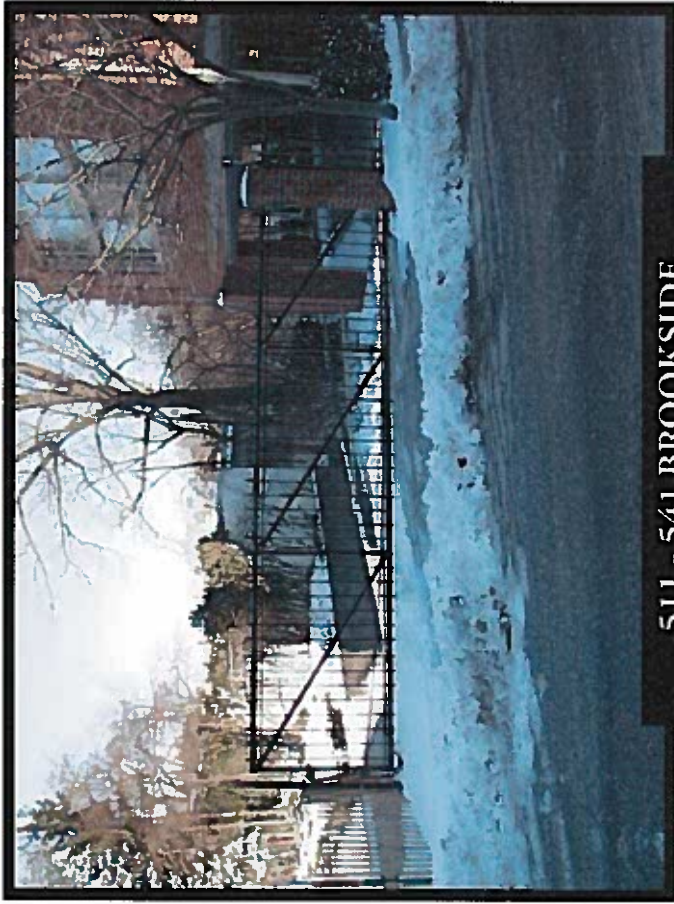
1119 SOUTHFIELD



1111 - 1115 N. OLD WOODWARD



1111 - 1115 N. OLD WOODWARD



511 - 541 BROOKSIDE



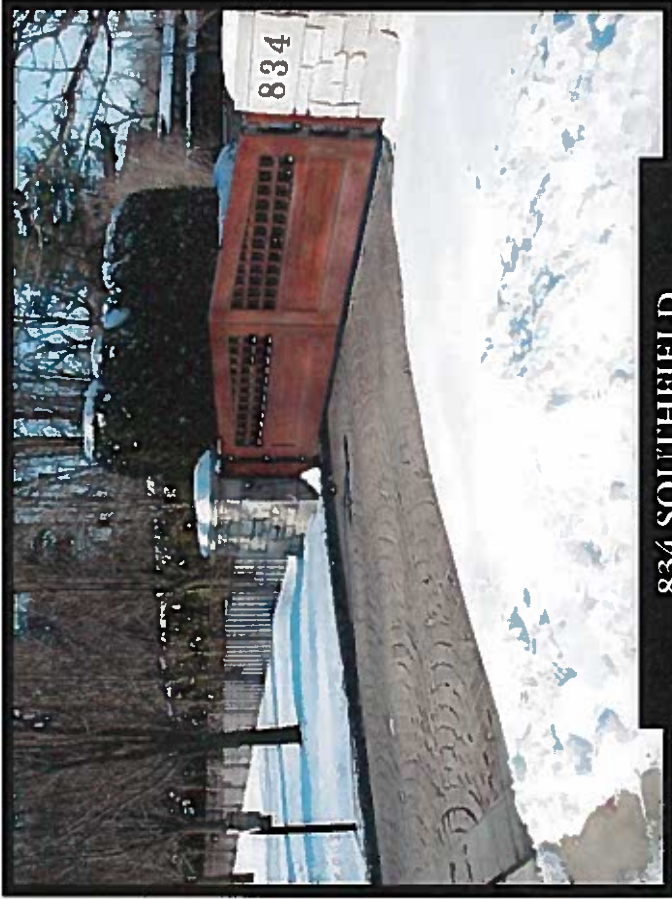
511 - 541 BROOKSIDE



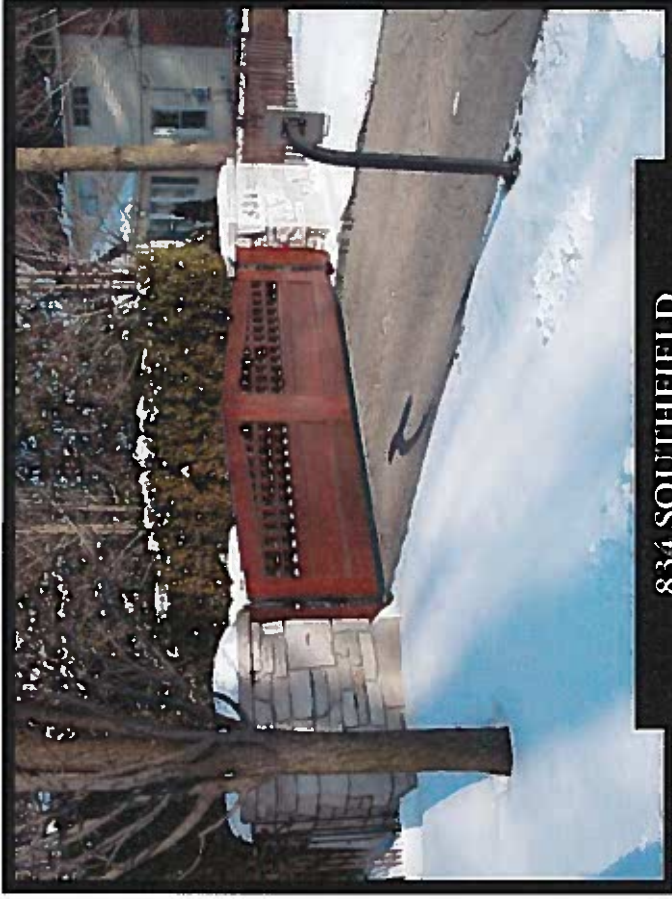
373 TOWNSEND



373 TOWNSEND



834 SOUTHFIELD



834 SOUTHFIELD



373 TOWNSEND



111 WHITTS ST.



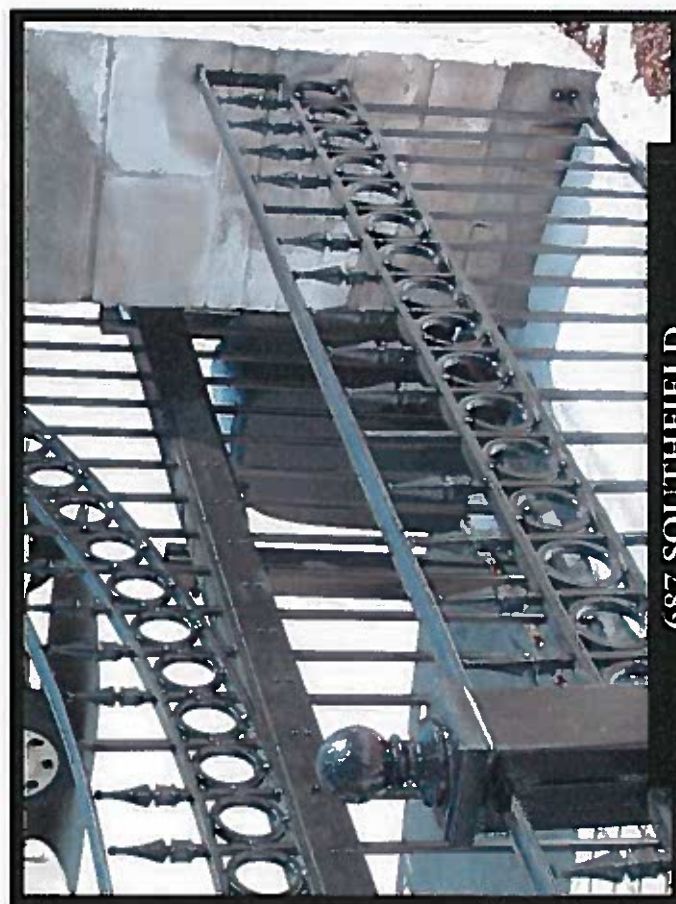
687 SOUTHFIELD



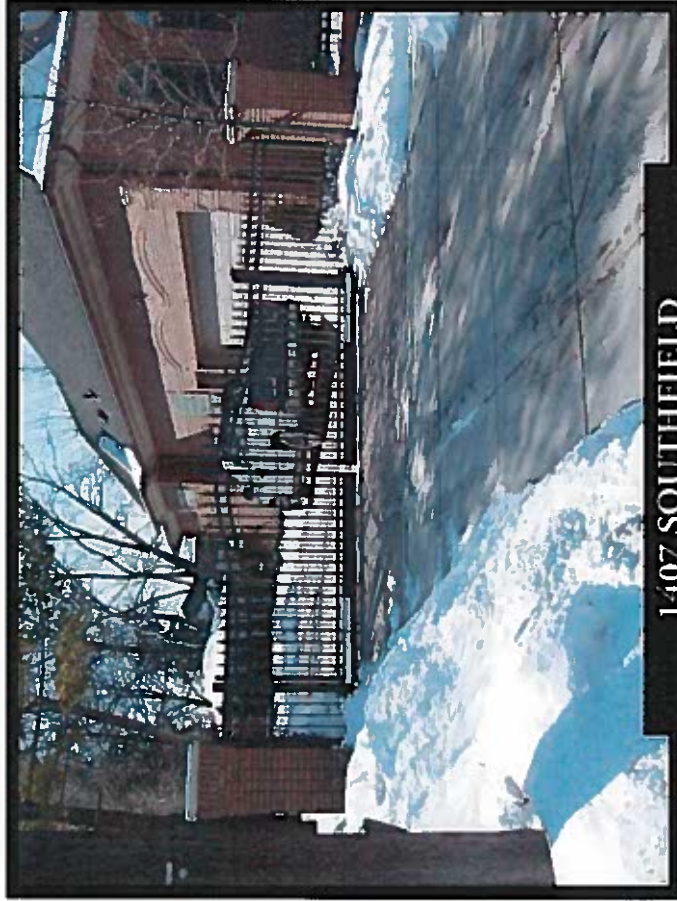
687 SOUTHFIELD



560 SOUTHFIELD



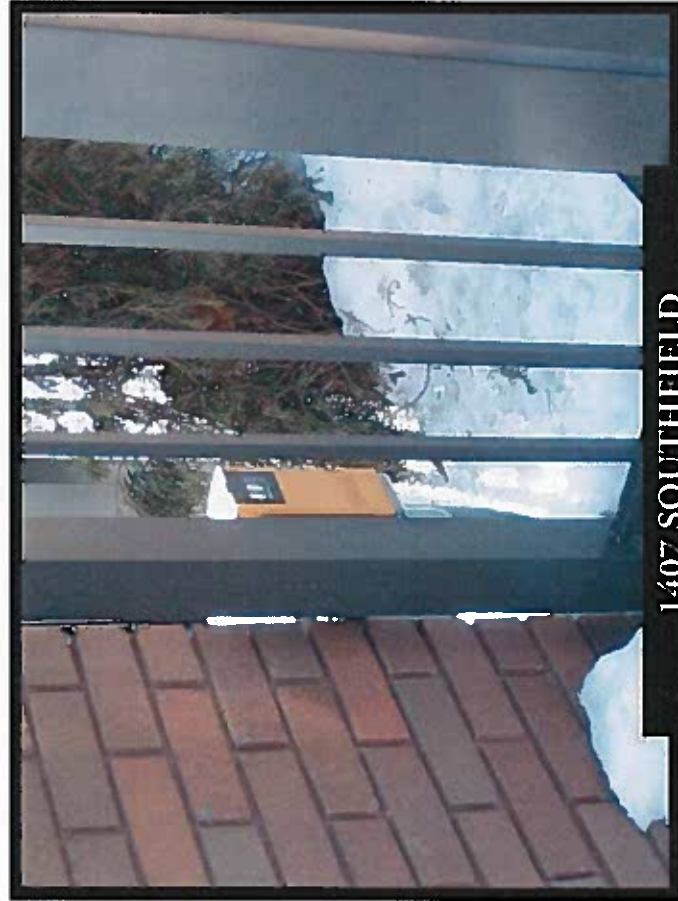
687 SOUTHFIELD



1407 SOUTHFIELD



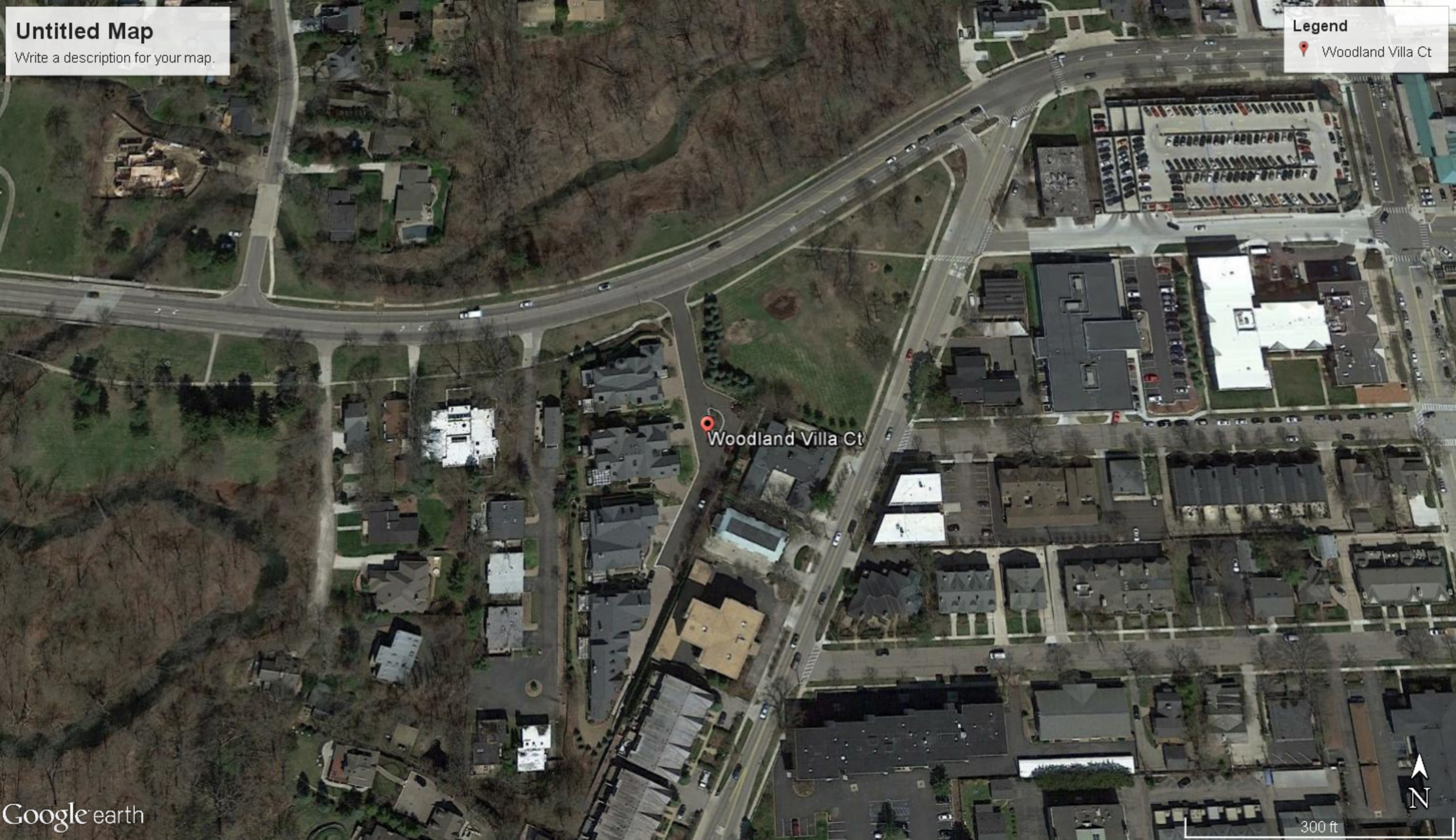
1407 SOUTHFIELD



1407 SOUTHFIELD



123 HAWTHORNE



Untitled Map

Write a description for your map.

Legend

Woodland Villa Ct

Untitled Map

Write a description for your map.

Legend

📍 Woodland Villa Ct



1/16/16

Laura M. Pierce
City Clerk

100-450 Woodland Villa Court

RECEIVED BY

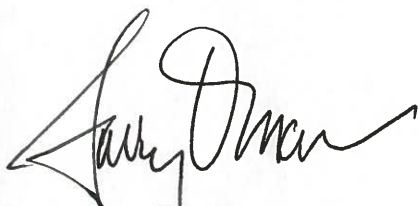
JUN 16 2016

CITY CLERK'S OFFICE
CITY OF BIRMINGHAM

I would like the council to consider the impact of the proposed project on Maple Hill Ln and Valley View Ln. Solving the turn around problem at Woodland Villas will increase the turnaround problem that already exists on our streets as traffic blocked from Woodland Villa Ct will be pushed to Maple Hill and Valley View. As a prime turnaround driveway on Valley View we have learned to accept this annoyance as part of living along Maple Road. While I sympathize with the residents of Woodland Villas it does not seem equitable to further inconvenience the other homeowners facing the same problem.

Another question. Would the council look favorably on a request by either Valley View or Maple Hill residents if they determined they needed a gate for their streets?

Thanks for considering my comments.



Larry Oman
255 Valley View Ln
Birmingham



MEMORANDUM

Planning Division

DATE: June 16, 2016

TO: Planning Board

FROM: Jana Ecker, Planning Director

SUBJECT: Request to consider amendments to Chapter 126, Zoning, Article 04, Section 4.19, Height Standards

At the January 14, 2015 Planning Board meeting, the Board considered the Final Site Plan for 245, 325 and 375 S. Eton (District Lofts, Building B). The applicant originally proposed a four story mixed use building with a rooftop terrace, a mechanical tower extending above the roof, and rooftop mechanical equipment. While the site plan was approved, the Planning Board added a condition requiring the applicant to remove the rooftop terrace, and lower the height of the mechanical tower and other mechanical equipment to 55' in height or less to comply with Article 4, section 4.19, Height Standards, or obtain a variance from the Board of Zoning Appeals.

The applicant submitted an application for variances to the Board of Zoning Appeals. On July 14, 2015, the Board of Zoning Appeals heard the requests and denied each of them. The Board of Zoning Appeals stated that the applicant's best path in this case would be to seek ordinance amendments through the City Commission. Thus, the applicant amended their plans to comply with the Zoning Ordinance.

At this time, the applicant has filed a petition to amend the Zoning Ordinance to request an amendment to Article 4, section 4.19, Height Standards to increase the maximum overall height in the MX district to allow for rooftop mechanical equipment and associated structures. The applicant is also requesting an amendment to the same section to allow rooftop terraces and accessory uses such as fitness areas and kitchen facilities. The applicant has submitted a letter detailing the reasons for these requests, and has suggested specific amendments (see attached). Specifically noted reasons include allowing safe access to the roof for repair and maintenance, and allowing reasonable rooftop uses and structures within the spirit and intent of those envisioned in the Eton Road Corridor Plan.

MX Zoning District

Currently, Article 4, section 4.19, Height Standards, provides the following with regards to the permitted height of buildings in the MX zone district:

The following height standards apply:

- A. Roofs:
 - 1. Flat roofs shall be no more than 45 feet.

2. Eave line for sloped roofs shall be no more than 40 feet.
3. **Peak or ridge of any sloped roof shall be no more than 50 feet as measured to the average grade** at the sidewalk at the frontage line.
4. **Maximum overall height including the mechanical and other equipment shall be no more than 50 feet.**
5. Sloped roofs no greater than 45 degrees measured to the horizontal shall be permitted for the screening of mechanical and other equipment.
6. **Any other use or occupancy above 40 feet shall be prohibited.**
7. Maximum of 4 stories.

Thus, Article 4, section 4.19 does not provide any additional height for mechanical equipment over the peak or ridge height of a sloped roof building, but does provide an additional 5' of height for mechanical equipment on flat roof buildings. In addition, Article 4, section 4.19 specifically prohibits any use or occupancy above 40' in height, thus precluding a rooftop terrace, swimming pool, and perhaps even a rooftop garden.

All Other Commercial Zoning Districts

Article 4, section 4.19, Height Standards, provides the following with regards to the permitted height of buildings in all other commercial zoning districts:

The following height standard applies:

- A. Structures Excluded: The **maximum height limits set forth in the two-page layout in Article 2 shall not apply to any penthouses, rooftop screening, rooftop mechanical equipment and/or other rooftop mechanical appurtenances, providing they are screened in accordance with Section 4.54.**

Thus, for all other commercial zoning districts, rooftop penthouses, screening and mechanical equipment are exempt from the maximum height standards for their zone district, so long as they are fully screened in accordance with Article 4, section 4.54, which states:

The following screening standards apply:

8. Rooftop mechanical and other equipment shall be limited, positioned and screened to minimize views from adjacent properties and public rights-of-way:
 - a. To minimize the visual impact of such equipment from adjacent elevated views all rooftop mechanical equipment and associated screening must be removed if:
 - i) The equipment is inoperable and not serviceable: or
 - ii) The equipment is obsolete and not in service, or
 - iii) The equipment is not being utilized for its intended purpose.
 - b. To minimize the visual impact of such equipment from other points of observation, **rooftop mechanical and other equipment shall be obscured by a screenwall composed of materials compatible with the building** or by landscaping demonstrated to provide an effective permanent visual barrier.

c. **Any screenwall barrier:**

- i) Shall, to the best extent possible, not extend above the top edge of an imaginary plane extending upward no more than 45 degrees from the eave line: and
- ii) **Shall not exceed 10' in height.**

Accordingly, Article 4, section 4.19, Height Standards allows for an additional 10' of height above the maximum permitted height in all commercial zoning districts, with the exception of the MX district. Further, there are no specific prohibitions against rooftop uses as apply in the MX district.

Downtown Overlay District

Currently, Article 3, section 3.04, Downtown Birmingham Overlay District, provides the following with regards to the permitted height of buildings in the Downtown Overlay:

1. **D2 Zone** (two or three stories):

.....

- 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.

.....

2. **D3 Zone** (three or four stories):

.....

- 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.

.....

3. **D4 Zone** (four or five stories):

.....

- 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 the mechanical and other equipment shall be no more than 80 feet.

.....

Thus, Article 3, section 3.04, Downtown Birmingham Overlay District, also provides an additional 10' of height for mechanical equipment over the peak or ridge height of a sloped roof building, and provides potentially more than 10' for flat roof buildings. Further, there are no specific prohibitions against rooftop uses as apply in the MX district.

Based on the findings noted above, the Planning Board may wish to discuss ordinance amendments to address the noted inconsistencies between the MX district and all other commercial zoning districts. Draft ordinance language is attached for your review and discussion.

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 04 DEVELOPMENT STANDARDS, SECTION 4.19, HT-04 (HEIGHT STANDARDS) TO ALTER THE MAXIMUM HEIGHT OF BUILDINGS IN THE MX DISTRICT.

Article 04, section 4.19 ht-04 shall be amended as follows:

4.19 HT-04

This Height Standards section applies to the following district:

MX

The following height standards apply:

B. Roofs:

8. Flat roofs shall be no more than 45 feet.
9. Eave line for sloped roofs shall be no more than 40 feet.
10. Peak or ridge of any sloped roof shall be no more than 50 feet as measured to the average grade at the sidewalk at the frontage line.
11. Maximum overall height including the mechanical and other equipment shall be no more than ~~50~~ **60** feet.
12. Sloped roofs no greater than 45 degrees measured to the horizontal shall be permitted for the screening of mechanical and other equipment.
- ~~13. Any other use or occupancy above 40 feet shall be prohibited.~~
14. Maximum of 4 stories.

C. Structures Along Eton Road: The minimum eave height for a 1 story building along Eton Road shall be 18 feet.

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

Rackeline J. Hoff, Mayor

Laura Pierce, City Clerk

**Planning Board Minutes
January 14, 2015**

FINAL SITE PLAN REVIEW

245, 325 and 375 S. Eton

District Lofts, Building B

Construction of a new four-story, mixed-use building to include commercial space and residential loft units

Ms. Ecker explained the subject site, 375 S. Eton, is part of a larger site including the existing Big Rock Chop House, Big Rock Chop House parking deck, the Reserve banquet facility, and the District Lofts - Villa Street Building (Building A), and has a total land area of 3.54 acres. It is located on the southeast corner of S. Eton and Maple Rd., and extends down to Villa St. to the south. A Special Land Use Permit ("SLUP") was granted for the Reserve on September 22, 2003 as it exceeds 6,000 sq. ft. in size, and has hours of operation past 11 p.m. The applicant was also required to prepare a Community Impact Study ("CIS") in accordance with section 7.27(E) of the Zoning Ordinance at the time that the entire site was originally approved (when Building A was to be constructed), and the CIS was accepted by the Planning Board on January 25, 2006. As the Big Rock Chop House is also listed in the City's inventory of historic properties, the entire site was also previously reviewed and approved by the Historic District and Design Review Committee ("HDDRC").

The applicant is proposing to construct the final phase of the entire development which was originally approved on August 6, 2006. This final phase includes the proposed construction of a four-story, mixed-use building containing 18 residential loft units, two live/work ground floor units and two commercial spaces on the first floor (Building B). Building B is not located in a Historic District. All of the underground parking will be under the footprint of the new loft building and accessed from the existing loft building. The units range in size from 924 sq. ft. to 2,800 sq. ft.

The applicant meets the majority of the bulk, height, area and placement requirements for the MX Zoning District. ***However, the applicant will be required to reduce the height of the building or obtain a variance from the Board of Zoning Appeals to allow the mechanical tower and other equipment to exceed 50 ft. in height.*** The applicant is proposing 58 ft. including the mechanical and four stories. They have advised that they wish to seek a variance from the BZA to allow the stair and elevator tower to provide access to the rooftop, ***and to seek a variance to allow a rooftop deck with a pergola and an enclosed exercise room and a restroom if the Planning Board is supportive of this use.***

Design Review

The proposed building design matches the contemporary style of the existing District Lofts building next door, while using some traditional style materials to blend in with the historic Big Rock Restaurant and The Reserve 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. Overall, the proposed design of Building A is compatible with the vision for the MX District contained in the Eton Road Corridor Plan. All of the materials match what is on the existing loft building.

Mr. Victor Saroki, the architect for this development, was present along with Mr. Scott LePage, the developer; and Mr. John Kelly, the general contractor. The new building is exactly the same as originally proposed, except for the roof terrace. The original building has been very successful and there is a waiting list to get in. This building has some nice retail spaces that front right on Eton. The materials and aesthetic details are meant to resemble updated warehouses. The project meets all parking requirements and an additional 34 underground spaces are proposed for the new building. They are happy to work with staff to identify street furniture along Eton and the appropriate spaces for lighting along both Eton and Villa.

They see the roof terrace as a nice element to introduce into this project. Serviceability for the mechanical equipment is a practical consideration for allowing the stairs and elevator to go to the roof. In the MX District the allowable building height is 45 ft. and only 5 ft. more is permitted for mechanical. All the other zoning districts in town permit 10 ft. for mechanical. So with only 5 ft. permitted, the only way to get to the roof is to climb up a ladder and through a hatch. In summary, the rooftop terrace is a small element that is practical for service and it is good for the residents. Mr. Saroki thinks that use of the roofs should be encouraged, but it cannot be done with only 5 ft. allowed above the building height.

Ms. Whipple-Boyce thought the rooftop area is somewhat like a fifth story. She suggested they could achieve what they want by taking half of an end unit and turning it into a terrace. Mr. Saroki replied if they are not successful at the BZA, the terrace won't happen.

Mr. Koseck likes the aesthetic of the building. He was surprised at the 5 ft. limit on rooftop screening, the same with stairs and an elevator. Mr. Saroki showed the circulation through the site and explained how people can go in and out comfortably.

Mr. DeWeese said he finds it very hard to support the uses, given the way the ordinance is written; but again, it is not clear why it is that way because the 5 ft. height allowance for screening is not practical.

In response to Chairman Clein, Mr. Saroki stated there is no intention to add an enclosure to allow for all season use. This is truly a sun deck.

The Chairman called for comments from members of the public at 9:55 p.m.

Mr. J. Colman, 521 Lewis, asked where all the cars will park. Ms. Ecker verified that the applicant complies with the parking requirement. Mr. Saroki said they have 397 spaces on-site, which is an excess of 60 spaces, not including street parking. Mr. Williams noted that people always want to park on the streets.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Share to approve the Final Site Plan and Design Review for 375 S. Eton subject to the following conditions:

- 1) Reduce the height of the building or obtain a variance from the BZA to allow the mechanical tower and other equipment to exceed 50 ft. in height;**
- 2) Remove all uses above 40 ft. in height (deck, exercise room and restroom) or obtain a variance from the BZA;**

- 3) Provide specification sheets for the proposed rooftop mechanical equipment and identify the proposed roofing material;
- 4) Add one street tree along Villa and provide street lights every 40 ft. on S. Eton and every 80 ft. on Villa all along the north side, adjacent to Buildings A and B, with all locations to be administratively approved; and
- 6) Add benches, trash receptacles and bike racks, with locations to be administratively approved.

There were no comments from the audience on the motion at 10:03 p.m.

Motion carried, 7-0.

VOICE VOTE

Yeas: Whipple-Boyce, Share, Klein, DeWeese, Koseck, Lazar, Williams

Nays: None

Absent: Boyle

Board of Zoning Appeals Minutes
July 14, 2015

375 S. ETON
(Appeal 15-20)

The owners of the property known as 375 S. Eton request four dimensional variances to construct a 60 ft. 4 in. high mixed-use building in the MX District:

A. Chapter 126, Article 4, Section 4.19 (A) (1) of the Zoning Ordinance requires that buildings constructed with flat roofs shall be no more than 45 ft. in height. The applicant is proposing to construct an elevator shaft, two stairwells and enclosed room with a flat roof that would extend above the fourth story 15.33 ft. for an overall height of 60.33 ft. Therefore the applicant is requesting a dimensional variance of 15.33 ft. to allow the flat roof to exceed 45 ft.

