

**REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MAY 10, 2017  
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 **March 29, 2017 and April 26, 2017**
- C. Chairpersons' Comments
- D. Review of the Agenda
- E. Public Hearings

**1. AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM AS FOLLOWS:**

TO AMEND ARTICLE 2, SECTION 2.43, **TZ2 (TRANSITION ZONE 2)** DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ADD THE TZ2 ZONING CLASSIFICATION;

TO AMEND ARTICLE 2, SECTION 2.44, TZ2 DEVELOPMENT STANDARDS TO ADD STANDARDS FOR THE TZ2 DISTRICT;

TO MOVE THE EXISTING TZ3 (TRANSITION ZONE 3) ZONING CLASSIFICATION, DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ARTICLE 2, SECTION 2.45 WITH NO CHANGES;

TO MOVE THE EXISTING TZ3 (TRANSITION ZONE 3) ZONING CLASSIFICATION, DEVELOPMENT STANDARDS TO ARTICLE 2, SECTION 2.46 WITH NO CHANGES;

TO AMEND ARTICLE 5, SECTION 5.15, USE SPECIFIC STANDARDS, TO ADD USE SPECIFIC STANDARDS FOR THE TZ2 ZONE DISTRICT.

AND	
TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM, ARTICLE 4, ALL SECTIONS NOTED BELOW, TO APPLY EACH SECTION TO THE NEWLY CREATED TZ2 ZONE DISTRICTS AS INDICATED:	
Ordinance Section Name	Section Number
Accessory Structures	4.02
Standards (AS)	4.04
Essential Services	4.09

**Notice: Due to Building Security, public entrance during non-business hours is through the Police Department—Pierce st. Entrance only.** Individuals with disabilities requiring assistance to enter the building should request aid via the intercom system at the parking lot entrance gate on Henrietta St.

Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing, or other assistance.

*Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).*

	Standards (ES)	
	Fence Standards (FN)	4.10
	Floodplain Standards (FP)	4.13
	Height Standards (HT)	4.16 4.18
	Landscaping Standards (LA)	4.20
	Lighting Standards (LT)	4.21 4.22
	Loading Standards (LD)	4.24
	Open Space Standards (OS)	4.30
	Outdoor Dining Standards (OD)	4.44
	Parking Standards (PK)	4.45 4.46 4.47 4.53
	Screening Standards (SC)	4.54 4.59
	Setback Standards (SB)	4.65
	Street Standards (ST)	4.73
	Structure Standards (SS)	4.74
	Temporary Use Standards (TU)	4.77
	Utility Standards (UT)	4.81 4.83
	Vision Clearance Standards (VC)	4.82
	Window Standards (WN)	4.83

#### F. Old Business

1. **225 E. Maple, Social Kitchen** – Request for Special Land Use Permit Amendment and Revised Final Site Plan to allow construction of a glass enclosure system around the existing outdoor dining in the via, and to allow a new canopy on the rooftop (**Postponed from March 22, 2017**).

#### G. Study Session Items

Rules of Procedure for Study Sessions: Site Plan and Design Review, Special Land Use Permit Review and other review decisions will not be made during study sessions; Each person (member of the public) will be allowed to speak at the end of the study session; Each person will be allowed to speak only once; The length of time for each person to speak will be decided by the Chairman at the beginning of the meeting; Board members may seek information from the public at any time during the meeting.

1. **Window Tinting**

- 
2. **Definition of Retail**
  3. **Parking Requirements for all uses**

H. Miscellaneous Business and Communications:

- a. Communications
- b. **Administrative Approval** Correspondence
- c. Draft Agenda for the next Regular Planning Board Meeting **(May 24, 2017)**
- d. Other Business

I. Planning Division Action Items

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

J. Adjournment

---

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, MARCH 29, 2017**

<b>Item</b>	<b>Page</b>
<b>STUDY SESSION ITEMS</b>	
<b>2. Transitional Zoning (TZ-2)</b>	<b>2</b>
<b>Motion by Mr. Williams</b>	<b>3</b>
<b>Seconded by Ms. Whipple-Boyce to set a public hearing on Transitional Zoning (TZ-2) for May 10.</b>	
<b>Motion carried, 6-0.</b>	<b>3</b>



---

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MARCH 29, 2017  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 29, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle (arrived at 8 p.m.), Stuart Jeffares, Janelle Whipple-Boyce, Alternate Board Member Daniel Share, Bryan Williams; Student Representative Ariana Afrakhteh (left at 9:05 p.m.)

**Absent:** Board Members Bert Koseck, Vice Chairperson Gillian Lazar; Alternate Board Member Lisa Prasad

**Administration:** Matthew Baka, Sr. Planner  
Jana Ecker, Planning Director  
Mario Mendoza, Recording Secretary

**03-65-17**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF  
MARCH 22, 2017**

Mr. Share made the following correction:

Page 8 - Delete "architect" and replace with "represented the applicant" with respect to Mr. Serkesian for the Design Review for 412 - 420 E. Frank.

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to approve the Planning Board Minutes of March 22, 2017**

**Motion carried, 5-0.**

**VOICE VOTE**

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

Nays: None

Absent: Boyle, Koseck, Lazar

**03-66-17**

**CHAIRPERSON'S COMMENTS** (none)

**03-67-17**

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

**03-68-17**

**STUDY SESSION ITEMS**

**1. Window Tinting**

Mr. Baka recalled that the City Commission has held a public hearing and the Planning Board has held several study sessions to discuss the issue of window standards and examine potential changes to the ordinance to address the concerns of the City Commission. As a result of those discussions, a general consensus was reached that prohibiting the tinting of windows would promote the intent of the creating a pedestrian friendly interactive condition in the commercial areas of the City.

Accordingly, the Planning Board directed the Planning Staff to draft Zoning Ordinance amendments that would require clear glazing on the first floor and allow light tinting on the upper floors. The draft language also includes the original ordinance amendments that were recommended to the City Commission in July of 2016.

With regards to the treatment of glazing in passageways and vias, the Planning Board decided not to recommend a required amount of glazing in these spaces as it might impede important "back of house" functions and have a negative impact on businesses. Currently, the Via Activation Overlay Standard does indicate a requirement for windows but does not set a specific percentage that is required.

As currently written, this provision allows the Planning Board to evaluate projects on a case-by-case basis but does not provide a baseline or minimum amount of glazing that is required in these spaces.

Discussion concluded that clear glass must have a visual transmission level of at least 80%. Further, not less than 70% visual transmission qualifies as lightly tinted. (The lower the percentage, the darker the tint.) Ms. Whipple-Boyce indicated she does not think there should be any tinting on the upper floors either. Mr. Baka said he will add a definition of clear and lightly tinted to the draft language and bring it to another study session.

**03-69-17**

**2. Transitional Zoning (TZ-2)**

Mr. Baka noted the City Commission and Planning Board have held a number of meetings relating to this issue. On June 20, 2016, the City Commission and Planning Board held a joint study session/workshop where the TZ-2 topic was discussed at length. This discussion included a lengthy summary of the background of this topic and the City Commission instructed the Planning Board to revisit the TZ-2 issue with inclusion of the O1-O2 history. It was suggested that the board hold another public hearing to allow for additional public input and then make a recommendation to the Commission. The Commission would then consider how to proceed with the newly proposed zone. The possibilities suggested included implementing the zone and then applying it to specific properties or to allow property owners to request a rezoning individually.

Mr. Williams thought the board has lost its focus on this issue. The original reason for creating at that time N-2 and N-3 and now TZ-2 and TZ-3 had nothing to do with uses. It was simply the magnitude of a development. Instead the board has concentrated on uses. So, in his view the Planning Board should list TZ-2 uses which it thinks are compatible with commercial uses adjoining a neighborhood and send it back to the Commission. Point out that the difference between TZ-2 and TZ-3 wasn't the reason for the distinction to begin with and it should not be the reason now.

Mr. Share said it seems to him they have created a reasonable use differentiation between TZ-2 and TZ-3. Therefore, his inclination was to send it to the City Commission. Mr. Jeffares' vote was also to send it to the Commission. Ms. Whipple-Boyce agreed, except she would like to see Market Square (grocery store) back in TZ-2. Mr. Share observed it is grandfathered in today, so their use isn't threatened.

Chairman Clein noticed that a bakery and a coffee shop are permitted uses as proposed in TZ-2, but require Special Land Use Approval ("SLUP") in TZ-3. The group thought the requirement should be the same in each zone. The consensus was to have bakery, coffee shop and grocery stores as a SLUP in TZ-2. Mr. Boyle arrived at this time.

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to set a public hearing on Transitional Zoning (TZ-2) for May 10.**

No comments were heard from the public.

**Motion carried, 6-0.**

**VOICE VOTE**

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

Nays: None

Absent: Koseck, Lazar

**03-70-17**

**3. Parking Requirements for all uses**

Ms. Chapman reviewed the City's current parking requirements that vary according to use and location, and then discussed different options that the Planning Board could consider. The options include: reviewing and editing existing parking requirements; eliminating minimum parking requirements; implementing parking maximums for new buildings; and utilizing Transportation Demand Management ("TDM") strategies to create a parking "credit" system. Her conclusion was to give more consideration to TDM strategies because there are so many different options. That could be taken into consideration along with implementing parking maximums. Eliminating parking minimums might be too big a step for right now.

Mr. Williams thought this is a timely topic because all he hears from people is that when they come to Birmingham there is no place to park. He thought the business owners should be brought in for their input because they are the ones who are affected by the perceived unavailability of parking. He feels the City has an overriding responsibility to move forward on providing additional parking. It was discussed that the proposed expansion of the N. Old

Woodward structure will yield 350 extra parking spots. Ms. Ecker noted that system-wide there is always parking available.

Ms. Whipple-Boyce thought the parking demands have increased because of the amount of office space that the City has taken on in places she believes should be true retail. So far, none of the offices seem to be interested in parking in an off-site location which may only be five blocks away. Further, she thinks the monthly permit fees in the garages are too low. Also, there is no reason to designate two or three spots in front of a restaurant for valet. In many communities on-site parking is not required for residential units. Without on-site parking requirements, smaller units could be built at a more affordable price. If developers are building several office floors, she would like to see what their TDM plan is.

Mr. Boyle stated office workers are paying below market rate for parking in town and that has to be changed. If it is not they won't change their behavior because their behavior is set by the price. Ms. Ecker noted the Advisory Parking Committee just increased the pricing, but the prices are still lower than most cities. She suggested reducing the parking requirements for the uses we want such as residential and adding parking requirements for the uses we know are the problem.

Mr. Williams thought the first thing the board should look at is the fact that a development does not have to provide parking if it is located in the Parking Assessment District Downtown. Mr. Boyle believed the 2016 Plan has worked and the board now needs to address the implications of that; not by building more, but by doing a much more nuanced assessment that includes the regulating environment, the market environment, and the physical environment.

It was discussed that retail customers are short-term and they don't have any place to park that is close. Mr. Share thought maybe it is time to re-zone and zone out additional office space. Ms. Whipple-Boyce suggested an on-site parking requirement for office and no parking requirement for residential. It was noted that the office workers that are parking for eight hours are also retail customers. It is a balance.

Chairman Clein said what stands out to him the most is whether there is ability on the part of the City Commission to look at the Parking Assessment District and whether there is even an opportunity to make changes to that. He wondered whether there are things the board should be considering related to parking requirements for specific uses in different areas. For instance in the Rail District to try and drive good design as opposed to a bunch of surface parking lots. A maximum parking requirement might come into play there because a lot of businesses want to over park. However, while providing a lower parking requirement might help a development, parking may spill out into a surrounding residential area.

Ms. Whipple-Boyce said in the Rail District it is very restrictive to accomplish shared parking arrangements. It has been identified that there is more parking there than needed and enormous surface lots are not desirable. So, put in a parking maximum and create a way for people to come up with a shared parking arrangement that is easier than it is now. Those are things that could be done right away to promote better development in the Rail District. Mr. Boyle observed that requires proactivity by the City to demonstrate leadership in changing the status quo.

Ms. Ecker summed up the discussion:

- The board wants to see a sample TDM report;
- Hear a little bit more about what other cities did;

- Bring in the merchants; and
- More discussion on whether the Parking Assessment District requirements can be changed.

**03-71-17**

#### **4. Shared Parking Standards**

Ms. Ecker advised that on January 8, 2017, the City Commission reviewed and approved the Ad Hoc Rail District Report. Further, the City Commission forwarded it to the Planning Board for review and discussion regarding Recommendation 4: Encourage Shared Parking. Accordingly, the Planning Board has been directed by the City Commission to consider amendments to the shared parking calculations and approval process and/or recommend zoning incentives to further encourage shared parking.

Based on the direction of the City Commission, the Planning Division has conducted research on shared parking provisions that are utilized in other cities. No communities could be found that mandated shared parking. Many encouraged it by adopting shared parking calculation standards and by offering zoning incentives to encourage sharing parking. Policies involved with shared parking generally include calculation tables adopted by the city. These tables incorporate parking calculations for categories of building uses. Parking demands are calculated for different times of the day throughout the week. Peak parking demand times of the adjacent places are then compared to help determine the minimum number of parking spaces necessary. The calculation tables simplify the process, and people don't have to hire a consultant. If they can use the chart and show that they meet all of the requirements, perhaps even administrative approval could be offered for a shared parking arrangement. The process should probably be made uniform across all of the Zoning Districts.

Article 4, Section 4.45(G)(4) of the Birmingham Zoning Ordinance includes the current shared parking policy. This provision includes up to a 50% reduction in parking spaces in a shared parking agreement if all requirements are met. However, our current standards require hiring a parking consultant, the findings are subject to the discretion of the Planning Board, and the final agreement must be recorded on title of the property. All of these requirements increase the time and cost of a project, which may not encourage applicants to utilize shared parking. Finally, no zoning incentives are currently offered to encourage shared parking. In the past, very few applicants have taken advantage of the shared parking provisions, and none in the Rail District have done so.

The way the draft ordinance is written the shared parking agreement is not required to be recorded on the title. It is required to be recorded with the City. However if they want to get a credit, then the shared parking agreement must be recorded on the title.

Mr. Williams commented if shared parking is going to work, the incentive has to work for the existing entity providing the shared parking. Chairman Clein was not in favor of reducing required landscaping in order to create more parking. Mr. Share noted if an existing entity is one that the owner is contemplating selling in the future, then the credits have value for a new owner.

Mr. Boyle suggested rather than going to the public first, the Planning Board could introduce the shared parking regulations at the a joint meeting of the Planning Board/City Commission, get their buy-in, take it to a public hearing, and then send it up to the Commission.

Mr. Share asked staff to do a little more research on the types of credits that could be used and how they might apply on a sample site, such as Armstrong White/Lincoln Yard. Ms. Ecker thought they also could run it on a true mixed-use building. Mr. Share suggested a tax credit for entering into a shared parking arrangement. That would incentivize an existing business to enter into shared parking. Board members wanted to see an expansion of the required parking distance from the building.

**03-72-17**

## **5. Definition of Retail**

Ms. Ecker observed that over the past decade, there has been an ongoing desire by some 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. The issue is specifically relevant in the Downtown Overlay, where retail use is required in the first 20 ft. of depth for all buildings in the Redline Retail District.

As defined in Article 9, retail uses include the direct sale of products from the premises, but also include restaurants, entertainment and the purchase, sale or exchange of personal services. No definition for personal services is provided. Personal financial services, beauty services, banking services, real estate services, advertising services and other similar uses have been permitted within the Redline Retail District under the umbrella of personal services, provided that there is a display area for the sale or exchange of such goods and services in the first 20 ft. of the storefront, and the storefront is open to the public during regular business hours. Concern has been raised that this small display area 20 ft. in depth is not sufficient to create an activated, pedestrian-friendly retail district.

In the past, both the Planning Board and the Birmingham Shopping District Board have expressed concern with the existing retail definition, and have considered alternative definitions to tighten the definition of retail to include only shops which sell products, not financial, real estate or other such personal services. On the other hand, many property owners in the past have expressed concerns about tightening up the definitions as they desire the flexibility to lease space to a wider range of users in order to avoid vacancies.

Reviewing the research on other cities retail policies, one issue maybe that the Red Line Retail District is too big. Perhaps the City should target the Maple/Woodward core area for the strict definition of retail and then allow some of the service uses around that. Another recommendation may be to change the definition of retail use by eliminating "community and commercial uses." It would still keep in uses that would fall under entertainment. Another option is to include language that talks about what percentage of sales comes from the actual sale of products.

Mr. Share said maybe part of the answer is that mandatory true retail needs to be compressed and street activation needs to be the principle. The national market trend is that the retail footprint is shrinking and it is anchored by entertainment and by food. Ms. Whipple-Boyce commented she does not like to see offices on the first floor. They create horrible dead strips of nothing. Maybe the idea is to shrink the retail district if the market trend is shifting.

No one had an issue with removing "community and commercial uses" from the definition of retail use. Mr. Jeffares suggested looking at Walnut Creek, CA and **Mr. Boyle suggested** Hinsdale, IL for ideas about encouraging retail activity.

Consensus was that this topic will need further discussion.

### **03-73-17**

**MEETING OPEN TO THE PUBLIC FOR ITEMS NOTON THE AGENDA** (none)

### **03-74-17**

#### **MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

- a. Communications (Annual Report)
- b. Administrative Approval Correspondence
  - 588 S. Old Woodward Ave., Phoenicia - To put in a shed in the back of the property.
- c. Draft Agenda for the Regular Planning Board Meeting on April 26, 2017
  - 2010 Cole - CIS and Preliminary Site Plan;
  - 298 S. Old Woodward Ave., Boutique Hotel - CIS and Preliminary Site Plan;
  - 160 W. Maple Rd., Dick O'Dow's - SLUP and Final Site Plan to open up the back of the restaurant into the via.

Draft Agenda for the Regular Planning Board Meeting on May 10, 2017

  - Social;
  - Public Hearing for TZ-2.
- d. Other Business (none)

### **03-75-17**

#### **PLANNING DIVISION ACTION ITEMS**

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

### **03-76-17**

## **ADJOURNMENT**

No further business being evident, the Chairman adjourned the meeting at 10:15 p.m.

Jana Ecker  
Planning Director

DRAFT



**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, APRIL 26, 2017**

Item	Page
<b>SPECIAL LAND USE PERMIT ("SLUP") FINAL SITE PLAN REVIEW</b>	2
<b>1. 160 W. Maple Rd. Dick O'Dow's Irish Pub Request for SLUP to allow re-design of the rear of the building to open into the via for outdoor dining</b>	
<b>Motion by Mr. Share Seconded by Ms. Prasad that the Planning Board approve the Final Site Plan and a SLUP for 160 W. Maple Rd, Dick O'Dow's, as presented subject to the following conditions: 1. No outdoor seating is allowed under this current proposal; 2. That the rear door not be open after midnight; and 3. That when the rear door is open live music only be at the south end of the facility on the south side of the dividing doors.</b>	4
<b>Motion carried, 6-1.</b>	4
<b>COMMUNITY IMPACT STUDY ("CIS") AND PRELIMINARY SITE PLAN REVIEW</b>	4
<b>1. 298 S. Old Woodward Ave. New boutique hotel (currently vacant Drs. House Call Building) Request for CIS and Preliminary Site Plan Review to allow the construction of a new five-story boutique hotel with first-floor retail and fifth floor residential uses</b>	
<b>Motion by Mr. Koseck Seconded by Mr. Jeffares to postpone to May 24, 2017 the CIS as provided by the applicant for the proposed development at 298 S. Old Woodward Ave., pending resolution of the outstanding issues 1 - 8.</b>	7
<b>Motion carried, 7-0.</b>	7
<b>Motion by Mr. Koseck Seconded by Mr. Jeffares to postpone the Preliminary Site Plan approval for 298 S. Old Woodward Ave. to May 25, 2017 pending resolution of the following: (1) The applicant will need to relocate the garage door for trash collection and loading away from the public street or obtain a variance from the BZA;</b>	8

Item	Page
<p>(2) Provide details regarding the type and placement of all mechanical equipment and associated screening at Final Site Plan Review;  (3) Add one street tree along S. Old Woodward Ave. or obtain a variance from the BZA;  (4) Provide a detailed streetscape plan that incorporates all of the proposed design changes for the reconstruction of Old Woodward Ave., including required lighting, benches, pavement materials etc.;;  (5) Applicant meet the minimum size requirement for the proposed parking spaces or obtain a variance from the BZA;  (6) Increase the size of the proposed loading space to meet minimum requirements or obtain a variance from the BZA;  (7) Submit a photometric plan and specification sheets on all proposed lighting at Final Site Plan Review;  (8) Comply with the requirements of all City departments;  (9) Provide material samples and specification sheets at Final Site Plan Review; and  (10) Applicant address issues concerning car movement, vehicle loading/unloading, and storage with a traffic management plan.</p> <p>Motion carried, 5-0.</p>	
<p>2. 2010 Cole St.  New mixed-use building (partially demolished building)</p>	9
<p>Request for Community Impact Study ("CIS") and Preliminary Site Plan Review to allow the construction of a new three-story mixed-use building</p>	9
<p>Motion by Mr. Share  Seconded by Mr. Koseck to accept the CIS as provided by the applicant for the proposed development at 2010 Cole St. with outstanding issues 1 - 7, except that item 2 read "Verification that the contamination from neighboring property at 2006 Cole has not migrated to the subject site; but if it has, the applicant report to the Planning Board the nature of the contamination and the proposed method to address it."</p>	10
<p>Motion carried, 7-0.</p>	
<p>Motion by Mr. Share  Seconded by Mr. Koseck to postpone the CIS and Preliminary Site Plan Review for 2010 Cole St. to May 24, 2017.</p>	11
<p>Motion carried, 7-0.</p>	11

---

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, APRIL 26, 2017  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 26, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Stuart Jeffares, Bert Koseck, Vice Chairperson Gillian Lazar, Janelle Whipple-Boyce (arrived at 7:40 p.m.; Alternate Board Members Lisa Prasad, Daniel Share; Student Representatives Ariana Afrakhteh (left at 9:40 p.m.), Isabella Niskar

**Absent:** Board Members Robin Boyle, Bryan Williams

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

**Also present:** Mike Labadie from Fleis & Vandenbrink  
("F&V"), Transportation Engineering Consultants for the City

**04-77-17**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF  
MARCH 29, 2017**

Mr. Jeffares made a change:

Page 7 - Third paragraph, insert "and Mr. Boyle suggested" in front of Hinsdale, IL.

**Motion by Mr. Share**

**Seconded by Mr. Jeffares to approve the Planning Board Minutes of March 29, 2017  
as amended.**

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Share, Jeffares, Clein

Nays: None

Abstain: Koseck, Lazar Prasad

Absent: Boyle, Whipple-Boyce, Williams

As there was not a quorum for approval, the Minutes of March 29, 2017 were tabled to the next meeting.

**04-78-17**

**CHAIRPERSON'S COMMENTS** (none)

**04-79-17**

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

**04-80-17**

**SPECIAL LAND USE PERMIT ("SLUP")  
FINAL SITE PLAN REVIEW**

- 1. 160 W. Maple Rd.  
Dick O'Dow's Irish Pub  
Request for SLUP to allow re-design of the rear of the building to open into the  
via for open air dining**

Mr. Campbell explained the subject site is located on the north side of W. Maple Rd. west of Pierce. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, Dick O'Dow's, is proposing to renovate the rear façade of the building for open air dining and to make interior modifications. The establishment operates with an existing Class C quota liquor license. Article 06, section 6.02(A)(5) Continuance of Non-conformity, requires that any establishment with alcoholic beverage sales (on-premise consumption) shall obtain a SLUP upon change in ownership or name of establishment, or upon application for a site plan review. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP, and then obtain approval from the City Commission for the Final Site Plan and SLUP. As the proposed establishment is located within the Central Business District Historic District, the applicant is also required to appear before the Historic District Commission ("HDC"). The applicant is scheduled to appear at the May 3, 2017 HDC meeting.

*Design Review*

The applicant is proposing to renovate the existing rear façade by installing a large glass roll-up door, eliminating the dumpster enclosure, and reducing the existing double entrance door down to a single door. The applicant is also proposing extensive renovation to the interior of the building.

Rear Façade

The proposed roll-up door will have insulated glass in an aluminum frame on bi-fold steel straps by "Schweiss Doors." The double door at the west end of the rear façade is proposed to be replaced with a single wood and glass door that will be accented with a small steel canopy above constructed on a steel tube frame. The remainder of the rear façade is concrete block which is proposed to be painted BM2126-20 "Raccoon Fur."

Interior changes

The back half of the building interior is proposed to be demolished and rearranged to create a second bar and seating area. The new bar is proposed to have 18 seats and the table seating is proposed at 62 seats for a grand total of 80 seats.

#### Signage

No signage changes are proposed at this time.

Mr. Christopher Longe, Architect, spoke for the business owner, Mr. Mitch Black who was present. Mr. Longe explained they plan to expose the interesting steel trusses in the new bar seating area. The whole idea is to have a craft beer bar/restaurant off of the Willits Alley. In response to the Chairman, he noted there is no intention to have live music in the new bar. There will be doors that will act as a sound buffer between it and music coming from the front.

Mr. Mitch Black explained their idea is to try and re-energize the back area. It will be a quieter environment than up-front. In order to create space they have moved their dumpster back into a corner by the building near the main service door.

Chairman Clein took comments from members of the public at 7:55 p.m.

Dr. Marvin Siegel, a resident of the Willits Building, noted the noise and activity from the beer restaurant will echo through the alley until 2 a.m. The residents should be considered.

Ms. Linda Kenyon said she also lives on the back side of the Willits. She thought there should be barriers to prevent bar customers from pushing out onto the alley. She was concerned about gatherings of people becoming rowdy. Drawings need to be clearer before anything moves forward.

Mr. John Demar, who lives at the Willits, said there could be a real problem in the alley unless it is delineated that people can't spill out of the beer restaurant area.

Dr. Siegel mentioned also that there will be a lot more car traffic in the alley from dropping people off and picking them up.

Ms. Ecker reported that two letters were received from Cheryl Anobile, 111 Willits, along with a video regarding noise concerns.

#### **Motion by Ms. Lazar**

**Seconded by Mr. Share to accept the letters for the packet.**

**Motion carried, 7-0.**

#### VOICE VOTE

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

Nays: None

Absent: Boyle, Williams

Ms. Lazar was in agreement that the board ought to see more finite drawings to provide assurance there is a demarcation line between the restaurant seating and the alley. Mr. Share did not think the alley doors should be open past midnight. Mr. Share further noted it may be difficult for the Planning Board to legislate noise coming from patrons outside in the alley.

Mr. Black spoke to say he has no problem with a restriction on the hours the rear door can be open or closed. They are looking to be a great neighbor. With the new beer restaurant opening up they will have a lot better idea of what is going on in the alley and be able to monitor it because of the increased visibility into the alley and the increase in staffing in the rear portion of the restaurant.

Ms. Niskar thought if noise has been an issue for a very long time, this is a good time for the establishment to make the transition.

**Motion by Mr. Share**

**Seconded by Ms. Prasad that the Planning Board approve the Final Site Plan and a SLUP for 160 W. Maple Rd, Dick O'Dow's, as presented subject to the following conditions:**

- 1. No outdoor seating is allowed under this current proposal;**
- 2. That the rear door not be open after midnight; and**
- 3. That when the rear door is open live music only be at the south end of the facility on the south side of the dividing doors.**

Public comment on the motion was allowed at 8:18 p.m.

Ms. Cheryl Anobile stated that noise coming from groups of smokers in the back is extremely loud and it echoes through the alley. Additionally, their smoke wafts upward toward balconies in the Willits.

**Motion carried, 6-1.**

**ROLLCALL VOTE**

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

Nays: Lazar

Absent: Boyle, Williams

**04-81-17**

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

**1. 298 S. Old Woodward Ave.**

**New boutique hotel (currently vacant Drs. House Call Building)**

**Request for CIS and Preliminary Site Plan Review to allow the construction of a new five-story boutique hotel with first-floor retail and fifth floor residential uses**

Ms. Lazar indicated she is recusing herself based on a familial relationship with the applicant. Chairman Clein said he is recusing himself on this matter as well because his firm, Giffels Webster, is involved in the development.

**Motion by Mr. Share**

**Seconded by Ms. Lazar to nominate Ms. Whipple-Boyce as Chairperson to take over on this matter.**

**Motion carried, 7-0,**

## VOICE VOTE

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

Nays: None

Absent: Boyle, Williams

## *CIS*

Ms. Ecker described the site. It currently contains two vacant office buildings and a surface parking lot, and has a total land area of .618 acres. It is located on the northwest corner of S. Old Woodward Ave. and Brown St. The site is zoned B-4, Business Residential, and D-4 in the Downtown Overlay District.

The applicant is proposing to demolish the existing buildings and surface parking lot to construct a 25,182 sq. ft., five-story mixed use building. The building will provide ground floor retail, three floors of hotel guest rooms, and the fifth floor will contain 17 residential units. Parking for the residential units will be provided in the lower level of the building. As the building is located within the Parking Assessment District, no on-site parking is required for the commercial uses.

The applicant was required to prepare a CIS in accordance with Article 7, section 7.27(E) of the Zoning Ordinance, as they are proposing a new building containing more than 20,000 sq. ft. of gross floor area.

## *CIS*

Ms. Ecker highlighted the CIS and reported the following issues remain outstanding with regard to the CIS:

- (1) Submit a drainage plan for review and approval;
- (2) Provide the volume of excavated soils to be removed from the site and/ or delivered to the site, and a map of the proposed haul routes;
- (3) Confirm that all new utility lines will run underground;
- (4) Provide information on the details of on-site recycling separation and collection;
- (5) Provide details of the proposed water connections for approval by the Engineering Dept.;
- (6) Provide details of the proposed security system for the building for approval by the Police Dept.;
- (7) Revise the traffic and parking study to address the comments provided by F & V regarding the trip generation and parking generation assumptions; and
- (8) Respond to the concerns and requests of all City departments and provide all necessary information.

Ms. Ecker confirmed the applicant meets the parking requirements of the City Code.

Mr. Mike Darga with Giffels Webster said they intend to work with the City on the new streetscape for S. Old Woodward Ave.

Mr. Labadie discussed the traffic and parking study that was completed for the proposed hotel development. Below are several of his comments:

- The proposed trip generation analysis should be compared with the typical trip generation analysis that is consistent with accepted engineering practice.
  - The trip generation forecast assumes the meeting rooms and banquet rooms would not be used concurrently; however, there is no basis for this assumption.
- The applicant needs to figure out a traffic management plan for events.

- The projected queue lengths on southbound Old Woodward Ave/ are expected to block the proposed valet area during peak periods.

Ms. Ecker noted a letter has been received from Robert Carson, Carson Fischer, PLC that emphasizes particular concerns with regards to traffic. Also there is a letter from Midwestern Consulting that critiques the traffic study and indicates the scope should be expanded.

**Motion by Mr. Share**

**Seconded by Mr. Jeffares to accept the letters into the record with the request that Mr. Carson indicate who his client is.**

**Motion carried, 7-0,**

VOICE VOTE

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

Nays: None

Absent: Boyle, Williams

Mr. Robert Carson indicated that he represents Sillman Enterprises at 380 N. Old Woodward Ave.

Mr. Rick Rattner, Attorney, said this is one of the most exciting projects he has seen. He listed ten people from all disciplines who were present to answer questions.

Mr. Koseck thought most issues with the CIS are simple to resolve. The last matter can be left to the traffic engineers to determine.

In response to a question from Mr. Share about the proposed plan for the 17 residential units with kitchenettes on the fifth floor, Mr. Charlie Stetson, from Booth Hanson Architects said they would be residential and not hotel units that are leased to executives for extended periods.

**Motion by Mr. Koseck**

**Seconded by Mr. Jeffares to postpone to May 24, 2017 the CIS as provided by the applicant for the proposed development at 298 S. Old Woodward Ave., pending resolution of the outstanding issues 1 - 8.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Absent: Boyle, Williams

*Preliminary Site Plan*

Ms. Ecker stated the parking spaces do not meet the minimum size requirement of 180 sq. ft., as some are shown at 139 and 144 sq. ft. ***The applicant will need to meet the minimum size requirement for the proposed parking spaces or obtain a variance from the Board of Zoning Appeals ("BZA").***

***The applicant will need to add one street tree along S. Old Woodward Ave. or obtain a variance from the BZA.***



In accordance with Article 3, section 3.04 (B) (7), Downtown Birmingham Overlay District, doors for access to interior loading docks and service areas shall not face a public street. ***Thus, the applicant will be required to relocate the loading space garage door away from the public street or obtain a variance from the BZA.***

In addition, the loading space that is proposed does not meet the required dimensions. The proposed space is 41 ft. x 8 ft. x 14 ft. and the required dimensions are 40 ft. x 12 ft. x 14 ft. ***The applicant must increase the size of the proposed loading space to meet minimum requirements or obtain a variance from the BZA.***

#### *Design Review*

The applicant is proposing to utilize the following materials for the construction of the five-story mixed-use building:

- Granite for the base of the building;
- Stone cladding for the façade of the first – fourth floor facades;
- Coated metal cladding for the façade on the fifth story;
- Various varieties of vegetation for the green roof on the mezzanine, second level, and fifth level terraces;
- Aluminum window systems along all elevations;
- Coated metal to surround the windows;
- Coated metal coping along the top of the fourth and the fifth floor;
- A coated metal canopy at the main entrance on S. Old Woodward Ave.;
- Metal panels to screen the rooftop mechanical units; and
- Aluminum and glass skylights on the S. Old Woodward Ave. elevation.

It is unclear at this time as to whether at least 90% of the exterior finish of the building is cast stone, granite and glass (due to metal cladding on fifth floor) and whether the storefront windows have mullion systems with doorways and signage integrally designed and meet the glazing requirements required by Article 3 of the Zoning Ordinance. The Planning Division will reserve detailed analysis and comments regarding architectural standards and design related issues for the Final Site Plan and Design Review.

In response to an inquiry from Mr. Koseck, Mr. Labadie said the ideal drop-off spot for the hotel entry should be shifted to the north away from the intersection.

Mr. Charlie Stetson stated their team plans to go back and consider everything that has been talked about today. Mr. Koseck said he would like to see the curb cut on N. Old Woodward Ave. shifted somewhere else, and it would make room for another retail component. Mr. Stetson thought that is something they could look at.

The Chairperson asked for public comment at 9:50 p.m.

Mr. Robert Carson noted that the lack of parking availability will impact the Traffic Study. If there are no vacant spots, people will re-circulate around again. Further, Brown will shut down for a semi backing in. Also, there is the question of where deliveries for ancillary uses will park.

Mr. Jeffares noted it would be a perfect storm when both hotels have big events and need to use the decks.

Mr. Steven Ferich who operates the valet service at the Townsend Hotel stated they don't have enough parking as it is when there is an event. Ms. Ecker advised that an RFQ is out for qualified development firms to submit to expand the N. Old Woodward Parking Deck with regard to increasing parking downtown. Mr. Ferich observed that when the parking structures get backed up it could take anywhere from 10 to 20 minutes to get out. He tries to avoid them and uses a rented lot off of Brown.

**Motion by Mr. Koseck**

**Seconded by Mr. Jeffares to postpone the Preliminary Site Plan approval for 298 S. Old Woodward Ave. to May 25, 2017 pending resolution of the following:**

- (1) The applicant will need to relocate the garage door for trash collection and loading away from the public street or obtain a variance from the BZA;**
- (2) Provide details regarding the type and placement of all mechanical equipment and associated screening at Final Site Plan Review;**
- (3) Add one street tree along S. Old Woodward Ave. or obtain a variance from the BZA;**
- (4) Provide a detailed streetscape plan that incorporates all of the proposed design changes for the reconstruction of Old Woodward Ave., including required lighting, benches, pavement materials etc.;**
- (5) Applicant meet the minimum size requirement for the proposed parking spaces or obtain a variance from the BZA;**
- (6) Increase the size of the proposed loading space to meet minimum requirements or obtain a variance from the BZA;**
- (7) Submit a photometric plan and specification sheets on all proposed lighting at Final Site Plan Review;**
- (8) Comply with the requirements of all City departments;**
- (9) Provide material samples and specification sheets at Final Site Plan Review;**
- (10) Applicant address issues concerning car movement, vehicle loading/unloading, and storage with a traffic management plan.**

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: Koseck, Jeffares, Prasad, Share, Whipple-Boyce

Nays: None

Recused: Clein, Lazar

Absent: Boyle, Williams

Board members took a short recess at 10:05 p.m. and following that Chairman Clein took back the gavel.

**04-82-17**

**2. 2010 Cole St.**

**New mixed-use building (partially demolished building)**

**Request for Community Impact Study ("CIS") and Preliminary Site Plan Review to allow the construction of a new three-story mixed-use building**

Ms. Lazar announced that she will be recusing herself for this hearing.

Mr. Baka advised the subject site is a 0.77 acre parcel. The applicant has demolished a portion of an existing commercial building and is proposing to expand the first story and construct two additional stories above. The proposed first story will have 10,230 sq. ft. of gross floor area and consist of retail, fitness, and enclosed private residential parking spaces. The second story will have 8,498 sq. ft. of gross floor area and contain office space; and the third story will have 6,875 sq. ft. of gross floor area and consist of two residential units, giving the proposed building a grand total of 25,603 sq. ft.

The applicant is required to prepare a Community Impact Study ("CIS") in accordance with Article 7, section 7.27(E) of the Zoning Ordinance as they are proposing a new building containing more than 20,000 sq. ft. of gross floor area.

### *CIS*

It was noted that the following issues remain outstanding with regard to the CIS:

- (1) Soil boring information within the building; the area of the building that was demolished in 2015; the footprints of the former USTs in the area of two former 20,000-gallon ASTs; and behind the building where exterior storage took place;
- (2) Verification that contamination from the neighboring property, 2006 Cole, has not migrated to the subject site;
- (3) Storm water detention plans;
- (4) Information on all life safety issues and Fire Dept. approval;
- (5) Information on the proposed security system for approval by the Police Dept.;
- (6) Elevator plans; and
- (7) Plans demonstrating on-site bike racks.

Mr. Share received clarification that if it is discovered there is migrating contamination from the adjacent property the applicant must provide details on how it will be addressed.

Mr. Jason Krieger with Krieger Klatt Architects affirmed there will not be a restaurant on the ground floor. Mr. Labadie said he has no concerns with the applicant's traffic study.

No one from the public wished to come forward to discuss the CIS at 10:28 p.m.

### **Motion by Mr. Share**

**Seconded by Mr. Koseck to accept the CIS as provided by the applicant for the proposed development at 2010 Cole St. with outstanding issues 1 - 7, except that item 2 read "Verification that the contamination from neighboring property at 2006 Cole has not migrated to the subject site; but if it has, the applicant report to the Planning Board the nature of the contamination and the proposed method to address it."**

### **Motion carried, 7-0.**

There was no discussion from the audience on the motion at 10:29 p.m.

### VOICE VOTE

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

Nays: None

Recused: Lazar

Absent: Boyle, Williams

#### *Preliminary Site Plan Review*

Mr. Baka explained the applicant is proposing a 9.7 ft. setback from the frontage line, creating a front walk to the entrance. The applicant must reduce the front yard setback so the building is on the frontage line. However, the Planning Board may allow the proposed setback if they find that it is appropriate.

The applicant is proposing the first story to have a finished floor-to-ceiling height of 11 ft. However, in accordance with Article 4, Section 4.81(A)(9), Structure Standards, the first-floor space must have a 12 ft. minimum clearance between the finished floor and finished ceiling. ***Thus, the applicant must increase the first floor ceiling height to at least 12 ft. or obtain a variance from the Board of Zoning Appeals ("BZA").***

#### *Design Review*

The proposed building consists of three stories arranged in a staggered formation. The flat rooftop above the first story will serve as a patio for the second-story office space. The third story will also include a patio formed by the flat rooftop of the second story.

At this time, the applicant has provided elevation drawings, but specific detail or specification sheets on the materials have not yet been provided. Also, glazing calculations will be required at Final Site Plan Review. The plans indicate that the applicant is proposing to utilize the following materials:

- Metal building panel;
- Brick, common; and
- Concrete masonry units.

Mr. Baka summarized an e-mail received from Mr. Barry Meier, who is a tenant located across the street at 2139 Cole St.. Basically Mr. Meier states that the site has not been properly maintained for quite some time and he asks that it be tended to. Ms. Ecker noted the e-mail has been forwarded to Code Enforcement.

#### **Motion by Mr. Jeffares**

**Seconded by Mr. Share to add the e-mail from Mr. Meier to the packet.**

**Motion carried, 7-0.**

#### VOICE VOTE

Yeas: Jeffares, Share, Clein, Koseck, Prasad, Lazar

Nays: None

Abstain: Lazar

Absent: Boyle, Williams

Mr. Jason Krieger presented a quick PowerPoint that walked through the building and the site plan. They plan to encapsulate the slab because it is not feasible to demolish everything due to the environmental factors existing on site.

Mr. Koseck noticed that vehicles must back out of the dead end parking lots if there are no spaces available. It is unsafe to back out on Cole St. If the back of the building is clipped off, vehicles could loop around. He further suggested rotating the building 90 degrees to get more frontage on Cole St.

Chairman Clein agreed. He would like to see more of the building on Cole St. and he doesn't like the two dead ends that force vehicles to back up 200 ft. across a sidewalk and onto Cole St. Mr. Krieger announced his intention to look into solutions for these issues.

**Motion by Mr. Koseck**

**Seconded by Ms. Prasad to extend the meeting 15 minutes to 11:15 p.m.**

**Motion carried, 7-0.**

Mr. Share said that a vapor barrier should be installed.

Mr. Krieger expressed his intention to consider an access easement for shared parking with the property to the west.

**Motion by Mr. Share**

**Seconded by Mr. Koseck to postpone the CIS and Preliminary Site Plan Review for 2010 Cole St. to May 24, 2017.**

**Motion carried, 7-0.**

**ROLLCALL VOTE**

Yeas: Share, Koseck, Clein, Jeffares. Prasad, Whipple-Boyce

Nays: None

Recused: Lazar

Absent: Boyle, Williams

**04-83-17**

**MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

a. Communications

b. Administrative Approval Correspondence

- 588 S. Old Woodward Ave., Phoenicia - To put in a shed behind the building.
- 2410 E. Lincoln, Forest Hills Swim Club - Approval for installation of built-in gas grills and countertops.
- 555 S. Old Woodward Ave. – Addition of radio modules to existing cell site antennae.
- Graefield Condominium Assoc.- Paint color approval.
- 856 N. Old Woodward Ave., The Pearl has requested alternative materials for portions of the exterior of the building. Mr. Krieger said their proposal is to do a cast concrete facade along with a stucco finish on the upper levels. He passed around samples of the proposed materials.

**Motion by Mr. Koseck**

**Seconded by Ms. Prasad to extend the meeting 6 minutes to 11:21 p.m.**

**Motion carried, 7-0.**

Mr. Koseck expressed support of the change in materials. Mr. Share was troubled by the lack of justification that has been presented to the board. Mr. Krieger replied when the quotes came in from several constructors the owner realized something needed to be done to reduce the cost. Chairman Clein noted what bothers him is the element and the fear of bait and switch. General consensus was reached to provide administrative approval for the new materials presented this evening.

c. Draft Agenda for the Regular Planning Board Meeting on May 10, 2017

- Public hearing on TZ-2, creation of a zoning district;
- Continuation of the public hearing on Social;
- Continuation of the study session items on the definition of retail;
- Parking Standards;
- Glazing requirements.

d. Other Business (none)

**04-84-17**

**PLANNING DIVISION ACTION ITEMS**

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

**04-85-17**

**ADJOURNMENT**

No further business being evident, the Chairman adjourned the meeting at 11:21 p.m.

Jana Ecker  
Planning Director



## MEMORANDUM

Planning Division

**DATE:** May 4, 2017

**TO:** Planning Board

**FROM:** Matthew Baka, Senior Planner

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

**SUBJECT:** Public Hearing to amend the Zoning Ordinance to add a new zoning classification for Transition Zone 2 (TZ-2) and associated development standards and regulations.

---

On September 21, 2015, the City Commission held a continued public hearing on the transitional zoning proposals recommended by the Planning Board. 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 City Commission referred these matters back to the Planning Board for further study, and asked the Planning Board to consider the comments made by the City Commission and members of the public with regard to the proposed TZ-2 properties. In addition, several commissioners requested that the Planning Board consider whether to make some, or all, of the commercial uses in the proposed TZ-2 district Special Land Use Permits. Please see attached meeting minutes in the appendices for further detail.

On March 9, 2016, the Planning Board discussed the history of the transitional zoning study and the direction of the City Commission for the Planning Board to further study the portion of the ordinance related to TZ-2, as well as those properties that had been recommended for rezoning to the new TZ-2 Zone District. The consensus of the Planning Board was to limit continued study to the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Board members requested staff to present charts comparing the proposed uses in TZ1, TZ2 and TZ3 at the next meeting, and to prepare aerial maps for each of the proposed TZ2 properties to assist the board in understanding the neighborhood context in each case. These are included in the attached appendices.

On April 13, 2016, the Planning Board discussed the uses and development standards for the previously proposed TZ2 district. Consensus was that the biggest issue was regarding permitted uses in TZ2. There was much discussion regarding whether to reduce the number of permitted uses, increase uses permitted with a SLUP, or move some of the previously proposed SLUP uses into the permitted use column. The Board recommended removing grocery stores, drycleaners, delicatessens and parking structures as permitted uses in TZ2 (either with or without a SLUP), to remove the need for bakeries and coffee shops to obtain a SLUP, and to

move health club/studio from the list of permitted uses into the column requiring a SLUP. Board members requested these changes be made to the draft ordinance language and indicated they would discuss the revised uses again at the May study session.

On May 11, 2016, the Planning Board further discussed uses within the TZ2 zone and whether there was enough differentiation between the permitted uses in TZ2 and TZ3. This led to a discussion regarding the basis for this study as rooted in the O1-O2 discussion from several years ago. It was decided through the course of this discussion that the history of how these two studies progressed and their links to each other needed to be reframed for the benefit of the Planning Board and City Commission. The Planning Board requested that this topic be placed on the joint City Commission/Planning Board agenda for June of 2016.

On June 20, 2016, the City Commission and Planning Board held a joint study session/workshop where the TZ2 topic was discussed at length. This discussion included a lengthy summary of the background of this topic and how it evolved from the earlier O1-O2 zone studies. At the conclusion of this discussion the City Commission instructed the Planning Board to revisit the TZ2 issue with inclusion of the O1-O2 history. It was suggested that the Board hold another public hearing to allow for additional public input and then make a recommendation to the Commission. The commission would then consider how to proceed with the newly proposed zone. The possibilities suggested included implementing the zone and then applying it to specific properties or to allow property owners to request a rezoning individually.

On March 29, 2017, the Planning Board held a study session to further discuss the TZ2 zone. At the request of the Board, the Planning Division assembled the relevant information and history regarding both the TZ discussion and the O1-O2 discussion. After much discussion the Planning Board set a public hearing to consider the adoption of the TZ2 zoning district and all of the additional provisions associated with the creation of this new zone for May 10<sup>th</sup>, 2017. In addition to setting the hearing the Board also requested some minor changes to the existing draft ordinance that would make it consistent with the TZ3 zone in regards to permitted uses as indicated by the attached minutes from that meeting.

Accordingly, the Planning Division has revised the draft ordinance language in accordance with the comments of the Planning Board. Also, the background information that was included at the previous study session has once again been attached to this report.

Please find attached the following for review and discussion:

- **Appendix A:** Proposed TZ2 ordinance amendments;
- **Appendix B:** Minutes from recent study sessions regarding TZ2
- **Appendix C:** Zoning map of the City identifying all parcels previously considered for TZ2 zoning classification;
- **Appendix D:** Aerial imagery of each area containing parcels previously considered for TZ2 zoning classification;
- **Appendix E:** Charts detailing current vs. proposed uses and development standards for all properties considered for TZ2 zoning classification; and
- **Appendix F:** The final staff memo regarding the O1-O2 study that was presented at the Public Hearing held by the Planning Board;



- **Appendix G:** The O1-O2 rezoning presentation that was presented at the O1-O2 public hearing presented by the Planning Board.

#### SUGGESTED ACTION

To recommend APPROVAL of the following Zoning Ordinance amendments to the City Commission;

TO AMEND ARTICLE 2, SECTION 2.43, TZ2 (TRANSITION ZONE 2) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ADD THE TZ2 ZONING CLASSIFICATION;

TO AMEND ARTICLE 2, SECTION 2.44, TZ2 DEVELOPMENT STANDARDS TO ADD STANDARDS FOR THE TZ2 DISTRICT;

TO RENUMBER THE EXISTING TZ3 (TRANSITION ZONE 3) ZONING CLASSIFICATION, DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ARTICLE 2, SECTION 2.45 WITH NO CHANGES;

TO RENUMBER THE EXISTING TZ3 (TRANSITION ZONE 3) ZONING CLASSIFICATION, DEVELOPMENT STANDARDS TO ARTICLE 2, SECTION 2.46 WITH NO CHANGES;

TO AMEND ARTICLE 5, SECTION 5.15, USE SPECIFIC STANDARDS, TO ADD USE SPECIFIC STANDARDS FOR THE TZ2 ZONE DISTRICT.

AND

TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM, ARTICLE 4, ALL SECTIONS NOTED BELOW, TO APPLY EACH SECTION TO THE NEWLY CREATED TZ2 ZONE DISTRICTS AS INDICATED:

Ordinance Section Name	Section Number
Accessory Structures Standards (AS)	4.02 4.04
Essential Services Standards (ES)	4.09
Fence Standards (FN)	4.10
Floodplain Standards (FP)	4.13
Height Standards (HT)	4.16 4.18
Landscaping Standards (LA)	4.20
Lighting Standards (LT)	4.21 4.22

Loading Standards (LD)	4.24
Open Space Standards (OS)	4.30
Outdoor Dining Standards (OD)	4.44
Parking Standards (PK)	4.45 4.46 4.47 4.53
Screening Standards (SC)	4.54 4.59
Setback Standards (SB)	4.65
Street Standards (ST)	4.73
Structure Standards (SS)	4.74
Temporary Use Standards (TU)	4.77
Utility Standards (UT)	4.81 4.83
Vision Clearance Standards (VC)	4.82
Window Standards (WN)	4.83

## APPENDIX A:

ORDINANCE NO. \_\_\_\_\_  
THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, **TZ2 (TRANSITION ZONE)** DISTRICT TO CREATE THE TZ2 ZONING CLASSIFICATION.

Article 02, section 2.43 shall be established as follows:

### **District Intent**

- A. Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.**
- B. Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.**
- C. Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.**
- D. Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.**
- E. Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.**
- F. Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.**

### **Residential Permitted Uses**

- dwelling – attached single family
- dwelling – single family (R3)
- dwelling – multi-family

### **Commercial Permitted Uses**

- art gallery
- artisan use
- barber/beauty salon
- bookstore
- boutique

- **drugstore**
- **gift shop/flower shop**
- **hardware**
- **jewelry store**
- **neighborhood convenience store**
- **office**
- **tailor**

**Accessory Permitted Uses**

- **family day care home**
- **home occupation\***
- **parking – off-street**

**Uses Requiring a Special Land Use Permit**

- **any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant**
- **assisted living**
- **bakery**
- **bank/credit union with drive-thru**
- **church and religious institution**
- **coffee shop**
- **essential services**
- **food and drink establishment**
- **government office/use**
- **grocery store**
- **health club/studio**
- **independent hospice facility**
- **independent senior living**
- **school – private and public**
- **skilled nursing facility**
- **specialty food shop**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective 7 days after publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
Cherilynn Brown, City Clerk

ORDINANCE NO. \_\_\_\_\_  
THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, **TZ2 (TRANSITION ZONE)** DISTRICT TO ADOPT THE FOLLOWING DEVELOPMENT STANDARDS FOR THE TZ2 ZONE DISTRICT.

Article 02, section 2.44 shall be established as follows:

**Minimum Lot Area per Unit:**

- n/a

**Minimum Open Space:**

- n/a

**Maximum Lot Coverage**

- n/a

**Front Yard Setback:**

- 0-5 feet
- Building façade shall be built to within 5 feet of the front lot line for a minimum of 75% of the street frontage length.

**Minimum Rear Yard Setback:**

- 10 feet
- 20 feet abutting single family zoning district

**Minimum Side Yard Setback**

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

**Minimum Floor Area per Unit**

- n/a

**Maximum Total Floor Area**

- n/a

**Building Height**

- 30 feet and 2 stories maximum
- For sloped roofs, the eave line shall be no more than 24 feet and the roof peak shall be no more than 35 feet.
- first story shall be minimum of 14 feet, floor to floor

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective 7 days after publication.

---

Mark Nickita, Mayor

---

Cherilynn Brown, City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

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

TO RENUMBER THE EXISTING TZ3 (TRANSITION ZONE 3) ZONING CLASSIFICATION, DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ARTICLE 2, SECTION 2.45 WITH NO CHANGES;

Article 02, section **2.45** shall be established as follows:

District Intent

- A. Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.
- B. Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.
- C. Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.
- D. Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.
- E. Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.
- F. Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.

Residential Permitted Uses

- dwelling – attached single family
- dwelling – single family **(R3)**
- dwelling – multi-family

Commercial Permitted Uses

- art gallery
- artisan use
- barber/beauty salon
- bookstore
- boutique
- drugstore
- gift shop/flower shop
- hardware
- health club/studio
- jewelry store

- neighborhood convenience store
- office
- tailor

#### Accessory Permitted Uses

- family day care home
- home occupation\*
- parking – off-street

#### Uses Requiring a Special Land Use Permit

- any permitted commercial use with interior floor area over 4,000 sq. ft. per tenant
- assisted living
- bakery
- bank/credit union with drive-thru
- church and religious institution
- coffee shop
- delicatessen
- dry cleaner
- essential services
- food and drink establishment
- government office/use
- grocery store
- independent hospice facility
- independent senior living
- parking structure
- school – private and public
- skilled nursing facility
- specialty food shop
- veterinary clinic

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

---

Stuart Lee Sherman, Mayor

---

Laura Pierce, City Clerk



**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

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

TO RENUMBER THE EXISTING TZ3 (TRANSITION ZONE 3) ZONING CLASSIFICATION, DEVELOPMENT STANDARDS TO ARTICLE 2, SECTION 2.46 WITH NO CHANGES;

Article 02, section **2.46** shall be established as follows:

Minimum Lot Area per Unit:

- n/a

Minimum Open Space:

- n/a

Maximum Lot Coverage

- n/a

Front Yard Setback:

- 0-5 feet
- Building façade shall be built to within 5 feet of the front lot line for a minimum of 75% of the street frontage length.

Minimum Rear Yard Setback:

- 10 feet
- 20 feet abutting single family zoning district

Minimum Side Yard Setback

- 0 feet
- 10 feet from side lot line abutting a single family district

Minimum Floor Area per Unit

- n/a

Maximum Total Floor Area

- n/a

Building Height

- 24 feet and 2 stories minimum
- 42 feet and 3 stories maximum
- For sloped roofs, the eave line shall be no more than 34 feet and the roof peak shall be no more than 46 feet
- The first story shall be a minimum of 14 feet in height, floor to floor

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

\_\_\_\_\_  
Stuart Lee Sherman, Mayor

\_\_\_\_\_  
Laura Pierce, City Clerk

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 5, SECTION 5.15, USE SPECIFIC STANDARDS TO ADD USE SPECIFIC  
STANDARD FOR THE TZ2 DISTRICT –

**Article 5, section 5.15 Transition Zone 2**

**This Use Specific Standards section applies to the following district:  
TZ2**

**A. Hours of Operation: Operating hours for all non-residential uses, excluding office, shall begin no earlier than 7:00 a.m. and end no later than 9:00p.m. However, the Planning Board may approve an extension of the hours of operation for a specific tenant/occupant upon request if the board finds that:**

- 1. The use is consistent with and will promote the intent and purpose of this Zoning Ordinance;**
- 2. The use will be compatible with adjacent uses of land, existing ambient noise levels and will not be injurious to the surrounding neighborhood; and**
- 3. The use is in compliance with all other requirements of this Zoning Ordinance.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective upon publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
Cherilynn Brown, City Clerk

## APPENDIX B

### City Commission Minutes September 21, 2015

#### UNFINISHED BUSINESS

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

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

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

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

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

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

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

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

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

Mayor Sherman summarized the discussion from the Public Hearing at the previous meeting. He explained that the three ordinances were presented to the Commission – TZ1 which is strictly residential; TZ2 which is residential, but allows for some commercial; and TZ3 which does allow for residential, but is more commercial in nature. At the hearing, people were comfortable with the language in TZ2 and TZ3. There were concerns and questions with TZ1 and the Commission requested staff make revisions to TZ1. The Commission then discussed the parcels that were proposed to be rezoned into the TZ2 and TZ3 categories. Discussion was not held regarding the TZ1 parcels at that time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The following individuals spoke regarding 404 Park:

- Debra Frankovich expressed concern with sectioning out one double lot as it appears to support one property owners best interest.
- Tom Ryan, representing the Host's who are the property owners just north of 404 Park, commented that to single out one parcel is not appropriate.
- Benjamin Gill, 525 Park, expressed opposition to the rezoning of this parcel.
- Bill Finnicum, 404 Bates, commented that the rezoning will only benefit the property owner and will harm the adjacent property owner.

- Chuck DiMaggio, with Burton Katzman Development, explained the history of the property and noted that the Planning Board has spent thirty months studying 404 Park and the other transitional properties.
- Brad Host, 416 Park, stated that the residents are not interested in being rezoned.
- Kathryn Gaines, 343 Ferndale, agreed that Oakland is the buffer. She questioned what four units on that corner bring to the neighborhood that two could not.
- Bev McCotter, 287 Oakland, stated that she does not want the development of this lot into four units.
- Jim Mirro, 737 Arlington, stated that Oakland is the buffer and stated that the parcel should not be rezoned as proposed.
- Ann Stallkamp, 333 Ferndale, stated that she is against the TZ1 rezoning on Park and stated that 404 Park should be taken off the list.
- David Bloom questioned the number of units which would be allowed on the Bowers property.
- Reed Benet, 271 Euclid, commented that it is illogical that this has gone on for three years.
- Chuck DiMaggio, with Burton Katzman Development, noted that they want to do something that benefits the community and provide the proper transition and lead in to the downtown and is compatibility with the neighborhood.
- Tom Ryan, representing the Host's who are the property owners just north of 404 Park, commented that this is not a transition zone and there are ways to put more than one unit on the parcel.

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

**MOTION:** Motion by Rinschler, seconded by Dilgard:

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

- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.41, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.42, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;

- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.46, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 4, SECTION 4.53, PARKING STANDARDS, PK-09, TO CREATE PARKING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.58, SCREENING STANDARDS, SC-06, TO CREATE SCREENING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.62, SETBACK STANDARDS, SB-05, TO CREATE SETBACK STANDARDS FOR TZ1 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.63, SETBACK STANDARDS, SB-06, TO CREATE SETBACK STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.69, STREETScape STANDARDS, ST-01, TO CREATE STREETScape STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.77, STRUCTURE STANDARDS, SS – 09, TO CREATE STRUCTURE STANDARDS FOR THE TZ1 ZONE DISTRICT;
- TO ADD ARTICLE 4, SECTION 4.78, STRUCTURE STANDARDS, SS – 10, TO CREATE STRUCTURE STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 5, SECTION 5.14, TRANSITION ZONE 1, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ1 ZONE DISTRICT;
- TO ADD ARTICLE 5, SECTION 5.15, TRANSITION ZONES 2 AND 3, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ2 AND TZ3 ZONE DISTRICTS;

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

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Rinschler, seconded by Dilgard:

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



Ordinance Section Name	Section Number	Applicable Zone to be Added
Accessory Structures Standards (AS)	4.02 4.03 4.04	TZ1, TZ2, TZ3 TZ1 TZ1, TZ2, TZ3
Essential Services Standards (ES)	4.09	TZ1, TZ2, TZ3
Fence Standards (FN)	4.10 4.11	TZ1, TZ2, TZ3 TZ1
Floodplain Standards (FP)	4.13	TZ1, TZ2, TZ3
Height Standards (HT)	4.16 4.18	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Landscaping Standards (LA)	4.20	TZ1, TZ2, TZ3
Lighting Standards (LT)	4.21 4.22	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Loading Standards (LD)	4.24	TZ1, TZ2, TZ3
Open Space Standards (OS)	4.30	TZ1, TZ2, TZ3
Outdoor Dining Standards (OD)	4.44	TZ2, TZ3

Parking Standards (PK)	4.45 4.46 4.47	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Screening Standards (SC)	4.53	TZ1, TZ2, TZ3
Setback Standards (SB)	4.58	TZ1, TZ2, TZ3
Structure Standards (SS)	4.69	TZ1, TZ2, TZ3
Temporary Use Standards (TU)	4.77	TZ1, TZ2, TZ3
Utility Standards (UT)	4.81	TZ2, TZ3
Vision Clearance Standards (VC)	4.82	TZ1, TZ2, TZ3
Window Standards (WN)	4.83	TZ2, TZ3

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Hoff, seconded by Nickita:  
To amend Article 9, Definitions, Section 9.02 to add definitions for boutique, parking, social club, tobacconist, indoor recreation facility, and specialty food store.

VOTE: Yeas, 7  
Nays, None Absent, None

In response to a question from Commissioner Nickita, City Manager Valentine explained that there was a question on the current use of the property at 412 & 420 East Frank zoned R3.

Staff has determined that the property appears to be in violation of the zoning ordinance with regard to the current use. It is currently under investigation as the current zoning is residential and the current use appears to be commercial. He noted that it is an enforcement issue.

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

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

**MOTION:** Motion by Hoff, seconded by McDaniel:

To approve the rezoning of 412 & 420 E. Frank, Parcel # 1936253003, Birmingham MI. from B1-Neighborhood Business, B2B-General Business, R3-Single-Family Residential to TZ2

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

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

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

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

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

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

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

Mayor Pro Tem Hoff withdrew the motion. MOTION WITHDRAWN

**MOTION:** Motion by Nickita, seconded by Rinschler:

To send this item back to the Planning Board with direction based on the conversation tonight.

VOTE: Yeas, 7

Nays, None Absent, None

**MOTION:** Motion by McDaniel, seconded by Nickita:

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

Dorothy Conrad stated that the Pembroke neighborhood does not object.

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

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Hoff, seconded by McDaniel:  
To approve the rezoning of 2483 W. Maple Rd. Birmingham MI. from B1- Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Dilgard, seconded by McDaniel:  
To approve the rezoning of 1712, 1728, 1732, 1740, 1744, 1794 & 1821 W. Maple Rd. Birmingham, MI. from B1-Neighborhood Business, P-Parking, O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Nickita, seconded by Dilgard:  
To approve the rezoning of 880 W. Fourteen Mile Rd., 1875, 1890 & 1950 Southfield Rd. Birmingham, MI. from B1-Neighborhood Business and O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7  
Nays, None Absent, None

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

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by McDaniel, seconded by Moore:

To approve the rezoning of 1775, 1803, 1915, 1971, 1999, 2055, 2075 & 2151 Fourteen Mile Rd., Parcel # 2031455006, Birmingham, MI. from O1-Office to TZ2-Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (NO VOTE TAKEN)

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

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

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

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

**MOTION:** Motion by Nickita, seconded by Hoff:

To rescind the motions regarding TZ2 for review of the Planning Board.

VOTE: Yeas, 7  
Nays, None Absent, None

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

**MOTION:** Motion by Hoff, seconded by McDaniel:

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

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

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

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Hoff, seconded by Nickita:

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

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Nickita, seconded by McDaniel:

To approve the rezoning of 1221 Bowers & 1225 Bowers Birmingham, MI from O1- Office/ P -

Parking to TZ1 - Attached Single-Family to allow Attached Single-Family, Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Dilgard, seconded by Hoff:

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

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Nickita, seconded by Dilgard:

To approve the rezoning of 191 N. Chester Rd. Birmingham, MI. from R-2 Single- Family Residential to TZ1 - Attached Single-Family to allow Attached Single-Family and Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7  
Nays, None Absent, None

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

**MOTION:** Motion by Dilgard, seconded by Moore:

To approve the rezoning of Parcel # 1925451021, Known as 404 Park Street, Birmingham, MI. from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow attached Single-Family and Multi-Family Residential which are compatible with adjacent Single-Family Residential uses.

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

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

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

VOTE: Yeas, 3 (Dilgard, McDaniel, Moore) Nays, 3 (Hoff, Rinschler, Sherman)  
Absent, None Recusal, 1 (Nickita)

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

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MARCH 9, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 9, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Lisa Prasad; Student Representative Colin Cusimano

**Absent:** Board Members Bert Koseck, Gillian Lazar; Alternate Board Member Daniel Share

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

**03-40-16**

**4. Transitional Zoning (TZ-2)**

Chairman Clein noted the purpose of this study session is to re-acquaint the board with the process thus far so they can determine what the next steps might be.

Ms. Ecker recalled that on September 21, 2015, the City Commission held a continued public hearing on the transitional zoning proposals recommended by the Planning Board. After much discussion and public input, the City Commission referred the portion of the ordinance related to TZ-2 back to the Planning Board for further study, along with those properties that had been recommended for rezoning to the new TZ-2 Zone District. The City Commission asked the Planning Board to consider the comments made by the City Commission and members of the public with regard to the proposed TZ-2 properties. In addition, several commissioners requested that the Planning Board consider whether to make some, or all, of the commercial uses in the proposed TZ-2 District Special Land Use Permits ("SLUPs").

Consensus was that the board will only look at the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Ms. Whipple-Boyce said it would be helpful to have the commercial uses that were approved for TZ-1 and TZ-3 when the board is looking at the uses of TZ-2. Mr. Williams agreed the charts would be very helpful. Also he would like to see a Google map of the TZ-2 properties to understand their context from all sides.

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

---

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

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

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

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

**04-63-16**

**STUDY SESSION  
Transitional Zoning TZ-2**

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

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

Mr. Williams recalled there were a number of former Commissioners who felt that all of TZ-2 should have SLUPs for permitted uses. He has no idea what the new City Commission wants to do with TZ-2. Personally, he is opposed to a SLUP for everything. He thought the SLUP should only come into play if the uses go beyond what was originally permitted in the underlying zoning. What is developed in TZ-2 is not



a significant expansion, but it is a consolidation. All of the properties coming from the categories where it is not a significant expansion would stay as TZ-2. Create a TZ-4, basically three or four properties along Fourteen Mile Rd., and give them SLUPs. In his view a few properties caused TZ-2 to be derailed by the former City Commission. Now the only unknown is what this City Commission wants. He doesn't think the Planning board was that far off in its original presentation to them.

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

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

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

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

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

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

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

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MAY 11, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held on May 11, 2016. Vice-Chairperson Gillian Lazar convened the meeting at 7:30 p.m.

**Present:** Board Members Stuart Jeffares, Bert Koseck, Gillian Lazar, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Student Representative Colin Cusimano

**Absent:** Chairman Scott Clein; Board Member Robin Boyle.

**Administration:** Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**05-86-16**

**3. Transitional Zoning (TZ-2)**

Mr. Williams stated the Planning Board does not know what this new City Commission wants. Therefore, the board should see if it can agree on what the standards should be for TZ-2. Either let individual property owners come before this board to apply for rezoning to the district, or at the June joint meeting with the City Commission ask the Commission how they want to handle the various properties that were included within the previous recommendation for TZ-2. What was sent back was primarily what the uses and standards were. He thought the TZ-2 uses are more permissive now than the TZ-3 and it should be reversed. Therefore TZ-2 in relationship to TZ-3 uses should be tonight's focus. If this becomes too difficult in terms of Special Land Use Permits ("SLUPS") the buildings will either remain vacant or they won't change in accordance with what the board wants to achieve. He thinks there should be fewer SLUP requirements in TZ-3. Mr. Share raised the point that there isn't enough difference between TZ-2 and TZ-3 to spend any time saying they are different.

The board went over the uses for TZ-2 and TZ-3 to see which ones make sense and which ones can be changed to not requiring a SLUP. Consensus was as follows:

<b>TZ-2 Commercial Permitted Uses</b>	<b>TZ-3 Commercial Permitted Uses</b>
Art gallery Artisan use Bakery Bank or credit union (no drive-through) Bookstore	Art gallery Artisan use Bank or credit union (no drive-through) Bakery Barber/beauty salon

Boutique Coffee Shop Delicatessen Drugstore (limited by size restriction) Drycleaner pickup Gift shop/flower shop Hardware (limited by of size restriction) Jewelry store Office (limited by size restriction) Specialty food shop Tailor	Bookstore Boutique Coffee shop Delicatessen Drugstore (limited by size restriction) Drycleaner pickup Gift shop/flower shop Hardware (limited by size restriction) Health club/studio Jewelry store Convenience store Office (limited by size restriction) Specialty food shop Tailor
---	--

<b>TZ-2 Uses Requiring a SLUP</b>	<b>TZ-3 Uses Requiring a SLUP</b>
Any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant  Assisted living Bank or credit union (w/drive-through) Barber/beauty salon Church and religious institution Essential services Church and religious institution Government office/use Health club/studio Independent senior living	Any permitted commercial use with interior floor area over 4,000 sq. ft. per tenant  Assisted living Bank or credit union (w/drive-through) Church and religious institution Drycleaner with a plant Essential services Food and drink establishment Government office/use Grocery store Hospice facility Independent senior living  Parking structure School – private and public Skilled nursing facility Veterinary clinic

Board members were in agreement with talking to the City Commission at the June 20 joint meeting about tweaking TZ-3 somewhat. Present the chart along with definitions. The Planning Board has been responsive to the neighbors throughout the study, so Ms. Ecker agreed to go back and figure out what uses the board has outlawed starting from the beginning of the O-1 and O-2 study.

**BIRMINGHAM CITY COMMISSION /  
PLANNING BOARD JOINT WORKSHOP SESSION MINUTES  
JUNE 20, 2016  
DPS FACILITY, 851 SOUTH ETON  
7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Rackeline J. Hoff, Mayor called the meeting to order at 7:30 PM.

**II. ROLL CALL**

ROLL CALL: Present, Mayor Hoff

Commissioner Bordman  
Commissioner Boutros  
Commissioner DeWeese  
Commissioner Harris  
Mayor Pro Tem Nickita  
Commissioner Sherman

Absent, None

**ROLL CALL OF PLANNING BOARD:**

Present, Mr. Clein, Chairperson

Ms. Boyce  
Mr. Boyle  
Mr. Jeffares  
Mr. Koseck  
Ms. Lazar  
Ms. Prasad, alternate member (arrived at 7:32 PM)  
Mr. Share, alternate member  
Mr. Williams

Administration: City Manager Valentine, City Attorney Studt, Deputy Clerk Arft, City Engineer O'Meara, City Planner Ecker, Assistant City Planner Baka, Building Director Johnson

**B. Transitional Zoning (TZ2 District)**

Ms. Ecker summarized the transitional zoning issues already adopted. She noted the Planning Board has been studying TZ2 district properties. The board is looking for some direction from the City Commission as to what they would like to see and also share what the board has done so far. She said the uses are always the biggest issue. The board has come up with a new proposal and would like the commission to weigh in.

Some uses in TZ2 have been eliminated, shifted around as to which are allowed as of right, and which are allowed as a special land use permit only, and looking at them clearly in relation to TZ1, TZ2 and TZ3. There was some concern that maybe there was a big jump from TZ1 to TZ2 and not a graduated system that would make it a seamless transition from TZ1 to TZ2 to TZ3 so there was a clear differentiation and it moved the most uses to TZ3. If adopted, TZ1 and TZ3 zones which were already adopted, may need to be adjusted.

Mr. Jeffares added that parking requirements were considered carefully. Ms. Ecker said the main focus has been with uses.

Mayor Hoff said traditionally the special land uses are the ones that we want to control the most. She noticed that quite a few special land uses especially in TZ2 have been eliminated and she asked where they have been moved. Ms. Ecker confirmed that some have been moved to other categories. Originally, the board made all of the food-related uses in a special land use permit category. Since then, the board decided the better demarcation would be parking and traffic and the impact to the neighborhood.

Mayor Hoff asked if the food uses have been moved to commercial permitted uses. Ms. Ecker noted that food uses have been moved there in some cases, but not all. Bank or credit union with a drive-thru have been removed due to the traffic and circulation issue for the neighborhood.

Ms. Boyce said they realized that other ordinances are in place that define noise, smell, and dumpsters, so there are other controls over those uses. Parking is more challenging. It was felt that controls are in place already to be able to put something like a bakery as a permitted use in TZ2 rather than as a special land use.