B. Chapter 126, Article 04 section 4.19 (A) (4) of the Zoning Ordinance requires that the maximum overall height of a building, including mechanical and other equipment that 50 ft. The applicant is proposing to construct an elevator shaft, that 50 ft. The applicant is proposing to construct an elevator shaft, two stairwells and enclosed room that would extend above the maximum allowable height 10.33 ft. for an overall height of 60.33 ft. Therefore, the applicant is requesting a dimensional variance of 10.33 ft. to allow them to exceed the maximum allowable height.

C. Chapter 126, Article 04 section 4.19 (A) (6) of the Zoning Ordinance states that any other use or occupancy above 40 ft. shall be prohibited. The applicant is proposing to construct an elevator shaft, two stairwells and enclosed room as well as an outdoor terrace that would have an occupied floor height of 45 ft. Therefore, the applicant is requesting a dimensional variance of 5 ft. to allow use and occupancy above 40 ft.

D. Chapter 126, Article 04 section 4.19 (A) (7) of the Zoning Ordinance states that buildings in the MX Zone are permitted a maximum of four stories. The applicant is proposing to construct an elevator shaft and enclosed room as well as an outdoor terrace that would be constructed above the fourth story. Per the definition of story contained in Article 09 of the Zoning Ordinance, the proposed enclosed room and elevator shaft constitute an additional story. Therefore, the applicant is requesting a dimensional variance to permit five stories.

Mr. Baka explained the applicant is proposing to construct this building as Phase 2 of the District Lofts. Phase 1 was previously completed in 2009 and constructed without the stair/elevator access to the roof and they are requesting this variance to provide easier and safer access to the roof.

Mr. Lyon received clarification there is no code requirement for this stairway and elevator in order to have necessary egress from the roof. Mr. Baka explained for Mr. Jones the existing first phase went in without the additional height and it functions under code. In response to Mr. Miller, he noted the Planning Board found the maximum overall height allowance of 50 ft. a little odd. In the rest of the City an additional 10 ft. in height is allowed for mechanical equipment, whereas in the MX District it is only 5 ft. They didn't necessarily show support for the additional uses.

Mr. Judd noted that back in 1999, and before, there were public meetings, committees, and input prior to enactment of the MX District Ordinance. Mr. Jones noticed that one of the Planning Board members had suggested that the idea of the deck could be achieved by taking half of an end unit and turning it into a terrace.

Mr. Baka verified for Mr. Hart there are 30 mechanical units on the roof that will have to be maintained and in the current building access to them is through a hatch.

Mr. Victor Saroki, Architect, said along with him this evening are Norman and Bonnie LePage, the project owners; Rick Rattner, Attorney; John Kelly, General Contractor and Builder; and J.C. Cataldo, Manager of the Phase 1 Building. Mr. Saroki indicated now that the economy has recovered they plan to build Phase 2. There is a total of 20 residential units in this building and two retail spaces. They believe there is a practical difficulty and hardship caused by strict compliance with the Ordinance that only allows 5 ft. additional height for mechanical screening on the roof. They are asking for 15 ft. to permit the elevator to protrude.

This started because they have learned some lessons from constructing the first building. Servicing a building through a ladder and a roof hatch with this many mechanical units on the roof has become problematic. He pointed out that the core is the furthest point back from the two faces of the building, so the perception from the street is still a four-story building. They believe the central issue is really the health, safety, and welfare of people servicing the equipment. They feel this is a reasonable request for adequate access to the roof and that their request does substantial justice. This project is within the spirit of the Ordinance and the granting of the variances is not at all contrary to that. They feel that literal enforcement of this chapter is an unnecessary hardship. Further, the granting of the variances does substantial justice to the property owners, to all or the residents who would reside in this building, and to the general public.

Mr. Saroki went on to note that in buildings like this it is a very nice amenity to have some open air space and some vegetation on the roof.

Chairman Lillie pointed out the BZA is a quasi-judicial board. The applicants are asking the board to re-write the statute and that is not the board's function. It is up to the City Commission to make changes to Ordinances. He asked Mr. Saroki to explain why his building is unique and different than any other building in the MX District at four stories and a flat roof. He is having a hard time seeing how this building would meet the uniqueness test. Also, the fact they don't have stairs going to the roof doesn't prevent them from using the property as zoned, as evidenced by their first building.

Mr. Saroki pointed out their first building has been successful but they have an opportunity to make this a better and safer building at a very minimal increase in height in one small area. As to the unique characteristics of the property, their feeling is that every building in the MX District is not going to be built like this one.

Mr. Judd noted this is something that could have been addressed during the period from 1999 until construction of this building. Large compressors can be hoisted to the roof with cranes. He asked Mr. Saroki how they get around the self-created problem. Mr. Saroki said the sun

terrace is self-created but he doesn't believe it is a self-created issue to ask for access to the roof in a more reasonable and safe way than through a roof hatch. Because there are more commercial spaces in this building than in their first building, larger and heavier commercial equipment is required. The ideal location is on the roof.

Mr. Lyon asked how this issue is not self-created in that they could go three stories and have all the room they need for the mechanicals. Mr. Saroki replied that is really not reasonable here and not in the spirit of the Ordinance that allows four-story buildings.

Mr. Jones inquired if there is anything in between the elevator and the ladder they could design that would address the safety concerns. Show how they could ameliorate the requested variances.

Mr. Saroki said a solution could be to create a stairway within the third floor that gets up to the roof.

Responding to Mr. Miller, Mr. Saroki explained they started with one stairway as a way to get up, then they thought it would be reasonable to get an elevator to go up. After that they decided it just makes sense to extend the whole core up. However, they couldn't have elevator doors just open to the roof so there had to be an enclosure or a vestibule. So then they thought a reasonable amenity for the building would be to allow the residents to enjoy the roof deck.

Mr. Lyon advised the applicant that in order to improve the Ordinance and make their building better the City Commission is the place to go.

There was no one in the audience who wanted to speak to this appeal at 8:35 p.m.

Motion by Mr. Judd

Seconded by Mr. Lyon on Appeal 15-20, 375 S. Eton, the appellant is asking for four variances. Mr. Baka, he felt, did a very complete job in describing the four. They all arise from Chapter 126, Article 04, section 4-19 (A) and four of the subsections of section (A). Variance A deals with a dimensional variance of 15.33 ft. to allow a flat roof to exceed 45 ft. Variance B is requesting a dimensional variance of 10.33 ft. to allow them to exceed the maximum allowable height. Variance C is a dimensional variance of 5 ft. to allow use and occupancy above 40 ft. Variance D is a dimensional variance to permit five stories.

This particular appeal arises from the MX District which is a fairly new creation. He doesn't recall too many or any appeals dealing with this section. In its creation it has been noted that there were hearings called by the City Commission; there were committees appointed; testimony was taken during those periods; drafts were made; and eventually the MX Ordinance was produced and approved.

In this case the appellant is asking for these variances based on the health, safety, and welfare of workers who may be servicing the building. It has been noted in discussions by the members of this board that the prior building (the sister building if you will), really of the same construction and many of the same dimensions, was built without the request for two stairways and an elevator with mechanics on top of the building. It was also noted that the building is

extremely popular. It is well designed pursuant to the description of both the attorney representing the appellant and the architect.

Mr. Judd moved to deny all four variances requested by the appellant. He doesn't feel that a practical difficulty has been effectively argued in this case. He doesn't feel that strict compliance with the height requirements in the MX District would unreasonably prevent the owner from using the property for a permitted purpose and would be unnecessarily burdensome. In support of that he points to Building 1 that was built in 2009 which has been extremely effective.

He feels that pretty well mutes the argument of the petitioner dealing with the second building. He also notes that Building 1 and this particular building at 375 S. Eton meet all the Code requirements dealing with safety, and he feels that pretty well takes care of that point. Secondly, he doesn't feel that granting the variance would do substantial justice to the other property owners in the District in that conducting a spot zoning in this case, and perhaps that is not the proper term, we would certainly be creating a specialized district, which is spot zoning with an individualized height different from all the others. We would be doing this in contravention of all of the hearings and ordinances that were enacted by the City Commission and he thinks we would be placing ourselves in jeopardy if we did such an action.

Mr. Judd does not feel the plight of the owner is due to the unique circumstances of the property, as already amply discussed by other members of this board. He does feel the problem is self-created, in that the elevator to the decks is really the engine that is driving this appeal. He discounts the importance in this case of the indications of health, safety and welfare. For those reasons he would move to deny.

Mr. Miller felt that as urban density increases the use of roof areas is becoming more and more desirable. Access to these areas needs to be made by stairs, elevators; exactly what is being asked here. In this regard he thinks the Zoning Ordinance is kind of behind the curve. However, it is beyond our charge here on the board to redefine the ordinance in such a sweeping manner by carrying occupied space up to another floor.

Mr. Lyon agreed with Mr. Miller and believes that urban density will drive everything up. However, he thinks it is way beyond this board's purview to grant these variances. This is not unique and it is self-created. He doesn't feel the applicant meets the four points to grant the variances.

Mr. Jones concurred. He finds that this appeal is self created. Functionality is borne out by the adjoining building still being very popular both economically and functionally. He concurs as the board always states that their job is not to create the ordinance but to enforce within the parameters that they have for a variance. For those reasons he will support the motion.

Chairman Lillie indicated he will also support the motion. He doesn't think there is anything unique about this property. Denying the requested variances will not prevent the petitioner from using the property for the permitted purpose. From what has been presented it is pretty obvious there is no problem with Building 1. A further reason for him to support the motion is the petitioner has said there may be an issue with the Ordinance. If that is the case the way to

change the Ordinance is through the City Commission.

Mr. Hughes thought that Messrs. Saroki and Rattner have made a rather persuasive case. It is very compelling and would be fine if it were permitted under the restrictions under which this board operates. However, granting the variances is too much of a reach over what the board's authority is. The proper way to have something like this approved would be to modify the Ordinance and this board is not in a position to do that.

Motion to deny carried, 6-1.

ROLLCALL VOTE

Yeas: Judd, Lyon, Hughes, Jones, Lillie, Miller

Nays: Hart

Absent: None



Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors

380 North Old Woodward Avenue
Suite 300
Birmingham, Michigan 48009

Tel: (248) 642-0333
Fax: (248) 642-0856

June 13, 2016

Richard D. Rattner
rdr@wwrplaw.com

HAND DELIVERED

City of Birmingham
City Commission
Planning Board
151 Martin St.
Birmingham, MI 48012

Re: Application for Text Amendment to Article 4 of the City of Birmingham Zoning Ordinance ("Zoning Ordinance") at Sections 4.19(A)(4) and (6) of the Mixed Use Zoning District ("MX") ("Application")

Dear Members of the City Commission and Planning Board:

This letter supplements the Application filed by Eton Office Properties, LLC ("Applicant") on June 3, 2016. The Applicant owns property at 245, 325 and 375 Eton Street, Birmingham, MI.

I Introduction

The Application requests text amendments to Sections 4.19(A)(4) and (6) of the Zoning Ordinance that accommodate the health, safety and welfare of the community and to bring the MX District requirements into compliance with the Master Plan for the Eton Road Corridor (the "Eton Plan"). Applicant's specific suggestions for amending the Zoning Ordinance text are below. It is important to understand that these proposed text amendments *do not increase* the maximum height of any buildings in the MX District (i.e., 40 feet for the eave line of sloped roofs, or 45 feet for flat roofs). Rather, Applicant petitions to amend the text to allow sufficient and reasonable overall height above the established building heights to accommodate safe and reasonable access to the roof area to deal with emergencies, repair, replacement and maintenance of mechanical equipment (including elevators), and to allow the use of the roof for reasonable uses accessory to a residential use as contemplated by the Eton Plan. These amendments are clearly in compliance with the Eton Plan and otherwise dramatically improve the safety, repair,

maintenance and reasonable use and enjoyment of all structures in the MX District, providing a distinct benefit to property owners as well as the community in general.

II Safe Access to and Accessory Use of the Roof

Safety. The central issues addressed by this Application involve the safe, reasonable and expanded accessory uses of roofs of MX District buildings. These amendments will benefit all buildings in the MX District. The height proposed in this Application for installation of rooftop equipment and accessory use is the minimum required for the proper and safe maintenance of all rooftop utilities and structures, as well as reasonable and creative use of the roof area as contemplated by the Eton Plan.

Large rooftop utility units are heavy pieces of machinery and must be serviced, replaced and/or repaired on a regular basis. In order to service or replace these large rooftop utility units, which cannot possibly be maneuvered up a stairway to the roof or pushed through an open trap door, such equipment must be moved by elevator. The current text provides only for 5 feet of space above the roof for common rooftop activities. 5 feet is simply inadequate to access, operate or reasonably use the roof of a building.

An elevator to the roof requires the extra 15' 4" in height above the roof level to allow for construction of the shaft that encloses the elevator. The size of the shaft is determined by applicable building codes and safety regulations and provides enough work space so that all persons working on the equipment and the elevator are safe. Further, if the only pathway to the roof is through a stairwell or trap door device, in the event that any workman or other person on the roof is injured, a stairway may not allow emergency medical personnel unencumbered and fast access to the roof with a stretcher or other life saving device that may be necessary. An elevator is a matter of safety, and is within the spirit and intent of the ordinance which, at its core, is to protect the health, safety and welfare of the community. Specifically, the proposed text amendments will make this building a model of roof safety for Birmingham.

Structures and Reasonable Uses – Master Plan. The additional area will also provide space for rooftop enclosures for protection of equipment and other uses accessory to residential uses. In order to protect the elevator shaft, the stairways and access to the roof and mechanical equipment, it is necessary to build an enclosure. These enclosures are intended to provide cover in inclement weather and to insure that the rooftop access equipment, such as the elevator and stairways, are kept safe, dry, clean and free of ice and snow in winter months. Such an enclosure allows safe access to police, fire and other emergency personnel.

Section 1.04 of the Zoning Ordinance provides that the purpose of the Zoning Ordinance is to "...guide the growth and development of the City in accordance with the goals, objectives and strategies stated within the Birmingham Master Plan ("Birmingham Plan"), and Downtown Birmingham 2016 Plan ("2016 Plan")." A review of the Birmingham Plan necessarily includes the Eton Plan. Section 2 of the Eton Plan provides the "Vision for the Eton Corridor":

The Eton Road Corridor will be a mixed use corridor with a range of commercial, service, light industrial and residential uses that serve the needs of the residents of Birmingham. *Creative site planning will be encouraged to promote high quality, cohesive development that is compatible with the existing uses in the corridor and the adjacent single-family residential neighborhoods.* (Emphasis added)

Section 4 of the Eton Plan provides further guidance into the future land use plan as it pertained to residential development, "*Creative site planning concepts that avert potential land use conflicts and promote the long term compatibility of the wide range of existing and future uses within the corridor area are encouraged.*" (Emphasis added) The Eton Road Corridor is one of the most exciting, rapidly developing areas in all of Birmingham. This proposed text change to the Zoning Ordinance falls squarely within the spirit and intent of the Eton Plan in that it will allow for continued creative use of property, encourage more development and additional revitalization of this new pedestrian friendly modern urban plan.

Development of roof-top spaces is not a new idea. Rooftop spaces have been used for years as an integral part of modern urban planning. In fact, as recently as this month the new Brush Park Project in Detroit was described in the local press. The use of rooftop uses accessory to residential uses was described as part of this new form-based urban concept. The advantages cited included a statement that rooftop terraces, of the same type anticipated by the text amendments proposed in this Application, provide the equivalent of backyards and community gardens. Further, like Birmingham's MX District, the new Detroit plans included retail and commercial uses built into the first floor of the residential buildings.

The Eton Plan wisely predicted this type of modern planning and development. Applicant contends that it is time to make the necessary text amendments so that buildings in the MX District can now be used and enjoyed as part of this creative urban plan, a plan that was created by the community for the benefit of its citizens.

Proposed Text Amendment. The Applicant has requested 2 text amendments to Section 4.19(A) of the Zoning Ordinance: (1) to increase the maximum overall height in the MX District from 50 to 60 feet to allow an additional 15 feet over the current maximum height of 45 feet for rooftop equipment and uses accessory to residential uses; and (2) to allow uses accessory to residential uses above 40 feet in the MX District. Accordingly, Applicant proposes the following text amendments:

4.19 HT-04

This Height Standards section applies to the following district:



The following height standards apply:

A. Roofs:

1. Flat roofs shall be no more than 45 feet.
2. Eave line for sloped roofs shall be no more than 40 feet.
3. Peak or ridge of any sloped roof shall be no more than 50 feet as measured to the average grade at the sidewalk at the frontage line.
4. Maximum overall height including uses accessory to a residential use, the mechanical and other equipment shall be no more than 50-60 feet.
5. Sloped roofs no greater than 45 degrees measured to the horizontal shall be permitted for the screening of mechanical and other equipment.
6. ~~Any other use or occupancy above 40 feet shall be prohibited.~~ Residential units above 40 feet are prohibited. Uses accessory to residential a Residential use shall be permitted above 40 feet, provided that said accessory uses do not cover more than 40% of the roof area. Uses accessory to a residential use include such uses as interior space, lobbies, meeting rooms, fitness areas and kitchen facilities.
7. Maximum of 4 stories.

B. Structures Along Eton Road: The minimum eave height for a 1 story building along Eton Road shall be 18 feet.

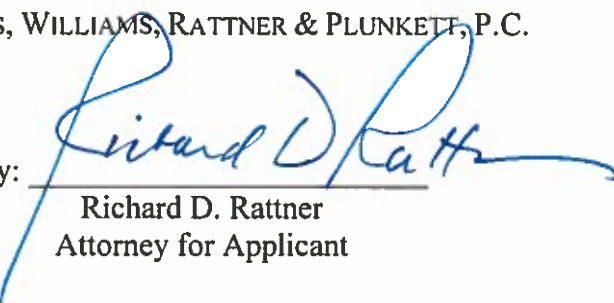
Applicant contends that the proposed text amendments will be a clear benefit to the health, safety and welfare of not only all of the citizens of Birmingham but also all of the citizens in the area.

Applicant respectfully requests that the text amendments requested in its Application be approved.

Respectfully submitted yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

By:



Richard D. Rattner
Attorney for Applicant



MEMORANDUM

Community Development

DATE: January 9, 2015

TO: Planning Board

FROM: Jana L. Ecker, Planning Director

SUBJECT: 375 S. Eton – The District Lofts
Final Site Plan & Design Review – Eton Street Building
(Building B)

Introduction

The subject site, 375 S. Eton is part of a larger site including the existing Big Rock Chop House, Big Rock Chop House parking deck, the Reserve banquet facility, and the District Lofts- Villa Street Building (Building A), and has a total land area of 3.54 acres. It is located on the southeast corner of S. Eton and Maple Road, and extends down to Villa Street to the south. A Special Land Use Permit was granted for the Reserve on September 22, 2003 as it exceeds 6,000 sq.ft. in size, and has hours of operation past 11:00 pm. The applicant was also required to prepare a Community Impact Study in accordance with Article 7, section 7.27(E) of the Zoning Ordinance at the time that the entire site was originally approved (when Building A was to be constructed), and the CIS was accepted by the Planning Board on January 25, 2006. As the Big Rock Chop House is also listed in the City's inventory of historic properties, the entire site was also previously reviewed and approved by the Historic District and Design Review Committee ("HDDRC").

The applicant is proposing to construct the final phase of the entire development which was originally approved on August 6, 2006. This final phase includes the proposed construction of a four story mixed use building containing 18 residential loft units, 2 live/work ground floor units and two commercial spaces on the first floor (Building B). Building B is not located in a historic district.

1.0 Land Use and Zoning

- 1.1 Existing Land Use – The existing land uses on the site include the Big Rock restaurant, The Reserve banquet facility, a parking structure, surface parking and a mixed use building.
- 1.2 Zoning - The northern portion of the parcel is zoned B-2B, General Business, and the southern portion of the site is zone MX, Mixed Use. The existing use

and surrounding uses appear to conform to the permitted uses of their respective Zoning Districts.

- 1.3 Summary of Adjacent Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site, including the proposed 2016 Regulating Plan zones.

	North	South	East	West
Existing Land Use	Big Rock Restaurant, The Reserve	Crosswinds Development	Loft Building A, Railroad	Commercial, Multi-family Residential
Existing Zoning District	B-2B Neighborhood Business, MX – Mixed Use	MX - Mixed Use	MX – Mixed Use, PP – Public Property	B-1 – Neighborhood Business, R-6 – Multiple-Family Residential
Downtown Overlay Zoning District	NA	NA	NA	NA

2.0 Setback and Height Requirements

The attached summary analysis provides the required and proposed bulk, area, and placement regulations for the proposed project. The applicant meets the majority of the bulk, height, area and placement requirements for the MX Zoning District. **However, the applicant will be required to reduce the height of the building or obtain a variance from the Board of Zoning Appeals to allow the mechanical tower and other equipment to exceed 55' in height.** The applicant has advised that they wish to seek a variance to allow the stair and elevator tower to provide access to the rooftop, and to seek a variance to allow a rooftop deck with a pergola and an enclosed exercise room and a restroom if the Planning Board is supportive of this use.

Please see the attached Zoning Compliance Summary Sheet for detailed zoning compliance information.

3.0 Screening and Landscaping

- 3.1 Dumpster Screening – The applicant is not proposing any changes to the existing two trash compactors/ dumpsters on the site: one at the southeast corner of the site to service the residential loft units, and one on the north

elevation of the parking structure to service Big Rock and The Reserve. The existing screening: 8' high brick screen wall, with a 4" limestone cap and wooden gates are sufficient. Trash rooms are proposed within Building B.

3.2 Parking Lot Screening –All parking facilities must be screened in accordance with Article 4, section 4.49 of the Zoning Ordinance with a minimum 32" high masonry screen wall. All surface parking is either adequately screened by a masonry screen wall or located to the rear of the proposed loft building and thus is fully screened. The opening between loft buildings A and B contains a pedestrian walkway and staggered planting beds to effectively screen any views of the surface parking lot through the opening. All other parking is screened within parking structures above and below ground.

3.3 Mechanical Equipment Screening – The applicant is proposing to locate mechanical equipment on the parking level of loft Building B and on the roof of the proposed building. In addition, a transformer is proposed between The Reserve and Eton Building. All such equipment must be screened in accordance with Article 4, section 4-49 of the Zoning Ordinance. **The applicant must provide specification sheets for the proposed rooftop mechanical equipment to allow the Planning Division to determine if the proposed screening will fully screen all units.** The applicant has indicated that all rooftop mechanical equipment will be less than 5' in height and will be fully screened by a metal panel screening system. The applicant is proposing 5' to 6' high Arborvitae shrubs to screen the 5' high transformer, which will be sufficient.

3.4 Landscaping – The applicant is proposing extensive landscaping throughout the site. The landscaping is clustered into different areas to accomplish various goals.

Around the perimeter of the Eton Street Building, Boxwood, Liriope, and Dwarf Fountain Grass are proposed all along the front of the building along Eton Road and Villa Street. In the pedestrian plaza behind Building B, 2 Skyline Honey Locust trees are proposed, along with Hydrangea and Pachysandra.

The applicant is also proposing 2 Serviceberry trees and plantings of Hydrangea, Pachysandra, and Coral Bells in staggered planting beds along the pedestrian walkway between loft buildings A and B. A Serviceberry tree, Pachysandra, Yew bushes, Hydrangea, Arborvitae, Climbing Hydrangea (to grow up the screen wall), and Happy Returns daylilies are proposed for the space between The Reserve and Building B. All site landscaping is proposed to be irrigated.

Finally, the applicant is proposing to add 3 Skyline Honeylocust street trees along S. Eton as required, and 2 Princeton Sentry Ginko street trees along Villa. **However, the applicant is required to provide 3 street trees along Villa, and thus will be required to add 1 more street tree.** The applicant has indicated that they will add another street tree. All street trees must be irrigated.

The existing and proposed landscaping provides the recommended street trees for both Villa Street and Eton Street, and provides extensive landscaping throughout the site, and particularly in and around the parking facilities to assist in screening these facilities and aesthetically enhancing the site as a whole.

3.5 Streetscape – The streetscape on Villa has been designed to match the existing streetscape in front of Building A, which includes sidewalk from curb to building. However, specific streetscape requirements were not in place in this district in 2006 when Building A was approved. Streetscape requirements currently include the provision of both street trees and street lighting, along with benches, trash cans and bike racks. The applicant has not provided any pedestrian scale street lighting at this time. **On the S. Eton Rd. frontage, street lights are required to be installed at every 40 ft. On Villa Ave., spacing shall be at every 80 ft., matching the protocol already established on the south side of the street. The applicant should also consider having street lights installed in front of the Phase 1 building at the same time the work is being done for Phase 2, to provide a consistent streetscape and consistent light levels along the entire block. One additional street tree must also be provided along Villa as noted above.**

The Planning Board may also wish to consider the addition of benches and bike racks in the public right of way. Several benches and trash receptacles could be placed against Building B, and the wide boulevard on S. Eton just north of Villa Street could accommodate bike racks.

4.0 Parking, Loading and Circulation

4.1 Parking – In accordance with Article 4, section 4.42 of the Zoning Ordinance, 166 parking spaces are required for the Big Rock restaurant (12,402 sq.ft./75), 90 spaces are required for The Reserve (540 people capacity/6), 23 spaces are required for the proposed new retail spaces (7,000 sq.ft./300), 55 parking spaces are required for the proposed 44 residential units, and 4 spaces are required for the train station, pursuant to an earlier agreement with the City. Thus, a total of 338 parking spaces are required for the proposed mix of uses on this site. The applicant is proposing a total of 364

parking spaces. All parking spaces meet the minimum size requirement of 180 sq.ft.

Article 4, section 4.48 of the Zoning Ordinance provides that off-street parking contained in the first story shall not be permitted within 10' of the any building façade on a frontage line or between the building façade and the frontage line. The applicant is not proposing any parking to be contained within the first story of any building. No parking is proposed between the building facades and the frontage lines. All new parking is proposed behind The Reserve and the proposed residential loft buildings, in the parking deck and underground.

- 4.2 Loading – In accordance with Article 4, section 4.21LD-01 of the Zoning Ordinance, two loading spaces are required for the proposed development, which must be 12' by 40' in size, and must be screened from the public view with 6' high screening. Existing loading spaces are located behind the loft buildings and are fully screened from public view by the buildings themselves.
- 4.3 Vehicular Circulation and Access – The proposed development includes the removal of a curb cut from S. Eton south of The Reserve. This space is proposed to be converted into a pedestrian passage with a patio. Two curb cuts will remain on S. Eton, as well as one of Villa. Shared drives and share access is provided throughout the site. The proposed drive widths on the interior of the site are adequate for proper maneuvering within the site.
- 4.4 Pedestrian Circulation and Access – The applicant proposes to extend the sidewalk along Villa Street, and has proposed sidewalks from the rear entrances of the new loft building. In addition, the applicant has provided front entrances to the commercial spaces and the live/work units located on the ground floor of Building B which directly connects to the public right-of-way. The applicant is now proposing the addition of two pedestrian passages on either side of the proposed Building B. The passage to the east of Building B will include 2 Shadblow Serviceberry trees, and plantings along with pedestrian scale bollard lighting to light a new 6' concrete sidewalk that is proposed to meander through the passage. The passage to the north of Building B (adjacent to The Reserve) will also include 1 Shadblow Serviceberry tree and extensive shrub and perennial planting along the edges of a new 5' concrete sidewalk that will link the interior of the site to the public right-of-way along S. Eton. A 26' by 16' concrete patio is also proposed adjacent to S. Eton. This patio will be accessible from one of the first floor commercial spaces and thus could accommodate future outdoor seating for either residents or patrons of a future café.

5.0 Lighting

The applicant is proposing to maintain the existing Gardco arm mounted Square Form Ten cut off fixtures that are mounted on 12' high posts to light the surface parking areas. The metal halide fixtures are 14" square and provide 175 watts of light per fixture.

The applicant is proposing wall mounted Catania G fixtures for the building lighting on Building B. These fixtures are manufactured by Hess America, and are the same fixtures that were used on Building A. These fixtures provide 100 watts of LED light each, and are satin anodized aluminum with translucent acrylic lenses. The applicant has provided a cut sheet of this fixture. **The applicant has provided a photometric plan for the entire site, however the new building lighting was not included.**

The applicant is also proposing 5 Gardco bevel top louver bollard fixtures to light the pedestrian walk between loft buildings A and B. These metal halide bollards are 42" in height, will provide 100 watts of light per fixture, and will be painted black. The applicant has provided a specification sheet of this fixture.

6.0 Departmental Reports

6.1 Engineering Division – The Engineering Dept. has reviewed the plans dated November 4, 2014, for the above referenced project. We have the following items to note at this time:

1. The plans appear to generally be in accordance with what was proposed in 2006, when the parking structure and adjacent buildings were constructed.
2. Unlike 2006, the City now requires that projects of this sort include the installation of DTE owned and operated street lights to match others being completed in the Rail District. On the S. Eton Rd. frontage, street lights shall be installed at every 40 ft. On Villa Ave., spacing shall be at every 80 ft., matching the protocol already established on the south side of the street. Street trees shall be laid out accordingly. It appears that there is room for more trees on both frontages than what is shown on the plan (the north end of the Eton Rd. frontage, and the west end of the Villa Ave. frontage).
3. Once this project, as well as the two proposals on the south side of the street are finished, there will likely be little more construction on this block of Villa Ave. for many years to come. At that time, City street lights will be installed on the entire south side of the block, as well as in front of this Phase 2 building. The streetscape in front of Phase 1 will appear underlit and unfinished by comparison. The City should encourage the owner to

consider having street lights installed in front of the Phase 1 building at the same time the work is being done for Phase 2, bringing consistent light levels to the entire block.

4. It is not clear if new water and/or sewer connections are needed for this building, or if they will be serviced through the Phase 1 building. The Engineering Dept. will work with the applicant in either scenario.