Commissioner DeWeese said part of the issue here is a different vision of the residents among themselves. Some like a more urban vision, while others that do not want them close to their homes. He has not heard complaints about the layout and structure, but has heard people complain about the uses. He thinks it would be better to have fewer permissible uses in the beginning. He said the basic notion is that it is a buffer for residential areas. He is leery about special land uses, and feels the public does not trust the special land use process. The cost burden of a special land use permit is high in both time and money to a small business owner. We want to find the uses that are acceptable, minimize the use of special land use permits and begin with fewer uses and add more in the future, if appropriate.

Commissioner Harris asked whether TZ2 should just apply in certain areas or be available generally for applicants. Ms. Ecker said there was some discussion about that and they are looking for some input from the commission in that regard. The biggest problems fall into the TZ2 category.

Mayor Hoff noted that the commission did designate specific properties for TZ1 and TZ3. Ms. Ecker agreed, and said that was the original proposal for TZ2 as well, so the board is looking for specific feedback from the commission: should they continue to study the specific properties and determine if TZ2 is a good fit, or present the TZ2 ordinance and let the commission decide to create the district and let people apply individually to come in. The Planning Board has not had a public hearing on it yet, so it is still in the draft stage.

Commissioner Sherman noted that the comments received at the commission's TZ2 public hearing were concerns about uses in the TZ2 area. The idea was to restrict the uses more than they were, and move things to areas where we could control them or add them in later. This draft expands the uses in the area, and reduces the controls rather than increases them. He does not think this has met the objective of what was suggested by the commission. If these areas are designed to protect the neighborhoods, then they need to be looked at from neighborhood side. He suggested fewer uses with more controls that can be relaxed as time goes on if appropriate. He expected to see more under SLUPs, far fewer uses and far less intense uses.

Mr. Boyle asked Commissioner Sherman for specifics. Commissioner Sherman used a delicatessen or specialty food shop as an example. Look at the definition and how is the food prepared or is it packaged. The dry cleaner was originally a special land use and now it is a permitted use. He said things that were agreed to at the time were fine as a special land use and wanted to look at the things that were there that could be done without special land use. Instead, things have been taken out of special land use and made them permitted uses. From a neighborhood standpoint, we are trying to create a buffer and calm the area between downtown and the neighborhood.

Mr. Williams said they also took things that were in the special land use permit designation and eliminated them entirely, and there are more of those than were added. Of those things that have been eliminated, does the commission agree that some of these should be brought back in. The previous commission was generally unspecific.

Ms. Boyce said it is helpful to go back and look at what is permitted in O1 and O2. When she compares the list side by side, the new one has a lot less permitted uses.

Mr. Clein requested more specific direction. Mayor Hoff agreed with him, and the new commission has not discussed each of the new uses.

Commissioner Nickita said it is important to recognize why it was done in the first place. The fundamental issue is to recognize there was a lot of inconsistencies, edge conditions with no controls, inappropriate uses in the perimeter transitional zone. The effort so far has organized and recognized the gaps and issues and inconsistencies and pulled it all together. Now it is a matter of refining it. When we talk about this, we want to make sure we are up to speed on the accomplishment and value of what has been done. He encouraged the commission to have a dialog on that level. The land use is only one discussion.

Commissioner Harris agreed that the new commission would be helped by seeing the comparisons to O1 and O2, and in that way the degree of change can be assessed.

Commissioner DeWeese would like the board to consider there may be some areas where some of the uses are acceptable because they are not right next to residences. He said we still need to do the follow-up.

Commissioner Boutros said we agree we need to move forward and identify first if we need TZ2. If we do, we have identified lots in the area and we need to determine whether these are the final lots, or are we going to open it to even more. We need to determine the reasons why a use should not be there.

Commissioner DeWeese suggested a study session to discuss the reasons as to why this is being done, and what is being done. Then the commission can provide a policy direction, and have the board come back with the details.

Mayor Hoff stated we already approved TZ1 and TZ3. We just have to fine tune TZ2. We already have the reasons for the transition zones. She is hearing that the questions are about the uses, and perhaps we need to have the comparison discussions.

Commissioner Bordman asked is the plan to review the uses.

Mr. Valentine suggested the commission wants to look at the direction this is headed, so that when it goes back to the board, it can continue to do the work that the commission is expecting the board to do.

Commissioner Bordman has listened to the board comments and their thought process about the impact on the neighborhoods of parking and have eliminated the negative impact of parking. The board carefully thought about what the residents would like to have that would not have a negative impact on the neighborhood. She is highly satisfied with the work done on these uses. She thinks they are compatible with a buffer zone transition area. We ought to concentrate whether we want the document as it is and apply it to specific places, or if we want this document as it is and let the owner apply for this zoning. She thinks that is the commission's decision.

Mr. Valentine said in terms of process, the commission can draft the ordinance, but that's not the role of the commission. The function is to provide the input that the planning board is looking for so they can provide the recommendation to the commission in vetting this all out. As opposed to putting specifically what you want, you could bypass the Planning Board, but that is not the intent. The intent is to give the Planning Board the direction so they can finish the work they have started with the clarity and expectation that you are expecting.

City Attorney Studt stated that the political decision is the commission's. The Planning Board is the body of experts to guide the commission to where the commission wants to go.

Mayor Hoff hears a difference of opinion here. Commissioner Sherman expressed an opinion that is different. She thinks the commission needs to discuss and decide where we go. Mr. Valentine agreed, and said the commission would review it and then provide direction to Planning Board to work out the final details so the commission can then approve it based on a recommendation.

Ms. Lazar asked would a public hearing yield more information to assist the commission. We are considering the importance of the public opinion, and then it can be furnished to the commission. It is an impact on the neighborhoods and we are trying to be sensitive to needs.

Mr. Williams commented that what is missing is the history of the review of O1 and O2 and the types of uses that began years ago. He suggested a narrative to combine with the charts for the public hearing.

Ms. Boyce would like the commission to dive into this more. General direction has not worked so far.

Mr. Koseck thinks most of the issues can be agreed on, if properly presented along with O1 and O2 discussion.

Mayor Hoff requested clarity on agreement where the public hearing should be held.

Commissioner Sherman agrees that it would be good for new commissioners to have the history of this and the comments summarized as part of the narrative for review. The Planning Board and Commission can each have their discussion before a public hearing and get some consensus. The Commission can send some additional direction based on that to the Planning Board so they can finish their work. Ms. Ecker could update her narrative to include what the public comments were and the Commission discussion before presenting it.

Mr. Williams suggested including what the properties are now and what is permitted now and what they would be. Mayor Hoff stated that was presented previously to the Commission.

Commissioner Boutros suggested what people want to know is what might be there. He said not everyone is going to agree. He is unsure that more information is what is needed.

Mayor Hoff suggested that the packet of materials should be some of the information and would be part of the narrative.

Commissioner Bordman thinks it would be an exhaustive waste of time. The board has spent a huge amount of time on this with considerations that she would apply. She does not see anything on the list of uses that is highly burdensome. She does not want to argue with fellow commissioners about the individual uses. We would be spending hours as the Planning Board did debating with each other about the uses. She suggested to have a public hearing so we can get public input, come back to the Commission to decide if we want to apply this to specific property or leave it as an option for property owners.

Mr. Share said the board should have a public hearing, after which the board will make a recommendation to the Commission. The commission can make its decision.

Commissioner DeWeese thinks it would be useful for commission to get the packet as well to become familiar.

Paul Reagan, 997 Purdy, commented that the history is important and neighborhoods have pushed back hard. The concern is intensive uses with cars, and property values. It's about keeping the encroachment of intensive commercial properties from moving into the neighborhoods.



**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MARCH 29, 2017  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 29, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle (arrived at 8 p.m.), Stuart Jeffares, Janelle Whipple-Boyce, Alternate Board Member Daniel Share, Bryan Williams; Student Representative Ariana Afrakhteh (left at 9:05 p.m.)

**Absent:** Board Members Bert Koseck, Vice Chairperson Gillian Lazar; Alternate Board Member Lisa Prasad

**Administration:** Matthew Baka, Sr. Planner

Jana Ecker, Planning Director

Mario Mendoza, Recording Secretary

**03-69-17**

**2. Transitional Zoning (TZ-2)**

Mr. Baka noted the City Commission and Planning Board have held a number of meetings relating to this issue. On June 20, 2016, the City Commission and Planning Board held a joint study session/workshop where the TZ-2 topic was discussed at length. This discussion included a lengthy summary of the background of this topic and the City Commission instructed the Planning Board to revisit the TZ-2 issue with inclusion of the O1-O2 history. It was suggested that the board hold another public hearing to allow for additional public input and then make a recommendation to the Commission. The Commission would then consider how to proceed with the newly proposed zone. The possibilities suggested included implementing the zone and then applying it to specific properties or to allow property owners to request a rezoning individually.

Mr. Williams thought the board has lost its focus on this issue. The original reason for creating at that time N-2 and N-3 and now TZ-2 and TZ-3 had nothing to do with uses. It was simply the magnitude of a development. Instead the board has concentrated on uses. So, in his view the Planning Board should list TZ-2 uses which it thinks are compatible with commercial uses adjoining a neighborhood and send it back to the Commission. Point out that the difference between TZ-2 and TZ-3 wasn't the reason for the distinction to begin with and it should not be the reason now.

Mr. Share said it seems to him they have created a reasonable use differentiation between TZ-2 and TZ-3. Therefore, his inclination was to send it to the City Commission. Mr. Jeffares' vote was also to send it to the Commission. Ms. Whipple-Boyce agreed, except she would like to see

Market Square (grocery store) back in TZ-2. Mr. Share observed it is grandfathered in today, so their use isn't threatened.

Chairman Clein noticed that a bakery and a coffee shop are permitted uses as proposed in TZ-2, but require Special Land Use Approval ("SLUP") in TZ-3. The group thought the requirement should be the same in each zone. The consensus was to have bakery, coffee shop and grocery stores as a SLUP in TZ-2. Mr. Boyle arrived at this time.

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to set a public hearing on Transition Zoning (TZ-2) for May 10.**

No comments were heard from the public.

**Motion carried, 6-0.**

VOICE VOTE

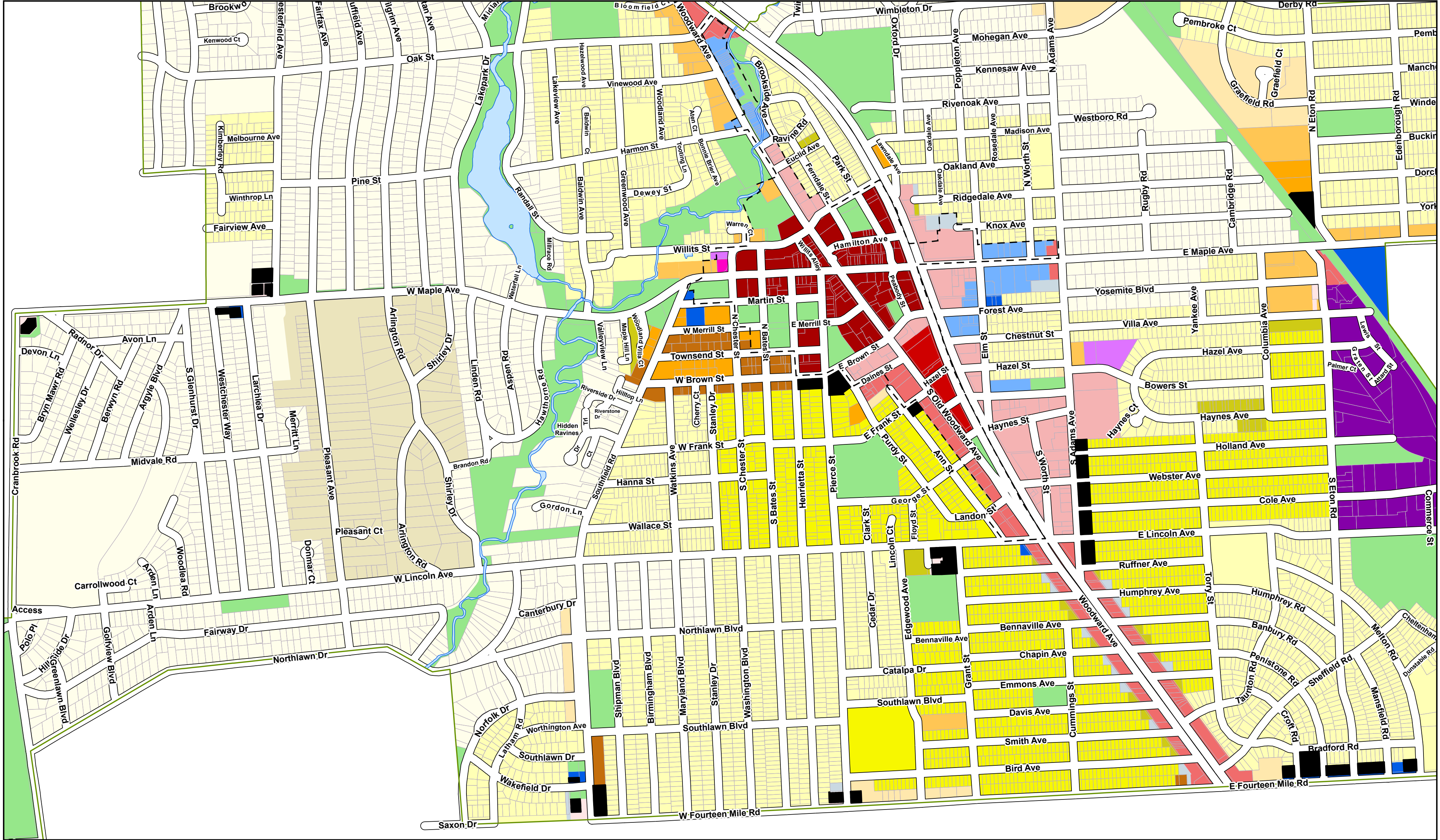
Yeas: Williams, Whipple-Boyce, Boyle, Clein, Jeffares, Share

Nays: None

Absent: Koseck, Lazar



TZ2 Transitional Zoning Proposals



1,500 750 0 1,500 Feet

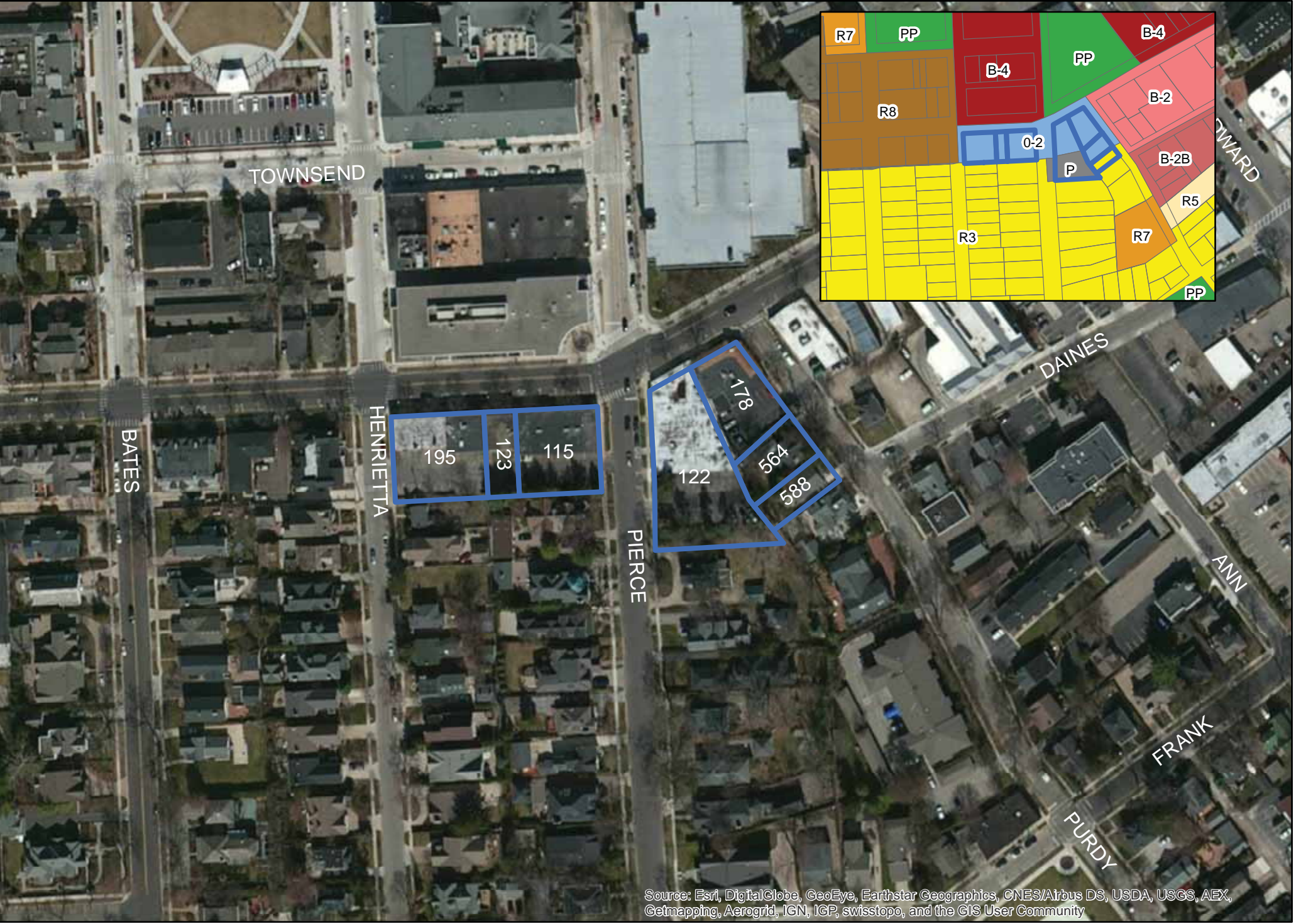
Coordinate System: State Plane Coordinate System Michigan South Zone 2113 Projection: Lambert Conformal  
Conic, Units: International Feet, Datum: NAD83  
Data Sources: Oakland County GIS Utility, City of Birmingham  
Updated: December 1, 2015

# City Of Birmingham Zoning Map

## Zoning Districts

R1	Single-Family Residential	R7	Multiple-Family Residential	B-2B	General Business
R1-A	Single-Family Residential	R8	Multiple-Family Residential	B-3	Office-Residential
R2	Single-Family Residential	TZ1	Transitional Zoning 1	B-4	Business-Residential
R3	Single-Family Residential	TZ2	Transitional Zoning	O-2	Office Commercial
R4	Two-Family Residential	MX	Mixed-Use	O-1	Office
R5	Multiple-Family Residential	B-1	Neighborhood Business	P	Parking
R6	Multiple-Family Residential	B-2	General Business	PP	Public Property
					Downtown Overlay Boundary

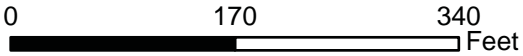




Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

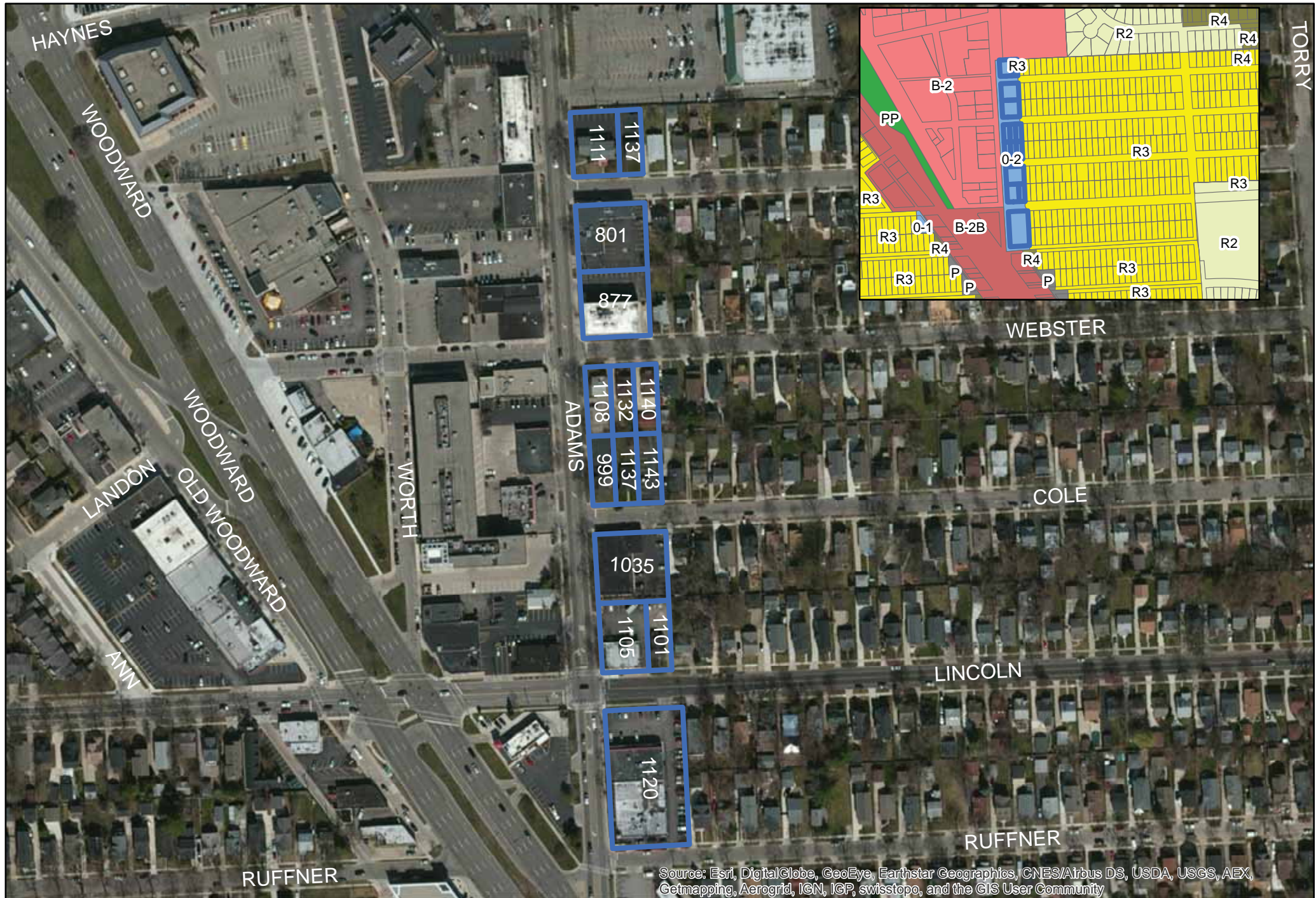


TZ2 Proposals





1111, 1137 Holland; 801, 877, 999, 1035, 1105 S Adams Rd;  
1108, 1132, 1140 Webster; 1137, 1143 Cole St; 1101, 1120 E Lincoln

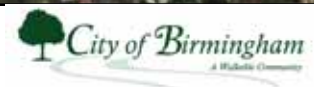


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



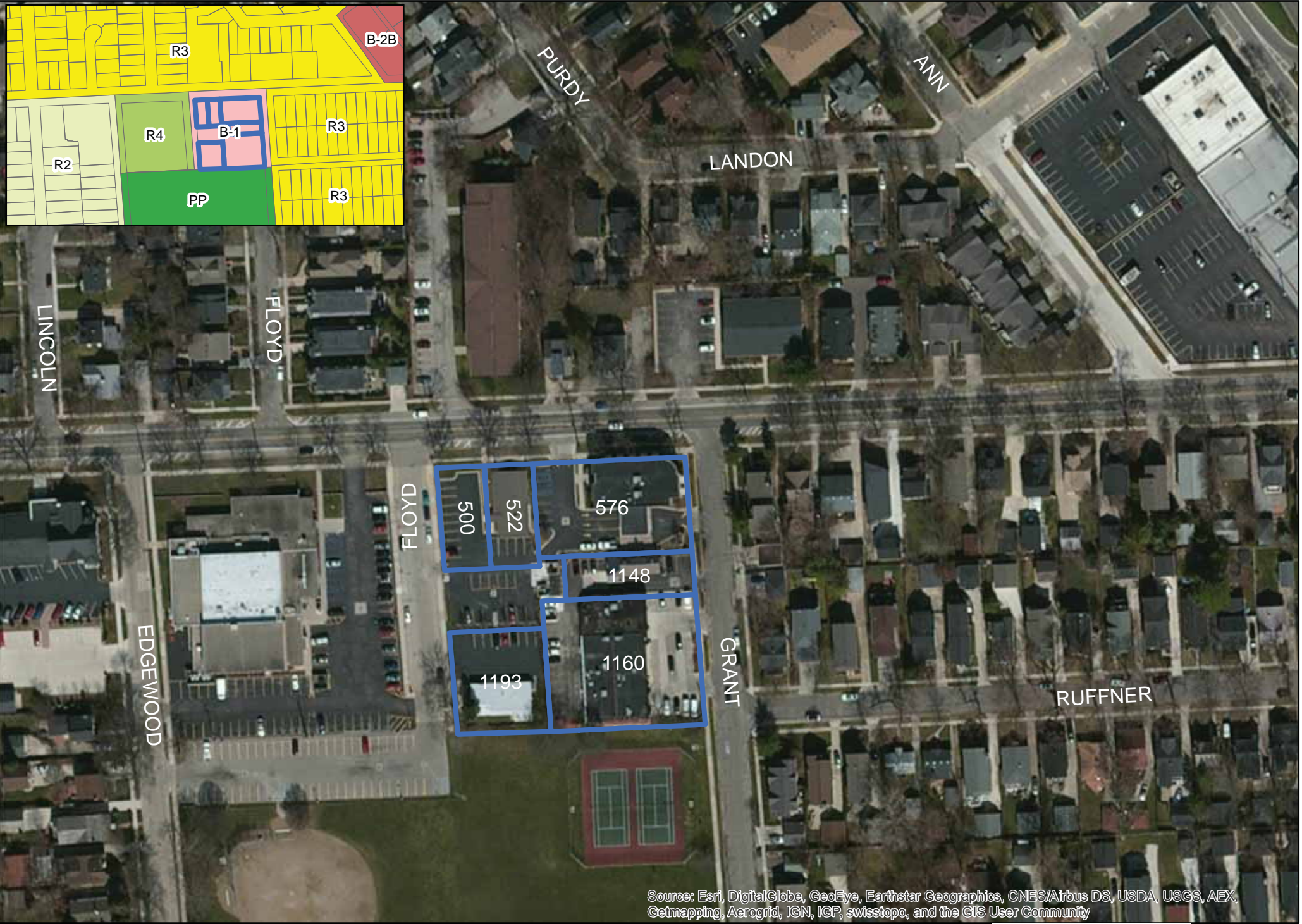
TZ2 Proposals

0 250 500 Feet





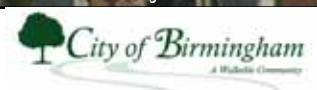
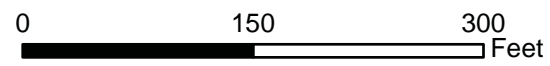
# 500, 522, 576 E. Lincoln; 1148, 1160 Grant; 1193 Floyd



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

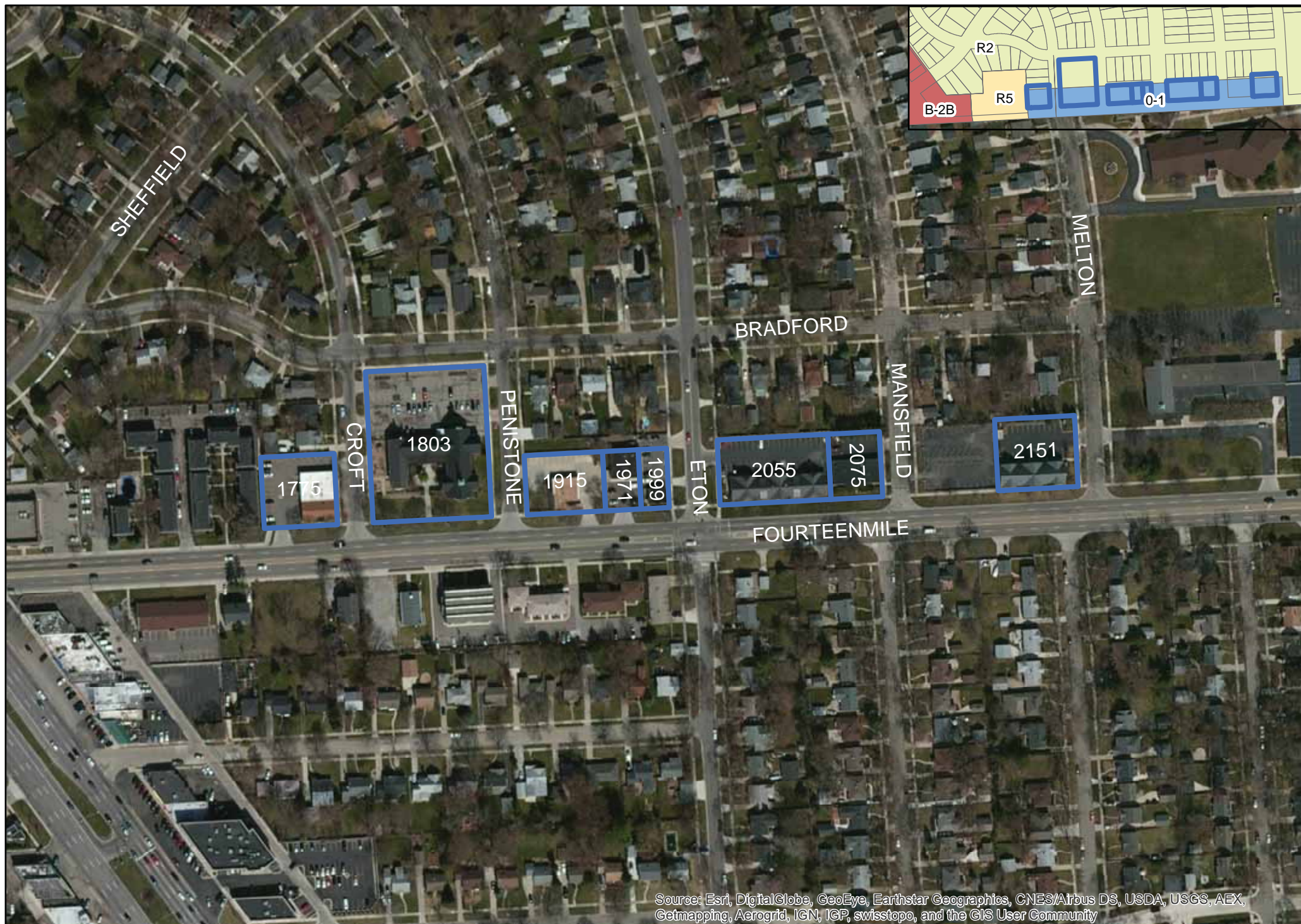


TZ2 Proposals





1775, 1803, 1915, 1971, 1999, 2055, 2075, 2151 Fourteen Mile Rd.



TZ2 Proposals

0

245

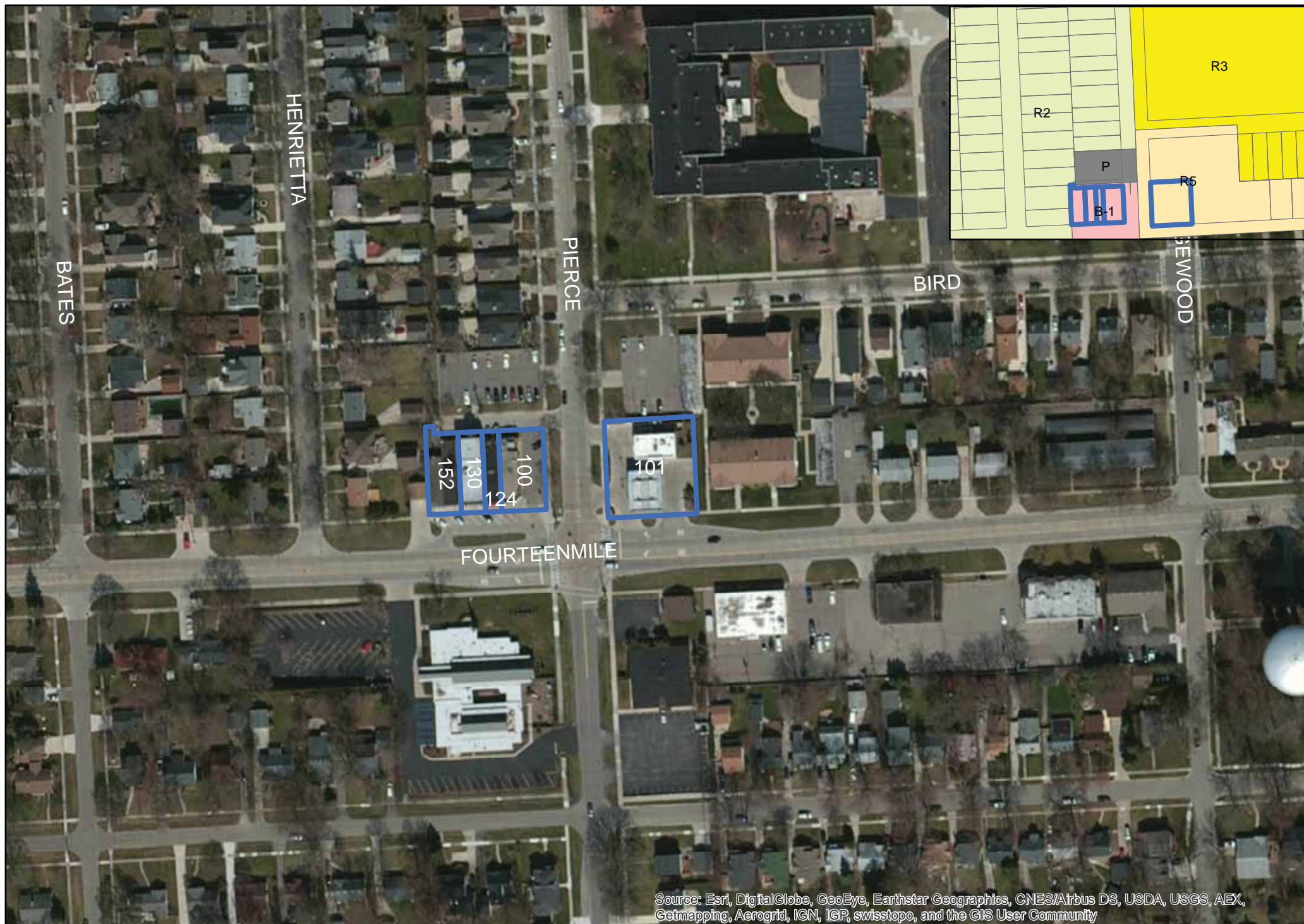
490

Feet



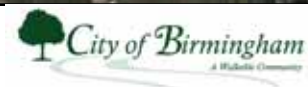


100, 124, 130, 152 W Fourteen Mile Rd; 101 E. Fourteen Mile Rd.



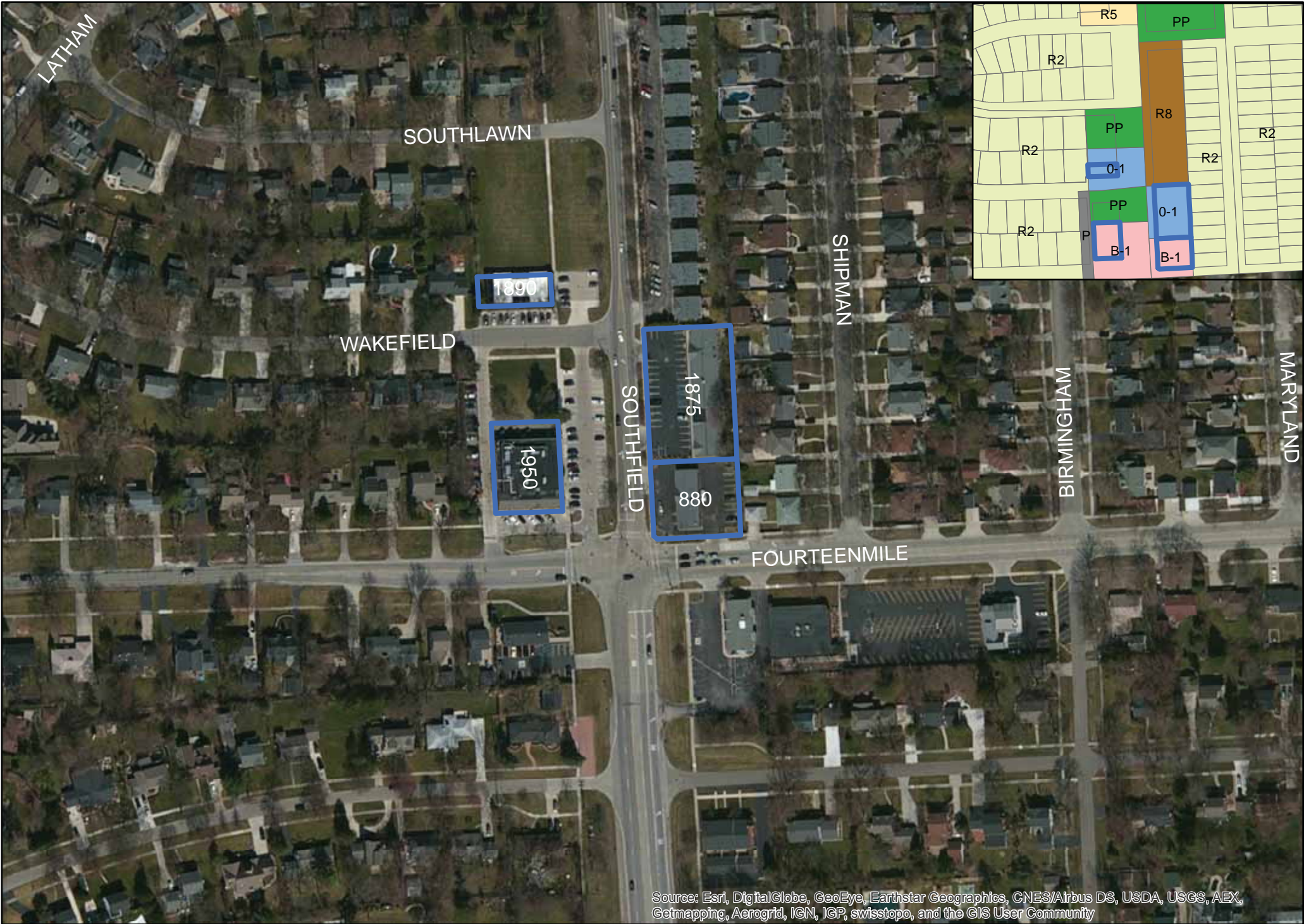
TZ2 Proposals

0 180 360 Feet





1712, 1728, 1732, 1740, 1744, 1794, 1821 W. Maple Rd.



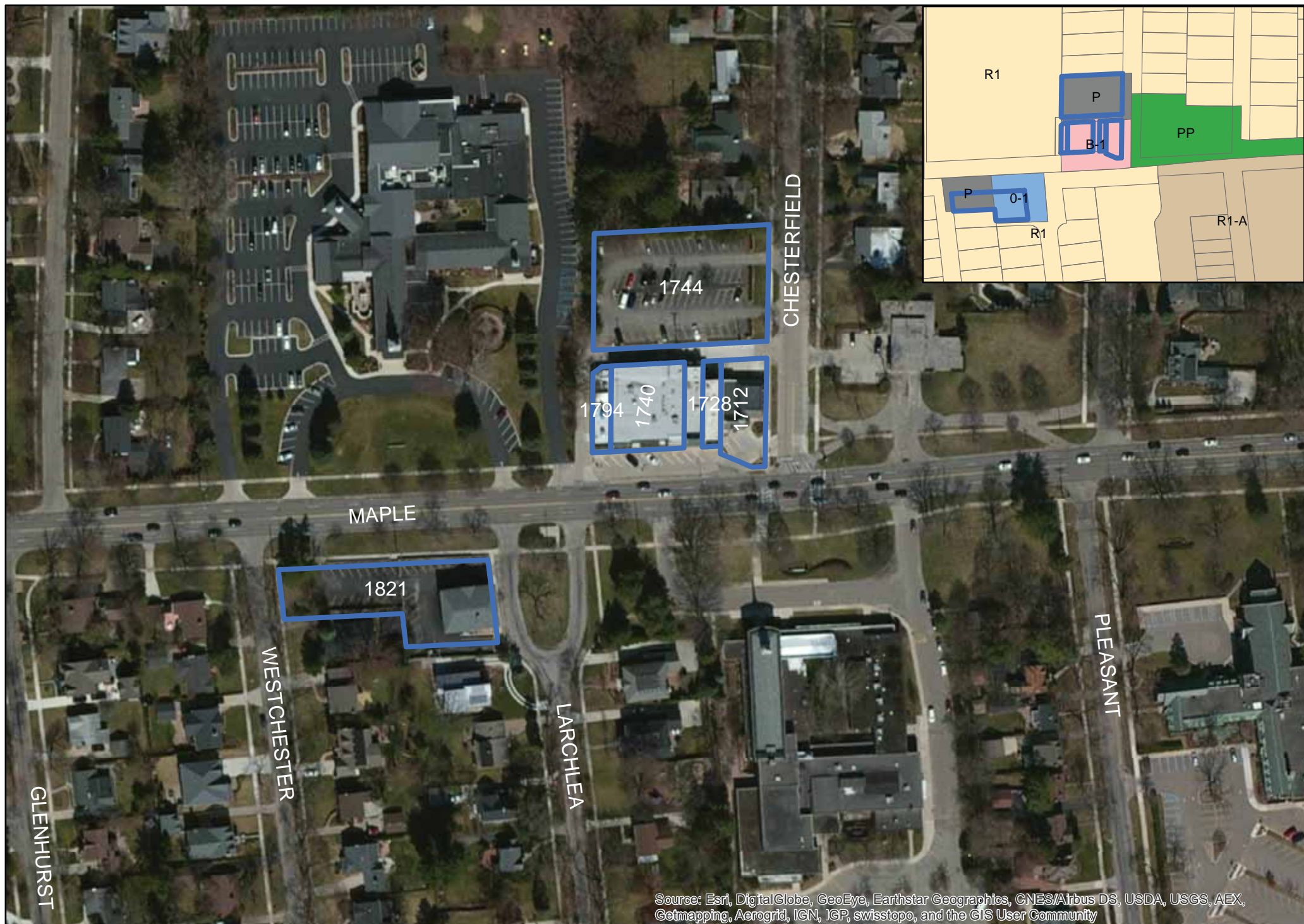
TZ2 Proposals

0 215 430 Feet





1712, 1728, 1732, 1740, 1744, 1794, 1821 W. Maple Rd.

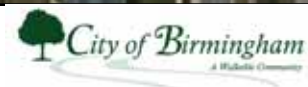


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



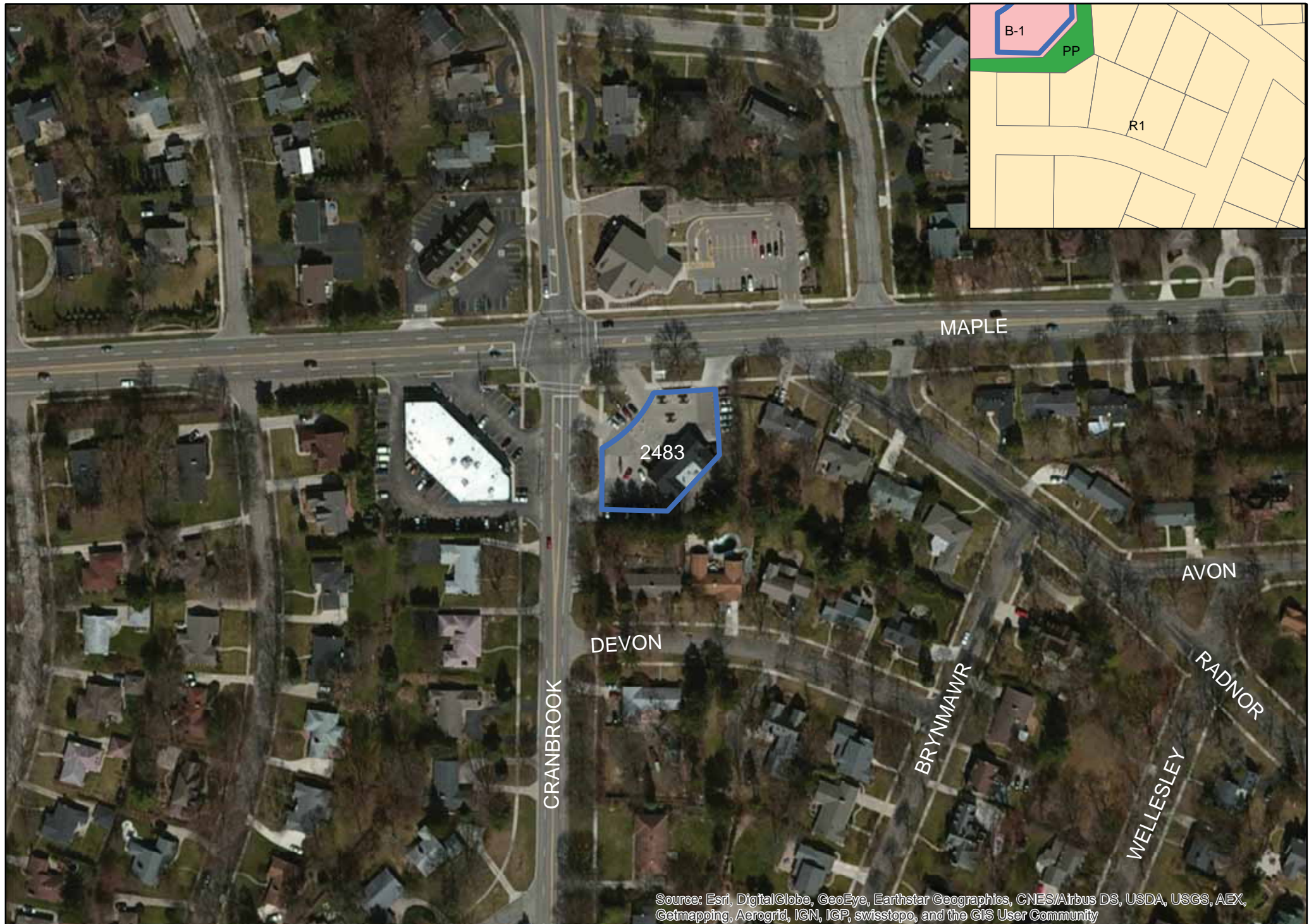
TZ2 Proposals

0 175 350 Feet



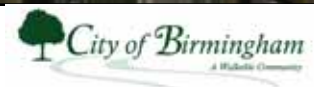


# 2483 W. Maple Rd.



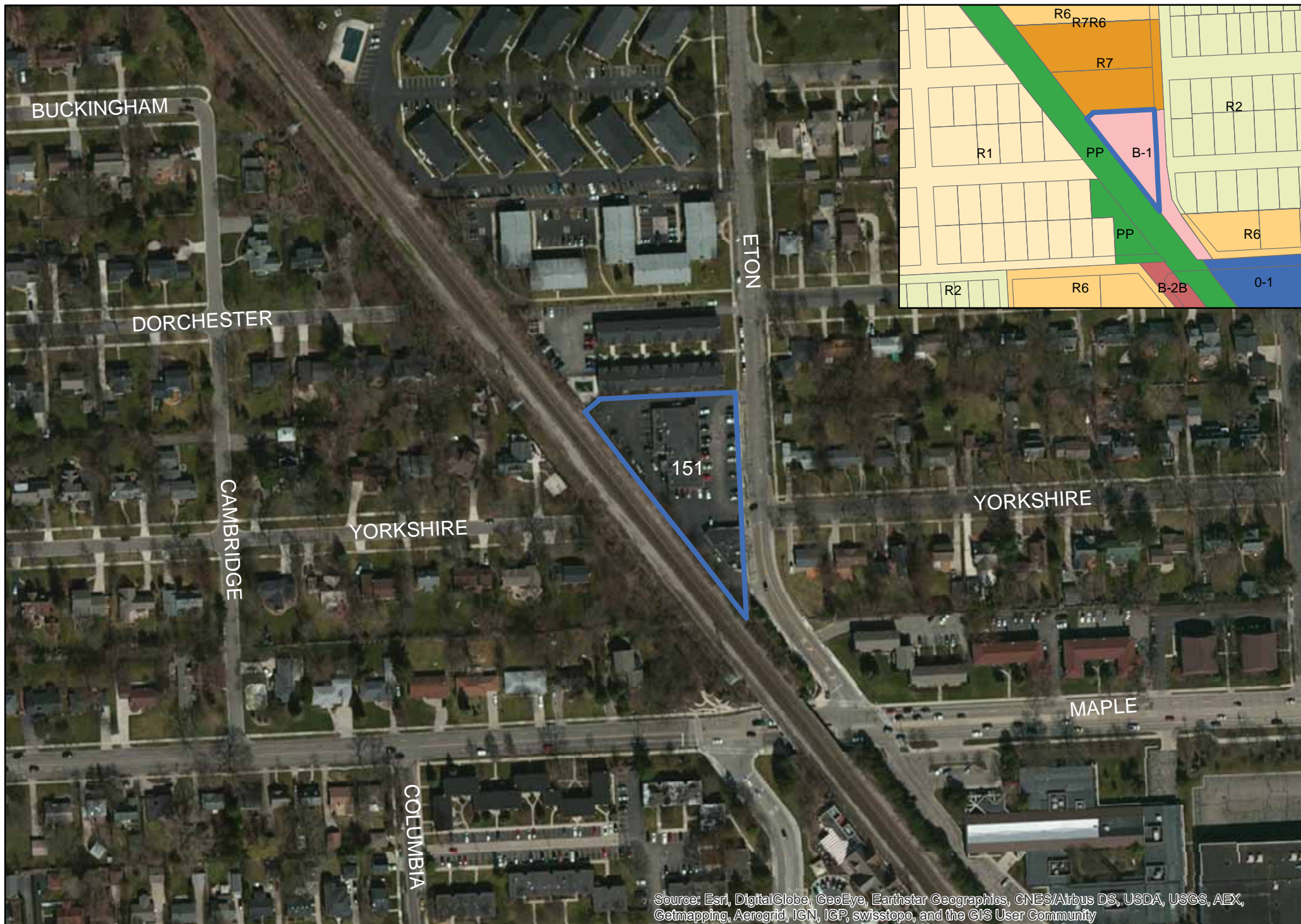
TZ2 Proposals

0 190 380 Feet





# 151 N. Eaton



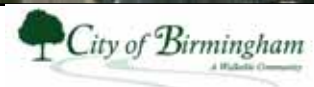
TZ2 Proposals

0

237.5

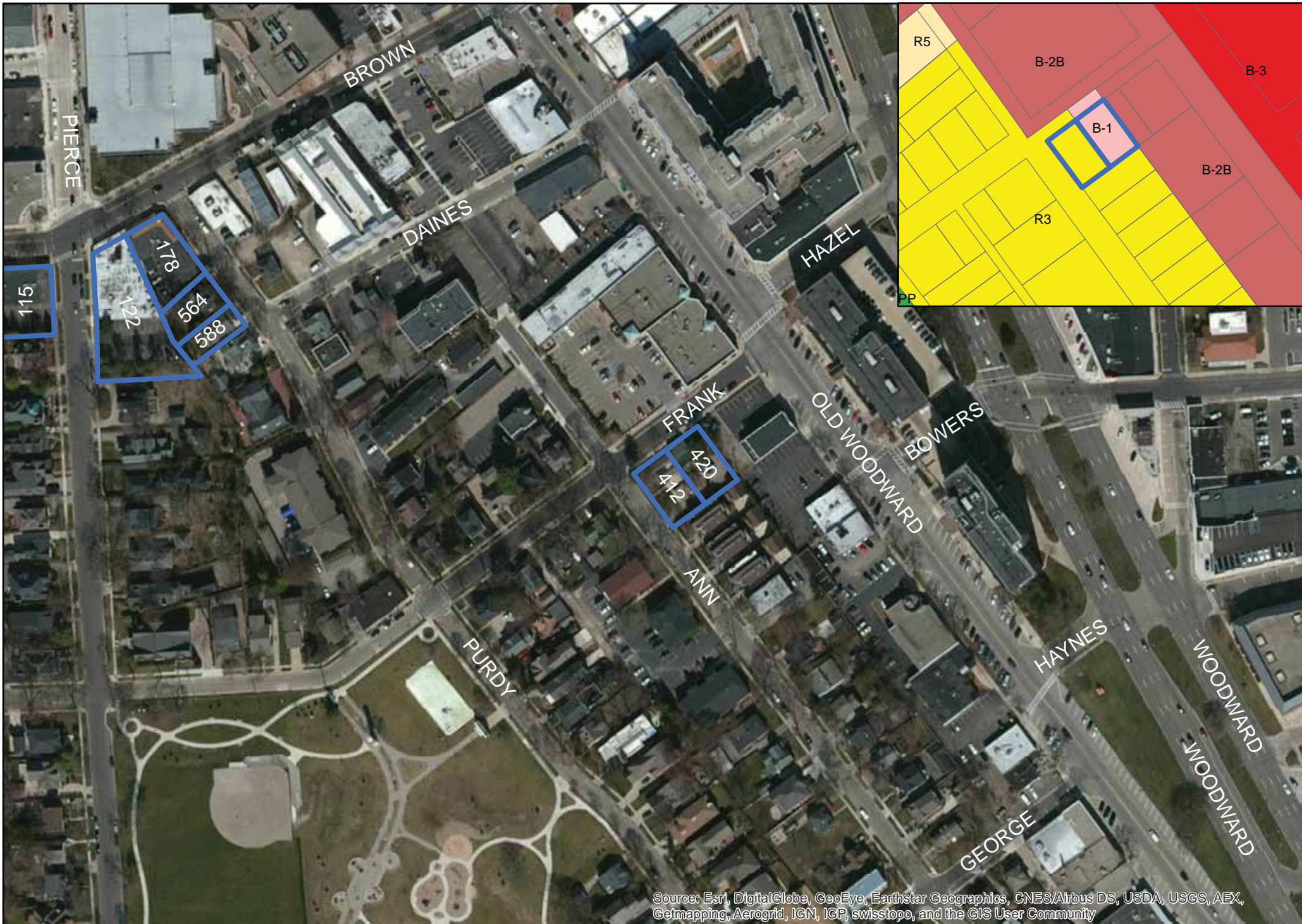
475

Feet





# 412 & 420 E. Frank St.



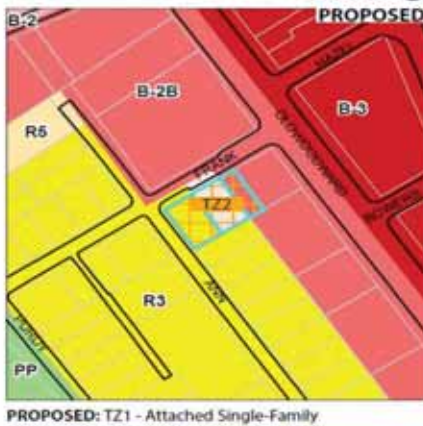
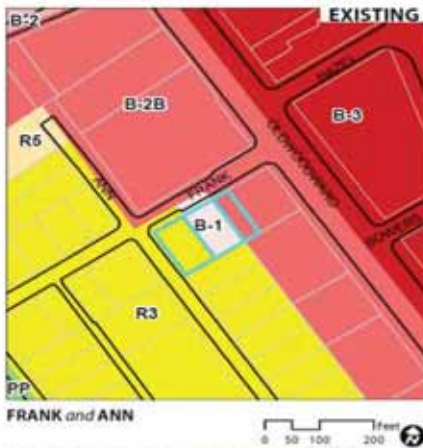
TZ2 Proposals

0 215 430 Feet





# E. FRANK— R3/B1/B2B TO TZ2



Total property area – approx. 15,000 sq. ft.

# of residential units currently permitted – 1 unit on R3 parcel  
0 units on B1 parcel  
No limit on B2b parcel

# of units permitted under TZ1 zoning - 5

# 412 E. FRANK - R3 TO TZ2

## R3 – Single family Residential

### Residential Permitted Uses

- ~~adult foster care group home~~
- dwelling - one-family
- ~~single family cluster\*~~

### Institutional Permitted Uses

- government office
- school – public

### Recreational Permitted Uses

- park

### Accessory Permitted Uses

- family day care home\*
- ~~garage – private~~
- ~~greenhouse – private~~
- home occupation\*
- ~~parking facility – private off-street~~
- ~~parking – public, off-street\*~~
- ~~renting of rooms\*~~
- ~~sign~~
- ~~swimming pool – private~~
- ~~any use customarily incidental to the permitted principal use~~

### Uses Requiring a Special Land Use Permit

- assisted living
- church
- ~~continued care retirement community~~
- independent hospice facility
- independent senior living
- ~~medical rehabilitation facility~~
- ~~parking (accessory) – public, off-street~~
- ~~philanthropic use~~
- ~~public utility building~~
- ~~publicly owned building~~
- school - private
- skilled nursing facility

### Residential Permitted Uses

Dwelling – attached single family

Dwelling – multiple family

Dwelling – single family (R3)

### Commercial Permitted Uses

Art gallery

Artisan use

Barber/Beauty Salon

Bookstore

Boutique

Drugstore

Gift shop/flower shop

Hardware

Health club/studio

Jewelry store

Neighborhood convenience store

Office

Tailor

### Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery

Bank/credit union with drive-thru

Church or religious institution

Coffee shop

Delicatessen

Dry cleaner

Essential services

Food & drink establishment

Government office/use

Grocery store

Independent hospice facility

Independent senior living

Parking Structure

School – private and public (now requires SLUP)

Skilled nursing facility

Specialty food shop

# 420 E. FRANK - B1 TO TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School—private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool—public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child-care center  
Continued-care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner (now requires SLUP)  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop



# E. FRANK PARKING – B2B TO TZ2

## **B2b – General Business**

### **Residential Permitted Uses**

- dwelling - multiple-family
- dwelling - one-family\*
- dwelling - two family\*
- live/work unit

### **Institutional Permitted Uses**

- church
- community center
- garage - public
- government office
- government use
- loading facility - off street
- parking facility - off street
- school - private, public
- social club

### **Recreational Permitted Uses**

- bowling alley
- outdoor amusement\*
- recreational club
- swimming pool - public & semiprivate

### **Commercial Permitted Uses**

- auto sales agency
- bakery
- bank
- barber shop/beauty salon
- catering
- child care center
- clothing store
- delicatessen
- drugstore
- dry cleaning
- flower/gift shop
- food or drink establishment\*
- furniture
- greenhouse
- grocery store
- hardware store
- hotel
- jewelry store
- motel
- neighborhood convenience store
- office
- paint
- party store
- retail photocopying
- school business
- shoe store/shoe repair
- showroom of electricians/plumbers
- tailor
- theater\*

### **Other Permitted Uses**

- utility substation

### **Accessory Permitted Uses**

- alcoholic beverage sales (off-premise consumption)\*
- kennel\*

- laboratory - medical/dental\*
- loading facility - off street
- outdoor cafe\*
- outdoor display of goods\*
- outdoor sales\*
- outdoor storage\*
- parking facility - off-street
- sign

### **Uses Requiring a Special Land Use Permit**

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

### **Uses Requiring City Commission Approval**

- regulated uses\*

## **Residential Permitted Uses**

**Dwelling – attached single family**

**Dwelling – multiple family**

**Dwelling – single family (R3)**

## **Commercial Permitted Uses**

**Art gallery**

**Artisan use**

**Barber/Beauty Salon**

**Bookstore**

**Boutique**

**Drugstore**

**Gift shop/flower shop**

**Hardware**

**Health club/studio**

**Jewelry store**

**Neighborhood convenience store**

**Office**

**Tailor**

## **Uses with SLUP**

**Any permitted commercial use with i area over 3,000 sq.ft. per tenar**

**Assisted Living**

**Bakery (now requires SLUP)**

**Bank/credit union with drive-thru**

**Church or religious institution**

**Coffee shop**

**Delicatessen**

**Dry cleaner (now requires SLUP)**

**Essential services**

**Food & drink establishment**

**Government office/use (now requires SLUP)**

**Grocery store (now requires SLUP)**

**Independent hospice facility**

**Independent senior living**

**Parking Structure**

**School – private and public (now req**

**Skilled nursing facility**

**Specialty food shop**

# BROWN AT PIERCE



BROWN and PURDY, PURDY and DAINES



Source: Bing



PROPOSED: T22 - Mixed-Use



Source: Google



Source: Google

# EXISTING USES: 02

# PROPOSED USES: TZ2

## Residential Permitted Uses

Adult foster care group home  
Dwelling – multiple family  
Dwelling – one-family (R5)  
Dwelling – two family  
Live/work unit  
Single family cluster

## Institutional Uses

Government office  
Philanthropic use  
School – public

## Recreational Uses

Park  
Swimming pool – semiprivate

## Commercial Permitted Uses

Art gallery  
Bakery  
Bank without drive-through facility  
Barber/beauty salon  
Boutique  
Clinic  
Clothing store  
Flower/gift shop  
Hair replacement establishment  
Interior design shop  
Jewelry store  
Leather and luggage goods shop  
Office  
Photographic studio  
Specialty food store  
Specialty home furnishing shop  
Tailor  
Tobacconist  
Veterinary clinic

## Existing Uses with SLUP

Assisted Living  
Bank with drive-through facility  
Bistro (only in Triangle District)  
Continued care retirement community  
Display of broadcast media devices (only permitted with gasoline service station)  
Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1: Appendix C)  
Food and drink establishment  
Independent hospice facility  
Independent senior living  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# EXISTING USES: P

# PROPOSED USES: TZ2

## Residential Permitted Uses

~~Adult foster care group home (R7)~~  
Dwelling – multiple-family (R7)  
Dwelling – one-family (R7)  
~~Dwelling – two-family (R7)~~  
Live/work unit  
Single family cluster (R7)

## Institutional Uses

~~Government office (R7)~~  
Parking facility – off street  
Philanthropic use  
School – public (R7)

## Recreational Uses

~~Park (R7)~~  
~~Swimming pool – semiprivate (R7)~~

## Existing Uses with SLUP

Assisted living  
~~Bistro (only in Triangle District)~~  
Church  
Community center  
~~Continued care retirement community~~  
Independent hospice facility  
Independent senior living  
~~Publicly owned building~~  
~~Public utility building~~  
~~Recreational club~~  
School - private  
Skilled nursing facility  
Social club

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure (now requires SLUP)  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# EXISTING USES: R3

# PROPOSED USES: TZ2

## Residential Permitted Uses

Adult foster care group home  
Dwelling – one-family  
Single family cluster

## Institutional Uses

Government office  
School—public

## Recreational Uses

Park

## Existing Uses with SLUP

Assisted living  
Church  
Continued care retirement community  
Independent hospice facility  
Independent senior living  
Medical rehabilitation facility  
Parking (accessory) – public, off-street  
Philanthropic use  
Public utility building  
Publicly owned building  
School - private  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor  
area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop



# S. ADAMS, ADAMS SQUARE TO LINCOLN



S. ADAMS between ADAMS SQUARE and LINCOLN



Source: Bing



PROPOSED: TZ2 - Mixed-Use



Source: Google



Source: Google

# EXISTING USES: 02

# PROPOSED USES: TZ2

## Residential Permitted Uses

Adult foster care group home  
Dwelling – multiple family  
Dwelling – one-family (R5)  
Dwelling – two family  
Live/work unit  
Single family cluster

## Institutional Uses

Government office  
Philanthropic use  
School – public

## Recreational Uses

Park  
Swimming pool – semiprivate

## Commercial Permitted Uses

Art gallery  
Bakery  
Bank without drive-through facility  
Barber/beauty salon  
Boutique  
Clinic  
Clothing store  
Flower/gift shop  
Hair replacement establishment  
Interior design shop  
Jewelry store  
Leather and luggage goods shop  
Office  
Photographic studio  
Specialty food store  
Specialty home furnishing shop  
Tailor  
Tobacconist  
Veterinary clinic

## Existing Uses with SLUP

Assisted Living  
Bank with drive-through facility  
Bistro (only in Triangle District)  
Continued care retirement community  
Display of broadcast media devices (only permitted with gasoline service station)  
Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1: Appendix C)  
Food and drink establishment  
Independent hospice facility  
Independent senior living  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# LINCOLN AT GRANT



E. LINCOLN and GRANT



PROPOSED: TZ2 - Mixed-Use





# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School — private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool — public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling — attached single family  
Dwelling — multiple family  
Dwelling — single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

## Assisted Living

Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution

## Coffee shop

## Delicatessen

Dry cleaner (now requires SLUP)

## Essential services

## Food & drink establishment

Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)

Independent hospice facility

## Independent senior living

## Parking Structure

School — private and public (now requires SLUP)

Skilled nursing facility

## Specialty food shop

# E. 14 MILE ROAD EAST OF WOODWARD



14 MILE east of WOODWARD



Source: Bing



PROPOSED: TZ2 - Mixed-Use



Source: Google



Source: Google

# EXISTING USES: 01

# PROPOSED USES: TZ2

## Residential Permitted Uses

~~Adult foster care group home~~  
Dwelling – multiple family  
Dwelling – one-family (R5)  
~~Dwelling – two family~~  
~~Live/work unit~~  
Single family cluster

## Institutional Uses

~~Government office~~  
~~Philanthropic use~~  
~~School – public~~

## Recreational Uses

~~Park~~  
~~Swimming pool – semiprivate~~

## Commercial Permitted Uses

Barber/beauty salon  
~~Hair replacement establishment~~  
Office  
~~Veterinary clinic~~

## Existing Uses with SLUP

Assisted Living  
~~Bistro (only in Triangle District)~~  
Church  
~~Continued care retirement community~~  
Independent hospice facility  
Independent senior living  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

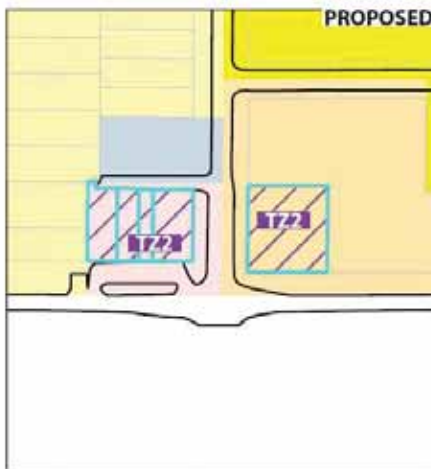
# 14 MILE ROAD AT PIERCE



14 MILE and PIERCE



Source: Bing



PROPOSED: TZ2 - Mixed-Use



Source: Google



Source: Google

# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School — private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool — public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling — attached single family  
Dwelling — multiple family  
Dwelling — single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

## Assisted Living

Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution

## Coffee shop

## Delicatessen

Dry cleaner (now requires SLUP)

## Essential services

## Food & drink establishment

Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)

Independent hospice facility

## Independent senior living

## Parking Structure

School — private and public (now requires SLUP)

Skilled nursing facility

## Specialty food shop



# EXISTING USES: R5

# PROPOSED USES: TZ2

## Residential Permitted Uses

~~Adult foster care group home (R4)~~  
Dwelling – multiple-family  
Dwelling – one-family (R4)  
~~Dwelling – two-family (R4)~~  
Single family cluster (R4)

## Institutional Uses

~~Government office (R4)~~  
~~Philanthropic use (R4)~~  
~~School – public (R4)~~

## Recreational Uses

~~Park (R4)~~  
~~Swimming pool – semiprivate~~

## Existing Uses with SLUP

Assisted living  
Church  
~~Continued care retirement community~~  
Independent hospice facility  
Independent senior living  
~~Parking (accessory) – public, off-street~~  
~~Public utility building~~  
~~Publicly owned building~~  
School - private  
Skilled nursing facility

## Residential Permitted Uses

**Dwelling – attached single family**  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

**Art gallery**  
**Artisan use**  
**Barber/Beauty Salon**  
**Bookstore**  
**Boutique**  
**Drugstore**  
**Gift shop/flower shop**  
**Hardware**  
**Health club/studio**  
**Jewelry store**  
**Neighborhood convenience store**  
**Office**  
**Tailor**

## Uses with SLUP

**Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant**  
Assisted Living  
**Bakery**  
**Bank/credit union with drive-thru**  
**Church or religious institution**  
**Coffee shop**  
**Delicatessen**  
**Dry cleaner**  
**Essential services**  
**Food & drink establishment**  
Government office/use (now requires SLUP)  
**Grocery store**  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
**Specialty food shop**

# SOUTHFIELD AT 14 MILE



SOUTHFIELD and 14 MILE



Source: Bing



PROPOSED: T22 - Mixed-Use



Source: Google



Source: Google

# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School — private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool — public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline full service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling — attached single family  
Dwelling — multiple family  
Dwelling — single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

## Assisted Living

Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution

## Coffee shop

## Delicatessen

Dry cleaner (now requires SLUP)

## Essential services

## Food & drink establishment

Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)

Independent hospice facility

## Independent senior living

## Parking Structure

School — private and public (now requires SLUP)

Skilled nursing facility

## Specialty food shop



# EXISTING USES: 01

# PROPOSED USES: TZ2

## Residential Permitted Uses

~~Adult foster care group home~~  
Dwelling – multiple family  
Dwelling – one-family (R5)  
~~Dwelling – two family~~  
~~Live/work unit~~  
Single family cluster

## Institutional Uses

~~Government office~~  
~~Philanthropic use~~  
~~School – public~~

## Recreational Uses

~~Park~~  
~~Swimming pool – semiprivate~~

## Commercial Permitted Uses

Barber/beauty salon  
~~Hair replacement establishment~~  
Office  
~~Veterinary clinic~~

## Existing Uses with SLUP

Assisted Living  
~~Bistro (only in Triangle District)~~  
Church  
~~Continued care retirement community~~  
Independent hospice facility  
Independent senior living  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

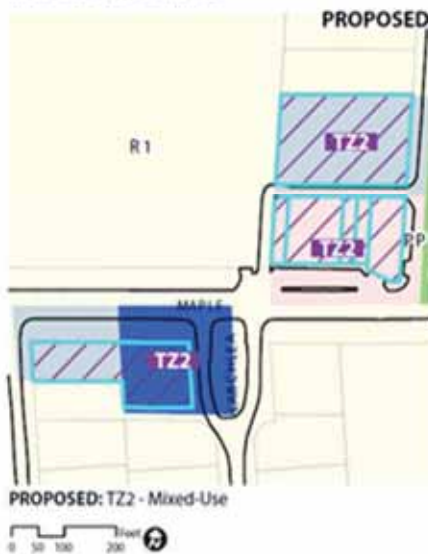
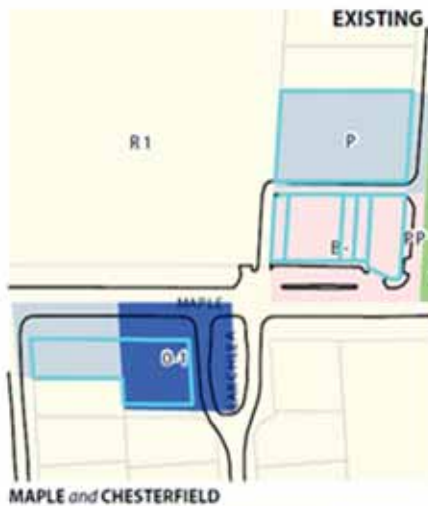
## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# MILLS PHARMACY PLAZA/ W. MAPLE & LARCHLEA



# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School — private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool — public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling — attached single family  
Dwelling — multiple family  
Dwelling — single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

## Assisted Living

Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution

## Coffee shop

## Delicatessen

Dry cleaner (now requires SLUP)

## Essential services

## Food & drink establishment

Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)

Independent hospice facility

## Independent senior living

## Parking Structure

School — private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# EXISTING USES: 01

# PROPOSED USES: TZ2

## Residential Permitted Uses

~~Adult foster care group home~~  
Dwelling – multiple family  
Dwelling – one-family (R5)  
~~Dwelling – two family~~  
Live/work unit  
Single family cluster

## Institutional Uses

~~Government office~~  
~~Philanthropic use~~  
~~School – public~~

## Recreational Uses

~~Park~~  
~~Swimming pool – semiprivate~~

## Commercial Permitted Uses

Barber/beauty salon  
~~Hair replacement establishment~~  
Office  
~~Veterinary clinic~~

## Existing Uses with SLUP

Assisted Living  
~~Bistro (only in Triangle District)~~  
Church  
~~Continued care retirement community~~  
Independent hospice facility  
Independent senior living  
Skilled nursing facility

## Residential Permitted Uses

**Dwelling – attached single family**  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

**Art gallery**  
**Artisan use**  
Barber/Beauty Salon  
**Bookstore**  
**Boutique**  
**Drugstore**  
**Gift shop/flower shop**  
**Hardware**  
**Health club/studio**  
**Jewelry store**  
**Neighborhood convenience store**  
Office  
**Tailor**

## Uses with SLUP

**Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant**  
Assisted Living  
**Bakery**  
**Bank/credit union with drive-thru**  
**Church or religious institution**  
**Coffee shop**  
**Delicatessen**  
**Dry cleaner**  
**Essential services**  
**Food & drink establishment**  
**Government office/use (now requires SLUP)**  
**Grocery store**  
Independent hospice facility  
Independent senior living  
**Parking Structure**  
School – private and public (now requires SLUP)  
Skilled nursing facility  
**Specialty food shop**

# EXISTING USES: P

# PROPOSED USES: TZ2

## Residential Permitted Uses

~~Adult foster care group home (R7)~~  
Dwelling – multiple-family (R7)  
Dwelling – one-family (R7)  
~~Dwelling – two-family (R7)~~  
Live/work unit  
Single family cluster (R7)

## Institutional Uses

~~Government office (R7)~~  
Parking facility – off street  
Philanthropic use  
School – public (R7)

## Recreational Uses

~~Park (R7)~~  
~~Swimming pool – semiprivate (R7)~~

## Existing Uses with SLUP

Assisted living  
~~Bistro (only in Triangle District)~~  
Church  
Community center  
~~Continued care retirement community~~  
Independent hospice facility  
Independent senior living  
~~Publicly owned building~~  
~~Public utility building~~  
Recreational club  
School - private  
Skilled nursing facility  
Social club

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure (now requires SLUP)  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop



# W. MAPLE AND CRANBROOK



MAPLE and CRANBROOK



PROPOSED: TZ2 - Mixed-Use



# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School — private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool — public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling — attached single family  
Dwelling — multiple family  
Dwelling — single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

## Assisted Living

Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution

## Coffee shop

## Delicatessen

Dry cleaner (now requires SLUP)

## Essential services

## Food & drink establishment

Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)

Independent hospice facility

## Independent senior living

## Parking Structure

School — private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# N. ETON



E. MAPLE and N. ETON



Source: Bing



PROPOSED: TZ3 - Mixed-Use



Source: Google



Source: Google



# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School — private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool — public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling — attached single family  
Dwelling — multiple family  
Dwelling — single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

## Assisted Living

Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution

## Coffee shop

## Delicatessen

Dry cleaner (now requires SLUP)

## Essential services

## Food & drink establishment

Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)

Independent hospice facility

## Independent senior living

## Parking Structure

School — private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

	TZ1	TZ2	TZ3
Residential Permitted Uses	<ul style="list-style-type: none"> <li>• Dwelling – attached single family</li> <li>• Dwelling – single family (R3)</li> <li>• Dwelling – multi-family</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling – attached single family</li> <li>• Dwelling – single family (R3)</li> <li>• Dwelling – multi-family</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling – attached single family</li> <li>• Dwelling – single family (R3)</li> <li>• Dwelling – multi-family</li> </ul>
Commercial Permitted Uses		<ul style="list-style-type: none"> <li>• Art gallery</li> <li>• Artisan use</li> <li>• Bakery</li> <li>• Barber/beauty salon</li> <li>• Bookstore</li> <li>• Boutique</li> <li>• Coffee shop</li> <li>• Drugstore</li> <li>• Gift shop/flower shop</li> <li>• Hardware</li> <li>• <del>Health club/studio</del></li> <li>• Jewelry store</li> <li>• Neighborhood convenience store</li> <li>• Office</li> <li>• Tailor</li> </ul>	<ul style="list-style-type: none"> <li>• Art gallery</li> <li>• Artisan use</li> <li>• Barber/beauty salon</li> <li>• Bookstore</li> <li>• Boutique</li> <li>• Drugstore</li> <li>• Gift shop/flower shop</li> <li>• Hardware</li> <li>• Health club/studio</li> <li>• Jewelry store</li> <li>• Neighborhood convenience store</li> <li>• Office</li> <li>• Tailor</li> </ul>
Accessory Permitted Uses	<ul style="list-style-type: none"> <li>• Family day care home</li> <li>• Home occupation*</li> <li>• Parking – off-street</li> </ul>	<ul style="list-style-type: none"> <li>• Family day care home</li> <li>• Home occupation*</li> <li>• Parking – off-street</li> </ul>	<ul style="list-style-type: none"> <li>• Family day care home</li> <li>• Home occupation*</li> <li>• Parking – off-street</li> </ul>

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

# MEMORANDUM

---

**Date:** April 6, 2011

**To:** Planning Board

**From:** Matthew Baka, Planning Department

**Subject:** Public Hearing - O-1 and O-2 rezoning

---

## Summary

In accordance with the direction of the City Commission, the Planning Board has been conducting study sessions on the appropriateness of the permitted commercial uses within the O1 and O2 Districts. The Planning Board initiated a subcommittee made up of three Planning Board members and had participation from residents and property owners. As a result of the meetings, the subcommittee has developed a series of recommendations regarding the subject parcels.

The subcommittee classified the majority of the O1-O2 properties into three categories based on their proximity to single family residential and created three new potential zoning categories, N1, N2 and N3. All N (Neighborhood Commercial) zoned districts would closely follow the height and setback restrictions of the O1 and O2 zones as noted in the proposed ordinance language;

- **N1 (Neighborhood Commercial) zone** - Properties that directly abut single family residential zones. These properties are viewed as having the greatest impact on residential. For that reason, the permitted commercial uses in these areas are the least intense. These uses are intended to be generally daytime uses including office, retail and neighborhood services.
- **N2 (Neighborhood Commercial) zone** – Properties that are adjacent to residential but have an additional buffer such as right of way or a natural barrier (Rouge River) that protects residential properties or are in high traffic areas that increase the commercial character of the property. In these areas, the permitted commercial uses are proposed to increase slightly in intensity by allowing businesses such as delicatessens, bakeries, coffee shops, and dry cleaners.
- **N3 (Neighborhood Commercial) zone** – This zone is proposed for the parcels currently zoned O1 on Woodward at Quarton. This area is viewed by the committee as unique as it sits on big Woodward. Therefore, uses that involve additional intensity are viewed as appropriate. This would include animal hospitals and veterinary clinics and banks with a drive thru (SLUP required for drive-thru).

Two of the O1 sites have been recommended to be rezoned to existing zones (2100 E. Maple O1 to MX, and 400 W. Maple O1 to B4) based on location and adjacency to other zones. Maps and descriptions of all subject parcels are included in the attached Power Point.

## **Background**

On October 13, 2008 the City Commission held a public hearing that clarified the district intent for the O1 and O2 Zoning Districts, as well as what development standards would apply to a mixed use building in either of these districts. During the public hearing, the City Commission asked that the Planning Board review the uses allowed in each district to determine their appropriateness. Since that time, the Planning Board has studied this topic at several board meetings and recently established a subcommittee to create an updated list of permitted uses that are appropriate for the areas in question. The following information is a summary of the discussions that have been held by the Planning Board.

On July 8, 2009 the Planning Board reviewed the recent discussions regarding O1 and O2 districts and discussed the direction from the City Commission to evaluate current permitted uses in these districts. The Planning Board requested that the Planning staff create an inventory of each existing use in these districts and provide photos of how these properties relate to the adjoining residential property.

On August 12, 2009 the Planning Board reviewed an inventory of current uses in the O1 and O2 districts. A number of non-conforming uses were revealed. The Planning Board requested that a history of these non-conforming uses be researched and City options for action on illegal non-conforming uses be presented.

On September 9, 2009 the Planning Board again discussed the non-conforming uses and continued the discussion of possible resolutions to the question of the appropriateness of the current permitted uses. It was discussed that it would be sensible to perform a comprehensive analysis that examines not just the use but also the impact on the adjacent residential. Rather than trying to examine each use and how it impacts the neighborhood, the Planning Board took a step back to decide what the intended intensity of use for the district was and then move forward from that point in establishing permitted uses. The Planning Board requested that the City Commission be updated as to the progress and direction of their O1-O2 Zoning District study, which was prepared and submitted to the City Manager for review.

On October 14, 2009 the Planning Board reviewed information regarding maximum build out of the parcels in all O1 and O2 zones and discussed recommendations by the Planning Division for possible zoning amendments. During the discussion, it was stated that the scale and massing of O1 and O2 was appropriate for the majority of the parcels and that the permitted uses of each seemed compatible with all the parcels being discussed. This led to a discussion regarding creating a unified zoning category (perhaps MU2) that maintained the existing height and setback restrictions of O1 and O2 but aligned the uses between the two into a single zone. Three O1 and O2 zoned areas were recommended for rezoning to an existing zoning classification, with which the board concurred.

On April 14, 2010 the Planning Board reviewed the recommendations of the Planning Division regarding the rezoning of several O1 parcels as well as the potential for creating a new zone district. The Planning Board directed staff to bring forward the O1 parcels that are proposed for rezoning so that the Planning board could review them and

forward recommendations to the City Commission. The Board would then deal with the potential creation of a new zone classification at a later date for the properties that staff identified as candidates.

On May 12, 2010 the Planning Board established a subcommittee to further study the potential for rezoning of O1 and O2 parcels. This was done in order to spend the necessary time examining potential permitted uses and report back to the Planning Board on June 9<sup>th</sup>.

On June 9, 2010 the Planning Board received an update from the subcommittee regarding the progress of the O1-O2 permitted uses. The subcommittee met on two occasions. The result of those committee meetings was the separation of the majority of the O1 and O2 parcels into three transitional zoning categories. These are areas where the parcels in question are seen as transitioning from commercial into single family residential zones. The committee came to the conclusion that the height and scale of O2 zones, as well as the majority of uses currently allowed in O2 zones, are appropriate for these areas. The committee felt that some additional uses could also be considered in certain areas.

The committee devised three new zoning classifications that will allow progressively intensive uses based on the potential effects on surrounding residential properties. The O2 uses were used as a basis for the permitted uses in each transition zone.

These N (Neighborhood Commercial) zones are proposed to be N1, N2, and N3. N1 is being considered for areas that should permit only the least intensive uses as they directly abut residential. The areas to be considered as N2 zones are near single family residential but an additional buffer zone is present in the form of public right of way or a physical barrier between the parcel and the adjacent residential uses. N3 is being considered for the most intense usage. This zone is proposed to be limited to the area at Quarton and Woodward, which has a P (Parking) zoned buffer parcel between the residential to the west and the property on Woodward.

On February 9, 2011 the Planning Board set a public hearing for April 13, 2011 to consider zoning amendments to the O1 and O2 zones. It was decided that the subject would be discussed again at the March 2011 study session to finalize the proposed changes in advance of the Public Hearing.

On March 23<sup>rd</sup>, 2011 the Planning Board held a brief study session to discuss some outstanding issues that the Planning Board requested to be reviewed before the public hearing. These items included finalizing the list of proposed permitted uses and reviewing the proposed rezoning of O1 and O2 properties in the Triangle District.

The following chart lists the proposed permitted commercial uses for each N (Neighborhood Commercial) zone. Column 1 lists uses that will be permitted in all three zones, (N1, N2, and N3). Column 2 lists uses that will be permitted only in N2 and N3. Column 3 lists the additional permitted uses that will be allowed only in N3.

**N1/N2/N3 (Neighborhood Commercial)**

**Commercial Permitted Uses**

- art gallery
- artisan use
- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store
- dental/medical office
- flower/gift shop
- furniture store
- hair replacement establishment
- interior design shop
- jewelry store
- neighborhood convenience store
- office use
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

**Accessory Permitted Uses**

- laboratory - medical/dental\*
- loading facility - off-street\*
- parking facility - off-street\*
- pharmacy\*
- commercial or office uses which are customarily incidental to the permitted principal uses on the same lot

**Uses Requiring a S L U P**

- bistro (only permitted in the Triangle District and Overlay District)\*
- church

**N2/N3 (Neighborhood Commercial)**

**Commercial Permitted Uses**

- bakery
- coffee shop
- delicatessen
- dry cleaners
- health club/studio
- party store

**Accessory Permitted Uses**

- outdoor cafe\*

**Uses Requiring a S L U P**

- food or drink establishment\*
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)

**N3 (Neighborhood Commercial)**

**Commercial Permitted Uses**

- animal medical hospital
- hardware store
- paint store
- veterinary clinic\*

**Accessory Permitted Uses**

- kennel\*

**Uses Requiring a S L U P**

- bank with drive-through facility

In order to clarify the meaning of the permitted uses, definitions for several terms have been developed and are proposed to be added to Article 09, Definitions.

**Artisan Use** - Any premises used principally for local or regional small scale operations that specialize in the repair, manufacture, and/or sale of domestic furniture, shoes, clothing, time pieces, arts, and crafts, specialty foods and beverages or similar such items.

**Barber/Beauty Salon** - An establishment dealing with cosmetic treatments for men and women, including hair/nail salons and spas. Barber/Beauty salons provide generalized services related to hair, skin health, facial aesthetic, foot care, aromatherapy, meditation, oxygen therapy, mud baths, massage, and other similar services for increasing mental well-being and relaxation.

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

**Delicatessen** - A store selling foods already prepared or requiring little preparation for serving, such as cooked meats, cheese, salads, chips and similar products. Also a sandwich menu, most of which are made to order behind the counter at the time of sale. In addition to made-to-order sandwiches a selection of prepared green salads pasta, potato, chicken, tuna, shrimp, or other variety of "wet" salads, displayed underneath the counter and bought by weight or on a sandwich. Delicatessens may also offer a wide variety of beverages, usually prepackaged soft drinks, coffee, teas, milk, etc.

**Neighborhood Convenience store** - A small store or shop that sells a variety of items such as candy, ice-cream, soft drinks, newspapers and magazines, toiletries, hygiene products, food and groceries.

**Specialty Food Shop** - An establishment that specializes in one type or line of edible merchandise catering to the takeout client and not offering full service meals, or extensive seating, such as premium-priced food products that provide an added-value appeal for one or more of the following reasons:

- quality of ingredients, manufacturing process and/or finished product; or
- sensory appeal, flavor, consistency, texture, aroma and/or appearance; or
- presentation (branding or packaging); and/or
- origin (where the product was manufactured).

**Specialty home furnishing shop** - Articles that decorate a house, such as furniture, lighting, and carpets or any piece of equipment necessary or useful for comfort or convenience such as appliances, and other movable items.



CITY OF BIRMINGHAM  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO AMEND ARTICLE 2, SECTION 2.21 01 (OFFICE) DISTRICT, TO CHANGE ZONING CLASSIFICATION AND AMEND PERMITTED USES.

THE CITY OF BIRMINGHAM ORDAINS:

Chapter 126, Article 2, section 2.21 ~~01 (Office)~~ **N1 (Neighborhood Commercial)**  
District Intent, Permitted Uses, and Special Uses

**District Intent**

The ~~01 (Office)~~ **N1 (Neighborhood Commercial)** District is established to accommodate a mix of residential, office and public uses which are compatible with ~~nearby~~ **abutting** residential uses.

**Permitted Uses**

**Residential Permitted Uses**

- adult foster care group home
- dwelling - multiple-family
- dwelling - one-family(R5)
- dwelling - two-family
- live/work unit
- single-family cluster\*

**Institutional Uses**

- government office
- philanthropic use
- school – public

**Recreational Uses**

- park
- swimming pool – semiprivate

**Commercial Permitted Uses**

- **art gallery**
- **artisan use**
- **bank without drive-through facility**
- barber/beauty salon
- **boutique**
- **clinic**
- **clothing store**
- dental/medical office

- flower/gift shop
- furniture store
- hair replacement establishment
- interior design shop
- jewelry store
- neighborhood convenience store
- office use
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor
- ~~veterinary clinic\*~~

#### **Accessory Permitted Uses**

- ~~kennel\*~~
- laboratory - medical/dental\*
- loading facility - off-street\*
- parking facility - off-street\*
- pharmacy\*
- ~~outdoor cafe\*~~
- **commercial or office uses which are customarily incidental to the permitted principal uses on the same lot**

#### **Uses Requiring a S L U P**

- bistro (only permitted in the Triangle District and Overlay District)\*
- church

\* = Use Specific Standards in Section 5.06 Apply

( ) = Subject to Regulations of the Specified District

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2011, to be effective upon publication.

\_\_\_\_\_  
Gordon Rinschler, Mayor

\_\_\_\_\_  
Laura Broski, City Clerk

CITY OF BIRMINGHAM  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO AMEND ARTICLE 2, SECTION 2.22 01 (OFFICE) DISTRICT, TO CHANGE ZONING CLASSIFICATION AND AMEND DEVELOPMENT STANDARDS.

THE CITY OF BIRMINGHAM ORDAINS:

Chapter 126, Article 2, section 2.22 ~~01 (Office)~~ **N1 (Neighborhood Commercial)**  
District Development Standards

**Minimum Lot Area Per Unit:** n/a,

**Minimum Open Space:** n/a,

**Maximum Lot Coverage:** n/a,

**Maximum Building Height:**

- 28 feet, two stories

**Minimum Front Yard Setback:**

- Average setback of houses within 200 feet **on the same block, on the same side of the street**, otherwise 0 feet

**Minimum Rear Yard Setback:**

- 10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, N1, N2, or N3 ~~O1, or O2~~ Zoning District;
- 20 feet or the height of the building, whichever is greater, when abutting to residential zoning district

**Minimum Combined Front and Rear Setback:** n/a,

**Minimum Side Yard Setback:**

- ~~No setback is required except on a corner lot which has on its side street an abutting interior lot, then such setback shall be equal to the minimum for the zoning district in which the building is located~~ **No setback is required except on a lot which has a side lot line with an abutting interior residential lot on a side street, then such setback shall be 9 feet.**

**Minimum Floor Area Per Unit:** n/a,

**Maximum Total Floor Area:**

- ~~100% in parking assessment district~~ **200% Floor Area Ratio (FAR) for uses not in parking assessment district;**
- **In parking assessment district, FAR shall not exceed 100%, except that the maximum FAR may be increased up to 200% by providing 1 parking space for every 300 square feet over the maximum FAR;**
- not applicable for residential and parking uses

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2011, to be effective upon publication.

\_\_\_\_\_  
Gordon Rinschler, Mayor

\_\_\_\_\_  
Laura Broski, City Clerk

CITY OF BIRMINGHAM  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO AMEND ARTICLE 2, SECTION 2.23 02 (OFFICE COMMERCIAL) DISTRICT, TO CHANGE ZONING CLASSIFICATION AND AMEND PERMITTED USES.

THE CITY OF BIRMINGHAM ORDAINS:

Chapter 126, Article 2, section 2.23(A) ~~02 (Office/Commercial)~~ **N2 (Neighborhood Commercial)** District Intent, Permitted Uses, and Special Uses

**District Intent**

The ~~02 (Office/Commercial)~~ **N2 (Neighborhood Commercial)** District is established to accommodate a mix of residential, office, public and small scale commercial uses which are compatible with nearby residential uses.

**Permitted Uses**

**Residential Permitted Uses**

- adult foster care group home
- dwelling - multiple-family
- dwelling - one-family(R5)
- dwelling - two-family
- live/work unit
- single-family cluster\*

**Institutional Uses**

- government office
- philanthropic use
- school – public

**Recreational Uses**

- park
- swimming pool – semiprivate

**Commercial Permitted Uses**

- art gallery
- **artisan use**
- bakery
- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store



- **coffee shop**
- **delicatessen**
- dental/medical office
- **dry cleaners**
- flower/gift shop
- **furniture store**
- hair replacement establishment
- **health club/studio**
- interior design shop
- jewelry store
- **neighborhood convenience store**
- office
- **party store**
- photography studio
- **shoe repair**
- specialty food store
- specialty home furnishing shop
- tailor
- ~~tobacconist~~
- ~~veterinary clinic\*~~

### **Other Use Regulations**

#### **Accessory Permitted Uses**

- ~~kennel\*~~
- laboratory - medical/dental\*
- loading facility - off-street\*
- parking facility - off-street\*
- pharmacy\*
- outdoor cafe\*
- commercial or office uses which are customarily incidental to the permitted principal uses of the same lot

#### **Uses Requiring a Special Land Use Permit**

- ~~bank with drive-through facility~~
- bistro (only permitted in the Triangle District and Downtown Overlay District)\*
- **Church**
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)
- food or drink establishment\*

\* = Use Specific Standards in Section 5.07 Apply

( ) = Subject to Regulations of the Specified District

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2011, to be effective upon publication.

\_\_\_\_\_  
Gordon Rinschler, Mayor

\_\_\_\_\_  
Laura Broski, City Clerk

CITY OF BIRMINGHAM  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO AMEND ARTICLE 2, SECTION 2.24 02 (OFFICE COMMERCIAL) DISTRICT, TO CHANGE ZONING CLASSIFICATION AND AMEND DEVELOPMENT STANDARDS.

THE CITY OF BIRMINGHAM ORDAINS:

Chapter 126, Article 2, section 2.23(B) ~~02 (Office/Commercial)~~ **N2 (Neighborhood Commercial)** District Development Standards

**Minimum Lot Area Per Unit:** n/a,

**Minimum Open Space:** n/a,

**Maximum Lot Coverage:** n/a,

**Maximum Building Height:**

- 28 feet, two stories

**Minimum Front Yard Setback:**

- ~~0 feet~~ **Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 feet**

**Minimum Rear Yard Setback:**

- 10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, N1, N2, N3 ~~01, or 02~~ Zoning District;
- 20 feet when abutting a residential zoning district

**Minimum Combined Front and Rear Setback:** n/a,

**Minimum Side Yard Setback:**

- 0 feet

**Minimum Floor Area Per Unit:** n/a,

**Maximum Total Floor Area:**

- 200% Floor Area Ratio (FAR) for uses not in parking assessment district;

- In parking assessment district, FAR shall not exceed 100%, except that the maximum FAR may be increased up to 200% by providing 1 parking space for every 300 square feet over the maximum FAR;
- not applicable for residential and parking uses

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2011, to be effective upon publication.

\_\_\_\_\_  
Gordon Rinschler, Mayor

\_\_\_\_\_  
Laura Broski, City Clerk

**CITY OF BIRMINGHAM**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO ADD ARTICLE 2, SECTION 2.24(A) N3 (NEIGHBORHOOD COMMERCIAL) DISTRICT.**

**THE CITY OF BIRMINGHAM ORDAINS:**

**Chapter 126, Article 2, section 2.24(A) N3 (Neighborhood Commercial)  
District Intent, Permitted Uses, and Special Uses**

**District Intent**

The N3 (Neighborhood Commercial) District is established to accommodate a mix of residential, office, public and commercial uses which are compatible with the surrounding area.

**Permitted Uses**

**Residential Permitted Uses**

- **adult foster care group home**
- **dwelling - multiple-family**
- **dwelling - one-family**(R5)
- **dwelling - two-family**
- **live/work unit**
- **single-family cluster\***

**Institutional Uses**

- **government office**
- **philanthropic use**
- **school - public**

**Recreational Uses**

- **park**
- **swimming pool - semiprivate**

**Commercial Permitted Uses**

- **animal medical hospital**
- **art gallery**
- **artisan use**
- **bakery**

- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store
- coffee shop
- delicatessen
- dental/medical office
- dry cleaners
- flower/gift shop
- food or drink establishment\*
- furniture store
- hair replacement establishment
- hardware store
- health club/studio
- interior design shop
- jewelry store
- neighborhood convenience store
- office
- paint store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor
- veterinary clinic\*

### **Other Use Regulations**

#### **Accessory Permitted Uses**

- kennel\*
- laboratory - medical/dental\*
- loading facility - off-street\*
- parking facility - off-street\*
- pharmacy\*
- outdoor cafe\*
- commercial or office uses which are customarily incidental to the permitted principal uses of the same lot

#### **Uses Requiring a Special Land Use Permit**

- bank with drive-through facility
- Church
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)



\* = Use Specific Standards in Section 5.07 Apply  
( ) = Subject to Regulations of the Specified District

**ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011, to be effective upon publication.

---

**Gordon Rinchler, Mayor**

---

**Laura Broski, City Clerk**

**CITY OF BIRMINGHAM**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO ADD ARTICLE 2, SECTION 2.24(B) N3 (NEIGHBORHOOD COMMERCIAL) DISTRICT, TO ADD ZONING CLASSIFICATION AND DEVELOPMENT STANDARDS.**

**THE CITY OF BIRMINGHAM ORDAINS:**

**Chapter 126, Article 2, section 2.24(B) N3 (Neighborhood Commercial) District Development Standards**

**Minimum Lot Area Per Unit: n/a,**

**Minimum Open Space: n/a,**

**Maximum Lot Coverage: n/a,**

**Maximum Building Height:**

- **28 feet, two stories**

**Minimum Front Yard Setback:**

- **Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 feet**

**Minimum Rear Yard Setback:**

- **10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, N1, N2, or N3 ~~O1, or O2~~ Zoning District;**
- **20 feet when adjacent to a residential zoning district**

**Minimum Combined Front and Rear Setback: n/a,**

**Minimum Side Yard Setback:**

- **0 feet**

**Minimum Floor Area Per Unit: n/a,**

**Maximum Total Floor Area:**

- **200% Floor Area Ratio (FAR) for uses not in parking assessment district;**

- **In parking assessment district, FAR shall not exceed 100%, except that the maximum FAR may be increased up to 200% by providing 1 parking space for every 300 square feet over the maximum FAR;**
- **not applicable for residential and parking uses**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2011, to be effective upon publication.

\_\_\_\_\_  
Gordon Rinschler, Mayor

\_\_\_\_\_  
Laura Broski, City Clerk

CITY OF BIRMINGHAM  
ORDINANCE NO. \_\_\_\_\_

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

THE CITY OF BIRMINGHAM ORDAINS:

**9.02 Definitions:**

**Artisan Use:** Any premises used principally for local or regional small scale operations that specialize in the repair, manufacture, and/or sale of domestic furniture, shoes, clothing, time pieces, arts, and crafts, specialty foods and beverages or similar such items.

**Barber/Beauty Salon:** An establishment dealing with cosmetic treatments for men and women, including hair/nail salons and spas. Barber/Beauty salons provide generalized services related to hair, skin health, facial aesthetic, foot care, aromatherapy, meditation, oxygen therapy, mud baths, massage, and other similar services for increasing mental well-being and relaxation.

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

**Delicatessen:** A store selling foods already prepared or requiring little preparation for serving, such as cooked meats, cheese, salads, soups, chips and similar products. Also a sandwich menu, most of which are made to order behind the counter at the time of sale. In addition to made-to-order sandwiches a selection of prepared green salads pasta, potato, chicken, tuna, shrimp, or other variety of "wet" salads, displayed underneath the counter and bought by weight or on a sandwich. Delicatessens may also offer a wide variety of beverages, usually prepackaged soft drinks, coffee, teas, milk, etc.

**Neighborhood Convenience store:** A small store or shop that sells a variety of items such as candy, ice-cream, soft drinks, newspapers and magazines, toiletries, hygiene products, food, groceries and similar items.

**Specialty Food Shop:** An establishment that specializes in one type or line of edible merchandise catering to the takeout client and not offering full service meals, or extensive seating, such as premium-priced food products that provide an added-value appeal for one or more of the following reasons:

- quality of ingredients, manufacturing process and/or finished product; or
- sensory appeal, flavor, consistency, texture, aroma and/or appearance; or
- presentation (branding or packaging); and/or
- origin (where the product was manufactured).

**Specialty home furnishing shop:** - Articles that decorate a house, such as furniture, lighting, and carpets or any piece of equipment necessary or useful for comfort or convenience such as appliances, and other movable items.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2011 to become effective upon publication.

\_\_\_\_\_  
Gordon Rinschler, Mayor

\_\_\_\_\_  
Laura Broski, City Clerk

**Planning Board Minutes**  
**June 11, 2008**

**STUDY SESSION**

**O-1 and O-2 Zoning Regulations**

Ms. Robinson recalled that an interpretation was made by the Building Official regarding the development standards to be applied to a mixed-use building in the O-2 Office Commercial Zoning District. Essentially, the interpretation required all floors of commercial or office use to follow the O-2 development standards, and all floors of residential to follow the R-5 Multiple-Family Residential development standards.

On November 13, 2007, the Board of Zoning Appeals ("BZA") upheld that interpretation by the current Building Official. Board members expressed their frustration with the "grey area" of the ordinance in O-2, but felt that the necessary changes were legislative in nature, and thus outside of the scope of the BZA. They stated that they hoped the Planning Board and the City Commission would work on the issue and make a determination as to how to proceed in the future, both on the O-2 development standards for mixed use buildings and whether or not the Brown St. property should have been included in the Downtown Overlay District.

On January 9, 2008, the Planning Board met jointly with the Design Review Board and discussed proposed changes to the zoning regulations for O-1 and O-2 based on the direction of the BZA. The proposed ordinance language requires only one-family dwellings to follow the R-5 zoning standards, and thus allows all other uses or mix of uses to follow their respective standards (O-1 and O-2). This will clarify the standards that are to be applied for mixed-use buildings as requested by the BZA.

On February 13, 2008, the Planning Board conducted a public hearing and voted unanimously to amend the O-1 and O-2 Zoning Regulations to address the issue of mixed-use buildings.

On February 25, 2008, the City Commission considered the request to set a public hearing on this matter. The Commission sent the matter back to the Planning Board with direction to study the permitted uses in O-1 and O-2 Zone Districts, and to further study the effect of the proposed changes on all of the development standards. The City Commission also directed the Planning Board to clearly state in the proposed amendments whether or not mixed-use buildings were to be permitted in these Zone Districts.

On March 12, 2008, the Planning Board discussed the zoning regulations in O-1 and O-2 and their application to mixed-use buildings and the permitted uses in these districts



based on the direction of the City Commission. The Planning Board emphasized the difficulty of dealing with O-1 and O-2 zoned properties, as a majority of them are located on the fringe of commercial areas, and directly abut residential neighborhoods.

Ms. Robinson showed some pictures that depict areas in the City where these O-1 and O-2 zoned districts abut residential zones.

#### *O-1 Zoning District*

Mr. Nickita said the understanding of the value of mixed use has consistently been a part of all decision making over the last ten years. The proposed amendments are consistent with that past record which has had a positive result.

Mr. Blaesing discussed a phrase under "District Intent" that reads that the O-1 District is established to accommodate a mix of residential office and public uses "which are compatible with nearby residential buildings." He wouldn't want to enforce some kind of architectural standard that says an office building built in a residential zone has to look residential just because it is near a residential neighborhood.

Chairman Boyle said the intent is to make sure that the way in which the property is used is "compatible." Therefore he suggested changing the word "buildings" to "use." At the public hearing it can be determined if that results in the appropriate degree of flexibility.

#### *O-2 Zoning District*

Ms. Ecker said that "stadium" should be struck. Mr. Blaesing again requested that the word "buildings" be changed to "use."

There were no comments from members of the public.

The direction of the board was to schedule this item for a public hearing on July 9, 2008.

**City Commission Meeting Minutes  
October 13, 2008**

**10-329-08 ORDINANCE AMENDMENT 01 AND 02  
ZONING DISTRICTS REGARDING MIXED USE**

The mayor opened the public hearing to consider the proposed amendments to Article 2, sections 2.21 and 2.23 of the Zoning Ordinance to amend the permitted use and regulations in the O1 and O2 zoning districts to address the issue of mixed use buildings at 8:08PM.

Ms. Ecker explained that these changes will clarify when there is a mixed use and when it applies. She pointed out that the planning board reviewed the uses and recommended to only remove the stadium reference.

In response to a question from Commissioner McDaniel, Ms. Ecker explained her interpretation that O1 is supposed to be a smaller scale, lesser impact use on the neighborhood, more of a neighborhood type of business, and O2 allows for a little more intensity in terms of office use.

Mr. Dilgard pointed out that the side setbacks are significantly different.

Ms. Conrad expressed her opinion that many properties are not zoned properly.

Ms. Ecker confirmed for Bill Duffy, 653 Pierce, that properties which are not a part of the overlay, could apply for a variance from the Board of Zoning Appeals.

Harvey Zalesin, 564 Purdy, commented that the south side of Birmingham looks tired and worn out. He stated that allowing projects to move forward would help dress up the downtown area of Birmingham and increase the value of adjacent properties.

Alice Thimm expressed her opposition to uses other than office as it would present the least impact.

David Bloom stated that the proposal and definitions are not clear. He suggested sending it back to the planning board.

The mayor closed the public hearing at 8:52PM.

Commissioner McDaniel expressed that there should be standards for uses other than office, to define what is desirable. Mayor Pro Tem Sherman concurred.

Commissioner Moore stated they want to encourage cutting edge type uses that are compatible with residential.

Mr. Markus suggested they could require commercial uses to obtain a special land use permit within the district. Mr. Dilgard pointed out that there are not many properties that would be affected.

In response to a comment from Commissioner Hoff, Ms. Ecker explained that the biggest change is the front setback.

**MOTION:** Motion by Rinschler, seconded by McDaniel:

Ordinance amending to Article 2, section 2.21 of the Zoning Ordinance to amend the regulations in the O1 zoning district to address the issue of mixed use buildings, and include a firm direction to the Planning Board to do a complete review of all the uses in O1 and return to the commission in 90 days with a progress report.

Alice Thimm expressed opposition to the motion.

Norman Fill stated that a proper study should be done of the full impact of this and what properties are affected.

VOTE: Yeas, 4

Nays, 3 (Carney, Dilgard, Sherman)

Absent, None

**MOTION:** Motion by Rinschler, seconded by McDaniel:

Ordinance amending to Article 2, section 2.23 of the Zoning Ordinance to amend the regulations in the O2 zoning districts to address the issue of mixed use buildings, and include a firm direction to the Planning Board to do a complete review of all the uses in O1 and return to the commission in 90 days with a progress report.

VOTE: Yeas, 4

Nays, 3 (Carney, Dilgard, Sherman)

Absent, None

Commissioner Hoff suggested the planning board keep in mind low intensity uses that are most appropriate for transitional areas while studying the uses in O1 and O2.

The commission received communications from Alice Thimm and Larry Bertollini, 1275 Webster.

**Planning Board Minutes  
July 8, 2009**

**07-97-09**

**STUDY SESSION**

**O-1 and O-2 Permitted Uses**

Mr. Baka recalled that on October 13, 2008 the City Commission held a public hearing that clarified the District Intent for the O-1 and O-2 Zoning Districts, as well as what development standards to allow a mixed use building in either of these districts. During the public hearing, the City Commission asked that the Planning Board review the uses allowed in each district to determine the appropriateness.

Mr. Williams thought some of the uses that are designated in the O-1 and O-2 areas have been there for a long time. Perhaps they relate to not wanting to create non-conforming uses when the ordinances were adopted. He asked that an inventory be taken of uses present in the O-1 and O-2 areas. Then the board can decide whether it would adversely affect a current use if the definition is changed and the use becomes a non-conforming existing use.

At 8:35 p.m. Chairman Boyle asked if any members of the public wished to comment.

Mr. Paul Reagan who lives on Purdy thought that adjacency to neighborhoods is an important issue. The Master Plan identifies O-1 and O-2 as low intensity usages. Photographs of specific areas in context would communicate a lot more than just a simple inventory.

Mr. David Bloom asked if there can be some added designation given to properties abutting residential neighborhoods so that some care can be taken when someone wants to build.

Mr. Nickita noted there are a number of successful O-1 and O-2 adjacencies to residential neighborhoods. By using them as an example it can be determined if this designation has had an effect on the neighborhood.

Mr. Williams asked that the agenda not contain too many items when this matter is brought back to the board.

**PLANNING BOARD MINUTES  
WEDNESDAY, AUGUST 12, 2009**

**STUDY SESSION**

**O-1 and O-2 Permitted Uses**

Mr. Baka explained that on October 13, 2008 the City Commission asked that the Planning Board review the uses allowed in the O-1 and O-2 Zoning Districts to determine the appropriateness.

On July 8, 2009, the Planning Board discussed the direction from the City Commission and asked that the Planning Staff create an inventory of each existing use in these districts along with a photo of how these properties relate to the adjoining residential property.

Since the last meeting Mr. Baka created an inventory of all the properties that are zoned O-1 and O-2, what the use is, and whether or not they conform to the permitted uses in those zones.

He went through a PowerPoint which reviewed the existing uses and whether or not they are permitted. In O-1 the maximum height is 28 ft. and 2 stories. The minimum front yard setback is the average setback of buildings within 200 ft.; otherwise 0. The minimum rear yard setback is 20 ft. or height of the building, whichever is greater, when adjacent to residential.

In O-2 the maximum height is 28 ft. and 2 stories. The minimum front yard setback is 0. The setback from residential in the rear is 20 ft.

There are five permitted commercial uses for O-1, whereas in O-2 it is closer to 20.

Mr. Williams noted some of the properties in O-1 and O-2 are clearly not office in terms of permitted uses. Further, there are a number of properties within the zoning that are non-conforming in what he views as an expanded classification of permitted uses. The question he has is whether they are legally permitted non-conforming uses or are they in violation of the Zoning Ordinance which requires the City to take action. Therefore, he thinks review should be done of O-1 and O-2 in conjunction with B-1, B-2 and B-3 all the way through the City.

Mr. Williams questioned:

- To what extent are the non-conforming uses within these various categories legal or not legal;
- To the extent we have a non-conforming existing use, what options does the City have; and

- What happens if improvements are needed on a non-conforming use?

Mr. Williams suggested the existing non-conforming uses have to be investigated in order to determine the history. Also, it would be helpful to understand the history of how some of the permitted uses within the O-1 and O-2 classifications occurred.

Ms. Ecker felt it goes to the impact as opposed to the actual use. Mr. Williams did not disagree but he thinks the names of the categories logically don't make sense.

Acting Chairman Nickita thought the board may consider possibly turning some uses into an MX situation by altering the designation altogether. Within that some flexibility is allowed, and a number of different uses may be accommodated.

Mr. Williams advocated studying the areas, determining the objectives, and then drafting the ordinances.

Mr. DeWeese added that the board needs to address the functionality of how a buffer is provided on the edges of a district. Acting Chairman Nickita said the board can learn from the precedent that has already been set with existing conditions, such as the Original Pancake House and other businesses up and down Woodward Ave.

Ms. Ecker said staff will do some research on the non-conforming uses and how they came about when they were established. She is hearing the board wants to allow a mix of uses in mixed-use buildings, but they want to be very sensitive to the types of uses and their impact on adjacent residential. Also, staff can pull together some goals and objectives based on tonight's discussion. Acting Chairman Nickita said this process has already been completed in the Rail District and in the Triangle District and the same standards will apply here.

Several board members extolled the benefits of taking a comprehensive, strategic approach to addressing these issues.

Acting Chairman Nickita called for discussion from the public at 9:08 p.m.

Ms. Dorothy Conrad applauded the direction that the board is taking. She noted that hours of operation will be very important when looking at the majority of these properties. Secondly, ensure that mixed uses next to residential compliment rather than disrupt the neighborhoods.



## **Planning Board Minutes September 9, 2009**

### **STUDY SESSION**

#### **O-1 and O-2 Permitted Uses**

Mr. Baka explained that on October 13, 2008 the City Commission asked that the Planning Board review the uses allowed in the O-1 and O-2 Zoning Districts to determine their appropriateness.

On July 8, 2009, the Planning Board discussed the direction from the City Commission and asked that the Planning Staff create an inventory of each existing use in these districts along with a photo of how these properties relate to the adjoining residential property.

On August 12, 2009, the Planning Board reviewed an inventory of current uses in the O-1 and O-2 Districts. A number of non-conforming uses were revealed. The Planning Board requested that a history of these non-conforming uses be researched and City options for action on illegal non-conforming uses be presented.

Mr. Baka offered a history of the existing non-conforming uses along with the ordinance language regarding non-conforming uses. Also included were the recently adopted O-1 and O-2 ordinances with the permitted uses, plus definitions for those which are currently defined in Article 09 and any use specific standards required by Article 05. None of the uses are illegal non-conforming.

Mr. Williams said it looks to him as though a lot of the language for O-1 and O-2 was drafted in response to what was in place when the Zoning Ordinance became effective. The ordinance took a pre-existing condition and made it conforming. This is different than what was done in the Triangle District where the drafters planned for what they wanted rather than grandfathering in existing uses.

There are a lot of uses in O-1 and O-2 that really are not office. The board's charge should be to review what should be a permitted use in a particular area.

Ms. Ecker confirmed that the City Commission wants the Planning Board to look at the uses and determine what should be permitted. Therefore, she thought the board should determine what it is they want and build it around what their vision is for the areas; not what happens to be there at the time.

Mr. Williams suggested if a pre-existing use becomes non-conforming as to the current zoning, it is grandfathered as long as the use remains the same. If the use is changed,

then the non-conforming permitted use would go away and the use would be restricted to a use that is permitted within the classification.

Ms. Ecker identified on a map the O-1 and O-2 areas. They are all next to residential neighborhoods. She noted that in the Triangle District there was a stable residential neighborhood in the center and much effort went into protecting that neighborhood. The uses, heights and the form were planned to compliment but not overshadow the neighborhood.

Chairman Boyle invited public comment at 8:08 p.m.

Ms. Dorothy Conrad offered background. Originally O-1 meant a one-story office building and O-2 meant a two-story office building. The only commercial uses were contained within the buildings in connection with the offices. She agrees that what was done was wrong; and the direction the board is leaning toward now is probably correct.

Mr. Williams said he would rather approach these areas in general in the way they were approached with the Triangle District as opposed to listing allowable uses. Mr. Nickita added that altering the ordinance slightly by changing uses ultimately does not address the bigger issue.

Chairman Boyle suggested it is important for the board to frame a vision of where it wants to be.

Ms. Ecker summed up the discussion: It sounds like the board would prefer to go more the form-based route so it is clear to the adjoining residential neighbors what bulk of building is allowed.

Chairman Boyle then asked staff to examine these areas using more the form-based code approach.

Mr. Haberman was concerned that this may open a hornets' nest among residents creating an uncertain situation. Therefore, the board should be very cautious in its approach.

Mr. Nickita observed that with the Triangle District Overlay and if the mandatory Downtown Overlay District Ordinance is allowed, then a good portion of the O1 and O2 zone districts would be eliminated and the project becomes somewhat manageable.

Chairman Boyle asked for input from the audience at 8:28 p.m.

Ms. Dorothy Conrad noted you would not want the same kind of development on Fourteen Mile Rd. and on Adams Rd. as on Woodward Ave. The type of heavy commercial use that could be put on Woodward Ave. is not appropriate for a corner in

the neighborhood. She doesn't want to see commercial development creeping along Fourteen Mile Rd. and going into the neighborhood as has happened on Woodward Ave. It ends up destroying the neighborhood, not enhancing it.

Chairman Boyle indicated this item will be sent back to staff and they can communicate to the City Commission that the Planning Board is indeed making progress and wishes to examine two approaches:

- 1) Consideration of the mandatory Downtown Overlay District; and
- 2) The remaining six areas would need to be re-considered for the appropriate zoning categories.

Mr. Baka agreed to look further into Esquire Cleaners at 794 N. Old Woodward Ave., which is a current non-conforming use that he could not find a definite explanation for.

**PLANNING BOARD MINUTES  
WEDNESDAY, OCTOBER 14, 2009**

**STUDY SESSION**

**O-1 and O-2 Permitted Uses**

Mr. Baka stated that on October 13, 2008 the City Commission asked that the Planning Board review the uses allowed in the O-1 and O-2 Zoning Districts to determine the appropriateness.

On July 8, 2009, the Planning Board discussed the direction from the City Commission and asked that the Planning Staff create an inventory of each existing use in these districts along with a photo of how these properties relate to the adjoining residential property.

On August 12, 2009 the Planning Board reviewed an inventory of current uses in the O-1 and O-2 Districts. A number of non-conforming uses were revealed. The Planning Board requested that a history of these non-conforming uses be researched and City options for action on illegal non-conforming uses be presented.

On September 9, 2009 the Planning Board again discussed the non-conforming uses and continued the discussion of possible resolutions to the question of the appropriateness of the current permitted uses. Rather than trying to examine each use and how it impacts the neighborhood, the Planning Board plans to take a step back and decide what the intended intensity of use and scale for the district is and then move forward from that point. The Planning Board requested that the City Commission be updated as to the progress and direction of their O-1 - O-2 Zoning District study. A report has been prepared and submitted to the City Manager for review.

Esquire Cleaners, 794 N. Old Woodward Ave., was the only unexplained non-conforming use that was found in the O-1 and O-2 Zoning Districts. The zoning change happened in December 1983. The use was established subsequent to that, which sends signals that it is an illegal non-conforming use. Further research may be required to confirm what the permitted uses were at that time. Mr. Williams suggested just expanding the permitted uses to include this cleaners usage.

Mr. Baka gave a PowerPoint presentation that looked at each subject parcel, listed permitted heights and setbacks and examined abutting and adjacent zones to see how the heights compare to what is existing.

PARCEL	RECOMMENDATION
Adams Rd. (east side)	Maintain existing zoning, review permitted uses.

14 Mile Rd. East of Woodward Ave.	Same
Lincoln and Grant	Same
Post Office on Bowers	Same
1821 W. Maple Rd.	Same
Southfield Rd. at 14 Mile Rd.	Same
W. Maple Rd. at Southfield Rd.	B-4 max height 60 ft., 5 stories for residential only, 48 ft. 4 stories all other buildings
Brown at Pierce	Maintain existing zoning, review permitted uses
E. Maple Rd., East of Railroad	MX – consistent with Rail District and Transit Oriented Development standards
Quarton and Woodward Ave.	Rezone as B-2B, consistent with commercial areas on Woodward Ave. to the south
Overlay Zone properties	Review permitted uses

Mr. DeWeese pointed out that the O-1 and O-2 Zoning Districts have practically the same permitted uses. He does not hear people objecting to any activity that fits the office model and that is quiet and not rowdy. Objections are only heard about uses that go into the evening or that lead to additional crowding. Therefore, he thought the two Zoning Districts could be merged into one.

Mr. Williams thought the form is more the issue than the use. Any food or drink establishment should be put into the Special Land Use Permit ("SLUP") category. He is not sure that a comprehensive re-write at this point is warranted. Mr. DeWeese agreed. If changes are made he would like to see consolidation of the O-1 and O-2 uses. Uses such as veterinary clinics and restaurants would require a SLUP. Otherwise, no great modification.

Mr. Baka said in regard to unifying the two zoning districts the reason O-2 has so many more permitted uses is that most of the O-2 zones are relatively close to other commercial areas; whereas all of the O-1s are spread throughout the Single-Family Residential areas. So, he doesn't know if combining the two would be the best way to go. Mr. Williams said the two categories are remarkably close on what is permitted, but he thinks the issue is permitted uses within O-2.

Acting Chairman Nickita noted for the most part these O Districts are mixed uses. Also, if the Downtown Overlay is mandated the Downtown O classifications will change to mixed use. A new classification can be established, such as MU-2.

Board members agreed with Mr. Baka's recommendations on the last three parcels.

Acting Chairman Nickita asked for public input at 9:42 p.m.

Ms. Dorothy Conrad said the properties on Fourteen Mile Rd. east of Woodward are O-1 offices and they really don't disturb the neighborhood. She would not want to see them changed. A more intense use along there would not be good for the neighborhood.



**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, APRIL 14, 2010**

**04-85-10**

**STUDY SESSION**

**0-1 & 0-2 Review of Permitted Uses and Development Standards**

Mr. Baka recalled the Planning Board has considered this subject at several past meetings. On October 14, 2009 the board reviewed information regarding maximum build-out of the parcels in all O-1 and O-2 zones and discussed recommendations by the Planning Division for possible zoning amendments. During the discussion it was stated that the scale and massing of O-1 and O-2 was appropriate for the majority of the parcels and that the permitted uses of each seemed compatible with all the parcels being discussed. This led to a discussion regarding creating a unified zoning category (perhaps MU-2) that maintained the existing height and setback restrictions of O-1 and O-2 but aligned the uses between the two into a single zone. Three O-1 and O-2 zoned areas were recommended for rezoning to existing zoning classification, with which the board concurred.

In accordance with the discussion held at the October 14th Planning Board meeting, Mr. Baka gave a PowerPoint presentation which outlined the changes to the affected parcels as suggested. This included adjusting the permitted uses of the O-1 zones to include the uses permitted in O-2 and to rezone the three parcels identified in October 2009. Information contained in the PowerPoint presentation cataloged the outlying O-1 – O-2 zoned parcels. Each slide contained a zoning map of an O-1 or O-2 parcel and surrounding parcels. The height restrictions of the surrounding parcels were listed as well as the recommended changes (if any) from the Planning Division.

<b>PARCEL</b>	<b>RECOMMENDATION</b>
Adams Rd.	Maintain existing O-2 zoning and permitted uses or zone MU-2
14 Mile Rd. East of Woodward Ave.	Rezone to O-2 Office/Commercial or MU-2
Lincoln and Grant	Same
Post Office on Bowers	Same
1821 W. Maple Rd.	Same
Southfield Rd. at 14 Mile Rd.	Same
1821 W. Maple Rd. at Southfield Rd.	Same
Brown at Pierce	Maintain existing zoning, review permitted uses
E. Maple Rd., East of Railroad	MX – consistent with Rail District and Transit oriented design standards
Quarton and Woodward Ave.	Rezone as B-2B, consistent with

	commercial areas on Woodward Ave. to the south
--	--

### *Next Steps*

Discussion concluded that staff should take the individual parcels, look at the ones where perhaps pulling together of the uses and re-designation as O-2 would be dealt with, bring them forward for the board's sign-off, and then go through the public hearing process. Mr. DeWeese wanted to see the language for an MU-2 ordinance as the first step. Permitted uses under the new ordinance would be anything that doesn't impinge on the neighbors. Everything else becomes a SLUP. Once that has been established, then go through the process of taking the parcels one-by-one and making recommendations for change, moving toward the direction of eliminating O-1.

Ms. Dorothy Conrad pointed that the O-1 ordinance is limited so as to be compatible with single-family residential. She is not sure that works with all O-2 which may allow many more hours and days of operation. Mr. DeWeese replied that is why he recommended the first step should be to see whether or not the ordinances can be unified. That part needs to be cleared up before decisions are made to change parcels around. Mr. Baka pointed out that every permitted use in O-1 is also permitted in O-2. There would be no reduction of permitted uses if something were switched to O-2. Mr. Williams added that time should be spent on what O-2 should look like, in a more expanded sense. If a distinction cannot be made between O-1 and O-2 then O-1 should be eliminated. If there should be a distinction, then delineate what the distinction ought to be.

Mr. Baka noted that the Planning Board may wish to consider additional permitted uses such as dry cleaners in O-2, as discussed at the last study session. Board members agreed.

Chairman Boyle directed staff to deal first with the parcels that will fall under O-1 and then come back to the board. The controversial properties can be considered as they go along.

**CITY OF BIRMINGHAM**  
**REGULAR MEETING OF THE PLANNING BOARD**  
**WEDNESDAY, MAY 12, 2010**  
Commission Chamber, City Hall  
151 Martin Street, Birmingham, Michigan

---

**05-94-10**

Mr. Baka advised that the Planning Board has considered this subject at several past meetings. On October 14, 2009, the board reviewed information regarding maximum build-out of the parcels in all O-1 and O-2 zones and discussed recommendations by the Planning Division for possible zoning amendments. During the discussion, it was stated that the scale and massing of O-1 and O-2 was appropriate for the majority of the parcels and that the permitted uses of each seemed compatible with all the parcels being discussed. This led to a discussion regarding creating a unified zoning category (perhaps MU-2) that maintained the existing height and setback restrictions of O-1 and O-2 but aligned the uses between the two into a single zone. Three O-1 and O-2 zoned areas were recommended for rezoning to existing zoning classifications, with which the board concurred.

On April 14, 2010, the Planning Board reviewed the recommendations of the Planning Division regarding the rezoning of several O-1 parcels as well as the potential for creating a new zone district (MU-2). The Planning Board directed staff to bring forward the O-1 parcels that are proposed for rezoning to existing classifications so that the Planning board can review them and forward recommendations to the City Commission. The Board would then deal with the potential creation of a new zone classification at a later date for the properties that staff has identified as candidates.

In accordance with the direction of the Planning Board, the Planning Division is recommending seven parcels for rezoning to existing classifications. In each instance the recommended zoning change is intended to be consistent with surrounding uses and density. The Planning Division believes that the recommended zoning changes do not negatively affect surrounding property values nor will they negatively impact the character of the surrounding neighborhoods. Mr. Baka gave a report that listed the parcel recommendations and showed current zoning map images of the subject parcels.

PARCEL	RECOMMENDATION
Lincoln and Grant: 500 E. Lincoln, 522 E. Lincoln, 576 E. Lincoln, 1193 Floyd, 1148 Grant, 1160 Grant	Rezone from O-1 to O-2
Post Office at 1225 Bowers	Same
1821 W. Maple Rd.	Same
1890 Southfield Rd.	Same

101 Southfield by Chester Parking Deck	Rezone from O-1 to B-4
400 W. Maple Rd. at Chester	Same
2100 E. Maple Rd., east of Railroad and abutting Troy	Rezone from O-1 to MX
Woodward Ave. immediately south of Quarton including 36877, 36801, 36823 Woodward Ave.	Rezone from O-1 to B-2B

Mr. Williams said he is not in favor of 2100 E. Maple Rd. going forward at this time until he knows the zoning for the adjoining property in Troy. He thinks the zoning needs to be consistent. Also, it is important to delineate why staff recommends the zoning changes from O-1 to O-2.

Ms. Whipple-Boyce pointed out that 1160 Grant is the strip where there is a dance studio, a dry cleaner and a laundry and they have different addresses. The laundry is 1194 and the dry cleaner is 1190. That would also be the comment for the Post Office which is at 1221 Bowers. Mr. Baka said he would just go with parcel identification numbers. He explained the differences between O-1 and O-2 Zoning. The list of permitted uses in O-2 is longer.

Mr. Baka read an e-mail from Ms. Alice Thimm stating that the conversation on this issue should revolve around the preservation of the integrity of Birmingham's residential neighborhoods. The conversation should NOT allow commercial development to take precedence by permitting a higher intensity of usage to encroach upon and change the defining fringe of our neighborhoods. Permit only "Office Use" in "Office" zones with any retail usage being incidental to the main use.

Mr. Williams observed that the underlying premise of the e-mail letter is not entirely in accord with the current uses in O-1 and O-2. There are a lot of commercial uses permitted within those zones. The letter points out what the permitted uses are and what the permitted uses should be within O-1 and O-2. That to him was the original assignment to the Planning Board from the City Commission. He suggested three steps that the board could take going forward:

- 1) Take out the parcels that the board thinks ought to be rezoned and move them;
- 2) Redefine what ought to be permitted in O-2 – there should not be two categories, O-1 and O-2, that expand beyond Office; and
- 3) Set up O-1 to be just Office. Determine if it should be one story or two. The most likely candidates for O-1 are those properties which adjoin residential.

Mr. Clein added that the board needs to determine what the proper intent is for today and for the next 20 years.

Chairman Boyle arrived at this time and Vice-Chairperson Lazar turned the meeting over to him.

Mr. DeWeese advocated forming a sub-committee to look at the O-1 that is office and is focused to be next to residential and the O-2 that is expanded in some way and is more distinctive. The following step would be to determine what is appropriate or not appropriate and then go through the process.

Mr. Williams said that to him O-1 and O-2 are distinctions without a real difference. He suggested having one zoning classification that is Office and another classification that is Office Plus. Determine not what is there now, but what is wanted 20 years from now. Then, decide what should be taken out of Office zoning and put into something else.

Ms. Whipple-Boyce said she is comfortable with the recommendations for 101 Southfield Rd. and 400 W. Maple Rd. as well as the Woodward Ave. parcels and would move them forward.

Mr. Baka noted that none of his proposals involve down zoning.

Mr. Koseck was not convinced that Office is the perfect and only way to create a buffer for residential. The group determined that the next step is to set up a small sub-committee. Chairman Boyle was not at all sure that selecting the existing designations is the way to go forward. Mr. Williams thought the sub-committee would need input from an engineer or an architect. Mr. Williams, Mr. DeWeese and Mr. Koseck volunteered to serve on the sub-committee. Mr. Koseck said an incredible tool for the sub-committee would be to have the ability to zoom in on the spaces through a satellite image.

Chairman Boyle opened the discussion at 8:20 p.m. to members of the public who wished to comment.

Ms. Dorothy Conrad, 2252 Yorkshire, offered a history on 2100 E. Maple Rd. She would not want to see the board zone that property so it would allow the owner to bring back a horrible plan that he previously had to bring in big box stores.

Chairman Boyle summarized the discussion: There is value in examining ways of moving forward perhaps with a slightly different designation. In order to do that a sub-committee will be formed composed of Messrs. Williams, Koseck and DeWeese. They will deliberate and bring their findings back to the board by June 9.

Mr. Williams remarked that the report from the sub-committee may not be as detailed as the board is accustomed to receiving because they won't have as much staff to work with them.

**CITY OF BIRMINGHAM**  
**REGULAR MEETING OF THE PLANNING BOARD**  
**WEDNESDAY, JUNE 9, 2010**  
Commission Chamber, City Hall  
151 Martin Street, Birmingham, Michigan

---

Minutes of the regular meeting of the City of Birmingham Planning Board held June 9, 2010. Chairman Robin Boyle convened the meeting at 7:30 p.m.

**Present:** Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Aaron Walden

**Absent:** None

**Administration:** Matt Baka, Planning Intern  
Jana Ecker, Planning Director  
Jill Robinson, City Planner  
Carole Salutes, Recording Secretary

**06-108-10**

**STUDY SESSION**  
**RECLASSIFICATION OF O-1 and O-2 Properties**

Mr. Baka recalled that in October 2008 the City Commission directed the Planning Board to conduct a study of uses in the O-1 and O-2 Districts. The Planning Board has considered this subject at several past meetings.

On May 12, 2010 the Planning Board established a subcommittee to further study the potential for rezoning of O-1 and O-2 parcels. This was done in order to spend the necessary time examining potential permitted uses and report back to the Planning Board on June 9th.

Since that time, the subcommittee has met on two occasions. The result of those committee meetings was the separation of the majority of the O-1 and O-2 parcels into three transitional zoning categories. These are areas where the parcels in question are seen as providing transition into single-family residential zones. The committee came to the conclusion that the height and scale of O-2 zones, as well as the majority of uses currently allowed in O-2 zones are appropriate for these areas. The committee felt that some additional uses could also be considered in certain areas.

Mr. Baka advised that the committee devised three new zoning classifications that will allow progressively intensive uses based on the potential effects on surrounding residential properties. The O-2 uses were used as a basis for the permitted uses in each transition zone.

These T (Transition) zones are being called T-1, T-2, and T-3. T-1 is considered for areas that should be the least intensive as they directly abut residential. The areas identified as T-2 zones are near single-family residential, but have an additional buffer zone in the form of public right of way or a physical barrier. T-3 is the area that should be considered for the most intense usage. This zone would be limited to the area at Quarton and Woodward Ave., which has a P (parking) zoned buffer parcel between the residential to the west and fronts on Woodward Ave. All T zoned districts would closely follow the height and setback restrictions of the O-1 and O-2 zones.

The development standards for each zone will be the same, however the permitted commercial uses will vary slightly. Parking standards are still dictated by the use and will not change.

In addition to the creation of the T-1 – T-3 zones, the Planning Division identified two other areas to be considered for rezoning. These existing O-1 zones have been identified as areas where rezoning to an existing zoning classification would be appropriate. The parcels located at 101 Southfield Rd. and 400 W. Maple Rd. are recommended to be rezoned from O-1 to B-4.

AREA	RECOMMENDATION
Fourteen Mile Rd. east of Woodward Ave.	Rezone to T-1 which directly abuts residential
Adams Rd. south of Adams Square east side only	
E. Brown at Pierce	
Maple Rd. Poppleton to Adams north side only	
1225 Bowers	
1821 W. Maple Rd.	
Southfield and 14 Mile Rd.	
Grant and Lincoln	Rezone from O-2 to T-2
N. Old Woodward Ave. Oak to Ravine	
Woodward Ave. immediately south of Quarton	Rezone from O-1 to T-3
101 Southfield Rd.	Rezone from O-1 to B-4
40 W. Maple Rd.	
2100 E. Maple Rd.	Rezone from O-1 to MX

Mr. Williams, Chairman of the sub-committee, did not think some areas listed as T-1 were appropriate because they could end up having night hours. The sense of the sub-committee was to take a look at what is there now, whether it is O-1 or O-2, and determine what is consistent with what the neighbors would view as an acceptable transition area and one that they might want to walk to. Further, the aim is not to zone down and expose the City to potential litigation.



The intent for T-2 was expansion of the permitted uses because these properties do not immediately abut residential. The T-3 area allows a veterinary facility. The sub-committee ran out of time to look at setbacks or density issues and those need to be considered.

Chairman Boyle suggested calling it “neighborhood zoning” rather than “transitional zoning.”

Mr. Williams hoped the sub-committee could meet again in order to get input from those on the sub-committee who are not members of the Planning Board, particularly on setback issues. Secondly, the sub-committee never received any input from the business community. Ms. Lazar suggested further that they might want to invite some commercial brokers to come in.

The chairman thanked members of the sub-committee for their work. He invited public comment at 9:28 p.m.

Ms. Dorothy Conrad discussed the office building on Maple Rd. just east of the railroad tracks. She wanted to make sure that MX zoning does not permit the property owner to develop a big box facility. Mr. Ecker assured her that the MX does not allow a building over 6,000 sq. ft. without a Special Land Use Permit.

Ms. Alice Thimm received confirmation that live/work units are one of the permitted uses in MX zoning and that live/work units are currently allowed in O-1 and O-2. The work unit can only contain a use that is permitted in its district.

Chairman Boyle asked that the sub-committee continue its work and indicated the board looks forward to the final product coming back within four weeks.

**CITY OF BIRMINGHAM**  
**REGULAR MEETING OF THE PLANNING BOARD**  
**WEDNESDAY, FEBRUARY 9, 2011**  
Commission Chamber, City Hall  
151 Martin Street, Birmingham, Michigan

---

Minutes of the regular meeting of the City of Birmingham Planning Board February 9, 2011. Chairman Robin Boyle convened the meeting at 7:30 p.m.

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

**Absent:** None

**Administration:** Matthew Baka, Planning Division  
Jana Ecker, Community Development Director  
Carole Salutes, Recording Secretary

**02-28-11**

**STUDY SESSION**

**O-1 and O-2 Permitted Uses**

Mr. Baka noted that in accordance with the direction of the City Commission, the Planning Board has been conducting study sessions on the appropriateness of the permitted commercial uses within the O-1 and O-2 Districts. The Planning Board initiated a subcommittee made up of Mr. DeWeese, Mr. Koseck, and Mr. Williams and had participation from residents and property owners. As a result of the subcommittee meetings, the Planning Division has developed a series of recommendations regarding the subject parcels.

Mr. Williams explained the subcommittee classified the majority of the O-1 and O-2 properties into three categories based on their proximity to single family residential and their intensity of use. The scope of their assignment did not include hours of operation or other portions of the ordinance. They simply looked at permitted uses. The intent tonight is to set a public hearing to invite public discussion before moving forward to the City Commission for final approval.

Mr. Baka noted that N (Neighborhood) zones are proposed to be N-1, N-2, and N-3. N-1 is being considered for areas that should permit only the least intensive uses, as they directly abut residential. The areas to be considered as N-2 zones are near single-family residential but an additional buffer zone is present in the form of public right-of-way or a physical barrier between the parcel and the adjacent residential uses. N-3 is being considered for the most intense usage. This zone is proposed to be limited to the area

at Quarton and Woodward Ave., which has a P (Parking) zoned buffer parcel between the residential to the west and the property on Woodward Ave.

Two sites have been recommended to be re-zoned to existing zones based on location and adjacency to other zones. One is recommended to be rezoned to MX (mixed use) based on its proximity to the Rail District, the other is recommended to be rezoned to B-4, as it is in the Downtown Overlay District and is currently classified as D-4.

All N (Neighborhood) zoned districts would closely follow the height and setback restrictions of the O-1 and O-2 Zones.

Mr. Baka presented a PowerPoint that listed the proposed permitted uses for each of the three zones. In order to clarify the meaning of the permitted uses, definitions for several terms were developed and are proposed to be added to Article 09, Definitions. Coffee shops and delicatessens were excluded from N-1 because of the smells, parking issues, extended hours, and trying to be respectful of the neighborhoods.

Mr. DeWeese added their proposal is an expansion with the philosophy of trying to be graded in the amount of impact on the community, and to be consistent.

The following areas were recommended for re-zoning:

AREA	RECOMMENDATION
Fourteen Mile Rd. east of Woodward Ave.	Rezone from O-1 to N-1
E. Brown at Pierce	Rezone from O-2 to N-1
Maple Rd., Poppleton to Adams north side only	Rezone from O-2 to N-1
1225 Bowers	Rezone from O-1 to N-1
1821 W. Maple Rd.	Rezone from O-1 to N-1
Southfield and 14 Mile Rd.	Rezone from O-1 to N-1
West side of Woodward Ave, east side of Adams Rd., North of Lincoln	Rezone from O-2 to N-1
South of Lincoln	Rezone from O-2 to N-2
101 Southfield Rd.	Rezone from O-1 to N-2
550 Merrill	Rezone from O-1 to N-1
Grant and Lincoln	Rezone from B-1 to N-2
N. Old Woodward Ave. Oak to Ravine	Rezone from O-2 to N-2
Parcels on Woodward Ave. immediately south of Quarton	Rezone from O-1 to N-3
400 W. Maple Rd.	Rezone from O-1 to B-4
2100 E. Maple Rd.	Rezone from O-1 to MX

There was discussion about why coffee shops and delicatessens could not be put into N-1 under a Special Land Use Permit ("SLUP"). Mr. Williams said these areas are highly residential and they need to be protected from more traffic and parking.

Ms. Whipple-Boyce thought neighbors may add uses that have been left out. Mr. Williams observed if the board wants to get into hours of operation then in his view they are not ready for a public hearing.

Chairman Boyle invited comments from members of the public at 9:10 p.m.

Ms. Dorothy Conrad, 2252 Yorkshire, cautioned the board to remember that the N-1 properties are someone's backyard or side yard. She expressed concern about the piece proposed to be transferred to the MX District. It is a very large parcel and a very large development could go in there. N-2 might be a better choice. Ms. Ecker clarified that the MX zoning would not allow big box retail due to the maximum size of 6,000 sq.ft. for commercial uses without obtaining a Special Land Use Permit.

Ms. Alice Thimm was concerned that every single N-1 property that is proposed abuts a private home. The uses aren't really cut out for all of the parcels that are next to someone's patio. Under the definition for *artisan use* she did not want to leave in "manufacture." Under the *neighborhood convenience store* definition she suggested leaving out "alcohol, tobacco, lottery tickets" in the N-1 Districts. Also, add to the definition of *specialty food shop* "no on-site preparation or consumption," and "Sampling is permitted." Add to the District intent for N-2 "which are compatible with abutting single-family residential." Lastly Ms. Thimm didn't understand why outdoor café is an accessory permitted use under N-1. Consensus was to remove it.

**Motion by Mr. DeWeese**

**Seconded by Mr. Williams to set a public hearing for April 13, 2011 to consider amendments to Article 02 Zoning districts and Regulations, and Article 09, Definitions of the Zoning code,**

**and**

**To set a public hearing for April 13, 2011 to consider the re-zoning of O-1 Office, O-2 Office/Commercial, and B-1 Neighborhood Business parcels.**

It was determined this item will be brought up for further discussion by the board at a study session on March 16, prior to the public hearing in April.

Discussion contemplated that every habitable unit and every business within 300 ft. would need to be notified. Ms. Ecker noted the available manpower will take quite some time to put out all of those notices. Mr. Williams said he has always thought that the noticing requirements are not necessarily consistently applied on the Planning Board Hearings and those for the City Commission. The Commission tends to notify a lot more people.

Mr. Clein did not feel that N-1 and N-2 should have such similar uses. Further, the problems are just being shifted from O to N and an additional N-3 classification has been added.

**Motion carried, 6-1.**

ROLLCALL VOTE

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

Nays: Clein

Absent: None

**CITY OF BIRMINGHAM**  
**REGULAR MEETING OF THE PLANNING BOARD**  
**WEDNESDAY, MARCH 23, 2011**  
Department of Public Services  
851 S. Eton Street, Birmingham, Michigan

---

Minutes of the regular meeting of the City of Birmingham Planning Board held March 23, 2011. Chairman Robin Boyle convened the meeting at 7:30 p.m.

**Present:** Chairman Robin Boyle; Board Members Scott Clein, Bert Koseck (arrived at 7:35 p.m.), Gillian Lazar (arrived at 7:40 p.m.), Janelle Whipple-Boyce, Bryan Williams; Student Representative Kristen Thut

**Absent:** Board Member Carroll DeWeese

**Administration:** Matt Baka, Planning Intern  
Carole Salutes, Recording Secretary  
**03-48-11**

**STUDY SESSION**

**O-1 and O-2 Permitted Uses**

Mr. Baka introduced the study session. In accordance with the direction of the City Commission, the Planning Board has been conducting study sessions on the appropriateness of the permitted commercial uses within the O-1 and O-2 Districts. Early last year a sub-committee was established comprised of Planning Board members DeWeese, Koseck, and Williams, and several residents and property owners also participated in the discussions.

The sub-committee classified the majority of the O-1 – O-2 properties into three separate neighborhood zones:

- N-1 - Properties that directly abut single-family residential zones;
- N-2 - Properties that have a natural barrier between them and residential parcels; and
- N-3 - The O-1 parcels at the corner of Quarton and Woodward Ave.

On February 9, 2011, the Planning Board set a public hearing for April 13, 2011 to consider zoning amendments to the O-1 and O-2 zones. It was decided that the subject would be discussed once again at the March 2011 study session to finalize the proposed changes in advance of the public hearing.

Mr. Baka advised that there have been very few changes since the last Planning Board meeting. Party store was taken out of N-1 and added to N-2 and N-3 as a result of the board's discussion on neighborhood convenience stores.

Additionally, swimming pools were eliminated and the only permitted recreational use would be a park.

Mr. Williams advised that the sub-committee's original charge was to study O-1 and O-2. That excludes the Lincoln and Grant area which he would leave it the way it is, as B-1. That does not have a deleterious impact on the businesses in that area. Mr. Baka went on to describe the other N-1 and N-2 areas. Ms. Whipple-Boyce did not believe that party stores should be included in N-2. She does not think that an alley is enough buffer to allow a party store. Further, she feels the B-1 classification should be reviewed in the future. Others agreed.

The board contemplated whether height issues should be a consideration, especially in the area between Poppleton and Adams. Consensus was to leave it alone for now.

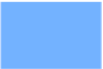
Mr. Williams advised that the sub-committee didn't really change things that much. They have by and large pretty much protected the residential components. The only place where they have expanded the types of uses is the area along N. Old Woodward Ave. south of Oak on the east side.

Chairman Boyle thanked everyone for their input and for doing a great job.



Revision of permitted commercial uses on properties that are abutting or adjacent to residential property

# Rezoning of O<sub>1</sub>/O<sub>2</sub> properties

	0-2	Office Commercial
	0-1	Office

# Planning Board study of O<sub>1</sub>/O<sub>2</sub> permitted commercial uses timeline

- October 13, 2008 - City Commission directs Planning Board to study the appropriateness of the commercial permitted uses of the O<sub>1</sub>/O<sub>2</sub> zones;
- July-October 2009 – Planning board holds several study sessions regarding O<sub>1</sub>/O<sub>2</sub> zones. Discussions center on current permitted uses. Planning Division compiled an inventory of existing uses, including permitted and non-conforming;
- May 2010 – Planning Board establishes a subcommittee of three Planning Board members to develop recommendations for updated lists of permitted uses;
- February 2011 – Subcommittee reports back to Planning Board with recommendations for all O<sub>1</sub>/O<sub>2</sub> properties. Recommendation includes the creation of new “Neighborhood Commercial” zones titled N<sub>1</sub>, N<sub>2</sub>, and N<sub>3</sub>. Select parcels recommended for rezoning to existing zones. Planning Board sets Public Hearing for April 13, 2011 to consider proposed changes and forward recommendation to the City Commission.

# General findings & recommendations

The majority of the O1/O2 parcels are abutting or adjacent to residential properties. As a result, the subcommittee recommended that the O1/O2 parcels be reorganized into three categories based on their proximity to residential. These categories are proposed to be transitional zones that allow for commercial uses that are compatible with the neighborhoods. These zones would be delineated as follows.