The following permits will be required at this time:

- Sidewalk/Curb Closing Permit
- Right-of-way Permit (if excavations are proposed)

6.2 Department of Public Services – DPS has no concerns.

6.3 Fire Department – The Fire Marshall has provided the following comments:

1. Knox Box Required
2. NFPA 13 Fire Suppression System required
3. Fire Alarm required.

6.4 Police Department – The Police Department has no concerns.

6.5 Building Division – Standard comments were received by the Building Division.

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 eighteen residential loft units, two ground floor live/work units and two commercial spaces on S. Eton and is compatible in scale and height with adjacent buildings. 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 for the lower level and metal paneling on portions of the upper levels. Front walks are proposed from the sidewalk to front entries for one ground floor live/work units and the two commercial spaces. 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 materials for the Eton Building are proposed to match the existing Villa Building, aesthetically linking the existing and proposed buildings together.

- **Red face brick** – Continental Brick Company, Color: BTA 594 – Texture: Sandface Extruded (Matches Existing on Building A)
- **Trespa wall panel** - Exterior Meteon Panel, “Pacific Board” (Matches Existing on Building A)
- **Cast Stone** – Arriscraft International, “Wheat Sandblasted” (Matches Existing on Building A)
- **Standing seam metal** wall panels and mechanical screening - Metecno Panael System Inc., Metecno Alumashield HR-900 tapered Profile, Color: PPG Duranar Preweathered Galvalume (Matches Existing on Building A)
- **Exposed steel canopies** - Paint Color Benjamin Moore “Gull Wing Gray” 2134-50 (Matches Existing on Building A)
- **Black aluminum clad window frames, exterior doors and metal accents** - Weathershield (Matches Existing on Building A)

The applicant has not provided any details or specifications on the proposed roofing material, nor on the glazing percentages for each level of the south and west elevations that face public streets. These details must be provided to determine that all glazing requirements have been met.

The proposed building design matches the contemporary style of the existing District Lofts building next door, while using some traditional style materials to

blend in with the historic Big Rock Restaurant and The Reserve 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. Overall, the proposed design of Building A is compatible with the vision for the MX district contained in the Eton Road Corridor Plan.

9.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, 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 nor 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.

10.0 Recommendation

Based on a review of the site plan revisions submitted, the Planning Division finds that the proposed Final Site Plan meets the requirements of Article 7, section 7.27 of the Zoning Ordinance and recommends that the Planning Board APPROVE the Final Site Plan and Design Review for 375 S. Eton with the following conditions:

- 1) Reduce the height of the building or obtain a variance from the Board of Zoning Appeals to allow the mechanical tower and other equipment to exceed 55' in height;
- 2) Remove all uses above 40' in height (deck, exercise room and restroom) or obtain a variance from the Board of Zoning Appeals;
- 3) Provide specification sheets for the proposed rooftop mechanical equipment and identify the proposed roofing material;
- 4) Provide glazing calculations to demonstrate glazing requirements have been met;
- 5) Add one street tree along Villa and provide street lights every 40' on S. Eton and every 80' on Villa all along the north side, adjacent to Building A and B, with all locations to be administratively approved; and
- 6) Add benches, trash receptacles and bike racks, with locations to be administratively approved.

11.0 Sample Motion Language

Motion to APPROVE the Final Site Plan and Design Review for 375 S. Eton subject to the following conditions:

- 1) Reduce the height of the building or obtain a variance from the Board of Zoning Appeals to allow the mechanical tower and other equipment to exceed 55' in height;
- 2) Remove all uses above 40' in height (deck, exercise room and restroom) or obtain a variance from the Board of Zoning Appeals;
- 3) Provide specification sheets for the proposed rooftop mechanical equipment and identify the proposed roofing material;
- 4) Provide glazing calculations to demonstrate glazing requirements have been met;
- 5) Add one street tree along Villa and provide street lights every 40' on S. Eton and every 80' on Villa all along the north side, adjacent to Building A and B, with all locations to be administratively approved; and
- 6) Add benches, trash receptacles and bike racks, with locations to be administratively approved.

OR

Motion to POSTPONE the Final Site Plan for 375 S. Eton.

OR

Motion to DENY the Final Site Plan for 375 S. Eton.

**HDDRC Minutes
January 4, 2006**

**PUBLIC HEARING
Historic Design Review**

**245-375 S. Eton
Eton Street Lofts
Birmingham Grand Trunk Western Railroad Depot Landmark**

Chairman Rinschler opened the public hearing at 8:14 p.m.

Zoning: B-2B General Business

Proposal: The applicant proposes to develop two residential loft buildings and a parking structure that will house 250 cars. The development will also have an off-street surface parking area, loading areas, and landscaped areas. The new development will be located on the south end of the triangular site of the Birmingham Grand Trunk Western Railroad Depot Landmark which is bordered by S. Eton on the west, Villa Street on the south, and the railroad on the east. The Big Rock Chop house and the Reserve are also located on the site. The applicant proposes to demolish an existing office building at 375 S. Eton at the corner of S. Eton and Villa Streets.

The proposed three-story parking deck will be located on the east side of the property. It will be constructed of brick veneer with pre-cast concrete caps with metal screen grill openings.

Ms. Bashiri read from the Ordinance the boundaries of the Historic District.

Chairman Rinschler commented it is hard for him to imagine that the whole parking lot was intended to be part of the Historic District. Therefore the commission should address the issue as to what size the Historic District should be prior to final site plan approval. Ms. Rowbottom recalled that when the Historic District was designated they talked about using the original property lines of the Grand Trunk Railroad. She agreed the issue should be decided.

Mr. Victor Saroki, the architect for the project, was present along with Mr. Mark Farlow principal from his office; and Mr. J.C. Cataldo, of Mocher Dolan Cataldo & Kelly Building and Development Company. Mr. Norman LePage, the property owner, was not present this evening. Mr. Saroki noted that the site falls within two zoning districts, MX and B-2B, and perhaps the demarcation line between the two zoning districts would make sense for the delineation of the Historic District.

At this point, Mr. Saroki walked the board through his report. It is his understanding they will be before the HDDRC for preliminary historic design review, and before the Planning Board for preliminary site plan approval along with a CIS application approval.

They would then go back to the Planning Board for final site plan approval and come back to the HDDRC for final historic design approval.

The site circulation pattern for both the Big Rock and the Reserve will be quite similar to what it is now. Both of these operations use a valet service. The parking deck is not meant to serve the loft buildings. The lofts will be supported by underground parking that will house 50 cars and some surface parking. The residential traffic will all come in off of Villa Street. They hope to develop some one-car garages in addition to the 50 parking spaces underground. The proposal is for 47 loft units ranging in size from 1,000 sq. ft. up to about 2,000 sq. ft. Each building will have an opportunity for retail uses on the first level. The first-floor loft units that front on Villa Street are intended to be work/live units. The applicants believe that they meet all of the requirements of the Zoning Ordinance. Mr. Saroki presented an overview showing the massing of the buildings along Eton.

They propose warehouse-like loft buildings that would fit into the Rail District. Their material pallet favors what has been used on the Train Station. The parking structure will be located at the rear of the site so that it parallels the train tracks. All of the parking needs for the Big Rock and the Reserve are satisfied. They think their proposal is in the spirit of the MX District and that it recognizes the historical character of that whole area.

Chairman Rinschler had difficulty with the massing and intrusion of the parking structure and its close proximity to the historic structure. There needs to be some architectural way to minimize the effect of the parking deck. Mr. Hower suggested making the parking structure mixed-use. Mr. Saroki thought they may be able to create a very dense greenbelt screen as a buffer. From the standpoint of the residents and sales, they have to make sure that the deck is very pleasing. When they build the deck in brick with stone accents, add the mullion patterns, break down the amount of light through either louvers or an opaque surface, and add landscaping, it will diminish the whole deck area.

Discussion followed with respect to adding a roof on top of the deck. Mr. Saroki explained it would raise the mass of the deck and intrude into the required distance from the ITC transmission lines overhead. Mr. Farlow said that a portion of the parking deck lies within the B-2B District and that portion must abide by the lower height requirement for that District. Therefore, they have two districts to deal with, as well as the transmission lines.

Chairman Rinschler said it sounds to him that the area to work on is ways to minimize the massing and the visual impact of the parking deck. That is what the commission would like to see when the proposal comes back, because the deck is so incongruous with historic preservation. He feels they are going in the right direction with the lofts.

Ms. Weisberg thought the deck will be a nice relief from the parking lot that currently exists. Personally, she would like to see more of an industrial edge to the loft buildings.

In response to a question from Ms. Rowbottom, Mr. Saroki explained the retail will park either on Villa Street or in the structure. She suggested a tie-in to the neighborhoods with the species of trees that are planted. Mr. Saroki indicated his intention to present a landscape plan at final review.

Mr. Saroki explained that the property line angles, and that necessitates their buildings to be set back. The loft building will start to create some building edges which will help the Reserve not to look like it is set out in the street. On another subject, their proposal for lighting on the site will take on an industrial look.

Motion by Chairman Rinschler

Seconded by Mr. Hewer to approve the preliminary historic review application for 245-375 S. Eton, Eton Street Lofts, provided that the applicant comes back with proposals to soften the impact of the parking structure and the commission has a resolution of the specific bounds of the Historic District to guide it in its final approval.

No one from the public wished to comment on the motion at 9:10 p.m.

Motion carried, 5-0.

VOICE VOTE

Yeas: Rinschler, Hewer, Deyer, Rowbottom, Weisberg

Nays: None

Absent: Henke, Sadowski

**Planning Board Minutes
January 25, 2006**

01-18-06

**PRELIMINARY SITE PLAN REVIEW AND COMMUNITY IMPACT STUDY (“CIS”)
245,325, 375 S. Eton**

The District Lofts

Construction of mixed-use development, including residential lofts, retail space and two-story parking deck on the site of the Big Rock Chop House and the Reserve

CIS

Ms. Ecker offered background information. The subject parcels are located on the site of the existing Big Rock Chop House, the Reserve banquet facility, and an office building. The site has a total land area of 3.54 acres. It is located on the southeast corner of S. Eton and Maple Road, and extends down to Villa Street to the south. The applicant is proposing to demolish the existing office building and surface parking lot to construct a mixed-use development that would include the Big Rock Chop House, the Reserve banquet facility, two new four-story buildings containing retail space, residential loft units, live/work units, as well as a three-story parking deck on the rear of the site.

Ms. Ecker advised that the applicant was required to prepare a CIS as they are proposing two new buildings containing more than 20,000 sq. ft. of gross floor area. The CIS discusses the proposed use of the site; access and circulation; sub-area plan; building and parking placement; design; land development issues; utilities, noise and air issues; environmental design and historic values; refuse, sewer and water; public safety; transportation issues; parking issues; natural features; and includes an associated soils report, an environmental report, a traffic report, and a noise study. The site is zoned B-2B General Business at the north end on the site of the existing Big Rock Chop House, and is zoned MX Mixed Use on the southern portion.

Ms. Ecker reviewed all details of the proposed development and the corresponding studies for the Planning Board. Mr. Potts asked if there is sufficient capacity in the proposed parking deck and in the adjacent surface parking area to accommodate a full max out of all of the uses contemplated in the three areas. Ms. Ecker indicated it meets the City parking requirements.

Mr. Victor Saroki, architect for the District Lofts, was present with Mr. Norman LePage, owner of the Big Rock Chop House and the Reserve banquet facility; Messrs. Mark Egott and Johannes from his office; and Mr. Rod Arroyo, Traffic Consultant from Birchler, Arroyo. Mr. Saroki assured the board that all of the items required in the CIS will be complied with prior to final site plan review. He went on to discuss the Clayton Environmental Report which was developed in 1998 for Mr. LePage when he was

proposing the Reserve banquet facility. They have not prepared a new report because nothing has changed on the site except for the Reserve getting built. Erb Lumber was a lumber yard, so he does not see it as an issue needing any additional extensive environmental testing. Also, if there is a water table issue involving basements, they will deal with it at the time of construction and excavation. They always employ geotechnical engineers and soil engineers to help with the design of the buildings and footings.

Mr. Potts confirmed that Mr. Saroki is satisfied that there are no environmental concerns at this point. Mr. Saroki said that if anything does come to light during construction they will take the proper caution and hire an environmental consultant to help them. Mr. Norman LePage established that all of the storage facilities for the lumber yard actually were from Crosswinds on back. So, as far back as he can remember there was no storage of any kind taking place on his property. Also, Mr. Saroki added that their lender is satisfied with the environmental report. Further, the developers are satisfied that the environmental survey is acceptable for a residential development. They are obligated by law that if anything is found they will stop, investigate, bring in experts, and remediate.

Ms. Dorothy Conrad spoke to say that the Crosswinds property was cleaned up prior to construction beginning. Chairman Boyle cautioned that wolmanized timber may have been stored on the site.

Mr. Rod Arroyo, whose firm prepared the Traffic Impact Assessment, said there were three issues raised by TetraTech and one issue raised by the Engineering Division.

1. Birchler, Arroyo is recommending a two-way left turn lane in the area north of Yosemite. They believe it would be a safety and a capacity improvement to provide a two-way left turn lane so that southbound traffic on Eton can get into a left-turn lane to turn into the main driveway which serves the entire facility. From what they have observed, only about 75 ft. of storage is needed in the north-bound left turn lane. They are recommending that 100 ft. be a two-way left turn lane. That leaves another 175 ft. for north-bound left turns. Right now, if a car is south bound on Eton and wants to turn left and there is traffic coming north bound, there is no choice but to block through traffic south bound on Eton and wait for a gap to make the left turn. The two-way left turn lane allows cars to get out of the way so that south-bound traffic can continue. They think that is a significant improvement.
2. Regarding the one-way drive that is used by the valets, Mr. Arroyo's understanding is there will be no additional impact on that. It will still operate as it does today.
3. With respect to site obstructions on Eton Street on the east side, parking should be prohibited and there should be appropriate signage added to clarify that so that clear site distance can be maintained to the south as cars turn out.

4. The Engineering Division does not agree with their recommendation to limit parking on Villa Street to one side only, given the demand for parking to support the Amtrack train station. Birchler, Arroyo went out to re-evaluate that and found that parking on both sides would leave an 18 ft. travel way for two-way traffic. If it turns out that it becomes problematic, re-striping could fix that problem by removing parking on one side of the street. They would leave it up to the City in terms of what they believe is correct.

Further, to have three lanes at the villa approach to Eton Road would be a very tight configuration. Mr. Arroyo doesn't believe the delays are going to be enough to require that, but once again the City could make a change in striping.

Mr. Blaesing said that anything dealing with the public streets, either Villa or Eton, doesn't necessarily have to be tied as a requirement of the final site plan. It is not something that would prohibit the Planning Board from accepting the CIS. It would be a recommendation to the City's other boards to go ahead and try it out.

Mr. Saroki provided details regarding the proposed separation and collection of recycled materials on-site. In both buildings there are trash chutes that lead down to trash rooms in the parking garage.

Motion by Mr. Potts

Seconded by Mr. Blaesing to accept the CIS for 245, 325, 375 S. Eton, the District Lofts, with the understanding that the applicant will address all of the issues as represented.

Chairman Boyle asked if members of the public wished to comment on this motion at 10:40 p.m.

Ms. Dorothy Conrad observed that currently on both sides of Maple Road the traffic is much greater than normal. That is because of the closing of the bridge at Adams Road. If these traffic volumes are being used as a measuring stick they are probably the highest that Maple Road will ever get.

Motion carried, 6-0.

ROLL CALL VOTE

Yeas: Potts, Blaesing, Boyle, Dilgard, Haberman, Nickita

Nays: None

Absent: None

Preliminary Site Plan Review

Ms. Ecker advised that a Special Land Use Permit (“SLUP”) was granted on September 22, 2003 to allow construction of the Reserve banquet facility as it exceeds 7,000 sq. ft. in size, and proposed hours of operation past 11 p.m.

Ms. Ecker advised that on October 26, 2005, the applicant appeared before the Planning Board for a pre-application discussion. The Planning Board suggested that the applicant consider decreasing the size of the units and suggested that more live/work units be offered, along with more retail and/or office space.

On January 4, 2006, the HDDRC conducted a preliminary review of the development and approved the preliminary historic review application for the site, with the conditions that the applicant comes back with a proposal to soften the impact of the parking structure, and that the Planning Division provide a map of the specific boundaries of the Historic District located on the site.

The applicant meets the majority of the height, area, and placement requirements for the MX Zoning District. However, the Planning Board will have to approve the location of the principal pedestrian entrances on Villa Street as they are proposed 3 ft. back from the frontage line and are required to be on the frontage line. **In addition, the applicant will be required to increase the first-floor ceiling heights to provide a 12 ft. clear space from finished floor to finished ceiling, or obtain a variance from the BZA.** The applicant advised that they had altered their plans to meet this requirement. This is a result of the Eton Road Corridor Plan which envisions having spaces that could be converted from residential to commercial in order to accommodate a multitude of uses over time.

Mr. Saroki passed out a colored rendering setting forth the elevations. They listened to the Planning Board’s comments at the pre-application discussion. They have added additional retail space and some live/work units. They are now up to 47 loft units. The approach they took with the architectural aesthetic of their elevations is to develop exteriors that are warehouse-like with large panels of glass with mullions and windows as one would see in manufacturing and industrial buildings. The buildings relate also to the train station with the brick color and the limestone. The buildings set back 3 ft. from the street. That allows a softening green belt across the front of the residential units. The parking structure is a background building that is set back parallel to the tracks.

One parking space is allowed underground for each loft unit and a second enclosed space can be purchased. It was an intentional move on their part to isolate the commercial traffic from the residential traffic. The parking garage is being developed to support parking for the Reserve banquet facility and Big Rock Chop House. Mr. Saroki believes the 380 spaces on the site are enough to sustain all of the operations if everything is going at maximum capacity. They have been very creative in finding every parking space they can on this site.

Mr. Saroki advised that there will be screening for the mechanical units on the roof, they will meet the 12 ft. height for the first-floor retail spaces, and they are not going to request any variances. Further, they will provide 12 ft. light standards in the parking lot. They intend to be extra careful with lighting in the parking structure because it is next to residential. Louvers, metal grills and translucent panels are being contemplated and different designs are being studied.

Mr. Nickita stated that he thinks street parking is very important. It always slows traffic and it creates a better pedestrian environment. He sees Villa Street as being wider than almost all of the residential streets throughout the City. Therefore, he advocates parking on both sides of the street. It would still allow sufficient ingress and egress to the project.

Mr. Nickita went on to discuss the issue of circulation within the site. He does not think dead-end situations are best for traffic flow. Also, he noted that pedestrians will need to have a path in order to traverse the site. Mr. Saroki said they will try to designate good pedestrian movement. Addressing the traffic circulation, he said they are concerned that the heavy commercial traffic would interfere with the comfort of the residential buildings. Therefore they feel that Villa Street should just be for the residential.

Motion by Mr. Blaesing

Seconded by Mr. Dilgard to extend the meeting to 11:30 p.m.

Motion carried, 6-0.

Yeas: Blaesing, Dilgard, Boyle, Haberman, Nickita, Potts

Nays: None

Absent: None

Mr. Saroki said the units will measure from 850 sq. ft. to 2,000 sq. ft. The prices will probably range from \$400 thousand to \$800 thousand. Everything is one-level loft living with 10 ft. finished ceilings on the upper floors.

Mr. Blaesing said that as a resident he would appreciate the separation of vehicular movement because he would want some privacy from the commercial district so that people are not driving through his parking lot at 2 a.m. trying to find their way out. He thanked the applicant for listening at the pre-application discussion and he appreciates the changes that were made as a result. He is sure that when all of this gets done it will feel like a neighborhood.

Mr. Potts urged the applicant to soften the garage to improve the visual perspective as people enter the MX District off of Maple. Mr. Saroki indicated they could do that and add a significant landscape plan.

Ms. Ecker said she believes the City Manager is advocating to keep the train station on the Birmingham side rather than moving it to Troy. Ms. Dorothy Conrad said plans are moving forward for a transportation hub that is to be built in Troy. She thought the Community Development Department ought to contact the City of Troy to ask them exactly what is going on and what they have in mind.

Mr. Nickita pointed out that the front doors are not really accessible by a drop-off/pick-up situation. There is not adequate pedestrian circulation between the buildings and between the Reserve. What happens is that someone who is dropped off in the back of the units would then have to walk around to the front. Mr. Saroki explained that a car could pull into a parking space in the front, let someone get out, and then leave. He thought they could develop a striped spot that is not a parking space that would allow someone to pull in and back out. Mr. Boyle pointed out that most people would probably pull into the Reserve to pick up or drop off, short of it being a peak time.

Motion by Mr. Blaesing

Supported by Mr. Potts to approve the Preliminary Site Plan as presented for 245, 325, 375 S. Eton, the District Lofts. The approval should include:

- 1. Approval by the board to allow a 3 ft. setback of the building on Villa Street;**
- 2. That all of the first-floor units have 12 ft. ceiling heights;**
- 3. That the sidewalk constructed on Villa extend eastward to the train loading station; and**
- 4. That the applicant consider a more thorough design of the pedestrian and vehicular circulation throughout the site.**

Mr. Nickita went on record as saying he recommends that the City consider allowing parking on both sides of Villa Street.

There was no public comment on the motion at 11:25 p.m.

Motion carried, 6-0.

Yeas: Blaesing, Potts, Boyle, Dilgard, Haberman, Nickita

Nays: None

Absent: None

Planning Board Minutes
March 22, 2006
03-65-06

FINAL SITE PLAN AND DESIGN REVIEW
245, 325 and 375 S. Eton Street
Construction of new loft buildings and parking deck

Ms. Ecker advised that this project has been before the Planning Board several times. It is the site of the existing Big Rock Chop House, The Reserve banquet facility, and an office building. The site has a total land area of 3.54 acres. It is located on the southeast corner of S. Eton and Maple Road, and extends down to Villa Street to the south. The applicant is proposing to demolish the existing office building and surface parking lot to construct a mixed-use development that would include the Big Rock Chop House; The Reserve banquet facility; two new four-story buildings containing retail space, residential loft units, and live/work units; as well as a three-story parking deck on the rear of the site.

Ms. Ecker advised that the applicant was required to prepare a Community Impact Study in accordance with Article 7, section 7.27 (E) of the Zoning Ordinance as they are proposing two new buildings containing more than 20,000 sq. ft. of gross floor area. As the Big Rock Chop House is listed in the City's inventory of historic properties, this application must also be reviewed and approved by the Historic District and Design Review Committee ("HDDRC").

A Special Land Use Permit ("SLUP") permit was granted on September 22, 2003 to allow construction of The Reserve banquet facility and to allow the proposed hours of operation past 11 p.m. An amendment to this SLUP will be required to permit construction of the proposed development, to allow the proposed 7,000 sq. ft. of commercial space, and to allow any new business on the site to operate past 11 p.m.

On October 26, 2005, the applicant appeared before the Planning Board for a pre-application discussion. Since the pre-application discussion, the applicant heeded the suggestions of the board members and increased the number of units from 45 to 47, and is proposing that five of those units be live/work units along Villa Street. Two commercial spaces are now proposed along Eton Street.

On January 4, 2006, the HDDRC conducted a preliminary review of the proposed development and approved the preliminary historic review application provided the applicant comes back with a proposal to soften the impact of the parking structure, and that the Planning Division provide a map of the specific boundaries of the Historic District located on the site. Since that time the applicant has added more landscaping based on the comments of the HDDRC to soften the view of the parking structure from Eton Street and Maple Road.

On January 25, 2006, the Planning Board conducted a preliminary review of the proposed development and a complete review of the Community Impact Study (“CIS”). The Planning Board approved the CIS with the condition that the applicant address all of the issues outlined in the staff report. The Planning Board also approved the Preliminary Site Plan with several conditions.

Ms. Ecker advised that since the Preliminary Site Plan was approved, the applicant has shifted the buildings to be 2 ft. rather than 3 ft. back off the property line along Villa St. which was previously approved by the Planning Board. The applicant has modified the plans to extend the sidewalk on Villa eastward to the train station, and has added a pedestrian connection from the proposed loft buildings across the site to the big Rock Chop House restaurant. The applicant indicated at the preliminary site plan review that they would increase the ceiling heights for all first-floor units to be 12 ft. clear from finished floor to finished ceiling. A new section has been provided that clearly shows a full 12 ft. The applicant has not altered the vehicular circulation pattern on the site.

The Planning Board will have to approve the new location of the principal pedestrian entrances on Villa Street as they are now proposed 2 ft. back from the frontage line. *In addition, the applicant will be required to decrease the height of that portion of the parking structure located in the B-2B Zone District, or obtain a variance from the Board of Zoning Appeals (“BZA”).*

Motion by Mr. Dilgard

Seconded by Mr. Blaesing to extend the meeting to 11:30 p.m.

Motion carried, 5-0.

VOICE VOTE

Yeas: Dilgard, Blaesing, Boyle, Nickita, Potts

Nays: None

Absent: Haberman

Mr. Victor Saroki, from Victor Saroki & Associates, Architects, was present along with Mr. Norman LePage, the property owner; Mr. J.C. Cataldo of Mosher, Dolan, Cataldo and Kelly, the general contractors; and Mr. Michael Dul, the landscape architect. Mr. Saroki indicated they are happy to sit down with the Fire Marshal and discuss the turning radius for the Fire Department’s largest vehicle to access the site from both Villa and Eton. He noted the existing loading space immediately adjacent to the Big Rock Chop House is somewhat screened by the landscaping, but it cannot accommodate a masonry screenwall because it would prohibit the trucks from turning in. Ms. Ecker said that as long as it is an existing loading space a variance will not be needed.

Mr. Saroki said to soften the parking deck they are proposing a brick veneer for the outside that matches both of the loft buildings. Only a portion of the stairwell on the deck requires a variance from the building height limitation.

Chairman Boyle commented he would like to see an occasional flash of color because this development lies within an industrial area.

Motion by Mr. Dilgard

Seconded by Mr. Nickita to extend the meeting to 11:45 p.m.

Motion carried, 5-0.

VOICE VOTE

Yeas: Dilgard, Nickita, Blaesing Boyle, Potts

Nays: None

Absent: Haberman

Chairman Boyle took discussion to the public for comments and no one spoke at 11:30 p.m.

Motion by Mr. Blaesing

Seconded by Mr. Dilgard to recommend approval to the City Commission of the SLUP Amendment and Final Site Plan, and support the staff recommendations for the approval of the lofts at 245, 325, and 375 S. Eton Street. The board supports a variance for the stairwell on the parking deck that happens to fall in the B-2B District. The staff recommendations are as follows:

1. The Planning Board provide approval for the new location of the principal pedestrian entrances on Villa Street 2 ft. back from the frontage line;
2. Decrease the height of that portion of the parking structure located in the B-2B Zone District, or obtain a variance from the BZA;
3. Increase the first-floor ceiling heights to provide a 12 ft. clear space from finished floor to finished ceiling or obtain a variance from the BZA;
4. Provide screening for the existing dumpsters and clean up the debris surrounding them immediately;
5. Provide details on the proposed rooftop mechanical equipment;
6. Replace all proposed Stella D'Oro Daylilies with Happy Returns Daylilies;
7. Replace all proposed Euonymus with another hardy groundcover;
8. Provide a photometric plan that includes all proposed lighting;
9. Provide information regarding the location of fire hydrants, Fire Department water connections, the ability of the largest emergency vehicle to access the site from both Villa and Eton, and the sufficiency of the proposed fire lanes;
10. Extend the screenwall between The Reserve and loft Eton Building to connect to The Reserve; and
11. Submit all requested changes for administrative approval by the Planning Division.
12. Provide an 8.5 ft. sidewalk along the north side of Villa Street with tree wells and no grass boulevard to match the south side of Villa Street to reduce maintenance issues. Administrative approval of the sidewalk.

Motion carried, 5-0.

ROLL CALL VOTE

Yeas: Blaesing, Dilgard, Boyle, Nickita, Potts

Nays: None

Absent: Haberman



MEMORANDUM

Planning Division

DATE: June 16, 2016

TO: Planning Board

FROM: Matthew Baka, Senior Planner

SUBJECT: Joint City Commission/Planning Board workshop review

On June 20, 2016 the Planning Board and City Commission will hold a joint workshop in order to discuss the updating of the City's master plan and current planning issues facing the City of Birmingham. As a follow up to the workshop, it may be beneficial for the Planning Board members to conduct a debriefing session on the issues discussed at the joint workshop. The reports included in the workshop agenda have been attached for your convenience.



MEMORANDUM

Planning Division

DATE: June 14, 2016

TO: Joe Valentine, City Manager

FROM: Matthew Baka, Senior Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: Comprehensive Master Plan Update

The City of Birmingham has a history of implementing master plans and ordinances that are intended to guide and regulate the growth of the City in order to promote the type of development that the citizens and property owners value. Currently, the development of the City's planning and zoning regulations are principally governed by five documents which are currently available on the City website:

- The Birmingham Future Land Use Plan (1980);
- The Downtown Birmingham 2016 Plan (1996);
- The Eton Road Corridor Plan (1999);
- The Triangle District Plan (2007);
- The Alleys and Passages Plan (2012); and
- The Multi-Modal Plan (2013).

The Future Land Use Plan ("the Plan") was the last comprehensive master plan to be adopted by the City (1980). The Plan made specific recommendations throughout the City that are intended to protect residential areas while at the same time made recommendations that would allow the commercial areas to thrive. Since the adoption of the Plan, the City has updated the master plan through the additional subarea plans listed above. Those plans have been implemented through the three overlay zones (Downtown, Triangle and Alleys and Passages) and the rezoning of the rail district to MX (Mixed Used). The Multi-modal plan adopted in 2013 is now the guiding document for the City in regards to transportation infrastructure, major right of way improvements, and user accessibility issues. The cumulative effect of all the sub area plans has essentially updated the Future Land Use Plan in almost all of the commercially zoned areas of Birmingham.

The Downtown Birmingham 2016 Report "DB2016" was received and approved in concept by the City Commission in 1996. The plan and resulting overlay zone has established the standard for which the other subareas plans are measured. Based on an analysis of the implementation section of the plan, the Planning Department observes that the majority of the significant recommendations have been successfully implemented and have played a major part in the continued vibrancy in the downtown area. However, the projected term for the vision and goals contained in the 2016 plan are quickly approaching the conceptualized completion date.

This does not mean that the vision of the plan has expired, however it is clear that having long term goals has been invaluable to the growth and stability of the Central Business District.

In order to maintain a strong vision for future of Birmingham, the City Commission engaged Andres Duany for a return visit to the City during the summer of 2014 to provide input on the implementation of the DB 2016 plan and to address the future of Birmingham. Duany conducted his review in May of 2014. The visit from Duany produced a set of recommendations that are aimed at continuing to foster Birmingham as a strong commercial location with a highly desirable single-family residential base. (see attached report) Duaney's comments provide the City with a unique opportunity to set forth goals for the Downtown and Triangle District, while possibly incorporate them into an updated Master plan for the entire City.

The updating and implementation of master plans and subarea plans are important aspects of maintaining and improving the standard of excellence that is expected in Birmingham. Although there have been the subarea plans listed above established in the City over the past several years, there has not been a comprehensive Master Plan update completed since the 1980 Future Land Use Plan. There are several components of the plan that included demographic data and projections that were based on a twenty year time frame. In addition, many of the land use policies and system analysis may be considered outdated now considering the advancements in technology and lifestyle habits. Accordingly, much of the information provided in the plan was intended to be projections to the year 2000. The following list outlines the information in the plan that is out of date or policies that should be considered for review and updating:

- Future population growth
- Existing land use
- Residential Development
- Multi-family Development
- Regional and National Development Trends
- Transportation System
- Land Use Policies
- Future Land Use Plan

Much of this information may just require a simple review to verify that the recommendations and analysis are still relevant. In other instances, there are areas of the plan such as the Transportation System chapter that has been addressed by the Multi-modal Plan. The City has effectively updated many sections of the Master Plan in recent years and the new subarea plans could be incorporated into a new comprehensive Master Plan document. In addition, there are many issues prevalent in the planning field today that were likely not considered at the time the current plan was created, such as aging in place, housing diversity, and green infrastructure.

Please find attached a basic framework for a request for proposals to update the City's comprehensive plan and integrate all of the existing plans for your review and discussion.

REQUEST FOR PROPOSALS OUTLINE FOR A COMMUNITY MASTER PLAN UPDATE

I. INTRODUCTION

The City of Birmingham is soliciting proposals from planning consultants who have experience with Community Master Plan updates. The information contained in this Request for Proposal (RPF) is provided to give prospective consultants background information to allow for the completion of a proposal for a Community Master Plan Update for the City. It is anticipated that the preliminary work will begin during the early fall of 2016, and that the finished product will be ready for recommended adoption to the City Commission by late Spring of 2017. A written outline with a fixed fee amount for required planning tasks will be received by the City of Birmingham, c/o Jana Ecker, Planning Director, 151 Martin, Birmingham, Michigan 48009, no later than 11:00 a.m. on **Tuesday, September 6th, 2016**.

II. CITY BACKGROUND

The City's current comprehensive Master Plan entitled "The Birmingham Plan" was adopted in 1980. Since the adoption of the Master Plan, several sub-area plans have been adopted for specific sections of the City. These areas include the Downtown 2016 Plan (1996), the Eton Road Corridor Plan (1999), the Triangle District Plan (2007), Alleys and Passages Plan (2012) and Multi-modal Master Plan (2014). The sub-area plans are still generally considered to be relevant. While some portions of the existing Master Plan are acceptable, there are a number of revisions and updates that need to be made.

Specific areas of the Master Plan that need to be addressed and updated include:

- Review and update of all tables as necessary
- Update of Population section with most recent census information and other available data.
- Update of Regional and Surrounding Development section with most recent census information and other available data.
- Update of Residential Housing section with most recent census information and other available data.
- Review and update of population growth using projection methods
- Review of Transportation section based on city data
- Review of current parking standards throughout the City
- Review of existing land uses
- Review of future land uses and Future Land Use Map if necessary
- Review and update the Policies sections
- Incorporation of all existing sub-area plans.

III. SCOPE OF SERVICES

The consultant will work with Birmingham residents, the general public, the Planning Board, and City Commission to update the City's comprehensive plan. The consultant will propose and implement a rigorous community involvement process to ensure that the resulting plan reflects the input of the public. Where applicable, the consultant will coordinate with the City staff and the City Attorney to ensure compliance with all State and/or Federal laws related to a Community Master Plan Update.

The following minimal planning services are required:

1. **Data Analysis.** Review land use, current zoning, economic, social, demographic, current Master Plan, any current or pending Parks and Recreation Master Plans, and other indicators to gain a background of the City. Provide insight on current trends that are seen in other similar communities, trends that may impact the City over the next twenty (20) years. The analysis must take into account forces and trends both in the City, the surrounding region, and nation.
2. **Public Involvement Process.** Public participation is a critical component in the development of the Master Plan Update. During the master plan updating process, members of the public, including City stakeholders will be invited to provide input. The consultant will be expected to organize and coordinate a public input charrette process including an introductory session, and numerous public input sessions designed to solicit input from neighborhoods, residents, businesses and City officials and volunteers serving on City boards and committees. It is anticipated that these sessions will be conducted during a charrette held over one or more days. In addition, the consultant will be responsible for making a public presentation of a draft version of the master plan update to the community as a whole, the Planning Board and the City Commission. The consultant shall be prepared to attend the following meetings at a minimum:
 - One (1) kick off meeting with the City staff and/or the Planning Board to finalize a work plan and schedule to meet the requirements of this RFP;
 - Public input charrette (minimum of one day in length);
 - Up to three (3) work sessions/monthly meetings with City staff and/or the Planning Board to discuss progress and review findings (The consultant will be expected to present any changes from the previous meeting at the next meeting for approval);
 - One (1) public presentation of a draft version of the updated master plan to the community as a whole for public review and comment;
 - One (1) public hearing on the final draft of the updated master plan at the Planning Board; and
 - One (1) public hearing for the final draft of the updated master plan at the City Commission.

The City reserves the right to reduce or increase the number of meetings depending on the progress of the project with an adjustment in the contract accordingly.

3. **Plan Preparation.** The consultant will prepare an initial draft of the proposed Master Plan update with new census information, maps, charts, exhibits and graphics to make the Plan document a vital and compelling statement of public policy. The consultant by working with the various boards and members of the community will refine and recommend adjustments to the draft Plan to balance the perspectives of the many varied interests in the City.
4. **Policy Statements.** The consultant will incorporate the City's existing goals and land use policies into the new plan, as well as identifying any needed policy updates
5. **Finalization and Adoption.** A draft of the updated Plan will be presented to the Planning Board for initial recommendation and to the City Commission for their concurrence. The consultant will participate in the required public hearing and complete any final changes.

This outline is not necessarily all-inclusive and the consultant shall include in the proposal any tasks and services deemed necessary to satisfactorily complete the project.



MEMORANDUM

Planning Division

DATE: June 14, 2016

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director
Bruce R. Johnson, Building Official

SUBJECT: Current Planning Issues for Discussion

(1) Transitional Zoning (TZ2 District)

Background:

In September 2015, the City Commission held a continued public hearing on the transitional zoning proposals for many properties that had been identified as transitional properties given their location on major streets, and their proximity to both commercial and single family uses. After much discussion and public input, the City Commission took action to create the TZ-1 and TZ-3 zoning classifications, and rezoned several properties into each of these zone districts. However, the City Commission referred the portion of the ordinance related to TZ-2 back to the Planning Board, along with those properties that had been recommended for rezoning to the new TZ-2 zone district.

The Planning Board has since conducted further study on the proposed TZ-2 zone district intent, development standards and permitted uses. The Planning Board remains committed to their previous recommendations on the intent and development standards for the proposed TZ-2 district, but conducted a further review of the permitted uses recommended in TZ-2. The Planning Board also evaluated each use proposed for TZ2 in relation to the uses permitted in TZ1 and TZ3 to ensure a graduated use system was proposed. Consensus was reached on which uses should be permitted in each of the transitional zoning district. Please see the attached updated chart based on the consensus reached on June 8, 2016.

Discussion:

Planning Board members wish to discuss their suggested changes for TZ-2 with the City Commission at the joint meeting. In addition, the Planning Board and City Commission may wish to discuss whether to include any recommendations for specific properties to be rezoned to TZ2, or to simply recommend approval of the TZ2 classification and allow individual property owners to apply for rezoning to the district as the need arises.

(2) Private Development Parking Requirements

Background:

Currently, parking is required to be provided for all commercial uses on properties that are not located within a Parking Assessment District ("PAD"). Many commercial uses fall under the office or retail classification, which requires one parking space / 300 sq.ft. of building space. Other common commercial uses include medical office space, which requires one parking space / 150 sq.ft. of floor area, restaurants, which require one parking space / 75 sq.ft., and barber shops, beauty salons and tanning salons which require two off-street parking spaces per service chair, booth or bed, or 1 off-street parking space per 300 sq.ft. of floor area, whichever is greater.

The availability of parking is an ongoing concern, particularly in the downtown area where demand is high. The need to increase the parking requirements has been raised to alleviate parking concerns. However, increasing the parking requirements for commercial uses may resolve parking issues in some areas of the City, but will not alleviate parking problems in the downtown area as most of the CBD is within the Parking Assessment District. All properties located within the PAD are not required to provide any off-street parking on site, regardless of use as they have paid into the public parking system.

At the same time, a desire to reduce or eliminate parking standards has also been raised in order to reduce the cost of development, thus reducing the amount charged for the sale or lease of building space. The Planning Board has discussed this issue several times over the past 10 years, and has reduced the parking requirements for senior living options, and removed the parking requirement for outdoor dining areas. Both of these decisions were made to encourage senior living developments and outdoor dining options in the City, and this strategy has successfully attracted both as desired.

Discussion:

Should a formal review and discussion on the City's parking requirements be conducted?

(3) Existing Commercial Non-Conforming Buildings

Background:

Currently, the City has several legal, non-conforming commercial buildings throughout the downtown. Concerns often arise with regards to the non-conforming height and bulk of these buildings, and the desire to make improvements or changes to these buildings. Recently, the owners of 555 S. Old Woodward expressed a desire to renovate and potentially expand the existing building, by replacing the exterior building curtain wall system, adding new residential units along S. Old Woodward, as well as adding an addition to the south of the existing residential tower for new retail space and residential units. It was determined that many of the proposed renovations and additions were not permitted as the building was legal non-conforming, and non-conformities could not be increased without seeking numerous variances from the Board of Zoning Appeals. The Planning Board began discussions regarding options to render the existing building at 555 S. Old Woodward as a legal, conforming building that could then be renovated and expanded. Planning Board members discussed addressing other non-conforming buildings with ordinance amendments and to review proposed ordinance

amendments within the spirit, vision and context of the entire downtown, and not to create a new zoning classification around a specific building.

In addition to the 555 S. Old Woodward building, the Merrillwood Building and Birmingham Place are also legal non-conforming buildings with regards to their height and bulk. The Planning Board and the City Commission may wish to consider ordinance amendments that would allow the renovation or expansion of non-conforming buildings such as these to ensure their relevance and viability in the future.

Discussion:

Should a further discussion on the City's legal, non-conforming commercial buildings be conducted?

(4) Definition of Retail

Over the past decade, there has been an ongoing desire by City Boards and Commissions to review the current definition of retail to ensure that we are encouraging true retail downtown, and not allowing office and other service uses to dominate.

One of the key issues exists around the definition of "Retail Use" in the Zoning Ordinance. Many people would like the Retail Use definition to be more specific in terms of what types of businesses are permitted, while others believe the current definition is sufficient and already allows the right mix of uses to occur organically downtown. The existing definition for Retail Use and the related definitions are stated in Article 9, section 9.02 of the Zoning Ordinance as follows:

Retail Use: Any of the following uses: artisan, community, commercial, entertainment (including all establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development), bistro or restaurant uses.

Artisan Use: Any premises used principally for the repair, manufacture, and sale of domestic furniture, arts, and crafts. The work must take place entirely within an enclosed building using only hand-held and/or table-mounted manual and electric tools.

Community Use: Premises used principally for education, worship, cultural performances, and gatherings administered by nonprofit cultural, educational, and religious organizations; premises used principally for local, state, and federal government, administration, provision of public services, education, cultural performances, and gatherings.

Commercial Use: Premises used generally in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services.

Office: A building or portion of a building wherein services are performed, including professional, financial (including banks), clerical, sales, administrative, or medical services.

As defined in Article 9, retail uses include the direct sale of products from the premises, but also include restaurants, entertainment and personal services. Both the Planning Board and the Birmingham Shopping District Board have expressed concern with this definition, and have considered alternative definitions for retail to tighten the definition of retail to include only shops which sell products, not financial, real estate or other such services. On the other hand, many property owners have concerns about tightening up the definitions as they desire the flexibility to lease space to a wider range of users to avoid vacancy.

Discussion:

Should a further discussion on the definition of retail be conducted?

(5) Dormer Considerations

Background:

Over the past couple of years, residents have questioned the number of stories within recently constructed homes. The concern is that some of the homes appear to be three stories in height when the Zoning Ordinance allows only two. The ordinance does limit the number of stories in all single-family districts to two, but also allows a portion of the attic to be habitable. Habitable attics are typically located behind dormers projecting from the roof of the home. Dormers are utilized to provide windows and additional ceiling height within the habitable attic. Article 9, section 9.02 of the Zoning Ordinance defines dormer and habitable attic as follows:

Dormer: A subunit of a main structure interrupting a roof slope of the main roof structure with its own walls and roof, and characterized by the roof shape of the dormer including but not limited to: flat, deck, hipped, shed, gabled, inset, arched, segmental, and eyebrow style roofs.

Habitable Attic: An attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 feet, 4 inches above the attic floor is not more than one-third of the area of the next floor below.

The Zoning Ordinance does not regulate the maximum width of dormers on single-family homes. The Building Department has been applying the regulations of the detached garage limits (50% of the elevation) to regulate dormer size, but there is no language in the ordinance to limit dormers on houses. The increased width of these dormers on smaller lots began when the Building Code lowered the minimum ceiling height from 7.5 feet to 7 feet about fifteen years ago. That change lowered the minimum code ceiling height to less than the 7 feet, 4 inch limitation in the ordinance definition and effectually increased the allowable area for habitable attics. In theory, a habitable attic with a ceiling height between 7 feet and 7 feet, 4 inches is not limited in area. The Building Department has been strongly encouraging the living space of the habitable attic to 1/3 of the second floor to follow the intent of the Zoning Ordinance.

Discussion:

Should the City's Zoning Ordinance be reviewed to refine current dormer and habitable attic requirements?

(6) Lot Consolidation

Background:

A lot combination occurs when an owner of two or more platted lots next to each other chooses to combine them into one parcel of land. Property owners typically combine lots to increase recreational open space, construct a detached garage, or add onto their existing home. The process typically begins with the owner meeting with Building Department staff to discuss purchasing a neighboring lot and to verify that their plans to use the property will meet City requirements before they actually purchase the lot.

The City Code and its Zoning Ordinance lacks regulations specific to lot combinations. There are detailed requirements for separating previously combined lots, but the rules for combining them are for the most part policy.

There is an application to combine lots that must be submitted along with certified surveys of each individual lot and one of the combined parcel with its new property description. The Building Official verifies that the proposed combination will not create any code or ordinance nonconformities with any existing buildings and structures. The Treasurer's Office verifies that there are no outstanding fees, taxes, and/or special assessments owed to the City. Treasury staff updates the City's assessing records and sends the combination information to Oakland County Equalization to complete the combination process and issue a new parcel ID number.

Requests to combine lots have historically consisted of two lots side by side to each other. However, there is no limit to the number of lots that could be combined. The Building Department has also noticed an increase in non-typical combination inquiries. Examples include requests to combine back-to-back lots in the interior of a block, or combining a corner lot with two abutting interior lots plus the lot on the side street directly behind the corner lot. The Building Official has been denying these types of combinations because they are inconsistent with how the block was intended to develop based on its layout and standard zoning principles for front, rear and side open spaces.

Discussion:

Should a formal review of the City Code and Zoning Ordinance be conducted to refine the City's current lot consolidation review process?

(7) Planning Board Action List

Background:

In March of each year the Planning Division prepares an Annual Report to the City Commission outlining the activities of several boards and commissions over the previous year, as well as an action list of identified priority items for consideration over the coming year. In addition, the action lists outline the actions taken to date on each item. From this list, the Planning Board as well as the City Commission has the opportunity to evaluate the Planning Board's goals and objectives, and make any needed amendments based on current priorities. The Planning Board's Action List for 2016-2017 is attached for your review and discussion.

Discussion:

Should the Planning Board's Action List be amended following City Commission review and discussion?

(8) Public Facility Review Process**Background:**

In accordance with the Zoning Code, there is no site plan review required, nor are there any specific development standards that apply for property zoned PP (Public Property), which includes all property owned by the City of Birmingham. Therefore, for many years it has been the policy of the City to have facilities on public property undergo a courtesy review by one or more relevant boards/commissions, and then to have a final review by the City Commission. New construction or the expansion of existing public facilities happens very infrequently and thus a detailed review process has not been formally adopted by the City. However, issues were raised over the past year regarding the City's courtesy review process of the proposed Chesterfield Fire Station. Concerns included lack of public notice to surrounding property owners, lack of input during the Request for Proposal ("RFP") preparation and evaluation phase, and a desire to hold City facilities to the same standards to which the City would hold a private developer with regards to placement, massing, site planning and design.

As a result of the concerns raised during the Fire Station review, the City has already implemented a noticing procedure for the review of public facilities. A new process for the review of public facilities is also proposed based on the model that was used for the Chesterfield Fire Station. Under the proposed process, the cost of public facilities will continue to be managed by the City Commission, while the site plan and design review will be handled by an ad hoc committee. The City Commission would maintain responsibility and accountability for all project costs. The following elements of review are proposed for public facilities in the future:

- 1) Creation of an ad hoc committee to participate with staff in review of the use requirements and conceptual design of the public facility (perhaps including members of relevant boards such as the Architectural Review Board, Planning Board, Historic District Commission, etc.), within the cost parameters established by the City Commission;
- 2) City Commission approval of the issuance of an RFP for the public facility;
- 3) Ad hoc committee participation in the review of submissions with staff;
- 4) City Commission approval of a contract with the selected consultant;
- 5) Consultant works in conjunction with City staff to prepare plans and seek input from the ad hoc committee throughout the site plan and design process;
- 6) Use of development standards for an adjacent zoning classification to assist in the evaluation of the proposed public facility, as applicable;
- 7) Public notification will be provided online, on site, through the local press and by letters sent by mail to all property owners within a minimum of 300' of the public property under consideration;
- 8) Ad hoc committee to provide recommendation(s) to the City Commission regarding the final development plan for the public facility;
- 9) Courtesy review by the Planning Board at a public hearing; and
- 10) Final review by the City Commission, which is the final approval authority for the public facility.

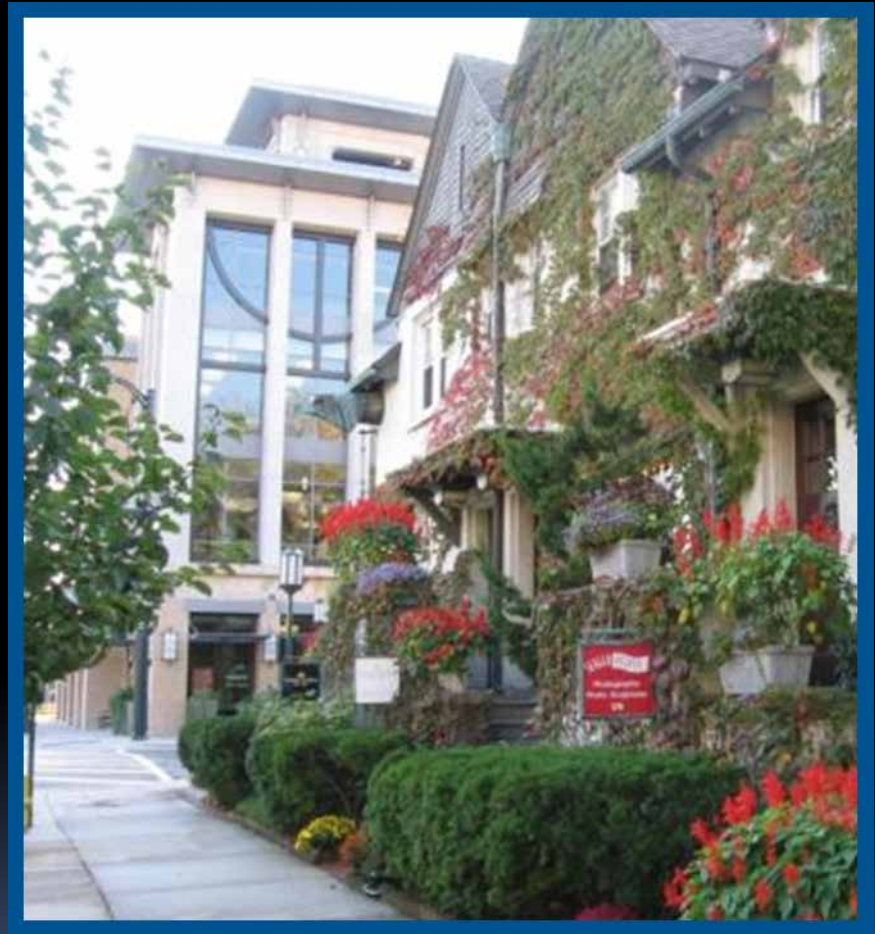
Discussion:

Should a formal review and discussion on the City's process for the review of public facilities be conducted?

	TZ1	TZ2	TZ3
Residential Permitted Uses	<ul style="list-style-type: none"> • Dwelling – attached single family • Dwelling – single family (R3) • Dwelling – multi-family 	<ul style="list-style-type: none"> • Dwelling – attached single family • Dwelling – single family (R3) • Dwelling – multi-family 	<ul style="list-style-type: none"> • Dwelling – attached single family • Dwelling – single family (R3) • Dwelling – multi-family
Commercial Permitted Uses		<ul style="list-style-type: none"> • Art gallery • Artisan use • Bakery • Bank/credit union • Barber/beauty salon • Bookstore • Boutique • Coffee shop • Neighborhood Convenience store • Delicatessen • Drugstore • Dry Cleaner (no on site plant) • Gift shop/flower shop • Hardware • Health club/studio • Jewelry store • Office • Specialty Food Shop • Tailor 	<ul style="list-style-type: none"> • Art gallery • Artisan use • Bakery • Bank/credit union • Barber/beauty salon • Bookstore • Boutique • Coffee Shop • Neighborhood Convenience store • Delicatessen • Drugstore • Dry Cleaner (no on site plant) • Gift shop/flower shop • Hardware • Health club/studio • Jewelry store • Office • Specialty Food Shop • Tailor
Accessory Permitted Uses	<ul style="list-style-type: none"> • Family day care home • Home occupation* • Parking – off-street 	<ul style="list-style-type: none"> • Family day care home • Home occupation* • Parking – off-street 	<ul style="list-style-type: none"> • Family day care home • Home occupation* • Parking – off-street

	TZ1	TZ2	TZ3
Uses Requiring a Special Land Use Permit	<ul style="list-style-type: none"> • Assisted Living • Church and Religious Institution • Essential services • Government Office/Use • Independent hospice facility • Independent senior living • Parking Structure • School – private and public • Skilled nursing facility 	<ul style="list-style-type: none"> • Any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant • Assisted living • Bakery • Barber/Beauty Salon • Bank/credit union with drive-thru • Church and religious institution • Coffee shop • Delicatessen • Dry cleaner • Essential services • Food and drink establishment • Government office/use • Grocery store • Health club/studio • Independent hospice facility • Independent senior living • Parking structure • School – private and public • Skilled nursing facility • Specialty food shop - 	<ul style="list-style-type: none"> • Any permitted commercial use with interior floor area over 4,000 sq. ft. per tenant • Assisted living • Bakery • Bank/credit union with drive-thru • Church and religious institution • Coffee shop • Delicatessen • Dry cleaner with plant • Essential services • Food and drink establishment • Government office/use • Grocery store • Independent Hospice facility • Independent senior living • Parking structure • School – private and public • Skilled nursing facility • Specialty food shop • Veterinary clinic

Current Planning Issues



June 20, 2016

1000000



	TZ1	TZ2	TZ3
Residential Permitted Uses	<ul style="list-style-type: none"> • Dwelling – attached single family • Dwelling – single family (R3) • Dwelling – multi-family 	<ul style="list-style-type: none"> • Dwelling – attached single family • Dwelling – single family (R3) • Dwelling – multi-family 	<ul style="list-style-type: none"> • Dwelling – attached single family • Dwelling – single family (R3) • Dwelling – multi-family
Commercial Permitted Uses		<ul style="list-style-type: none"> • Art gallery • Artisan use • Bakery • Bank/credit union • Barber/beauty salon • Bookstore • Boutique • Coffee shop • Neighborhood Convenience store • Delicatessen • Drugstore • Dry Cleaner (no on site plant) • Gift shop/flower shop • Hardware • Health club/studio • Jewelry store • Office • Specialty Food Shop • Tailor 	<ul style="list-style-type: none"> • Art gallery • Artisan use • Bakery • Bank/credit union • Barber/beauty salon • Bookstore • Boutique • Coffee Shop • Neighborhood Convenience store • Delicatessen • Drugstore • Dry Cleaner (no on site plant) • Gift shop/flower shop • Hardware • Health club/studio • Jewelry store • Office • Specialty Food Shop • Tailor
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	TZ1	TZ2	TZ3
Uses Requiring a Special Land Use Permit	<ul style="list-style-type: none"> • Assisted Living • Church and Religious Institution • Essential services • Government Office/Use • Independent hospice facility • Independent senior living • Parking Structure • School – private and public • Skilled nursing facility 	<ul style="list-style-type: none"> • Any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant • Assisted living • Bakery • Barber/Beauty Salon • Bank/credit union with drive-thru • Church and religious institution • Coffee shop • Delicatessen • Dry cleaner • Essential services • Food and drink establishment • Government office/use • Grocery store • Health club/studio • Independent hospice facility • Independent senior living • Parking structure • School – private and public • Skilled nursing facility • Specialty food shop • - 	<ul style="list-style-type: none"> • Any permitted commercial use with interior floor area over 4,000 sq. ft. per tenant • Assisted living • Bakery • Bank/credit union with drive-thru • Church and religious institution • Coffee shop • Delicatessen • Dry cleaner with plant • Essential services • Food and drink establishment • Government office/use • Grocery store • Independent Hospice facility • Independent senior living • Parking structure • School – private and public • Skilled nursing facility • Specialty food shop • Veterinary clinic

Commercial Parking Requirements



Private Shared Parking



Minimum Standards



Minimum & Maximum Parking Standards?