- **N1 (Neighborhood Commercial) zone** - Properties that directly abut single family residential zones. These properties are viewed as having the greatest impact on residential. For that reason, the permitted commercial uses in these areas are the least intense. These uses are intended to be generally daytime uses including office, retail and neighborhood services.
- **N2 (Neighborhood Commercial) zone** – Properties that are adjacent to residential but have an additional buffer such as right of way or a natural barrier (Rouge River) that protects residential properties or are in high traffic areas that increase the commercial character of the property. In these areas, the permitted commercial uses are proposed to increase slightly in intensity by allowing businesses such as delicatessens, bakeries, coffee shops, and dry cleaners.
- **N3 (Neighborhood Commercial) zone** – This zone is proposed for the parcels currently zoned O1 on Woodward at Quarton. This area is viewed by the committee as unique as it sits on big Woodward. Therefore, uses that involve additional intensity are viewed as appropriate. This would include animal hospitals and veterinary clinics and banks with a drive thru (SLUP required for drive-thru).

*(Development standards for O1 and O2 properties were not the focus of this study. However, some minor changes were necessary as there are currently differences between the two existing zones that must be reconciled in order to unify them into common zones. Changes for each parcel will be noted in the following slides.)*

# Specific Recommendations – N1

**N1 (Neighborhood Commercial) zone** - Properties that directly abut single family residential zones. These properties are viewed as having the greatest impact on residential. For that reason, the permitted commercial uses in these areas are the least intense. These uses are intended to be generally daytime uses including office, retail and neighborhood services.

\*The parcels being considered for N1 designation include parcels that are currently zoned both O1 and O2. On the following slides each location will be reviewed, highlighting how the proposed changes will affect each.

## Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store
- dental/medical office
- flower/gift shop
- furniture store
- hair replacement establishment
- interior design shop
- jewelry store
- leather and luggage goods shop

- neighborhood convenience store
- office use
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

## Accessory Permitted Uses

- laboratory - medical/dental\*
- loading facility - off-street\*
- parking facility - off-street\*
- pharmacy\*
- commercial or office uses which are customarily incidental to the permitted

principal uses on the same lot

## Uses Requiring a S L U P

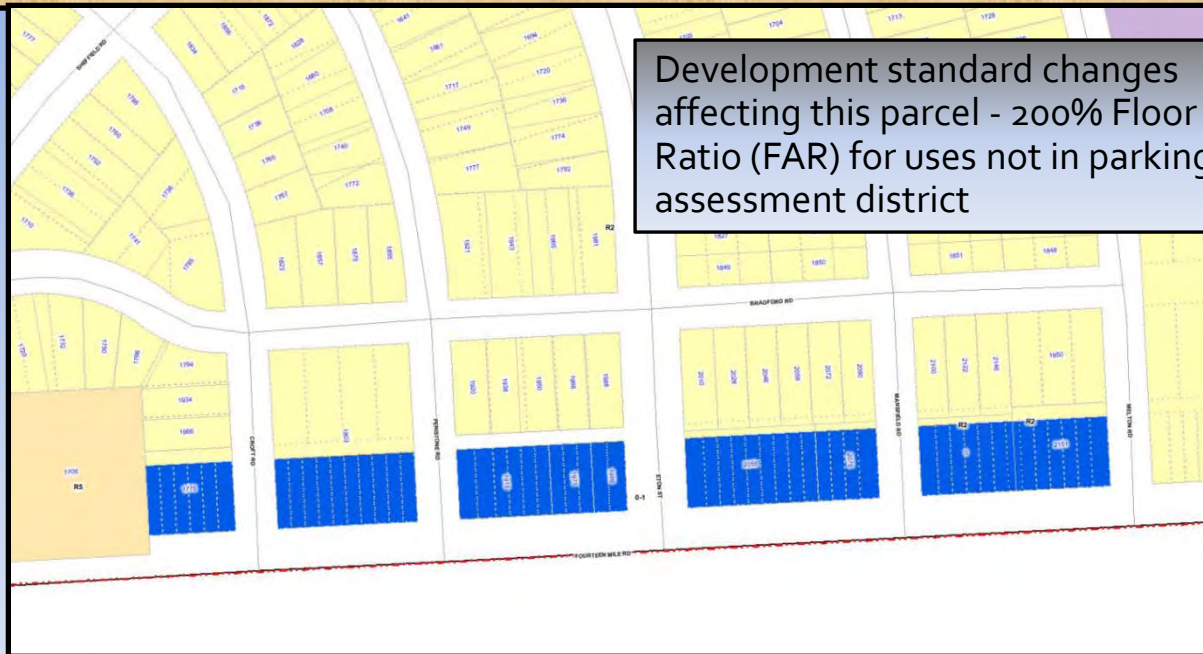
- bistro (only permitted in the Triangle District and Overlay District)\*
- church

# O1 parcels on 14 Mile rd. between Woodward and Melton - O1 to N1

O1 parcels will see the most significant increase in permitted commercial uses. The list below indicates all new uses proposed for these parcels.

## Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor



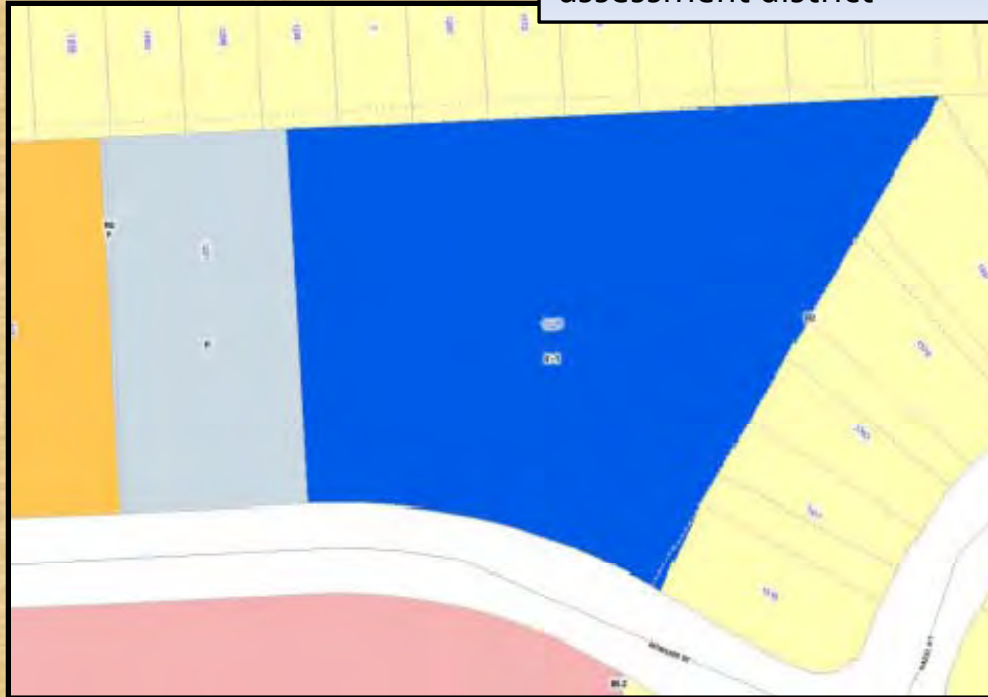


# 1225 Bowers – O1 to N1

## Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



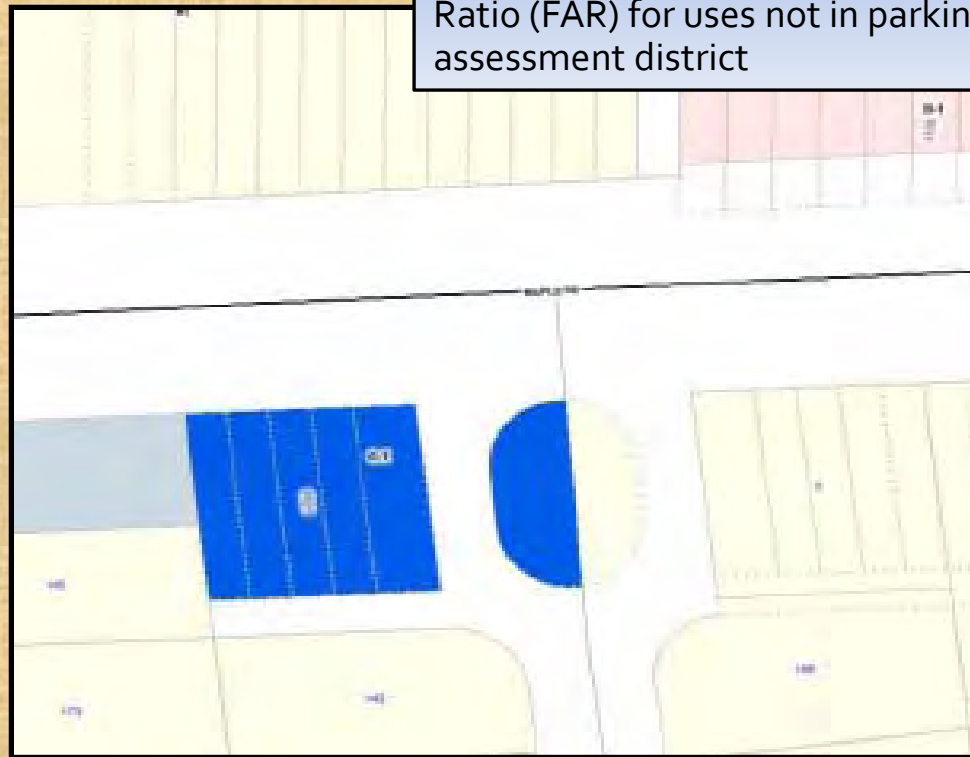
The following uses are proposed to be eliminated from the O1 zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

# 1821 W. Maple – O1 to N1

## Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



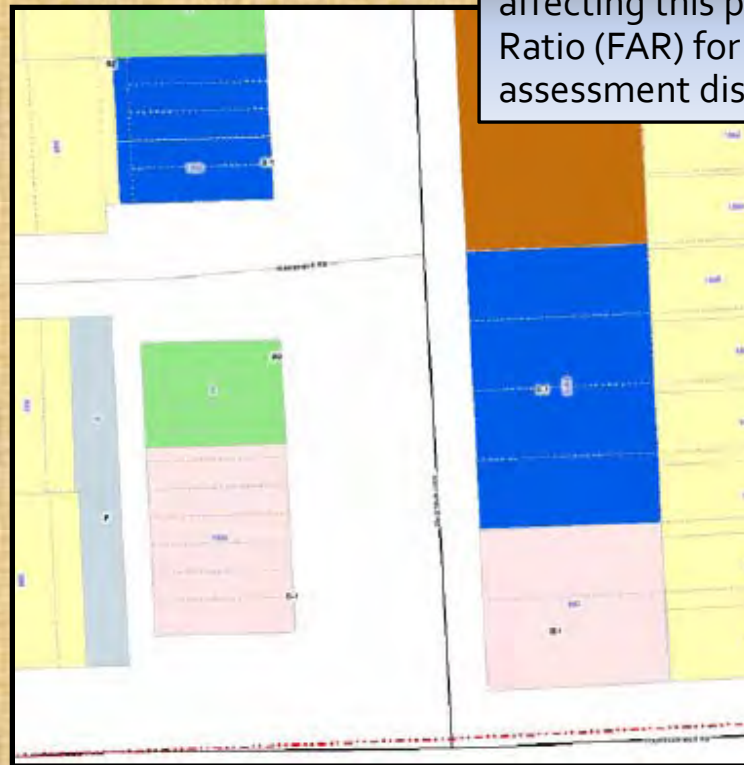
The following uses are proposed to be eliminated from the O1 zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)



# 1875 & 1890 Southfield Rd. O1 to N1

## Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor



Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district

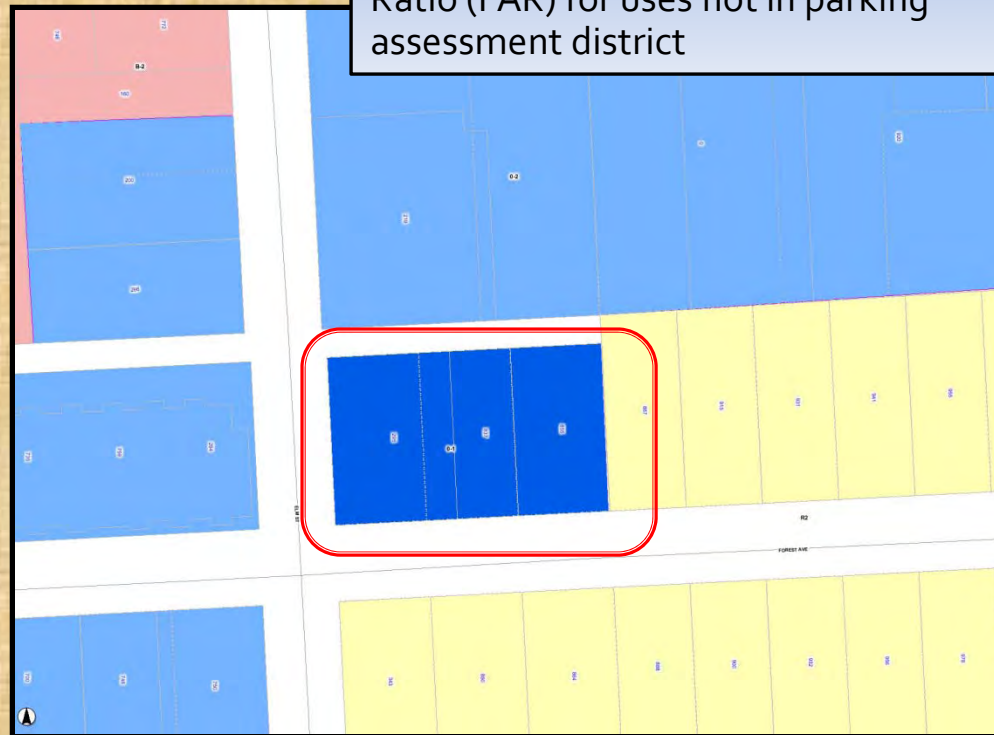
The following uses are proposed to be eliminated from the O1 zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

# 295 Elm, 837 & 855 Forest – O<sub>1</sub> to N<sub>1</sub>

## Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



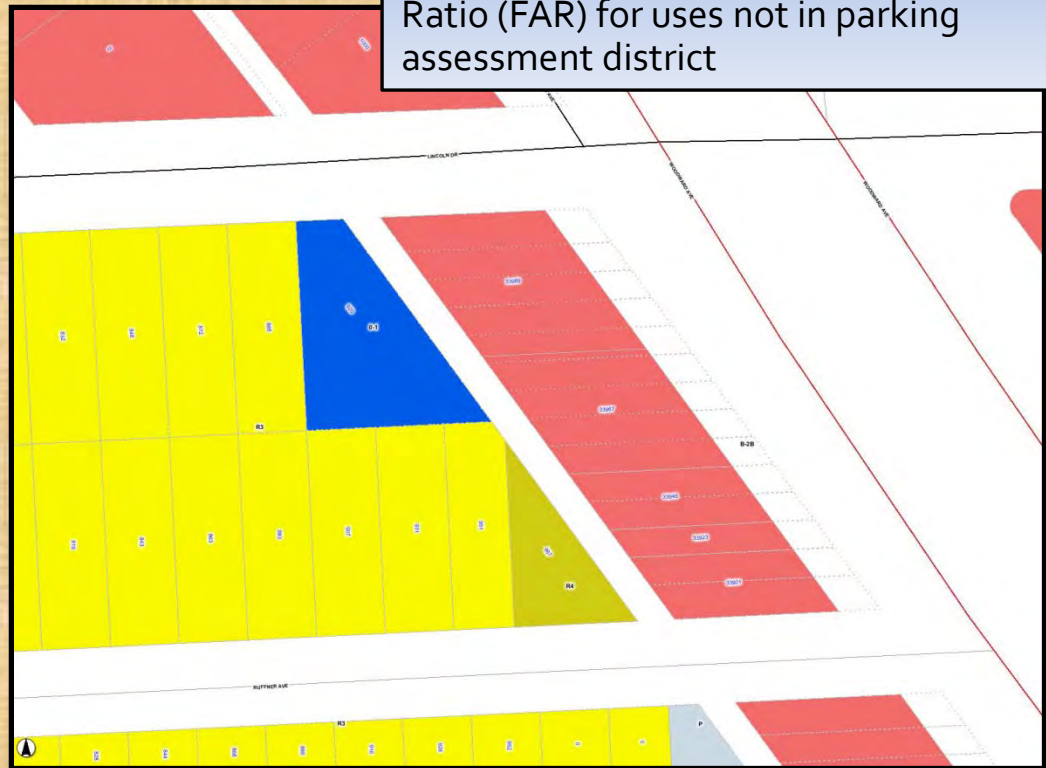
The following uses are proposed to be eliminated from the O<sub>1</sub> zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

# 920 Lincoln – O<sub>1</sub> to N<sub>1</sub>

## Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



The following uses are proposed to be eliminated from the O<sub>1</sub> zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

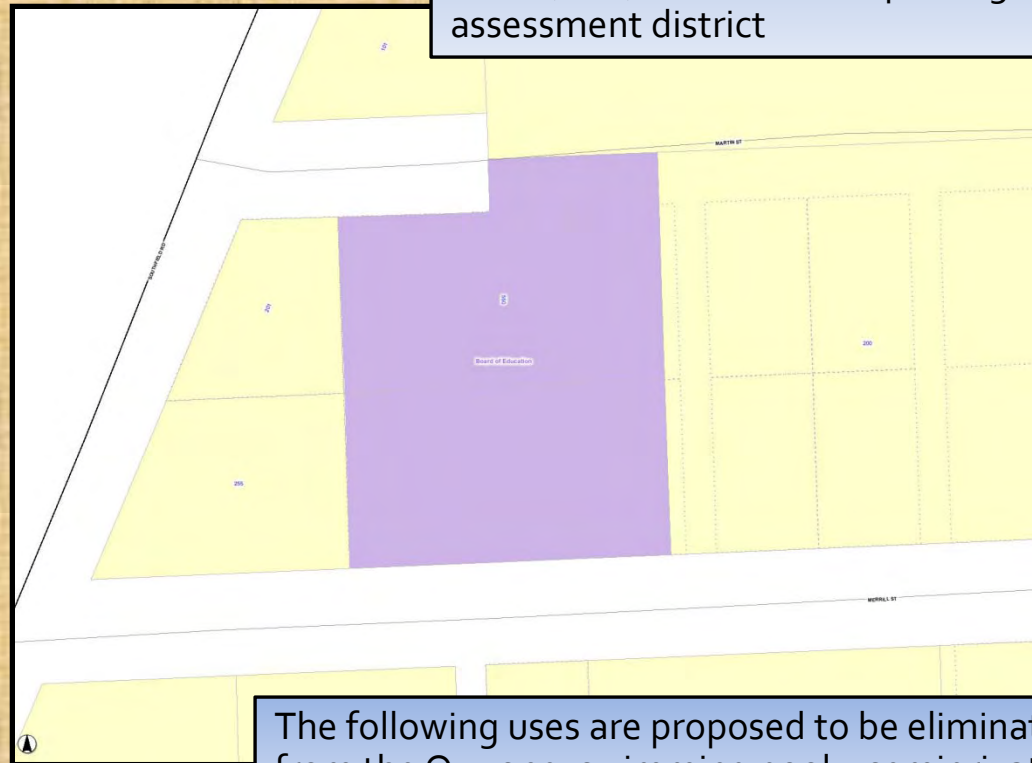


# 550 Merrill – O<sub>1</sub> to N<sub>1</sub>

## Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



The following uses are proposed to be eliminated from the O<sub>1</sub> zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

# O2 properties proposed to be changed to N1

**N1 (Neighborhood Commercial) zone** - Properties that directly abut single family residential zones. These properties are viewed as having the greatest impact on residential. For that reason, the permitted commercial uses in these areas are the least intense. These uses are intended to be generally daytime uses including office, retail and neighborhood services.

O2 properties proposed to change to N1 would have fewer changes to the list of permitted uses than those proposed to be rezoned from O1 to N1. The following lists indicate the uses to be added as well as the uses to be eliminated.

## Uses to be added

- furniture store and
- neighborhood convenience store

## Uses to be eliminated

- Bakery
- Tobacconist
- Veterinary clinic
- Kennel (accessory use)
- outdoor café (accessory use)

In addition there are a few changes to the development standards that will affect certain properties. The following slides examine each area and outline the changes that affect each.

# Specific Recommendations – N1

**N1 (Neighborhood Commercial) zone** - Properties that directly abut single family residential zones. These properties are viewed as having the greatest impact on residential. For that reason, the permitted commercial uses in these areas are the least intense. These uses are intended to be generally daytime uses including office, retail and neighborhood services.

\*The parcels being considered for N1 designation include parcels that are currently zoned both O1 and O2. On the following slides each location will be reviewed, highlighting how the proposed changes will affect each.

## Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store
- dental/medical office
- flower/gift shop
- furniture store
- hair replacement establishment
- interior design shop
- jewelry store
- leather and luggage goods shop

- neighborhood convenience store
- office use
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

## Accessory Permitted Uses

- laboratory - medical/dental\*
- loading facility - off-street\*
- parking facility - off-street\*
- pharmacy\*
- commercial or office uses which are customarily incidental to the permitted

principal uses on the same lot

## Uses Requiring a S L U P

- bistro (only permitted in the Triangle District and Overlay District)\*
- church

# S. Adams between Lincoln and Adams Square – O2 to N1

## Uses to be added

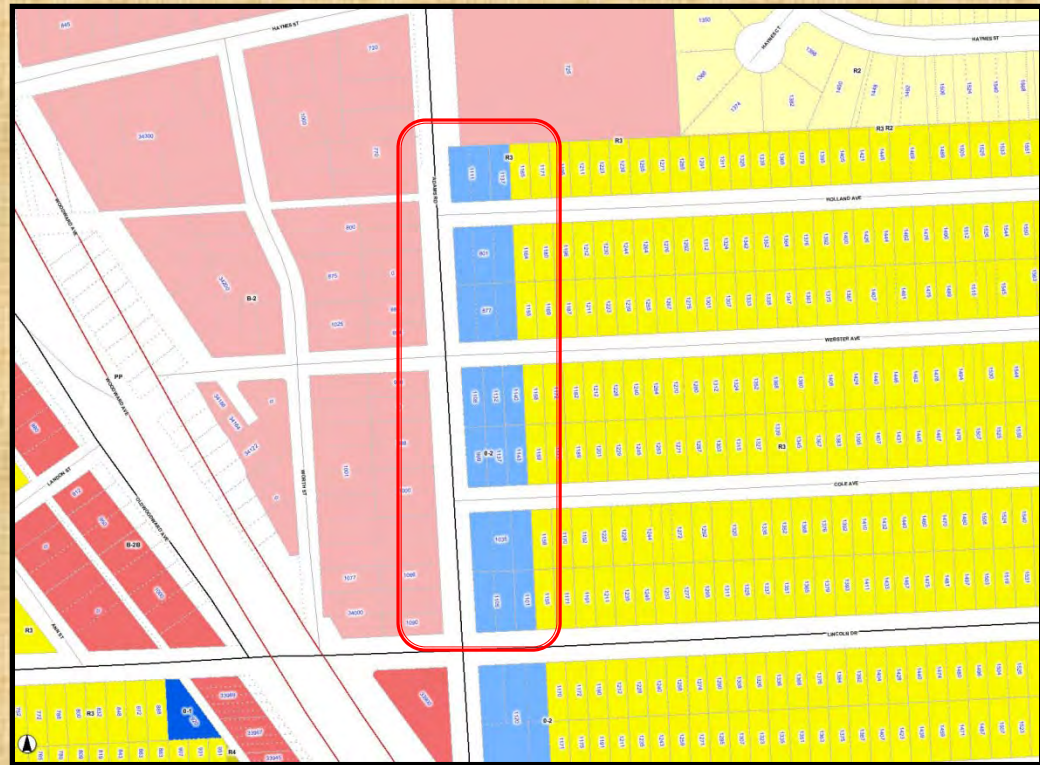
- furniture store
- neighborhood convenience store

## Uses to be eliminated

- Bakery
- tobacconist
- veterinary clinic
- kennel (accessory use)
- outdoor café (accessory use)

## Development standard changes affecting this parcel

- Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet
- No setback is required except on a lot which has a side lot line with an abutting interior residential lot on a side street, then such setback shall be 9 feet.
- 20 feet or the height of the building, whichever is greater, when abutting residential zoning district





# E. Maple Rd. between Elm and Adams – O<sub>2</sub> to N<sub>1</sub>

## Uses to be added

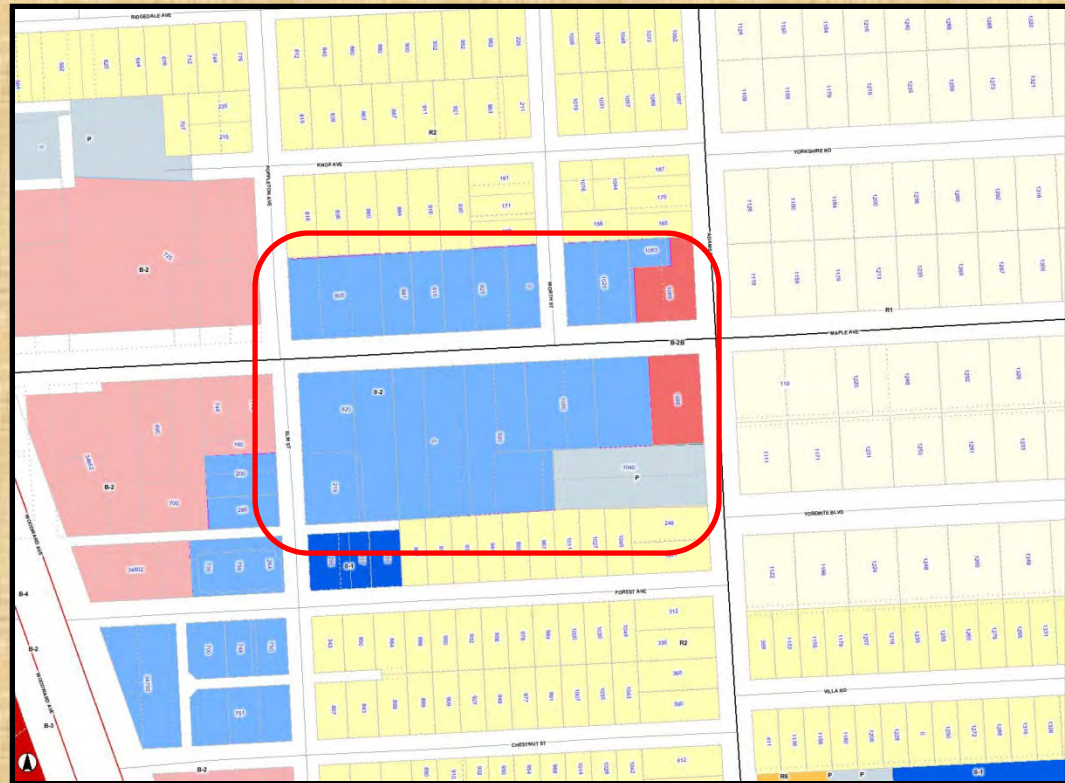
- furniture store
- neighborhood convenience store

## Uses to be eliminated

- bakery
- tobacconist
- veterinary clinic
- kennel (accessory use)
- outdoor café (accessory use)

## Development standard changes affecting this parcel

- Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet
- No setback is required except on a lot which has a side lot line with an abutting interior lot on a side street, then such setback shall be 9 feet.
- 20 feet or the height of the building, whichever is greater, when abutting residential zoning district



# 825 Bowers (Former Baker's Sq.)

## O<sub>2</sub> to N<sub>1</sub>

### Uses to be added

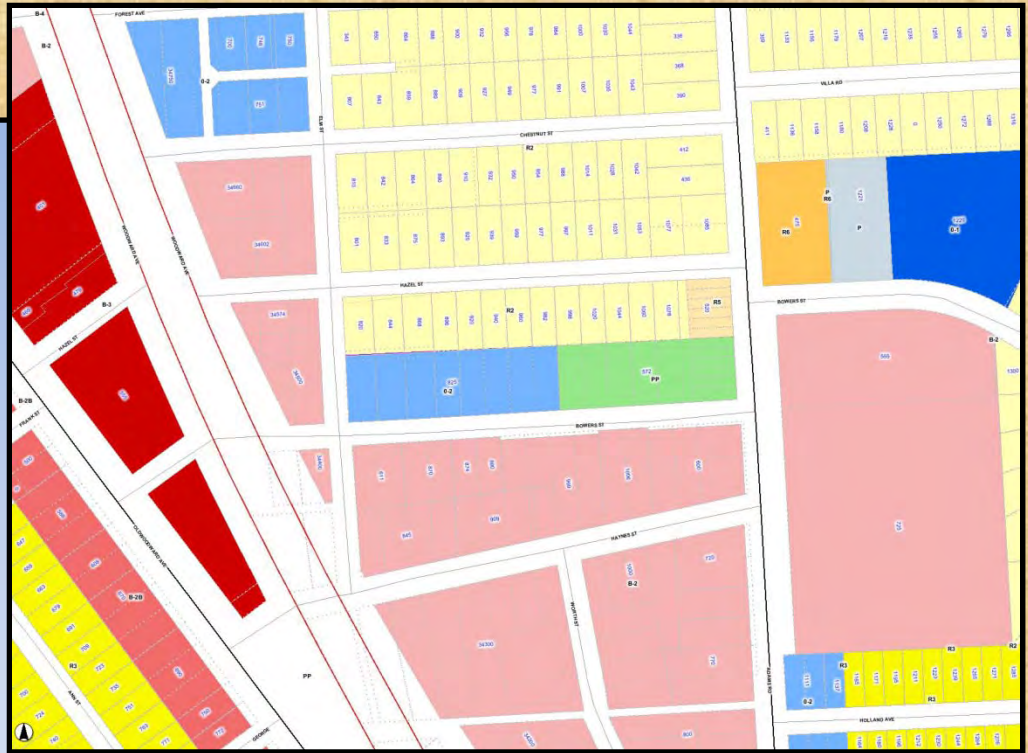
- furniture store
- neighborhood convenience store

### Uses to be eliminated

- bakery
- tobacconist
- veterinary clinic
- kennel (accessory use)
- outdoor café (accessory use)

### Development standard changes affecting this parcel

- Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet
- No setback is required except on a lot which has a side lot line with an abutting interior residential lot on a side street, then such setback shall be 9 feet.
- 20 feet or the height of the building, whichever is greater, when abutting residential zoning district



# W. Brown between Purdy & Henrietta O<sub>2</sub> to N<sub>1</sub>

## Uses to be added

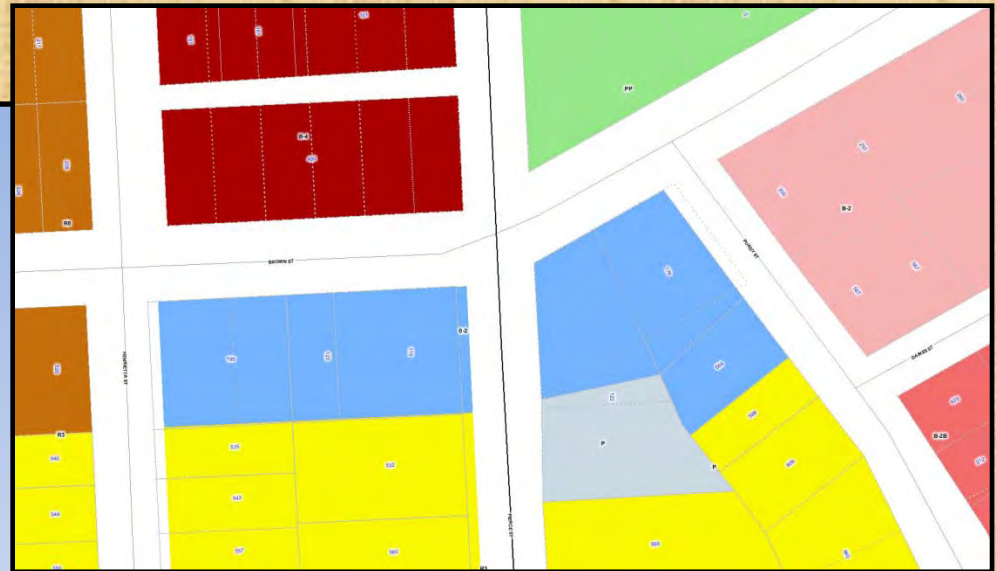
- furniture store
- neighborhood convenience store

## Uses to be eliminated

- bakery
- tobacconist
- veterinary clinic
- kennel (accessory use)
- outdoor café (accessory use)

## Development standard changes affecting this parcel

- Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet
- No setback is required except on a lot which has a side lot line with an abutting interior residential lot on a side street, then such setback shall be 9 feet.
- 20 feet or the height of the building, whichever is greater, when abutting residential zoning district





# N2 (Neighborhood Commercial)

**N2 (Neighborhood Commercial) zone** – Properties that are adjacent to residential but have an additional buffer such as right of way or a natural barrier (Rouge River) that protects residential properties or are in high traffic areas that increase the commercial character of the property. In these areas, the permitted commercial uses are proposed to increase slightly in intensity by allowing businesses such as delicatessens, bakeries, coffee shops, and dry cleaners.

*\*The parcels being considered for N2 designation include parcels that are currently zoned both O1 and O2. On the following slides each location will be reviewed, highlighting how the proposed changes will affect each.*

## Commercial Permitted Uses

- art gallery
- artisan use
- **bakery\***
- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store
- **coffee shop\***
- **delicatessen\***
- dental/medical office
- **dry cleaners\***
- flower/gift shop
- furniture store
- hair replacement establishment
- **health club/studio\***
- interior design shop
- jewelry store
- leather and luggage goods shop

- neighborhood convenience store
- office use
- **party store\***
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

## Accessory Permitted Uses

- laboratory - medical/dental
- loading facility - off-street
- **outdoor cafe\***
- parking facility - off-street
- pharmacy
- commercial or office uses which are customarily incidental to the permitted principal uses on the same lot

## Uses Requiring a S L U P

- bistro (only permitted in the Triangle District and Overlay District)
- church
- **food and drink establishment\***
- **broadcast media devices (only permitted in conjunction with gasoline stations)\***

*\* These uses are not permitted in N1 zones*

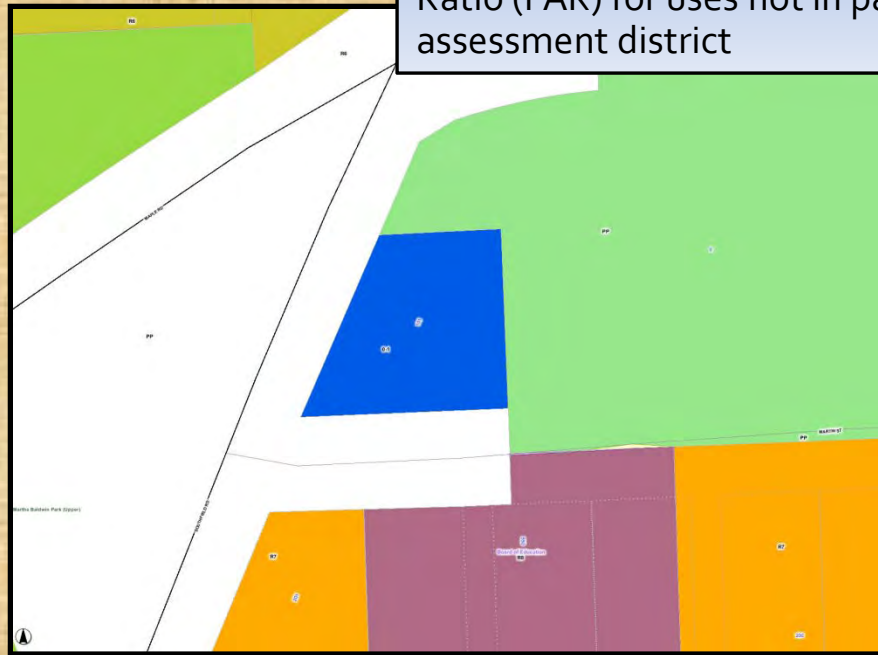
# 101 Southfield – O<sub>1</sub> to N<sub>2</sub>

## Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- **bakery\***
- bank without drive-through facility
- boutique
- clinic
- clothing store
- **coffee shop\***
- **delicatessen\***
- **dry cleaners\***
- flower/gift shop
- furniture store
- **health club/studio\***
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- **party store\***
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

*\* These uses are not permitted in N<sub>1</sub> zones*

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



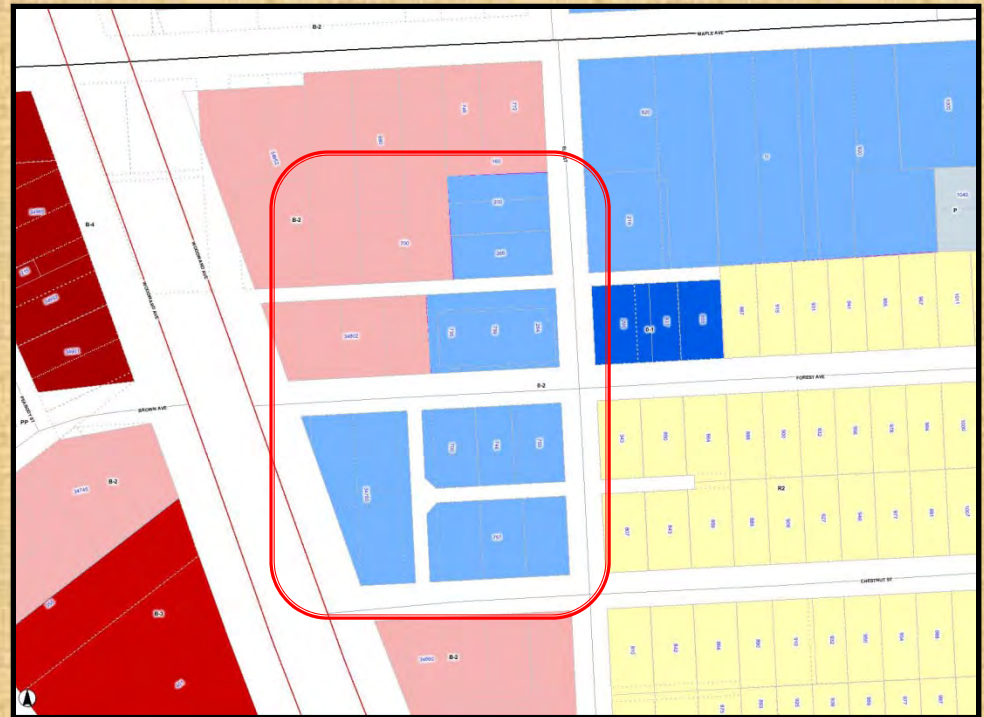
The following uses are proposed to be eliminated from the O<sub>1</sub> zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

# O2 properties in the triangle district west of Elm – O2 to N2

## Proposed new Commercial Permitted Uses

- artisan use
- coffee shop\*
- delicatessen\*
- dry cleaners\*
- furniture store
- health club/studio\*
- neighborhood convenience store
- party store\*
- shoe repair

*\*These uses are not permitted in N1 zones*



## Development standard changes affecting these parcels

Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet

The following uses are proposed to be eliminated from the O2 zone; swimming pool – semiprivate, tobacconist, veterinary clinic, kennel (accessory use)



# 1120 Adams O2 to N2

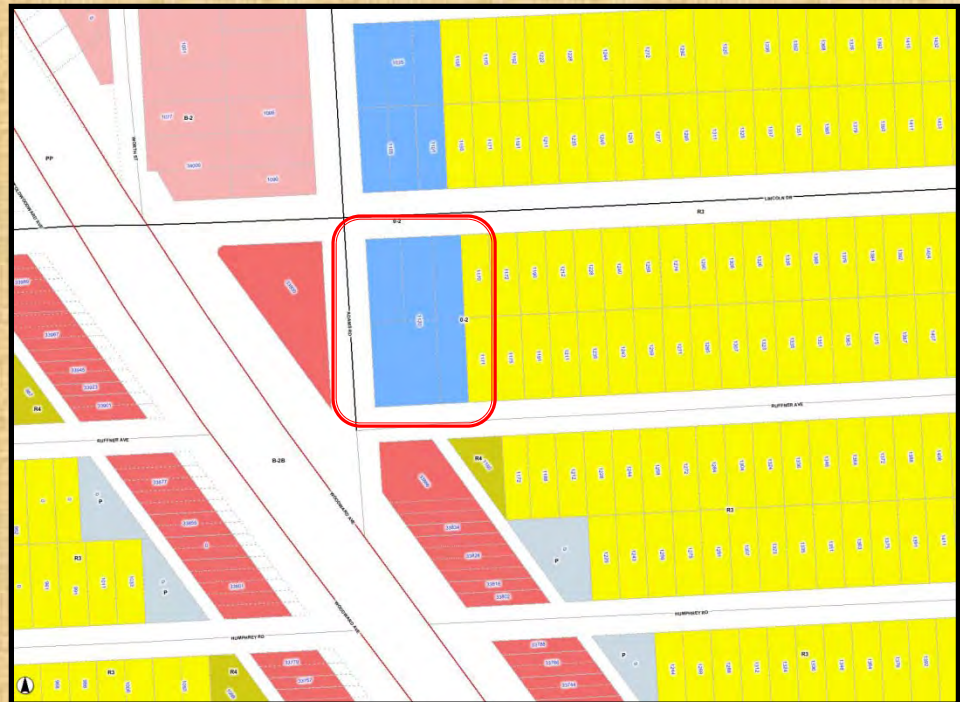
## Proposed new Commercial Permitted Uses

- artisan use
- coffee shop\*
- delicatessen\*
- dry cleaners\*
- furniture store
- health club/studio\*
- neighborhood convenience store
- party store\*
- shoe repair

*\*These uses are not permitted in N1 zones*

## Development standard changes affecting this parcel

- Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet



The following uses are proposed to be eliminated from the O2 zone; swimming pool – semiprivate, tobacconist, veterinary clinic, kennel (accessory use)



# N. Old Woodward between Ravine rd. and Oak – O2 to N2

## Proposed new Commercial Permitted Uses

- artisan use
- coffee shop\*
- delicatessen\*
- dry cleaners\*
- furniture store
- health club/studio\*
- neighborhood convenience store
- party store\*
- shoe repair

*\* These uses are not permitted in N1 zones*

Development standards that affect subject parcels  
Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 feet



The following uses are proposed to be eliminated from the O2 zone; swimming pool – semiprivate, tobacconist, veterinary clinic, kennel (accessory use)

# Woodward Ave. between Quarton and Redding – O<sub>1</sub> to N<sub>3</sub>

## Commercial Permitted Uses

- *animal medical hospital\**
- art gallery
- artisan use
- bakery
- bank without drive-through facility
- boutique
- clinic
- clothing store
- coffee shop
- delicatessen
- dry cleaners
- flower/gift shop
- food or drink establishment
- furniture store
- *hardware store\**
- health club/studio
- interior design shop
- jewelry store
- neighborhood convenience store
- *paint store\**
- photography studio
- shoe repair

- specialty food store
- specialty home furnishing shop
- tailor

## Other Use Regulations

### Accessory Permitted Uses

- commercial or office uses which are customarily incidental to the permitted principal uses of the same lot

### Uses Requiring a Special Land Use Permit

- *bank with drive-through facility*
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)

*\*These uses are allowed in N<sub>3</sub> only*

Use being eliminated - • swimming pool - semiprivate



Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district

# 2100 E. Maple – O<sub>1</sub> to MX

Rezoning this parcel from O<sub>1</sub> to MX would be consistent with the stated goals of both Birmingham and Troy to foster a transit oriented mixed use district. The development standards of the Troy parcels to the east are compatible with the current MX zoning of the Eton Road Corridor Plan.



The MX zone allows for a flexible mix of uses while restricting new commercial developments over 6,000 sq. ft. by requiring a SLUP (Special Land Use Permit)

## Residential Permitted Uses

- family day care facility\*
- group day care home\*

## Institutional Permitted Uses

- bus/train passenger station
- government use
- publicly owned building

## Recreational Permitted Uses

- indoor/outdoor recreational facility

## Commercial Permitted Uses

- animal medical hospital
- art gallery
- artisan use
- auto rental agency\*
- automobile repair and conversion
- bakery
- boutique
- child care center
- clothing store
- drugstore
- dry cleaning
- flower/gift shop
- food or drink establishment\*
- furniture
- greenhouse
- grocery store
- hardware store
- health club/studio
- interior design shop
- jewelry store
- kennel\*
- laboratory
- leather and luggage goods shop
- neighborhood convenience store
- pet grooming facility
- photography studio
- shoe store/shoe repair
- specialty food store

- specialty home furnishing shop

- tailor

- tobacconist

## Industrial Permitted Uses

- light industrial uses
- warehousing

## Other Permitted Uses

- gas regulatory station
- telephone exchange building
- utility substation

## Accessory Permitted Uses

- alcoholic beverage sales\*
- dwelling - accessory\*
- fence
- garage - private
- greenhouse - private
- home occupation
- outdoor cafe\*
- outdoor sales or display of goods\*
- parking structure\*
- renting of rooms\*
- sign
- swimming pool - private

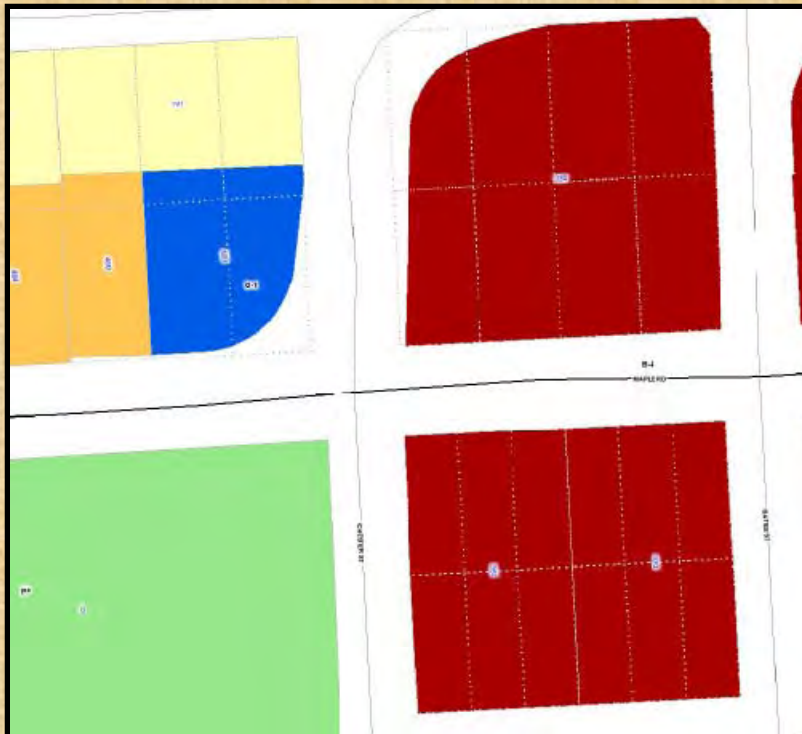
## Uses Requiring a Special Land Use Permit

- college
- dwelling - first floor with frontage on Eton Road
- outdoor storage\*
- parking structure
- religious institution
- school - private, public
- residential use combined with a permitted nonresidential use with frontage on Eton Road
- regulated uses\*



# 400 W. Maple – O1 to B4

The parcel located at 400 W. Maple is recommended to be rezoned from O1 to B-4. 400 W. Maple is currently in the Downtown Overlay, and is therefore permitted to build up to 5 stories. The Downtown Overlay is intended to encourage a mix of office, commercial and residential. However, the current underlying zoning of O1 excludes most commercial uses. The subcommittee finds that a rezoning to B4 would allow redevelopment of the site to occur in a manner consistent with the 2016 Plan.



## **Residential Permitted Uses**

- adult foster care group home
- single family cluster\*

## **Institutional Permitted Uses**

- church
- community center
- garage - public
- government office
- government use
- loading facility - off-street
- parking facility - off-street
- school - private, public
- social club

## **Recreational Permitted Uses**

- bowling alley
- outdoor amusement\*
- recreational club

## **Commercial Permitted Uses**

- auto sales agency
- bakery
- bank
- catering
- child care center
- clothing store
- delicatessen
- department store
- drugstore
- dry cleaning
- flower/gift shop
- food or drink establishment\*
- furniture

- greenhouse
- grocery store
- hardware store
- hotel
- motel
- neighborhood convenience store
- paint
- party store
- retail photocopying
- school-business
- shoe repair
- showroom of electricians/plumbers
- tailor
- theater\*

## **Other Permitted Uses**

- utility substation

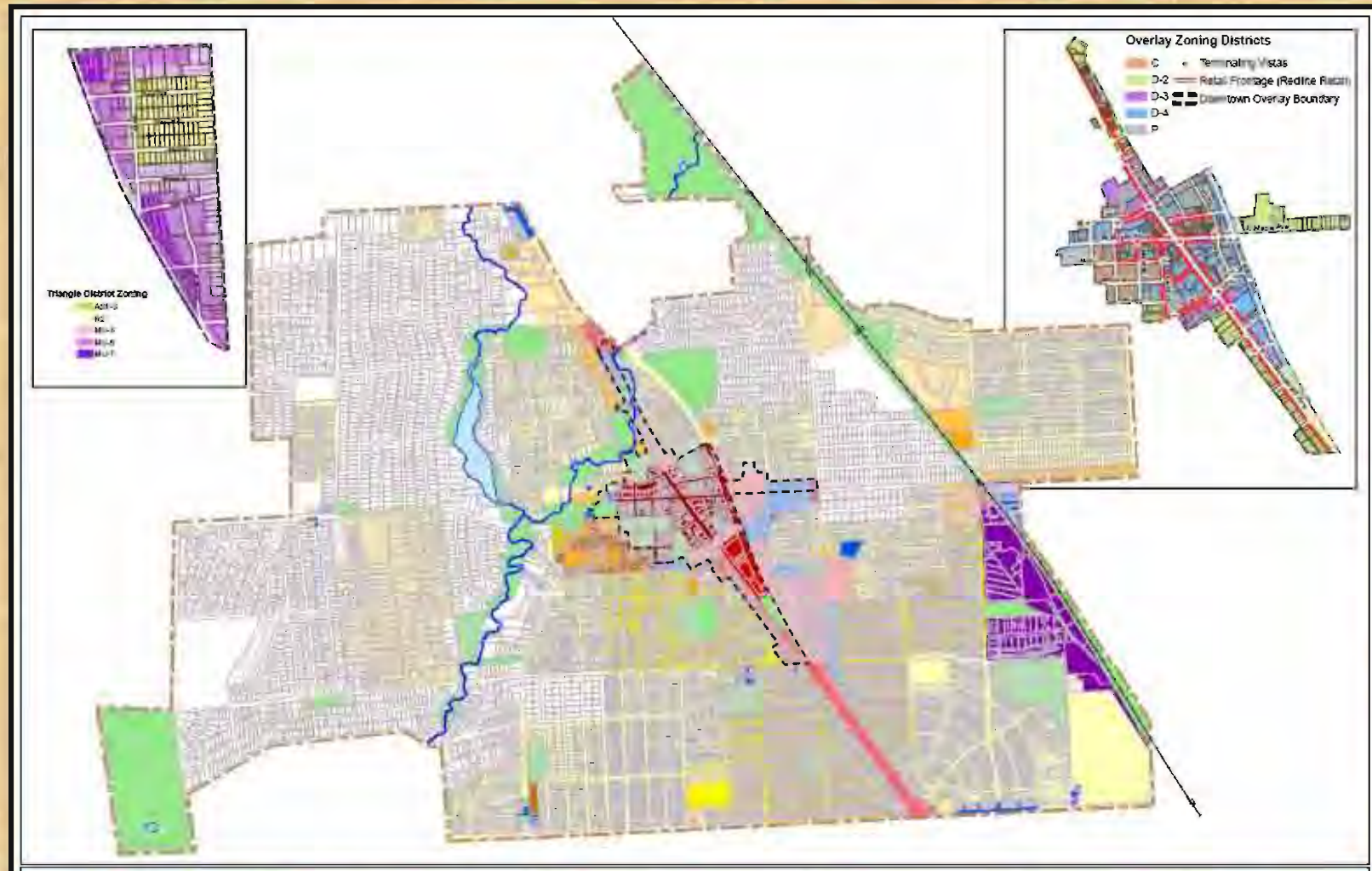
## **Accessory Permitted Uses**

- alcoholic beverage sales\*
- fence
- outdoor display of goods\*
- outdoor sales\*
- retail fur sales cold storage facility
- sign

## **Uses Requiring a Special Land Use Permit**

- regulated uses\*

# Questions??? & Comments!!!



	TZ1	TZ2	TZ3
<b>Residential Permitted Uses</b>	<ul style="list-style-type: none"> <li>• Dwelling – attached single family</li> <li>• Dwelling – single family (R3)</li> <li>• Dwelling – multi-family</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling – attached single family</li> <li>• Dwelling – single family (R3)</li> <li>• Dwelling – multi-family</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling – attached single family</li> <li>• Dwelling – single family (R3)</li> <li>• Dwelling – multi-family</li> </ul>
<b>Commercial Permitted Uses</b>		<ul style="list-style-type: none"> <li>• Art gallery</li> <li>• Artisan use</li> <li>• Bakery</li> <li>• Barber/beauty salon</li> <li>• Bookstore</li> <li>• Boutique</li> <li>• Coffee shop</li> <li>• Drugstore</li> <li>• Gift shop/flower shop</li> <li>• Hardware</li> <li>• <del>Health club/studio</del></li> <li>• Jewelry store</li> <li>• Neighborhood convenience store</li> <li>• Office</li> <li>• Tailor</li> </ul>	<ul style="list-style-type: none"> <li>• Art gallery</li> <li>• Artisan use</li> <li>• Barber/beauty salon</li> <li>• Bookstore</li> <li>• Boutique</li> <li>• Drugstore</li> <li>• Gift shop/flower shop</li> <li>• Hardware</li> <li>• Health club/studio</li> <li>• Jewelry store</li> <li>• Neighborhood convenience store</li> <li>• Office</li> <li>• Tailor</li> </ul>
<b>Accessory Permitted Uses</b>	<ul style="list-style-type: none"> <li>• Family day care home</li> <li>• Home occupation*</li> <li>• Parking – off-street</li> </ul>	<ul style="list-style-type: none"> <li>• Family day care home</li> <li>• Home occupation*</li> <li>• Parking – off-street</li> </ul>	<ul style="list-style-type: none"> <li>• Family day care home</li> <li>• Home occupation*</li> <li>• Parking – off-street</li> </ul>

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





## MEMORANDUM

Planning Division

**DATE:** March 16, 2017

**TO:** Planning Board

**FROM:** Lauren Chapman, Assistant Planner

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

**SUBJECT:** Report for Final Site Plan Review & Special Land Use Permit Amendment  
225 E. Maple – Social Kitchen [No changes from previous review](#)

### Executive Summary

The subject site is located at 225 E. Maple, between Old Woodward and Park Street. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, Social Kitchen, is seeking an amendment to their Special Land Use Permit. The applicant is proposing new cladding on existing canopy framework, upgraded seasonal enclosure system, new decorative metal framework and lighting under the canopy and in the City via. The application is also proposing new trellis with lighting and canvas on the roof deck. The seating on the roof is to remain seasonal. Chapter 10 requires that the applicant obtain a Special Land Use Permit and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit Amendment, and then obtain approval from the City Commission for the Final Site Plan and Special Land Use Permit amendment. **Historic District Commission approval will also be required as the proposed bistro is located within the Central Business District Historic District.**

### 1.0 Land Use and Zoning

- 1.1 Existing Land Use - The space is currently occupied by Social Kitchen and intends to continue. Land uses surrounding the site are retail and commercial.
- 1.2 Existing Zoning – The property is currently zoned B-4, Business-Residential, and D-4 in the Downtown Overlay District. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.

---

1.3 **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.

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Existing Land Use</b>	Retail, Commercial & Parking	Retail & Commercial	Retail & Commercial	Retail & Commercial
<b>Existing Zoning District</b>	B-4, Business- Residential	B-4, Business- Residential	B-4, Business- Residential	B-4, Business- Residential
<b>Downtown Overlay Zoning District</b>	D-4	D-4	D-4	D-4

## 2.0 **Bistro Requirements**

Article 9, section 9.02, Definitions, of the Zoning Ordinance defines a bistro as a restaurant with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining. Social Kitchen has 54 interior seats, with an additional 10 seats at the bar, for a total of 64 interior seats. Fifty-six outdoor dining seats are located in the pedestrian passage immediately adjacent to the east elevation of the building, and 30 regular seats are on the rooftop terrace. Social Kitchen is an existing restaurant that was granted a bistro license on January 9, 2012. Social Kitchen has a full service kitchen, which serves a unique and eclectic tapas style menu featuring brunch, lunch and dinner selections.

Article 3, section 3.04(C)(10) Building Use of the Zoning Ordinance permits bistros in the Overlay District as long as the following conditions are met:

- (a) No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
  - (b) Alcohol is served only to seated patrons, except those standing in a defined bar area;
  - (c) No dance area is provided;
-

- (d) Only low key entertainment is permitted;
- (e) Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
- (f) A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1' and 8' in height;
- (g) All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
- (h) Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.

Social Kitchen does not propose any dancing area or any entertainment.

Social Kitchen has 56 seats for outdoor dining in the pedestrian passage adjacent to the building. New French doors are proposed to open directly into the outdoor café area in the pedestrian passage to provide circulation for patrons and staff. Four sliding glass patio doors are proposed that will allow the restaurant to open to the pedestrian passage in good weather. The outdoor dining area as proposed provides for safe and efficient pedestrian flow via the required 5' wide pathway between the café seating and the adjacent building. The goal is to create an outdoor room with interaction between seated patrons and pedestrians.

The applicant is proposing exterior design changes that will make the bistro a more inviting pedestrian space. The applicant is proposing new cladding on existing canopy framework; upgraded seasonal enclosure system; new decorative metal framework and lighting under the canopy and in the City via.

The new enclosure will allow the area to be used all year round. The Planning Board may want to consider whether or not the new enclosure system would still allow the area to be considered outdoor. Should the space no longer be deemed as outdoor seating, then the seats that are provided will push them over the maximum number of seats that bistros are allowed.

The applicant is also proposing a new trellis with lighting and canvas on the roof deck. The seating on the roof is to remain seasonal. New stained and varnished wood and glass French doors are proposed for the front and rear entrances to the outdoor dining area.

In addition, the applicant is proposing to open up the east elevation of the building by adding all new light bronze sash and clear glass windows, with four sliding glass door walls

---

interspersed to allow the bistro to open to the outdoors. The existing door that leads into the pedestrian passage will be replaced with a new fixed glass door that will also provide access to the outdoor dining area.

The applicant is also proposing to add new painted metal structures over the outdoor dining areas proposed in the pedestrian passage, and new wood trellises on the rooftop. In the pedestrian passage, this metal structure will be covered by translucent polycarbonate panels, and framed by sliding EZ2CY seasonal enclosure panels. The rooftop will be covered by new non-motorized retractable Sunbrella Tresco Birch (medium brown color) canvas panels above the wood trellis on cables. New potted plants at the perimeter of the patio are also proposed. Both of the proposed canopy structures provide space definition, but maintain an open and airy appearance so that interaction is possible between dining patrons and pedestrians.

Outdoor dining is also proposed on the rooftop terrace as noted above. A painted metal frame is on the rooftop, to be surrounded by clear glass guard rail and a fabric canopy overhead. Two new Japanese Lilac trees are proposed to be added to the rooftop. As this rooftop dining is on private property, an outdoor dining license is not required.

The applicant's business hours are 11am to midnight Monday – Saturday and 10 am to midnight Sunday for both the indoor and outdoor areas of the bistro.

### **3.0 Screening and Landscaping**

- 3.1 Screening – All rooftop mechanical equipment is clustered on the northwest corner of the rooftop and screened by a 6' high painted corrugated cement panel screen wall. The screening complies with the screening requirements contained in the Zoning Ordinance.
- 3.2 Landscaping – Two existing street trees are proposed to remain. No outdoor dining is proposed along the sidewalk on the Maple elevation, thus the existing 5' clear pedestrian pathway will remain. Two new Japanese Lilac trees are proposed on the rooftop, one of the near the southern end of the roof and the other in the middle of the deck. New ivy is proposed in the public via along the wall on the building opposite of Social Kitchen. **The proposed ivy is not a part of the Final Site Plan approval because the applicant would need to get approval from the building owner and has not indicated that such approval has been given.** 8 new potted plants are proposed at the perimeter of the patio. **The species was not provided for the ivy or for the potted plants. The applicant will need to identify the species of all of the proposed plantings.**

### **4.0 Parking, Loading, Access, and Circulation**

---

- 4.1 Parking – As the subject site is located within the Parking Assessment District, the applicant is not required to provide on-site parking.
- 4.2 Loading - Loading spaces are not required, nor proposed.
- 4.3 Vehicular Access & Circulation - Vehicular access to the building will not be altered.
- 4.4 Pedestrian Access & Circulation – Pedestrian access to Social Kitchen is available directly from the City sidewalk. Pedestrian access to the ground level outdoor dining area is available from the public pedestrian passage. Under the 2016 Plan, outdoor cafes are encouraged as they create a more pedestrian friendly environment. All outdoor dining areas must maintain a 5 foot minimum width of unobstructed pedestrian access in the public right-of-way, however the Planning Board has determined that each applicant would be reviewed on a case by case basis to determine the existing pedestrian traffic flow. The proposed layout does provide for seating along the side of the building, in the glass enclosure exterior doors and sliding doors that provide access to the passage, and provides for good circulation between the restaurant and the dining in the glass enclosure.
- 4.5 Streetscape – The existing sidewalk along E. Maple and leading into the pedestrian passage is concrete. Brick pavers are installed further back in the pedestrian passage near the existing door and adjacent to the rear alley. There are existing street trees lining E. Maple, but none are located immediately in front of the Social Kitchen storefront. Pedestrian scale lighting is also in place along E. Maple, complete with banners and hanging baskets. One existing trash receptacle is located next to the street light just east of the storefront. One double head parking meter is located in front of the building. New painted metal arches are proposed to be located in the City via. In the arches new globe pendant lights are proposed. The proposed changes to the outdoor dining area in the pedestrian passage will draw pedestrians into the via.

## **5.0 Lighting**

The applicant has provided specification sheets for all new lighting. A photometric plan has not been submitted and is required.

A total of 28 new lights are proposed for the exterior of the building. 20 of the lights will be globe pendant lights and 8 will be spot lights on an adjustable track. 10 new globe lights are proposed on the roof top inside new arches. 8 new spot

---

lights on an adjustable track are proposed to be located in between the new arches. 5 new globe pendant lights are proposed in the new painted metal arches under the canopy. 5 new globe pendant lights are proposed in the new painted metal arches in the via. **The applicant will need to provide specification sheets on the lights that are proposed and a photometric plan.**

## **6.0 Departmental Reports**

- 6.1 Engineering Division – No concerns were reported from the Engineering Dept.
- 6.2 Department of Public Services – The following comments were received from the Department of Public Services:

Since the restaurant is installing ivy within the city owned via to climb the wall of the adjacent business and planting ivy under the existing trees, the city will not be responsible for its survival, trimming, weeding, mulching or any other maintenance associated with this landscaping installation, including the new flower pots.
- 6.3 Fire Department – No concerns were reported from the Fire Dept.
- 6.4 Police Department - No concerns were reported from the Police Dept.
- 6.5 Building Department – The Building Dept. will provide their comments on Monday March 20, 2017.

## **7.0 Design Review**

The applicant is proposing new cladding on the existing canopy framework in the via; an upgraded seasonal enclosure system; new decorative metal detailing and lighting in the City via. The applicant is also proposing a new trellis with lighting and canvas on the roof deck. The seating on the roof is to remain seasonal. New stained and varnished wood and glass French doors are proposed for the front and rear entrances to the dining area. As mentioned, with a four season enclosure system the Planning Board may wish to consider the former out door seats as interior seats, thus pushing them over the 65 interior seat maximum.

In addition, the applicant is proposing to open up the east elevation of the building by adding all new light bronze sash and clear glass windows, with four sliding glass door walls interspersed to allow the bistro to open to the outdoors. The existing door that leads into the pedestrian passage will be replaced with a new fixed glass door that will also provide access to the outdoor dining area.

---



The applicant is also proposing to add new painted metal structures over the dining area in the pedestrian passage, and new wood trellises on the rooftop. In the pedestrian passage, this metal structure will be covered by translucent polycarbonate panels, and framed by sliding EZ2CY seasonal enclosure panels. The rooftop will be covered by new non-motorized retractable Sunbrella Tresco Birch (medium brown color) canvas panels above the wood trellis on cables. **The applicant has not provided material samples. Material samples are required.** New potted plants at the perimeter of the patio are also proposed. Both of the proposed canopy structures provide space definition, but maintain an open and airy appearance so that interaction is possible between dining patrons and pedestrians.

### Outdoor Dining Area

Outdoor cafés must comply with the site plan criteria as required by Article 04, Section 4.42 OD-01, Outdoor Dining Standards. Outdoor cafes are permitted immediately adjacent to the principal use and are subject to site plan review and the following conditions:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
  2. All outdoor activity must cease at the close of business, or as noted in Subsection 3 below, whichever is earlier.
  3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 12:00 a.m., whichever is earlier.
  4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License, provided that all outdoor dining fixtures and furnishings must be stored indoors each night between November 16 and March 31 to allow for snow removal.
  5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
  6. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
  7. For outdoor dining located in the public right-of-way:
    - (a) All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.
    - (b) In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
    - (c) An elevated, ADA compliant, enclosed platform may be erected on the street adjacent to an eating establishment to create an outdoor
-

dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.

- (d) No such facility shall erect or install permanent fixtures in the public right-of-way.
  - (e) Commercial General Liability Insurance must be procured and maintained on an "occurrence basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, personal injury, bodily injury and property damage. This coverage shall include an endorsement naming the city, including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members, as an additional insured. This coverage must be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a thirty (30) day advance written notice of cancellation or non-renewal to be sent to the city's Director of Finance.
8. Outdoor dining is permitted in a B1 District at a rate of 4 seats for every 12 linear feet of store frontage, with no more than 12 seats total per building; no elevated enclosed platforms on the street are permitted in a B1 District.

The applicant's business hours are 11am to midnight Monday – Saturday and 10 am to midnight on Sunday for both the indoor and outdoor dining areas. The outdoor dining areas are not immediately adjacent to multi-family zoned property. The applicant has not indicated that the hours may change.

The applicant has provided specification sheets of the proposed tables and chairs. The applicant is proposing 24 new wood tables and 12 new upholstered benches in the dining area in the passage. No changes to the tables or chairs are proposed for the rooftop dining area.

The applicant is modifying the existing outdoor seating along the east side of the building, along the existing pedestrian passage. The outdoor café area is now proposed to be enclosed by new cladding on the existing canopy framework and an upgraded seasonal enclosure system. The café area is proposed to project 12' from the eastern building façade. The café area is proposed to maintain the required 5' pedestrian pathway at the tightest point adjacent to the pedestrian passage. The applicant is also modifying the outdoor dining on the rooftop of the building on private property. The rooftop will be covered by retractable canvas panels above a new wood trellis.

### Signage

---

The applicant is proposing to have a “GREEN ROOM” logo on the glass of the new proposed French doors. However, the applicant has not provided any details on the logo or the dimensions of the logo. **The applicant will need to provide the proposed “GREEN ROOM” logo and the measurements of the logo to ensure compliance with the Sign Ordinance.**

## **8.0 Downtown Birmingham 2016 Overlay District**

The site is located within the D-4 zone of the DB 2016 Regulating Plan, within the Downtown Birmingham Overlay District. Specifically, the 2016 Plan recommends the addition of outdoor dining areas in the public right-of-way as it is in the public’s best interest as it enhances street life, thus promoting a pedestrian friendly environment.

## **9.0 Selection Criteria for Bistro Licenses**

Social Kitchen’s application for a bistro license was one of the two applications pre-selected for review by the City Commission for the 2012 calendar year. Social Kitchen was a new establishment.

The proposed outdoor dining does provide for safe and efficient pedestrian flow via a 5’ walkway between the outdoor dining enclosure and the eastern edge of the pedestrian passage.

Social Kitchen is located within the Overlay District. The City is interested in attracting bistro operations within both the Overlay District and Triangle District; therefore this operation fits into the parameters outlined by the Bistro Ordinance guidelines.

Social Kitchen is serves an eclectic mix of uniquely presented tapas style food.

## **10.0 Approval Criteria for Final Site Plan**

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 not diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

### **11.0 Approval Criteria for Special Land Use Permits**

Article 07, section 7.34 of the Zoning Ordinance specifies the procedures and approval criteria for Special Land Use Permits. Use approval, site plan approval, and design review are the responsibilities of the City Commission. This section reads, in part:

Prior to its consideration of a special land use application (SLUP) for an initial permit or an amendment to a permit, the City Commission shall refer the site plan and the design to the Planning Board for its review and recommendation. After receiving the recommendation, the City Commission shall review the site plan and design of the buildings and uses proposed for the site described in the application of amendment.

The City Commission's approval of any special land use application or amendment pursuant to this section shall constitute approval of the site plan and design.

### **12.0 Suggested Action**

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board POSTPONE the applicant's request for Final Site Plan and a SLUP amendment to permit a Bistro License for Social Kitchen at 225 E. Maple to address the following issues:

- 1. The applicant is required to obtain HDC approval;**
-

- 2. The applicant will need to provide specification sheets on the lights that are proposed and a photometric plan;**
- 3. The applicant will need to provide material samples and specification sheets;**
- 4. The applicant will need to identify the species of all of the proposed plantings;**
- 5. The proposed ivy is not a part of the Final Site Plan approval because the applicant would need to get approval from the building owner and has not indicated that such approval has been given;**
- 6. The applicant will need to provide the proposed "GREEN ROOM" logo and the measurements of the logo to ensure compliance with the Sign Ordinance; and**
- 7. The applicant comply with the requests of City departments.**

### **13.0 Sample Motion Language**

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board RECOMMEND APPROVAL of the applicant's request for Final Site Plan and a SLUP amendment to the City Commission to permit a Bistro License for Social Kitchen at 225 E. Maple to address the following issues:

- 1. The applicant is required to obtain HDC approval;**
- 2. The applicant will need to provide specification sheets on the lights that are proposed and a photometric plan;**
- 3. The applicant will need to provide material samples and specification sheets;**
- 4. The applicant will need to identify the species of all of the proposed plantings;**
- 5. The proposed ivy is not a part of the Final Site Plan approval because the applicant would need to get approval from the building owner and has not indicated that such approval has been given;**
- 6. The applicant will need to provide the proposed "GREEN ROOM" logo and the measurements of the logo to ensure compliance with the Sign Ordinance; and**
- 7. The applicant comply with the requests of City departments.**

OR

Motion to recommend DENIAL of the Final Site Plan and SLUP amendment to the City Commission for 225 E. Maple, Social Kitchen for the following reasons:

---

- 
1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
  4. \_\_\_\_\_
  5. \_\_\_\_\_

OR

Motion to recommend POSTPONEMENT of the Final Site Plan and SLUP amendment to the City Commission for 225 E. Maple, Social Kitchen, with the following conditions:



---

Zoning: B-4, Business Residential

Proposal: Social Kitchen and Bar's application to renovate the non-contributing, one-story, multi-tenant building in the CBD Historic District was reviewed and approved by the HDC on December 7, 2011.

Social Kitchen and Bar received a recommendation for approval of their Special Land Use Permit ("SLUP") application at the November 30, 2011 Planning Board meeting. On January 9, 2012, they were given final approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. On September 24, 2012, the City Commission gave the applicant permission to install Isinglass, a thin transparent material that will be used to enclose the outdoor dining area.

The Planning Division recently discovered that the building design was not executed as previously approved by the HDC. The City Commission received revised plans at their meeting when the SLUP application was reviewed. A significant design change was made to the rooftop awning; however, the City Commission meeting minutes don't reflect discussion of the changes. Additional changes that were not on the revised City Commission plans were also noted. As a result of the changed plans, the applicant received a violation notice and was required to return to the HDC for a review of the unauthorized changes.

The applicant made a number of changes to the previously approved design by the HDC. Ron Rea and Roman Bonislowski, Architects, appeared for the applicant and discussed the revisions made to the approved plan. Several board members agreed the applicant did not follow protocol, but in many ways the finished product is better. However, there should be a stronger enforcement vehicle in place to deal with non-approved changes.

*E. Maple Rd. (South) Elevation Ground Level*

• **Approved –**

Solid wood plank **door** with an **internally illuminated**, back painted (Benjamin Moore Classic 119 Cornucopia) **glass door pull to match sign logo.**

**Installed –**

Solid plank **door** with custom **painted metal pull** (Benjamin Moore Classic 119 Cornucopia). **The plans and submitted photos differ in design.**

**Commission's Conclusion –**

Plans for door with painted metal pull are approved.