Public Parking

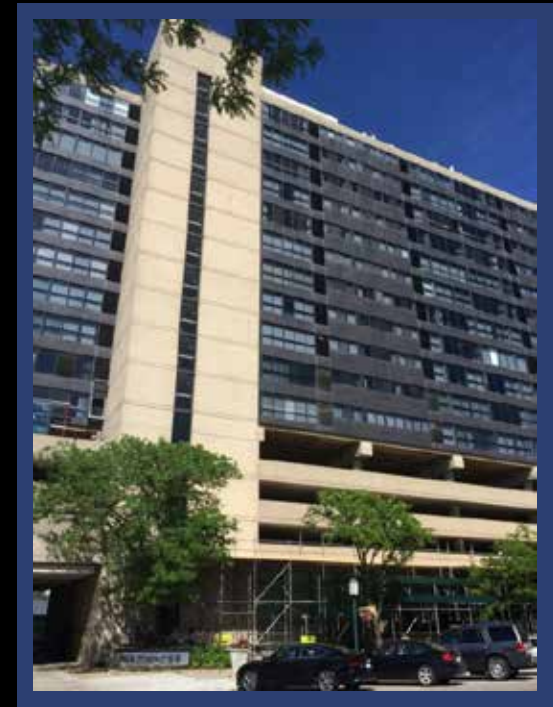


Residential Parking Only

Existing Non-Conforming Commercial Buildings



Birmingham Place



555 S. Old Woodward



Merrillwood Building



Traditional Retail



Questionable Retail



Former GSTV Space



Real Estate / Personal Service



Creative Office/Retail

Dormers



Lot Consolidation



Harmon Street Homes

Harmon St. 2010 / 2015

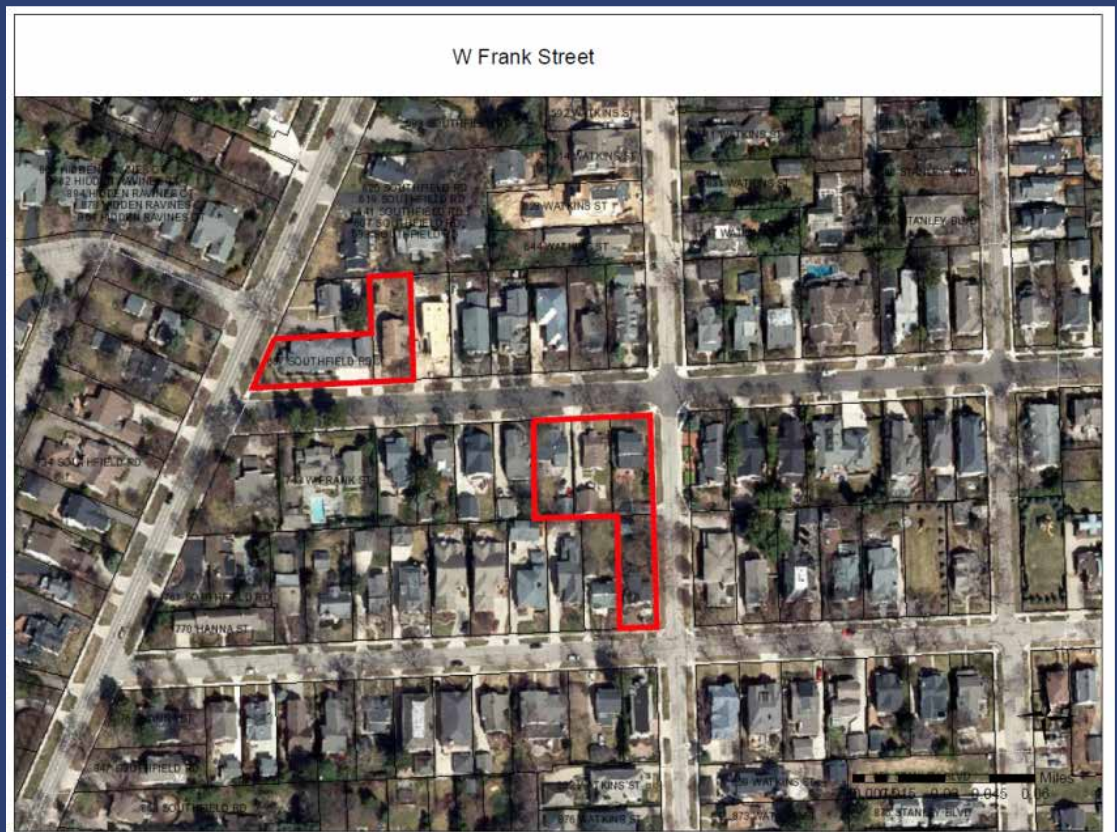
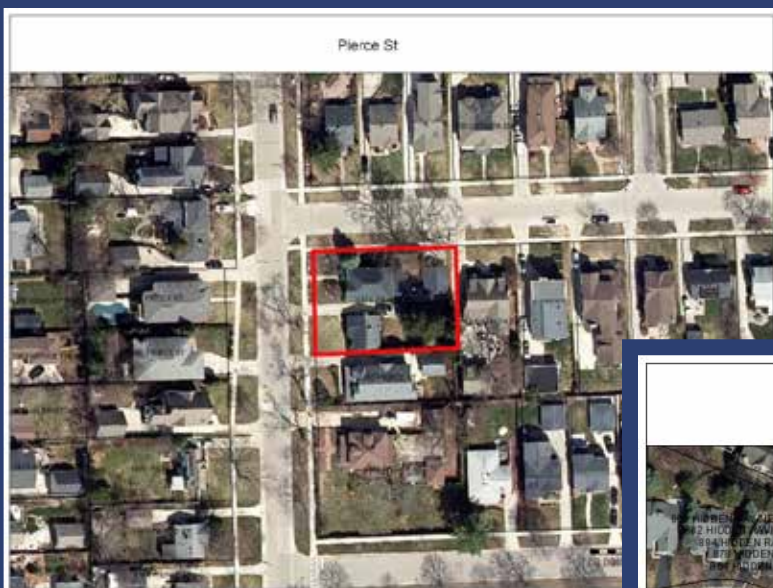
Harmon St 2010



Harmon St 2015



Typical Lot Combination



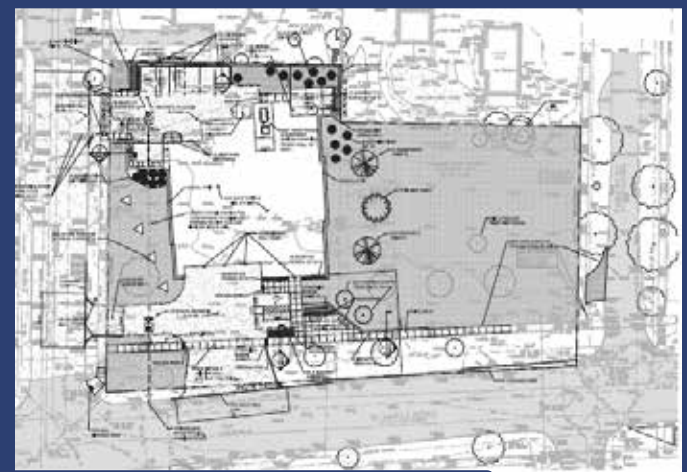
Irregular Lot Combinations

Planning Board's Action List

	TOPIC	STUDY SESSION	PUBLIC HEARING	STATUS	NOTES
1	Southern Downtown Overlay Gateway	5/13/2015, 6/10/2015, 7/08/2015, 9/09/2015, 9/30/2015		In Progress	Consideration of a new D5 overlay zone requested by the owners of the 555 Building.
2	Zoning Transition Overlay	2/27/13, 4/10/13 4/24/13, 5/8/13 5/22/13, 6/12/13 7/24/13, 8/28/13 9/11/13, 11/13/13 1/8/14, 3/12/14 10/8/14, 2/25/15 4/08/15, 5/15/15	10/9/13 2/26/14 4/9/14 4/23/14 6/24/15 PB 08/24/15 CC	In Progress	CC approved rezoning of parcels to the TZ1 and TZ3 zoning classification on 8.24.15. TZ2 sent back to the Planning Board for further study of permitted uses.
3	Consider outdoor storage and display standards	4/10/13 4/24/13 6/12/13 8/14/13 8/28/13 1/22/14		In Progress	Develop standards for Outdoor storage and displays
4	Glazing Standards	8/28/2013, 3/11/2015, 4/22/2015, 10/14/2015	9/11/13, 9/25/13, 1/27/14, 11/11/2015 PB, 11/23/15 CC	In Progress	CC approved changes to the Triangle Overlay and Article 04 of the Z. O. on 11.23.15 to be consistent with the DB Overlay by measuring Glazing between 1 and 8 feet above grade. Further changes to be considered at future study sessions.
5	Ordinance adjustments and corrections			On Going	Review current Zoning Ordinance for inconsistencies.
6	Consider looking at principal uses allowed and add flexibility("and other similar uses")				
7	Comprehensive Master Plan				Discussed at the long range planning meeting
8	Potential residential zoning changes: MF & MX garage doors, garage house standards, dormers	1/22/2014, 11/14/14, 1/28/15, 2/11/15	3/11/2015	In Progress	Ordinance Amendment recommended for approval to City Commission at PH
9	Dormer regulations in SF zones				Requested by the Building Official
10	S. Woodward Avenue Gateway Plan (Woodward Corridor Lincoln to 14 Mile Road)	2/27/08 9/24/08 10/20/08 (PB/CC) 2/10/09 (LRP) 10/17/2011 (Joint with CC) 1/22/2012 (LRP) 4/24/13 5/6/13		In Progress	LSL/Hamilton Anderson contracted to lead master plan process - Subcommittee formed to guide master plan process in 2013 - Charette held in May of 2013 Draft plan received from LSL early in 2014 - Project postponed in summer of 2014 due to staff shortage and pending projects
11	Sustainable Urbanism – Green building standards, impervious surface, solar and wind ordinances, deconstruction, geothermal, native plants, low impact development etc.	2/09/2005 7/11/2007 8/08/2007 9/12/2007 1/9/2008 9/10/08 1/14/09 1/28/09 2/10/09 (LRP) 5/13/09 8/12/09 11/11/09 1/23/10 (LRP) 5/12/2010 6/9/10	2/25/09 (PB - Solar) 1/13/10 (PB-Wind) 2/10/10 (PB-Wind) 6/14/2010 (CC-Wind)	Solar ordinance completed; Wind ordinance completed	Incentive option in Triangle District Guest speakers in LEED Certification, Pervious Concrete, LED Lighting, Wind Power, Deconstruction Sustainability website & Awards Native plant brochure
12	Regional Planning Projects	6/12/13 10/9/13 11/13/13 2/1/14 (LRP)		Ongoing	Woodward Complete Streets and Woodward Alternatives Analysis
13	Wayfinding			On Hold	Implement way finding plan
14	Medical Marijuana	2/25/2015		On Hold	

Public Facilities Review

Chesterfield
Fire
Station
(2016)



Adams Fire Station (1999)



Library
(Various
Expansion
Dates)



DPS Building (1992)



Police Rifle Range (2000)

June 9, 2016

Ms. Jana Ecker
City of Birmingham
151 Martin Street, P.O. Box 3001
Birmingham, MI 48012-3001

Re: Amortization of Non-Conforming Uses - Opinion

Dear Ms. Ecker:

You recently passed onto me a request of the Planning Board for an opinion regarding amortization of non-conforming uses. This was in the context of outdoor displays and storage of goods that would be sold to the general public.

The Michigan Zoning Enabling Act does not provide for the elimination of non-conforming uses through amortization. In *De Mull v City of Lowell*, 368 Mich 242 (1962) the Court found it significant that the original Senate Bill providing for the Zoning and Enabling Act provided for the removal of non-conforming uses and structures through amortization over a reasonable period of time. However, the Senate chose not to enact the amortization provision in the Zoning Enabling Act. Those provisions have never been enacted, even in today's version of the Michigan Zoning Enabling Act. The Zoning Enabling Act does provide for the elimination of non-conforming uses in MCL §125.3208:

“(3) The legislative body may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses and structures. The legislative body may provide that the cost and expense of acquiring private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in local units of government. Property acquired under this subsection by a city or village shall not be used for public housing.

(4) The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The legislative body may institute proceedings for condemnation of nonconforming uses and structures under 1911 PA 149, MCL 213.21 to 213.25.”

As is apparent from the statutory language, the Zoning Enabling Act only permits the municipality to pay the property owner for the acquisition of their property in some fashion in order to then eliminate the non-conforming use.

In contrast, however, *Adams Outdoor Advertising v East Lansing*, 439 Mich 209 (1992) upheld the City's ordinance regulating the size, height, placement, location and removal of non-conforming signs. The Court distinguished its decision from the *De Mull* decision and the Zoning

Beier Howlett

Ms. Jana Ecker
June 9, 2016
Page 2

Enabling Act's provisions by pointing out that the provisions East Lansing enacted in its ordinance were pursuant to the Home Rule City Act. Provision 117.4(i)(f) of the Home Rule City Act provides as follows:

“(f) Licensing, regulating, restricting, and limiting the number and locations of billboards within the city.”

It is the same exact power placed in the Birmingham Charter, in Chapter 2 Section 3, which reads as follows:

“(2) [*Regulate billboards.*] To provide by ordinance for the licensing, regulating, restricting, and limiting the number and locations of billboards within the city.”

There is no similar permissible charter provision provided for in the Home Rule City Act that would permit regulation of outdoor displays of goods and outdoor sales of goods through the Home Rule City Act.

The Home Rule City Act authorizes the City to use its police power for the health, safety and welfare of the community. In the *Adams* case, before the regulation of outdoor billboards was undertaken, the City undertook a study of its sign regulations and traffic ordinances after recognizing that the inordinate number of signs in the main thoroughfares was contributing to a number of traffic accidents. In 1973 the City retained the services of a professional engineer who prepared a report for the City of East Lansing Planning Commission recommending detailed standards with respect to the size, height, placement, sign clearance and sign setbacks. The report suggests that these improvements would avoid confusing or misleading traffic, eliminate vision obstruction for traffic safety and otherwise improve the public safety along the City's major streets. In essence, they established an actual foundation for the exercise of police powers due to safety concerns.

It is, therefore, our opinion that the Michigan Zoning Enabling Act does not allow for the amortization of non-conforming uses. Further, the Home Rule City Act does not specifically give a permissible charter provision to regulate outdoor displays or the outdoor sales of goods (as it does with respect to billboards), and, therefore, no authority lies within the Home Rule City Act or the Birmingham City Charter for the amortization of those uses. In conclusion, it is our opinion that it is not permissible to amortize non-conforming uses without the payment of compensation as provided for in the Michigan Zoning and Enabling Act MCL 125.3208(3) & (4).

If you have any questions, please do not hesitate to contact me.

Very truly yours,

BEIER HOWLETT, P.C.

Timothy J. Currier
Birmingham City Attorney

Beier Howlett

Ms. Jana Ecker
June 9, 2016
Page 3

TJC/jc



Administrative Sign Approval Application Planning Division

Form will not be processed until it is completely filled out

1. Applicant

Name: Metro Detroit Signs
Address: 23544 Harper Rd
Warren, MI 48089
Phone Number: 586-759-2700
Fax Number: 586-759-2703
Email: pdetroit@metrodetritsigns.com

Property Owner

Name: MANORWOOD PROPERTIES LLC
Address: 555 S. OLD WOODWARD AVE
BIRMINGHAM MI 48009
Phone Number: 313-919-3313
Fax Number: _____
Email: JS REINHART@GMAIL.COM

2. Applicant's Attorney/Contact Person

Name: SAME
Address: _____
Phone Number: _____
Fax Number: _____
Email: _____

Project Designer

Name: _____
Address: _____
Phone Number: _____
Fax Number: _____
Email: _____

3. Project Information

Address/Location of Property: 555 S. Old Woodward
Name of Development: T. De Wicket Restaurant
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

- Two (2) folded paper copies of plans
- Authorization from Owner(s) (if applicant is not owner)
- Material Samples
- Digital Copy of plans

5. Details of the Request for Administrative Approval

6. Location of Proposed Signs

ILLUMINATED SIGN AT WEST ELEVATION ENTRANCE CANOPY. NON-ILLUMINATE!
SIGN AT EAST ELEVATION OVERHANG

7. Type of Sign(s)

Wall: 2
Ground: _____
Projecting: _____
Canopy: _____
Building Name: _____
Post-mounted Projecting: _____

APPROVED

16-0058 ORB
Th. B. 6/13/16

129333

8. If a wall sign, indicate wall to be used:

Front: EAST
Left side: _____

Rear: WEST
Right side: _____

9. Size of Sign

Width: E - 128" / W - 180"
Depth: E - 3" / W - 8 1/2"
Height of lettering: E - 12" / W - 13"

Height: E - 12" / W - 18"
Total square feet: E - 10.83 / W - 22.5

10. Existing signs currently located on property

Number: 4
Square feet per sign: 6.66 sq ft each + 2.1 sq ft letters = 8.76 sq ft ea

Type(s): WALL
Total square feet: 35.04

11. Materials/Style

Metal: ALUMINUM - Champagne to match facade
Plastic: Acrylic - white
Color 1 (including PMS color #): Warm Gray 8C
Additional colors (including PMS color #): _____

Wood: _____
Glass: _____
Color 2 (including PMS color #): _____

12. Sign(s) Read(s): TRIPLE NICKER

13. Sign Lighting

Type of lighting proposed: E - LED / W - n/a
Size of light fixtures (LxWxH): E - INTERNAL LED
Maximum wattage per fixture: 27W / MODULE
Location: _____

Number proposed: _____
Height from grade: _____

Proposed wattage per fixture: _____
Style (include specifications): _____

14. Landscaping (Ground signs only)

Location of landscape areas: _____

Proposed landscape material: _____

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.

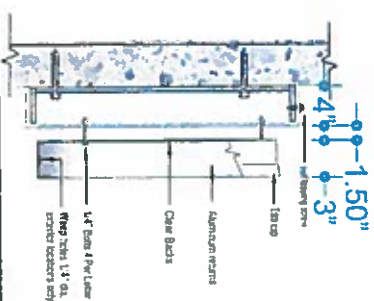
Signature of Applicant: Pat B. Waters Date: 6/8/16

Application #: <u>16-0058</u>	Office Use Only Date Received: <u>6/13/16</u>	Fee: <u>\$100</u>
Date of Approval: <u>6/13/16</u>	Date of Denial: _____	Reviewed by: <u>M. B. L.</u>

Sign Dimensions

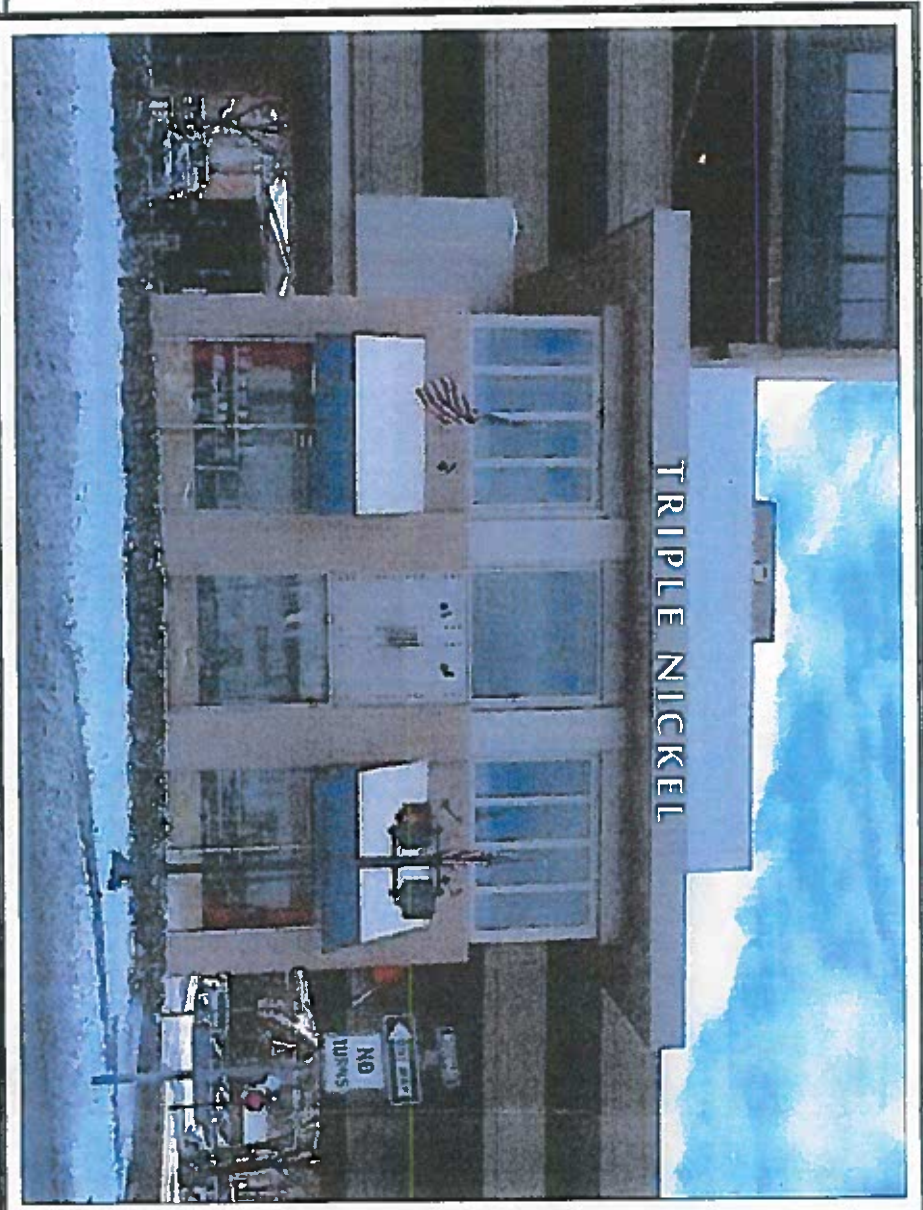
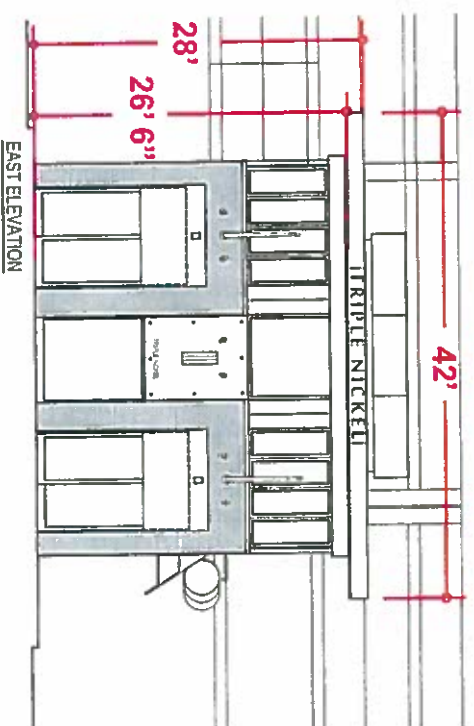
18"x180" Overall - 22.5 Sq. Ft.

Non-Illuminated Channel Letters on Backer



APPROVED
15-0055 OES
M.Bal 6/19/16

180" 18" 13" TRIPLE NICKEL



- Letter Faces
White
XXXXXX
XXXXXX
- Letter Trim Caps
White
Letter Returns
White

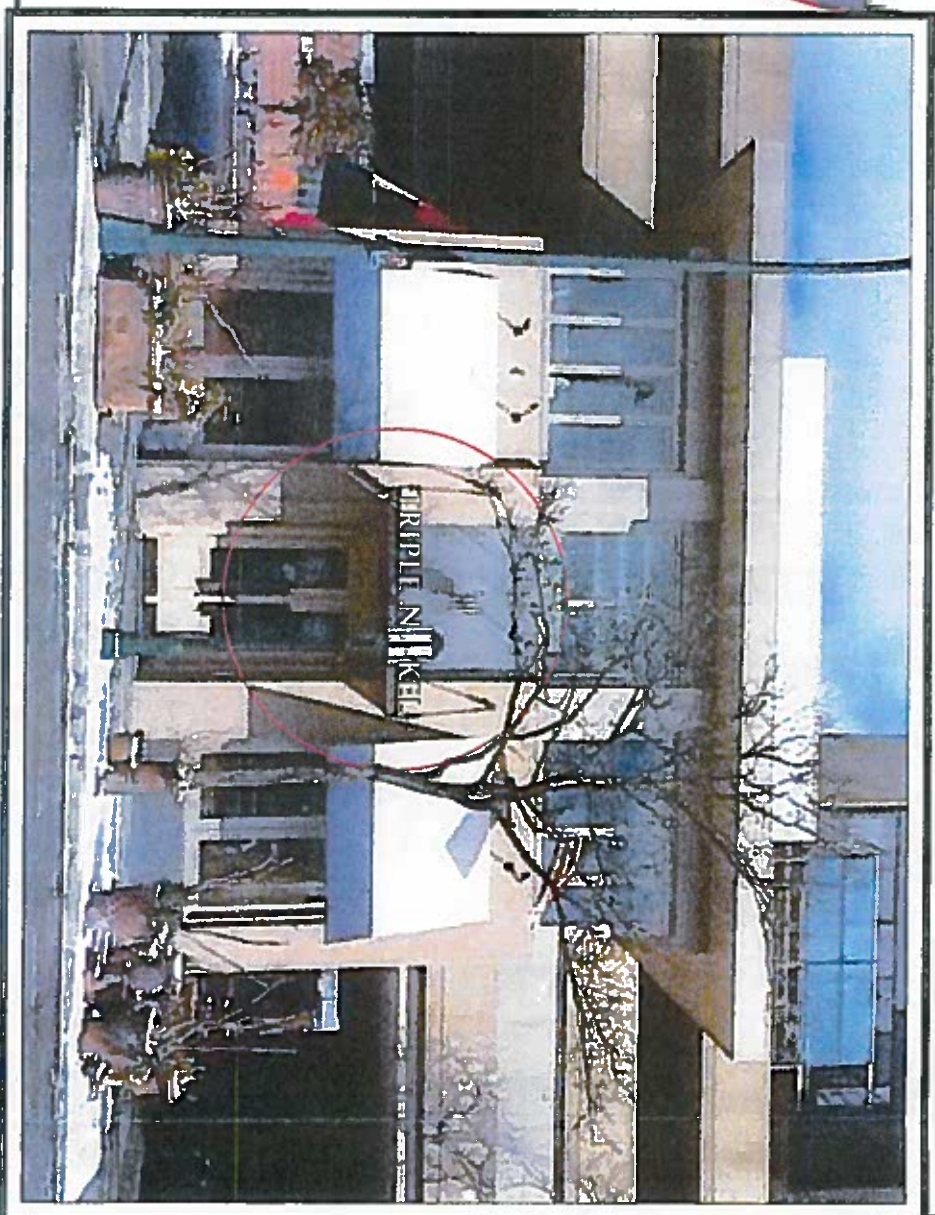
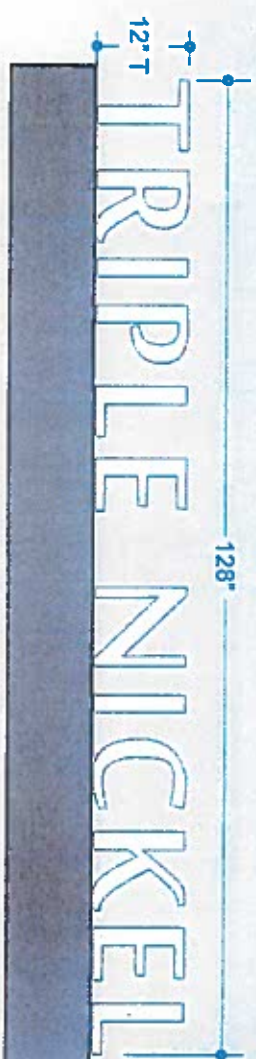
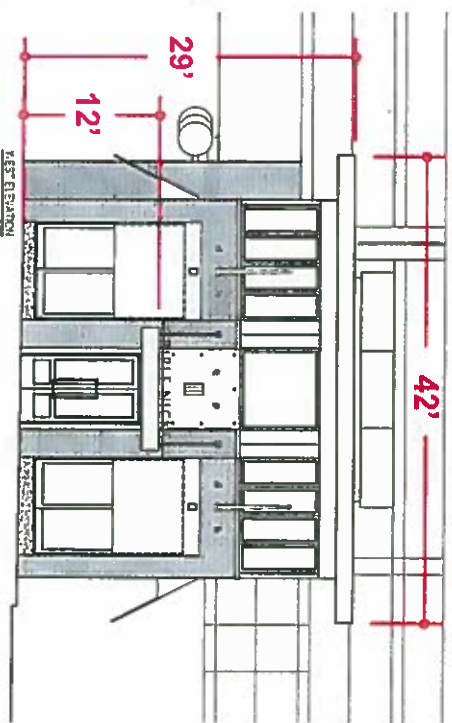
Notes:

- Backer Panel Color to Match Building

TRIPLE NICKEL

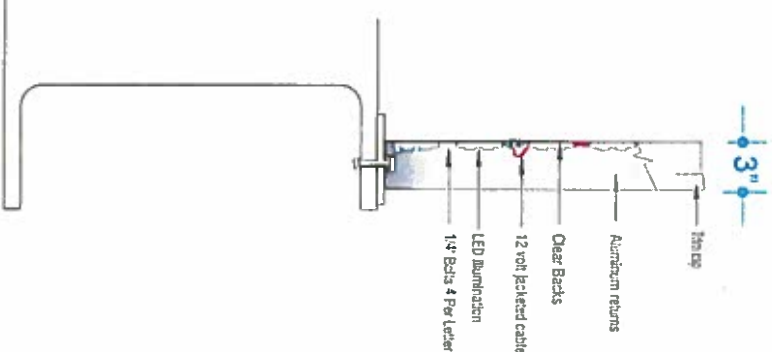
Sales Person: Paul Deters
Drawn By: Connie Fotiu
Date: 3/8/16
Work Order#:
File Name: Triple Nickel.cdr
East Elevation Pg 3
Revision: 6/9/16

23544 Hoover Rd
Warren MI 48089
Phone: 586-759-2700
Fax: 586-759-2703



Sign Dimensions

12.29'x128" Overall - 10.83 Sq. Ft.