• **Installed –**

Two 6" thick **wood plank panels** to provide a sign band with **halo-lit LED.**

**Commission's Conclusion –**

**HISTORIC DISTRICT COMMISSION  
MINUTES OF FEBRUARY 6, 2013**  
Municipal Building Commission Room  
151 Martin, Birmingham, Michigan

---

Minutes of the regular meeting of the Historic District Commission ("HDC") held Wednesday, February 6, 2013. Chairman John Henke called the meeting to order at 7 p.m.

**Present:** Chairman John Henke; Commission Members Darlene Gehringer, Robert Goldman, Vice-Chairperson Shelli Weisberg, Michael Willoughby; Alternate Commission Members Mark Coir, Janet Lekas

**Absent:** Commission Member Keith Deyer; Student Representative Erin Brown

**Administration:** Sheila Bashiri, City Planner  
Carole Salutes, Recording Secretary

The chairman welcomed Mark Coir, the new alternate commission member.

**02-01-13**

**APPROVAL OF MINUTES  
HDC Minutes of December 5, 2012**

**Motion by Ms. Weisberg  
Seconded by Mr. Willoughby to approve the HDC Minutes of December 5 as presented.**

**Motion carried, 7-0.**

**VOICE VOTE**

Yeas: Weisberg, Willoughby, Coir, Gehringer, Goldman, Henke, Lekas

Nays: None

Absent: Deyer

**02-02-13**

**HISTORIC DESIGN AND SIGN REVIEW  
225 E. Maple Rd.  
Social Kitchen and Bar  
CBD Historic District**

---

Sign band approved as built.

• **Installed –**

A **live plant** that died and was replaced with a **faux green topiary** in a terra cotta planter, suspended through a painted metal bracket.

**Proposed at this time –**

Remove the **faux green topiary** from the proposal.

**Commission's Conclusion –**

Planter and topiary have been removed.

• **Approved –**

New **signage** constructed from **flat cut metal letters** painted Duxbury Gray. Letters reading "Social" and smaller letters beneath, reading "Kitchen and Bar" were to be **24 in.** in height. The logo was to be the back-painted (Benjamin Moore Classic 119 Cornucopia) internally illuminated glass dot over the dropped "I" in "Social" to match the door pull. The letters were to be **mounted 2 in. off the sign band.**

**Installed –**

The installed **signage** is constructed from 24 ft. H x 2 in. thick **solid wood letters** reading "Social" and the **proposed** logo was to be the back-painted (Benjamin Moore Classic 119 Cornucopia) internally illuminated glass dot over the dropped "I" in "Social." It **does not match the metal door pull.** The letters are **flush mounted** to the painted wall.

**Proposed at this time –**

Beneath, smaller flat cut painted **metal letters** reading "**Kitchen and Bar**" will be 2 in. h x ¼ in. thick. The letters would be mounted 2 in. off the wall. The total height of the signage will be **30 in. Does not meet requirements of 24 in. max. height for name letter signs.**

**Commission's Conclusion –**

Approve the signage as built with solid wood letters and illuminated glass dot over the dropped "I" in "Social," along with non-illuminated metal letters reading "Kitchen and Bar," provided petitioner submits a new dimensional drawing for administrative approval.

• **Approved –**

Half moon design on canopy.

**Installed –**

Modified painted half circle band (Benjamin Moore Classic 119 Cornucopia)

**Commission's Conclusion –**

Approve awning design as-is.

*E. Maple Rd. (South) Elevation Rooftop Level*

• **Approved –**

**West side of roof-** a stairwell addition clad in EIFS and painted to match the façade with **clerestory windows** facing E. Maple Rd. elevation.

**Installed –**

A storage “doghouse” in front of the stairwell addition which has **no clerestory windows** on the E. Maple elevation.

**Commission’s Conclusion –**

Approve no clerestory windows and install a living green wall and live trees on the roof in a sufficient size to obscure doghouse storage area.

• **Approved by the HDC –**

**East side of the roof-** a painted **curved metal canopy structure** to be covered in Sunbrella “Pumpkin” (rusty orange color) canvas with clear glass guard rails attached to surround the rooftop dining area was to be constructed.

**Installed –**

Three **freestanding retractable umbrellas** with Sunbrella “Pumpkin” (rusty orange color) canvas on painted frames with clear glass guard rails attached to surround the rooftop dining area with a small return towards the north (**Approved by the City Commission**).

• **Approved by the HDC –**

Outdoor Sunbrella **fabric drape panels** in Pumpkin to frame the columns of the rooftop canopy structure.

**Installed –**

Nothing (**Approved by the City Commission**)

• **Approved –**

**Live trees**

**Installed –**

**Live trees that died.** Currently there are no trees on the roof.

**Commission’s Conclusion –**

Live trees on roof to be replaced and maintained of sufficient size to obscure doghouse storage area, south wall and evergreens. Exact trees to be administratively approved along with living wall on south wall.

*Pedestrian Passage (East) Elevation- Rooftop Level*

• **Approved –**

Barnwood trellis wall at northeast corner of the rooftop deck.

**Installed –**

**Faux Boxwood** green wall on three faces of new construction.

**Commission’s Conclusion –**

Install living green wall with plants indigenous to the area on the south and east elevations. Remove faux boxwood from north and west walls and repaint back to grey with administrative approval of color.

• **Approved –**

Painted metal canopy posts with planter box clip-ons. Planted with a variety of coleus.



**Installed –**

Nothing.

The building is a non-contributing structure in the Historic District, and some of the changes that were made may be acceptable, however, many of the changes may be considered a downgrade of the overall building design. The Planning Division is of the opinion that the approved wood panel sign bands distinguished the renovation of the building, and as required in the Secretary of Interiors Standard number 9, "The new work shall be differentiated from the old..." However, the Planning Division also recognizes the fact that when the existing façade materials were removed from the building, the applicant uncovered the Art Deco details of the building. The applicant chose not to cover the details with the sign panel, and instead placed the sign letters directly on the building façade.

The door design was part of an overall front façade design plan, and as a result of the changes to the sign band and door, the design appears disjointed. The plant, which appears to be randomly located on the sign band to fill space, seemed out of place, and has since been removed from the proposal. It appears that as a result of the inability to maintain the live plants, the applicant has replaced or is proposing to replace the live plants.

**Motion by Mr. Willoughby**

Seconded by Ms. Lekas that the commission issue a Certificate of Appropriateness for 223-225 E. Maple Rd., Social Kitchen and Bar, provided the following conditions are met:

- Petitioner to install and maintain a living green wall with plants indigenous to the area on the south and east elevations. Remove faux boxwood from north and west walls to be repainted with administrative approval of color.
- Live trees on the roof to be replaced and maintained of sufficient size to obscure doghouse storage area, south wall, and evergreens. Exact trees to be administratively approved along with living wall on south wall.

There were no comments from the public on the motion at 8:15 p.m.

**Motion carried, 6-1.**

**VOICE VOTE**

Yeas: Willoughby, Lekas, Coir, Gehringer, Henke, Weisberg

Nays: Goldman

Absent: Deyer

**JANUARY 9, 2012**  
**CITY COMMISSION MINUTES**

**01-06-12 PUBLIC HEARING-SPECIAL LAND USE PERMIT**  
**223 - 225 E. MAPLE, SOCIAL KITCHEN AND BAR**

Mayor Nickita opened the Public Hearing to consider approval of a Special Land Use Permit and Final Site Plan for the operation of a new bistro at 223 - 225 East Maple, Social Kitchen and Bar, pursuant to Article 7, Section 7.34, Zoning, of the Birmingham City Code at 8:34 PM.

Ms. Ecker presented the proposed bistro. She explained that as a result of conditions set by the Planning Board, the applicant has submitted a revised plan. She noted that the storefront along Maple and the side along the pedestrian passage will be redone. She explained the proposed lighting and signage. She noted that the height of the mechanical unit must be confirmed as it is not allowed to project above the wall.

Commissioner Rinschler questioned the upgrades recommended to the alley. He noted that if the City did the work, the cost would be divided between the property owners. Mr. Bonislowski noted that the improvements to the alley and the two via signs cost approximately \$30,000.

In response to a question from Commissioner Hoff regarding the staircase, Ms. Ecker explained that the applicant will have to enter a lease with the City as the staircase is over public property.

Dorothy Conrad expressed concern with the word "bar" in the name. She noted that the passageway is intended to benefit all property owners. If a private business is utilizing it, they should pay for improvements.

Tim Holmes, owner of Pluto, encouraged improvement of the alley and expressed concern with the valet parking proposal.

The Mayor closed the Public Hearing at 9:41 PM.

Mr. Bonislowski stated that valet parking will only be used for private events held on the rooftop.

Mayor Pro Tern Dilgard expressed concern with "bar" in the name. Zack Sklar, applicant, explained that the name explains that it is a full service restaurant. Social is the name and kitchen and bar is the description.

---



---

The Commission discussed the language in the SLUP, conditions set by the Planning Board, and revisions submitted on January 15, 2012. Commissioner Hoff and Mayor Pro Tern Dilgard expressed that they would not support the project with the current name, but supported the concept.

Mr. Sklar, stated that he is willing to remove the word "bar" from the name to move the project forward. He stated that the new name will be "Social".

MOTION: Motion by McDaniel, seconded by Rinschler:

To approve the Final Site Plan and Design and a Special Land Use Permit for 223 - 225 E. Maple - Social Kitchen and Bar, LLC, pursuant to Article 7, section 7.34, Zoning, of the Birmingham City Code, based on revisions submitted January 15, 2012 and in accordance with the recommendation of the Planning Board on November 30, 2011:

WHEREAS, Social Kitchen and Bar, LLC filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate their new restaurant as a bistro as defined in Article 9, section 9.02 of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the north side of E. Maple between N. Old Woodward and Woodward;

WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits bistros with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, The Planning Board on November 30, 2011 reviewed the application for a Special Land Use Permit and recommended approval with conditions;

WHEREAS, The Birmingham City Commission has reviewed Social Kitchen and Bar, LLC Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that the Social Kitchen and Bar, LLC application for a Special Land Use

---

---

Permit authorizing the operation of a bistro at 223 - 225 E. Maple in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

- 1) Applicant provide pedestrian passage pavement improvements;
- 2) Applicant comply with the requests of City departments subject to Planning Department review with the exception of Engineering points 2 and 3 with regards to relocating trees and removing the canopy in the via for the winter;
- 3) Applicant enter into a license agreement with the City for use of via and provide required insurance;
- 4) Deal with water and ice conditions coming off of awnings into via;
- 5) Remove words "Improvements by City" from plans;
- 6) Revise exposed aggregate and broom finish concrete pattern to cover entire passage;
- 7) Valet parking may only be done in rear alley, not on Maple;
- 8) Allow the use of the proposed Navy chairs that are made of white recycled plastic;
- 9) All rooftop units must be screened subject to administrative approval;
- 10) Social Kitchen and Bar, LLC shall abide by all provisions of the Birmingham City Code;
- 11) The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest;
- 12) The hours of operation for outdoor dining shall cease at 12:00 a.m.;
- 13) Social Kitchen and Bar, LLC shall provide for the removal of disposable materials resulting from the operation and maintain the area in a clean and orderly condition by providing the necessary employees to guarantee this condition, and by the placement of a trash receptacle in the outdoor seating area; and
- 14) Social Kitchen and Bar, LLC shall enter into a contract with the City outlining the details of the proposed bistro operation.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Social Kitchen and Bar, LLC and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Social Kitchen and Bar, LLC to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

---

---

MAY IT BE FURTHER RESOLVED that Social Kitchen and Bar, LLC which may do business under an assumed name to be determined at a later date, which will do business at 223 - 225 E. Maple, Birmingham, Michigan, 48009, is located in the Principal Shopping District which was designated as a Redevelopment Project Area, pursuant to Section 521a (l)(b) of the Michigan Liquor Control Code of 1988, being MCL 36.1521a(l)(b), by Birmingham City Commission Resolution adopted September 24, 2007; and

MAY IT BE FURTHER RESOLVED that Social Kitchen and Bar, LLC which may do business under an assumed name to be determined at a later date, is recommended for the operation of a bistro, with a Class C Liquor License, at 223 - 225 E. Maple, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

-AND –

To allow Social Kitchen and Bar, LLC which may do business under an assumed name to be determined at a later date, a new food establishment in Birmingham, to obtain a liquor license with an outdoor dining endorsement for the operation of a bistro above all others pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code;

-AND-

To authorize the Mayor and the City Clerk to complete and execute the contract for operation of Social Kitchen and Bar, LLC at 223 - 225 E. Maple.

VOTE: Yeas, 5

Nays, None

Absent, 2 (Moore, Sherman)

---

Item	Page
<b>SPECIAL LAND USE PERMIT (“SLUP”) REVIEW</b> <b>223 &amp; 225 E. Maple Rd.</b> <b>Social Kitchen and Bar (former Tokyo Sushi and vacant storefront)</b> <b>Request for Final Site Plan and Special Land Use Permit (“SLUP”)</b> <b>approval to allow the operation of a new bistro</b>	2
<b>FINAL SITE PLAN REVIEW</b> <b>223 &amp; 225 E. Maple Rd.</b> <b>Social Kitchen and Bar (former Tokyo Sushi and vacant storefront)</b> <b>Request for Final Site Plan and Special Land Use Permit (“SLUP”)</b> <b>approval to allow the operation of a new bistro</b>	2
<b>Motion by Ms. Whipple-Boyce</b> <b>Seconded by Mr. DeWeese that based on a review of the site plans</b> <b>submitted, the Planning Board recommends approval of the applicant’s</b> <b>request for Final Site Plan and a SLUP to the City Commission to permit a</b> <b>Bistro License for Social Kitchen at 223-225 E. Maple Rd. with the</b> <b>following conditions:</b> <ol style="list-style-type: none"> <li>1) The applicant is required to obtain HDC approval;</li> <li>2) The applicant must provide confirmation that the front façade provides the required 70 percent glazing;</li> <li>3) The applicant provide the pedestrian passage pavement improvement and the addition of two sculptural Via signs;</li> <li>4) The applicant comply with the requests of City departments, subject to review by the Planning Dept. with the exception of Engineering Dept.’s points 2 and 3 which point to the location of the trees and the permanent awning;</li> <li>5) The applicant provide specification sheets on the proposed fire pit for use on the rooftop;</li> <li>6) The applicant enter into a license agreement with the City for use of the public right-of-way, and provide the required insurance;</li> <li>7) The applicant reduce the size and projection of the proposed alley projecting sign or obtain a variance from the BZA;</li> <li>8) The applicant deal with the water and ice conditions created by the awning for administrative approval;</li> <li>9) The applicant remove the words “improvements by City” from their drawings;</li> <li>10) The applicant revise the pattern and the finishes of the aggregate and concrete in the entire via for administrative</li> </ol>	5

---

Item	Page
<p>approval;</p> <p>11) Valet parking may only be permitted via the alley behind the restaurant; and</p> <p>12) The Planning Board makes an exception to permit the use of the plastic chair.</p> <p>Motion carried, 7-0.</p>	6

**11-183-11**

**SPECIAL LAND USE PERMIT (“SLUP”) REVIEW**

**223 & 225 E. Maple Rd.**

**Social Kitchen and Bar (former Tokyo Sushi and vacant storefront)**

**Request for Final Site Plan and Special Land Use Permit (“SLUP”) approval to allow the operation of a new bistro**

**FINAL SITE PLAN REVIEW**

**223 & 225 E. Maple Rd.**

**Social Kitchen and Bar (former Tokyo Sushi and vacant storefront)**

**Request for Final Site Plan and Special Land Use Permit (“SLUP”) approval to allow the operation of a new bistro**

Ms. Ecker outlined the proposal. The City Commission pre-screened the bistro applications and selected two this year. The top two that moved forward were Market and Social Kitchen.

Ms. Ecker advised that the subject site is located at 223 - 225 E. Maple Rd., between N. Old Woodward Ave. and Park St. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, a new restaurant by the name of Social Kitchen, is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. Chapter 10 requires that the applicant obtain a SLUP and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan, Special Land Use Permit, and for the operation of a Bistro License. Historic District Commission approval will also be required as the proposed bistro is located within the Central Business District Historic District.

---

Social Kitchen is proposing ten seats in a defined bar area, which includes two drink rails and an iced wine display area. Additionally, there will be seating inside for sixty-four diners, including ten seats at the bar.

Ms. Ecker advised that fifty-six outdoor dining seats are proposed in the pedestrian passage immediately adjacent to the east elevation of the building. The café area is proposed to project 12 ft. from the eastern building façade and will be enclosed with a railing and planters. This will leave a 5 ft. required pedestrian path at the narrowest point. The applicant is proposing to install fabric panels from open air metal structures with fabric canopies, both in the passage and on the rooftop to create intimate outdoor dining areas. An open painted steel staircase is proposed adjacent to the outdoor dining area in the pedestrian passage to provide access to and egress from the rooftop dining terrace.

A rooftop terrace with 30 seats is also intended for outdoor dining. A painted metal frame is proposed on the rooftop, to be surrounded by a clear glass guard rail and a fabric canopy overhead. Bradford Pear trees in pots are proposed to be added to the west side of the rooftop to enclose the outdoor dining space, and an outdoor fire pit is planned.

Since the applicant will be ripping up concrete in the alley in order to add the covered outdoor dining area along with a stairway to the rooftop terrace, the Engineering Dept. feels it would be a perfect time for the applicant to re-pave the alley with exposed aggregate and broom finish concrete panels in compliance with new guidelines for alleys and passages.

Social Kitchen is proposing a full service kitchen with a unique and eclectic tapas style menu featuring brunch, lunch, and dinner selections.

The applicant is permitted to have a total of 31 sq. ft. of signage, based on the frontage of the building. They are proposing to have three signs, for a total of 23.715 sq. ft. of signage.

This projecting sign proposed for the rear of the building will be 8.75 sq. ft. in size per side and project 4 ft. from the north elevation at a height of 12.5 ft. above grade. Projecting signs can be a maximum size of 7.5 square feet per side, and may only project 30 in. over the property line. The applicant must reduce the size and projection of the proposed alley projecting sign or obtain a variance from the Board of Zoning Appeals ("BZA").

Ms. Ecker related that the Alleys and Passages Committee thinks it would be better to leave the outdoor dining structure out all year long. Mr. DeWeese thought the stairs should also remain during the winter months.

---



---

It was discussed that Zachary Sklar is listed as the applicant. Mr. Williams was not familiar with Parker & Co., PC, the firm that has indicated the ownership team has liquid assets in excess of several million dollars available for investment purposes. Ms. Ecker read a letter into the record from Parker & Co., PC, Certified Public Accountants in Commerce Twp., certifying assets.

Ms. Lazar received confirmation that the canvas on the rooftop is intended to be permanent. She thought the bathroom facilities are rather minimal for potentially 150 people.

Mr. Zachary Sklar, one of two proposed owners of Social Kitchen & Bar, summarized details about his background and about the future bistro. Mr. Sklar is currently the owner of Cutting Edge Cuisine Catering Co. which is the fastest growing catering company in Michigan. The applicant feels that their vision for Social matches Birmingham's aesthetics and will be a dining landmark for years to come. Chairman Boyle indicated he went on line to check on Mr. Sklar's business partner, Mr. Jim Bellingham, and found that he has extensive holdings. The applicant in this case is an LLC with two members. With the next bistro application, it was agreed all of the information that was provided to the City Commission will be given to the Planning Board.

Mr. Ron Rea and Mr. Roman Bonaslowski, Ron and Roman Architects, stated that access to the rooftop terrace would be through the restaurant. The stairs are meant for emergency egress and transporting of food. They will meet the 70 sq. ft. requirement for storefront glazing by using a 2 in. sash. They are looking to the Code to provide guidelines for handicap access to the rooftop. If the Building Dept. has found some new resource that that needs to be addressed, they will do that. Trees were placed in the via in order to enliven the entire passageway. Finally, they will comply with the projecting sign size. The architects brought in a chair that is proposed for the passageway patio. It is constructed of 111 recycled Coke bottles and feels like a metal chair. They believe that it falls within the spirit of the Ordinance. Their goal is to provide an infra-red tube heater that would run down the center of the terrace and provide an even level of heating. Changes to the via will be made that are required by the tree locations and the pedestrian way in accordance with the new standards as set forth by the Alleys and Passages Sub-Committee.

Mr. Koseck spoke regarding accessibility to the upper terrace. He feels someone in a wheel chair should have the right to get up there like anyone else. He received confirmation that the outdoor furniture in the alley will be brought in at night during the winter; however, everything on the roof can stay in place. Further, Mr. Koseck pointed out that something is needed to control water that comes off the awning so that it doesn't fall into the passageway. Mr. Rea agreed that is very important.

Mr. Rea went on to explain that they met the criteria for not having an elevator by keeping a certain percentage on the roof. The Building Department will verify compliance.

---

Chairman Boyle and Mr. Clein were having trouble with passageway dining being open 12 months. Mr. Clein added that he struggles with 150 potential seats all year because he starts to not look at this as a bistro.

Mr. DeWeese noted that the bistros work because their first focus is on food, and he was uncomfortable with calling this a bar. Mr. Williams announced he is ok with the proposal as long as the applicant is going to make significant improvements to the alley. If the focus was on something other than food he might feel differently. The City can control the issue by its contract with the applicant to utilize the public right-of-way.

Mr. Sklar said they picked the location so they could have space on the rooftop and in the alleyway. His area of expertise is in catering for large amounts of people and he has made sure the kitchen will have the capacity to turn out these numbers. They may go with a lighter menu on the rooftop.

Ms. Whipple-Boyce said this plan exceeds what the Alleys and Passages Sub-Committee could have asked for. The narrowing of the alley benefits the pedestrian feeling by making the passage more intimate. The permanent awning is key to helping this to succeed. There will be opportunities in the winter to bring a little life to the passage. Also, there is an annual review of bistros and if there is a problem it can always be addressed.

Ms. Lazar thought that the volume of 120 people pushes the envelope on the whole bistro issue. She feels the Planning Board needs to be somewhat cautious.

Mr. DeWeese noted that the awning in the passageway provides an opportunity for the public to get out of the inclement weather.

Mr. Koseck agreed with Ms. Whipple-Boyce that the proposal gives purpose and life to the alley. However, he wondered how many people would be out there dining in the cold.

Mr. Williams observed that this applicant is creating a precedent with their rooftop dining that maybe the first eight bistros missed. He shared the concern about pushing the envelope on size. However, the enhanced passageway increases the values on the block and on the north side of Maple Rd.

Chairman Boyle pointed out that the stair is not shown on the plan and it does change the nature of the alley. Mr. Rea noted that Boston ivy will be planted on the blank walls, and the stairway is part of an alley experience. Closing the passageway in will humanize it so that more people will come through there.

There were no members of the public who wished to comment on this application at 9:07 p.m.

---

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. DeWeese that based on a review of the site plans submitted, the Planning Board recommends approval of the applicant's request for Final Site Plan and a SLUP to the City Commission to permit a Bistro License for Social Kitchen at 223-225 E. Maple Rd. with the following conditions:**

- 1) The applicant is required to obtain HDC approval;**
- 2) The applicant must provide confirmation that the front façade provides the required 70 percent glazing;**
- 3) The applicant provide the pedestrian passage pavement improvement and the addition of two sculptural Via signs;**
- 4) The applicant comply with the requests of City departments, subject to review by the Planning Dept. with the exception of Engineering Dept.'s points 2 and 3 which point to the location of the trees and the permanent awning;**
- 5) The applicant provide specification sheets on the proposed fire pit for use on the rooftop;**
- 6) The applicant enter into a license agreement with the City for use of the public right-of-way, and provide the required insurance;**
- 7) The applicant reduce the size and projection of the proposed alley projecting sign or obtain a variance from the BZA;**
- 8) The applicant deal with the water and ice conditions created by the awning for administrative approval;**
- 9) The applicant remove the words "improvements by City" from their drawings;**
- 10) The applicant revise the pattern and the finishes of the aggregate and concrete in the entire via for administrative approval;**
- 11) Valet parking may only be permitted via the alley behind the restaurant; and**
- 12) The Planning Board makes an exception to permit the use of the plastic chair.**

**Chairman Boyle agreed this is an exciting proposal that will enliven the area. However, it is a public space in a public alley and success really comes down to maintaining the space by cleaning it, keeping it tidy, and bringing furniture in and out as discussed.**

**There were no final comments from the public at 9:20 p.m.**

**Motion carried, 7-0.**

ROLLCALL VOTE

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

---

Nays: None  
Absent: None

---

the chain link fencing and are willing to reconsider that as well as the potential of adding awnings to improve the visual image of the alley.

It was discussed that if the applicant comes up with some ideas for additional appointments for the alley, Ms. Bashiri could forward them to commission members for their comments and then issue administrative approval if she finds the members are in agreement.

Ms. VonStaden said the entire building will be re-painted but it is not a part of this review.

**Motion by Mr. Deyer**

**Seconded by Mr. Goldman that the Commission issue a Certificate of Appropriateness for 159 Pierce, Atlas Oil, contingent on the following:**

- 1) The chain link enclosure be removed;
- 2) Detail drawings for the stairway be provided to Ms. Bashiri for her administrative approval or referral back to this commission;
- 3) The rear entry design be administratively approved based on the Alleys and Passages Committee's recommendations, and if Ms. Bashiri feels it is appropriate she will solicit input from the entire commission.

There were no comments from the public on the motion at 7:25 p.m.

**Motion carried, 7-0.**

**VOICE VOTE**

Yeas: Deyer, Goldman, Gehringer, Henke, Lekas, Selis, Willoughby

Nays: None

Absent: Weisberg

Ms. Bashiri agreed to provide the applicant a copy of the design concept for that particular alley. Mr. Willoughby expressed his desire to see them come up with something very creative, perhaps with building owners working together to enhance the passage.

**12-72-11**

**HISTORIC DESIGN AND SIGN REVIEW**

**223-225 E. Maple Rd.**

**Social Kitchen and Bar**

**CBD Historic District**

Zoning: B-4 Business-Residential

Proposal: The applicant is proposing to renovate a non-contributing, one-story, multi-tenant building in the CBD Historic District. The site is the former location of Platinum Salon and the current location of Tokyo Sushi. The applicant proposes to install new storefront windows, new sliding glass doors, a new exterior staircase, and new canopies, add an addition to the roof, install new glass railing on the roof, paint the entire building, and install a new sign band and new signage.

The applicant is seeking approval of a Bistro License which requires a Special Land Use Permit and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. The applicant received a recommendation for approval from the Planning Board on the Final Site Plan and Special Land Use Permit at their November 30, 2011 meeting. The Planning Board required that several conditions be met including the applicant must provide pedestrian passage pavement improvements and the addition of two sculptural Via signs at either end of the pedestrian passage. **The applicant must obtain approval from the City Commission for the Final Site Plan, Special Land Use Permit, and for the operation of a Bistro License.**

Design:

*E. Maple (south) Elevation*

The applicant is proposing to replace the existing glass entrance door on the vacant storefront to the west with a solid wood plank door with an internally illuminated back painted glass door pull. The existing Tokyo Sushi storefront door and windows will be replaced with a full length light bronze aluminum sash and clear glass storefront window system. Two new 6 in. thick wood plank panels will be installed above to provide a distinct sign band.

On the rooftop, the applicant proposes to build an addition over the west section of the building. Clerestory windows are proposed to be added to the E. Maple Rd. elevation of the addition. A rooftop terrace with Trex decking is proposed in front of the addition over the existing roof. On the east side of the roof the applicant proposes to construct a metal canopy structure to be covered in Sunbrella "Pumpkin" canvas with clear glass guard rails to surround the rooftop dining area. Outdoor drape panels in Sunbrella "Pumpkin" are also proposed to frame the columns of the rooftop canopy structure.

*Pedestrian Passage (east) Elevation*

The applicant is proposing to open up the east elevation of the building by removing the existing windows and adding all new light bronze sash and clear glass windows, with four sliding glass door walls interspersed to allow the bistro to open to the outdoors. The existing door that leads into the pedestrian passage will be replaced with a new fixed glass door that will also provide access to the outdoor dining area.



The applicant is proposing to add painted metal framed canopies over the outdoor dining areas proposed in the pedestrian passage. In the pedestrian passage, the metal structure will be covered in a canvas awning in Sunbrella "Parchment," with wood planter boxes clipped on to the metal framing posts surrounding the outdoor dining area. Outdoor Sunbrella fabric drape panels in "Parchment" are also proposed to frame the columns of the canopy structure.

An open painted steel staircase is also proposed adjacent to the outdoor dining area in the pedestrian passage to provide access to the rooftop dining terrace. The painted steel staircase will have steel railings and will be covered by a canvas awning in Sunbrella "Pumpkin."

*Via (alley) Elevation*

The rear elevation will have a Sunbrella "Pumpkin" canvas awning mounted over the recessed doorway.

Outdoor Dining: As part of the bistro proposal, Social Kitchen is proposing 56 seats for outdoor dining to be situated in the pedestrian passage adjacent to the building.

The outdoor dining area as proposed provides for the required 5 ft. wide pathway between the proposed café seating and the existing news rack in the alley. The applicant is also proposing to mount clip on planters to the painted metal structure that will be planted with Coleus annuals to enclose the outdoor café in the pedestrian passage. One Tucci umbrella is proposed north of the large canopy area.

Outdoor dining is also proposed on the rooftop terrace. The rooftop terrace is proposed to contain lounge seating for six people along with twenty-four metal and wood dining chairs. Trees in pots are proposed to be added to the west side of the rooftop to enclose the outdoor dining space.

Landscaping: Two existing street trees are proposed to remain. Potted Coleus annuals will line the outdoor dining in the passage and the rooftop dining terrace. The applicant is proposing to add two Bradford Pear trees in pots on the southwest corner of the rooftop, and to relocate the existing landscape annual bed in the pedestrian passage to the east to accommodate the new egress stair. Five Bradford Pear trees are proposed in the new landscape bed, with English Ivy groundcover at the base of the trees.

Signage: The applicant proposes to install three signs. The total linear building frontage is 32 ft., permitting 32 sq. ft. of sign area. The proposed **E. Maple name letter sign** will measure 10.5 sq. ft. The proposed **Via (alley) projecting wall sign** will measure 2.8 sq. ft. or a total of 5.6 sq. ft. for both sides. The total of all proposed signage is 16.1 sq. ft. which is in accordance with Article 1.0, section

1.04 (B) of the Birmingham Sign Ordinance, Combined Sign Area, which states that for all buildings, including multi-tenant office or retail buildings, the combined area of all types of signs shall not exceed 1 sq. ft. for each linear foot of principal building frontage.

The proposed **Pedestrian Passage rear entry wall sign** will measure 3.3 sq. ft. In accordance with Article 1.0, Table B of the Birmingham Sign Ordinance, Rear Entry Signs - Signs may be 6 square feet (not counted toward total sign area). The proposal meets this requirement.

The **E. Maple Rd. name letter sign** is proposed to be mounted 13 ft. 6 in. above grade which meets the requirement of Article 1.0, Table B of the Birmingham Sign Ordinance that states wall signs projecting more than 3 in. from the building facade shall not be attached to the outer wall at a height of less than 8 ft. above a public sidewalk and at a height of less than 15 ft. above public driveways, alleys and thoroughfares.

The **Via projecting wall sign** is proposed to be mounted 13 in. above grade. In accordance with In accordance with Article 1.0, Table B of the Birmingham Sign Ordinance – Projecting Wall signs shall be mounted at the sign band and no less than 8 ft. above grade. However, Article 1.0, Table B of the Birmingham Sign Ordinance - Wall signs that project more than 3 in. from the building facade shall not be attached to the outer wall at a height of less than 8 ft. above a public sidewalk and at a height of less than 15 ft. above public driveways, alleys and thoroughfares. The proposal does not meet this requirement.

The **Pedestrian Passage rear entry wall sign** is proposed to be mounted 13 ft. 6 in. above grade and meets the requirement of Article 1.0, Table B of the Birmingham Sign Ordinance which states that wall signs that project more than 3 in. from the building facade shall not be attached to the outer wall at a height of less than 8 ft. above a public sidewalk and at a height of less than 15 ft. above public driveways, alleys and thoroughfares.

The proposed **E. Maple name letter sign** will be constructed of flat cut metal letters painted Duxbury Gray. Letters reading “Social” and smaller letters beneath reading “Kitchen and Bar” will be 24 in. in height. The logo is the back painted (Benjamin Moore Classic 119 Cornucopia) internally illuminated glass dot over the dropped “i” in “Social” will match the door pull. The letters will be mounted 2 in. off the sign band.

The proposed **Via projecting wall sign** background will be constructed of a 6 in. thick solid wood plank. Letters reading “Social Kitchen and Bar” will be carved  $\frac{3}{4}$  in. deep into the wood on each side. The sign will be mounted 6 in. off the wall.

The proposed **Pedestrian Passage rear entry wall sign** will be constructed of flat cut metal letters painted Duxbury Gray. Letters reading “Social” and smaller

the chain link fencing and are willing to reconsider that as well as the potential of adding awnings to improve the visual image of the alley.

It was discussed that if the applicant comes up with some ideas for additional appointments for the alley, Ms. Bashiri could forward them to commission members for their comments and then issue administrative approval if she finds the members are in agreement.

Ms. VonStaden said the entire building will be re-painted but it is not a part of this review.

**Motion by Mr. Deyer**

**Seconded by Mr. Goldman that the Commission issue a Certificate of Appropriateness for 159 Pierce, Atlas Oil, contingent on the following:**

- 1) The chain link enclosure be removed;
- 2) Detail drawings for the stairway be provided to Ms. Bashiri for her administrative approval or referral back to this commission;
- 3) The rear entry design be administratively approved based on the Alleys and Passages Committee's recommendations, and if Ms. Bashiri feels it is appropriate she will solicit input from the entire commission.

There were no comments from the public on the motion at 7:25 p.m.

**Motion carried, 7-0.**

**VOICE VOTE**

Yeas: Deyer, Goldman, Gehringer, Henke, Lekas, Selis, Willoughby

Nays: None

Absent: Weisberg

Ms. Bashiri agreed to provide the applicant a copy of the design concept for that particular alley. Mr. Willoughby expressed his desire to see them come up with something very creative, perhaps with building owners working together to enhance the passage.

**12-72-11**

**HISTORIC DESIGN AND SIGN REVIEW**

**223-225 E. Maple Rd.**

**Social Kitchen and Bar**

**CBD Historic District**

Zoning: B-4 Business-Residential

Proposal: The applicant is proposing to renovate a non-contributing, one-story, multi-tenant building in the CBD Historic District. The site is the former location of Platinum Salon and the current location of Tokyo Sushi. The applicant proposes to install new storefront windows, new sliding glass doors, a new exterior staircase, and new canopies, add an addition to the roof, install new glass railing on the roof, paint the entire building, and install a new sign band and new signage.

The applicant is seeking approval of a Bistro License which requires a Special Land Use Permit and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. The applicant received a recommendation for approval from the Planning Board on the Final Site Plan and Special Land Use Permit at their November 30, 2011 meeting. The Planning Board required that several conditions be met including the applicant must provide pedestrian passage pavement improvements and the addition of two sculptural Via signs at either end of the pedestrian passage. **The applicant must obtain approval from the City Commission for the Final Site Plan, Special Land Use Permit, and for the operation of a Bistro License.**

Design:

*E. Maple (south) Elevation*

The applicant is proposing to replace the existing glass entrance door on the vacant storefront to the west with a solid wood plank door with an internally illuminated back painted glass door pull. The existing Tokyo Sushi storefront door and windows will be replaced with a full length light bronze aluminum sash and clear glass storefront window system. Two new 6 in. thick wood plank panels will be installed above to provide a distinct sign band.

On the rooftop, the applicant proposes to build an addition over the west section of the building. Clerestory windows are proposed to be added to the E. Maple Rd. elevation of the addition. A rooftop terrace with Trex decking is proposed in front of the addition over the existing roof. On the east side of the roof the applicant proposes to construct a metal canopy structure to be covered in Sunbrella "Pumpkin" canvas with clear glass guard rails to surround the rooftop dining area. Outdoor drape panels in Sunbrella "Pumpkin" are also proposed to frame the columns of the rooftop canopy structure.

*Pedestrian Passage (east) Elevation*

The applicant is proposing to open up the east elevation of the building by removing the existing windows and adding all new light bronze sash and clear glass windows, with four sliding glass door walls interspersed to allow the bistro to open to the outdoors. The existing door that leads into the pedestrian passage will be replaced with a new fixed glass door that will also provide access to the outdoor dining area.

The applicant is proposing to add painted metal framed canopies over the outdoor dining areas proposed in the pedestrian passage. In the pedestrian passage, the metal structure will be covered in a canvas awning in Sunbrella "Parchment," with wood planter boxes clipped on to the metal framing posts surrounding the outdoor dining area. Outdoor Sunbrella fabric drape panels in "Parchment" are also proposed to frame the columns of the canopy structure.

An open painted steel staircase is also proposed adjacent to the outdoor dining area in the pedestrian passage to provide access to the rooftop dining terrace. The painted steel staircase will have steel railings and will be covered by a canvas awning in Sunbrella "Pumpkin."

*Via (alley) Elevation*

The rear elevation will have a Sunbrella "Pumpkin" canvas awning mounted over the recessed doorway.

Outdoor Dining: As part of the bistro proposal, Social Kitchen is proposing 56 seats for outdoor dining to be situated in the pedestrian passage adjacent to the building.

The outdoor dining area as proposed provides for the required 5 ft. wide pathway between the proposed café seating and the existing news rack in the alley. The applicant is also proposing to mount clip on planters to the painted metal structure that will be planted with Coleus annuals to enclose the outdoor café in the pedestrian passage. One Tucci umbrella is proposed north of the large canopy area.

Outdoor dining is also proposed on the rooftop terrace. The rooftop terrace is proposed to contain lounge seating for six people along with twenty-four metal and wood dining chairs. Trees in pots are proposed to be added to the west side of the rooftop to enclose the outdoor dining space.

Landscaping: Two existing street trees are proposed to remain. Potted Coleus annuals will line the outdoor dining in the passage and the rooftop dining terrace. The applicant is proposing to add two Bradford Pear trees in pots on the southwest corner of the rooftop, and to relocate the existing landscape annual bed in the pedestrian passage to the east to accommodate the new egress stair. Five Bradford Pear trees are proposed in the new landscape bed, with English Ivy groundcover at the base of the trees.

Signage: The applicant proposes to install three signs. The total linear building frontage is 32 ft., permitting 32 sq. ft. of sign area. The proposed **E. Maple name letter sign** will measure 10.5 sq. ft. The proposed **Via (alley) projecting wall sign** will measure 2.8 sq. ft. or a total of 5.6 sq. ft. for both sides. The total of all proposed signage is 16.1 sq. ft. which is in accordance with Article 1.0, section

1.04 (B) of the Birmingham Sign Ordinance, Combined Sign Area, which states that for all buildings, including multi-tenant office or retail buildings, the combined area of all types of signs shall not exceed 1 sq. ft. for each linear foot of principal building frontage.

The proposed **Pedestrian Passage rear entry wall sign** will measure 3.3 sq. ft. In accordance with Article 1.0, Table B of the Birmingham Sign Ordinance, Rear Entry Signs - Signs may be 6 square feet (not counted toward total sign area). The proposal meets this requirement.

The **E. Maple Rd. name letter sign** is proposed to be mounted 13 ft. 6 in. above grade which meets the requirement of Article 1.0, Table B of the Birmingham Sign Ordinance that states wall signs projecting more than 3 in. from the building facade shall not be attached to the outer wall at a height of less than 8 ft. above a public sidewalk and at a height of less than 15 ft. above public driveways, alleys and thoroughfares.

The **Via projecting wall sign** is proposed to be mounted 13 in. above grade. In accordance with In accordance with Article 1.0, Table B of the Birmingham Sign Ordinance – Projecting Wall signs shall be mounted at the sign band and no less than 8 ft. above grade. However, Article 1.0, Table B of the Birmingham Sign Ordinance - Wall signs that project more than 3 in. from the building facade shall not be attached to the outer wall at a height of less than 8 ft. above a public sidewalk and at a height of less than 15 ft. above public driveways, alleys and thoroughfares. The proposal does not meet this requirement.

The **Pedestrian Passage rear entry wall sign** is proposed to be mounted 13 ft. 6 in. above grade and meets the requirement of Article 1.0, Table B of the Birmingham Sign Ordinance which states that wall signs that project more than 3 in. from the building facade shall not be attached to the outer wall at a height of less than 8 ft. above a public sidewalk and at a height of less than 15 ft. above public driveways, alleys and thoroughfares.

The proposed **E. Maple name letter sign** will be constructed of flat cut metal letters painted Duxbury Gray. Letters reading “Social” and smaller letters beneath reading “Kitchen and Bar” will be 24 in. in height. The logo is the back painted (Benjamin Moore Classic 119 Cornucopia) internally illuminated glass dot over the dropped “i” in “Social” will match the door pull. The letters will be mounted 2 in. off the sign band.

The proposed **Via projecting wall sign** background will be constructed of a 6 in. thick solid wood plank. Letters reading “Social Kitchen and Bar” will be carved  $\frac{3}{4}$  in. deep into the wood on each side. The sign will be mounted 6 in. off the wall.

The proposed **Pedestrian Passage rear entry wall sign** will be constructed of flat cut metal letters painted Duxbury Gray. Letters reading “Social” and smaller



letters beneath, reading "Kitchen and Bar" will be 15 in. in height. The logo is the back painted (Benjamin Moore Classic 119 Cornucopia) dot over the dropped "l" in "Social" will match the door pull. The letters will be mounted 2 in. off the sign band.

***The sculptural via signs as required by the Planning Board will require HDC approval.***

Illumination: The applicant proposes to install architectural lighting for the rear projecting sign on the alley. Two dark bronze aluminum (Sign Star Style C by B-K Lighting), which extend 4 ft. from the building are proposed to be mounted above the projecting sign, and one other Sign Star fixture is proposed on the east elevation to light the pedestrian passage wall sign. The proposed fixtures will shine directly on the signs and the bulbs will not be visible.

The applicant proposes to install Waterproof Light Fixtures (WLFA2 series) with 15 LED lights per strip in warm white behind the name letter sign on E. Maple to provide a halo lighting effect behind the sign.

Two Halo lights (Cooper Lighting) are proposed under the new rear awning over the alley entrance. The fixtures are 5 in. insulated ceiling AIR-TITE recessed halogen pot light fixtures that will direct light down.

Five Power Canopy System mounts (B-K Lighting) in dark bronze aluminum are proposed with Denali floodlights to be mounted along the east edge of the proposed canopy for the outdoor dining area in the pedestrian passage. The fixtures will have single head fixtures. Twelve double head fixtures are also proposed under the rooftop canopy along both the east and west edges of the canopy.

The applicant proposes to install five Patio Ceiling fans (Quorum International), to be mounted from the center of the canopy structure on the rooftop terrace. These five-blade fans will be 120 volt, and designed for use in wet conditions. Tree Strap lighting (B-K Lighting) is also proposed to uplight each of the proposed trees. The applicant proposes to mount Denali floodlights on olive green nylon straps on the five proposed trees in the pedestrian passage and two proposed rooftop potted trees.

Chairman Henke noted that when the commission members received the packets many things were not included. This is an extremely sensitive project and he personally was not prepared to read the new drawings that were just distributed this evening.

Mr. Deyer added that because there are so many things that are breaking new ground, this proposal deserves a full review. He felt the applicants could go

through that this evening, describing each element that they propose. Others agreed.

Mr. Ron Rea and Mr. Roman Bonaslawski, Ron and Roman Architects, were present. Mr. Bonaslawski said the only item different from what was in the packets is they are proposing to remove the projecting wall sign from the back of the building. Also, the sculptural via sign will have to come back later. Mr. Rea described how they only got involved with this plan about three days before it went to the Planning Board. They then rushed to create drawings that they feel will ensure the future success of this restaurant. Mr. Bonaslawski went on to describe in detail how their revisions have changed the dynamics of the original plan. They have added more seating to the via café and there are fewer seats on the roof now. If it is necessary an elevator will be provided. The stair is a second means of egress from the café on the roof and is also an opportunity for servicing that level. Diners will enter through the check-in station inside.

It was noted the long-term lease agreement with the building ownership is that when the restaurant leaves the building has to be put back as it was.

Mr. Rea said they are painting the back of the building, planting Boston ivy on the building, and adding a via identification sign. Mr. Deyer noted there is a connecting passageway from this alley to Commonwealth. There was discussion that it would be nice to go across the asphalt alley and connect into the passageway that is there.

Ms. Bashiri thought that adding a second story enhances the building considerably. This project will give pedestrians a reason to continue down E. Maple Rd. to see what is down there.

**Motion by Mr. Deyer**

**Seconded by Mr. Goldman that the Commission issue a Certificate of Appropriateness for 223-225 E. Maple Rd., Social Kitchen and Bar. The plan is approved as submitted with the following exceptions:**

- 1) A photometric be provided to staff if required;**
- 2) The rear signage be deleted;**
- 3) The Via signage be removed from the proposal and submitted at a future date at the discretion of the petitioner; and**
- 4) Recommendation is made that the petitioner work with the building owners to the north and to the east to try and find a means of extending the via to the via on the north side of the alley.**

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Deyer, Goldman, Gehringer, Lekas, Selis, Willoughby

Nays: None  
Abstain: Henke  
Absent: Weisberg

No one from the public wished to comment on the motion at 8:30 p.m.

**12-73-11**

**SHORT TERM PROJECTS**

**Heritage House Plaques** (not discussed)

**12-74-11**

**MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

**A. Staff Reports**

-- Administrative Approvals

- 151 Martin, Baldwin Public Library – Outside wall and windows restoration at the roof as specified in the scope of work in the RFP for this project. The scope of work and materials that will be used for this project were reviewed by Sheila Bashiri.

-- Violation Notices (none)

-- Demolition Applications

- 1270 Puritan
- 1667 W. Lincoln
- 964 Pierce
- 1346 Washington Blvd.
- 1555 Ruffner
- 1525 Yosemite

**B. Communications**

-- HDC Training from MHPN

Ms. Selis announced their intention to resign from the two boards and Ms. Lekas will sign up as an alternate. Therefore, Mr. Meyer agreed to apply for the HDC membership. Then one more person will be needed who can handle both boards. Ms. Bashiri said once that is accomplished, she can set up the training.

-- Commissioners' Comments

**Zoning Compliance Summary Sheet  
Final Site Plan & Design Review  
225 East Maple**

---

**Existing Site:** Social Kitchen

**Zoning:** B-4, (Special Land Use Permit)

**Land Use:** Bistro

**Existing Land Use and Zoning of Adjacent Properties:**

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Existing Land Use</b>	Retail, Commercial & Parking	Retail & Commercial	Retail & Commercial	Retail & Commercial
<b>Existing Zoning District</b>	B-4, Business- Residential	B-4, Business- Residential	B-4, Business- Residential	B-4, Business- Residential
<b>Downtown Overlay Zoning District</b>	D-4	D-4	D-4	D-4

**Land Area:** existing: 2,720 sq ft  
proposed: No changes proposed

**Land Use:** existing: Bistro  
proposed: No changes proposed

**Minimum Lot Area:** required: N/A  
proposed: N/A

**Minimum Floor Area:** required: N/A  
proposed: N/A

**Floor Area Ratio:** allowed: N/A  
proposed: N/A

**Open Space:** required: N/A

	proposed:	N/A
<b>Front Setback:</b>	required:	N/A
	proposed:	no changes proposed
<b>Side Setbacks:</b>	required:	N/A
	proposed:	no changes proposed
<b>Rear Setback:</b>	required:	N/A
	proposed:	no changes proposed
<b>Max. Bldg. Height &amp; Number of Stories:</b>	permitted:	N/A
	proposed:	no changes proposed
<b>Parking:</b>	required:	In parking assessment district- none required
	proposed:	In parking assessment district- none required
<b>Loading Area:</b>	required:	0 spaces
	proposed:	0 spaces

**Screening:**

<b>Parking:</b>	required:	N/A
	proposed:	N/A
<b>Screen wall Height /Setback:</b>	required:	N/A
	proposed:	N/A
<b>Outdoor Display Screening:</b>	required:	N/A
	proposed:	N/A
<b>Outdoor Storage Screening:</b>	required:	N/A
	proposed:	N/A
<b>Ground Mounted Mechanical:</b>	required:	N/A
	proposed:	N/A
<b>Roof-top Mech. units:</b>	required:	N/A
	proposed:	N/A
<b>Trash Receptacles:</b>	required:	N/A
	proposed:	N/A

# Social Kitchen

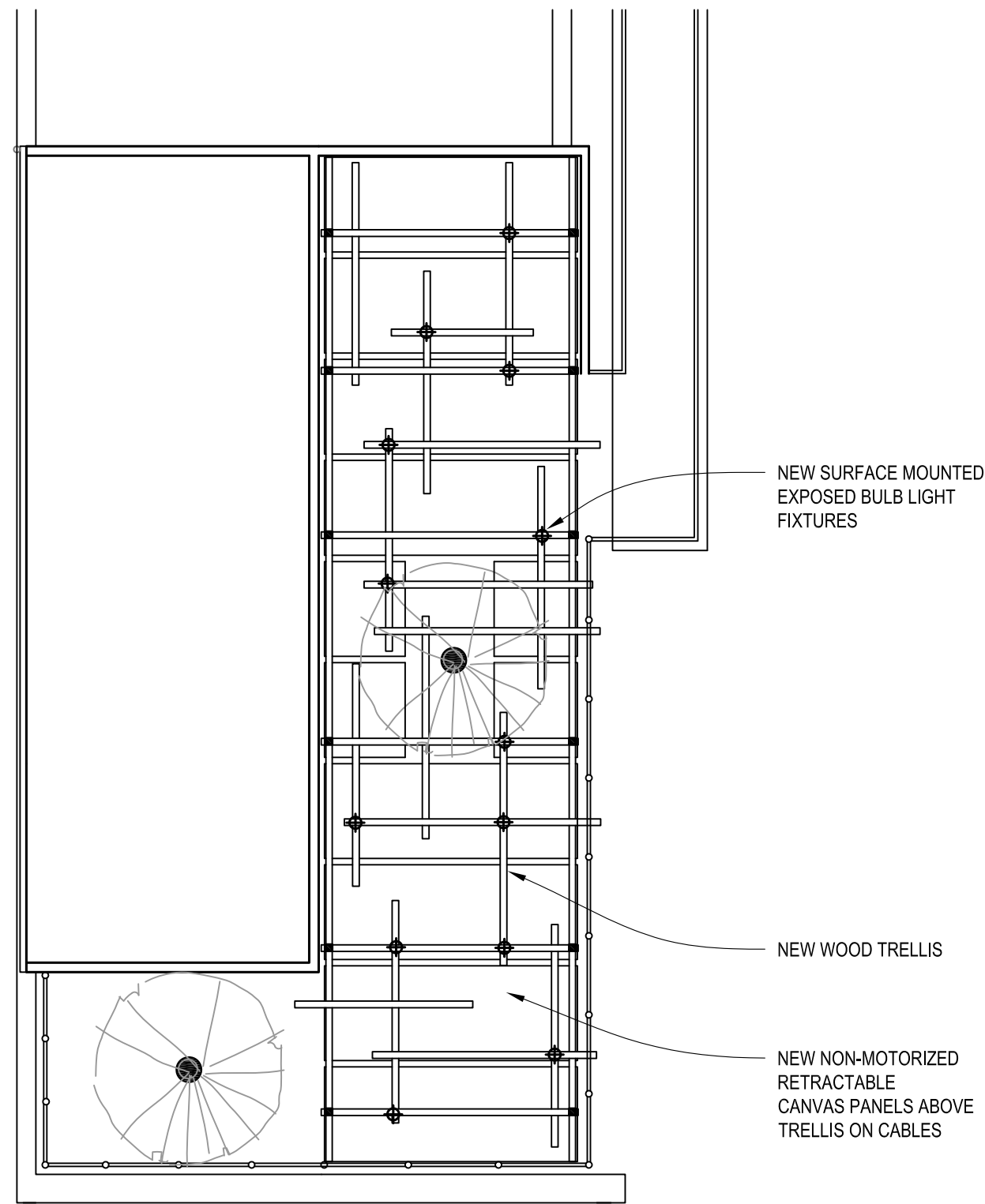


- Legend**
- Selected Parcels
  - City Boundary
  - Railroad
  - Roads
  - Major Roads
  - State Roads
  - Streets
  - Lakes and Rivers
  - Streams
  - Parcels
  - Lots
  - Schools
  - Parks
  - Right of Way

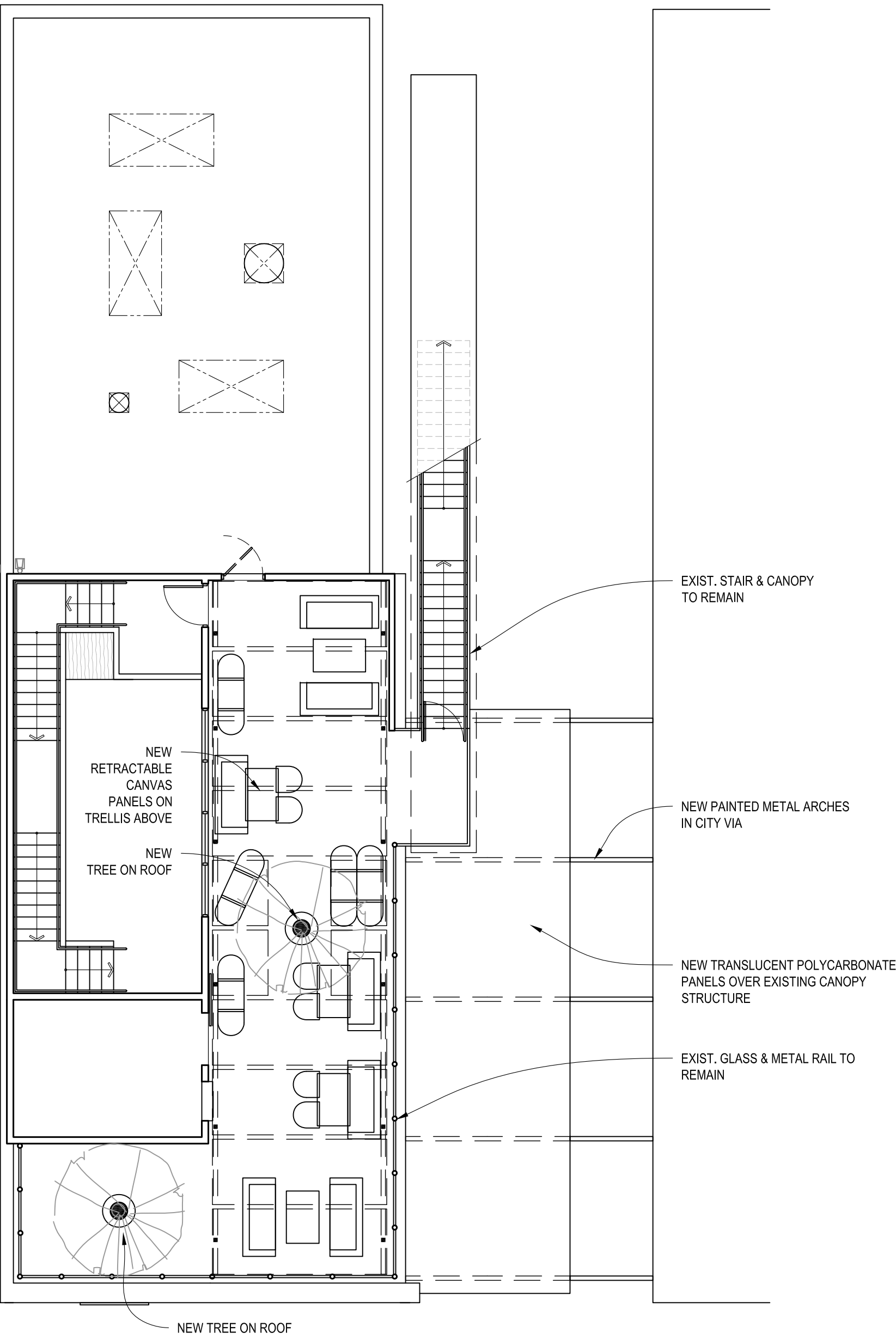
**DISCLAIMER:**

The information provided on this site is for convenience only and is compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. Much of the data was not compiled or created by the City of Birmingham. In the preparation of this report, extensive efforts have been made to offer the most current, correct, and clearly expressed information possible. However, inadvertent errors, inaccuracies, and omissions can occur. Official versions should be used as a primary information source for verification of the information provided on these pages. Users are advised that their use of any of this information is at their own risk. The City of Birmingham, its consultants and data providers, do not assume, and hereby disclaim, legal responsibility for the information contained herein which is provided "as is" with no warranties of any kind whether such errors, inaccuracies or omissions result from negligence, accident or any other cause.

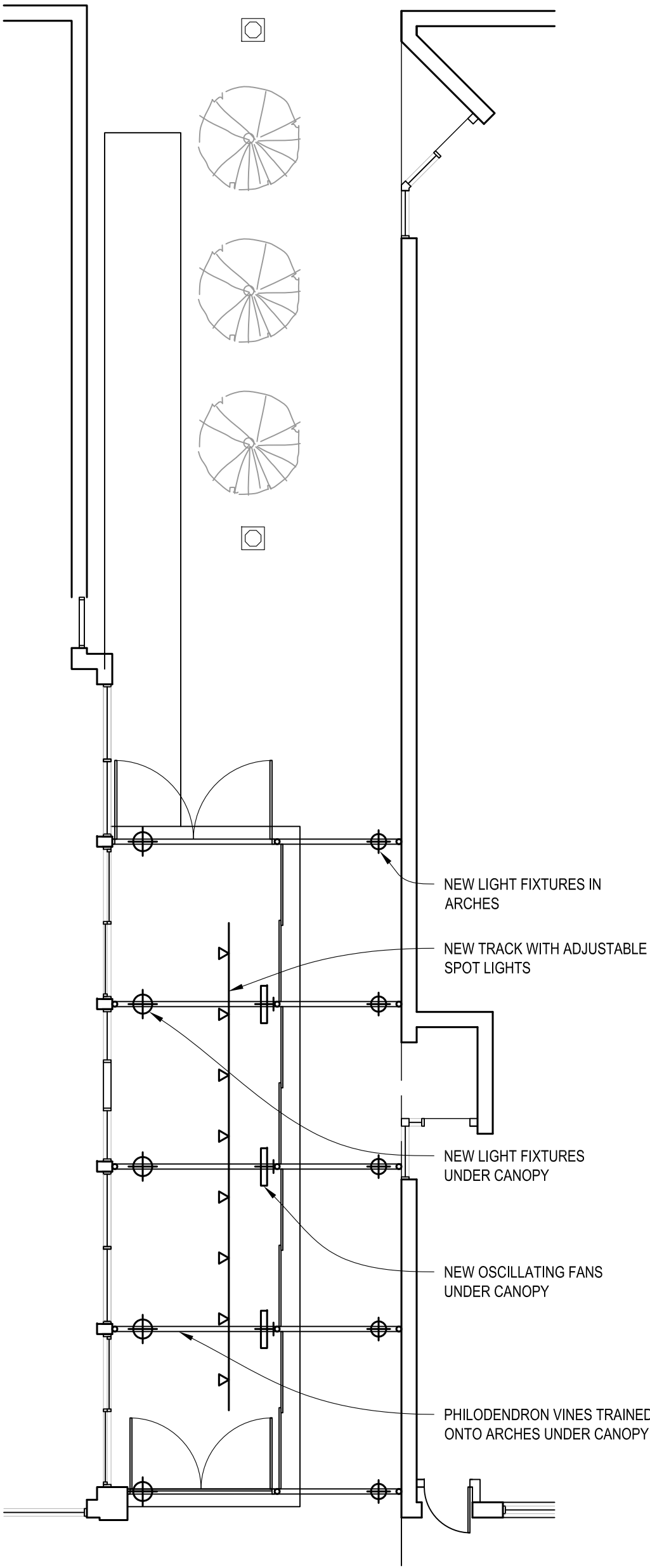




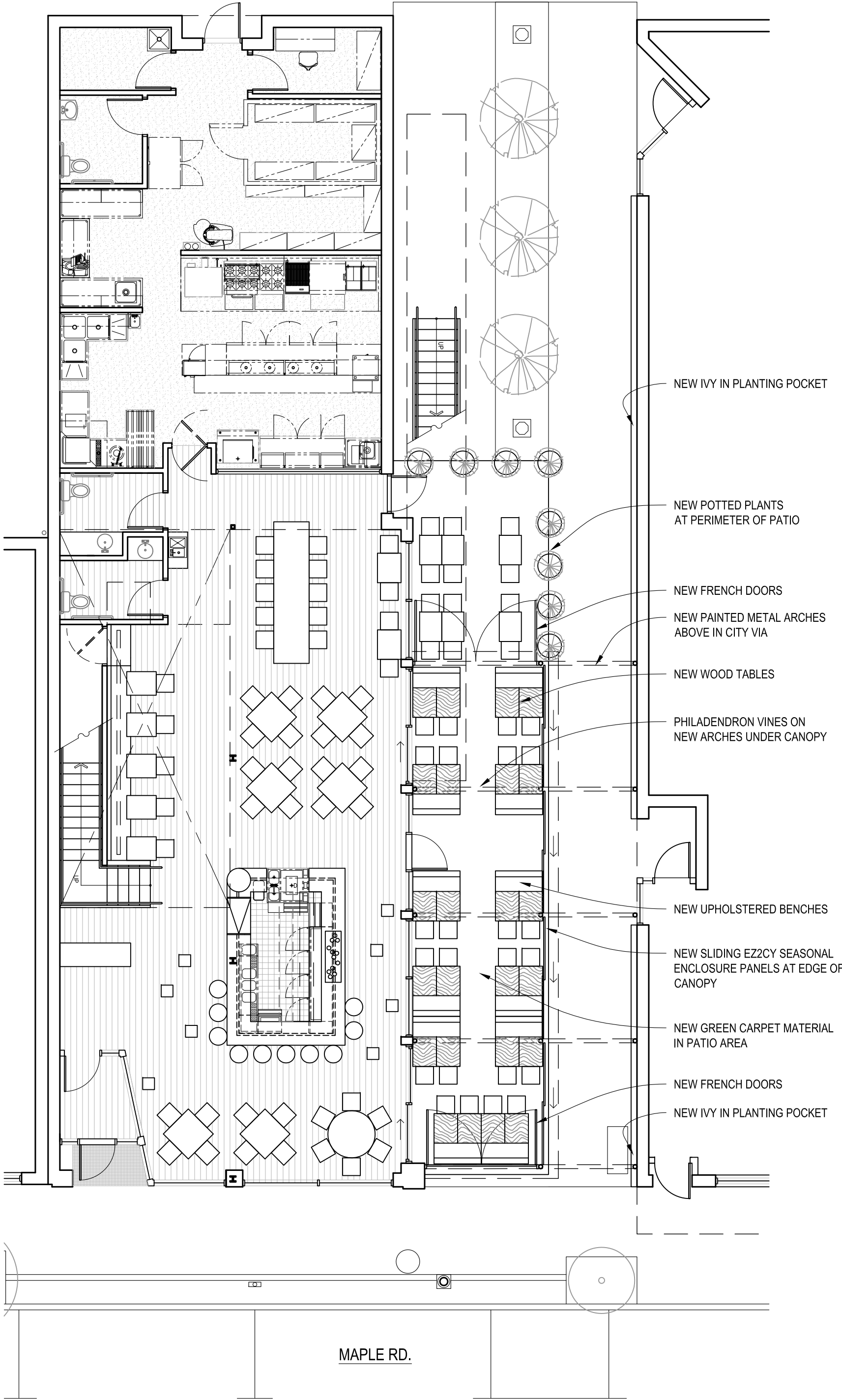
ROOF REFLECTED CEILING PLAN  
SCALE: 1/8" = 1'-0"



ROOF PLAN  
SCALE: 1/8" = 1'-0"



REFLECTED CEILING PLAN  
SCALE: 1/8" = 1'-0"



GROUND FLOOR PLAN  
SCALE: 1/8" = 1'-0"

Project:

SOCIAL KITCHEN & BAR  
VIA REWORK  
225 Maple Rd., Birmingham, MI 48009

Seal:

Issue Date:

SLIP AMMENDMENT	2/28/17
UPDATE	3/6/17

Sheet Title:

PLANS

Sheet Number:

A-1



Project:

SOCIAL KITCHEN & BAR  
VIA REWORK  
225 Maple Rd., Birmingham, MI 48009

Seal:

Issue Date:

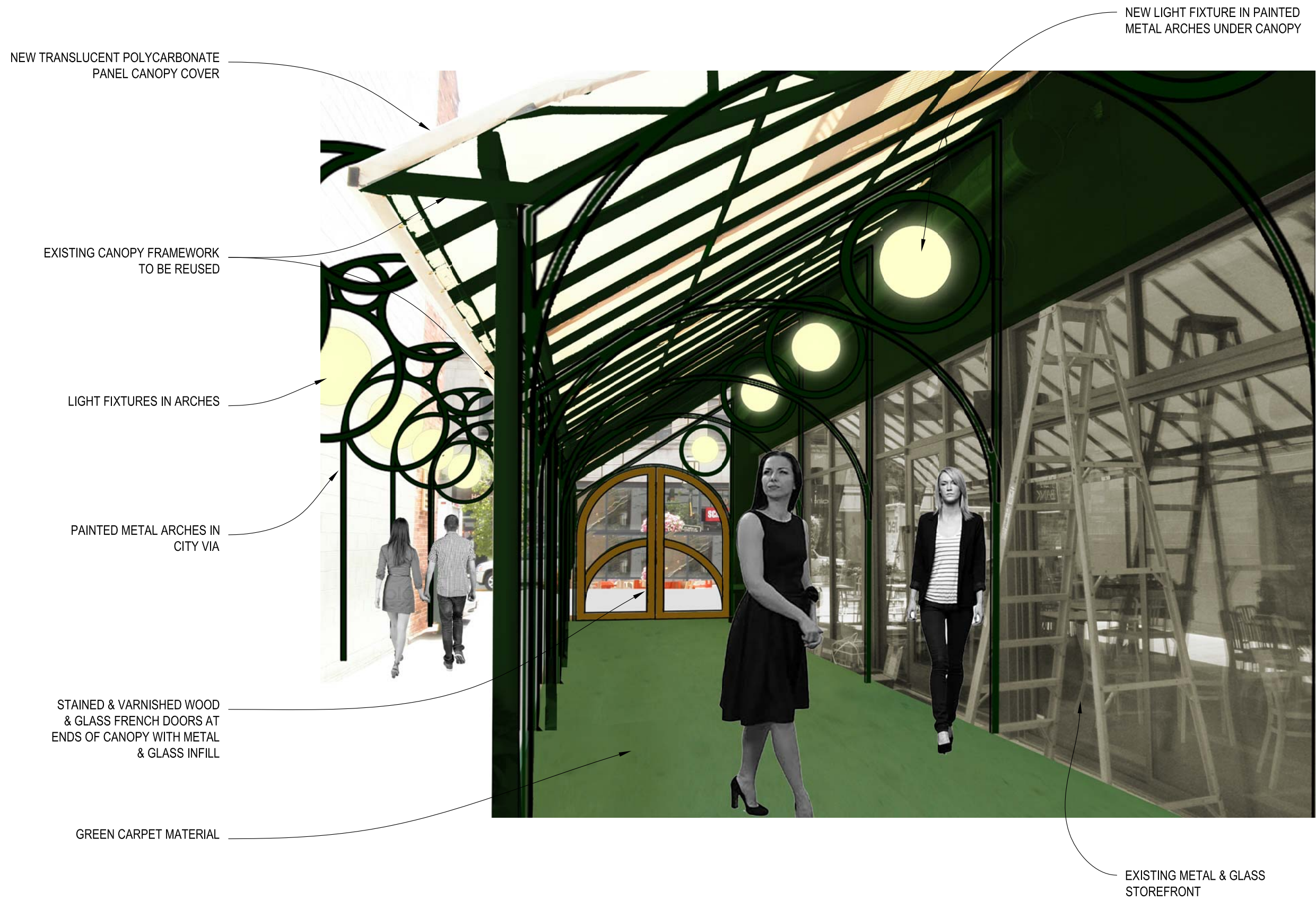
SLIP AMMENDMENT	2/28/17
UPDATE	3/6/17

Sheet Title:

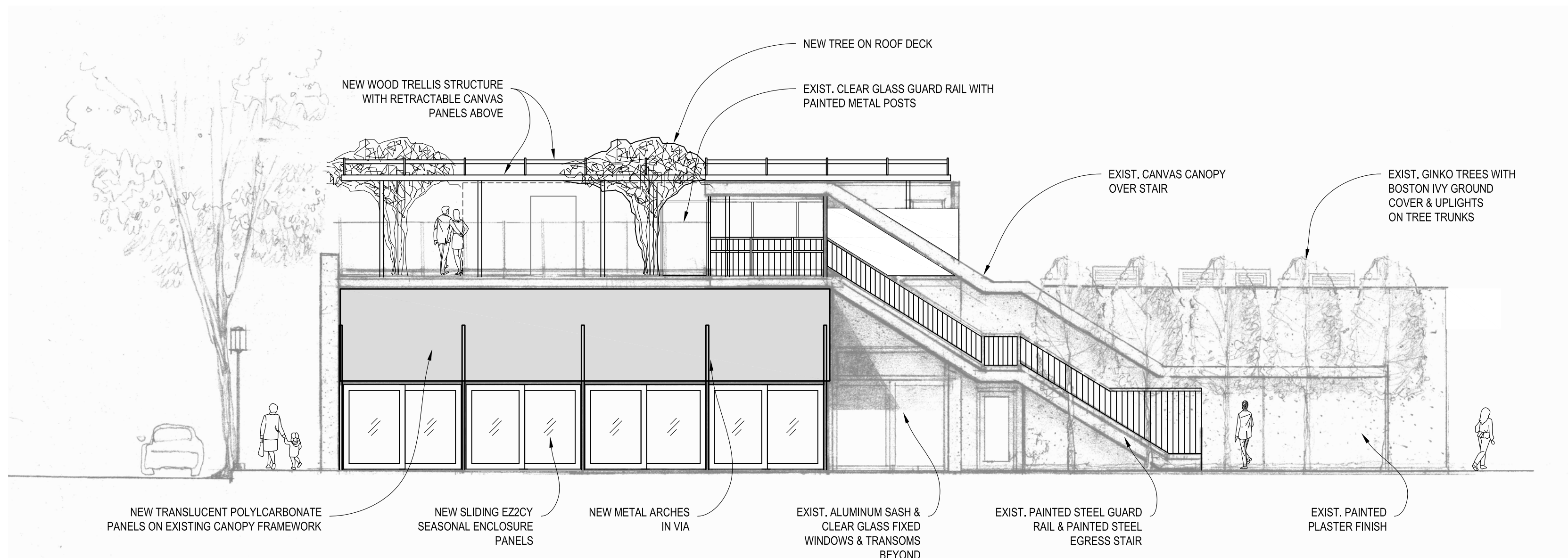
EXTERIOR  
ELEVATIONS

Sheet Number:

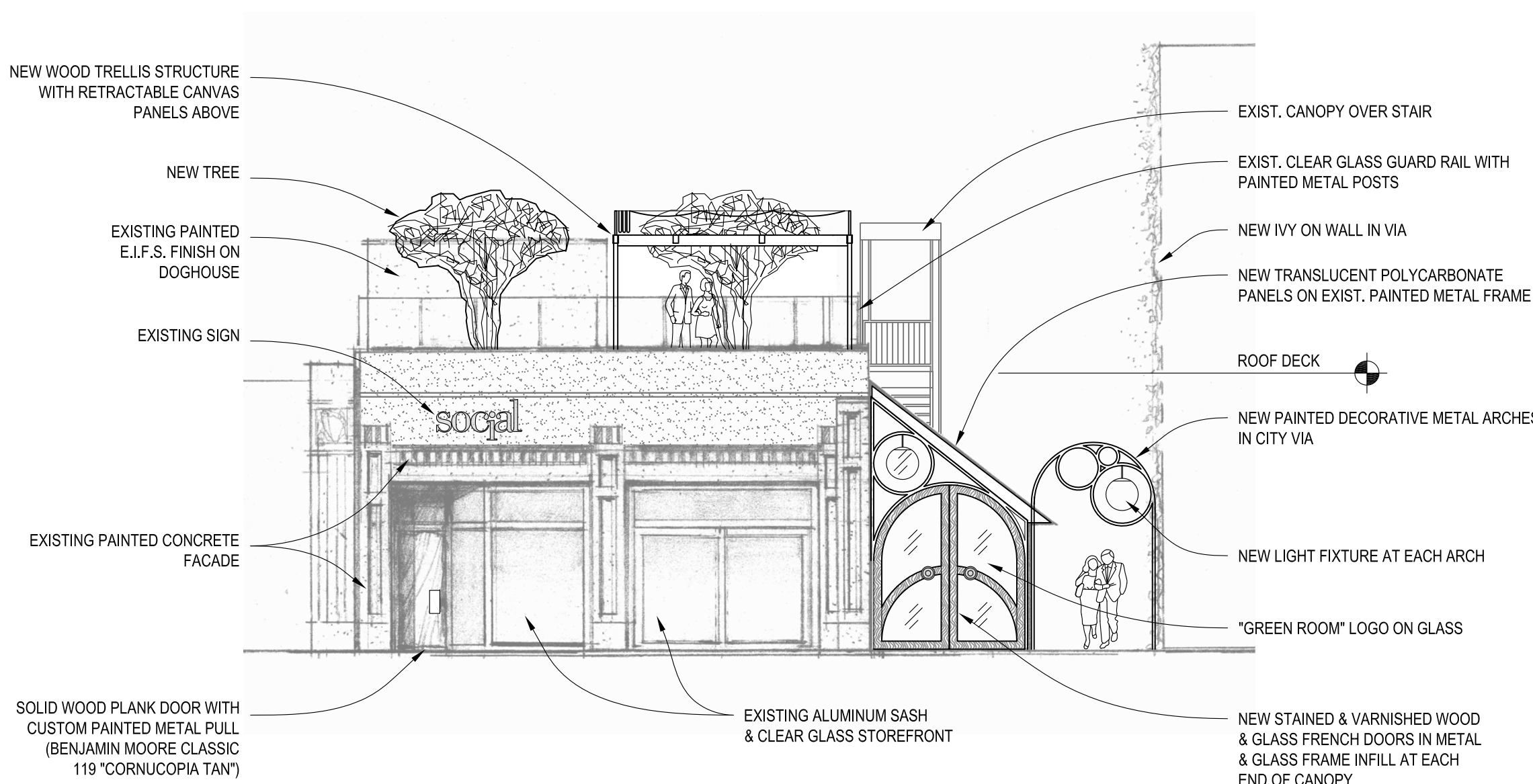
A-2



3 CONCEPTUAL RENDERING  
N.T.S.



2 EXTERIOR ELEVATION FACING THE VIA  
SCALE: 1/8" = 1'-0"



1 EXTERIOR ELEVATION FACING MAPLE  
SCALE: 1/8" = 1'-0"





PHOTO EXAMPLE - TRANSLUCENT ROOF PANEL



OPAL POLYCARBONATE PANEL



PHOTO EXAMPLE - TRAINED VINES



PHILODENDRON VINES



GREEN CARPET



IVY CLIMING ON WALL IN VIA





PHOTO EXAMPLE - RETRACTABLE CANVAS PANELS



SUNBRELLA TRESKO BIRCH



PHOTO EXAMPLE - WOOD TRELLIS



NATURAL WOOD FINISH



TREE WITH LIGHTS AT NIGHT



ROOFTOP TREE - JAPANESE LILAC





PINSPOTS ON TRACK



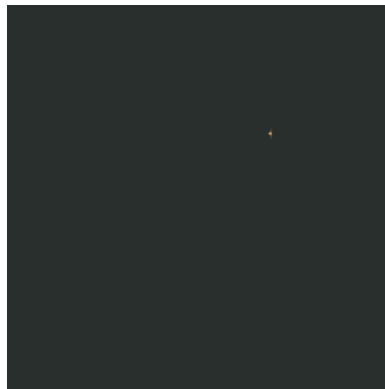
GLOBE PENDANT LIGHT



OSCILLATING FAN



EXISTING BUILDING COLOR  
B.M. DUXBURY GRAY



NEW METAL COLOR  
B.M. BLACK FOREST GREEN



WOOD DOOR STAIN COLOR



NEW PATIO ENCLOSURE - CANVAS FRAMED EZ2CY



## MEMORANDUM

---

Planning Division

**DATE:** May 4, 2017

**TO:** Planning Board

**FROM:** Matthew Baka, Senior Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** Window Standards Study Session

---

At the July 25, 2016 City Commission meeting, a public hearing was held to consider proposed amendments to the current window standards in the Zoning Ordinance. The purpose of these amendments was to implement several minor changes to the standards contained in Article 04 of the Zoning Ordinance, as well as the elimination of additional standards in Article 07 that are in conflict with other areas of the Zoning Ordinance. The proposed changes would have added a requirement to have at least 30% glazing on rear elevations with a public entrance, increased the amount of glazing permitted on upper floors, prohibited blank walls longer than 20' on all elevations facing a park, plaza or parking lot, and would also have provided the reviewing board with the flexibility to allow adjustments to the amount of glazing under specific conditions.

During the public hearing, the City Commission identified two additional issues that they would like the Planning Board to consider. These issues were the clarification or elimination of the provision that allows window glazing to be "lightly tinted". Currently there is no definition for the term "lightly tinted", so there is no objective standard that applicants must meet in order to comply with this standard. Secondly, The City Commission also asked the Planning Board to consider whether there should be a glazing requirement in alleys and passages that are subject to the Via Activation Overlay Zone. Accordingly, the City Commission sent the matter back to the Planning Board for further consideration. Please find attached the staff report presented to the Planning Board and City Commission, along with the proposed ordinance language and minutes from previous discussions on the topic.

Since that time, the Planning Board has held several study sessions to discuss this issue and examine potential changes to the ordinance to address the concerns of the City Commission. With regards to the treatment of glazing in passageways and vias, the Planning Board decided not to recommend a required amount of glazing in these spaces. While it was agreed that windows in alleys or vias are an important enhancement, it was also discussed that there are important "back of house" functions to most commercial businesses which must be accommodated and that requiring similar glazing percentages on the scale that is required on the building frontages may impede those functions and have a negative impact on businesses. Currently, the Via Activation Overlay standards do indicate a requirement for windows but do not set a specific percentage that is



required. The following is an excerpt from the Via Activation Overlay District in the Zoning Ordinance that contains the current regulations that deal with windows:

- H. Design Standards: All portions of buildings and sites directly adjoining a via must maintain a human scale and a fine grain building rhythm that provides architectural interest for pedestrians and other users, and provide windows and doors overlooking the via to provide solar access, visual interaction and surveillance of the via. To improve the aesthetic experience and to encourage pedestrians to explore vias, the following design standards apply for all properties with building facades adjoining a via:
1. Blank walls shall not face a via. Walls facing vias shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or decorative finish materials. Awnings shall be straight sheds without side flaps, not cubed or curved, and must be at least 8 feet above the via at the lowest drip edge;

As currently written, this provision allows the Planning Board to evaluate projects on a case by case basis but does not provide a baseline or minimum amount of glazing that is required in these spaces.

These study sessions also included research and analysis of the various treatments and techniques that are commonly used to tint and provide filters for sunlight, heat, and UV radiation. On January 11, 2017 the Planning staff provided information regarding the effect that permitting only clear glass windows would have on the ability to comply with the Michigan Energy Code. Based on conversations with the Building Department staff and research into the various aspects of window properties and technologies, it appears that requiring clear glass would not necessarily prevent someone from complying with the Energy Code. As detailed in the attached materials, there are three basic categories or ratings that are measured when evaluating the efficiency of a window, which are as follows;

1. **U-factor**: measures the rate of heat transfer (or loss). The U-factor rating is predominately determined by the number of panes of glass and the type of gas barrier sealed between those panes.
2. **Solar Heat Gain Coefficient (SHGC)**: measures how much heat from the sun is blocked. SHGC is expressed as a number between 0 and 1. The lower the SHGC, the more a product is blocking solar heat gain. SHGC can be controlled through tinting, reflective coatings or low-e coatings.
3. **Visible Transmittance (VT)**: measures how much light comes through a window. VT is expressed as a number between 0 and 1. The higher the VT, the higher the potential for daylighting. A typical clear glass window has a VT of approximately .80. VT is generally controlled with tinting and reflective coatings.

As a result of those discussions, a general consensus was reached that prohibiting the tinting of windows would promote the intent of the creating a pedestrian friendly interactive condition in the commercial areas of the City. Accordingly, the Planning

Board directed the Planning staff to draft Zoning Ordinance amendments that would require clear glazing on the first floor and allow light tinting on the upper floors.

On March 29, 2017 the Planning Board reviewed the draft ordinance language. As a result of that discussion the Planning Board requested that the draft language be revised to include definitions for clear glazing and lightly tinted glazing that have specific percentages of visual transmittance. Accordingly, those definitions have been drafted and are now included. Draft ordinance language is attached to this report reflecting that request. This draft language also includes the original ordinance amendments that were recommended to the City Commission in July of 2016.

#### SUGGESTED ACTION

The Planning Division recommends that the Planning Board set a public hearing for June 14, 2017 to allow the public to comment on these proposed changes and for the Planning Board to make a recommendation to the City Commission on these issues.

**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 4.90, WN-01 (WINDOW STANDARDS) TO ALTER THE REQUIRED GLAZING ON COMMERCIAL BUILDINGS.

Article 04, section 4.90 WN-01 shall be amended as follows:

**4.90 WN-01**

This Window Standards section applies to the following districts:

O1, O2, P, B1, B2, B2B, B2C, B3, B4, MX, TZ3

The following window standards apply ~~on the front façade and any façade facing a street, plaza, park or parking area:~~

- A. Storefront Windows: Ground floor **façades** shall be designed with storefronts that have windows, doorways and signage, which are integrally designed. The following standards apply:
1. No less than 70% of a storefront/groundfloor façade between 1 and 8 feet above grade shall be clear glazing ~~glass panels and doorway.~~
  2. **Clear glazing only is permitted** on storefront **façades at the first floor** ~~shall be clear.~~ Lightly tinted glazing in neutral colors **above the first floor may be permitted.** Mirrored glass is prohibited.
  3. Required window areas shall be either pedestrian entrances, windows that allow views into retail space, working areas or lobbies. Display windows set into the wall may be approved by the Planning Board.
  4. Windows shall not be blocked with opaque materials or furniture, products, signs, blank walls or the back of shelving units.
  5. The bottom of the window shall be no more than 3 feet above the adjacent exterior grade.
  6. ~~Blank walls of longer than 20 feet shall not face a public street.~~
- B. ~~Upper Story Windows: Openings above the first story shall be a maximum of 50% of the total façade area. Windows shall be vertical in proportion.~~ **Ground floor building elevations: Building elevations on the ground floor that do not face a frontage line but contain a public entrance shall be no less than 30% clear glazing between 1 and 8 feet above grade.**
- C. **Blank walls of longer than 20 feet on the ground floor façade shall not face a plaza, park, parking area or public street.**

**D. Upper Story Windows: Openings above the first story shall be a maximum of 50% of the total façade area. Windows shall be vertical in proportion.**

**E. To allow flexibility in design, these standards may be modified by a majority vote of the Planning Board, Design Review Board, and/or Historic District Commission for architectural design considerations provided that the following conditions are met:**

- a. The subject property must be in a zoning district that allows mixed uses;**
- b. The scale, color, design and quality of materials must be consistent with the building and site on which it is located;**
- c. The proposed development must not adversely affect other uses and buildings in the neighborhood;**
- d. Glazing above the first story shall not exceed a maximum of 70% of the façade area;**
- e. Windows shall be vertical in proportion.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective 7 days after publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
Cherilynn Brown, City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

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

TO AMEND ARTICLE 07 ARCHITECTURAL DESIGN REQUIREMENTS, SECTION 7.05, REQUIREMENTS.

Article 07, section 7.05 shall be amended as follows:

**7.05 Requirements**

(See architectural design checklist on Site Plan Review application).

A. Building materials shall possess durability and aesthetic appeal.

~~B. A minimum of 50% of that portion of the first floor facade of a building with a commercial use(s) on the first floor and that faces a public street, private street, public open space or permanently preserved open space shall contain clear glazing.~~

~~BC.~~ The building design shall include architectural features on the building facade that provide texture, rhythm, and ornament to a wall.

~~CD.~~ Colors shall be natural and neutral colors that are harmonious with both the natural and man-made environment. Stronger colors may be used as accents to provide visual interest to the facade.

~~DE.~~ The building design shall provide an interesting form to a building through manipulation of the building massing. This can be achieved through certain roof types, roof lines, and massing elements such as towers, cupolas, and stepping of the building form.

~~EF.~~ These architectural elements shall be arranged in a harmonious and balanced manner.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective 7 days after publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
Cherilynn Brown, City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

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

TO AMEND ARTICLE 03 DOWNTOWN OVERLAY DISTRICT, SECTION 3.04, E ARCHITECTURAL STANDARDS TO REQUIRE CLEAR GLAZING AT THE FIRST FLOOR FAÇADE.

Article 03, Section 3.04 E(7) shall be amended as follows:

Architectural standards. All buildings shall be subject to the following physical requirements:

Sections 1- 7 unchanged

7. **Clear glazing is required on the first floor.** ~~Glass shall be clear or~~ Lightly tinted **glazing is permitted on upper floors** only. Opaque applications shall not be applied to the glass surface.

Sections 8 – 16 unchanged

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective 7 days after publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
Cherilynn Brown, City Clerk



**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

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

TO AMEND ARTICLE 03 TRIANGLE OVERLAY DISTRICT, SECTION 3.09, COMMERCIAL/MIXED USE ARCHITECTURAL REQUIREMENTS TO REQUIRE CLEAR GLAZING AT THE FIRST FLOOR FAÇADE.

Article 03, Section 3.09 b(1) shall be amended as follows:

**3.09 Commercial/Mixed Use Architectural Requirements**

A. unchanged

B. Windows and Doors:

- H. Storefront/Ground Floor. Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed and painted. No less than 70% of the storefront/ground floor façade between 1 and 8 feet above grade shall be clear glass panels and doorway. Glass areas on storefronts shall be clear glazing on the first floor. Clear or lightly tinted glazing is permitted on upper floors. Mirrored glass is prohibited. Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall. Windows shall not be blocked with opaque materials or the back of shelving units or signs. The bottom of the window must be no more than 3 feet above the adjacent exterior grade.
- I. Entranceway. The front entranceway shall be inset 3 feet from the front building wall.
- J. Upper Stories. Openings above the first story shall be a maximum of 50% of the total façade area. Windows shall be vertical in proportion.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective 7 days after publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
Cherilynn Brown, City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

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

**TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD DEFINITIONS FOR CLEAR GLAZING AND LIGHTLY TINTED GLAZING**

**Article 9, Section 9.02**

**Clear Glazing – Glass and other transparent elements of building facades with a minimum visible light transmittance of 80%.**

**Lightly Tinted Glazing – Glass and other transparent elements of building facades with a minimum visible light transmittance of 70%.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective 7 days after publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
Cherilynn Brown, City Clerk



## MEMORANDUM

Planning Division

**DATE:** June 1, 2016

**TO:** Planning Board

**FROM:** Jana Ecker, Planning Director

**SUBJECT:** Public Hearing to consider amendments to Chapter 126, Zoning, Article 04, Section 4.90 WN-01 (WINDOW STANDARDS) and Article 07, section 7.05 (ARCHITECTURAL DESIGN REQUIREMENTS)

At the November 11, 2015 Planning Board meeting the Board held a public hearing to discuss proposed amendments to the current window standards in the Zoning Ordinance. The purpose of these amendments was to reduce the recurring need for applicants to seek variances from the Board of Zoning Appeals due to difficulty meeting those requirements. At that time it was acknowledged that additional changes needed to be made beyond what is currently proposed and it was determined that there needs to be further study on certain aspects of the standards before additional changes can be recommended. It was decided however, that the standard of measuring the percentage of glazing on a site should be consistently measured between 1 and 8 feet above grade. Accordingly, the Planning 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.

### **Background**

Over the past several years the Planning Board has performed site plan reviews where the Planning Board expressed support for the proposed design but the applicant has been forced to pursue variances because they were not able to meet the window standards contained in the Zoning Ordinance. Accordingly, 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.

There are currently four sections of the Zoning Ordinance that regulate the amount of glazing, or windows, that are required in various commercial areas. Those sections are as follows:

### **Downtown Overlay**

Article 03 section 3.04(E):

4. Storefronts shall be directly accessible from public sidewalks. Each storefront must have transparent areas, equal to 70% of its portion of the facade, between one and eight feet from the ground. The wood or metal armature (structural elements to support canopies or signage) of such storefronts shall be painted, bronze, or powder-coated.

6. The glazed area of a facade above the first floor shall not exceed 35% of the total area, with each façade being calculated independently.

7. Glass shall be clear or lightly tinted only. Opaque applications shall not be applied to the glass surface.

### **Triangle Overlay District**

Article 03 section 3.09:

#### **B. Windows and Doors:**

1. Storefront/Ground Floor. Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed and painted. No less than 70% of the storefront/ground floor façade between 1 and 8 feet above grade shall be clear glass panels and doorway. Glass areas on storefronts shall be clear, or lightly tinted. Mirrored glass is prohibited. Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall. Windows shall not be blocked with opaque materials or the back of shelving units or signs. The bottom of the window must be no more than 3 feet above the adjacent exterior grade.

### **All other Commercial zones**

Article 04 section 4.90:

The following window standards apply on the front façade and any façade facing a street, plaza, park or parking area:

**A. Storefront/Ground Floor Windows:** Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed. The following standards apply:

1. No less than 70% of the storefront/ground floor façade between 1 and 8 feet above grade shall be clear glass panels and doorway.
2. Glass areas on storefronts shall be clear or lightly tinted in neutral colors. Mirrored glass is prohibited.
3. Required window areas shall be either pedestrian entrances, windows that allow views into retail space, working areas or lobbies. Display windows set into the wall may be approved by the Planning Board.
4. Windows shall not be blocked with opaque materials or furniture, products, signs, blank walls or the back of shelving units.
5. The bottom of the window shall be no more than 3 feet above the adjacent exterior grade.
6. Blank walls of longer than 20 feet shall not face a public street.

- B. Upper Story Windows: Openings above the first story shall be a maximum of 50% of the total façade area. Windows shall be vertical in proportion.

In addition, there is an obscure section of the Zoning Ordinance that includes an additional provision that also regulates the amount of glazing required on commercial buildings. This section of the code only requires 50% clear glazing at street level.

Article 07 section 7.05, Architectural Design Review:

## **7.05 Requirements**

- B. A minimum of 50% of that portion of the first floor facade of a building with a commercial use(s) on the first floor and that faces a public street, private street, public open space or permanently preserved open space shall contain clear glazing.

### **Potential changes**

During recent site plan reviews where variances have been pursued, the subject properties have all been located outside of the overlay zones. Accordingly, the focus of the study sessions up to this point has been on the standards contained in Article 04 section 4.90, which affect all areas not within an overlay zone. The Board has discussed creating a waiver that is contingent on a set of criteria that would allow the Planning Board, Historic District Commission, or Design Review Board to alter the glazing requirements under certain circumstances. The Planning Board developed a list of criteria that must be met in order to qualify for the modification of the standards. The draft language of the waiver criteria is attached for your review.

Another potential change that was discussed at the previous Planning Board study session was combining the provisions of Article 04 and Article 07 into one set of standards that requires 70% glazing on the facades that face the street and then reducing the requirement to 50% on secondary facades that face parking areas and open space. At the last study session the Planning Board discussed an error that was discovered by staff in the Zoning Ordinance that has a significant effect on how the existing language is enforced. The definition of façade was inadvertently altered when the Zoning Ordinance was reformatted in 2005. The current definition of façade reads as follows:

**Facade:** The vertical exterior surface of a building that is set parallel to a **setback line**.

However, prior to the reformatting of the Zoning Ordinance the definition of facade read as follows:

**Facade** means the vertical exterior surface of a building that is set parallel to a **frontage line**.

The change from frontage line to setback line significantly alters what is considered a façade as a frontage line is defined as follows:

**Frontage line:** all lot lines that abut a public street, private street, or permanently preserved or dedicated public open space.

With this discovery the window standards would only be enforced on facades as defined in the Zoning Ordinance prior to the reformatting. As this is a clerical error, it will be corrected. This eliminates glazing required on non-street facing facades and will reduce the number of variance requests but will still provide glazing on elevations of buildings that face the street. Accordingly, the Planning Division is of the opinion that this clerical error correction would bring the regulations back in line with the original intent of the window standards. This would eliminate the need for creating definitions for primary and secondary facades as discussed at previous study sessions. As a result of this discovery, the Planning Board decided to eliminate the draft language that delineated between facades that face a street and those that do not. However, the Board did determine that building elevations that have a public entrance should contain some element of glazing. Accordingly, the Board directed staff to draft a provision that requires 30% glazing on those elevations that have a public entrance but do not face a frontage line. In addition, the Planning Division recommends adding Article 4, section 4.90(C) to prevent blank walls 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, as noted above.

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. Draft ordinance language is attached for your review, along with relevant meeting minutes.

**Suggested Action:**

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.



**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, OCTOBER 24, 2012  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held October 24, 2012. Chairman Robin Boyle convened the meeting at 6:30 p.m.

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

**Absent:** Student Representative Kate Leary

**Administration:** Matthew Baka, Planning Specialist  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**10-180-12**

**FINAL SITE PLAN REVIEW**

**995 S. ETON** (postponed from the meeting of October 10, 2012)

**Saretsky, Hart, Michaels & Gould Law Firm**

**Two-story addition to building in existing outdoor courtyard**

Ms. Ecker highlighted the proposal. The site located at 995 S. Eton is a one-story building that currently houses a law office. The petitioner intends to build a two-story addition at the southeast corner of the building (facing Cole Ave.) at the location of an existing outdoor courtyard. The addition will add 1,043 sq. ft. for a total of 5,423 sq. ft. The existing parking lot will remain, though new plantings are proposed to buffer the addition from the parking lot. The applicant proposes an aluminum and glass façade with swinging window treatments for the addition. The applicant is also proposing the installation of a new rooftop mechanical unit on the existing roof with mechanical screening to match existing screens. The existing site is zoned MX, Mixed Use. The law office is a permitted use within this district.

The increase in square footage increases the applicant's parking requirement by three spaces. The applicant intends to convert one barrier-free parking spot to an unrestricted parking spot, and seeks to utilize two on-street parking spaces on Eton St. toward their parking requirement in exchange for making improvements in the right-of-way. ***In order to count these spaces, the applicant will be required to obtain approval from the City Commission. If approval is not granted, the applicant will be required to obtain a variance from the Board of Zoning Appeals ("BZA") or enter into a shared parking agreement that must be approved by the Planning Board.***

The second level of the south elevation on Cole St. does not meet the glazing requirements of the MX District. The applicant has agreed to reduce the amount of glazing on the second floor of the addition to comply with the maximum 50 percent glazing requirement. *If the glazing requirement is not met, a variance will be required from the BZA.*

*All exterior design changes to the existing building will also be reviewed by the Design Review Board.*

Mr. Roman Bonaslawski from Ron & Roman Architects was present for the applicant. With regards to the parking along Eton, if the Engineering Dept. believes there is a problem with the tightness of Cole as it resolves itself on Eton, he suggested the opportunity exists to make modifications on the south side of Eton if they believe it is too tight of a condition. Secondly, if there is opportunity to find 50 percent glazing going up from the top of the existing parapet they would prefer to have the glass up there or have it continue behind the louvers. It seems reasonable to add an additional tree on Cole. He requested that lighting not be a street improvement along Eton until there is a determination of what is happening along the entire Eton Corridor, and an understanding on how that street lighting can work.

Mr. Miles Hart from the law firm said their employee base is not growing. They need more space to spread out and into offices in order to have better working conditions. They don't have an issue with parking.

Mr. Williams thought the glazing on the second floor adds interest to the building. Mr. DeWeese agreed. To him it looks better if the top and bottom windows are the same size and the second floor is defined as starting at the top of the existing building.

There were no comments from the public at 8:55 p.m.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. DeWeese to approve the Final Site Plan and Design Review for**

**995 S. Eton, Saretsky, Hart, Michaels & Gould Law Firm, with the following conditions:**

- 1. Applicant obtain approval of the City Commission for the use of two parking spaces on S. Eton or obtain a parking variance from the BZA;**
- 2. Applicant submit details for administrative approval for all landscaping, plant material, the location of the Knox box, and a recalculated glazing requirement on the south and east elevations that incorporates calculating the second floor glazing from the line of the existing building's roofline. A tree will be added on Cole.**
- 3. Applicant replace non cut-off light fixtures with cut-off fixtures to bring the site into compliance with the current ordinance;**
- 4. Applicant obtain approval from the Design Review Board for the proposed addition.**

Members of the public had no final comments at 9 p.m.

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Absent: None

**10-183-12**

**MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

- a. Communications (none)
- b. Administrative Approvals
  - 335 E. Maple Rd. – To slightly re-design the proposed storefront at grade level to include an additional entrance door for the office component of the building.
  - 953 S. Eton – Install five ton condenser on roof/"Lamsl" painted to match building. Height of unit: 33 in.; height of screening: 41 in.
- c. Draft Agenda for the Regular Planning Board Meeting on November 14, 2012
  - Park St. re-zoning application;
  - Max and Erma's space for Stoney Creek Steakhouse; and
  - 550 W. Merrill, School Administration Building, for office use.
- d. Other Business
  - 2013 Bistro Update – The City Commission has sent three bistros for the Planning Board to look at: What Crepe?, Birmingham Sushi, and Crush.
  - Mr. Baka thought it might be useful in the future to give this board the flexibility to vary from the glazing requirement. Board members also agreed that applicants should not be required to appear before two boards for their reviews.

**PLANNING BOARD MINUTES  
FEBRUARY 27, 2013**

**PUBLIC HEARING**

**1. TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:**

**TO AMEND ARTICLE 04 DEVELOPMENT STANDARDS, SECTION 4.83, WN-01 (WINDOW STANDARDS) TO ALLOW DESIGN FLEXIBILITY AS PERMITTED BY THE PLANNING BOARD, DESIGN REVIEW BOARD OR HISTORIC DISTRICT COMMISSION.**

Chairman Boyle opened the public hearing at 7:38 p.m.

Mr. Baka recalled that on October 24, 2012 the Planning Board approved a two-story addition to the office building at 995 S. Eton. However, the applicant was forced to revise the architectural design of the addition in order to meet the window standards established in the Zoning ordinance. At that time, it was discussed whether the Ordinance could be amended to give the reviewing City board the authority to allow architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

On January 9, 2013 the Planning Board conducted a study session to discuss a draft ordinance amendment aimed at allowing the reviewing board the flexibility to modify the window standards. At that time, there was discussion regarding limiting the amendment to the upper stories of a building. Accordingly, the Planning Board set a public hearing for February 27, 2013 to review the draft ordinance.

Mr. Baka said that consideration of window standards normally would only go to one or two relevant boards. Mr. Koseck thought that requiring an applicant to appear before two boards adds confusion. The board's consensus was that either board could make the call.

No one from the public wished to speak on this matter at 7:45 p.m.

**Motion by Mr. DeWeese**

**Seconded by Mr. Clein to recommend approval to the City Commission to amend Article 04, Section 4.83 Wn-01(Window Standards) to encourage flexibility in design. These standards may be waived by a majority vote of the Planning Board or Design Review Board and the Historic District Commission, when required, for architectural design considerations.**

**Motion carried, 7-0.**

**VOICE VOTE**

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

Nays: None

Absent: None

**CITY COMMISSION MINUTES  
MAY 6, 2013**

**05-148-13                      PUBLIC HEARING – ZONING ORDINANCE  
AMENDMENT WINDOW STANDARDS**

The Mayor opened the Public Hearing at 7:40 PM to consider an amendment to the Zoning Ordinance, Chapter 126, Article 04 Development Standards, Section 4.83, WN-01 (Window Standards).

Mr. Baka explained that the Planning Board requested a modification to the ordinance to allow some flexibility regarding window standards due to a recent site plan review. Mr. Currier recommended the Planning Board develop effective standards for when the second floor window requirements could be waived.

The Mayor closed the Public Hearing at 7:42 PM. The Commission took no action.

**PLANNING BOARD MINUTES  
AUGUST 14, 2013**

**STUDY SESSION  
Glazing Standards**

Ms. Ecker noted that on October 24, 2012 the Planning Board approved a two-story addition to the office building at 995 S. Eton. However, the applicant was forced to revise the architectural design of the addition in order to meet the window standards established in the Zoning Ordinance. At that time, several members of the Planning Board expressed support for the proposed design. It was discussed whether the Ordinance could be amended to authorize the reviewing City Board to give architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

On January 9, 2013 the Planning Board conducted a study session to discuss a draft ordinance amendment aimed at allowing the reviewing Board the flexibility to modify the window standards. At that time, there was discussion regarding limiting the amendment to the upper stories of a building. Accordingly, the Planning Board set a public hearing for February 27, 2013 to review the draft ordinance amendment.

On February 27, 2013 the Planning Board recommended approval to the City Commission.

On May 6, 2013 the City Commission reviewed the ordinance amendment and sent it back to the Planning Dept. The City Attorney asked for more specific requirements to be added that would allow the Planning Board to waive the glazing requirements on the upper levels.

The Planning Board reviewed the revised ordinance and changed the wording as follows:

" . . .To encourage flexibility in design these standards may be waived by a majority vote of the Planning Board and/or Historic District Commission for architectural design considerations. . . "

b. The scale, color, design and quality of materials of upper stories must be consistent with the building and site; and

c. The proposed development must not adversely affect other uses and buildings in the neighborhood.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Clein to schedule a public hearing on Glazing Standards for September 11, 2013.**

**Motion carried, 5-0.**

VOICE VOTE

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



Nays: None

Absent: Koseck, Lazar

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, SEPTEMBER 25, 2013  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held September 25, 2013. Chairman Robin Boyle convened the meeting at 7:32 p.m.

**Present:** Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck (arrived at 7:35 p.m.), Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Arshon Afrakhteh

**Absent:** None

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

**09-168-13**

**PUBLIC HEARING**

**Glazing Standards** (rescheduled from September 11, 2013)

**TO CONSIDER AN AMENDMENT TO CHAPTER 126, ZONING, ARTICLE 04,  
SECTION 4.83 WN-01 (WINDOW STANDARDS) TO ALLOW DESIGN  
FLEXIBILITY AS APPROVED BY THE PLANNING BOARD, DESIGN REVIEW  
BOARD AND/OR HISTORIC DISTRICT COMMISSION**

Chairman Boyle opened the public hearing at 7:37 p.m.

Mr. Baka advised that the Planning Board has been discussing whether the ordinance could be amended to give the reviewing City Board the authority to give architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

After several meetings on this topic, the Planning Board, at their August 14, 2013 meeting, held a study session detailing ordinance changes to the Glazing Standards and requested staff to set a public hearing date to consider amendments to Chapter 126, Article 04, section 24.83 B.

Mr. Williams received confirmation that the City Attorney is happy with the suggested ordinance amendments. Ms. Ecker verified that if a proposal goes before two different City boards, the Planning Board and the Historic District Commission ("HDC"), the HDC determination would take priority.

Chairman Boyle observed this is an example of the City listening to applicants and developers.

At 7:43 p.m. there were no comments from members of the audience.

**Motion by Mr. Williams**

**Seconded by Mr. DeWeese to recommend approval by the City Commission to amend Article 04, Section 4.83 WN-01 (Window Standards) to allow design flexibility as permitted by the Planning Board, Design Review Board, and/or Historic District Commission.**

There were no final comments from the audience at 7:44 p.m.

**Motion carried, 7-0.**

ROLLCALL VOTE

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

Nays: None

Absent: None

The chairman formally closed the public hearing at 7:45 p.m.

**BIRMINGHAM CITY COMMISSION MINUTES**  
**JANUARY 27, 2014**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

---

**01-15-14 PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDMENT TO  
CHAPTER 126, ARTICLE 04, SECTION 4.83 WN-01**

Mayor Pro Tem Sherman opened the Public Hearing to consider an ordinance amendment to

Chapter 126, Article 04, Section 4.83 WN-01 at 8:44 PM.

Planner Ecker explained that the proposed ordinance amendment was the subject of a public hearing on September 25, 2013, after a request from the City Commission to add more specific criteria in order to waive the current 50% glazing requirement on upper level windows.

Planner Ecker explained that the Planning Board does not want to change the glazing standards for the first floor windows, which is 70% in the downtown area as well as in the triangle district; the change would apply to the upper levels only. There are no window glazing guidelines in the Rail District.

In response to Commission discussion regarding the amount of flexibility in the proposed ordinance, Planner Ecker noted that the Planning Board wanted to be able to respond to design changes in the marketplace and to prevent the glazing requirements from getting in the way of a good development.

Commissioner Nickita suggested the ordinance be more flexible in the rail district, less so in the triangle district, and more restrictive in the downtown district. Commissioner Dilgard suggested changing "to encourage flexibility", to "to allow flexibility".

Mayor Pro Tem Sherman closed the Public Hearing at 8:57 PM.

The commissioners took no action on the proposed ordinance amendment, and directed staff to review the discussion with the Planning Board.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, APRIL 22, 2015  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 22, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Stuart Jeffares; Student Representative Andrea Laverty (left at 9:30 p.m.)

**Absent:** Board Member Robin Boyle, Alternate Board Member Daniel Share; Student Representative Scott Casperson

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

**04-80-15**

**STUDY SESSION  
Glazing Standards**

Mr. Baka explained that as a result of applicants having to revise their architectural designs in order to meet the window standards established in the Zoning Ordinance, members of the Planning Board have discussed whether the ordinance could be amended to give the reviewing City Board the authority to allow architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

After many prior meetings and review by the City Commission, the Planning Board at their March 11, 2015 meeting conducted a study session to continue discussion on improving the window standards. There was consensus that the 70% glazing requirement should be limited to between 1 and 8 ft. above grade in all zones and districts. It was also agreed that the current requirements of section 4.83 WN are problematic as they have required excessive glazing on several recent projects which has resulted in multiple variance requests to the Board of Zoning Appeals.

Although no specific modification standards were recommended over others, the Planning Board clearly indicated that the intent of the ordinance was to engage pedestrians in commercial zones. The board directed the Planning Dept. to review the various ways of accomplishing that intent. Accordingly, revised draft ordinance language is presented for the consideration of the Planning Board.

In order to provide consistency throughout the ordinance, the Planning Staff recommends amending the first floor standards in the Triangle District and Section 4.83 to require 70% glazing between 1 and 8 ft. above grade.

Mr. Baka advised that the window standards apply on the front façade and any façade that includes the primary entrance where the façade faces a street, plaza, park or parking area. Blank walls are not permitted on elevations with public entrances.

It was concluded that a definition of "blank wall" is needed. Ms. Whipple-Boyce thought that some flexibility should be written into the ordinance. Say that blank walls are not permitted on elevations, period. Mr. Koseck thought this matter needs another layer of study so they don't end up with a bunch of windowless buildings or uninterrupted walls that don't make for good architecture. Mr. Baka clarified that what is being discussed does not apply in the Downtown or the Triangle. It only applies in areas that are more likely to have a stand-alone building. Ms. Lazar thought the board needs definite parameters to work with.



**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, OCTOBER 14, 2015  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held on October 14, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce; Alternate Board Member Stuart Jeffares

**Absent:** Board Member Bryan Williams; Alternate Board Member Daniel Share; Student Representatives Scott Casperson, Andrea Laverty

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

**10-201-15**

**STUDY SESSION**

**1. Window Glazing Standards**

Mr. Baka recalled that on October 24, 2012 several members of the Planning Board discussed whether the ordinance could be amended to permit the reviewing City board the authority to give architects more creativity and flexibility when composing their designs by allowing variation from the window requirements. Since that time several study sessions and public hearings have been held to examine this topic.

At their meeting on January 27, 2014 the City Commission suggested that the ordinance amendment recommended by the Planning Board be modified to allow the proposed flexibility in the MX District but to have more restrictive requirements in the Downtown and Triangle District.

The first-floor glazing standards are inconsistent throughout the zones. The result of this difference is that outside of the Downtown Overlay a significantly larger amount of glazing is needed to satisfy the requirement. Therefore, the Planning Division recommends as a starting point amending the first-floor window standards in all districts in section 4.83, the General Standards, to require 70% glazing between 1 and 8 ft. above grade on any facade facing a street, plaza, park, or parking area. Blank walls of longer than 20 ft. shall not face a public street. It is believed that the addition of these provisions to these two areas of the City will significantly decrease the frequency of variance applications while still achieving the intent of the standards. Also, the Planning Division recommends amendments to Article 3, section 3.09(b)(1) to make the glazing standards consistent in the Triangle Overlay District.

The board discussed that unique circumstances might allow flexibility in design to modify the standards. They decided to come back to that later after a little more thought.

Board members concluded that consideration of the Downtown Overlay would be a separate issue.

The consensus was to amend Article 04, section 4.83 WN-01 A and B and strike C. Further, amend Article 03, Section 3.09 b (1) Commercial/Mixed Use Architectural Requirements in the MX District as presented.

**Motion by Mr. Boyle**

**Seconded by Mr. DeWeese to send this matter to a public hearing on November 11, 2015.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Absent: Williams

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, NOVEMBER 11, 2015  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held on November 11, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

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

**Absent:** Board Member Gillian Lazar; Student Representatives Scott Casperson, Andrea Laverty

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

**11-220-15**

**PUBLIC HEARINGS**

- 1. TO AMEND ARTICLE 03 SECTION 3.09 (B) (1) TO REQUIRE GLAZING IN THE TRIANGLE DISTRICT BETWEEN 1 FT. AND 8 FT. ABOVE GRADE ON THE GROUND FLOOR;**  
**AND**  
**TO AMEND ARTICLE 04, SECTION 4.83 WN-01 (WINDOW STANDARDS) TO SPECIFY THAT THE REQUIRED 70% GLAZING IS BETWEEN 1 AND 9 FT. ABOVE GRADE ON THE GROUND FLOOR IN ALL ZONE DISTRICTS**

Chairman Clein opened the public hearing at 7:34 p.m.

Mr. Baka recalled that at the October 14, 2015 Planning Board meeting the board discussed the issues related to the current window standards and the recurring need for applicants to seek variances from the Board of Zoning Appeals ("BZA"). Although it was acknowledged that additional changes need to be made beyond what is currently proposed, it was determined that there should be further study on certain aspects of the standards before additional changes can be recommended. It was decided however, that the standard of measuring the percentage of glazing on a site should be consistently measured between 1 and 8 ft. above grade. Accordingly, the Planning Board set a public hearing for November 11, 2015 to consider amendments to the window standards contained in the Zoning Ordinance.

The first floor glazing standards are inconsistent throughout the zones. In the Downtown

Overlay the 70% requirement is only applied between 1 and 8 ft. above grade. In the Triangle District and window standards of section 4.83, the 70% requirement is applied to the entire first floor. The result of this difference is that outside of the Downtown Overlay it requires a significantly larger amount of glazing to satisfy the requirement. A lot of developments are having a hard time meeting this standard. In order to provide consistency throughout the ordinance and still achieve the pedestrian and public interaction intended by the standards, the Planning Division recommends amending the first floor standards in the Triangle District and Section 4.83 to require 70% glazing between 1 and 8 ft. above grade. Staff believes that the addition of this provision to these two sections will significantly decrease the frequency of variance applications, while still achieving the intent of the standards.

The other proposed standard to be added to section 4.83 is that blank walls of longer than 20 ft. shall not face a public street.

There were no comments from the public at 7:36 p.m.

**Motion by Mr. Boyle**

**Seconded by Mr. Williams to accept the amendments to the Zoning Ordinance as follows:**

*Article 04, section 4.83 WN-01*

**A. Storefront/Ground Floor Windows: Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed. The following standards apply:**

- 1. No less than 70% of the storefront/ground floor facade between 1 and 8 ft. above grade shall be clear glass panels and doorway.**
- 6. Blank walls of longer than 20 ft. shall not face a public street.**

*Article 03, section 3.09 (b) (1)*

**B. Windows and Doors**

**1, Storefront/Ground Floor, Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed and painted. No less than 70% of the storefront/ground floor facade between 1 and 8 ft. above grade shall be clear glass panels and doorway.**

No one from the audience wished to comment at 7:37 p.m.

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Absent: Lazar

The chairman closed the public hearing at 7:38 p.m.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MARCH 9, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 9, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Lisa Prasad; Student Representative Colin Cusimano

**Absent:** Board Members Bert Koseck, Gillian Lazar; Alternate Board Member Daniel Share

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

**03-39-16**

**3. Glazing**

Mr. Baka advised that over the past several years the Planning Board has performed site plan reviews where the board expressed support for the proposed design but the applicant has been forced to pursue variances because they were not able to meet the window standards contained in the Zoning Ordinance. Accordingly, 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 objective of the window standards remains in place. The intent has been stated as the activation of the streets and public spaces of Birmingham by creating an interactive relationship between pedestrians and the users of the buildings in commercial areas.

During the study sessions held previously, the Board has discussed creating a waiver that is contingent on a set of criteria that would allow the Planning Board to waive the glazing requirements under certain circumstances. The City Commission has been hesitant to embrace this approach due to the subjective nature of such criteria. Accordingly, in previous study sessions the Planning Board developed a list of requirements that must be met in order to qualify for the exemption.

Another potential change that staff would like the Planning Board to discuss is combining the provisions of Article 04 and Article 07 into one set of standards that requires 70% glazing on the facades that face the street and then reducing the requirement to 50% on secondary facades that face parking areas and open space.

Mr. Baka recalled the Planning Board has been talking about glazing for quite a long time. The origination of the glazing requirements came from the Downtown Overlay Zone and/or the 2016 Plan where 70% glazing is required between 1 ft. and 8 ft. above grade. In the downtown that is just along the storefronts. When the Triangle Plan was created in 2006, glazing standards were also added. Then there were additions made to Article 4, the Development Standards which would apply to all commercial properties outside of the two Overlays. Last fall, an amendment was completed to make the three criteria consistent in that they were all being measured between 1 ft. and 8 ft. The Triangle and the General Commercial areas did not have that, so staff was forced to measure glazing for the whole facade which made it difficult for people to comply.

Right now section 4.90 dealing with all other commercial zones states that window standards requiring 70% glazing apply on the front facade and any facade facing a street, plaza, park, or parking area. The board has been talking about altering the language so that the requirements are not quite as difficult to meet. Staff has come up with a way to give this body the authority to waive those requirements if they see fit and has developed a list of requirements that must be met in order to qualify for the exemption:

To allow flexibility in design, these standards may be modified by a majority vote of the Planning Board, Design Review Board, and/or Historic District Commission for architectural design considerations provided that the following conditions are met:

- a. The subject property must be in a zoning district that allows mixed uses.
- b. The scale, color, design and quality of materials of upper stories must be consistent with the building and site on which it is located.
- c. The proposed development must not adversely affect other uses and buildings in the neighborhood.

Ms. Whipple-Boyce along with other members suggested adding the following:

- d. No less than 50% glazing between 1 ft. and 8 ft. above grade on the secondary facades that don't face a public or private street. Note that the primary facade faces the street and contains the address.

Mr. Baka advised that current standards for upper story windows say that openings above the first story shall be a maximum of 50% of the total facade area. Windows shall be vertical in proportion. It was discussed that current office design calls for expansive use of glazing on the upper floors. Board members considered allowing no more than 70% glazing on the upper floors. Chairman Clein suggested coming back next time with the language that was discussed for the first floor along with language that says that the second story can have no more than 70% glazing.



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

---

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

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

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

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

**04-61-16**

**STUDY SESSION  
Glazing**

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

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

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

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

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MAY 11, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held on May 11, 2016. Vice-Chairperson Gillian Lazar convened the meeting at 7:30 p.m.

**Present:** Board Members Stuart Jeffares, Bert Koseck, Gillian Lazar, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Student Representative Colin Cusimano

**Absent:** Chairman Scott Clein; Board Member Robin Boyle.

**Administration:** Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**05-84-16**

**STUDY SESSION ITEMS**

**1. Glazing**

Ms. Ecker recalled the only changes from the last meeting were:

(1) That the board determined they would like minimum glazing required on any façade that has a public entrance, even if it is not in the front. That alteration was made to Article 4.90 WN-01 (B) Ground floor building elevations that now states "Building elevations on the ground floor that do not face a frontage line but contain a public entrance shall be no less than 30% glazing between 1 and 8 feet above grade." However, if the façade is on a frontage line and faces the street, 70% glazing is required.

(2) Also (C) Blank walls of longer than 20 ft. on the ground floor shall not face a plaza, park, parking area or public street.

For Chairperson Lazar, Ms. Ecker explained that Article 4.90 WN-01 (B) (5) means the bottom part of the window has to be in the pedestrian zone, which is no more than 3 ft. above the adjacent exterior grade.

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to set a public hearing for June 8, 2016 to consider 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.**

At 7:40 p.m. there was no public to comment on the motion.

**Motion carried, 7-0.**

ROLLCALL VOTE

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

Nays: None

Absent: Boyle, Clein

**Planning Board Minutes**  
**June 8, 2016**

**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, Klein, Jeffares, Koseck, Lazar

Nays: None

Absent: Boyle, Williams

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



**BIRMINGHAM CITY COMMISSION MINUTES**  
**JULY 25, 2016**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Rackeline J. Hoff, Mayor, called the meeting to order at 7:30 PM.

**II. ROLL CALL**

ROLL CALL:	Present,	Mayor Hoff Commissioner Bordman Commissioner Boutros Commissioner DeWeese Commissioner Harris Mayor Pro Tem Nickita Commissioner Sherman
	Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, Assistant to the Manager Haines, DPS Director Wood, BPS Director Heiney, City Planners Ecker & Baka, Fire Chief Connaughton, Deputy Fire Marshal Campbell, Finance Director Gerber, Deputy Treasurer Klobucar, Police Chief Clemence

**07-241-16 PUBLIC HEARING TO CONSIDER ORDINANCE AMENDMENT  
REGARDING GLAZING STANDARDS**

Mayor Hoff opened the Public Hearing to consider amendments to Zoning Ordinance – Glazing Standards at 9:54 PM.

Planner Baka explained that there are three sets of standards that govern how window standards are applied in the City – for the downtown overlay, the triangle district, and for all other commercial properties in the City which includes the rail district. He explained that as the Planning Board was reviewing projects, they started seeing projects that were forced to obtain variances to accomplish the design or had to alter the design of the façade in order to gain approval without a variance.

Mr. Baka explained the recommendation to add a provision that would require glazing on not just the frontage lines, but also on any side of the building where there is a public entrance. In certain situations, specifically along Woodward where there are only two sides to the building and there are rear entrances, a lot of stores need storage rooms and back of house type of situations. The recommendation includes a minimum requirement of 30% on secondary entrances, which is half of what is required on the front. The other recommendation is that no blank walls longer than twenty feet that face a plaza, park, parking area or street.

Mayor Pro Tem Nickita stated that the ability to provide glass on a passageway is one of the fundamental goals that is trying to be achieved and should be included as well. He commented that it is identified in the 2016 Plan and is promoted throughout the retail is that glass must be clear. The City needs language that is enforceable and "lightly tinted" is not legally binding.

The Commission agreed to direct this back to the Planning Board to consider the changes as discussed.

The Mayor closed the Public Hearing at 10:16 PM.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, AUGUST 10, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held on August 10, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Colin Cousimano (left at 9 p.m.)

**Absent:** Board Members Robin Boyle, Stuart Jeffares; Alternate Board Members Lisa Prasad, Daniel Share

**Administration:** Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**08-140-16**

**STUDY SESSION ITEMS**

**1. Glazing Standards Update**

Ms Ecker reported that at the July 25, 2016 City Commission meeting, a public hearing was held to consider proposed amendments to the current window standards in the Zoning Ordinance. The purpose of these amendments was to implement several minor changes to the standards contained in Article 04 of the Zoning Ordinance, as well as the elimination of additional standards in Article 07 that are in conflict with other areas of the Zoning Ordinance. The proposed changes would have added a requirement to have at least 30% glazing on rear elevations with a public entrance; increased the amount of glazing permitted on upper floors, prohibited blank walls longer than 20 ft. on all elevations facing a park, plaza or parking lot; and would also have provided the reviewing board with the flexibility to allow adjustments to the amount of glazing under specific conditions. The City Commission decided to send the draft ordinance back to the Planning Board for further consideration.

During the public hearing, the City Commission identified two additional issues that they would like the Planning Board to consider. These issues were the clarification or elimination of the provision that allows window glazing to be "lightly tinted." Currently there is no definition for the term "lightly tinted," so there is no objective standard that applicants must meet in order to comply with this standard. Secondly, The City Commission would like the Planning Board to consider whether there should be a glazing requirement in alleys and passages that are subject to the Via Activation Overlay Zone.

Therefore, there are two things the City Commission wants this board to look at, which is whether only clear glazing should be allowed; or if lightly tinted is allowed, define lightly tinted. The second issue is whether a minimum glazing standard should be added for facades that front on vias.

Ms. Whipple-Boyce thought 70% glazing is excessive for the side facing a via.

Discussion turned to tinted glass. Ms. Lazar thought there might be some accommodation for a building that will receive an excessive amount of sunlight. Mr. Koseck cautioned that the board should make sure what they are asking for is technically achievable. Once the glass is tinted it loses that interaction with the outside.

He continued that buildings need a back of the house. Mr. Williams maintained that the back of the building should have protection at the lower levels which is where the dumpster is located.

Ms. Whipple-Boyce favored having no tint on the windows. She doesn't think tint will determine whether or not people will cover their windows from the inside. As far as the via, maybe there is something that talks about locating a percentage of windows in the active part of the building. However, people should be encouraged to come to the street.

Chairman Clein said he is hearing support for no tinting except for energy code compliance, but making sure that it is enforceable.

Ms. Ecker noted the existing ordinance encourages more glazing and pedestrian scale details in the Via Activation Overlay without specific strict mandates. Mr. Williams thought what is currently in the ordinance is fine - it gives the board flexibility.

Chairman Clein suggested that the board come back to discuss this and consider language that still provides flexibility but addresses the significance of via glazing standards. Make sure that conversation is finalized because a commissioner did specifically call it out.

Ms. Ecker said she will find something that shows some of the limits of tint so the board is clear whether they are happy with no tint. She will investigate whether low-E coating counts as a tint, and what the Energy Code mandates. Further, she might be able to find samples.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, JANUARY 11, 2017  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held on January 11, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

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

**Absent:** Alternate Board Members Lisa Prasad, Daniel Share

**Administration:** Matthew Baka, Sr. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary  
Bruce Johnson, Building Official  
Mike Morad, Building Inspector  
Scott Worthington, Asst. Building Official  
Jeff Zielke, Building Inspector

**01-06-17**

**STUDY SESSION ITEMS**

**1. Window tinting requirements**

Mr. Baka reported that at the July 25, 2016 City Commission meeting, a public hearing was held to consider proposed amendments to the current window standards in the Zoning Ordinance. The proposed changes would have added a requirement to have at least 30% glazing on rear elevations with a public entrance; increased the amount of glazing permitted on upper floors; prohibited blank walls longer than 20 ft. on all elevations facing a park, plaza or parking lot; and would also have provided the reviewing board with the flexibility to allow adjustments to the amount of glazing under specific conditions. These standards would have applied to every Commercial Zone in the City. The City Commission decided to send the subject back to the Planning Board for further consideration.

During the public hearing, the City Commission identified two additional issues that they would like the Planning Board to consider. These issues are whether only clear glazing should be allowed; or if lightly tinted is allowed, to provide a definition for lightly tinted. The second issue is whether a minimum glazing standard should be added for facades that face vias.

With respect to vias and passages, there is language in the ordinance that requires windows but not a certain amount. Sites directly adjoining a via must provide windows and doors overlooking the via to provide solar access, visual interaction and surveillance of the via. Additionally, the ordinance states walls facing vias shall include windows and architectural features customarily found on the front facade of a building. So, the issue is addressed, but not with concrete numbers.

Staff has conducted research with respect to window tinting, and determined there are three basic categories or ratings that are measured when evaluating the efficiency of a window, which are as follows:

- U-factor - measures the rate of heat transfer (or loss). Predominately determined by the number of glass panes and the type of gas barrier sealed between those panes.
- Solar Heat Gain Coefficient (SHGC) - measures how much heat from the sun is blocked. The lower the SHGC the more a product is blocking solar heat gain. SHGC can be controlled through tinting, reflective coatings or low-e coatings.
- Visible Transmittance (VT) - measures how much light comes through a window. The higher the VT, the higher the potential for daylighting. VT is generally controlled with tinting and reflective coatings.

Modern technology has gotten to a point where low-e coatings that don't have a tint are effective in blocking solar heat gain. From that point of view, the board should not be concerned about whether or not they are affecting the Energy Code.

Mr. Koseck spoke in favor of clear glass, and as in the AAA Building blinds can be added, such as for a western exposure. Ms. Whipple-Boyce was also in favor of maintaining clear glass on all floors along with specifying a VT percentage in the ordinance. People will want window treatments whether or not the glass is tinted.

No one from the public wished to join the discussion at 8:10 p.m.

Mr. Baka agreed to bring in samples of low-e coatings for next time as well as pictures of recent projects that have tinting for comparison purposes.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, FEBRUARY 8, 2017  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held on February 8, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Lisa Prasad

**Absent:** Board Member Gillian Lazar; Alternate Board Member Daniel Share

**Administration:** Matt Baka, Sr. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary  
Bruce Johnson, Building Official  
Mike Morad, Building Inspector  
Scott Worthington, Asst. Building Official  
Jeff Zielke, Building Inspector

**02-26-17**

**STUDY SESSION ITEMS**

**1. Window Tinting Requirements**

Mr. Baka noted that at their July 25, 2016 meeting, the City Commission identified two issues that they would like the Planning Board to consider. These issues were the clarification or elimination of the revision that allows window glazing to be "lightly tinted." Secondly the City Commission also asked the Planning Board to consider whether there should be a glazing requirement in alleys and passages that are subject to the Via Activation Overlay Zone.

Currently, the Via Activation Overlay standard does indicate a requirement for windows but does not set a specific percentage that is required. This would allow the Planning Board to evaluate projects on a case-by-case basis but does not provide a baseline or minimum amount of glazing that would be required in these spaces. The draft ordinance for building elevations with secondary entrances not on a frontage line would require 30% glazing on those elevations. The Planning Board may wish to consider a similar requirement in the vias.



Staff has conducted research with respect to window tinting and found there are three basic categories or ratings that are measured when evaluating the efficiency of glazing, which are as follows:

- U-factor - measures the rate of heat transfer (or loss). Predominately determined by the number of glass panes and the type of gas barrier sealed between those panes.
- Solar Heat Gain Coefficient ("SHGC") - measures how much heat from the sun is blocked. The lower the SHGC the more a product is blocking solar heat gain. SHGC can be controlled through tinting, reflective coatings or low-e coatings.
- Visible Transmittance ("VT") - measures how much light comes through a window. The higher the VT, the higher the potential for daylighting. VT is generally controlled with tinting and reflective coatings.

Modern technology has gotten to a point where low-e coatings that don't have a tint are effective in blocking solar heat gain. From that point of view, the board should not be concerned about whether or not they are affecting the Energy Code.

Comments received during the January 11, 2017 Planning Board meeting indicated general support for the use of clear glass only. However, the Planning Board requested Planning Staff to provide local examples of clear and tinted glass in the City and/or provide glass examples so that board members could view the levels of VT in person.

Mr. Baka passed around samples of clear and tinted glass. Also he identified recent local projects where clear glass and lightly tinted glass were used. Due to the ambiguity of the current glaze tinting regulations contained in the Zoning Ordinance, the City does not have any information on file as to the level of tinting that was applied to the examples provided in regards to VT. In general, 70% VT is considered light tinting.

Mr. Koseck announced he is in favor of clear glass on the first floor and lightly tinted on the floors above. Clear glass even has a green tint. It was discussed that the grey, black and bronze colors seem neutral. A light tint may not automatically be enough to deal with certain exposures to the sun. It may be necessary to use shades or blinds.

Ms. Whipple-Boyce was in favor of clear glass on all floors and indicated that most likely some sort of window treatment will be used. She likes the idea of evaluating the amount of glazing used in the vias on a case-by-case basis because of where back of the house uses may fall.

Mr. Baka said that with lightly tinted glazing there would be minimal filtration of the heat gain.

Ms. Ecker summarized the discussion. The board generally likes the idea of clear glass on the ground floor and some measure of grey or bronze tint allowed above. They prefer to keep the via glazing standards as they are and allow more glazing above.

Mr. Baka agreed to bring back some draft amendments at a future study session.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MARCH 29, 2017  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

---

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 29, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle (arrived at 8 p.m.), Stuart Jeffares, Janelle Whipple-Boyce, Alternate Board Member Daniel Share, Bryan Williams; Student Representative Ariana Afrakhteh (left at 9:05 p.m.)

**Absent:** Board Members Bert Koseck, Vice Chairperson Gillian Lazar; Alternate Board Member Lisa Prasad

**Administration:** Matthew Baka, Sr. Planner

Jana Ecker, Planning Director  
Mario Mendoza, Recording Secretary

**03-68-17**

**STUDY SESSION ITEMS**

**1. Window Tinting**

Mr. Baka recalled that the City Commission has held a public hearing and the Planning Board has held several study sessions to discuss the issue of window standards and examine potential changes to the ordinance to address the concerns of the City Commission. As a result of those discussions, a general consensus was reached that prohibiting the tinting of windows would promote the intent of the creating a pedestrian friendly interactive condition in the commercial areas of the City.

Accordingly, the Planning Board directed the Planning Staff to draft Zoning Ordinance amendments that would require clear glazing on the first floor and allow light tinting on the upper floors. The draft language also includes the original ordinance amendments that were recommended to the City Commission in July of 2016.

With regards to the treatment of glazing in passageways and vias, the Planning Board decided not to recommend a required amount of glazing in these spaces as it might impede important "back of house" functions and have a negative impact on businesses. Currently, the Via Activation Overlay Standard does indicate a requirement for windows but does not set a specific percentage that is required.

As currently written, this provision allows the Planning Board to evaluate projects on a case-by-case basis but does not provide a baseline or minimum amount of glazing that is required in these spaces.

Discussion concluded that clear glass must have a visual transmission level of at least 80%. Further, not less than 70% visual transmission qualifies as lightly tinted. (The lower the percentage, the darker the tint.) Ms. Whipple-Boyce indicated she does not think there should be any tinting on the upper floors either. Mr. Baka said he will add a definition of clear and lightly tinted to the draft language and bring it to another study session.



## MEMORANDUM

Planning Division

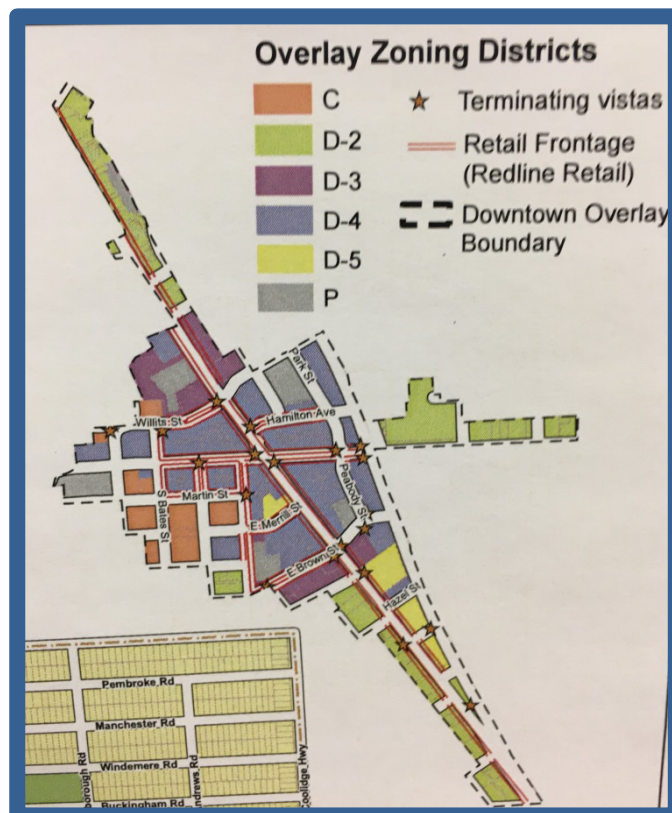
**DATE:** May 4, 2017

**TO:** Planning Board

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

**SUBJECT:** Definition of Retail

Over the past decade, there has been an ongoing desire by some 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. The issue is specifically relevant in the Downtown Overlay, where retail use is required in the first 20' of depth for all buildings in the Redline Retail District as illustrated below.



Article 3, Section 3.04 (C)(6) states:

Buildings that have frontage along the required retail frontages, as specified on the Regulating Plan, shall consist of retail with a minimum depth of 20 feet from the

frontage line within the first story. Lobbies for hotels, offices, and multiple-family dwellings may be considered as part of the required retail frontage, provided that any such lobby occupies no more than 50% of the frontage of said building.

Accordingly, all buildings built under the Downtown Overlay in the areas marked in red on the map inset above, must contain retail uses in the first 20' of depth of the first floor. Article 9, section 9.02 of the Zoning Ordinance provides the following retail related definitions:

**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 the purchase, sale or exchange of personal services (given the inclusion of personal services in the definition of commercial uses, which are included as retail uses). No definition for personal services is provided. Personal financial services, beauty services, banking services, real estate services, advertising services and other similar uses have been permitted within the Redline Retail District under the umbrella of personal services, provided that there is a display area for the sale or exchange of such goods and services in the first 20' of the storefront, and the storefront is open to the public during regular business hours. Concern has been raised that this small display area 20' in depth is not sufficient to create an activated, pedestrian-friendly retail district.

The current definitions for retail and commercial have thus permitted some uses that are not universally considered "true retail" as there are no physical goods for sale. In the past, both the Planning Board and the Birmingham Shopping District Board have expressed concern with the existing retail definition, and have considered alternative definitions to tighten the definition of retail to include only shops which sell products, not financial, real estate or other such personal services. On the other hand, many property owners in the past have expressed

concerns about tightening up the definitions as they desire the flexibility to lease space to a wider range of users to avoid vacancies.

At the joint meeting with the City Commission on June 20, 2016, both the City Commission and the Planning Board members agreed that the existing definition of retail, and the related definitions in the Zoning Ordinance should be discussed in further detail. This issue was added to the Planning Board's 2016 – 2017 Action List for future discussion.

For background information and history, please find attached the staff report and accompanying research that was conducted in 2008 when this issue was last studied.

At this time, the Planning Board may wish to consider strengthening the retail definition by requiring the sale or exchange of goods and eliminating the categories of community and commercial use. This would ensure that all establishments offering only personal services would not be permitted in the first floor redline retail areas. This would also remove community uses from the Redline Retail District as these may not provide the type of active retail uses envisioned. Community uses include schools, religious institutions, government offices or cultural performance establishments. Schools, religious institutions and government offices often have limited hours, cater to limited groups of people, and do not offer the purchase, sale, barter, display or exchange of goods, wares or merchandise preferred in a dedicated retail district. Cultural performances however could also fall under the category of entertainment, which could remain under the definition of retail even if community uses were removed.

However, the Planning Board may wish to consider whether beauty salons and similar establishments that offer personal beauty services should be permitted in the Redline Retail District. With the option noted above, such establishments would not be permitted in the Redline Retail District unless they sell or display an extensive offering of beauty products as well in the first 20' of their storefront space. The Planning Board may wish to consider adding a qualifier that requires more than 50% of gross sales come from the sale of goods, wares or merchandise to eliminate the issue of tenants setting up a small retail display in their storefront, while using the remainder of the space for other office or other commercial uses.

If the changes proposed are made to the definition of retail use, none of the other related definitions need be amended.

The Planning Board may also wish to study the minimum retail depth requirements in the Redline Retail District, which are currently 20'. Concerns have been raised that this is not a large enough area to be a viable retail establishment, and that it lends itself to proprietors stretching the definition of retail by placing token objects in this space that are for sale, even if they are not the main business of the establishment. Research on the minimum retail depths in other cities has demonstrated that 20' in depth is the minimum, with many sources indicating that 35'-80' in depth would ensure quality retail use. Several articles and examples from other cities are attached for further information. All sections regarding retail depth have been highlighted in purple.



The Planning Board may also wish to consider whether to establish a maximum dimension for permitted lobbies for hotels, offices and residential units within the Redline Retail District. While the ordinance currently allows 50% of the first floor retail space to be used for lobbies, in large buildings, this allows lobbies to occupy a large expanse of the storefront space. Many other communities have provisions to offer some first floor retail space for lobbies for upper story uses.

Finally, most of the research on creating great urban retail districts emphasized the importance of strictly controlling the types of retail permitted in the core urban shopping district, but also stated that such an area should be no more than 2 -4 blocks in size. Reducing the size of the premier retail area creates a much stronger retail destination with the synergy to support itself. Outside of the main retail, other quasi-retail uses may be permitted. Thus, the Planning Board may wish to consider reducing the size of the existing Redline Retail District, and strictly defining those retail uses permitted on the first floor in a smaller area, and then creating a secondary district within the downtown that would allow some of the quasi-retail and personal service uses.

On March 29, 2017, the Planning Board began a detailed discussion on the retail requirements downtown, and potential options to strengthen the definition of retail throughout the Redline Retail District or in a more defined area. The Board reviewed the research provided, and ultimately requested that the Planning Division provide more research from other communities, specifically Walnut Creek, CA and Hinsdale, IL (DRAFT minutes attached). Accordingly, please find attached additional research materials on retail requirements in downtown Walnut Creek, CA and Hinsdale, IL, as well as additional research on retail requirements in Palo Alto, CA, Oakland, CA, Highland Park, IL and Evanston, IL for your review.

On May 8, 2017, the City Commission will be discussing taking measures to provide temporary relief for the conversion of first floor retail space in the Redline Retail District. The City Commission will consider directing the Planning Board to conduct a public hearing in June to consider the following amendment to Article 3, Section 3.04(C)(6), Downtown Birmingham Overlay District:

6. Buildings that have frontage along the required retail frontages, as specified on the Regulating Plan, shall consist of retail with a minimum depth of 20 feet from the frontage line within the first story. **For purposes of this Section 3.04(C)(6), personal services as included in the definition of Commercial Use and community uses are not considered retail.** Lobbies for hotels, offices, and multiplefamily dwellings may be considered as part of the required retail frontage, provided that any such lobby occupies no more than 50% of the frontage of said building.

The purpose of the proposed amendment is to remove personal services and community uses as permitted uses in the Redline Retail District only. This is consistent with the discussion the Planning Board had on March 29, 2017 where consensus was reached that these uses should not be permitted in the Redline Retail District. However, the ordinance amendment discussed at the March 29, 2017 Planning Board meeting was a proposal to amend the definition of Retail Use. The newly proposed amendment to 3.04(C)(6) accomplishes the same goal as amending the definition of Retail Use, and if adopted, will allow the City to stop the conversion of first floor retail space into space for personal service and community uses immediately, allowing time for the Planning Board to continue to discuss the definition of retail, and the requirements and boundaries of the Redline Retail District thoroughly and to come up with a comprehensive set of amendments to implement the City's vision. Please see attached memo to the City Commission with draft ordinance language.

While reviewing the new research provided for the additional communities mentioned above, please note that Palo Alto, CA also adopted an "urgency ordinance" to stop the conversion of retail space while they further studied the issue. Approximately 7 months later, they adopted a permanent amendment to address retail uses in their downtown.

**Suggested Action:**

To set a public hearing date of **June 14, 2017** to consider amendments to Article 3, Section 3.04(C)(6) to eliminate personal services and community uses as permitted uses in the Redline Retail District in the Downtown Birmingham Overlay District.

# MEMORANDUM

---

**Date:** June 11, 2008

**To:** Thomas M. Markus, City Manager

**From:** Jana Ecker, Planning Director

**Approved:** Thomas M. Markus, City Manager

**Subject:** Downtown Retail

---

There has been a 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. Based on discussions with other cities similar to Birmingham, this is an issue that everybody struggles with.

One of the key issues exists around the definition of "Retail" in the Zoning Ordinance. Some people would like the "Retail" definition to be more specific in what is permitted, while others believe the current definition is sufficient and already allows the "right" mix to occur organically downtown. The current definitions are listed below for your review.

In late 2006, the Planning Division conducted an inventory of first floor land uses in the Overlay District in order to begin the discussion regarding the current mix of retail and other uses downtown. Since this time the Planning Board has reviewed the information and discussed it at the January 10, 2007 meeting. Several members of the PSD and the general public attended this meeting and made several comments, which are included within the minutes. During this meeting the Planning Division shared information from other communities around the area. Minutes from this meeting have been attached for your review.

The Planning Board requested that staff conduct additional research on what other cities are doing in terms of incentives, retail retention staff members, and other creative ways to retain or attract retail business. This information from other cities is attached for review.

On March 1, 2007 a joint meeting between the Primary Shopping District (PSD) and the Planning Board was held at the Community House. Together, the boards reviewed practices of other cities and the current definitions in the City of Birmingham Zoning Ordinance that relate to retail in Downtown Birmingham. A presentation was given by the City's GIS Coordinator, which identified ways in which the city could utilize GIS to aid in economic development and retail recruitment within the city. In addition a presentation was given on the market analysis done by Strategic Edge, which was commissioned by the PSD. During this meeting it was suggested that an ad-hoc retail committee be formed in order to further investigate ways to bring additional retailers into Birmingham. This committee is charged with continuing the

discussion about GIS in retail recruitment, possible incentive programs, and successful models that other downtowns have used.

The Ad-hoc Retail Committee met on March 30, 2007 to discuss committee objectives, current PSD recruitment practices, potential new recruitment tools, and the possibility of hiring a retail leasing consultant. Currently, the City of Birmingham has about 1.5 million square feet of retail space and 300 storefronts in the PSD. The following items which were discussed at the meeting have either been initiated or completed:

- An Economic Development Plan was proposed. It was initiated as a joint project between the Planning Division, the PSD and GIS. The first phase included:
  - Hiring an intern to gather and compile data from the PSD including photos of properties and streetscape, maps, listing information if available, square footage, tenant data, business information and GPS locations
  - Inputting data into the GIS system
- Encouraged existing retailers to better utilize the PSD website ([www.enjoybirmingham.com](http://www.enjoybirmingham.com)) – every retailer within the PSD has a page available to them. About 1/3 of them had information posted. An intern made contact with remaining retailers to assist them in getting additional information online.
- A local expert was hired to examine new retailers that would fit well into downtown Birmingham. A report was submitted to the PSD for review. There is still the question regarding whether or not the city should consider hiring a national retail broker. The last time a broker was hired, some feel they didn't adequately perform. The broker was employed for approximately 6 months and recruited a couple of retailers. Some committee members thought the local brokers might not have access to some of the retailers most suited for Birmingham and are in favor of exploring the possibility of hiring someone national.
- A list of potential retailers and their contact information is now available to building owners, leasing agents, etc.
- Created a GIS layer of retailers that currently exist on the first floor in the PSD
- Created a GIS mapping tool for use by potential retailers – they are now able to see what exists around a potential location; what the demographics are; photos of storefronts; what the building looks like, square footage, who the neighbors are, etc. This information is supplied on the city website and on the [www.enjoybirmingham.com](http://www.enjoybirmingham.com) website through the GIS program and is considered an invaluable economic development tool.
- Working on the "bones" of the downtown – wayfinding, parking signage, streetscape improvements (benches, planters, lighting, pavement treatment, crosswalks, etc.), density.
- 2016 Plan – should it be mandatory?

The City launched the Retail Market Analysis Mapping tool in January 2008, which allows anyone with access to the internet to research downtown properties, with the ability to get information such as ownership, size of space, front door photos and other retail establishment locations in proximity. Phase 2 of the project, which is currently being worked on, is proposed to include the following elements:

- All 1<sup>st</sup> floor uses within the PSD – retail and non-retail
- All 2<sup>nd</sup> and garden level uses within the PSD
- 3<sup>rd</sup> floor and above within the PSD (office uses only)
- Add a layer identifying the “Best of” categories from Hour Magazine
- Add a demographics layer
- Link to demographics flyer
- Add a historic district and properties layer
- Panoramic photos of key retail areas

On May 29, 2008, the ad-hoc retail committee met to further discuss the principal shopping district and the definition of retail. It was agreed that the Retail Mapping Analysis has become an extremely valuable tool. As this is the ad-hoc retail committee, the retail definition was discussed. There was a lot of dialog over what should be done. Some members believed the retail definition is too vague and must be clarified; a suggestion was made to define what the core values of the community are; another suggestion was to establish a target mix of tenants for the downtown core between retail and office uses. It was suggested that staff should continue research on the current mix of retail and non-retail businesses and report on these findings in order to determine if changes need to be made.