Notes:



Sales Person: Paul Deters

Drawn By: Connie Foitu

Date: 3/17/16

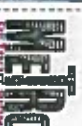
Work Order#:

File Name: Triple Nickel.cdr
West Elevation Pg 3

Revision: 5/12/16

TRIPLE
NICKEL

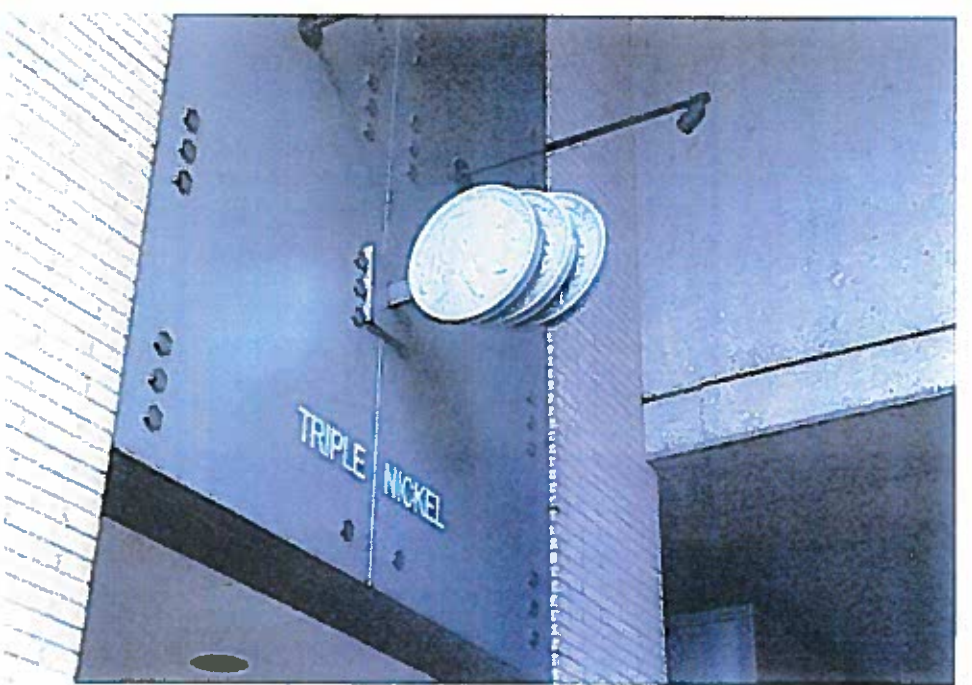
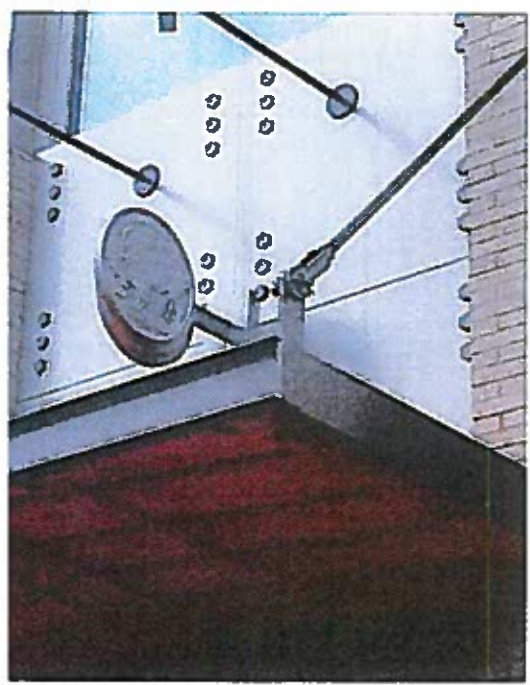
This drawing and design/layout is the property of Metro Detroit Signs. The use of which in part or in whole is not permitted without prior written consent from Metro Detroit Signs. All rights reserved. Copyright 2006



23544 Hoover Rd
Warren MI 48089
Phone: 586-759-2700
Fax: 586-759-2703

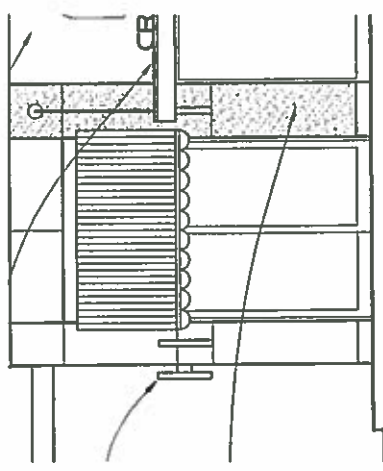
76 #

EAST 6.66 # blade + 2.1 # /eters = 8.76 #

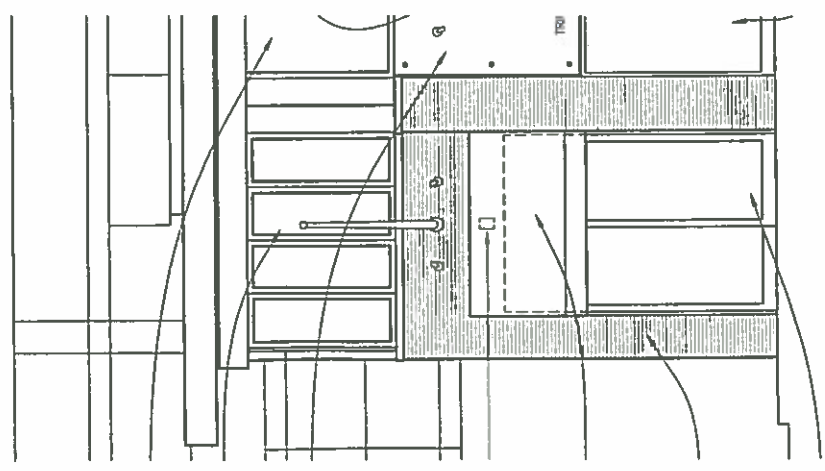


8.76 #

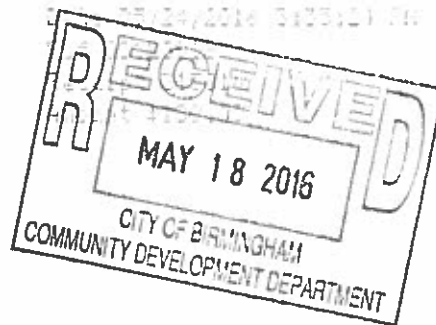
NORTHEAST 8.76 #



WOODWARD AVE. (EAST) EL
SCALE: 1/8" = 1'-0"



WOODWARD AVE. (EAST) EL
SCALE: 1/8" = 1'-0"



Administrative Approval Application Planning Division

1. Applicant

Name: Birmingham Market Center, Inc
Address: 210 S. Old Woodward, Suite 200
Birmingham, MI 48009
Phone Number: 734 748 8953
Fax Number: _____

Property Owner

Name: ESCO of Birmingham, LLC
Address: 210 S. Old Woodward, Suite 200
Birmingham, MI 48009
Phone Number: 248 645 5900
Fax Number: 248 645 5902

2. Applicant's Attorney/Contact Person

Name: Jim Schaeffer
Address: 210 S. Old Woodward, Suite 200
Birmingham, MI 48009
Phone Number: _____
Fax Number: _____

Project Designer

Name: _____
Address: _____
Phone Number: _____
Fax Number: _____

3. Project Information

Address/Location of Property: 210 S. Old Woodward
Suite 200 Birmingham, MI 48009
Name of Development: _____
Parcel ID #: _____
Current Use: _____
Area in Acres: _____
Current Zoning: _____

Name of Historic District site is in, if any: _____
Date of HDDRC 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
- 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

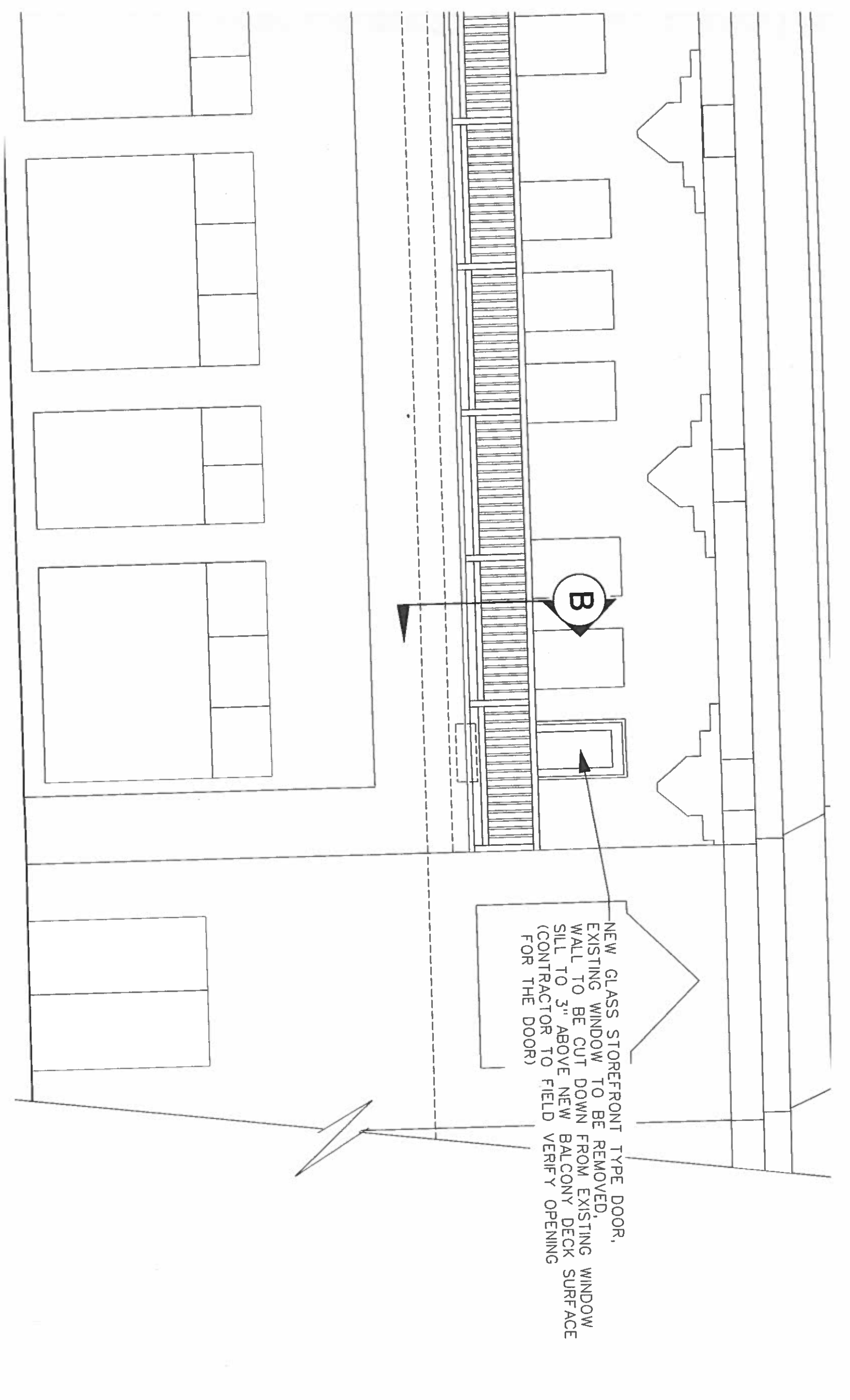
Adding a Balcony

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: 05/18/2016

Application #: <u>16-0050</u>	Office Use Only Date Received: <u>5/18/16</u>	Fee: <u>\$100</u>
Date of Approval: <u>6/7/16</u>	Date of Denial: _____	Reviewed by: <u>79. B/L</u>

128819



The drawing shows a side elevation of a building with a series of windows and a door. A callout box with an arrow points to a door opening. The text inside the callout box is as follows:

NEW GLASS STOREFRONT TYPE DOOR,
EXISTING WINDOW TO BE REMOVED,
WALL TO BE CUT DOWN FROM EXISTING WINDOW
SILL TO 3" ABOVE NEW BALCONY DECK SURFACE
(CONTRACTOR TO FIELD VERIFY OPENING
FOR THE DOOR)

MIN. FROM TOP OF DECK
TO TOP OF SAFETY RAIL

6'-0" MAX. SPACING

BETWEEN VERTICAL SUPPORT POSTS

LINE OF NEW DECK

LINE OF EXISTING BALCONY ROOF

Balcony Rail Elevation

SCALE - 1" = 1'-0"

B

(2) 3/8" X 6" CONCRETE WEDGE ANCHORS
TO ATTACH POST BASE PLATE
TO TOP OF PARAPET WALL

EXISTING TOP OF PARAPET

NOTE:
CONTRACTOR TO FIELD VERIFY THE
DISTANCE FROM EXISTING BALCONY
ROOF TO TOP OF PARAPET

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MY CAR PAYS CHEAPER RENT THAN ME

NOVEMBER 23, 2015
BY [ANDREW PRICE](#)

Except that I do not own a car anymore. We sold our car when we moved to Hoboken, NJ. My wife and I both commute to Manhattan, and we are spoilt with trains, buses, and ferries. When we stick around Hoboken, we walk to restaurants, to parks, to church. Much of Hoboken's charm comes from the city being only 1.3 square miles, so pretty much the entire city of Hoboken is within walking distance. Occasionally we want to go off the beaten path and head into more suburban parts of New Jersey, and have used [Uber](#) (our average Uber trip costs around \$10), but after living here for nearly 4 months, we've used Uber a total of 7 times. All of that combined is cheaper than just one month of what we were paying for car insurance.



Traditional homes along my street in Hoboken.

My point to telling you this, is that Hoboken is one of the few places in the United States where not owning a car does not feel like a hindrance. In fact, this was a major selling point for us, and probably for a lot of other people (because the rent is incredibly high which signifies that there is [a lot of demand to live here](#).) And still, like many cities across the United States, we have parking minimums.

These are the questions I'd like my city leaders to answer.

WHY DO WE HAVE PARKING MINIMUMS?





A pleasing front courtyard of a multi-family dwelling. Modern regulations would probably encourage the developer to make this a driveway to a garage instead.

Seriously, why? What was the discussion going on in city hall when they thought this was needed? Is it to compete with the suburbs? Real estate prices in Hoboken are extremely high, a sign that there is huge demand to live here. I chose to live here because it is not suburban, so why would we adopt policies that make our city more suburban? Why do we adopt ordinances that make most of our city's character illegal if we were to develop it from scratch today?

WHO DECIDES PARKING MINIMUMS?

Why do the [parking regulations for Hoboken](#) say a bowling alley requires 2 spaces per alley? Why not 1, or 3? Why do "planned unit developments" require 1 space per dwelling? How did we figure out this was the optimal number?

There is a saying at Google where I work: data is king. You can't make decisions without data, especially not ones with long term implications. I would like to see the data that states 1 parking space per 200 square feet (not 100 or 300) of a skating rink is optimum to bring prosperity to the city. Where is the data to show these optimal ratios before it was encoded into city law forevermore?

A parking space is around 250 square feet. If we built 1 parking space per 200 square feet of skating rink, we would be dedicating more space to 'getting there' than being 'there'.

IN AN URBAN NEIGHBORHOOD WHERE MOST PEOPLE WALK FOR LOCAL TRIPS, WHY SHOULD LOCAL BUSINESSES BE FORCED TO ACCOMMODATE CARS?

Our mayor said [95% of trips take place on foot](#). So, what would people in a dense urban community like Hoboken actually need a car for?

1. Commuting to work (if they work far away from the ferries, buses, trains, and light rail.)
2. Leisure trips.
3. Commercial vehicles.

Probably not visiting the local bowling alley.



Washington St (Hoboken's main street) at 5:51 am. No shops are open, yet every parking space is full. Clearly not benefiting the businesses.

WHY DO WE THINK WE CAN ACT IN A BUSINESS'S BEST INTEREST BETTER THAN THE BUSINESS?

It's within a businesses best interest to make as much money as possible, which means making themselves accessible so that customers can get through the door. Let's assume that the remaining 5% of local trips are done in a car (and not on a bus or a bike.) Should a business not be the one to decide if they should dedicate expensive, valuable land to accommodate that 5% of customers that might travel by car, or if it would be better to put that space productive use to attract the remaining 95% of potential customer base that travels by foot?

Who do the parking minimums help? Not the businesses that would be forced to subsidize a very small minority of customers when they could make more money by putting that land to productive use.

WHY DO WE SUBSIDIZE AND ENCOURAGE DRIVING?

It seems counterproductive. Hoboken is one of the few places where driving is optional, it is not necessary to have a car to get around. Every time we make it easier to walk, ride a bicycle, or use transit, more people will do so. Likewise, the easier to own or drive a car, the more people that will do so. Arguments that "we need to make it easier to drive, because we predict more people will drive" become self-fulfilling prophecies, because they will cause us to adopt policies that end up inducing people to drive. The city has initiatives to encourage residents not to drive, yet we cancel them out with every policy that makes it easier and encourages people to drive.

IF PARKING IS SUCH A PROBLEM HOLDING THE CITY BACK, HOW COME THE STREETS THRIVE WITH PEOPLE WHEN CLOSED TO CARS DURING SPECIAL EVENTS?



Washington Street during the Hoboken Arts and Music Festival.



A bank's parking lot transformed into an exciting place for people.

[Every City Believes They Have a Parking Problem.](#) Enough said.

WHY SHOULD MY CAR PAY CHEAPER RENT THAN ME?



A parking garage in Hoboken advertising parking spaces for \$300/month.

An on-street parking permit is [\\$15 per year](#), or \$1.25 per month. Using the garage above as an example, you can rent a parking space for \$300 per month. Let's assume [an average parking space is 250 square feet](#). Housing a car on the street costs \$0.03/square foot/month, and housing a car in a garage costs \$1.20/square foot/month. In contrast, housing a human in Hoboken averages around [\\$3.25/square foot/month](#) (at the time of writing, this source updates daily.)

[Hoboken has an affordable housing problem.](#) Having shelter is a basic human right, housing a car is not. Why does it cost a person 108x (per square foot) to house themselves over their car?

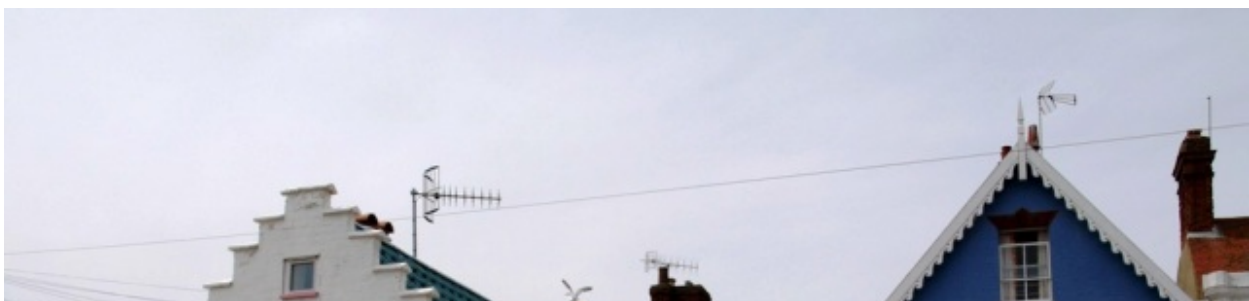




Affordable housing. \$15/year rent. Bring your own tent.



What could we do with a parking space instead?





This could replace maybe 2 parking spaces.

I am not implying that we should start doing building parking space sized homes on our street, but to point out the real inequality we get from subsidizing car housing over human housing, both in the public and private realm.



On-street parking spaces in Hoboken. Rent your own for \$15/year! Apartment not included.

A parking space in Hoboken would average around \$812.50/month if housing a car per square foot matched housing a person.

Naturally, housing a car is going to be a little cheaper, because a car doesn't ask for plumbing and air conditioning and requires little maintenance. But, let's say you had

floorspace in a building and wanted to get the highest return out of your investment and you wanted to get as much per square foot as possible. Not many people are going to pay \$800/month for a parking space, and I imagine that is why these large apartment complexes, that were required by zoning to provide parking, are renting the spaces for \$300/month, in order to get enough demand to rent them out. But, we have a housing shortage, so if given the choice, would the building owners have preferred the floorspace of their building making 2.7x per square foot as apartments instead of parking spaces? In effect, parking minimums are forcing property owners to take a loss. For the record, \$800/month is only \$1.10 per hour. People are willing to pay \$10 per hour around here.

"In effect, parking minimums are forcing property owners to take a loss."

I don't truly understand the economics of free market parking prices, and in the cities I have looked at it is substantially cheaper to house a car (a luxury item) per square foot than a human (a basic human right.) Here are the most expensive major American cities to rent a monthly parking space;

- New York - \$541/month
- Boston - \$438/month
- San Francisco - \$375/month
- Philadelphia - \$303/month
- Seattle - \$294/month

But, I am skeptical at efforts for trying to compare the market pricing between parking and housing, because I do not even know if there is a fully built up American city where housing and parking is completely unregulated and unsubsidized so that we can understand the true market value between the two.

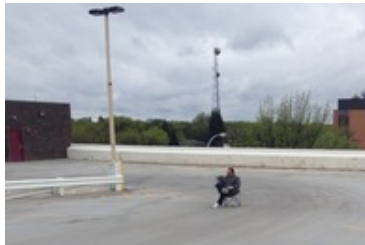
WHAT IS STOPPING US FROM ELIMINATING PARKING MINIMUMS?

Hope is not lost. We can repeal our parking minimums, and go back to building great fine-grained urban places that people love, that put our valuable and limited land to productive use, and will make our city economically resilient and financially stronger. Regulating something just for the sake of regulating it is a dumb approach. If people want parking, let them pay for it. But, to force businesses to take a loss to subsidize parking when we have a housing shortage is unnecessary and harmful. It is time for the United State's most walkable city to join the list of cities that have

[eliminated parking minimums.](#)

HEAD OVER TO OUR [DISCUSSION FORUM](#) TO GET IDEAS AND ADVICE FOR SOLVING PARKING ISSUES IN YOUR COMMUNITY.

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[ANDREW PRICE](#)

Andrew Price has been a regular contributor to Strong Towns since 2013 and is a founding member of the organization. Andrew is a software developer by day and an urbanist by night. He is passionate about traditional urbanism – he believes in fine-grained, highly walkable places that are built for people. He grew up in Australia and now lives in the United States with his wife. Andrew is a regular contributor on Strong Towns and runs his own blog, andrewalexanderprice.com. Andrew's motivation to be involved in Strong Towns and urbanism is to create a great place that he and his wife, and one day their children and their future generations will want to call home.

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Payton Chung • 7 months ago

An unreserved garage parking space in downtown D.C. rents for about \$17/square foot. Within the very same buildings, basement storage spaces rent for \$24 per foot, much less the 3-6X as much per square foot that landlords charge for residential, office, and retail space upstairs. The good news is that DC also just repealed its parking requirements downtown, so now it's no longer a legal requirement that we humans subsidize car storage over everything-else storage.

(BTW, commercial rents are usually quoted per square foot per year.)

4 ^ | v • Share ›



Andrew Price → Payton Chung • 7 months ago

Thanks for contributing those numbers. In a fully built up urban environment, I would think floor space would be the largest driver of rent, regardless of use. Yet, I am still seeing parking many times cheaper than other uses. I don't fully understand the economics, since I would imagine a truly free market system would shrink the supply of parking to drive up parking costs, so (on a per square foot basis) it would be just as profitable to a property owner to use that floor space for parking as it would for residential/office/retail space. What do you think?

1 ^ | v • Share ›



Zeph Campbell → Andrew Price • 7 months ago

It seems to me that residential parking requirements are an assumed penalty for building residential buildings (from apartments to fully detached homes) and an 'acceptable loss', in order to incentivize people to paying for a home there... although we are becoming aware finally that many of our parking minimums are too large a penalty, and leads to other issues that spiral outwards (lower density -> increased car dependence, etc)

3 ^ | v • Share ›

**Andrew Price** → Zeph Campbell • 7 months ago

Interesting theory, I've never thought of it that way.

^ | v • Share ›

**Jesse Bailey** → Andrew Price • 7 months ago

That is a useful way of looking at it that I hadn't considered, either. If I'm following you: Parking requirements act as a barrier to entry to housing supply, driving up the cost of housing and limiting affordability.

^ | v • Share ›

**EC** → Andrew Price • 7 months ago

Great post! (I take your assertion that "I don't fully understand the economics" to be partly rhetorical; isn't it clear, as you lay it out, that the retail price of parking is much cheaper than it would be otherwise because it is subsidized and regulated so as to make it cheaper?)

2 ^ | v • Share ›

**AndreL** → Andrew Price • 7 months ago

Your analysis assume that all space is interchangeable and, more importantly, it implies housing (or office) demand is independent of parking offer, at least in the medium-term. In US, there are only very limited places where most business can be planned and set up without any consideration of parking. (Most of) Manhattan is definitively one of these areas. I'd guess a sizable proportion of businesses in Hoboken draw clients that do not have easy subway/PATH access, and a sizable proportion of residents there do not work for employers located at places easily accessible by transit or walking.

Elsewhere, regardless of zoning, having parking is a necessity to make the residence, or especially office/workplace, viable. Doesn't mean on-street free parking or open-lot parking necessarily, just something within reach. Legacy access problems are very complicated to be dealt with anywhere but in massive (re)development schemes that involve larger areas being built or reconfigured at once.

Unless one is planning a fully self-contained community where everybody who works there also live there, and everybody who lives there also work, study, play and pray there, within walking distance or transit-accessibility reaches, some parking is needed to make areas viable.

In any case, not all parking spaces can or should be utilized as potential build-up sites. Off-street open lots, sure. But street parking also doubles down as an horizontal offset between buildings (which is a positive

ting, we don't want medieval alleys to be built again!), so they can't be built-over in most cases. Working or especially living underground is not a very desired arrangement, so you can't exactly compare costs of underground garages either.

^ | v • Share ›



Andrew Price → AndreL • 7 months ago

"it implies housing (or office) demand is independent of parking offer"

Not necessarily, if having parking adds value to a nearby residential properties, then by not having that parking, the value of those properties drop to the point of that parking becomes a competitive land use, no?

"sizable proportion of businesses in Hoboken draw clients that do not have easy subway/PATH access"

But there are very few regional destinations - most locals are within walking distance. (If the mayor is correct that 95% of local trips take place on foot.) I've been to small cities of ~50k (outside of the US) that lack transit but everything is built within mile or so walk. Places where driving a car is inefficient.

"Doesn't mean on-street free parking or open-lot parking necessarily, just something within reach."

see more

^ | v • Share ›



AndreL → Andrew Price • 7 months ago

Centralized neighborhood parking is not something particularly new, and actually quite common in many cities elsewhere. Europe is full of them. Note, however, they are far more common at destination places than as substitutes for residential parking. There are several European cities that have integrated parking signaling, so that a designated "parking route" that covers most garages open to the (paying) public is clearly known, and the availability of parking at different places shown beforehand, all while street parking is severely reduced or eliminated altogether.

Does the 95% statistic you cited refer to mile-person traveled? If not, the measure will heavily skew against two of the most capacity-stressing trips of most households: commute to work and school-chauffeuring (in a context where there is more school choice instead of just forcing kids to attend the nearest school of their grade).

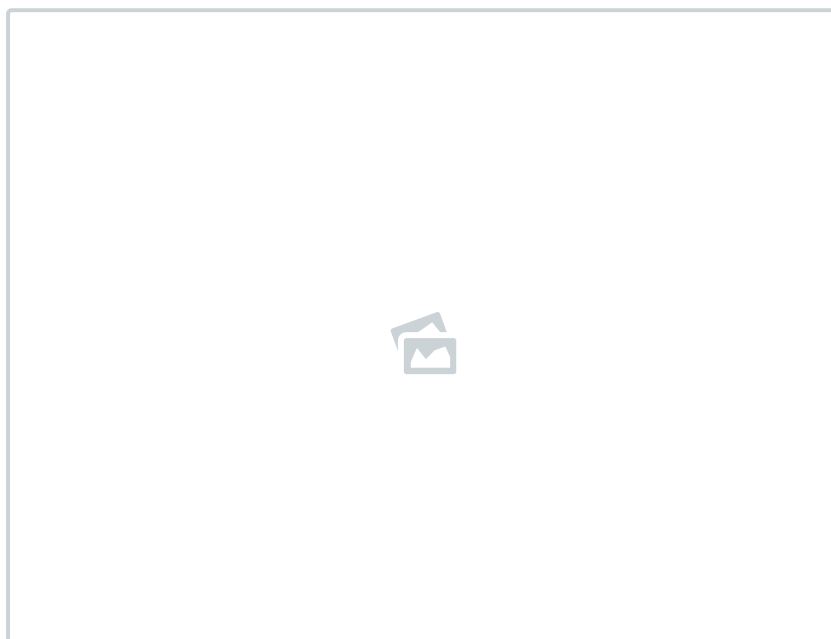
Now back to your first point: your reasoning would only be valid in absence of fixed costs, capital opportunity costs (for the landowner) or dead-weight, which is obviously not the case for real estate residential markets. That is why, for reasons unrelated to parking, many landlords would rather keep certain properties off the market altogether, in a derelict state, just land banking, instead of renting them out at the marginal market prices (more so if no-cause eviction is not easy and quick, as it is the case in New Jersey).

^ | v • Share ›



Andrew Price → AndreL • 7 months ago

I don't have a problem with private houses having garages. This is really common in dense Japanese cities:



see more

^ | v • Share ›



kclo3 → Andrew Price • 6 months ago

In places where multimodal transport is an active use, parking garages are absolutely a detrimental use of the street frontage. The abandonment of this regulation as a function of form, not necessarily of use is highly irresponsible, whether or not part of some push to eliminate on-street parking. This includes all older American cities with uniform grids where there is far less hierarchical distinction between local streets and intermediate collector roads. You even hinted at the detriments of converting Hoboken front courtyards into garages in your second caption.

^ | v • Share ›



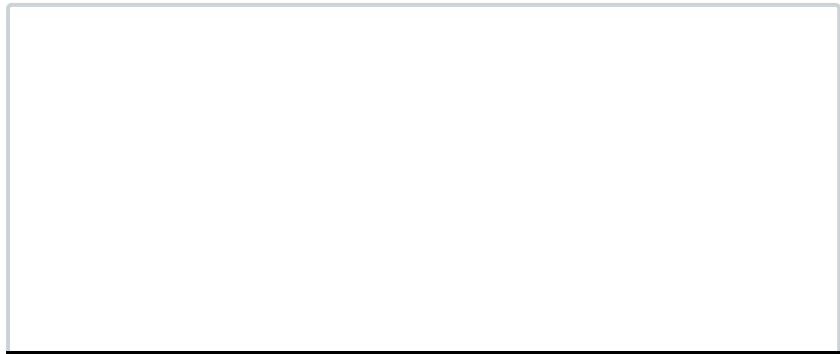
Andrew Price → kelo3 • 6 months ago



Andrew Price → kc103 • 6 months ago

I understand your concern, but parking garages don't have to be. There are many examples of parking garages with retail, a hotel, or offices at ground level with the parking either below or above.

It's possible for the parking garage to not interact with the pedestrian realm at all, for example, by the outer travelling lane turning into a ramp that goes under the sidewalk and enters the underground parking.



[see more](#)

1 ^ | v • [Share](#) ›



kc103 → Andrew Price • 6 months ago

Two commercially-oriented edge cases that don't begin to address the prevailing issue with single-family residential, sure. But Japan's residential streets aren't utilized in the same manner as Hoboken's attached brownstone streets, and the building typology needs to reflect this.

^ | v • [Share](#) ›



Andrew Price → kc103 • 6 months ago

Way to throw the baby out with the bath water :) Let's see what works and adapt it.

My view of parking is much like transit. It's merely infrastructure to get you into and out of the area. If one's local subway stop was only a 500 foot walk away and they complained it was too far, most people would think they're being bratty. There's no reason not to treat parking as the same as transit.

The result is that we combine parking into neighbourhood facilities. In a dense urban area, this might mean a 6 story parking garage in the middle. You can make the ground level retail, you can use classic architecture; there is no inherent rule saying a parking garage must be ugly, destroy the pedestrian realm, or stand out like a sore thumb in some other way. This is why I said you might be throwing the baby out with the

bathwater when you suggest commercial parking garages would be irrelevant to residential areas (all of Hoboken lives within

see more

^ | v • Share ›



Pace119 • 7 months ago

"I am not implying that we should start doing building parking space sized homes on our street..."

I've been following the tiny house movement from afar for a few years. At a Land Use Institute conference a couple of years ago, a presenter claimed International Building Codes would allow housing to be constructed as small as 220 sqft. Unfortunately, floor space, like parking minimums, are codified by municipalities to take up unnecessary amounts of space in certain circumstances.

Recall in Joe Minicozzi's talks regarding the "Jack Schulman" building. Their renovation included 400 – 600 sqft. apartments upstairs. My city's minimum residential floor space is 650 sqft.

<http://video.esri.com/watch/41...> (@ minute 3:30).