For reference, the current definitions relating to retail use are provided below, along with some alternative definitions for discussion. In addition, the definition of commercial from other sources is included for review and discussion. Examples of what some other cities are currently doing or considering have also been included for your review.

### **Current Definitions:**

Article 9, section 9.02 of the Zoning Ordinance contains the following definitions:

**Retail Use:** Any of the following uses: artisan, community, commercial, entertainment, 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. The Planning Board has expressed concern with this definition, and may wish to consider alternative definitions for retail to limit the types of uses that would be classified as retail.

Further, in accordance with Article 5, Overlay, of the Zoning Ordinance, retail uses are required only in those areas identified as red line retail zones (see attached map) in the Overlay, when the owners of the property have elected to develop the property under the Overlay provisions. The Planning Board has expressed concern in the past with the optional nature of the Overlay provisions.

### **Alternative Definitions of Retail:**

**Retail** - The selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license (Lake Elsinore, Ca)

#### **Retail Sales Establishment –**

- A commercial enterprise that provides goods and / or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser (Federal Way, Wash.)

- Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by definition (Bedford County, Va.)
- Establishments engaged in selling commodities or goods in small quantities to ultimate customers or consumers (Burlingame, Ca.)
- A business having as its primary function the supply of merchandise or wares to the end consumer. Such sales constitute the "primary function" of the business when such sales equal at least 80 percent of the gross sales of the business (Maple Grove, Minn.)
- The retail sale of any article, substance or commodity within a building but not including the sale of lumber or other building materials (King City, Ca.)
- A place of business devoted in whole or in part to the sale, rental, or servicing of goods or commodities which are normally delivered or provided on the premises to a consumer (Glen Ellyn, Ill.)
- Establishments selling commodities directly to the consumer (Lake Lure, N.C.)
- **"Retail service"** means a use engaged in providing retail sale, rental, service, processing, or repair of items primarily intended for consumer or household use, including but not limited to the following: groceries, meat, vegetables, dairy products, baked goods, candy, and other food products; liquor and bottled goods, household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, household pets and supplies, and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies, musical instruments, hardware and homeware, and garden supplies; bicycles; mopeds and automotive parts and accessories (excluding service and installation); cookie shops, ice cream stores and delicatessens.
- "Extensive retail service," as used with respect to parking requirements, means a retail sales use having more than seventy-five percent of the gross floor area used for display, sales, and related storage of bulky commodities, including household furniture and appliances, lumber and building materials, carpeting and floor covering, air conditioning and heating equipment, and similar goods, which uses have demonstrably low parking demand generation per square foot of gross floor area.
- "Intensive retail service" as used with respect to parking requirements, means any retail service use not defined as extensive retail service. (Palo Alto, California)



### **Alternative Definitions of Commercial:**

- The growing, processing, or manufacturing of products or the provision of services for consideration and profit. (Maui County, Hawaii)
- Any activity conducted with the intent of realizing a profit from the sale of goods or services to others. (Ocean City, Md.)
- A land use or other activity involving the sale of goods or services for financial gain. (San Juan Capistrano, Calif.)
- The purchase, sale, or transaction involving the disposition of any article, substance, commodity, or service; the maintenance or conduct of offices, professions, or recreational or amusement enterprises conducted for profit and also including renting of rooms, business offices, and sales display rooms and premises. (Danville, N.Y.)
- **Commercial service** (*See also business support services*) Retail establishments that primarily render services rather than goods. Such services may include but not be limited to copy shops, printing services, package and postal services, photo processing, janitorial services, and similar operations. (*Champaign, Ill.*)

### **Commercial use**

- An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee. (*Mankato, Minn.*)
- A land-use classification that permits facilities for the buying and selling of commodities and services. (*California Planning Roundtable*)
- A business use or activity at a scale greater than home industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include offices and retail shops. (*Island County, Wash.*)
- Any use involving in part or in whole the sale of merchandise, materials or services. (*Dewey Beach, Del.*)

**"Personal service"** means a use providing services of a personal convenience nature, and cleaning, repair or sales incidental thereto, including:

(A) Beauty shops, nail salons, day spas, and barbershops;

(B) Self-service laundry and cleaning services; laundry and cleaning pick-up stations where all cleaning or servicing for the particular station is done elsewhere; and laundry and cleaning stations where the cleaning or servicing for the particular station is done on site, utilizing equipment meeting any applicable Bay Area Air Quality Management District requirements, so long as no cleaning for any other station is done on the same site, provided that the amount of hazardous materials stored does not at any time exceed the threshold which would require a permit under Title 17 (Hazardous Materials Storage) of this code;

(C) Repair and fitting of clothes, shoes, and personal accessories;

- (D) Quick printing and copying services where printing or copying for the particular service is done on site, so long as no quick printing or copying for any off-site printing or copying service is done on the same site;
- (E) Internet and other consumer electronics services;
- (F) Film, data and video processing shops, including shops where processing for the particular shop is done on site, so long as no processing for any other shop is done on the same site; and
- (G) Art, dance or music studios intended for an individual or small group of persons in a class (see "commercial recreation" for other activities). (Palo Alto, California)

### **Examples from other Cities:**

#### **Rochester, Michigan DDA**

- 5-6 years ago had a number of vacancies that were filled with service uses; became a parking/use problem.
- They worked very closely with the landlords/building owners to help them realize that these weren't the best uses for their properties and the downtown. Slowly the uses are changing.
- They are beginning discussions with City Planners, on implementing a form based code for their downtown, making it mandatory to have a traditional retail or restaurant use on the first floor.

#### **Farmington, Michigan DDA**

- Recently completed a new Master Plan
- Tax increment financing (very little)
- Main Street Oakland County technical service grant
- Depend on owners to create the "mix" in downtown, although the DDA has started to strongly encourage more first-floor retail
- There are certain uses not allowed in the CBD – kennels, service stations
- Beginning to discuss incentives – maybe in the form of assistance with façade and sign design

#### **Ann Arbor, Michigan DDA**

- Directly arrange and finance public events that enhance the attractiveness of downtown (e.g. organizing walking tours, historic street exhibits, concerts, block parties);
- Provide grants and other incentives to area associations and other civic groups whose activities and events draw people downtown;
- Ensure that sidewalks, street furniture, and other elements are regularly cleaned and maintained;
- Support historic property owners who seek to improve and restore the appearance of their building with historic façade improvement grants;
- Partner with developers to arrange and finance ancillary improvements necessitated by development, such as parking and streetscape improvements;
- Work with developers to address the public benefits portion of developers' projects, such as affordable housing or storm water management;
- Encourage all modes of transportation; Promote pedestrian and bicycle safety measures;

- Promote pedestrian enjoyment of downtown by encouraging an active street life, including the installation of street furniture, Historic Street Exhibits, sidewalk café seating, attractive plantings, attractive storefront displays, public art and exhibits, and the regular use of public areas for entertainment, parades or street fairs.

### **Palo Alto, California**

- Have a Business/Retail Attraction and Retention person on staff

### **Northville, Michigan**

- Recently finished their Downtown Strategic Plan – make downtown more attractive with the following:
  - Encourage sidewalk cafés
  - Create pedestrian cut-throughs where possible
  - Build new town square (similar to Shain Park – bank shell, fountain, public art, playscape, etc.)
  - Create better non-motorized connections to public parks (or other public spaces and downtown)
  - Move Farmers Market to town center
  - Wayfinding
  - Emphasize historical significance
  - Street trees (gradually replace with original), furniture, bike racks, lighting, etc. create cohesion
  - Funding assistance and design incentives to rehabilitate older stock of buildings.

### **NoMA Corridor – Washington DC (north of Massachusetts Avenue)**

- Taxed based incentives –
  - Tax abatement enacted in 2001 – required substantial construction by 2003;
  - Tax abatement at key locations where development or redevelopment could reinforce circulation patterns, provide neighborhood services and amenities, and create active streets and sidewalks.
- Properties in the targeted NoMA areas could be eligible for tax increment financing (TIF), which could apply to both property and sales taxes. Specific retailers, including a grocery store, restaurants, hardware store, flower shop, athletic/exercise club, etc. In addition, small music venues, recreational, creative industries, cultural, and entertainment uses could be eligible.
- The pace of development in NoMA is also be encouraged through strict enforcement of tax rates for vacant land. Vacant properties being taxed at the current five percent rate are more costly to keep vacant than those being taxed at 1.85 percent if they are categorized as being under development.

### **Pittsburgh, PA**

- Retail Retention Specialist employed by Downtown Partnership
- Retail retention identified as priority in new 5-year plan
- Business Improvement District

### **Golden, CO**

- Retail Business Retention Plan
  - Training seminars for property owners / business leaders

- Peer education
- Membership structure based on size
- Promotions and competitions for merchants – holiday window decorating contests, etc.
- Point system established for merchants

## **Oakland, CA**

- **Retail and Entertainment Catalyst Tenant Improvement Program (TIP)**
  - Provides incentives to attract key entertainment and retail businesses to targeted locations in the downtown area
  - Incentives available to cover expenses such as asbestos abatement, ADA compliance, ventilation, off-site improvements, historic restoration, mechanical, plumbing, etc.

## **San Jose, CA**

- **BidLine** provides current contract opportunities and general information on how to do business with the City of San Jose.
- **Downtown Signage Grant Program** provides financial assistance to install new signage or upgrade existing signage, creating a more positive retail environment in downtown San Jose. Grants are a reimbursement to the sign contractor for the actual cost of the sign, up to \$10,000.
- **Enterprise Zone** is an 18-square-mile, state-designated area including downtown. Enterprise Zone benefits primarily to small- and medium-sized companies include sales and use tax credits, manufacturers' investment credits, business expense deductions, net interest deductions for lenders, hiring credits, and tax credits for qualified employees.
- **Facade Improvement Program** offers:
  - Free architectural design services
  - Permit processing and fee payment assistance
  - Bidding and construction management assistance
  - Funding assistance of up to \$33,000 per storefront
- **Retail Recruitment Strategy:** The Redevelopment Agency takes new tenants through the process, from site introduction through store opening.
- **Sidewalk Café Permitting Assistance:** SJDA and the Redevelopment Agency are streamlining the sidewalk café permitting process. Permitting fees will be waived for the first 18 businesses to go through this process.
- **Small Business Loans:** Revolving Loan Funds ranging from \$5,000 to \$20,000 are often leveraged with private capital and can be used for working capital, tenant improvements, equipment and other uses (but not intended to finance mortgage loans).
- **Lenders for Community Development** also offer small-business loans of up to \$50,000 and lines of credit up to \$15,000, and provides no-cost technical assistance.
- **Small Business Opportunity Program:** City departments use online posting and e-mail notification to inform potential vendors of open bids and contracting opportunities.
- **Special Tenant Improvement Program** provides incentives to developers to expedite tenant improvement projects in vacant buildings to make the space ready for quick occupancy for industrial and R&D office uses. Financial incentives include: construction tax suspension, plan check fee deferrals, phased project building permit fee payment plans, one-stop permit process, expedited plan check, and enhanced inspection

services.

Classes and Counseling

- **SBA-Cisco Systems-San Jose Entrepreneur Center** provides information and classes on financing programs, technical assistance, training, technology, and procurement that help a company better see its future.
- **Silicon Valley Economic Development** assists small businesses and start-ups through courses, technical assistance, and business counseling.
- **Small Business Development Center of Silicon Valley** is dedicated to assisting with small business opportunities, preventing future problems, improving management skills, helping businesses expand and develop, promoting minority and women-owned businesses, and creating and retaining jobs.
- **Software Development Forum** provides software and Internet professionals with a one-stop location in downtown San Jose for information, connections, and education.

**Additional potential solutions:**

- Tax incentives – different tax rate for retail based business
- Fee waivers for retail – different fee structure for retail vs. non retail
- Permanently eliminate tax for retail tenants in certain districts (in NYC – “Commercial Rent Tax Exemption”)
- Different permit fees for retail
- Streamline approval process

## **Planning Board Minutes October 11, 2006**

### **STUDY SESSION Definition of Retail**

Ms. Ecker recalled that over the last several months, the Planning Board has expressed a desire to review the current definition of retail to ensure that the City is encouraging true retail downtown, and not allowing office and other service uses to dominate. Accordingly, the Planning Division has conducted an inventory of first-floor land uses in the Overlay District as a background to commence discussion regarding the current mix of retail and other uses downtown.

As defined in Article 9, section 9.02 of the Zoning Ordinance, retail uses include the direct sale of products from the premises, but also include restaurants, entertainment and personal services. The Planning Board has expressed concern with this definition, and may wish to consider alternative definitions for retail to limit the types of uses that would be classified as retail. Further, in accordance with Article 5, Overlay, of the Zoning Ordinance, retail uses are required only in those areas identified as red line retail zones in the Overlay, when the owners of the property have elected to develop the property under the Overlay provisions. The Planning Board has expressed concern in the past with the optional nature of the Overlay provisions.

Mr. Nickita said one of the questions that the board has to struggle with is what are uses that start to become an issue and how much of that should be allowed. Mr. Potts questioned if the concern is that retail is at risk because it is an endangered species and can't compete with the Somerset, or is it that the rents are too high in Birmingham. Mr. Nickita said that when times change landlords get in a situation where they need to lease space and then they simply fill it with anybody. The concern is that the town is losing its retail base. The question is what is a good balance of uses for the vision of the City.

Ms. Lazar felt the empty spaces need to be filled and activity brought back into the streets. If the board starts tying the hands of the landlords by telling them they can only lease their spaces to certain businesses or services, it will become that much harder to fill the vacancies.

Chairman Boyle said the board should be exploring ways to make sure the downtown is accessible, identifiable, and usable. There are ways to do it as well as regulation. New street furniture, signage, and advertising free two-hour parking may be a way to start making the downtown area very attractive. Secondly, good quality development should be encouraged to overcome the "gap" area of office buildings.

Mr. Potts thought the board must be protective of the fragile retail establishments. Mr. Nickita reminded that the Overlay vision of the 2016 Plan has defined the retail "red line" district and there are restrictions. Under the old ordinance, or underlay, there are no restrictions. He questioned whether the board should think about making the Overlay a requirement versus an option. It is really a matter of implementing the vision of the 2016 Plan.

Ms. Ecker clarified that the Overlay District allows artisan, community, commercial, entertainment, or restaurant uses.

**Motion by Mr. Potts**

**Seconded by Ms. Lazar to extend the meeting 15 minutes to 11:15 p.m.**

**There was general consensus.**

Mr. Nickita thought that people involved with the 2016 Plan might lend some insight into the grey areas of allowable uses in the Overlay District. He thought that J.C. Cataldo, or Roger Gienapp might be able to help.

Chairman Boyle concluded at the definition of retail would be sent back to staff to gather more information.



**BIRMINGHAM PLANNING BOARD PROCEEDINGS  
REGULAR MEETING OF WEDNESDAY, JANUARY 10, 2007  
ACTION ITEMS**

**STUDY SESSION  
Definition of retail**

Ms. Robinson recalled that over the last several months, the Planning Board has expressed a desire 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.

Accordingly the Planning Division has conducted an inventory of first-floor land uses in the Overlay District and the frequency of current uses is included in a table. In addition information from the 1996 Retail Master Plan which was a component of the 2016 Plan and an Executive Summary with maps from the 2002 Principal Shopping District ("PSD") survey which was done in order to help understand the trade area served by Downtown Birmingham. Currently the PSD is undertaking consumer market research which should be available for review early this year.

The current definitions relating to retail use have been provided, along with some alternative definitions for discussion. In addition, the definition of commercial from other sources has been included for review and discussion.

Ms. Robinson said she had the opportunity to attend a PSD meeting and talk with some of the members. There were definitely some strong opinions on both sides in support of tying down a better definition of retail. Also, some people wanted her to pass on the fact that they are paying taxes for their properties and they don't want to be stifled by someone telling them what they can put into their space. After speaking with DDA directors around the country Ms. Robinson found out that everybody is struggling right now trying to retain retail in the face of office use starting to take over. Palo Alto has a business and retail attraction retention specialist right on staff.

Chairman Boyle noted that potential competition for shopping in Birmingham is not only Somerset South and North, it is what may happen to the K-Mart site on Big Beaver. A development on that site is likely to have uses that will be, if not similar, than certainly competitive with what there is in Birmingham. Another development that may offer competition is Bloomfield Park on Telegraph Rd. Hence, the need to consider how to facilitate changing Downtown Birmingham is important.

The chairman opened up discussion to the public at 10:37 p.m.

Mr. Arnold Kriger, said his partnership owns two buildings at Woodward and Maple that house Cosi, Inkstop, and Clear Blue Communications. He personally believes it is better to have an office tenant than a dark building. He encouraged the board to carefully consider putting any further restrictions on the use of space, given the economy. The Clear Blue storefront is not quite complete yet. They are hoping for more things to happen along the way of lighting in the windows that will give more life to the appearance of the storefront.

~~Mr.~~ **Ms.** Cheryl Daskas, a PSD board member and also chair of tenant recruitment sub-committee, said she hopes the board will mandate first-floor retail. She found out from the vice-president of Butterman of New York, who are the people leasing out Bloomfield Park, that they have 500,000 sq. ft. of mixed use. They broke ground on November 28. The retail end of it is 70 percent leased and they will open in 2008. The stores include Banana Republic, Coach, Victoria's Secret, Chicos, and others. Two of the restaurants are Hyde Park Steak House and Louie's Bar. The Butterman representative told her that they see downtowns suffering all across the country. One of the problems is that there are so many different property owners. A lot of times they worry more about leasing their property than looking at the whole picture. He compared Birmingham to West Palm Beach where they have lost their anchor and started to fill up the empty spaces with offices. It has really stifled the vibrancy of their downtown. Ms. Daskas thought the City might consider having someone on staff that works to find potential tenants. She feels that with quality retailers there is money to be made and she would hate to see offices on the first floor.

Mr. Steve McCallum **Quintal** of Central Park Properties and the PSD said right now is probably the worst time to restrict what can be done with retail, with the economy the way it is especially in this area.

Mr. Ted Fuller, 111 S. Old Woodward, said that presently they spend and are taxed about \$1 million a year. The commercial property pays into the PSD whose job it is to go out and recruit retailers. To the best of his knowledge, his company has not received one tenant that has come as a direct result of the millions of dollars they have spent in order to attract retailers. So, he thinks that mandating retail on the ground floor would be a big mistake. The market really dictates what wants to come to the community. It is important to leave the options open so the property owners are not restricted to just one use on the retail level.

Mr. Steve McCallum said their preference is to have retail on the first floor. However, they can only sit there so long with empty space. He believes that services are better than having an empty storefront.

Mr. Arnold Kriger further urged the board to consider the times in the City of Birmingham and the State of Michigan right now and not place further restriction on the spaces, because there are way too many vacancies already.

In response to Mr. Nickita's question, Ms. Robinson said she did not find a community that has mandated only retail on the first floor. Ms. Ecker explained that in Birmingham, buildings built under the Underlay, or regular zoning, the redline retail requirement does not apply. Chairman Boyle noted there may be ways of encouraging retail that come through the carrot rather than the stick, such as Tax Increment Financing ("TIF") money. If the City can find ways to offer incentives for retail it wouldn't slam the door on the argument from property owners who need tenants.

Mr. Nickita mentioned other communities that do not have vacancies and have found a way to attract retail, and he wondered if it is just the rental structure that is allowing the difference between Birmingham and many other communities. Maybe it is just a matter of adjusting to the market. Mr. Nickita is very concerned about going the route of not doing anything.

**Motion by Mr. Dilgard**

**Seconded by Mr. Nickita to extend the meeting to 11:15 p.m.**

All were in agreement.

Mr. John Heiney from the PSD related that in preliminary results from a survey that was taken, when people were asked what their purpose was for being Downtown, there has been an increase from four years ago of people responding that they work in the community.

Chairman Boyle said he hears the concern from both sides but feels there is an opportunity to do some more thinking about it.

The chairman asked for final comments from the audience at 11:05 p.m.

Mr. Ted Fuller emphasized that you can't have great retail without the density. If the City wants better retail he would hope they would not use taxpayers' money to subsidize a retailer. If the City decides not to have density, it will have to live with what the marketplace wants to bring to the community. Trying to get retailers to come to town is a very difficult task right now. If office is brought in, whether it goes on the retail level or not, that's more people. More people in town will support the retail. Then you will start to see retail push the office out of the ground floor.

**Birmingham PSD Ad-Hoc Retail Committee**  
**DRAFT Meeting Notes from the meeting held**  
**Thursday, May 29, 2008**  
**8 a.m. at the Community House**

1. The meeting was called to order at 8:10 a.m. Geoff Hockman invited all members and guests to introduce themselves, then reviewed the agenda.
2. The Community Development and IT Departments gave updates and overview of projects.
  - a. Tara Maguire reviewed the GIS Retail map, including an overview of key features. Ms. Maguire indicated that Phase II of the GIS retail project will begin this summer by tracking first floor non-retail uses. Then, second floor and garden level space will be catalogued. Finally Third and other floors will be catalogued. All of this work will take place within the PSD, as directed by the PSD and Planning Boards.
  - b. Jana Ecker reported that amendments to the zoning map continue, and will be reviewed by the City Commission on June 9. She confirmed that the inconsistencies in the original zoning maps were made apparent by utilizing the new GIS technology. She said the revisions are being made primarily for purposes of clarification, and that the process to examine these changes has been extremely methodical.
  - c. Ms. Ecker reviewed new development projects including the Maple and Woodward corner, south west side; the proposed Papa Joe's expansion with parking; the Blackward site at Woodward and Brown, where Bank of America, formerly LaSalle Bank, is scheduled to move; and the former Barclay Inn site. Ms. Ecker stated that she and staff attended the recent Brownfields Conference in Detroit. She said they picked up several leads for possible developers and partners for various sites in Birmingham.
  - d. Ms. Ecker referred to the report on bistros and outdoor dining in the committee packet. She said that the Toast Bistro application had been continued until June 9. Mr. Hockman asked if other applications had been submitted for outdoor dining platforms. Ms. Ecker stated that Elie's just applied for a platform. Ms. Ecker also stated that the City Commission has asked for an annual review of existing bistros. She said that a report is being developed, and that there have been no major problems thus far.
3. Jill Robinson reported on the progress of first floor retail definitions over the past year. She stated that since the last time this committee met in 2007, there has been no other major discussion on the topic. Ms. Ecker stated that staff is looking for direction from the various Boards and the City Commission regarding this matter. She said that the City must examine more closely the definition of retail.

Mark Nickita feels the current definitions are vague, and must be clarified. He asked if the City should begin by using the 2016 definitions, then work to more closely define retail and the various sub-categories. He asked about the comparison of rental rates

between Birmingham, Ferndale and Royal Oak, and if that had some effect on retail leasing in Birmingham.

John Heiney indicated that lease rates remained the highest in Birmingham, followed by Royal Oak and Ferndale. He said that the difference between Birmingham and Ferndale was 5-8 dollars per square foot.

Peter Sobelton said that \$5 should not make or break a strong retailer.

Mr. Nickita said that current rent rates may be a potential barrier to some new businesses.

Mr. Heiney reported that currently the PSD is not tracking non-retail first floor uses such as real estate firms, financial firms or true offices. He said this is important to begin to collect this information so that the PSD can track trends over the next several years.

Robyn Boyle said that there is already a form for retail. He is concerned about getting into too much detail with retail definitions.

Mr. Hockman asked if the 2016 Plan can help begin discussion about retail definition. He said that collectively, the City's property owners, boards and other interested parties should attempt to define their core values.

Mr. Nickita said the City must begin to define its wants and needs for the downtown shopping district.

Commissioner Tom McDaniel suggested that the City should establish a target mix by percentage of retail vs. office on the first floor.

James Eshshaki said that the proper retail mix is important to everyone. He said it is difficult to "hold out" for the right tenant. He suggested that the PSD should report the ratio on a regular basis, to keep the issue in front of property owners and City leaders.

Mr. Heiney said that such tracking has not been done yet, but will begin with Phase II of the GIS mapping project this summer.

Edward Fuller said that landlords prefer to rent to retailers. That retailers pay a higher amount, and usually sign long term leases. However, he said the office market is particularly strong right now. He believes that the City can get back to more first floor retail, but it will take time and effort. He said that more density of office workers and residential will create a market for retail.

Cheryl Daskas said that she continues to believe that the City and PSD should retain a retail broker from outside of Birmingham-preferable Chicago or NewYork, with strong connections to expanding retailers. She mentioned McDevitt and Company out of Chicago.

James Esshaki said he has spoken with the representative from McDevitt, and that they know all about Birmingham already.

Mr. Boyle said that Birmingham offers an experience unlike a mall or lifestyle center, and that we should continue to sell that experience to shoppers and to businesses.

Mr. Hockman said that discussion was well past time. He suggested a few items for next steps, and asked for consensus on the following items:

1. Staff should research and report the current mix of retail vs. office/non retail.
2. Staff should monitor and report the mix on a regular basis.
3. Staff should report vacancies based on retail category.
4. Collectively, staff and committee members should establish core values for the downtown district then decide how to achieve those values.

Meeting was adjourned at 10:25 a.m.

Respectfully submitted by John Heiney

**City Commission Minutes**  
**June 20, 2016**

**E. Definition of retail**

Ms. Ecker described the issue as the city's definition of retail in the ordinance, and people who would like the definition to be more specific. She said this comes up at the shopping district level. The retailers downtown want to see more retail. For the most part, the general public wants to see an active retail type use whether it is retail or restaurant. There is some debate on what percentage of each. The building owners have a different view.

Commissioner Nickita thinks this is long overdue for discussion. He feels it needs to be re-examined and cleaned up.

The consensus is to continue discussion on the definition of retail.

There were no public comments.



## **DRAFT Planning Board Minutes March 29, 2017**

### **5. Definition of Retail**

Ms. Ecker observed that over the past decade, there has been an ongoing desire by some 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. The issue is specifically relevant in the Downtown Overlay, where retail use is required in the first 20 ft. of depth for all buildings in the Redline Retail District.

As defined in Article 9, retail uses include the direct sale of products from the premises, but also include restaurants, entertainment and the purchase, sale or exchange of personal services. No definition for personal services is provided. Personal financial services, beauty services, banking services, real estate services, advertising services and other similar uses have been permitted within the Redline Retail District under the umbrella of personal services, provided that there is a display area for the sale or exchange of such goods and services in the first 20 ft. of the storefront, and the storefront is open to the public during regular business hours. Concern has been raised that this small display area 20 ft. in depth is not sufficient to create an activated, pedestrian-friendly retail district.

In the past, both the Planning Board and the Birmingham Shopping District Board have expressed concern with the existing retail definition, and have considered alternative definitions to tighten the definition of retail to include only shops which sell products, not financial, real estate or other such personal services. On the other hand, many property owners in the past have expressed concerns about tightening up the definitions as they desire the flexibility to lease space to a wider range of users in order to avoid vacancies.

Reviewing the research on other cities retail policies, one issue maybe that the Red Line Retail District is too big. Perhaps the City should target the Maple/Woodward core area for the strict definition of retail and then allow some of the service uses around that. Another recommendation may be to change the definition of retail use by eliminating "community and commercial uses." It would still keep in uses that would fall under entertainment. Another option is to include language that talks about what percentage of sales comes from the actual sale of products.

Mr. Share said maybe part of the answer is that mandatory true retail needs to be compressed and street activation needs to be the principle. The national market trend is that the retail footprint is shrinking and it is anchored by entertainment and by food. Ms. Whipple-Boyce commented she does not like to see offices on the first floor. They create horrible dead strips of nothing. Maybe the idea is to shrink the retail district if the market trend is shifting.

No one had an issue with removing "community and commercial uses" from the definition of retail use. Mr. Jeffares suggested looking at Walnut Creek, CA and **Mr. Boyle suggested Hinsdale, IL** for ideas about encouraging retail activity.

Consensus was that this topic will need further discussion.



# MEMORANDUM

Planning Division

**DATE:** May 2, 2017

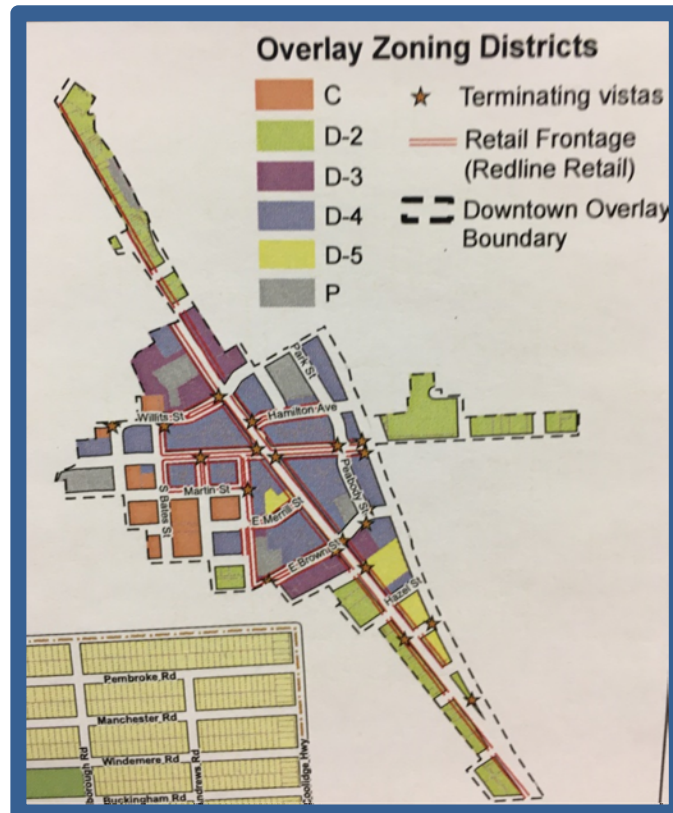
**TO:** Joseph A. Valentine, City Manager

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

**SUBJECT:** Definition of Retail in the Redline Retail District

At this time, the City Manager has directed staff to consider measures to provide temporary relief to halt the addition of non-retail uses into storefronts in Downtown Birmingham located within the Redline Retail District, while the Planning Board continues to study this issue.

Over the past decade, there has been an ongoing desire by some 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. The issue is specifically relevant in the Downtown Overlay, where retail use is required in the first 20' of depth for all buildings in the Redline Retail District as illustrated below.



Article 3, Section 3.04 (C)(6) states:

Buildings that have frontage along the required retail frontages, as specified on the Regulating Plan, shall consist of retail with a minimum depth of 20 feet from the frontage line within the first story. Lobbies for hotels, offices, and multiple-family dwellings may be considered as part of the required retail frontage, provided that any such lobby occupies no more than 50% of the frontage of said building.

Accordingly, all buildings built under the Downtown Overlay in the areas marked in red on the map inset above, must contain retail uses in the first 20' of depth of the first floor. Article 9, section 9.02 of the Zoning Ordinance provides the following retail related definitions:

**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 the purchase, sale or exchange of personal services (given the inclusion of personal services in the definition of commercial uses, which are included as retail uses). No definition for personal services is provided. Personal financial services, beauty services, banking services, real estate services, advertising services and other similar uses have been permitted within the Redline Retail District under the umbrella of personal services, provided that there is a display area for the sale or exchange of such goods and services in the first 20' of the storefront, and the storefront is open to the public during regular business hours. Concern has been raised that this small display area 20' in depth is not sufficient to create an activated, pedestrian-friendly retail district.

The current definitions for retail and commercial have thus permitted some uses that are not universally considered "true retail" as there are no physical goods for sale. In the past, both the Planning Board and the Birmingham Shopping District Board have expressed concern with

the existing retail definition, and have considered alternative definitions to tighten the definition of retail to include only shops which sell products, not financial, real estate or other such personal services. On the other hand, many property owners in the past have expressed concerns about tightening up the definitions as they desire the flexibility to lease space to a wider range of users to avoid vacancies.

At the joint meeting with the City Commission on June 20, 2016, both the City Commission and the Planning Board members agreed that the existing definition of retail, and the related definitions in the Zoning Ordinance should be discussed in further detail. This issue was added to the Planning Board's 2016 – 2017 Action List for future discussion.

Accordingly, the City Commission may wish to consider providing temporary relief to halt the addition of non-retail uses into storefronts in Downtown while the Planning Board continues to study this issue. A simple option discussed by the Planning Board is to strengthen the retail definition by requiring the sale or exchange of goods and eliminating the categories of community and commercial use (which permits personal service uses). This could also be accomplished by leaving the definitions of retail and commercial uses as is pending further study, and simply excluding community and personal service uses from the Redline Retail District only in the Downtown Birmingham Overlay District. This would ensure that all establishments offering only personal services would not be permitted in the first floor redline retail areas. This would also remove community uses from the Redline Retail District as these may not provide the type of active retail uses envisioned. Community uses include schools, religious institutions, government offices or cultural performance establishments. Schools, religious institutions and government offices often have limited hours, cater to limited groups of people, and do not offer the purchase, sale, barter, display or exchange of goods, wares or merchandise preferred in a dedicated retail district. Cultural performances however could also fall under the category of entertainment, which could remain under the definition of retail even if community uses were removed.

With the option noted above, beauty salons and similar establishments that offer personal beauty services would not be permitted in the Redline Retail District unless they sell or display an extensive offering of beauty products as well in the first 20' of their storefront space.

In order to move this amendment forward swiftly, a public hearing could be held by the Planning Board on June 14, 2017, the City Commission could set a public hearing for this amendment on June 26, 2017, and conduct the public hearing on July 24, 2017.

#### Suggested Action:

To direct the Planning Board to review and present the recommendation to amend Article 3, section 3.04(C)(6), Specific Standards, to amend the Downtown Birmingham Overlay Standards to excluded community and personal service uses as permitted in the Redline Retail District, and to forward a recommendation to the City Commission by June 26, 2017.

**Draft Ordinance Language**

**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 3, SECTION 3.04, SPECIFIC STANDARDS, TO AMEND THE DOWNTOWN BIRMINGHAM OVERLAY STANDARDS TO EXCLUDE COMMUNITY AND PERSONAL SERVICE USES AS PERMITTED USES IN THE REDLINE RETAIL DISTRICT.**

3.04 Specific Standards

C. Building Use.

6. Buildings that have frontage along the required retail frontages, as specified on the Regulating Plan, shall consist of retail with a minimum depth of 20 feet from the frontage line within the first story. **For purposes of this Section 3.04(C)(6), personal services as included in the definition of Commercial Use and community uses are not considered retail.** Lobbies for hotels, offices, and multiple-family dwellings may be considered as part of the required retail frontage, provided that any such lobby occupies no more than 50% of the frontage of said building.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective 7 days after publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
Cherilynn Brown, City Clerk

**City Commission Minutes**  
**June 20, 2016**

**E. Definition of retail**

Ms. Ecker described the issue as the city's definition of retail in the ordinance, and people who would like the definition to be more specific. She said this comes up at the shopping district level. The retailers downtown want to see more retail. For the most part, the general public wants to see an active retail type use whether it is retail or restaurant. There is some debate on what percentage of each. The building owners have a different view.

Commissioner Nickita thinks this is long overdue for discussion. He feels it needs to be re-examined and cleaned up.

The consensus is to continue discussion on the definition of retail.

There were no public comments.

## **DRAFT Planning Board Minutes March 29, 2017**

### **5. Definition of Retail**

Ms. Ecker observed that over the past decade, there has been an ongoing desire by some 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. The issue is specifically relevant in the Downtown Overlay, where retail use is required in the first 20 ft. of depth for all buildings in the Redline Retail District.

As defined in Article 9, retail uses include the direct sale of products from the premises, but also include restaurants, entertainment and the purchase, sale or exchange of personal services. No definition for personal services is provided. Personal financial services, beauty services, banking services, real estate services, advertising services and other similar uses have been permitted within the Redline Retail District under the umbrella of personal services, provided that there is a display area for the sale or exchange of such goods and services in the first 20 ft. of the storefront, and the storefront is open to the public during regular business hours. Concern has been raised that this small display area 20 ft. in depth is not sufficient to create an activated, pedestrian-friendly retail district.

In the past, both the Planning Board and the Birmingham Shopping District Board have expressed concern with the existing retail definition, and have considered alternative definitions to tighten the definition of retail to include only shops which sell products, not financial, real estate or other such personal services. On the other hand, many property owners in the past have expressed concerns about tightening up the definitions as they desire the flexibility to lease space to a wider range of users in order to avoid vacancies.

Reviewing the research on other cities retail policies, one issue maybe that the Red Line Retail District is too big. Perhaps the City should target the Maple/Woodward core area for the strict definition of retail and then allow some of the service uses around that. Another recommendation may be to change the definition of retail use by eliminating "community and commercial uses." It would still keep in uses that would fall under entertainment. Another option is to include language that talks about what percentage of sales comes from the actual sale of products.

Mr. Share said maybe part of the answer is that mandatory true retail needs to be compressed and street activation needs to be the principle. The national market trend is that the retail footprint is shrinking and it is anchored by entertainment and by food. Ms. Whipple-Boyce commented she does not like to see offices on the first floor. They create horrible dead strips of nothing. Maybe the idea is to shrink the retail district if the market trend is shifting.

No one had an issue with removing "community and commercial uses" from the definition of retail use. Mr. Jeffares suggested looking at Walnut Creek, CA and Hinsdale, IL for ideas about encouraging retail activity.

Consensus was that this topic will need further discussion.





## MEMORANDUM

---

### Planning Division

**DATE:** May 1, 2017

**TO:** Planning Board

**FROM:** Lauren Chapman, Assistant Planner

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

**SUBJECT:** Parking Requirements for all uses

---

The Planning Board was asked to study the current parking requirements for all uses within the City. The Board indicated that there is a perception that there is not enough parking in Birmingham, particularly downtown. Several studies that have been done that have indicated that this is not the case; there are an adequate number of parking spaces. City staff has enacted several efforts to optimize the overall parking system and create new spaces by undertaking the process of adding spaces to the N. Old Woodward parking structure and Bates Street parking lot as well as leasing nearby underutilized parking lots. See Appendix A for a comprehensive list of parking improvements initiated by the City of Birmingham.

The primary question that faces the Board is: what is the Board's the goal? Is the goal to reduce demand or to increase the provision of parking spaces? While these questions are not mutually exclusive, they may not be mutually beneficial. If demand is reduced then provision will not need to be increased. If the provision is increased then demand may be induced.

At the March 29, 2017 Planning Board meeting, the board discussed the complex issue of parking throughout the City. After much discussion, the board requested additional information on options that reduce demand, including a sample Transportation Demand Model report to show how developers were designing to reduce reliance on automobiles. The board also requested information on what other cities have been doing to address parking concerns. In addition, the board suggested bringing in merchants to future meetings to discuss parking concerns, and further discussion on the Parking Assessment District requirements and whether any changes to these are warranted that would require property owners to provide additional parking for certain uses (such as office). The board also discussed decreasing the number of required parking spots (whether public or private), and placing a maximum number of permitted parking for each use.

### **Current Requirements**

The parking requirements for the Downtown Birmingham Overlay District are outlined as follows in Article 3, Section 3.04(D):

1. For all nonresidential uses located within the parking assessment district, parking on the site shall not be required, provided such site is in full compliance with the requirements of the parking assessment district.
2. For all residential uses located within the parking assessment district, the on-site parking requirements contained in Section 4.46, Section 4.49, Section 4.50 and Section 4.51 may be complied with through leasing the required spaces from an off-site parking area, provided the requirements of Section 4.45(G) are met and all parking is supplied on site or within 300 feet of the residential lobby entrance of the building.
3. For all sites located outside of the parking assessment district, off-street parking must be provided in accordance with the requirements of Article 4 for parking, loading and screening.
4. Notwithstanding the above regulations, residential dwelling units within the existing second and third floors of landmark buildings, as defined in Section 62-87 of the Birmingham City Code, located within the central business historic district are exempt from required off-street parking requirements.
5. Off-street parking contained in the first story shall not be permitted within 20 feet of any building façade on a frontage line or between the building facade and the frontage line.
6. The placement of two abutting off-street parking lots with continuous street frontages shall not be permitted.

The parking requirements in all other areas of the City are outlined in Article 4, Section 4.45 – 4.53, and in Table A as follows:

Land Use	Number of Off-Street Parking Spaces Required
<b>Commercial Uses</b>	
athletic club, health club/studio	1 space for each 550 sq ft of floor area plus spaces as are required for restaurants, bars, assembly rooms and affiliated facilities
auto wash	spaces equal to 80% of the maximum units of actual or rated hourly productive capacity of the establishment
banquet facility	1 space for each 3 persons of capacity as determined by local, county or state fire, building or health codes
barber shop/beauty salon, tanning salon	2 spaces per service chair, booth or bed; or 1 space per 300 sq ft of floor area, whichever is greater
bowling alley	5 spaces per lane plus spaces as are required for restaurants, bars, assembly rooms and affiliated facilities
eating establishment - outdoor consumption	1 space for each 50 sq ft of floor area
eating establishment - indoor or combined indoor-outdoor consumption	1 space for each 75 sq ft of floor area plus such spaces as are required for assembly rooms and affiliated facilities, excluding all area utilized for outdoor dining
hospital, nursing home	1 space for each 4 patient beds
hotel, motel	1 space per rental unit plus 1 space per each 25 units plus spaces as are required for restaurants, bars, assembly room and affiliated facilities
laundromat and coin-operated dry cleaners	1 space for each 3 washing and/or dry cleaning machines

meeting room	1 space for each 3 person of capacity as determined by local, county or state fire, building or health codes
mortuary establishment	1 space for each 50 sq ft of assembly room, parlor and slumber room floor space
motor vehicle sales and service establishment	1 space for each 300 sq ft of floor area of sales room plus 1 space for each auto service stall, not to be used for new or used car storage
outdoor sales and/or display of merchandise (excluding motor vehicle sales, service and rental agencies)	1 space for each 300 sq ft of outdoor area
retail store	1 space for each 300 sq ft of floor area
taxicab service	1.5 spaces per taxicab
truck and car rental service	1 space for each 1,000 sq feet of outdoor area
other commercial use	1 space for each 550 sq ft of floor area

**Table A: Required Off-Street Parking Spaces**

Land Use	Number of Off-Street Parking Spaces Required
<b>Commercial Uses</b>	
athletic club, health club/studio	1 space for each 550 sq ft of floor area plus spaces as are required for restaurants, bars, assembly rooms and affiliated facilities
auto wash	spaces equal to 80% of the maximum units of actual or rated hourly productive capacity of the establishment
banquet facility	1 space for each 3 persons of capacity as determined by local, county or state fire, building or health codes
barber shop/beauty salon, tanning salon	2 spaces per service chair, booth or bed; or 1 space per 300 sq ft of floor area, whichever is greater
bowling alley	5 spaces per lane plus spaces as are required for restaurants, bars, assembly rooms and affiliated facilities
eating establishment - outdoor consumption	1 space for each 50 sq ft of floor area
eating establishment - indoor or combined indoor-outdoor consumption	1 space for each 75 sq ft of floor area plus such spaces as are required for assembly rooms and affiliated facilities, excluding all area utilized for outdoor dining
hospital, nursing home	1 space for each 4 patient beds
hotel, motel	1 space per rental unit plus 1 space per each 25 units plus spaces as are required for restaurants, bars, assembly room and affiliated facilities
laundromat and coin-operated dry cleaners	1 space for each 3 washing and/or dry cleaning machines
meeting room	1 space for each 3 person of capacity as determined by local, county or state fire, building or health codes
mortuary establishment	1 space for each 50 sq ft of assembly room, parlor and slumber room floor space
motor vehicle sales and service establishment	1 space for each 300 sq ft of floor area of sales room plus 1 space for each auto service stall, not to be used for new or used car storage
outdoor sales and/or display of merchandise (excluding motor vehicle sales, service and rental agencies)	1 space for each 300 sq ft of outdoor area
retail store	1 space for each 300 sq ft of floor area
taxicab service	1.5 spaces per taxicab
truck and car rental service	1 space for each 1,000 sq feet of outdoor area
other commercial use	1 space for each 550 sq ft of floor area

Land Use	Number of Off-Street Parking Spaces Required
<b>Mixed Uses</b>	
Industrial, research, wholesale and warehousing establishment	1 space for each 500 sq ft of floor area
<b>Office Uses</b>	
bank, financial institution, commercial and professional office other than medical	1 space for each 300 sq ft of floor area
professional office of doctor, dentist, medical and dental clinic and similar use	1 space for each 150 square feet of floor area
<b>Public Assembly Uses</b>	
church, school and other place of public assembly with fixed seats	1 space for each 6 seats
church, school and other place of public assembly without fixed seats	1 space for each six person of capacity as determined by the Fire Marshal
theater	1 space for each 3 seats

**Table A: Required Off-Street Parking Spaces (continued)**

<b>Residential Uses in PP, R1A, R1, R2, R3, R4, R5, R6, R7, O1, O2, P and B1</b>	
residential occupancy - 2 or less room unit	1.5 spaces per unit
residential occupancy - 3 or more room unit	2 spaces per unit
<u>special purpose housing</u>	0.5 spaces per unit

<b>Residential Uses in R1, R2, R3, R4, R5, R6, R7, R8 O1, O2, P, B2, B2B, B3, B4 and MX</b>	
assisted living*	0.25 spaces per bed plus 1 space per employee (on maximum shift)
<u>skilled nursing facility*</u>	0.25 spaces per bed plus 1 space per employee (on maximum shift)
<u>continuing care retirement community*</u>	0.25 spaces per bed plus 1 space per employee (on maximum shift)
independent hospice facility*	0.25 spaces per bed plus 1 space per employee (on maximum shift)
<u>independent senior living*</u>	0.50 spaces per unit

\* Off-street parking shall be provided within 300' of the building being served. On-street parking shall be allowed on all street frontages, where permitted by the Traffic and Safety Board. On-street parking located along a lot's frontage may be credited towards meeting the parking requirements for the use, provided the streetscape is improved as required by the Planning Board.

<b>Residential Uses in R8</b>	
residential occupancy	2 spaces per unit

<b>Residential Uses in B2, B2B, B3 and MX</b>	
residential occupancy - 2 or less room unit	1 spaces per unit
residential occupancy - 3 or more room unit	1.25 spaces per unit

<b>Residential Uses in B4</b>	
residential occupancy - 2 or less room unit	1.25 spaces per unit
residential occupancy - 3 or more room unit	1.5 spaces per

There are many different ways the City could reduce demand for and/or increase the provision of parking by adding parking requirements for certain uses that have demonstrated an excess demand for parking. Options to reduce demand include: increasing the visibility of and benefits for alternate modes of transportation; decreasing barriers for alternate modes of transportation, creating/increasing barriers/inconveniences to driving alone, requiring TDM for future developments and setting parking maximums for developments to limit the excess supply of parking. Some options to increase the provision of parking include amending the requirements within the Parking Assessment District, amending the parking requirements for certain uses (such as office or outdoor dining).

### **Reducing Parking Demand Options**

Almost one-third of the vehicle miles driven in the U.S. are to and from work, making commuting the single largest element of total vehicle travel. In 2015, the American Community Survey found that 86.1% of workers in Oakland County drove to work alone. 69% of Oakland County of county residents also worked within the County. If fewer people drove alone, then fewer vehicles would need parking spaces. There are several ways to reduce the number of commuters who drive alone. They include: ridesharing, car sharing, mass transit, and walking/biking.

One way to have fewer vehicles parking in the City's commercial areas is for drivers to rideshare. Ridesharing is generally divided into:

- Carpooling - ride sharers use their personal vehicles; and
- Vanpooling - employers provide group transportation in larger vans and buses. Vanpools generally charge riders a fee to cover operating expenses, and federal law also provides a tax credit for vanpoolers (but not carpoolers).

Car sharing can reduce parking needs by reducing the number of trips an individual driver takes. In car sharing, these costs are variable and incurred largely per-trip, so drivers are more likely to consider the total costs and make fewer trips overall. Most miles driven in the United States are in privately owned vehicles. Because vehicle ownership entails many "sunk costs" that are fixed at the same rate regardless of the amount the vehicle is driven (e.g., purchase price, registration fees, etc.), out-of-pocket costs tend to be low relative to other modes on a per-trip basis, making driving attractive. Research has shown that drivers make decisions regarding modes for a particular trip based on out-of-pocket costs that vary by trip (gas, tolls, and parking), meaning that many vehicle trips in personally owned vehicles appear inexpensive compared with alternatives such as transit. Car sharing seeks to convert these fixed costs to variable ones by promoting a model in which participants rent vehicles on an as-needed basis by providing hourly rates.

Increased transit ridership can reduce number of parking spaces needed. Birmingham is currently served by several SMART bus lines. The lines are: 415/420-Greenfield-Southfield, 445-Woodward Telegraph Limited, 450/460 Woodward Local, 465- Auburn Hills Limited, 475-Woodward Troy Limited, and the 780-15 Mile Crosstown. The City is also served by the Regional Transit Association's (RTA) Reflex line 498- Woodward Reflex; this line is operated by the Detroit Department of Transportation (DDOT). Almost all residences and businesses within the City are within one mile of one of the above mentioned bus routes. Increasing visitors' and

residents' utilization of the public transit system will free up parking spaces and generate denser development.

Increasing the visibility of and the benefit for walking and/or cycling to work would make those modes more attractive to commuters. Nevertheless, the reasons for not walking or biking are numerous and genuine, however there are solutions to some barriers that some commuters face. The City can do things to solve these problems and can partner with or require developers to reduce the problems in various different ways. Each of the strategies listed below would complement the others ,but they could also be enacted independently.

Reducing demand may be preferred over reducing provision because a restricted parking supply can present problems with spillover effects if not implemented carefully.

**Option 1: Increase visibility of and benefits for ridesharing, car sharing, and using transit, biking, walking.**

Ridesharing and car sharing may not get the visibility that they need for people to consider engaging in those modes of transportation. Ridesharing and car sharing can result in reduced cost for drivers. The City could do several things to increase the visibility of not driving alone to work.

One way to encourage people to switch from driving to transit is to make transit cheaper for riders. Federal law now contains tax incentives that allow employers to reduce employees' transit fares. Transit agencies have also adopted a variety of special programs to decrease riders' costs. Together, these can reduce the number of parking spaces that are seen as necessary if new riders switch from driving alone.

The Transit Benefit Program helps employers and employees save money by riding SMART. There are two ways to manage this program; either internally administered by the employer or paying a third-party vendor. Where employees set aside pre-tax money, there are small tax savings (perhaps 5% of the amount) to the employer, since those monies are exempt from payroll taxes. In accordance with IRS Code, Section 132 (f) – "Qualified Transportation Fringe Benefit" employees may designate up to \$255.00 per month of pre-tax dollars towards their mass transit commute. Employers generally regard these non-taxable costs as part of a benefits package. Employees cannot take advantage of the tax benefits unless employers implement transit benefit programs; this is why it is important that employers know about the possibilities. Barriers to implementing employer-based transit incentives are generally low because the programs are voluntary. While they include costs to employers, these benefits typically become part of an employer's benefits package.

Business owners looking to encourage employees to bike to work can provide the employee(s) with a qualified bicycle commuting reimbursement. The Internal Revenue Service (IRS) for some time has offered a transit subsidy to employers to pass on to employees to offset the cost of using alternative transportation to work, such as public transportation. Recently, the IRS extended that same non-taxable benefit to employers to offset the cost of a bicycle to commute to work.

**Ridesharing and Car sharing**

The City of Birmingham could encourage the use of ridesharing and car sharing by:

- Offering discounted parking deck rates to rideshare or car share vehicles
- Reserving preferred parking spaces in parking structures for rideshare or car share vehicles
- Requiring new developments (that meet predetermined criteria) to provide designated rideshare or car share parking spaces
- Offering benefits through the BSD for businesses that organize a van or carpool
- Provide information about MiRideshare (SEMCOG's free carpooling program) on the City's website.

#### Biking and Walking

Birmingham could incentivize walking, and cycling:

- Having the BSD provide special discounts or promotions for customers or clients who walk or bike
- Marketing the existing IRS financial incentives for bicycle riding.
- Providing maps of the City's existing bicycle network and bicycle parking information on the City's website.

#### Transit Information

Birmingham could incentivize walking, cycling, transit riding by: Implementation strategies that the City could implement that encourage the use of riding mass transit include:

- Providing transit information on the City's website and within City Hall, Baldwin Public Library, the Community House, and Birmingham Next.
- Marketing the existing IRS financial incentives for transit riding.
- Having the BSD provide special discounts or promotions for customers or clients who take transit
- Hosting an annual SMART Transportation Fair. This will help residents and visitors learn about SMART. SMART has a program in place for hosting transportation fairs.
- Enroll in and market SMART's Get A Job, Get A Ride! Program. Participants hired within the past 30 days who are permanent, full time employees, that meet the eligibility requirements, can receive a complimentary 31 Day Pass to ride SMART's Fixed Route service. This program will help educate employees about transit options that are available to them.
- Having a location within the city where people could buy fare cards. The nearest location to buy a SMART Bus fare card is over 5 miles away at the Royal Oak Transit Center. One way to increase transit ridership is to make it easier for citizens and workers to buy fare cards. City Hall and/or the Baldwin Library could become locations where people could buy fare cards.

#### **Option 2: Decrease barriers to ridesharing, car sharing, biking, walking, and using transit.**

In order to get commuters to consider a mode shift, it is important to make other modes more convenient for participants. Many commuters face challenges or perceived barriers to changing the way they get to work.

Barriers to ridesharing include difficulties in finding rideshare partners, lack of schedule flexibility, and low commute costs. Some of the difficulty in finding partners can be solved with rideshare matching services, while others are linked to decentralized workplaces (since the odds of finding a good rideshare partner, or a vanpool, presumably rise with a higher



residential density and higher density of jobs, living and working in low-density locations can make it more difficult). Vanpools can also have problems since vanpools are generally paid services and must have a certain number of riders to remain viable. This is less of a structural problem and stems from the need to do some continuous marketing and outreach to identify new riders when previous riders drop out for whatever reason. Many workers wonder what they would do if they had a special situation that changed their transportation needs during the work day.

Some potential walking/biking commuters worry about safety. It is well accepted that the more people that cycle, the safer it actually becomes. Organized groups/clubs, bike rides, walks, or other bike/walk-related events for employees/ residents would entice more people to consider walking/cycling as a way to commute. Providing proper cycle training can educate drivers, cyclists, and walkers on how to make the roadways safer for all users. Potential walkers/riders often worry about how to maintain a professional work image if they were to walk or cycle to work. Inadequate bicycle storage may be seen as obstacle for some potential riders.

Many people who live and work in Birmingham don't know how they could commute by bus, how much it costs, or where they could buy fare cards. Making this information more prominent may cause commuters to give more consideration to taking public transportation.

#### Ridesharing, Car Sharing, and Transit

The City of Birmingham could decrease some of the major perceived barriers to ridesharing, car sharing, and transit by:

- Offering a guaranteed ride home service. This could be contracted out to a provider.
- Requiring new automobile rental establishments provide hourly rental options

#### Biking /Walking

Implementation strategies to encourage the use of walking/cycling by decreasing barriers include:

- Providing bicycle repair stations and maintenance supplies (i.e. tools and pumps). Currently the City provides bike racks throughout the downtown. Providing bicycle repair stations near existing bike racks would decrease the barrier of potential maintenance issues for potential riders.
- Requiring all sites with a certain number of employees or over a certain square footage to require showers and/or locker rooms for employees. Employers better accommodate cycling/walking commuters when such facilities are provided.
- Offering a guaranteed ride home service. This could be contracted out to a provider.
- Providing covered bike storage in public parking structures.
- Hosting/offering training classes that address:
  - Safe riding skills
  - Information on proper bicycle equipment and maintenance
  - Driver training on how to share the road with bicyclists
  - Finding bike routes to work
- Make the provision of bicycle access a citywide requirement. Currently bicycle facilities are only required for developments in the Triangle District. An excerpt of the zoning ordinance is provided below.

G. Bicycle Facilities: All developments shall be designed to accommodate bicycle travel, including the provision of bike racks. All parking structures and parking lots for commercial uses, recreational uses and institutional uses shall include sufficient bike racks to allow the parking of a minimum of one bike for every 10 automobiles or one bike for every 3,000 square feet of building floor area, whichever is greater.

### **Option 3: Decrease the attractiveness of driving alone.**

Driving to work alone is typically considered “the norm” in metro Detroit. However, if there were more of inconveniences or barriers to driving to work alone more people would consider the other options that are available to them.

There is substantial evidence from empirical studies of U.S. parking scenarios that charging for parking reduces single-occupancy vehicle (SOV) trips. Most such research focuses on commuter (work trip) parking. Downtown Birmingham has a variety of parking options, including five parking decks, three surface parking lots, on-street metered parking, and valet options. The Birmingham Parking System has many initiatives designed to provide more parking capacity to the downtown area and more convenience to the public, as outlined in Appendix A.

The addition of parking maximums could also be used to establish an upper limit on parking supply, either at the site level or across an area. Maximums can be imposed in addition to or instead of minimum parking requirements. Establishing a maximum allowable amount of parking can prevent developers from building excessively large lots, or limit the parking supply in an area based on community priorities.

Eliminating the existing parking minimums may allow developers greater flexibility in designing different sites. This could drive denser development. Removing parking minimums for certain uses, areas, or certain uses in certain areas is also an option, although the Planning Board did not support this option in previous discussions.

### **Utilize Transportation Demand Management Strategies to Create a Parking “Credit” System**

The Federal Highway Administration (FHWA) defines Transportation Demand Management (TDM) as “a set of strategies aimed at reducing the demand for roadway travel, particularly in single occupancy vehicles. These strategies address a wide range of externalities associated with driving, including congestion, poor air quality, less livable communities, reduced public health, dependence on oil, reduced environmental health, and climate change and Green House Gas (GHG) emissions. Some TDM strategies are designed to reduce total travel demand, while others are designed to reduce peak period demand, which may disproportionately contribute to these externalities.”

While the primary focus of TDM is to reduce the number of cars on the road, it could be valuable in crafting a formula for reducing the number of parking spaces that a site is required to provide.

According to Mobility Lab, TDM focuses on understanding how people make their transportation decisions and helping people use the infrastructure in place for transit, ridesharing, walking, biking, and telework. It is cost-effective in guiding the design of our transportation and physical infrastructure so that alternatives to driving are naturally encouraged and our systems are better balanced. TDM underlies most of the important new initiatives of today: transit-oriented development, complete streets, walkable activity centers, livability and sustainability initiatives, and integrated corridor management, to name a few examples.

TDM strategies may also make alternatives to SOV driving less expensive and more feasible. Ridesharing, carpooling/vanpooling, can be made more attractive by services that match drivers with passengers, provide benefits for ridesharing such as preferred parking, or operate ride sharing vehicles (e.g., corporate vanpools). High occupancy vehicle (HOV) lanes may further incentivize ridesharing by enabling ride sharers to avoid costly congestion or tolls. Transit incentives expressly reduce the cost of transit with fare passes and pre-tax payment programs, while transit improvements can increase the availability, efficiency, convenience, and comfort of transit.

Finally, TDM strategies may reduce the need for mobility. Agencies may encourage or incentivize telework-working from home or a nearby, off-worksite location-to reduce the number or distance of commute trips.

Please find attached the TDM requirements for Buffalo, NY, as well as a sample TDM prepared for a development in Buffalo, as per the Planning Board's request on March 29, 2017.

#### Implement Parking Maximums for Certain Uses

Several cities and towns in Massachusetts use parking maximums in different ways.

- Burlington lists both maximum and minimum parking requirements for most uses.
- Somerville provides parking maximums (in addition to minimums) for the Assembly Square Mixed Use District and the Planned Unit Development-A Overlay District.
- Cambridge has caps on the number of off-street parking spaces that may be provided within certain Special Districts and maximums for certain uses throughout the city.

Parking maximums can pose implementation issues, however. Setting a maximum leaves little room for error in projecting parking demand. Developers may also worry about the long-term marketability of a site if parking is restricted. However, the City could consider parking maximums for certain uses, areas, or zoning classifications. A possible example of it for use is provided below.

Office Uses	
bank, financial institution, commercial and professional office other than medical	1 space for each 300 sq ft of floor area ,but no more than 1 space for each 100 sq ft of floor
professional office of doctor, dentist, medical and dental clinic and similar use	1 space for each 150 square feet of floor area but no more than 1 space for each 50 sq ft of

### Eliminate Minimum Parking Requirements

Buffalo, New York is the only major city that has eliminated parking requirements city-wide. A city that is more similar to Birmingham, Marquette, Michigan, removed minimum parking requirements for certain districts and certain uses. An excerpt of Marquette's Zoning Ordinance is provided below.

4. Parking for Principle Uses. It is recognized that the City of Marquette and the Downtown Development Authority have undertaken to provide adequate parking for the principal uses located in this zoning district. For that reason, parking requirements for principle uses, except residential units, in this district are eliminated. Conditional uses, except outdoor food and beverage service, must meet parking requirements.

Birmingham could eliminate some or all parking requirements for uses it wishes to encourage (i.e. residential), or in certain areas (the downtown, Rail District etc.). At the March 29, 2017 Planning Board meeting there did not appear to be consensus to use this approach, with the exception of perhaps eliminating parking requirements for residential uses to encourage the development of smaller, more affordable residential units.

### **Increasing the Provision of Parking Options**

Increasing the number of parking spaces that are available is the most straightforward way to address the **perceived** lack of parking that is available in Birmingham. Even though, increasing provision is a direct response to parking concerns, it is not inexpensive, nor is it quick. The redevelopment of the North Old Woodward Parking Structure will provide approximately 400 spaces more than the current structure does. But this project is a long way from being completed. Additionally, this solution could continue to feed into the problem itself. If there is more parking available and no reduction in demand then more parking may continue to be "required". Increasing the number of parking spaces may negatively impact development (i.e. fewer dense developments, more surface parking lots).

### Altering the Parking Assessment District

The Parking Assessment District (PAD) was created in order to generate denser development by not require parking for all uses except for residential. The majority of the downtown is contained in the PAD. Excerpts about the PAD from the Zoning Ordinance are provided below:

1. For all nonresidential uses located within the parking assessment district, parking on the site shall not be required, provided such site is in full compliance with the requirements of the parking assessment district.
2. For all residential uses located within the parking assessment district, the on-site parking requirements contained in Section 4.46, Section 4.49, Section 4.50 and Section 4.51 may be complied with through leasing the required spaces from an off-site parking area, provided the requirements of Section 4.45(G) are met and all parking is supplied on site or within 300 feet of the residential lobby entrance of the building.

The City may wish to study revising the Parking Assessment District standards. One possible revision to the PAD may include requiring parking for office uses to be provided on-site, given

the fact that more office workers have been squeezed into smaller spaces, thus increasing parking demand for office uses.

### Option 2: Altering Existing Parking Requirements

One option would be to review the parking standards used by other municipalities. A chart comparing parking in surrounding cities and cities that are similar to Birmingham attached for your review.

However, Robert Steuteville, editor of the Public Square journal at the Congress for the New Urbanism, says that parking requirements in many cities across the U.S. were rarely grounded in factual research. In *The High Cost of Free Parking*, Donald Shoup notes they amounted to little more than a “collective hunch” of how many spots a building or use needs, and often these numbers are exaggerated. Local officials often copied what other cities were doing without understanding the reasoning first.

Thus, to determine actual parking requirements the City may wish to complete a comprehensive parking study to determine actual utilization for different uses.

### **Recommendations**

Reducing demand is a more effective and comprehensive solution as opposed to increasing provision. The Planning Board may wish to give further consideration to the implementation of maximum parking requirements in addition to the existing minimums. There are several individual steps that the City could take to influence commuters’ decision making. Birmingham could begin initiatives that decrease the demand for parking in several ways. Another thing that should be taken into consideration is requiring a Transportation Demand Management Plan be submitted for: certain new developments (i.e. over a certain square footage) and/or occupants/developments that choose not to or cannot provide the minimum number of parking spaces required in the Zoning Ordinance. Simply reducing or eliminating the existing required minimums may only exacerbate the existing perception that there is not enough parking throughout the City. However, encouraging a change in behavior may have a greater result.

## **APPENDIX A:**

### **Parking Deck Rates and Permit Enhancements**

The City of Birmingham owns and operates five parking structures providing over 3,500 parking spaces for public use in the Central Business District. The same rate structure applies at all five parking structures for daily parking. The first two hours in all structures are free. On July 1, 2016 the parking rate structure for all parking decks was increased to a charge of \$2 per hour, after the first two hours from a previous charge of \$1 per hour after the first two hours. Additionally, the City Commission raised the monthly parking permit rates in all decks. The parking usage rates that showed a drop in parking demand after the rate structure was increased.

In July of 2016, the City started offering a new classification of permits, the Evening Only Monthly Permit. This permit, offered at a discounted rate, allows unlimited monthly parking to patrons who enter the parking structure after 4 p.m., and leave prior to the next regular business day. The Evening Only frees up additional standard monthly permits to be sold to patrons requiring daytime parking.

### **Parking Meter Enhancements**

The City currently operates and maintains 1,238 parking meters throughout the Downtown. Hours of operation for the parking meters are Monday through Saturday, from 9:00 a.m. to 9:00 p.m. Time limits vary and are posted on the meters. Fees for metered parking range from \$0.50 to \$1.00 per hour, depending upon the location of the parking meter. This year, the City will be replacing all parking meters throughout Downtown with smart meters that accept credit card, coin, and Parkmobile payments. The City also plans to increase the hourly rates for metered parking after the new smart meters are installed. The upgrade to smart meters will improve convenience for users, and will allow for stricter enforcement of parking time limits to encourage turnover and thus enhance parking availability.

### **Valet Enhancements**

In June 2016, the City added a rooftop valet service at the N. Old Woodward deck on Tuesdays, Wednesdays, and Thursdays. On these days, the rooftop of the parking structure is controlled by valet staff during the peak demand hours of the day. Drivers that are unable to locate a vacant space on the lower levels of the parking structure can use the valet service provided by SP+ for no fee. The valet operation allows the building to hold about 50 more cars than it usually does. The use of this rooftop valet service has eliminated closures at this deck (due to deck being at full capacity) since the service started. Additionally, during the upcoming construction on Old Woodward the City plans to provide the rooftop valet services at the Chester Street and Pierce Street parking structures.

In 2016, the Birmingham Shopping District ("BSD") also began providing on street daytime valet service at the north east corner of Maple and Old Woodward. This valet service was funded by the BSD, and there was no fee for patrons using the service during the Hamilton Road construction project. Upon completion of the Hamilton Road construction project, the valet service continued to be offered for a fee.

### **Addition of Temporary Parking Lot at 35001 Woodward Ave**

In the summer of 2016, the City leased and improved the vacant property at the northwest corner of Maple Rd. and Woodward Ave. to operate a monthly permit only temporary parking lot until the site is developed. Customers currently on the waiting list for a monthly permit at the Park St. parking structure were given first priority to purchase a permit for use in this lot. All fifty monthly permits that were made available to patrons on the Park Street deck waiting list have been sold. This option has assisted in reducing the parking demand in the Park Street parking structure.

#### Technology Advancements to Parking Management System

In June 2016, the City invested in a new traffic management system for the Chester Street parking structure. The system is cashless and does not require inserting a ticket, which prevents backups from occurring when a driver is stopped at the exit and unable to locate their ticket. As part of these improvements, an electronic sign has also been added at the entrance to the parking deck which displays the number of real time spots available in the Chester Street structure to allow patrons to see how many spaces are available. The City plans to install this upgraded traffic management system in the other parking decks in the following priority order: Peabody, Old Woodward, Park Street and Pierce Street parking decks. After the upgrades are complete, all parking structures in Birmingham will have the available parking spots sign, and the information will be displayed live on the City's homepage. Having parking availability information can maximize the use of existing parking spaces.

#### Additional Parking Opportunities

Over the past year, the City has worked with property owners just outside of Downtown with large surface parking lots to negotiate shared parking arrangements. The City has reached agreements with three property owners: the First United Methodist Church, Our Shepherd Lutheran Church, and Ascension of Christ Lutheran Church in Beverly Hills. Thus, the City has the opportunity to offer approximately 150 parking spaces at these locations to companies who are currently on the waiting list for monthly parking permits. If an agreement is reached with an employer, the City will pay all rental fees for the use of these properties. The employer would have to set up transportation from the remote lot to their destination downtown, using carpooling programs, a shuttle service, or valet parking services

#### Long Term Strategies

All of the above parking strategies are currently being offered to provide convenient and easily accessible parking Downtown. At the same time, the City is conducting its due diligence in examining long-term parking needs in the Downtown and beyond. The City continues to monitor the usage of all public parking facilities, and has analyzed current office trends to determine the long term parking needs for Downtown. In 2015, the City Commission established the Ad Hoc Parking Development Committee to develop an implementation strategy for addressing future parking demands in the Central Business District, while considering cost, capacity needs and impacts, master planning concepts, financial alternatives and timelines. The Ad Hoc Committee has continued to meet to assess the parking needs and develop an implementation strategy. The Committee has issued a Request for Qualifications seeking a developer or a development team to undertake the collective redevelopment of a parcel of public property of approximately 4 acres located in the City's Central Business District, to include the removal of the N. Old Woodward parking deck, and the construction of a new and expanded public parking facility, as well as the extension of Bates Street as recommended in the Downtown Birmingham 2016 Plan, and the private development of



commercial and residential space. The City's objective is to solicit creative and innovative development plans from qualified developers that will extend Bates Street from Willits to North Old Woodward and redevelop the remainder of the site by constructing a parking facility that provides a minimum of 1150 parking spaces to replace the 770 parking spaces currently on the N. Old Woodward / Bates Street site, introducing residential, commercial and/or mixed uses to create an activated, pedestrian-oriented urban streetscape and provide public access to the Rouge River and Booth Park to the north.

#### Parking Management and Parking Pricing

One study found that monthly parking charges explained up to 80% of the difference in the number of employees who drive alone to work. The goal of many parking management and parking pricing strategies is to reduce vehicle trips by making parking less available, more expensive, or both, on the assumption that people will make fewer trips, change modes, or carpool. Research has found that the elasticity of the demand for parking (the change in behavior that results from a change in price) is about -0.3, meaning that for every 10% increase in parking costs, the number of cars parked declines about 3%.

**DRAFT Planning Board Minutes**  
**March 29, 2017**

**3. Parking Requirements for all uses**

Ms. Chapman reviewed the City's current parking requirements that vary according to use and location, and then discussed different options that the Planning Board could consider. The options include: reviewing and editing existing parking requirements; eliminating minimum parking requirements; implementing parking maximums for new buildings; and utilizing Transportation Demand Management ("TDM") strategies to create a parking "credit" system. Her conclusion was to give more consideration to TDM strategies because there are so many different options. That could be taken into consideration along with implementing parking maximums. Eliminating parking minimums might be too big a step for right now.

Mr. Williams thought this is a timely topic because all he hears from people is that when they come to Birmingham there is no place to park. He thought the business owners should be brought in for their input because they are the ones who are affected by the perceived unavailability of parking. He feels the City has an overriding responsibility to move forward on providing additional parking. It was discussed that the proposed expansion of the N. Old Woodward structure will yield 350 extra parking spots. Ms. Ecker noted that system-wide there is always parking available.

Ms. Whipple-Boyce thought the parking demands have increased because of the amount of office space that the City has taken on in places she believes should be true retail. So far, none of the offices seem to be interested in parking in an off-site location which may only be five blocks away. Further, she thinks the monthly permit fees in the garages are too low. Also, there is no reason to designate two or three spots in front of a restaurant for valet. In many communities on-site parking is not required for residential units. Without on-site parking requirements, smaller units could be built at a more affordable price. If developers are building several office floors, she would like to see what their TDM plan is.

Mr. Boyle stated office workers are paying below market rate for parking in town and that has to be changed. If it is not they won't change their behavior because their behavior is set by the price. Ms. Ecker noted the Advisory Parking Committee just increased the pricing, but the prices are still lower than most cities. She suggested reducing the parking requirements for the uses we want such as residential and adding parking requirements for the uses we know are the problem.

Mr. Williams thought the first thing the board should look at is the fact that a development does not have to provide parking if it is located in the Parking Assessment District Downtown. Mr. Boyle believed the 2016 Plan has worked and the board now needs to address the implications of that; not by building more, but by doing a much more nuanced assessment that includes the regulating environment, the market environment, and the physical environment.

It was discussed that retail customers are short-term and they don't have any place to park that is close. Mr. Share thought maybe it is time to re-zone and zone out additional office space. Ms. Whipple-Boyce suggested an on-site parking requirement for office and no parking

requirement for residential. It was noted that the office workers that are parking for eight hours are also retail customers. It is a balance.

Chairman Clein said what stands out to him the most is whether there is ability on the part of the City Commission to look at the Parking Assessment District and whether there is even an opportunity to make changes to that. He wondered whether there are things the board should be considering related to parking requirements for specific uses in different areas. For instance in the Rail District to try and drive good design as opposed to a bunch of surface parking lots. A maximum parking requirement might come into play there because a lot of businesses want to over park. However, while providing a lower parking requirement might help a development, parking may spill out into a surrounding residential area.