From an article on NYC's first micro apartment building; "Rising nine stories, My Micro NY will contain 55 units ranging from 250 to 370 square feet (23 to 35 square metres). Completion is scheduled for December, with an opening to follow shortly after." –

<http://www.dezeen.com/2015/10/...>

1 ^ | v • Share ›



Andrew Price → Pace119 • 7 months ago

I'm also interested in the tiny house movement.

You could build shotgun style homes if you had multiple parking spaces in a line (such as a parallel parking lane, or two parking spaces where you can pull through):



see more

^ | v • Share ›



Zeph Campbell → Andrew Price • 7 months ago

I was interested in the Tiny House movement before I got into urbanism, and while I liked the unorthodoxy of it, something always felt out of place to me. When I got into urbanism, it finally clicked for me what was: that at least in many of the videos and blog posts I had seen of its implementation in the US, the people building them were doing it in the middle of nowhere. The TH solutions were not addressing taking up less space except indoors, development density, their toll on the environment and economy by still needing to drive everywhere, etc.

So to me, a large fraction of the TH movement in NA seems still very suburban: it's often very inward-looking, concerned with the indoors and ignoring the rest of the environment (except having a pretty view through their windows).

Note that I used many weasel words like 'many', 'often', etc. - it's because as far as I can tell the TH movement is mostly orthogonal to urbanism. Where Urbanist movements are focused on the relationships of people to the built environment outside the home, the TH movement is concerned with the indoors and principles of reducing personal possessions and clutter and simplifying your life. I think the two can go well hand in hand, and in some places like the huge, dense cities in east Asia they can be a necessity, but I think as the TH movement movement gains popularity it should be the responsibility of urbanists to gently remind THers that there is a life outside one's home.

2 ^ | v • Share ›



Pace119 → Zeph Campbell • 7 months ago

I totally agree with both you and Andrew! I think, as the Strong Towns movement gains steam, more tiny house owners will be able to legally live in an urban location instead of the beautiful middle of nowhere. The empty big box store parking lots on Friday should be on the top of the list.

2 ^ | v • Share ›



Jesse Bailey → Zeph Campbell • 7 months ago

"When I got into urbanism, it finally clicked for me what was: that at least in many of the videos and blog posts I had seen of its implementation in the US, the people building them were doing it in the middle of nowhere. "

Well said.

^ | v • Share ›

native new yorker • 7 months ago

**native new yorker** • 7 months ago

In NYC there has been a backlash against reducing parking requirements for new apartment buildings. People still need their cars to travel out of their neighborhoods and out of the city. So it's not that simple. In fact vehicle registrations have increased by 70,000 in NYC since 2010, the car is not going away. In eastern Queens and Staten Island (my borough) a car is a necessity. I own a house w/driveway so all these proposed parking schemes wouldn't affect me, but why punish middle-class drivers who need their cars?

<http://www.nydailynews.com/new...><https://files.acrobat.com/a/pr...>

^ | v • Share ›

**Andrew Price** → native new yorker • 7 months ago

If people valued a parking space, they would be willing to pay for it (even if it was included in the price of the apartment, I think it should be a decision for the developer if they should build parking or not.) Most places that are car-dependent will still have a parking space, because the developer would know (or learn through trial and error and studying surrounding properties) that there

Newer / Older

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MISSION TOPICS PODCAST
EVENTS MEMBERSHIP

WHY NOT PARKING MAXIMUMS?

NOVEMBER 25, 2015
BY CHARLES MAROHN

This week we've been focusing on the issue of parking culminating with our [#BlackFridayParking event](#). We hope you will join us Friday by:

1. Taking photos of the parking lots in your city.
2. Sharing the photos online with the hashtag [#blackfridayparking](#).
3. Sharing our message with



others.

I'm going to paraphrase a line of questioning I've received a few times in the past.

Strong Towns member Jonathan Holth enjoying an abundance of parking in downtown Grand Forks.

Chuck, I love what you are doing with #BlackFridayParking but, seriously, what good is it to take pictures of empty parking lots? We need parking maximums otherwise the big retailers are just going to keep building more and more.

We're not advocating for parking maximums, although I'm sympathetic to the sentiment. What we are trying to do this week is expand the dialog on parking and give those who want to push back against absurd parking requirements more tools to do so. For every place in this country that would even consider a parking maximum, there are hundreds where the simple step of repealing parking minimums would be considered an act of revolution.

And while I'm sympathetic to the notion of parking maximums, I'm not sold on the concept. Yes, national retailers with their financing model are going to always want bizarre amounts of parking. If you're [doing the math](#) on these kind of places, you're not building more of them anyway. And if you're not doing the math rigorously with your development review process, that's actually a more urgent problem than parking. Having maximums in place is not going to help you in any substantive way.

"Having parking maximums in place is not going to help you in any substantive way."

From a pure market standpoint, if national retailers in their big boxes and strip malls want to waste their money on parking spaces they will never use, I'm not going to lose a lot of sleep. Sure, there are aesthetic and environmental concerns but, if those were a priority, you would deal with those irrespective of parking. Trying to kill a big box store with a parking regulation is like trying to cut down a tree with a blunt knife. You're going to spend a lot of energy in what is likely a futile effort. In the end, you're more likely to lose an appendage in the struggle than your adversary.

ENDING PARKING MINIMUMS

More than impairing the big dogs with maximum parking regulations, we urgently need to rid ourselves of [parking minimums](#) as part of an ongoing effort to clear obstacles from the path of the small artist, retailer or developer that is trying to bootstrap the next increment of success. We're going to get a lot further in our effort to make the incremental model successful than we'll ever get trying to regulate our [orderly but dumb](#) model out of existence. It's trying to die; just get out of the way and let it happen.

Professor Shoup's advice is a practical guide for nearly every North American city: Charge the right price for parking at the curb, use that money to make ongoing improvements to the quality of life on that street and rid yourselves of off-street parking requirements. Those are policies that most thoughtful people could agree should be used by the city up road. We just need people to start seeing themselves in this same way.

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BLACK FRIDAY
PARKING IN CEDAR
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SO MANY
SHOPPERS, SO
MUCH UNUSED
PARKING



CHARLES MAROHN

Charles Marohn - known as "Chuck" to friends and colleagues - is a Professional Engineer (PE) licensed in the State of Minnesota and a member of the American Institute of Certified Planners (AICP). Chuck is the **Founder and President of Strong Towns**. He has a Bachelor's degree in Civil Engineering from the University of Minnesota's Institute of Technology and a Masters in Urban and Regional Planning from the University of Minnesota's Humphrey Institute.

He is the author of *Thoughts on Building Strong Towns (Volume 1)* and *A World Class Transportation System* as well as the host of the Strong Towns Podcast and a primary writer for Strong Towns' web content. He has spoken in dozens of towns and cities across North America, and speaks regularly for diverse audiences and venues.

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16 Comments

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Paul • 7 months ago

Trying to kill big box stores with parking maximums is like trying to slow cars on a street using only speed limits. The design of your city is really what matters.

3 ^ | ▾ • Share ›



Asher Of LA → Paul • 7 months ago

Well said. And similarly, we see lots of people thinking speed limits are the beginning and end of street safety advocacy.

^ | ▾ • Share ›



Charles Marohn Mod → Paul • 7 months ago

Perfectly stated.

^ | ▾ • Share ›



R. John Anderson • 7 months ago

I strongly recommend against setting parking maximums. Municipalities are no better at guessing the maximum amount of parking needed than they are at guessing the minimum off-street parking needed. Just regulate where parking goes on the private parcel, not how much is enough or how much is too much.

2 ^ | ▾ • Share ›



Greg Frost • 6 months ago

So much space used for so little purpose. I thought this post from Mr. Money Mustache about drive through banking made an interesting point:

"A million dollar parking lot, thousands of gallons of Diesel, and a million pounds of trucked in materials, consuming a prime piece of downtown real estate big enough to house a huge number of people. All so a few dozen people a day can spend an extra minute burning gas and sitting on their asses instead of using their legs for those 60 seconds... If we can truly appreciate this contrast, scaled up across billions of people in millions of towns and cities, I think we can sum up concisely the underlying reason for most of our problems these days... At both the individual and the societal level, we

just don't give even the slightest shit about efficiency."

<http://www.mrmoneymustache.com...>

1 ^ | v • Share ›



Asher Of LA • 7 months ago

My hunch about parking maximums is that it's cheating, a bad shortcut. You're trying to reduce people's reliance on cars, for all the benefits that brings. But instead of building and designing a place where fewer people use a car to get around, you're forcing them to. If lots of people are still driving, it's because you've failed to make the alternatives cheap, easy and available.

Given how cheap, pleasant, popular and profitable non-autocentric urban development is, if you have to cap parking en masse, something is wrong. Do you have high minimum unit/lot sizes in force? Height and density limits on the most popular locations? Free or cheap street parking that's never available (like Boston)? Bad bike infrastructure? Etc.

Also, some properties may need an abnormally high level of parking to suit their customers. Given the price of urban space in non-autocentric cities, building lots of parking will be expensive, so there won't be many developers building lots of parking to begin with. If one does, it's not a decision they'll take lightly.

1 ^ | v • Share ›



valar84 • 7 months ago

I agree with you. Parking maximums are not a good approach, they're still the top-down "planner knows best" approach that got our cities in the sorry state they are. I think we need to rely more on economic price signals to shape cities, and rely on regulation to control and mitigate externalities (for example, I'd support a "no parking between the sidewalk and the front of the building"-rule and a "parking lots built on a lot without a building between it and the street must be setback by 10-20 feet, with trees and/or a fence in the buffer area, NO CHAINLINK"-rule).

I think that the huge parking lots surrounding big boxes wouldn't even exist (in urban areas) without the parking minimum rules. We have to remember, (free) parking doesn't generate value for the owner of the lot. Floors where economic activities occur, dwellings, THESE generate value, either directly or through rents. In the end FAR (Floor-Area Ratio) determines the value found on a lot. A big box store with a FAR of 20% is not competitive at all with traditional patterns of stores with FAR of 150-250%. The big box owner will not be willing to pay the same price per acre for land as a traditional developer. If every square foot of retail generated the same value, that means that the owner of commercial building with a 150% FAR would tolerate land prices 8 times that of the owner of a big box store.

Unfortunately, parking minimums essentially limit FAR to a very low level and thus make big box developments viable economically when they wouldn't normally be. Maybe the Japanese have it right by basing their zoning mainly on FAR and lot coverage maximums, if anything, it helps create economic certainty as to the value of

potential developments and, thus, of land.

If someone wants to build a big box store and wants to build plenty of parking wither over or under their store, so as to increase FAR and allow them to compete with more traditional retail patterns, I have no issue with it.

One additional point... I am not in support of street-parking. Street parking is space that is publicly owned and cannot be converted to productive uses, as such, pricing it properly is hard, due to there being no alternative revenue-producing use for those strips of land. Since it's publicly provided, the authorities can fix whatever price they want, even Shoup's proposal for the price targeting an 85% occupancy rate still means that street parking authorities could and would essentially practice "dumping", hurting if not killing private, for-profit parking lots and garages. Since street parking is not actually directly funded by the fares, the authorities can charge any price they want for it.

1 ^ | v • Share ›



Asher Of LA → valar84 • 7 months ago

Agree about the parking maximums and the floor area ratios making suburban big box development infeasible.

As for street parking, parking should be made to compete with other uses. Those may be monetary, like leasing the space to a street vendor or adjoining restaurant, or used as a public good like another travel lane or bike lane, or a parklet. Often the best thing to do was not to have made the street so wide in the first place.

1 ^ | v • Share ›



Ian Mitchell → Asher Of LA • 6 months ago

A narrower street with on-street parking is a good replacement of a stroad. A street too narrow for any parking provided by the city is, even better. But we don't want a big wide empty stroad.

1 ^ | v • Share ›



Bernard Finucane → valar84 • 7 months ago

> they're still the top-down "planner knows best" approach that got our cities in the sorry state they are.

Excellent point, came here to say this. The only solution is attention to detail.

I think cities should start by pushing developers to line their existing parking lots with something human friendly. They tend to do this with miniparks, but it should be more substantial. And of course, the core problem is the streets.

^ | v • Share ›



Asher Of LA → Bernard Finucane • 7 months ago

Cities don't need to push developers to do so, so much as remove the obstacles to doing so.

The least valuable parking spaces are the ones that are most valuable for other uses - because those spaces are right next to the sidewalk, while the store is as far as possible from the sidewalk (e.g. this Vons on a major LA boulevard -



[see more](#)

1 ^ | v • Share ›



Ian Mitchell → Asher Of LA • 6 months ago

Excellent point. I'd reckon a land-value tax rather than taxing improvements would quickly improve this situation.

1 ^ | v • Share ›



Asher Of LA → Ian Mitchell • 6 months ago

A land value tax is good, but I think that 1% property taxes are rarely the dealbreaker - it's that throwing up a parking lot on your property is easy peasy code-wise, but anything else takes lots of work to get government approval.

^ | v • Share ›



Derek Hofmann • 7 months ago

I have often seen retailers actually build more than the minimum required amount of

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MISSION TOPICS PODCAST
EVENTS MEMBERSHIP

MOTHERS AGAINST DRUNK DRIVING SHOULD ALSO BE AGAINST ZONING

JANUARY 12, 2016

BY JOSHUA MCCARTY

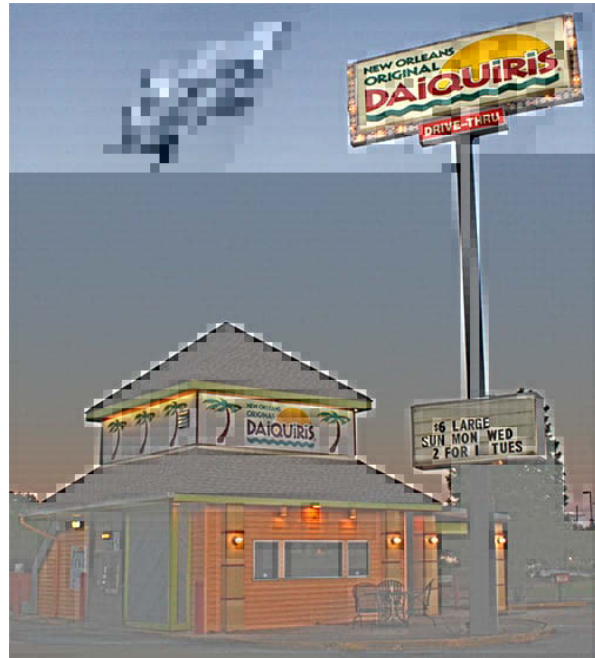
THIS PIECE WAS ORIGINALLY PUBLISHED ON THE [URBAN3 BLOG](#) IN DECEMBER, 2014, BUT IT'S MESSAGE STILL RINGS TRUE. IT IS REPRINTED WITH PERMISSION FROM JOSH MCCARTY.

WHY DO BARS HAVE PARKING LOTS IF WE AREN'T SUPPOSED TO DRIVE HOME?

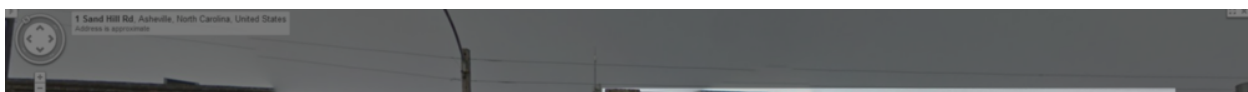
When it comes to drunk driving, America may have a [bigger driving problem than a drinking problem](#). Sometimes I tell people that I became a planner in order to ensure everyone can safely imbibe and safely get home. When you step back and think about it though, how well do we really consider our development decisions regarding drinking establishments? I contend that the way typical code treats drinking establishments is indicative of the kind of misguided positivism that is pervasive in modern planning. The kind of prescriptive guidance that can specify how many trees you need in a parking lot but completely misses the simple practical relationship between how people use the site and their ability to stay safe. Modernist standardization erases the creativity and common sense that come from small scale solutions.

I have never understood how a zoning code could, in good faith, permit a drinking establishment that could only possibly be reached by car. In doing so, are we not creating a scenario in which people have no option but to drive to a place where they then become unable to safely drive home? I am hardly the first person to [comment](#) on the absurdity of this arrangement.

One thing is clear: that we expect them to regardless of design. I suppose we are to assume that taxis and designated drivers make this possible. Safe ride options such as Uber and those folks who drive your car home and then bike back are filling the gap too. I suspect that, in reality, the difference is a mix of these options and intoxicated driving. My challenge to organizations like [MADD](#) is to consider the extreme recklessness of encouraging drinking in places where there is no practical way home without a car.



At the other end of the spectrum I have nothing but amusement and admiration for Louisiana's stubbornly post-modern response to modernist prescriptive rule making. Rather than require parking for bars, Louisiana allows [drive-thru daiquiris](#). Their solution to this apparent design flaw? A requirement to tape the straw down for the driver.





Westville Pub. Image from Google Maps

Let's take a practical comparison. Allow me to set the mood. First let's start with a traditionally located local pub in West Asheville called [Westville Pub](#). Westville is located in an old brick row building at the traditional center of the West Asheville neighborhood. This block has always been at the commercial epicenter of the outwardly growing community but was built in such a way that it could evolve and adapt. Simply put, you'll find it at the heart of downtown West Asheville.



Buffalo Wild Wings. Image from Google Maps.

[Buffalo Wild Wings](#), however, exists in a Euclidian wonderland of single use commercial boxes that is the traditional center of nothing. One might assume that in crossing the eastern threshold of Asheville's Tunnel you have travelled through a worm-hole into a dimension populated with chain stores and simultaneously present in every city in America. The buildings and their design might as

well have been downloaded from the internet.

COMPARING BAR DESIGNS FOR SAFETY

Now let's compare the two from the perspective of someone who wants to drink and needs to get home without a car. Even qualitatively the differences are quite clear. One thing that immediately becomes apparent is the drastic difference in parking opportunity at Westville. While people might often complain about the lack of parking in downtown environments, in this case it's entirely the point. Look at the ample parking around Buffalo Wild Wings. Look how convenient it makes driving to a place where people want to drink.



Buffalo Wild Wings. Image from Bing Maps.

Put another way, only Westville offers an alternative to driving. Look how many houses and small streets surround Westville. This makes it at least possible to leave the bar without getting in a car at all. You could conceivably walk to Buffalo Wild Wings just like you could conceivably walk through barbed wire or a swamp. My point is that it is far from practical. As I point out in a moment there are multiple barriers to getting home safely without a car. There is little you would be likely to walk home to unless you were staying in the Hampton Inn. Even if you did walk you would have to deal with car spaced distances and poor infrastructure. Take, for example, the brambles that surround the site like a barb-wire fence and lack of sidewalks.



Westville Pub. Image from Bing Maps.

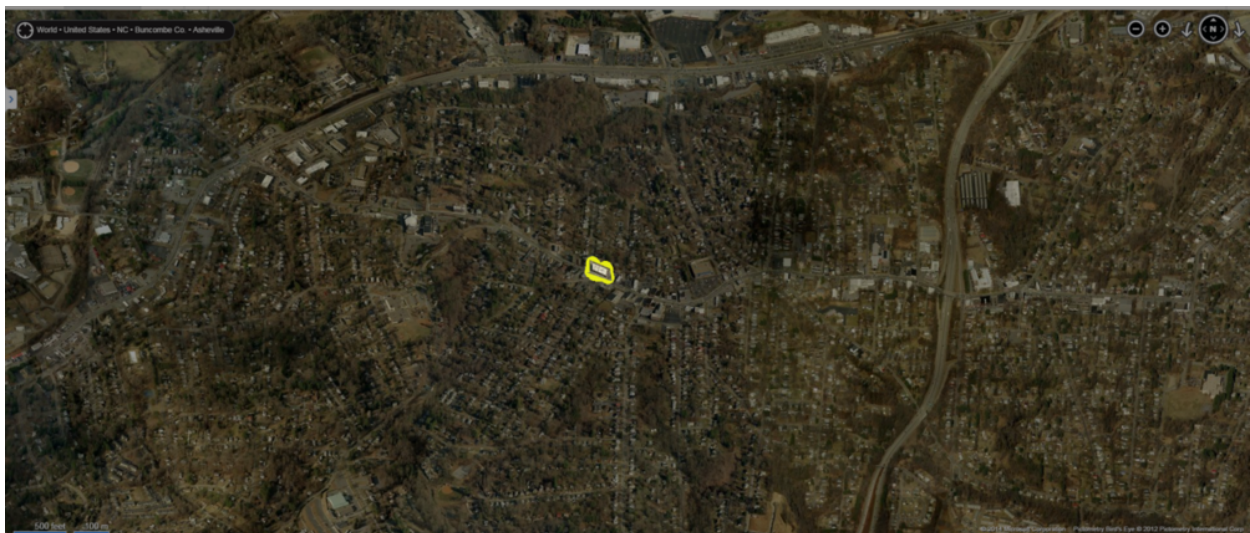
If we [Do The Math](#) and try to put numbers to this comparison we can start to see the difference. As a simple metric we can take the relative Walkscores of the two sites. Wild Wings is a [modest 52](#) (somewhat walkable) while Westville is [82](#) (very walkable). I, once again, call out to MADD to consider the inverse of bar Walkscores a measure of drunk-driving potential. In reality, the disparity is far greater than Walkscore is able to process. This is the composite score which under-weights things like terrain and infrastructure and assumes that any address you type in is

residential.

Another way to compare the sites is to consider how many people could walk home in half an hour. In theory Buffalo Wild Wings could get you as far as downtown or Kenilworth in half an hour but this is unlikely. The travel time fails to take into account the kind of dangerous roads you would be walking (e.g. no sidewalks, lack of light), the mountain you would be climbing, or the tunnel you would be walking through. Furthermore, as you can see in a wider aerial view, there are few non-commercial areas within range. Most of what you can walk to, ironically, is more surface parking. Westville's compact, gridded (comparatively) design, by contrast, gives it access to basically all of West Asheville.



Buffalo Wild Wings area. Image from Bing Maps.



Westville Pub area. Image from Bing Maps.

DESIGNED FOR DRUNK DRIVING

The point that I would like get through is that drunk driving is a design problem and one which is driven by homicide-ally misguided policy. What is astonishing is that many of these problems are not just overlooked by code but actually exacerbated by it. Who called for all those parking spots and brambles around Wild Wings? It was likely built into standard zoning practice. Parking for bars is required while roadside memorials for those killed by drunk driving are illegal. Westville Pub is probably illegal in most zoning jurisdictions. Complex parking and zoning requirements are a barrier to small businesses, like Westville Pub, all over the country.

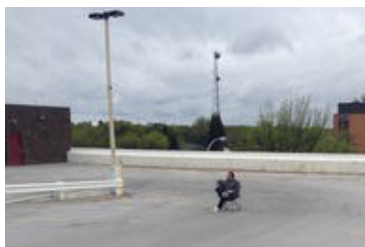
Just like roads are designed for mobility and then saddled with inappropriate speed limits, the design and practical function of drinking establishments are at odds. We try to fill the gap with education and enforcement but ultimately people tend to do what they feel like they are able to do.

Somewhere in an engineer's manual is a ghoulishly wrong standard that calls for a certain number of parking spots per square foot of bar. Ghoulish because if we extend that standard we can assume a certain number of those parking spots will be filled with drunk drivers and a certain number of those drunk drivers will kill someone. Our slavish inability to see that driving is not a requirement is literally taking lives.

IF YOU LIKED THIS ARTICLE, [CHECK OUT JOSH'S FOLLOW-UP POST ON THE URBAN3 BLOG](#).

(Top photo by [Mike Mozart](#))

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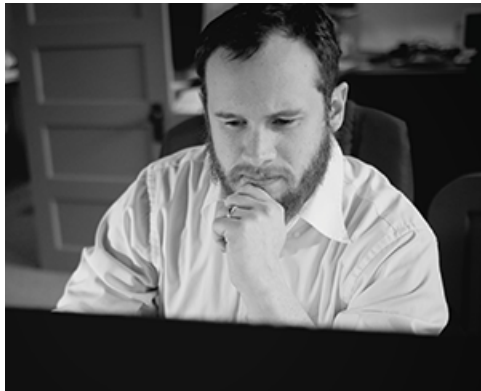
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Joshua McCarty is [Urban3](#)'s Chief Analytics Researcher and resident Geo-Accountant. Josh's work focuses on new ways to visualize local finance. At the core of this work is an ongoing effort to quantify, measure, and communicate patterns of urban development and the outcomes of design choices. His work focuses on the intersection of public policy, urban design, and economics. Joshua handles background work that turns raw data into relevant and recognizable patterns and is

responsible for developing new analytical tools such as the 3D Tax Model. Prior to joining Urban3, Joshua worked as a researcher quantifying sprawl and environmental impacts in the Chesapeake Watershed and nationally. His graduate education at the University of North Carolina's [Department of City and Regional Planning](#) focused on real estate development.

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Jonathan Hay • 5 months ago

Our environment does have an effect on our decisions. Some people on either ends will do things either way, but most people can get nudged into doing things more or less based on their environment and if it's convenient. As an aside I heard of a European who was sited for riding his bike drunk. Frankly, if you can ride a bike, you are probably reasonably sober by our standards. :)

2 ^ | v • Share ›



adamold • 5 months ago

I guess you are trying to be a little bit exciting with your title "...Against Zoning." but



shouldn't that say "...against stupid zoning?"

Zoning that declared bars should have maximum numbers of spots or be placed only in walkable locations seems like it could be actually pretty useful, to me.

1 ^ | v • Share ›



rst1317 → adamold • 5 months ago

Or - and I say this to mock anyone's ideas but just for fun - require that all parallel parking spots. Think of how many drunks would be foiled because they couldn't maneuver out of the spots. :)

^ | v • Share ›



Davey Rockit → adamold • 5 months ago

If you place blame on zoning for drunk driving (which I am ardently against and I have a son coming into his teens so this does worry me personally), you would also have to restrict vehicular access to anything else that is potentially dangerous to the public - and what about the inequality that creates? Only people who are healthy enough to walk or bike, or lucky enough to have transit access are eligible to visit a pub to enjoy a couple of drinks responsibly?

^ | v • Share ›



Dunsworth → Davey Rockit • 5 months ago

If you don't live in the town where the bar is located, or you live out in the country, too bad! No pub for you!

^ | v • Share ›



Derek Hofmann • 5 months ago

The trouble is, MADD has already decided that the way to end drunk driving is to end drinking. This to them makes the mode of travel to the pub irrelevant.

1 ^ | v • Share ›



GhostElephant → Derek Hofmann • 5 months ago

Abstinence worked for sexually transmitted diseases too, right?

/s

1 ^ | v • Share ›



Davey Rockit • 5 months ago

While I agree the parking requirements for a suburban pub on its face seem counter to logic, I do not agree - as a Zoning administrator and City Planner - that "...drunk driving is a design problem." I think this analysis misses two important points: 1) state laws govern alcohol sales permits (states govern where and when alcohol can be sold); and 2) there is personal responsibility involved with using intoxicants! Yes, people will abuse booze and drive, but they do it private homes and parks, etc. It would be utterly ridiculous If everyone had to drive to a town center to order a drink with their supper, or to meet a friend for a beer and conversation. Most people do drink responsibly, but with everything else there are the "10-percenters" who ruin it for the rest of us - the people

everything else there are the 10-percenters who ruin it for the rest of us, the people who don't mow their lawns until August, the chronic speeders, the slumlords who rent to too many people and have vehicles parked on the lawns. Bottom line, zoning isn't perfect but it does not create drunk driving anymore than a store selling knives creates a stabbing.

2 ^ | v • Share ›



Jesse Bailey → Davey Rockit • 5 months ago

I don't think this post absolves anyone of their personal responsibility. But it DOES cast light on the responsibility shared by zoning administrators such as yourself to acknowledge that when we plan and zone an environment in which the ONLY feasible way to get to a drinking establishment is by driving, the planning and zoning itself bears some measure of culpability when people drive drunk.

8 ^ | v • Share ›



Michel S → Jesse Bailey • 5 months ago

This x 1000%

3 ^ | v • Share ›



Davey Rockit → Jesse Bailey • 5 months ago

Incorrect where I live, in fact there are a plethora of hotels within walking distance of the suburban BWW. And what about State laws, do you understand that cities only have the right to use zoning because of state enabling laws that grant them that right? States can say "no alcohol" will be sold here (name your conditions) via the alcohol permitting process. Zoning is not based on whether or not alcohol or marijuana or potatoes are sold in a building, its about the general type of land use (retail, restaurant, manufacturing, residential, etc.). Zoning (including form-based, which I also administer), has some serious flaws, but it is not the bane of community-building that is the popular belief, and it isn't going to create urban enclaves everywhere alcohol is sold. Its a nice, pie in the sky idea, but in the world of capitalism it ain't gonna happen. If you place blame on zoning for drunk driving (which I am ardently against and I have a son coming into his teens so this does worry me personally), you would also have to restrict vehicular access to anything else that is potentially dangerous to the public - and what about the inequality that creates? Only people who are healthy enough to walk or bike, or lucky enough to have transit access are eligible to visit a pub to enjoy a couple of drinks responsibly?

1 ^ | v • Share ›



Seán Hayes → Davey Rockit • 5 months ago

How could someone be healthy enough to drive but not healthy enough to walk or take a wheelchair to a pub? What about the financial and disability discrimination caused by requiring people to own and drive cars to get around?

1 ^ | v • Share ›



Derek Hofmann → Davey Rockit • 5 months ago

That wouldn't be the worst idea, but who is actually suggesting that?

^ | v • Share ›



DanS → Davey Rockit • 5 months ago

The point that you made about "everyone having to drive to town centers to have to order a drink" is precisely the point. The fact that we have designed our development patterns that a large number of us do not live within walkable towns is specifically the problem of zoning. Now I understand that we are given this world and largely did not create it. But we do have the responsibility to fix those wrongs.

3 ^ | v • Share ›



Davey Rockit → DanS • 5 months ago

Not true, people decide where they live based on cost. We have seen the folly of the "drive 'til you qualify" phenomenon create a hellscape of suburbia that is unwalkable. But many people have made the opposite choice, and the trend among millennials and the even younger generation is for compact, walkable, and transit-oriented development. Zoning gave us that too.

^ | v • Share ›



Derek Hofmann → Davey Rockit • 5 months ago

"compact, walkable, and transit-oriented development. Zoning gave us that too."

We didn't have compact, walkable communities before zoning? Huh.

3 ^ | v • Share ›



DanS → Davey Rockit • 5 months ago

Yes, they decide where to live based on what they think they like and can afford. But, they also decide where to live based on what the available options are. If the majority of housing choices are transit-oriented, walkable development, then people are going to be choose TOD. Also, I realized that my previous comment suggested that I am against zoning. I am not. I would like to see more restrictive zoning so that car-oriented development simply isn't possible. At least, that's the ideal I think society should be working for.

1 ^ | v • Share ›



Steve S. → Davey Rockit • 5 months ago



compact, walkable, and transit-oriented development. Zoning gave us that too.

Did not know zoning gave us **this place**. Huh. The more you know.

^ | v • Share ›



Bernard Finucane → Davey Rockit • 5 months ago

Both of your points are false dilemmas.

1 ^ | v • Share ›



Davey Rockit → Bernard Finucane • 5 months ago

How so?

^ | v • Share ›



Bernard Finucane → Davey Rockit • 5 months ago

1) Alcohol permits are unrelated to zoning laws governing businesses with permits 2) Personal responsibility addresses the question of "who is at fault" not "how do we solve the problem".

In both cases you are asking the wrong questions and getting the wrong answers. In neither case do your remarks actually contradict the claim that drunk driving is a design problem.

^ | v • Share ›



mikesonn → Davey Rockit • 5 months ago

That is simply not true. That BWW is nearly impossible to get to by any other mode than driving. If you drive to the bar, you are likely to drive home from it and "risk" being over the limit. Impaired driving is drunk driving. So yes, thinking any drinking and driving is acceptable opens the door to those "who ruin it for the rest of us".

1 ^ | v • Share ›



rst1317 → mikesonn • 5 months ago

"That is simply not true. That BWW is nearly impossible to get to by any other mode than driving."

The BWW the author references is well served by 4 ART routes. It is also within a \$20 taxi / uber ride of almost all of Asheville.

2 ^ | v • Share ›



Davey Rockit → mikesonn • 5 months ago

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WHY I LOVE TRADER JOE'S PARKING LOTS

MARCH 18, 2016

BY RACHEL QUEDNAU

Notoriously bemoaned, Trader Joe's parking lots are known for their small size, tight spots and limited maneuvering areas. I recently saw a link to a BuzzFeed article entitled "[23 Hilariously Accurate Tweets About Trader Joe's Parking Lots](#)." It contained comments like this:



Mister Panama
@micahpanama



"Doesn't the parking lot need to be at least twice as big?"
-Rational person



Susannah
@sussybuckets



Someday, people of all races & religions will live together in peace, and Trader Joes will build a store with sufficient parking

RETWEETS LIKES



"Nah."
- Trader Joe's architect

3

6

2:37 PM - 30 Aug 2014

These shoppers are frustrated because when they arrive at Trader Joe's they can't find parking within 5 seconds, like they can at most other grocery stores. They blame Trader Joe's for not providing them with "sufficient" parking. But, as we have shown year after year in our [#BlackFridayParking campaign](#), the opposite is actually true. What we are used to is massively *excessive* parking. What Trader Joe's provides is actually "sufficient" parking--sufficient for a quick turnover between spots and for maximum use of limited space.

Sufficient, too, for Trader Joe's bottom line. As the investment firm JLL [reported](#) in 2014, "**Trader Joe's sells twice as much per square foot as Whole Foods**. Trader Joe's sells a whopping \$1,734 per square foot [...] In comparison, Whole Foods sells \$930 per square foot."

Trader Joe's has a unique business model and one key aspect of that is keeping stores small--including the parking lot. That means costs are lower for the company, and it is able to locate in dense urban areas where it knows it will have a reliable customer base. The people behind this company aren't dumb; they're pretty brilliant. They've created a truly unusual grocery store experience and built quite a bit of hype around it.



Image of Trader Joe's, from [Wikimedia](#)

I'll be straight with you guys: I love Trader Joe's. But the truth is, so do lots of people.

That's precisely *why* its parking lots are crowded (and why there are so many folks on the internet complaining about them, I suppose). I'm guessing most of the complainers didn't turn around and leave the store when they found the parking lot full. Rather, they waited a minute or two, saw an open spot and took it. What's a better use of time and money? A lot big enough that it could hypothetically fit the most people that would ever want to come there? Or a lot that is full more often than not, where space is maximized and customers might have to wait a couple minutes for their turn? What benefits the business and the community more?

I'd choose a small Trader Joe's lot any day over the 100+ spots available at my local Roundy's. And to all the haters: If you don't like the parking lot, try riding your bike or walking to the store instead.

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(Top photo by [Anthony92931](#))

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Khal Spencer · 3 months ago

Stealing from that old Yogi Berra quote about Coney Island, "Nobody goes to Trader Joe's any more. Its too crowded". My friend and bicycle shop owner, Tony Farrar, hit a gold mine by co-locating (not sure if it was accidental or on purpose) his Santa Fe bike shop two stores down from the City Different's Trader Joe's, which gives him a

constant supply of eyes seeing his store's shingle. Our TJ's is just two blocks from the Whole Paycheck, so for those specialty items that are not at TJ's it is an easy jaunt down the street. Because land values are high in Santa Fe, the WF parking is difficult as well and Berra's quote applies equally well. That is good. You can't waste valuable land in central Santa Fe and stay solvent, which seems hard to do anyway

Parking is never easy in Santa Fe, a constant complaint of those who want both diverse culture and space for cars, but the trappings are quite excellent. Unfortunately, the TJ store sits on St. Francis Drive, which is a state-designed stroad; bicycling to the store can be suicidal depending on where you live. I wish the city, which strives to improve its bicycle-friendly community rankings, had control of all its streets.

For those wanting the dreary trappings of Big Box, one can painfully drive down our other classic DOT designed stroad, Cerrillos Road, to the ultra low density Sprawl-Mart on the southwest side. Yuck. Be my guest...

7 ^ | v • Share ›



KusnDisqus → Khal Spencer • 3 months ago

Having been a temporary resident of SFe on several occasions, I'm familiar with both the TJ's and bike shop, I patronized both.. There are many ways to avoid the stroads in town and end up in this shopping district, all of them well used by cyclists and pedestrians. The only time I used the stroads was to get out of town. And I miss the best chili rellenos in the world at Marie's accross the street.

^ | v • Share ›



David Baur • 3 months ago

This is GREAT. I've been saying this for so long. The TJ's parking lot in St. Louis Park, MN is small, cramped, and always full. It's also safe, a reasonable use of space, and utterly efficient. The great comedy is that when it's full enough that you are forced to park in an adjacent garage or on the street, you're probably not walking any further than if you were coming from a slightly more distant spot in a typical big box lot.

5 ^ | v • Share ›



Seth Zeren • 3 months ago

Yeah tight parking lots and small stores! I'm always amazed at how much smaller grocery stores can be than the behemoths we find in the US. And I find them much more pleasant to shop in as well.

5 ^ | v • Share ›



Rachel Quednau → Seth Zeren • 3 months ago

Very true. When I lived in New York, I was amazed at how much could be crammed into a small grocery store. We really don't need the "behemoths" (as you say) that seem to be the model for most American stores.

4 ^ | v • Share ›



SDGren → Rachel Quednau • 3 months ago

**ec** • 3 months ago

I've really appreciated the smaller size of grocery stores when visiting the UK. I much prefer the smaller-format grocery stores in the U.S. I can get most of what I want and need and get it more quickly. I just don't buy much large, bulky, non-perishable items, so whatever I purchase I can almost always easily carry whether walking or using transit.

1 ^ | v • Share ›

**EC** • 3 months ago

I love my local TJ's small parking lot. It's right across the street from Whole Foods, which has a huge parking lot, and I have found that despite the small parking lot, trips in my car to TJ's are much faster than trips to WF. At WF, you find parking more quickly, but the walk to the store is almost always longer, and then the walk INSIDE the store is always longer (and the checkout lines are longer, too, though that's possibly unrelated). So the small parking lot shouldn't be looked at in isolation--it's part of a larger system that is actually more efficient. And of course most of the time I ride my bike there, anyway, so the parking lot isn't an issue.

5 ^ | v • Share ›

**Derek Hofmann** • 3 months ago

MC=MR [1] says that the fiscally optimal number of parking spaces is the number where the cost of adding one more equals the additional revenue it would bring. So if the total cost of a parking space is \$2,000 per year in amortization, maintenance, taxes and so on[2], then if it brings less than \$2,000 in revenue to the store, the parking lot is overbuilt. Or if it brought more than \$2,000 in revenue, the store could make more money by building more parking.

Cities should do the same calculation when determining minimum or maximum parking requirements, setting property taxes, and so on.

[1] <https://en.wikipedia.org/wiki/...>

[2] <http://www.vtpi.org/tca/tca050...>

2 ^ | v • Share ›

**Nick** • 3 months ago

I'm not familiar with Trader Joe's - don't have them here in Canada. But I'm not surprised smaller stores do much better in sales per sf. Big stores will probably have a ton of stuff people don't typically need, just sitting on the shelves, just so that they can say they have everything you could possibly want because a few of their customers might want those items once a year. Whereas smaller stores will probably only have the high demand items which should have high turnover on the store shelves.

2 ^ | v • Share ›

**Peg Wolfe** • 3 months ago

" And to all the haters: If you don't like the parking lot, try riding your bike or walking to the store instead."

Nice advice to we of limited mobility. Jerk.

2 ^ | v • Share ›



Andy S → Peg Wolfe • 3 months ago

If all those who were not of limited mobility rode their bicycles and walked, those who needed to drive would have an easy time finding a spot. Is there a shortage of disabled parking at TJs?

6 ^ | v • Share ›



Robby Dey → Peg Wolfe • 3 months ago

If you have limited mobility, there are usually enough "handicap" parking spots (a term I find very demeaning because often, users may have heart disease or limited mobility but are not outright handicapped). This is assuming people follow the rules and don't park where they shouldn't. There are in many places available paratransit buses that might help you in such a situation. Also, if you have limited mobility but are not outright handicapped, it could be possible to obtain an Uber ride to such places. In my experience, it is possible to do that even in the outer suburbs in a timely manner (assuming no traffic). Lastly, if you do not find any of these ideas attractive, you may choose to ask a friend to go to the store and pay them back afterwards.

2 ^ | v • Share ›



rustybeancake → Robby Dey • 3 months ago

"If you have limited mobility, there are usually enough "handicap" parking spots (a term I find very demeaning because often, users may have heart disease or limited mobility but are not outright handicapped)."

You shouldn't use 'handicapped' for anyone. We usually talk about 'accessible' parking stalls nowadays; the implication being that it is not the person that is the problem, it's the stall not being accessible for all.

^ | v • Share ›



Rachel Quednau → Peg Wolfe • 3 months ago

Andy S said it best.

^ | v • Share ›



KusnDisqus • 3 months ago

The few minutes spent waiting in the TJ lot for a space should be compared to the drivetime, costs and stress of going to the big box t the edge of town.

1 ^ | v • Share ›



mansky • 3 months ago

I think what most people mean is that TJs doesn't have easy parking at maximum demand times. My friends working at a very busy LA store mostly ride their bikes to work. As someone else pointed out, if you come within a few hours of opening time, not only is there parking, but everything is still on the shelves. I don't see a mention of those who walk or bike; my experience of most TJs is that there isn't good public

those who walk or bike, my experience of most TJ's is that there isn't good public transport (although NYC obliterates that argument). Having worked for them for a few years, they take ample advantage of minimal infrastructure for all their stores. Parking is limited, products are limited, warehouse space is tiny, automation is non-existent, there are no sales or customer loyalty cards. They pay employees well, have affordable and wholesome products (as well as some crap), and emphasize a relationship with the customer.

I think it's part of a holistic view, and an oddly sustainable one. Something like, "let's not use up all our energy trying to make \$, but conserve our energy so we can share a resource". Not sure if that clicks with the Aldi family being billionaires, but I think it works better at the middle-class level than almost all other grocery stores.

1 ^ | v • Share ›



Alex Brideau III ↗ mansky • 3 months ago

Thankfully, some Trader Joe's (at least in Southern California) have become more convenient to mass transit. The newly built TJ's in Hollywood is located on the same block as the Hollywood/Vine Metro station and the long-standing TJ's in Pasadena was fortunate to be located less than 2 blocks away from the Fillmore Metro station in Pasadena. My household has patronized both since we let our car lease expire and have had very productive (and less stress-inducing) shopping trips compared to when we drove. :-)

^ | v • Share ›



JKAGroup • 3 months ago

Don't like the parking? Walk or ride your bike, it's good for your health, good for the air, and eliminates the stress of parking all together!

^ | v • Share ›



vgXhc • 3 months ago

The TJ in Madison (Wisc.) is interesting in that there is a covered municipal lot right next to the TJ entrance (which is on the ground floor of a mixed-use building). The TJ lot is one floor below the store entrance and indeed very crammed. The TJ lot is free; the municipal lot is metered. As far as I can tell, a majority of customers use the municipal lot or the (also metered) on-street parking, sometimes paying, sometimes risking a ticket.

^ | v • Share ›



Pat • 3 months ago

My friend who slipped and fell, breaking her brand new artificial knee, in a poorly maintained Trader Joe's parking lot could not disagree with the headline more. And they dragged out paying damages for years. Not good people. Glad we don't have them where I live.

^ | v • Share ›



Jean Blais • 3 months ago

the key is Tues or Weds mornings around 9:30 or 10. parking and check out are a

breeze.

^ | v • Share ›



Alexander Charlie-Dobbs Dukes • 3 months ago

Eh, I'm of the position that if people are frustrated, something's gone wrong. I can't really blame Trader Joe's though, providing parking should be a responsibility of the municipality. Ceding parking to individual land owners wastes a huge amount of land. Rather, commercial land owners with high parking needs ought to be taxed (in addition to car owners at large) to build parking decks within 1/16 of a mile or so of core shopping areas. Parking in the decks would be free (because their construction are paid for via the commercial land owner and car owner tax). Supplemented with on street parking that's metered appropriately, everyone should be able to travel to areas they want to be quite easily. Even by car.

It's not about being hostile to the car, it's about making appropriate space for it that's not to the detriment of everything else.

^ | v • Share ›



Alex → Alexander Charlie-Dobbs Dukes • 3 months ago

The problem is that people are frustrated, and your solution is more taxes? Since you picked a pretty expensive parking option, that tax will be noticed.

I've learned from following the politics in my hometown that asking drivers to pay for parking at all results in epic whines. They don't like it. They hate it. If the tax is directed at drivers somehow (like, say, charging for parking, I don't know why it should be "free" to park there and then pay for the structure with a complicated tax scheme meant to target drivers), they will render their garments and roll on the floor crying about how much they're being oppressed.

The solution (at least in my hometown) is usually just make tons of parking, leaving people without cars immensely frustrated, and pay for it through general funds so that people don't notice how much it costs (and so non-drivers subsidize drivers a bit). Having a little less parking makes some people a little frustrated but alleviates a lot of frustration from other people.

Some people will be frustrated by any course of action. The choice made should be the one that frustrates the fewest possible people. Generally, though, municipalities follow your advice and make sure that drivers face no inconvenience at all while screwing over everyone else.

3 ^ | v • Share ›



dr2chase → Alex • 3 months ago

I ride a bike to T.J.s. No f*cking way am I interested in subsidizing

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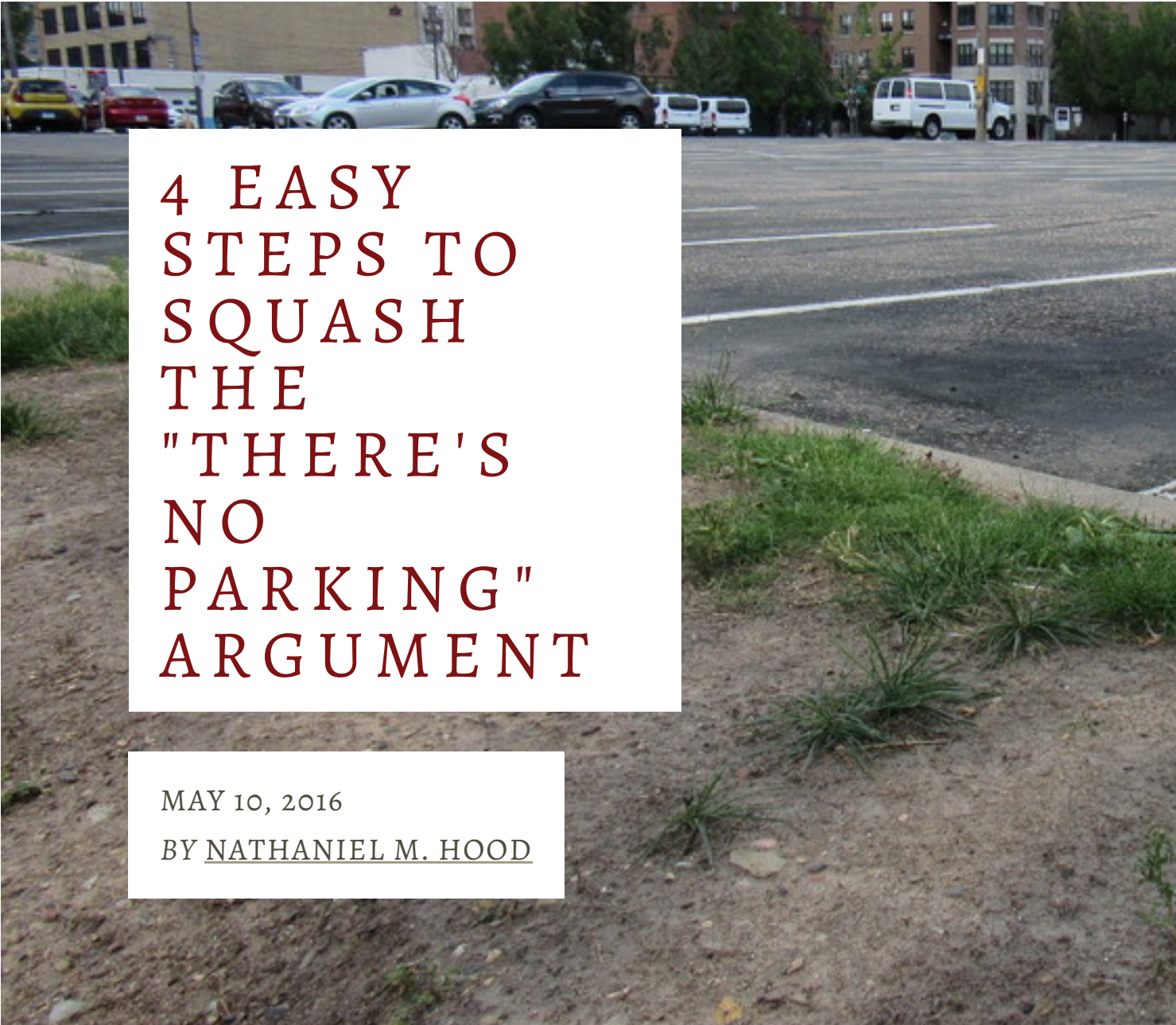
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MISSION TOPICS PODCAST
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A photograph of a city street scene. In the foreground, there's a dirt and gravel area with some green weeds. In the middle ground, a paved road with yellow lane markings runs horizontally. Several cars are parked or driving on the road, including a yellow car, a red car, a silver car, a dark car, and a white van. In the background, there are multi-story brick buildings and trees.

4 EASY STEPS TO SQUASH THE "THERE'S NO PARKING" ARGUMENT

MAY 10, 2016

BY NATHANIEL M. HOOD

THIS ESSAY WAS ORIGINALLY SHARED IN 2015 BUT IT STILL BEARS GREAT RELEVANCE TODAY. FOR MORE RESOURCES LIKE THIS ONE, VISIT OUR RESOURCE PAGE.

'OMG - There is no parking!' - Concerned Citizen

I wish I had a bus ticket for every time I heard someone say this. Unless you're Manhattan or San Francisco, it is fair to say you don't have a parking problem. I take that back. You *do* have a parking problem – there's too much of it.

Here is a quick how-to guide on dealing with those who claim your city or town lacks adequate parking.

1. UNDERSTAND PERCEPTION

The easiest and most time-effective way of convincing your opposition is to have them acknowledge that the perception of parking availability *is different* than the reality. People come to the conclusion of parking scarcity for a good reason; many live elsewhere and only visit the city during peak periods or special events.

This mindset is beautifully captured by a recent Twitter exchange. During the conversation, I asserted that our downtown does not have a parking problem, and a person responded by complaining that parking for his dinner at an upscale restaurant was an unreasonable \$20 (the timing coincided with a professional baseball game on a beautiful weekend night). It was either pay \$20, or he would be forced to walk from somewhere near the interstate (which happens to be about 5 blocks).

This person likely visits the city from the suburbs once every other month, and each visit is probably for an event or dinner on a weekend night. He is not present when spaces sit vacant 90 percent of the time. I recommend politely asking them if they'd be willing to drive and park on a Sunday afternoon, Tuesday evening, or Friday morning.

2. MAP PARKING SUPPLY

Load up Google Maps in your favorite web browser, search for your local area, and do a screen capture. Paste the image into MS Paint, or a similar program. Start highlighting the open surface parking lots and parking garage structures. I recommend downloading Google Earth for this task.



Don't spend a lot of time doing this. If you know your downtown, it should be straight-forward. Be honest, but don't nit-pick; this isn't a scientific peer-reviewed study. I've demonstrated this on the left with a map of downtown St. Paul (created in 2013, so a little outdated).

This visual can be shocking. The blue spaces represent only off-street surface parking lots and parking garages, but do not highlight on-street or underground parking. Also, they represent only, to the best of my knowledge, available public parking.

Make this map, share it on social media and e-mail it to your local council member.

3. DOCUMENT UNUSED SUPPLY

Walk around your selected area during normal conditions and take photos. By 'normal conditions', I mean you shouldn't document supply the evening of a Rolling Stones concert, nor should you snap photos at 4am on Monday morning.



I did this in St. Paul's Lowertown. I decided upon an early Thursday evening and a Saturday mid-afternoon. I figured these times would capture both commuter parking during the weekday and out-of-town visitors on the weekend (*photo collage available [here](#)*). So as to avoid being accused of cherry-picking locations, I encourage you to be fair and also document areas that have cars parked, such as *[this](#)*.

As a final bit of advice, make sure to also snap photos of people out and about.

4. USE YOURSELF AS A CASE STUDY

Do it yourself advocacy is as simple as parking. I recommend getting a cheap dashboard camera (or mounting your phone) and recording yourself trying to park. I did this and you can see the results in this video (below). I called it a challenge. It was anything but. As expected, parking was simple.

The Rules: drive to the contested area, take the same route everyday, park as close as possible to the most congested spot, and park for free (yes, \$0).

Lowertown Parking Ch... ⌚ ➦

To quickly summarize, my findings for the "Challenge":

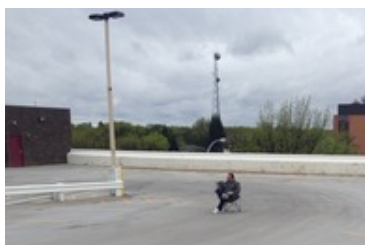
- **Furthest distance:** 610 feet away
- **Closest distance:** During three of the trips, I found a spot directly adjacent to my destination
- **Cost:** I never once paid for parking (*Note:* I did pay for gas)
- **Shortest time spent finding a spot:** 2 minutes and 15 seconds
- **Longest time spent finding a spot:** 3 minutes and 41 seconds

All of those times included waiting at stop lights. To enhance enjoyment, I added a soundtrack and sped up the video to 2x. Now, this is *not* an academic study. I merely sought out to prove that, under current conditions, a person can drive into Lowertown and park with relative ease, and do it all for free. I also wanted to mention that I'm keenly aware of the limitations of this challenge (e.g.; time of day, work week, etc.).

Follow these three easy steps (and one more time-consuming step involving video) to start combating the perception of a shortage of parking supply in your downtown or neighborhood. These won't solve anything overnight, but they act as a visual display of advocacy that people can relate to.

Good luck!

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NATE HOOD

Nathaniel Hood has been a regular contributor for Strong Towns since 2011 and was the first person to ever donate money to Strong Towns. He is a founding member of [Streets.MN](#) and lives in St. Paul. Nate can be found online at [Thoughts on the Urban Environment](#) and [Streets.MN](#). Nate also runs a weekly newsletter that includes two short, smart, witty paragraphs, and one local Twin Cities recommendation. You can sign up [here](#).

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davidw · a month ago

Excellent article! More like this, please. This is the kind of detailed, practical advice about how to effect change that I'm looking for.

3 ^ | ▾ · Share ›

 **Nathaniel Hood** ▸  davidw · a month ago

**Nathaniel Hood!** → davidw • a month ago

Thanks. Appreciate it. I'll see what I can do.

1 ^ | v • Share ›

**Michael Blume** • a month ago

I work in San Francisco, believe me, San Francisco has too much parking just like any other city.

1 ^ | v • Share ›

**Nathaniel Hood!** → Michael Blume • a month ago

I'm sure it has plenty. I think I should have clarified and said something along the lines of "compared to other cities ..."

1 ^ | v • Share ›

**Paul Fritz** • a month ago

I've taken to counting available parking spaces on the 4 block stretch of our downtown Main St. whenever I'm out walking the length of it. I have about 65 data points so far at various hours and days of the week. I typically find at least 20 spaces available. This isn't counting side streets or parking lots, only 4 blocks of Main St. There are 2 blocks that sometimes have 0, 1 or 2 spaces at peak times, but there is always parking available. Friday evenings and Sunday mornings during the farmer's market seem to be when parking is the most scarce, but again always space if you can manage walking another block. It's been handy to be able to talk to people with this data in hand.

^ | v • Share ›

**The Jenkintonian** • a month ago

Our town is on the cusp of succumbing to parking cancer. The last lurch into this had the town size a chunk of private property via an eminent domain seizure for for \$2.4 million — far greater than the market value for the land, even with the brand new lot. Today, the town's parking deficit continues to run a deficit, and it pays almost \$100,000 in debt service completely attributed to the seizure.

A borough councilor responded to my criticism of this as a subsidy for downtown businesses with this:

"Talk to the business owners, and hear the other side of the story. Include the taxes from prospering businesses rather than empty buildings, and see that parking is fiscally responsible. Finally, the borough is not a for profit entity. We pay for infrastructure - that's what we do."

How does StrongTowns respond to this?

^ | v • Share ›

**Nathaniel Hood!** → The Jenkintonian • a month ago

I would ask if the businesses have paid in excess of \$2.4m in taxes DIRECTLY to the municipality. My hunch is that they haven't. There is a lot here. I recommend starting with Don Shoup's "High Cost of Free Parking" The

here. I recommend starting with Don Shoup's "High Cost of Free Parking". The borough will likely pay a high price, one that is not recouped through tax receipts.

1 ^ | v • Share ›



syrion → The Jenkintonian • a month ago

If the borough is not a for profit entity, how does it ever pay its debts? Or is the expectation that the debts will keep mounting forever, never to be repaid? The budget has to be balanced somehow, or the debts will come due and the town will go bankrupt. Unlike the federal government, municipalities cannot simply print more money.

^ | v • Share ›



mdoerty • a month ago

While I don't disagree with your premise that parking supply is underestimated by those not familiar with a place, I do wonder about your experimental method.

I did this in St. Paul's Lowertown. I decided upon an early Thursday evening and a Saturday mid-afternoon.

I wonder if you would have found similar results had you flipped the times -- Thursday mid-afternoon (while people were at work) and Saturday evening (while people were in for enjoyment downtown).

The other "no parking" issue that must be overcome is that many people only seek parking during peak events -- like a Rolling Stones concert (to use your example). Thus, parking tends to be overbuilt, in my opinion, to handle such crowds. The challenge is to educate on alternatives -- both parking-related and transit-related -- when such high-draw events occur.

^ | v • Share ›



Nathaniel Hood! → mdoerty • a month ago

Good point. I would have loved to have flipped the times, but my schedule did not allow it.

^ | v • Share ›



Derek Hofmann • a month ago

Cities could do a better job of either (1) making sure no block of street parking ever fills up completely even during special events, or (2) directing cars to available parking. What we often perceive as lack of parking is actually mismanaged parking.

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EVERYDAY MONEY

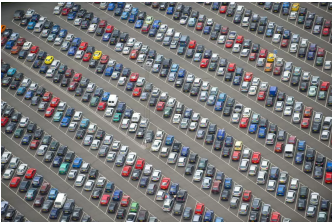
Free Parking Actually Has Huge Hidden Costs



Martha C. White | June 15, 2016

There's no such thing as a free parking spot.

Free parking, especially if you live in a city, can be a huge perk, but don't be fooled — the cost of “free” parking is baked into many of the goods and services you buy, and those higher prices have a disproportionate impact on the financially vulnerable.



Jason Hawkes—Getty Images

Building parking lots and garages isn't cheap, especially in places where land is expensive or parking needs to be built underground. Even when parking garage operators, apartment building managers and the like charge people to park, those amounts don't add up to enough to cover the cost. One study found that above-ground parking costs a whopping \$24,000 per space, and underground parking garage spots average \$34,000 apiece.

This has a measurable impact on prices, according to the [Washington Post](#), which said a Seattle study found that parking requirements tacked on an extra \$250 a month to the cost of renting an apartment (that's not including any monthly parking fees a renter would have to pay to actually use the space). The *Post* cited UCLA urban planning professor Donald Shoup, whose research found that poor people — who are often the least likely to own cars in the first place — nevertheless have to pay higher prices on everything from rent to groceries when landlords, retailers and property owners are required to build parking facilities.

Shoup said regulations that require a certain number of parking spots be included in construction plans often are too broad and too unscientific to provide any real benefit, and they take away resources that could otherwise go towards lowering prices for consumers.



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