Ms. Whipple-Boyce said in the Rail District it is very restrictive to accomplish shared parking arrangements. It has been identified that there is more parking there than needed and enormous surface lots are not desirable. So, put in a parking maximum and create a way for people to come up with a shared parking arrangement that is easier than it is now. Those are things that could be done right away to promote better development in the Rail District. Mr. Boyle observed that requires proactivity by the City to demonstrate leadership in changing the status quo.

Ms. Ecker summed up the discussion:

- The board wants to see a sample TDM report;
- Hear a little bit more about what other cities did;
- Bring in the merchants; and
- More discussion on whether the Parking Assessment District requirements can be changed.

# **Parking Comparisons**

City Name	Population	Area	Density	Business	Meter Enforcement	Parking				Meter Pay Methods (all allow coins)			Information on City Website			
	Census 2010	In square miles Census 2010	People/sq mile Census 2010	Num. of Firms Census 2012		Free parking in decks/lots	Metered Cost/ hour	Monthly Permit	Exp. Meter Citation (if paid w/in 24 hrs)	Credit/Debit	Meter Card	Mobile	Carshare	Rideshare	Cycling	Transit
Birmingham	20,103	4.79	4,196	4,493	9am-9pm M-Sat	1st 2hrs all decks	\$50-\$1.00	\$35-\$70	\$10	-	-	X	-	-	-	-
Ann Arbor	113,934	27.83	4,094	11,982	8am-6pm M-Sat	-	\$1.60	\$90-\$165	\$10	X	X	X	X	X	X	X
Detroit	713,777	138.75	5,145	61,868	7am-10pm M-Sat	-	\$1.00-\$2.00	\$105	\$45		-	X	-	-	-	X
Ferndale	19,900	3.88	5,131	2,580	8am-9pm M-Sat	-	\$0.50	\$20	\$10	X		X	-	-	-	X
Grand Rapids	188,040	44.40	4,236	16,153	8am-6pm M-F/Sat	1 hr Monroe Ramp before 6pm	\$1.00-\$1.75	\$48-\$154	\$10-\$20	-	-	X	-	-	X	X
Grosse Pointe City	5,421	1.06	5,119	824	7am-9pm/9am- 9pm	-	\$35-\$75	\$40	\$10	X		X	-	-	-	-
Highland Park, IL	29,763	12.20	2,440	4,799	8am-5pm M-Fri	2-3hrs select lots	\$0.25	\$60 (quarterly)	\$25	-	-	-	-	-	X	X
Rockville, MD	61,209	13.51	4,532	9,589	7am-7pm M-Fri/ 7am-10pm M-Sat	select 2hr validation	\$25-\$1.00	\$105	\$45	-	X	X	X	X	X	X
Hinsdale, IL	16,816	4.60	3,654	2,715	9am-5pm M-Sat	Permit parking after 5pm & on weekends	\$0.25			-	-	X	-	-	X	X
Royal Oak	57,236	11.79	4,857	6,382	8am-12am M-Sat	2hrs in decks before 5pm	\$50-\$75	\$25-\$60	\$10	X	-	-	-	-	X	X

## 8.4 TRANSPORTATION DEMAND MANAGEMENT

### 8.4.1 General

- A.** A transportation demand management (TDM) plan must be prepared for certain development projects, as follows:
- 1.** A TDM plan is required for new construction of a principal building in excess of 5,000 square feet.
  - 2.** A TDM plan is required for substantial renovation of a principal building with a gross floor area of at least 50,000 square feet and involving a change of use.
  - 3.** A TDM plan is not required for single-unit dwellings, double-unit dwellings, or any project in a D-C, D-IL, or D-IH zone, irrespective of the above requirements.
- B.** A TDM plan must be reviewed and approved, approved with modifications, or disapproved by the City Planning Board as part of major site plan review per Section 11.3.7. No building permit or certificate of occupancy may be granted prior to approval of a required TDM plan.

### 8.4.2 TDM Plan

#### A. TDM Plan Requirements

- 1.** A TDM plan must be consistent with a TDM Guide adopted by the City Planning Board.
- 2.** A TDM plan must be prepared by a qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field.
- 3.** A TDM plan must determine:
  - a.** The anticipated travel demand for the project.
  - b.** How the anticipated travel demand for the project will be met on-site or off-site, including:
    - i.** Number of on-street vehicle parking spaces, off-street vehicle parking

spaces, or shared vehicle parking arrangements.

- ii.** Number of short-term and long-term bicycle parking spaces.
  - iii.** Accommodations for pedestrians, cyclists, motorists, transit riders, and the mobility-impaired.
- c.** The strategies that will be employed to reduce single-occupancy vehicle trips, reduce vehicle miles travelled by site users, and promote transportation alternatives such as walking, cycling, ridesharing, and transit.
- d.** The modal share objectives that will be sought from the implementation of TDM strategies.
- B. TDM Strategies.** TDM strategies may include, but are not limited to, the following:
- 1.** Walking, cycling, ridesharing, and transit promotion and education.
  - 2.** Parking cash-out programs or unbundled parking/market rate pricing.
  - 3.** Shared parking arrangements.
  - 4.** Enhanced bicycle parking and services (above the minimum required).
  - 5.** Support for car-share and bike-share services and facilities.
  - 6.** Carpooling or vanpooling programs or benefits.
  - 7.** Free or subsidized transit passes, transit-to-work shuttles, or enhanced transit facilities (such as bus shelters).
  - 8.** Guaranteed ride home (GRH) programs.
  - 9.** Provision for alternative work schedules (i.e., flextime, compressed work week, staggered shifts, telecommuting).
  - 10.** Promotion of “live near your work” programs.

11. Roadway improvements adjacent to the site that will help encourage transportation alternatives.
  12. Designation of an on-site employee and/or resident transportation coordinator.
  13. Membership in a Transportation Management Association (TMA).
- C. TDM Performance Standards.** In making its decision, the City Planning Board must make written findings of fact on the following matters:
1. The project includes performance objectives to minimize single-occupancy vehicle trips and maximize the utilization of transportation alternatives to the extent practicable, taking into account the opportunities and constraints of the site and the nature of the development.
  2. The project must meet the anticipated transportation demand without placing an unreasonable burden on public infrastructure, such as transit and on-street parking facilities, and the surrounding neighborhood.

# TRANSPORTATION DEMAND MANAGEMENT

---

## DRAFT POLICY GUIDE



Prepared for  
The City of Buffalo  
Mayor's Office of Strategic Planning  
**Mayor Byron W. Brown**  
Adopted March 27, 2016

Produced by  
**FISHER**   
ASSOCIATES





**NYSERDA**

Financial assistance for the preparation of this Policy Guide was provided by the New York State Energy Research and Development Authority, known as NYSERDA. The City of Buffalo is solely responsible for its content and NYSERDA has not reviewed the information contained herein, and the opinions expressed in this Policy Guide do not necessarily reflect those of NYSERDA or the State of New York.

# Table of Contents

<b>1.0 TDM Overview .....</b>	<b>1</b>
1.1 Intent and Purpose .....	1
1.2 TDM Policy Guide Overview .....	2
<b>2.0 General.....</b>	<b>3</b>
2.1 Applicability.....	3
2.2 Exemptions .....	3
2.3 Compliance.....	3
2.4 Responsibility.....	3
2.5 Rules of Interpretation.....	3
<b>3.0 TDM Plan Requirements.....</b>	<b>4</b>
3.1 Overview.....	4
3.2 Project Information.....	5
3.3 Site Inventory .....	5
3.4 Travel Demand Estimate .....	6
3.5 TDM Strategies and Objectives .....	12
3.6 Travel Demand Accommodations.....	18
3.7 Implementation Requirements .....	19
3.8 Commitment Statement .....	20
3.9 Verification Statement.....	20
<b>4.0 Approval Procedure.....</b>	<b>21</b>
4.1 Procedure .....	21
4.2 TDM Performance Standards .....	21
4.3 Approval Standards .....	21
<b>5.0 Reporting.....</b>	<b>22</b>
5.1 Reporting Requirement.....	22
5.2 Implementation Status Report .....	22
5.3 Brief Status Report .....	22
5.4 Comprehensive Status Report.....	22
5.5 TDM Plan Updates .....	23
<b>6.0 Glossary of Terms .....</b>	<b>24</b>

# 1.0 TDM Overview

## 1.1 Intent and Purpose

Transportation Demand Management, or TDM, refers to a set of strategies that are designed to increase overall transportation system efficiency by encouraging a shift from single-occupancy vehicle (SOV) trips to non-SOV modes, or shifting auto trips out of peak periods.

The concept of TDM is consistent with the City of Buffalo Comprehensive Plan, *Queen City in the 21<sup>st</sup> Century*, and *One Region Forward: A New Way to Plan for Buffalo Niagara*, particularly with regard to principles of smart growth and sustainability. The Buffalo Green Code Land Use Plan and Unified Development Ordinance (UDO) build upon these principles by encouraging compact mixed-use development, which promotes walking, biking, and transit; conserves energy; and reduces pollution.

One of the primary goals of the Green Code Land Use Plan and UDO is to reinforce Buffalo's traditional mixed-use neighborhoods. In consideration of this goal, it is important to recognize the critical relationship between transportation and land use. Developing a more sustainable transportation system will help support and reinforce the City's walkable mixed-use neighborhoods.

The *Queen City in the 21<sup>st</sup> Century* Comprehensive Plan and the Buffalo Green Code provide a vision for the City to reverse its population decline of the past several decades and to grow sustainably in the 21<sup>st</sup> century. To grow sustainably, our transportation system must align with the smart growth development regulations codified in the UDO. A sustainable transportation system facilitates multiple modes of transportation, increases occupancy per vehicle, reduces vehicle miles traveled (VMT) and resulting pollution, and provides for a safer, healthier, and more livable community. Sustainable transportation also involves managing congestion through TDM strategies and complementary public improvements, rather than through the conventional practice of increasing capacity for vehicles, which ultimately is much more costly, requires more parking, increases VMT and pollution, and impairs the fabric of the built environment and livability of traditional mixed-use neighborhoods.

Supporting a variety of modes of transportation is also important to ensure that the City is accessible for all of its residents. Buffalo has a high poverty rate (31 percent) and approximately 30 percent of

households in the City do not have access to a personal vehicle. Implementing TDM strategies will help make Buffalo more affordable, accessible, and livable for all of its residents.

Buffalo enjoys a well-developed transit system, including the Metro Rail along Main Street and bus routes that align with many of the UDO's designated mixed-use neighborhood zones. Implementing TDM strategies for development projects will complement the UDO's standards by promoting alternative modes of transportation and reducing SOV trips. These strategies and other provisions within the UDO will ensure that the estimated travel demand for a proposed project does not create an unreasonable burden upon public transportation infrastructure within the adjacent neighborhood, including transit facilities and on-street parking.

In recent years, the City has taken steps toward building a more sustainable transportation system and promoting alternative modes of transportation.

- In 2008, Buffalo became the first city in New York State to adopt a complete streets policy, which ensures that public rights-of-way are designed to be safe, comfortable, and convenient for persons of all ages and abilities, using a variety of modes.
- In 2016, the City, in partnership with Go Bike Buffalo, released the City of Buffalo Bicycle Master Plan. In addition, the City set a goal of adding 10 miles of bicycle facilities per year, and to reach 150 miles by 2018, which would propel Buffalo from a Bronze- to a Silver-level bicycle-friendly community designation by the League of American Bicyclists.
- In 2017, the UDO was signed into law, a Citywide form-based zoning code that emphasizes walkability, mixed uses, transit-supportive development, and public realm standards.

As Buffalo continues to advance in the 21<sup>st</sup> century, these progressive transportation policies facilitate TDM strategies that support a more sustainable city and transportation system.

## 1.2 TDM Policy Guide Overview

In accordance with section 8.4.2 (A) (1) of the UDO, the methods and requirements contained within this Policy Guide are intended to ensure appropriate compliance with the TDM Plan requirements within Section 8.4 of the UDO. Each TDM Plan drafted by a development project must be consistent with this Policy Guide and the requirements of the UDO.

This Policy Guide contains methods and policies for estimating travel demand, choosing and applying TDM strategies, providing accommodations for travel demand, implementation timeframes for TDM strategies, and guidance on reporting the progress of a site's TDM Plan. This Policy Guide has been organized in to the following sections:

**1.0 TDM Overview:** Provides an overview that describes the intent and purpose of the TDM Policy Guide as it relates to the Green Code, the UDO, and the Comprehensive Plan.

**2.0 General:** Policies detailing general requirements for TDM plans completed by the applicant. These policies include applicability and exemptions from the UDO, compliance requirements, responsibility requirements, and rules of interpretation.

**3.0 TDM Plan Requirements:** This section includes specific requirements for each TDM Plan, including how applicants must estimate travel demand, choose and apply TDM strategies, and provide accommodations for estimated travel demand.

**4.0 Approval Procedure:** Overview of the approval process for an applicant's TDM plan as it relates to Major Site Plan Review and the Approval Standards for City Planning Board.

**5.0 Reporting:** This section includes requirements for reporting, including implementation status, strategy utilization, level of success, and any strategy adjustments.

**6.0 Glossary of Terms:** For the purpose of this Policy Guide, terms found throughout the Guide have been defined.

## 2.0 General

### 2.1 Applicability

In accordance with Section 8.4 of the UDO, a TDM plan must be prepared for certain development projects as follows:

- A. A TDM plan is required for new construction of a principal building in excess of 5,000 square feet.
- B. A TDM plan is required for substantial renovation of a principal building with a gross floor area of at least 50,000 square feet and involving a change of use.

### 2.2 Exemptions

A TDM plan is not required for single-unit dwellings, double-unit dwellings, or any project in a D-C, D-IL, or D-IH zone, irrespective of the applicability requirements above.

### 2.3 Compliance

The applicant must comply with the requirements of this Policy Guide, the UDO, and any other applicable federal, state, or local regulations. In addition, the applicant must comply with any conditions imposed by the Planning Board to meet the requirements and approval standards of this Policy Guide and the UDO.

- A. **Major Site Plan.** A TDM plan must be reviewed and approved, approved with modifications, or disapproved by the City Planning Board as part of major site plan review per Section 11.3.7 of the UDO. No building permit or certificate of occupancy may be granted prior to TDM plan approval.
- B. **Qualified Professional.** A TDM plan must be prepared by a qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field.
- C. **UDO Standards.** The TDM plan must meet all performance standards as outlined in Section 8.4.2(C) of the UDO and be prepared in accordance with this Policy Guide.
- D. **ADA Compliance.** Notwithstanding the applicable provisions of the UDO and this Policy Guide, a TDM plan must comply with the requirements of the Americans with Disability Act (ADA). ADA parking requirements will be determined based on the result of the adjusted parking estimates for single-use and mixed-use projects found in Section 3.4 of this Policy Guide.

### 2.4 Responsibility

- A. **Burden of Proof.** The applicant must include within the TDM Plan all necessary information to demonstrate that the standards and requirements of the UDO and this Policy Guide have been met.
- B. **Financial Burden.** The responsibility and cost associated with the creation, implementation, maintenance and operation of a TDM plan will be the responsibility of the applicant or property owner associated with the proposed project.
- C. **Subsequent site modification.** A subsequent site modification involves a change of use, increase in square footage, change to available parking, or other site modification that occurs after approval of a TDM plan, per Section 8.4 of the UDO.
  - 1. For any subsequent site modification, a TDM plan must be adjusted to meet the standards of Section 8.4 of the UDO and requirements of this Policy Guide. The site modification and TDM plan adjustment(s) must be reflected in the required TDM reporting (see Section 5.0 of this Policy Guide).
- D. **Change in Ownership.** An approved TDM plan will remain in effect and will become the responsibility of the new owner, upon transfer of the property. The applicant or property owner will notify the Zoning Administrator within 30 days prior to any change in ownership.

### 2.5 Rules of Interpretation

In instances where the standards and requirements of the UDO and this Policy Guide cannot be clearly applied to a TDM plan or any aspect of such TDM plan, the Zoning Administrator will have the authority to make an interpretation. The interpretation authority given to the Zoning Administrator is not intended to add or change the essential content of the standards and requirements of the UDO or this Policy Guide, but only to allow authoritative application of that content to specific cases.

## 3.0 TDM Plan Requirements

### 3.1 Overview

A TDM plan must be prepared in accordance with this section and include the following provisions which are described in Sections 3.2 through 3.9 below:

- A. Project Information (3.2)
- B. Site Inventory (3.3)
- C. Travel Demand Estimate (3.4)
- D. TDM Strategies and Objectives (3.5)
- E. Travel Demand Accommodations (3.6)
- F. Implementation Timeframe (3.7)
- G. Commitment Statement (3.8)
- H. Verification Statement (3.9)



### 3.2 Project Information

The following project-related information must be included in this section of the TDM Plan:

- A. Project name, address
- B. Owner name, address, contact
- C. Preparer name, address, contact
- D. General project description

### 3.3 Site Inventory

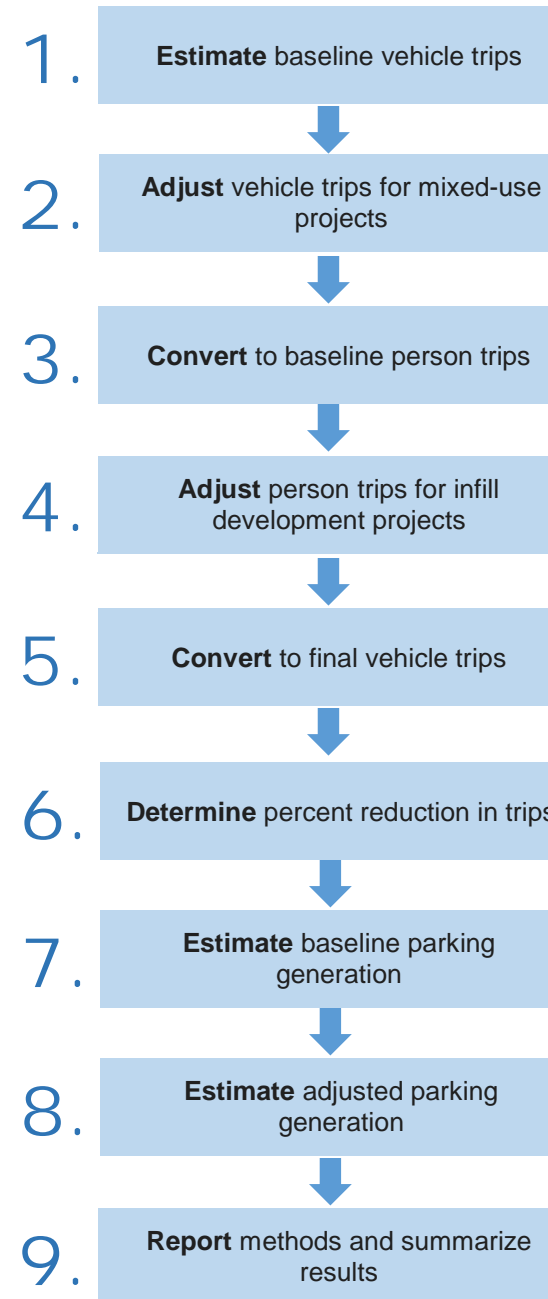
The site inventory describes the land use, zoning, and local transportation accommodations for the proposed project, including maps and other information, as appropriate, presented in a clear and legible format, including information sources and dates. The following sections must be included in this section of the TDM plan.

- A. **Land use.** Existing and proposed land use (e.g., residential, commercial, industrial, etc.) and gross square footage and number and type of residential units (i.e. studio, one-bedroom, two-bedroom, three-bedroom, etc.) associated with on-site buildings.
- B. **Users.** Existing and proposed number of employees, residents, visitors, etc. associated with the proposed project.
- C. **Zoning.** Current zoning of the site.
- D. **Local Transportation Accommodations.** Maps and tables showing the following within 1/4 mile (1,320 feet) of the proposed project.
  - 1. Location of transit routes, stops, and stations.
  - 2. Location of bicycle infrastructure, including current and planned bicycle lanes/sharrows, bicycle-share locations and number of bicycles, and publicly available bicycle parking facilities.
  - 3. Location of any car-sharing programs and number of cars at each location.
  - 4. Location and quantity of on-street and off-street public parking (if the project will seek to use these facilities to accommodate estimated demand). The maps/tables must include any associated time-limits or user-limits (parking permits).



### 3.4 Travel Demand Estimate

- A. Purpose.** In accordance with Section 8.4 of the UDO, a TDM plan must include a determination of anticipated travel demand for the proposed project. Travel demand includes vehicular, transit, and non-vehicular modes. To meet this requirement, this section of the Policy Guide also details methods for estimating parking demand.
- B. Methods.** The methods included within this Policy Guide were chosen based on a review of trip generation (travel demand) and parking generation (parking demand) methods from publications issued by the Institute of Transportation Engineers (ITE) and from research conducted by the National Cooperative Highway Research Program. For projects that propose shared parking, parking demand methods were chosen based on the Urban Land Institute (ULI) Shared Parking Analysis.
- C. Substitutions.** The methods and data sources included in this section of the Policy Guide represent the preferred methodology and must be followed by the applicant with consideration to the following data substitutions:
- 1. Proxy Sites.** To offer greater flexibility and accuracy, this Policy Guide allows for applicants to use data from proxy sites. Proxy site data collection must follow the recommended steps and procedures found within the latest editions of the *ITE Trip Generation Handbook* and *ITE Trip Generation Manual*. Proxy site data that was not collected for the purposes of the proposed project's TDM plan can also be used by the applicant if the data is appropriate to the proposed project and follows the recommended steps and procedures from the latest editions of the *ITE Trip Generation Handbook* and *ITE Trip Generation Manual*. All proxy site data used for the TDM plan must be included with the TDM plan.
  - 2. Census Data.** If the proposed project includes residential land use, the TDM plan can utilize census data for converting that portion of baseline vehicle trips to baseline person trips (see step 3 below). Census data is available from the American Community Survey Program and can be downloaded from the American FactFinder website. The data available is specific to census tracts and specific to the means of transportation to work. The application of this census data to any non-residential land use is not appropriate for the purposes of this Policy Guide and cannot be included in the TDM plan.



3. **Other Data/Information.** Other data and/or information may be used for the purposes of estimating travel demand if sufficient justification is provided to the Office of Strategic Planning and it determines that the data and/or information is appropriate for the proposed project. This determination of appropriateness must be made before the TDM plan is prepared for staff review and submitted to the City Planning Board.

**D. Justification.** The qualified professional preparing the TDM plan must use his/her professional experience and judgement in applying the preferred methodology. If a substitution allowed under section 3.4.C of this Policy Guide is used to estimate travel demand, the TDM plan must include a sufficient justification to determine if the substitution is appropriate for the proposed project.

**E. Preferred Methodology.** For the purposes of this Policy Guide, the following steps are the preferred methodology for estimating travel demand:

#### Step 1: Estimate Baseline Vehicle Trips

The comprehensive datasets available in ITE *Trip Generation Manual* (latest edition) offer a breadth of data to estimate travel demand. These datasets, however, are often based on vehicle trips from primarily suburban locations. While the subsequent steps in this Policy Guide adjust this number to account for the multi-modal options available in compact urban areas, this first step is necessary to create a baseline for these future adjustments. Using the latest edition of ITE *Trip Generation Manual*, estimate the baseline number of vehicle-trips associated with the proposed project. The estimated number of vehicle-trips for the proposed project is determined by summing the peak hour vehicle trip generation associated with each land use as reported by ITE (Equation 1). ITE *Trip Generation Manual* and the ITE *Trip Generation Handbook* contain guidance for estimating the number of baseline vehicle-trips.

#### Equation 1: Baseline Vehicle-Trips

$$VehicleTrips_{BASELINE} = (VehicleTrips_{LANDUSE1} + VehicleTrips_{LANDUSE2} + \dots)$$

Where:

$VehicleTrips_{BASELINE}$  = Sum of the peak vehicle trip generation for each land use of the proposed project.

$VehicleTrips_{LANDUSE1}$  = Peak vehicle trip generation for the first land use associated with the project.

$VehicleTrips_{LANDUSE2}$  = Peak vehicle trip generation for the second land use associated with the project (if applicable).

### Step 2: If the Proposed Project is Mixed-use, Adjust Baseline Vehicle Trips

If the project is not mixed-use, skip to Step 3. Otherwise, mixed-use projects have a proportion of trips that originate from one internal use to another internal use (e.g., from on-site residential to on-site commercial). To adjust for these internal trips, baseline vehicle trips from Step 1 must be reduced. Using Equation 2, baseline vehicle trips are adjusted by subtracting the estimated number of internal trips. The steps and procedures required to make this adjustment for mixed-use projects is provided in Chapter 6 of the ITE *Trip Generation Handbook* (3<sup>rd</sup> Edition).

### Step 3: Convert Vehicle Trips to Baseline Person Trips

To estimate the total number of trips associated with the proposed project, including those associated with transit, walking, and biking, vehicle-trips must be converted to person-trips. Using Equation 3, vehicle-trips are converted to person trips by using baseline mode share and a vehicle occupancy factor plus transit trips and non-vehicle trips. The steps and procedures required to make this conversion are provided in Chapter 5 of the ITE *Trip Generation Handbook* (3<sup>rd</sup> Edition).

#### Equation 2: Adjusted Baseline Vehicle Trips (Mixed-use projects only)

$$VehicleTrips_{ADJUSTED} = VehicleTrips_{BASELINE} - Trips_{INTERNAL}$$

Where:

$VehicleTrips_{ADJUSTED}$  = Number of vehicle trips after internal trips have been discounted.

$VehicleTrips_{BASELINE}$  = Number of baseline vehicle trips from step 1.

$Trips_{INTERNAL}$  = Number of person trips that occur internal to the site. See ITE *Trip Generation Handbook* for guidance.

#### Equation 3: Baseline Person-Trips

$$PersonTrips_{BASELINE} = [VehicleTrips \times VehicleOccupancy] + TransitTrips + NonVehicleTrips$$

Where:

$PersonTrips_{BASELINE}$  = Baseline vehicle-trip generation from Step 1, converted to baseline person-trips by all modes of travel.

$VehicleTrips$  = Either baseline vehicle trips from step 1 or adjusted vehicle trips from step 2.

$VehicleOccupancy$  = 1.4 (2009 National Household Travel Survey)

$TransitTrips$  = See ITE *Trip Generation Handbook* for guidance.

$NonVehicleTrips$  = See ITE *Trip Generation Handbook* for guidance.

#### Step 4: If the proposed project is “Infill Development,” Adjust Person Trips

Some proposed projects may require an adjustment if they are located in compact urban areas with a greater number of pedestrians, transit riders, bicyclists, or a high rate of vehicle occupancy. These projects are often called urban infill development sites. ITE defines thresholds for a typical infill development site in Chapter 7 of the *ITE Trip Generation Handbook* (3<sup>rd</sup> Edition). If the project does not meet at least one of those thresholds, skip to step 5. Using Equation 4, baseline person trips are adjusted. The steps and procedures required to make this adjustment for infill development sites is provided in Chapter 7 of the *ITE Trip Generation Handbook* (3<sup>rd</sup> Edition).

#### Step 5: Convert Person Trips to Final Vehicle Trips

To estimate the final number of vehicle trips associated with the proposed project, use Equation 5 to convert person-trips to final vehicle-trips by using the mode share and vehicle occupancy estimates from step 3. The steps and procedures required to make this conversion to final vehicle trips is provided in Chapter 5 of the *ITE Trip Generation Handbook* (3<sup>rd</sup> Edition).

#### Step 6: Determine Percent Reduction in Vehicle Trips

The percent difference between the baseline vehicles trips from step 1 and final vehicle trips from step 5 represents the difference between suburban and urban travel demand. Using Equation 6, estimate the percent reduction in vehicle trips. This percent reduction will be used to adjust the estimated baseline parking generation in step 7 to a parking generation that takes into account the multi-modal options available in compact urban areas.

#### Equation 4: Adjusted Person Trips (Infill Development projects only)

$$PersonTrips_{ADJUSTED} = PersonTrips_{BASELINE} + / - PersonTrips_{INFILL}$$

Where:

$PersonTrips_{ADJUSTED}$  = Number of adjusted person trips.

$PersonTrips_{BASELINE}$  = Either baseline person trips from step 2 or adjusted person trips from step 3.

$PersonTrips_{INFILL}$  = See Chapter 7 of the *ITE Trip Generation Handbook* for guidance.

#### Equation 5: Final Vehicle Trips

$$VehicleTrips_{FINAL} = \frac{[PersonTrips \times (Percent\ Person\ Trips\ in\ Vehicles)]}{VehicleOccupancy}$$

Where:

$VehicleTrips_{FINAL}$  = Number of person trips taken by vehicle. Vehicle person trips takes into account auto occupancy.

$PersonTrips$  = Either baseline person trips from step 3 or adjusted person trips from step 4.

$VehicleOccupancy$  = 1.4 (2009 National Household Travel Survey)

#### Equation 6: Percent Reduction in Vehicle Trips

$$\%ReductionTrips = \frac{VehicleTrips_{BASELINE} - VehicleTrips_{FINAL}}{VehicleTrips_{BASELINE}}$$

Where:

$\%ReductionTrips$  = The estimated percent reduction that can be expected based upon the use of alternative modes of transportation.

$VehicleTrips_{BASELINE}$  = From step 1.

$VehicleTrips_{FINAL}$  = From step 5.

### Step 7: Estimate Baseline Parking Generation

Each TDM plan must detail the travel demand accommodations for the proposed project. As vehicular travel demand results in parking demand, steps 7 and 8 detail the methods for estimating parking demand in order to determine the appropriate amount of accommodations needed for the proposed project. The methods within step 7 estimate the baseline parking generation which is adjusted in step 8.

**Single-use Projects:** Using the ITE *Parking Generation* (4<sup>th</sup> Edition), estimate the baseline number of parking spaces associated with the proposed project (Equation 7). The land use for the proposed project should be matched with the same or similar land use contained within ITE *Parking Generation*. The TDM plan must indicate which ITE land use category was used and provide a justification for using that category.

**Mixed-use Projects:** For proposed projects with more than one proposed land use, a shared parking analysis is required. Shared parking is the use of a parking facility to serve two or more individual land uses without conflict. Use the ULI Shared Parking guide, which takes into account the hourly variation of parking required for each land use, to estimate the number of parking spaces required for each proposed land use by hour of day. Using Equation 8, sum the parking demand for each land use for the hour which has the highest total parking demand.

#### Equation 7: Baseline Parking for Single-use Projects

$$ParkSingleUse_{BASELINE} = (Parking_{LANDUSE1})$$

Where:

$ParkSingleUse_{BASELINE}$  = Peak parking demand for the land use of the proposed project.

$Park_{LANDUSE1}$  = "Average Peak Period Parking Demand" for the land use multiplied by the independent variable (acres, gross floor area, employees, dwelling units, etc) as reported in ITE *Parking Generation*.

#### Equation 8: Baseline Parking for Mixed-use Projects

$$ParkMixedUse_{BASELINE} = (Parking_{LANDUSE1} + Parking_{LANDUSE2} + \dots)$$

Where:

$ParkMixedUse_{BASELINE}$  = Sum of the "Average Peak Parking Demand" for each land use of the proposed project.

$Park_{LANDUSE1}$  = "Average Peak Period Parking Demand" for the first land use multiplied by the independent variable as reported in ITE *Parking Generation*.

$Park_{LANDUSE2}$  = "Average Peak Period Parking Demand" for the second land use multiplied by the independent variable as reported in ITE *Parking Generation*.

### Step 8: Estimate Adjusted Parking Generation

As previously mentioned in Step 1, most of the data collected within ITE *Trip Generation Manual* was from suburban locations. The same is true for most of the data within ITE *Parking Generation* (4<sup>th</sup> Edition). To adjust this data to a more urban environment, the percent reduction in vehicle trips from Step 6 is used as the factor for adjusting the ITE *Parking Generation* data to a more urban environment.

**For Single-use Projects:** Using Equation 9, estimate adjusted parking generation for single-use projects using the baseline parking from step 7 and the estimated percent reduction in vehicle trips from step 6.

**For Mixed-use Projects:** Using Equation 10, estimate the adjusted parking generation for a mixed-use project by using the baseline parking estimate from step 6 and the estimated percent reduction in vehicle trips from step 6.

### Step 9: Report methods and summarize results

The TDM plan must include any necessary information and calculations to demonstrate that each of the above steps have been correctly followed to provide an estimate of travel demand by mode. In addition, each TDM plan must provide a summary table showing the following:

1. Estimate of baseline vehicle trips (step 1) compared to the estimate of final vehicle trips (step 5); include the percent reduction (step 6). If proxy site data was used, compare baseline vehicle trips (step 1) to the proxy site data.
2. Estimate of person trips (step 3) or adjusted person trips (step 4) with detail showing person trips by mode.
3. Estimate of baseline parking demand (step 7) compared to the estimate of adjusted parking demand (step 8). If proxy site data is used, compare baseline parking generation to the proxy site data.

#### Equation 9: Adjusted Parking for Single-use Projects

$$ParkSingleUse_{ADJUSTED} = ParkSingleUse_{BASELINE} - (ParkSingleUse_{BASELINE} \times \%ReductionTrips)$$

Where:

$ParkSingleUse_{ADJUSTED}$  = Adjusted parking generation for single-use projects.

$ParkSingleUse_{BASELINE}$  = From **Error! Reference source not found.**, baseline parking for single-use projects.

$\%ReductionTrips$  = From **Error! Reference source not found.**, percent reduction in vehicle trips

#### Equation 10: Adjusted Parking for Mixed-use Projects

$$ParkMixedUse_{ADJUSTED} = ParkMixedUse_{BASELINE} - (ParkMixedUse_{BASELINE} \times \%ReductionTrips)$$

Where:

$ParkMixedUse_{ADJUSTED}$  = Adjusted parking generation for a mixed-use projects.

$ParkMixedUse_{BASELINE}$  = From **Error! Reference source not found.**, baseline parking for mixed-use projects.

$\%ReductionTrips$  = From **Error! Reference source not found.**, the percent

### 3.5 TDM Strategies and Objectives

In accordance with Section 8.4 of the UDO, a TDM plan must include strategies that are employed to reduce single-occupancy vehicle trips, reduce vehicle miles traveled by site users, and promote transportation alternatives such as walking, cycling, ridesharing, and transit.

**A. Strategies.** TDM Strategies listed in the UDO are detailed in Table 1 and include specific implementation requirements and credits. Strategies not included in Table 1 may be considered if sufficient information is included in the TDM plan to determine the effect/impact on the estimated final vehicular travel demand and adjusted parking demand.

**B. Target.** To meet the purpose and intent of Section 8.4 of the UDO, each TDM plan must, at a minimum, include TDM strategies that demonstrate a reduction in the estimated final vehicular travel demand and adjusted parking demand.

1. Proposed projects within the N-1D, N-1C, C-M zone, or within  $\frac{1}{4}$  mile (1,320 feet) of a Metro Rail Station must reduce by 20%.
2. Proposed projects for all other zones, respective of the above, must reduce by 10%.

**C. Credits.** The credits in Table 1 represent the estimated reduction each strategy will have on the estimated final vehicular travel demand and adjusted parking demand. These credits are based on a review of published literature, a survey of TDM policies and ordinances, and guidance published by professional transportation experts.

1. For the purposes of this Policy Guide it is assumed that the credits included in Table 1 equally reduce both the estimated final vehicular travel demand (step 5 of the Policy Guide) and adjusted parking demand (step 8 of the Policy Guide). If the TDM plan estimated travel demand and/or parking demand using the alternative methods, the credits are applied to the result of those methods.
2. Where a credit in Table 1 is listed as a range or a limit, the amount of credit that can be applied is dependent on the degree of implementation and the geographic transportation context of the proposed project. This determination will be at the discretion of the City Planning Board based on the information provided in the TDM plan.

3. Each TDM Plan may propose to use a different credit than the credit associated with each TDM strategy in Table 1. The TDM plan must provide a justification for the proposed credit which including information or data validating the estimated impact on travel demand and/or parking demand.

**D. Modal Share Objectives.** Based on the chosen TDM strategies to reduce the estimated final vehicular travel demand and adjusted parking demand, the TDM plan must detail the modal share objectives for the proposed project. The modal share objective is the result of the credits associated with each TDM strategy on the estimated final vehicular travel demand (step 5 of the Policy Guide)**Error! Reference source not found.** and adjusted parking demand (step 8 of the Policy Guide). Alternatively, if the TDM plan estimated travel demand and/or parking demand using the alternative methods, the model share objective is the result of the credits on those methods.

**E. Requirements.** To evaluate the level of effect/impact of TDM strategies on the estimated final vehicular travel demand and adjusted parking demand, the following is required to be included in the TDM plan:

1. The strategy or strategies chosen to reduce the estimated final vehicular travel demand and adjusted parking demand.
2. The degree of implementation for each strategy. The plan must include sufficient information to determine how the strategy adheres to the requirements listed in Table 1.
3. The amount of credit the applicant determined is appropriate for the degree of implementation of each chosen strategy.
4. The anticipated implementation timeframe for each chosen strategy.
5. The result of each credit on the estimated final vehicular travel demand and adjusted parking demand.



**Table 1: TDM Strategy Options**

Category	Strategy	Requirements	Credit
Share Programs	<b>1. Car-share</b> Car-sharing is an automobile rental service that can be used as a substitute to private car ownership. Generally, car-sharing programs have more of an impact when associated with residential projects.	<b>Stations.</b> Car-share stations must be located on the same zone lot of the proposed project site. Consider partnering with existing car-share service providers in Buffalo.	<b>2 trips</b> for each <b>1 car-share space</b>
		<b>Membership.</b> Employee, tenant, or resident memberships to existing car-share service providers located within ¼ mile (1,320 feet).	<b>1 trip</b> for each <b>1 car-share membership</b>
	<b>2. Bike-share</b> Bike-sharing is a bicycle rental service for short convenient trips and is often associated with popular destinations/neighborhoods, major bicycle transit corridors, or transportation centers. Bike-share strategies include providing direct access through a bike-share station or through a bike-share membership to an existing local service.	<b>Stations.</b> Bike-share stations must be located in the same building, on the same proposed project site, or in the public right-of-way abutting the site. Consider partnering with existing bike-share service providers in Buffalo.	<b>1 trip</b> for each <b>5 bike-share spaces</b>
		<b>Membership.</b> Employee, tenant, or resident memberships to existing bike-share service providers located within ¼ mile (1,320 feet).	<b>1 trip</b> for each <b>5 bike-share memberships</b>
Promotion and Outreach	<b>3. Promotion and Education</b> Providing direct information regarding TDM opportunities and incentives to increase awareness and participation.	Promotion and education material must be tailored to the TDM opportunities and incentives available at the project site and include all available information associated with those opportunities and incentives. This information must be kept up-to-date, be made available in a highly visible location, and be provided directly to any new employee, resident, or tenant.	<b>Up to 2%</b>
Employee Incentives and Programs	<b>4. Alternative/flexible work schedules</b> Alternative/flexible work schedules aids the distribution of travel demand from peak periods. They are often referred to as flextime, compressed work week, or staggered shifts. Telecommuting is also considered as part of this strategy.	Information regarding the availability of these options must be made available in a highly visible location and provided directly to any new employee.	<b>Up to 2%</b>

Category	Strategy	Requirements	Credit
Employee Incentives and Programs (continued)	<b>5. Transit Pass</b> Subsidies offer free or reduced price transit passes to employees of the project site and provide a direct incentive to use an alternative mode.	A transit pass subsidy can be for a 7-day pass, 30-day pass, monthly pass, or Paratransit Access Line (PAL) pass. Passes must be renewed monthly. Use of the pass is at the discretion of the employee.	<b>Number of trips =</b> number of passes multiplied by % of subsidy  (Example: 5 passes @ 20% subsidy = 1 trip)
	<b>6. “Live near your work” programs</b> “Live near your work” programs consist of financial incentives for an employee to buy or rent a home close to their place of work.	Incentives and benefits offered to employees must consist of financial assistance for closing costs, moving expenses, or an adjustment in base compensation. Any home or rental unit within 1 mile of the employee’s place of work qualifies for a “live near your work” program.	<b>1 trip</b> for each employee that utilizes program
	<b>7. Guaranteed ride home (GRH)</b> A guaranteed ride home (GRH) program provides the opportunity for an employee to travel home after working unexpectedly late or due to a family emergency.	The guaranteed ride home program can be implemented through car-share membership, taxi service, or on-demand ride-share. The program is intended to be used by employees that already use an alternative mode but need a guarantee for a ride home. The program must be free-of-charge to any employee, but can be capped per employee at 5 times/uses per year.	<b>Up to 2%</b>
Enhanced Design Amenities	<b>8. Roadway Improvements</b> Roadway improvements adjacent to the site that help encourage transportation alternatives. Improvements include additional streetscape elements or infrastructure improvements within the public right-of-way that would increase the safety, accessibility, convenience, or attractiveness for a person walking.	Roadway improvements must comply with UDO Article 10, Transportation Network, and any other applicable standards in the UDO and other local, state, and federal regulations. These improvements must be for encouraging transportation alternatives for transit riders, pedestrians, and bicyclists.	<b>Up to 4%</b>

Category	Strategy	Requirements	Credit
Enhanced Design Amenities (continued)	<b>9. Bicycle Facilities and Services</b> Providing bicycle facilities and services increases the convenience, security, and appeal of bicycle use. Strategies for bicycle facilities and services should be considered together to enhance their effectiveness and should be consistent with the UDO and Buffalo Bicycle Master Plan.	<b>Parking.</b> Only bicycle parking spaces in excess of the minimum required Section 8.2 of the UDO qualify for the TDM Credit.	<b>1 trip</b> for each <b>5 bike spaces</b>
		<b>Shower facilities and lockers.</b> Shower facilities and lockers must be conveniently located to bicycle parking facilities.	<b>Up to 4%</b>
		<b>Repair station.</b> A bicycle repair station must be located in a designated and secure location with bicycle maintenance tools and supplies that could be used for emergency repair or maintenance. These tools and supplies include a bicycle tire pump, wrenches, chain tool, lubricants, hex keys, Allen wrenches, torx keys, screwdrivers, spoke wrenches, etc.	<b>1%</b>
	<b>10. Transit Facilities</b> Enhanced transit facilities can increase the comfort, convenience, accessibility, or safety of transit riders. These improvements increase the appeal of using transit and should be considered in conjunction with bicycle parking strategies.	Enhanced transit facilities can consist of bus shelters, seating, lighting, or other improvements. Transit facility improvements must be coordinated with the NFTA and may require appropriate right-of-way approvals found in Section 11.4 of the UDO.	<b>Up to 4%</b>
High Occupancy	<b>11. Shuttles (Buspool)</b> Transit-to-work shuttles provide the project site's residents, tenants, and/or employees transit service to local residential areas, commercial centers, or transit hubs.	Shuttles must be provided free-of-charge, not replicate any NFTA transit route, operate during peak travel times from 7AM-9AM and 4PM-6PM with a 15-minute headways, and during off-peak times until at least 8PM with a 30-minute headways. Shuttle routes, stop locations, and schedules must be posted in highly visible locations. A shuttle program would require a designated TDM Coordinator. The amount of credit to be applied to the site's estimated travel demand is based on the frequency and quality of service provided.	<b>Up to 10%</b>
	<b>12. Vanpool</b> A vanpool program provides employees of the project site with direct service from the site to their place of residence.	Vanpool service may not replicate any NFTA transit route and requires a designated TDM Coordinator (specified below).	<b>Up to 5%</b>

Category	Strategy	Requirements	Credit
High Occupancy (continued)	<b>13. Carpool</b> Carpool programs generally operate using employees own cars to pick up fellow employees while traveling to work. These programs offer ease of implementation but can incur direct costs to employees.	Employee vehicles associated with a carpool program should be given preferred parking located close to the main entrance of the principal building and/or be offered parking discounts if the site has unbundled parking. Information regarding the availability of carpool must be made available in a highly visible location and provided directly to any new employee. The financial cost of the carpool is the responsibility of the employees in the carpool. A carpool program would require a designated TDM Coordinator (specified below).	2%
	<b>14. Shared-Parking</b> Shared parking facilities are used by multiple users, destinations, and/or land uses.	Shared parking facilities must be located within ¼ mile (1,320 feet). Other requirements for shared-parking arrangements are included in section 3.6.1 of this Policy Guide.	Up to 10%
	<b>15. Parking Cash-out</b> Parking cash-out programs offer cash alternatives to subsidized parking for employees.	Any employer that subsidizes for its employee's parking space shall provide the employee the option of forgoing the subsidy for a cash payment equivalent to the cost associated with the parking space. The cash-out value associated with the parking space can be up to one-year in duration.	Up to 10%
Parking Management	<b>16. Unbundled Parking</b> Parking sold or rented separately from building space for the life of the property.	Unbundled spaces would be required to be sold or rented separately from the building space at market-rate. The rental or purchase of a parking space would be at the discretion and direct cost of the employee, tenant, or resident.	Up to 10%

Category	Strategy	Requirements	Credit
TDM Management	<b>17. TDM Coordinator</b> The TDM Coordinator has the responsibility of coordinating and implementing the strategies within the TDM plan.	The coordinator may be an employee or a contracted third-party (transportation brokerage service).	2%
	<b>18. Membership in a Transportation Management Association (TMA)</b> Transportation Management Associations (TMAs) are non-profit, member-controlled organizations that provide transportation services in a particular area, such as a commercial district, mall, medical center or industrial park. They are often public-private partnerships and generally consist of area businesses, organizations, and government agencies.	Requirements of the TMA would be determined by the public-private partnership and should include the institutional structure to implement various TDM strategies. To receive credits, active participation in the TMA and coordination with TMA partners in pursuing TDM strategies for the area and the project site, is required.	2%

### 3.6 Travel Demand Accommodations

In accordance with Section 8.4 of the UDO, a TDM plan must detail how the anticipated travel demand for the proposed project will be met. In addition, the TDM plan must demonstrate how travel demand will be met without placing an unreasonable burden on public infrastructure and the surrounding neighborhood.

#### 3.6.1 Vehicle Parking Accommodations

- A. Vehicle Parking Demand.** The amount of vehicle parking the proposed project must accommodate is based on the modal share objectives described in section 3.5.D of this Policy Guide.
- B. Accommodations.** The TDM plan must detail how the parking for the proposed project will be met on-site and/or off-site, including the number of on-street spaces, off-street spaces, shared parking arrangements, and ADA accessible spaces.
- C. Public Parking Facilities.** Any applicant that proposes to utilize on-street and/or off-street public parking facilities to meet their modal share objective must conduct a parking utilization count. The utilization count determines the amount of public parking that could be utilized without placing an unreasonable burden on the neighborhood. The parking utilization count must be included with the TDM plan and meet the following requirements:
  - 1. **Study Area.** The maximum area that can be considered for the utilization count is defined as ¼ mile (1,320 feet) from the proposed project site.
  - 2. **Parking Infrastructure.** Data collected must include the location and quantity of any public parking space that is being considered for accommodating the site's modal share objective. Data collected must include documentation of any regulatory parking signage and/or parking fees.
  - 3. **Utilization Counts.** Utilization counts must be completed during the peak hour(s) and days associated with each land use of the proposed project. Peak hours associated with various land uses are provided in ITE *Trip Generation Manual* (latest edition). Utilization counts must be completed for at least two counting periods per land use.
  - 4. **Threshold.** Parking facilities could be considered for accommodating the project's modal share objective if the facility's utilization counts are below 75% for the corresponding peak hours associated with each land use of the proposed project.

- 5. **Limit.** A TDM plan can propose to use public parking facilities up to 85% utilization for the corresponding peak hours associated with each land use of the proposed project.

- D. Shared Parking.** If shared parking is utilized to meet the modal share objectives for the proposed project in whole or in part, the TDM plan must include documentation that provides evidence of compliance with the estimates calculated in accordance with this Policy Guide. Evidence provided with the TDM plan may include but is not limited to, executed agreements with, or correspondence from, a third party parking provider or other documentation deemed appropriate by the City Planning Board. Evidence must also specify the number of parking spaces being provided to meet the estimated parking demand.
- E. Over-providing.** If the proposed project seeks to provide at least 10% more vehicular parking spaces than the modal share objective, the TDM plan must include a written justification based on at least one of the following criteria:
  - 1. Additional parking will be available for unrestricted-use by the general public. The TDM plan must include evidence supporting the need for public parking.
  - 2. Additional parking will be utilized as part of a shared-parking agreement associated with another location. The TDM plan must include documentation of the shared parking agreement.
  - 3. Additional parking will be utilized to accommodate parking for another location owned by the applicant. Evidence must be provided that shows the other location has a parking deficiency (beyond 85% utilization).
  - 4. Additional parking is deemed necessary due to the unique characteristics of the users or the activity of the site. Justification must describe the unique characteristic(s) and provide sufficient evidence to justify the proposed additional parking.
  - 5. Additional parking is deemed necessary based on the applicant's previous experience with developing the same or similar use. Sufficient evidence must be provided to justify the additional parking.

**F. Under-providing.** If the proposed project seeks to provide at least 10% fewer vehicular parking spaces than the modal share objective, the TDM plan must include a written justification based on at least one of the following criteria.

1. The number of vehicular parking spaces estimated is deemed unnecessary due to the unique characteristics of the users or the activity of the site. Justification must describe the unique characteristic(s) and include sufficient evidence to justify the reduced parking.
2. Fewer parking spaces will be needed based on the applicant's previous experience with developing the same or similar use. Sufficient evidence must be provided to justify the reduced parking.
3. The project site is constrained and the provision of additional parking would substantially hinder the potential for reasonable development. In such cases, the applicant must demonstrate that considerable efforts have been made to minimize vehicular travel through TDM strategies and how the under-provision of parking will not create an unreasonable burden on public infrastructure and the surrounding neighborhood.

### 3.6.2 Bicycle Parking Accommodations

- A. Minimum Bicycle Parking Requirements.** The TDM plan must meet the bicycle parking standards and requirements of Section 8.2 of the UDO and detail how those bicycle parking spaces will be accommodated by the proposed project. This includes describing provisions for short-term and long-term bicycle parking spaces.
- B. Additional Bicycle Parking Accommodations.** If a TDM plan includes TDM strategy #9 (Bicycle Parking and Facilities), the plan must detail the accommodations for short-term and long-term spaces that will be provided above the minimum standards. Where appropriate, these accommodations must be included on the site plans submitted for the proposed project. These spaces, in excess of the minimum bicycle parking requirements, must meet the standards and requirements of Section 8.2 of the UDO.

### 3.6.3 Transit and Pedestrian Accommodations

- A. Pedestrian Access.** The TDM plan must meet the pedestrian access standards and requirements of Section 8.1 of the UDO.

- B. Accommodations.** The TDM plan must detail the accommodations for pedestrians and transit-riders. These accommodations must take into consideration the intent and purpose of the UDO, this Policy Guide, and recommended practices of the National Association of City Transportation Officials (NACTO) or other similar transportation planning organizations.

## 3.7 Implementation Requirements

- A. TDM Strategies.** The TDM plan must detail the implementation timeframe for each TDM strategy included for the proposed project.

1. If the TDM plan includes strategies 8, 9, or 10 (Enhanced Design Amenities), these strategies must be available for use by employees, residents, customers, visitors, etc. at the time the certificate of occupancy is issued by the Department of Permit and Inspection Services for the proposed project.
2. Any other TDM strategy not described above, but included within the TDM plan, must be implemented by the applicant or property owner within six (6) months of the issuance of the certificate of occupancy by the Department of Permit and Inspection Services for the proposed project.

- B. Travel Demand Accommodations.** The accommodations for travel demand as detailed within the TDM plan must be available for use by employees, residents, customers, visitors, etc. at the time the certificate of occupancy is issued by the Department of Permit and Inspection Services for the proposed project.



### **3.8 Commitment Statement**

The TDM plan must include a signed commitment statement from the property owner acknowledging the following:

- A.** Responsibility and cost associated with the TDM plan's implementation and maintenance will be the responsibility of the property owner.
- B.** The property owner will ensure the implementation of all of the elements included within the TDM plan as approved by the City Planning Board within the defined timeframe described in this Policy Guide.
- C.** The property owner will maintain records associated with the implementation and maintenance of the TDM plan.
- D.** The property owner will allow the City to inspect TDM facilities included in the approved TDM plan and to audit any TDM implementation and maintenance records.
- E.** The property owner will notify the Zoning Administrator within 30 days prior to any change in ownership of the property subject to the approved TDM plan.
- F.** The property owner will adjust the TDM plan, as appropriate, for any subsequent site modification (per Section 2.4.C of this Policy Guide) and will reflect such subsequent site modification and TDM plan adjustments in the required TDM reporting (per Section 5.0 of this Policy Guide).

### **3.9 Verification Statement**

The TDM plan must include a verification statement signed by the preparer that includes the following:

- A.** A brief description of the preparer's credentials and experience related to transportation planning, transportation engineering, or comparable field.
- B.** Verification that the TDM plan was prepared in compliance with the UDO and this Policy Guide.

## 4.0 Approval Procedure

### 4.1 Procedure

The TDM plan must be submitted as part of a major site plan review application. Section 11.3.7 of the UDO outlines the review and approval procedure for major site plan review.

### 4.2 TDM Performance Standards

As described in section 8.4 of the UDO, in making its decision, the City Planning Board must make written findings of fact on the following matters:

- A. The project includes performance objectives to minimize single-occupancy vehicle trips and maximize the utilization of transportation alternatives to the extent practicable, taking into account the opportunities and constraints of the site and the nature of the development.
- B. The project must meet the anticipated transportation demand without placing an unreasonable burden on public infrastructure, such as transit and on-street parking facilities, and the surrounding neighborhood.

### 4.3 Approval Standards

The City Planning Board must make written findings of fact based on the approval standards for major site plan review, per Section 11.3.7.G of the UDO, which includes the following criterion:

The project will be located, designed, and/or managed to meet its anticipated travel demand, and will include reasonable efforts to minimize single-occupancy vehicle trips, reduce vehicle miles travelled, and promote transportation alternatives. If required by this Ordinance, a TDM plan must be approved by the City Planning Board as evidence of the project meeting this criterion.



## 5.0 Reporting

### 5.1 Reporting Requirement

- A. The property owner responsible for development and implementation of a TDM plan will be required to ensure compliance with the reporting requirements of this section.
- B. Upon approval of the TDM plan and issuance of a certificate of occupancy by the Department of Permit and Inspection Services, the property owner will be required to file status reports with the Zoning Administrator to demonstrate compliance with the TDM requirements of Section 8.4 of the UDO and this Policy Guide.

### 5.2 Implementation Status Report

- A. **Applicability.** All projects with an approved TDM plan.
- B. **Timeframe.** Within 30 calendar days of the six (6) month anniversary of issuance of the certificate of occupancy by the Department of Permit and Inspection Services.
- C. **Requirement.** The applicant or property owner must submit a report to the Zoning Administrator documenting the implementation status of all TDM strategies included in the approved TDM plan. The report must include the following:
  - 1. Brief summary (preferably in tabular format) of each TDM strategy included in the TDM plan and the implementation status of each strategy.
  - 2. Verification statement verifying that all TDM strategies have been implemented. For any strategy that has not been fully implemented, an explanation detailing the reason(s) why the strategy has not been fully implemented and the expected implementation timeframe are required.
  - 3. Supplemental documentation demonstrating compliance with implementation, as appropriate.

### 5.3 Brief Status Report

- A. **Applicability.** Projects involving less than 50,000 square feet of gross floor area of new construction of a principal building.
- B. **Timeframe.** Within 30 calendar days of the two (2) year anniversary of issuance of the certificate of occupancy by the Department of Permit and Inspection Services and on a bi-annual basis thereafter.

- 1. Upon the 10 year anniversary of the issuance of the certificate of occupancy, if the owner of the site has consistently complied with the standards of Section 8.4 of the UDO and the requirements of this Policy Guide, the Zoning Administrator may waive the requirement for future TDM plan reports for the site.
- C. **Requirement.** The applicant or property owner must submit a report to the Zoning Administrator which includes the following:
  - 1. Utilization and performance summary of all TDM strategies included in the approved TDM plan. Include any supplemental documentation demonstrating compliance with the TDM plan and the utilization of TDM strategies, as appropriate.
  - 2. Based on the utilization and performance summary, the status report must determine if any TDM strategies need adjustment or if additional TDM strategies are necessary to maximize the utilization of alternative modes. If any adjustments or additions are identified, the status report must include a description and implementation timeframe.

### 5.4 Comprehensive Status Report

- A. **Applicability.** Projects with a gross floor area of at least 50,000 square feet, including new construction and renovation.
- B. **Timeframe.** Within 30 calendar days of the two (2) year anniversary of issuance of the certificate of occupancy by the Department of Permit and Inspection Services and on a bi-annual basis thereafter.
  - 1. Upon the 10 year anniversary of the issuance of the certificate of occupancy, if the owner of the site has consistently complied with the standards of Section 8.4 of the UDO and the requirements of this Policy Guide, the Zoning Administrator may waive the requirement for future TDM plan reports for the site.
- C. **Requirement.** The applicant or property owner must submit a report to the Zoning Administrator which includes the following:
  - 1. Utilization and performance summary of all TDM strategies included in the approved TDM plan. Include any

supplemental documentation demonstrating compliance with the TDM plan and the utilization of TDM strategies, as appropriate.

2. Based on the utilization and performance summary, the status report must determine if any TDM strategies need adjustment or if additional TDM strategies are necessary to maximize the utilization of alternative modes. If any adjustments or additions are identified, the status report must include a description and implementation timeframe.
3. A comparison of estimated travel demand from the TDM plan with actual travel demand. Each comprehensive status report must include a summary of bi-annually collected data for the actual travel demand by mode for the project. The method used to determine actual travel demand by mode must follow the recommended steps and procedures in ITE *Trip Generation Handbook* (3<sup>rd</sup> Edition).
4. Based on the comparison of estimated versus actual travel demand, the status report must determine if the modal share objectives from the TDM plan have been met. If the modal share objectives have not been met, the status report must include TDM strategy adjustments or additions, including implementation timeframes, that will be implemented to meet modal share objectives.

#### 5.5 TDM Plan Updates

### 5.5 TDM Plan Updates

As indicated in section 2.4 of this Policy Guide, Subsequent Site Modification, an owner must update the TDM plan to reflect current conditions. For any subsequent site modification, the TDM plan must be appropriately updated to comply with the standards and requirements of the UDO and this Policy Guide, as follows:

- A. For any subsequent site modification, a TDM plan must be adjusted to meet the standards and requirements of Section 8.4 of the UDO and the requirements of this Policy Guide. The site modification and TDM plan adjustment(s) must be reflected in the required bi-annual TDM status report (see Section 5.3 of this Policy Guide).

## 6.0 Glossary of Terms

**Alternative Transportation:** The use of modes of transportation other than the single passenger motor vehicle including but not limited to carpools, vanpools, buspools, public transit, walking, and bicycling.

**Applicant:** A property owner, a person holding an option or contract to purchase a property, or any other person authorized in writing to act for such persons, who submits an application under the provisions of the UDO.

**Bicycle Parking, Long-Term:** Long-term bicycle parking accommodates employees, students, residents, commuters, and other persons who intend to leave their bicycle parked for more than two hours. Fixtures include lockers and bicycle racks in secured areas, and are always sheltered or enclosed.

**Bicycle Parking, Short-Term:** Short-term bicycle parking accommodates visitors, customers, messengers, and other persons who intend to depart within two hours or less. Fixtures include bicycle racks, which may be unsheltered.

**Bicycle repair station:** A facility located in a designated and secure location with bicycle maintenance tools and supplies that could be used for emergency repair or maintenance. These tools and supplies include a bicycle tire pump, wrenches, chain tool, lubricants, hex keys, Allen wrenches, torx keys, screwdrivers, spoke wrenches, etc.

**Bike-Share:** A bicycle rental service for short convenient trips and are often associated with popular destinations/neighborhoods, major bicycle transit corridors, or transportation centers. Bike-share strategies include providing direct access through a bike-share station or through a bike-share membership to an existing local service.

**Carpool:** A vehicle carrying two (2) to six (6) persons commuting together to and from work on a regular basis.

**Car-Share Service:** A mobility enhancement service that provides an integrated citywide network of neighborhood-based motor vehicles available only to members by reservation on an hourly basis, or in smaller intervals, and at variable rates. Car-share vehicles must be located at unstaffed, self-service locations (other than any incidental garage valet service), and generally be available for pick-up by members 24 hours per day.

**Change of Use:** A change of gross floor area from one category of use to another category of use listed in the UDO use table for the zoning district of the subject lot.

**Commitment Statement:** A signed statement included in the TDM plan pursuant to Section 3.8 of this Policy Guide indicating an applicant's or property owner's acknowledgment that he/she will be responsible for costs associated with the plan's cost for implementation and maintenance, adherence to implementation timeframes, recordkeeping, access for inspections, and change in ownership notification.

**Development Project or Project:** New construction of a principal building in excess of 5,000 square feet or substantial renovation of a principal building with a gross floor area of at least 50,000 square feet and involving a change of use.

**Enhanced transit facilities:** Bus shelters, seating, lighting, or other improvements to enhance transit user experience.

**Guaranteed ride home (GRH):** A program that can be implemented through car-share membership, taxi service, or on-demand ride-share and that is intended to be used by employees that already use an alternative mode but need a guarantee for a ride home. The program must be free-of-charge to any employee, but can be capped per employee at 5 times/uses per year.

**Infill Development:** A development site located in a fully developed urbanized area, often with different interactive land uses and with good pedestrian and vehicular connectivity, and served by convenient/frequent transit and/or designated bicycle facilities.

**Live near your work program:** Financial incentives provided to an employee to buy or rent a home close to their place of work.

**Major Site Plan Review:** The discretionary review of the site configuration and architectural design of projects which, due to their magnitude, are more likely to have significant impacts on their surroundings. Major site plan review is required for

**Mixed-Use Project/Development:** An integrated development (usually master planned) consisting of at least two complimentary and interactive land uses designed to foster synergy among activities generated by the land uses. Some trips are between on-site land uses and do not travel on off-site streets. A mixed-use development may also be referred to as a multi-use development.

**Modal Share Objective:** The result of the TDM credits associated with each TDM strategy on the estimated final vehicular travel demand (step 5 of the Policy Guide)**Error! Reference source not found.** and adjusted parking demand (step 9 or 10 of the Policy Guide). Alternatively, if the TDM plan estimated travel demand and/or parking demand using the alternative methods, the model share objective is the result of the credits on those methods.

**Parking Cash-out:** A program offered to employees that include cash alternatives to subsidized parking.

**Parking Utilization Counts:** A process involving counting on-street and/or off-street public parking facilities to determine the amount of public parking that could be utilized without placing an unreasonable burden on the neighborhood.

**Person Trip:** A trip made by any mode of travel by an individual person from an origin to a destination. Every trip made anywhere by a person is a person trip. If three people leave a development site in a single vehicle, this is counted as three person trips.

**Property Owner:** See “Applicant” definition.

**Proxy Sites:** A development site with the same land use characteristics, similar size (in terms of the independent variable), and comparable setting (area type, density, compactness or land coverage, parking availability, access to land use diversity, transit service or availability, or apparent vitality) as the study site.

**Public Parking Facility:** A publicly-owned lot, street, garage, building or structure or combination or portion thereof, on or in which motor vehicles are parked.

**Qualified Professional:** A person with demonstrated experience in transportation planning, traffic engineering, or comparable field.

**Roadway Improvements:** Improvements adjacent to a development project site that help encourage transportation alternatives. Improvements may include additional streetscape elements or infrastructure improvements within the public right-of-way that would increase the safety, accessibility, convenience, or attractiveness for a person walking.

**Shared Parking:** The use of a parking facility to serve two or more individual land uses without conflict. Shared parking arrangements utilize the available parking spaces by multiple uses within the proposed project.

**Shuttles (Buspool):** A vehicle carrying 16 or more passengers commuting on a regular basis to and from work with a fixed route, according to a fixed schedule.

**Single-Occupancy Vehicle (SOV):** A privately operated vehicle used primarily for personal travel, daily commuting and for running errands and whose only occupant is the driver. The definition excludes human-powered vehicles such as bicycles.

**Single-Use Project:** A development project that involves a single land use (e.g., residential, commercial, industrial).

**Status Report, Brief:** A status report prepared pursuant to Section 5.3 of this Policy Guide for projects involving a gross floor area of less than 50,000 square feet of new construction of a principal building.

**Status Report, Comprehensive:** A status report prepared pursuant to Section 5.4 of this Policy Guide for projects involving a gross floor area of at least 50,000 square feet of new construction of a principal building.

**Subsequent site modification:** A change of use, increase in square footage, change to available parking, or other site modification that occurs after approval of a TDM plan by the City Planning Board.

**TDM Coordinator:** A person having the responsibility of coordinating and implementing the TDM strategies included within the TDM plan.

**TDM Credits:** The estimated reduction each strategy would have on the estimated final vehicular travel demand and adjusted parking demand.

**TDM Plan:** A plan prepared pursuant to Section 8.4.2 of the UDO and this Policy Guide that details a development project, its site inventory, estimated travel demand, TDM strategies, travel demand accommodations, implementation requirements, and reporting requirements.

**TDM Strategies:** Strategies that are employed to reduce single-occupancy vehicle trips, reduce vehicle miles traveled by site users, and promote transportation alternatives such as walking, cycling, ridesharing, and transit.

**Transit Pass:** A pass that provides riders with unlimited use of the local transit system. This is typically provided to employees of a development project and provides a direct incentive to use an alternative mode of travel.

**Transportation Demand Management (TDM):** The alteration of travel behavior - usually on the part of commuters - through programs of incentives, services, and policies. TDM addresses alternatives to single-occupancy vehicles such as carpooling and vanpooling, and changes in work schedules that move trips out of the peak period or eliminate them altogether (as is the case in telecommuting or compressed work weeks).

**Transportation Management Association (TMA):** An organized group, often legally constituted with a financial dues structure, applying carefully selected approaches to achieving mobility and air quality goals within a designated area.

**Unbundled Parking:** Parking sold or rented separately from building space for the life of the property.

**Vanpool:** A vehicle carrying seven (7) or more persons commuting together to and from work on a regular basis, usually in a vehicle with a seating arrangement designed to carry seven (7) to 15 adult passengers, and on a prepaid subscription basis.

**Vehicle Miles Traveled:** A measure of the amount and distance that a Development Project causes people to drive.

**Vehicle Trip:** An inbound or outbound person trip that crosses the site cordon line in a personal passenger vehicle or truck, or that crosses the site cordon line as a pedestrian to or from a personal passenger vehicle or truck. If, for example, a person drives a personal passenger vehicle from home, parks off-site, and walks from parking facility to an office building, the trip (at both ends) is considered a vehicle trip.

**Vehicle Trip, Baseline:** Vehicle trips estimated with the aid of *Trip Generation Handbook* methodologies to represent the estimated vehicle trips at baseline sites. These baseline trips are converted to baseline person trips and then adjusted using study site vehicle occupancy and mode share assumptions in order to estimate vehicle trip generation at a multimodal study site.

**Verification Statement:** A signed statement included in the TDM plan pursuant to Section 3.9 of this Policy Guide indicating the TDM plan preparer's acknowledgment that he/she is a qualified professional with demonstrated experience in transportation planning, traffic engineering, or a comparable field, and that the TDM plan was prepared in compliance with the UDO and this Policy Guide.

**Written Findings of Fact:** A written narrative that documents whether a TDM plan meets the City Planning Board's TDM performance standards and Major Site Plan Review approval standards of sections 8.4.2.C. and 11.3.7.G.6. of the UDO, respectively.



March 2017

HIGHLAND PARK PHASE 1A

# TRAFFIC DEMAND MANAGEMENT PLAN

City of Buffalo

Erie County



<b>TITLE</b>	<b>PAGE</b>
Introduction	1
Site Inventory	3
Bicycle Facilities and Access	6
Travel and Parking Demand	7
Transportation Demand Management Strategies and Objectives	10
Conclusion	12

#### **List of Figures**

- Figure 1: Site Layout
- Figure 2: Employment Destinations
- Figure 3: NFTA Bus and Light Rail Routes
- Figure 4: NFTA Metro Rail Route
- Figure 5: Buffalo Bicycle Network

#### **List of Tables**

- Table 1: Trip Generation Summary
- Table 2: Percent Reduction in Trips Calculation
- Table 3: Parking Demand Summary
- Table 4: Reduction in Parking Demand

## Introduction

Transportation Demand Management (TDM) is the application of demand strategies and policies to reduce travel demand (specifically that of single-occupancy private vehicles), or to redistribute this demand in mode, space, or in time. The City of Buffalo Unified Development Ordinance (Green Code) provides guidance relative to the content of the project specific TDM Plan. The Green Code requires a TDM plan for new construction of a principal building with a gross floor area in excess of 5,000 square feet.

Elements of the Green Code TDM include:

- Identification of the travel demand for the development.
- Identification of how the anticipated demand will be met on and off site.
- Strategies for reduction of single occupant vehicle trips.
- Modal share objectives for the development.

For the purposes of this TDM Plan for the Highland Park transit oriented residential development, travel demand will focus on the commute to and from work. Commuter movements have the greatest potential impact to existing transportation infrastructure and services such as public transit. The following Plan outlines strategies that will be implemented by the developer to reduce single occupant vehicle trips and promote transportation alternatives such as walking, cycling, ride sharing and public transit.

## Project Information

Project Name: Highland Park Phase 1A  
129 Holden Street  
Buffalo, New York 14214

Owner Name: Ciminelli Real Estate Corporation  
350 Essjay Road  
Williamsville, New York 14221

Preparer Name: Wendel  
375 Essjay Road, Suite 200  
Williamsville, New York 14221  
Michael Leydecker, PE

## Project Description

The Highland Park Redevelopment Project will transform land that was occupied by the former Central Park Plaza into transit oriented residential development. The former plaza was comprised of single story retail buildings. These buildings have been demolished to make way for the new development. Highland Park will provide housing choices for residents that rely on public transit as their primary transportation mode. Highland Park is located in close proximity to the NFTA Metro Station at Amherst Street and several Metro Bus Lines. Highland Park will incorporate pedestrian and bicycle features to provide convenient and safe transit access for residents. The development will incorporate walkable/bikeable features throughout the site providing connections to these new streets. These modifications would be implemented as part of phased project development with full buildout of the development anticipated in 2022.

Phase 1A of the Highland Park Redevelopment will consist of 32 single family attached homes, and 4 multi-family buildings with 13 units in each for a total of 52 units. This Phase includes reconstruction of Holden Street as well as the construction of a portion of the new Chalmers Avenue. These streets have been developed to conform to Section 10.2 of the Uniform Development Ordinance. Complete street elements include sidewalks, enhanced transit stops, on-street parking, pedestrian scale lighting, bicycle sharrows and landscaping. Street and infrastructure construction began in 2015 and will be completed as part of the Phase 1A development. Figure 1 provides the site layout for Highland Park, Phase 1A.



Figure 1: Site Layout

## Site Inventory

The following section provides describes land use, zoning and transportation accommodations for the Highland Park development.

### A. Land Use:

The Project Site is located in the Fillmore-Leroy neighborhood of the City of Buffalo. The Highland Park site is bounded by Holden Street on the west, Manhattan Avenue on the east, Central Park Avenue on the south and Bennett Village on the north. The Site currently consists of the former Central Park Plaza. The former plaza was comprised of approximately 275,000 square-foot single story retail buildings. These buildings have been demolished to make way for the new development.

The Highland Park Redevelopment Project will transform land that was occupied by the former Central Park Plaza into transit oriented residential development. Highland Park will incorporate pedestrian and bicycle features to provide convenient and safe transit access for residents. The development will include construction of new City Streets. The development will incorporate walkable/bikeable features throughout the site providing connections to these new streets.

### B. Users:

Phase 1A of the Highland Park Redevelopment will consist of 32 single family attached homes, and 4 multi-family buildings with 13 units in each for a total of 52 units.

### C. Zoning:

Current zoning is D-R Residential Campus. The previous zoning was CM.

### D. Transportation Accommodations:

The focus of the Highland Park will be Transit Oriented Development (TOD). The location of the Project Site and employment destinations is depicted in Figure 2. The site is located in close proximity to the NFTA Metro Rail Amherst Street Station. In addition the site is served by the Number 23 Fillmore-Hertel and Number 32 Amherst Metro Bus Routes. NFTA bus and light rail routes in the vicinity of the project area can be seen in Figure 3.

Enhanced access to the NFTA Metro is an important element of the Highland Park development. The developer has been coordinating the type and location of transit infrastructure with the NFTA.

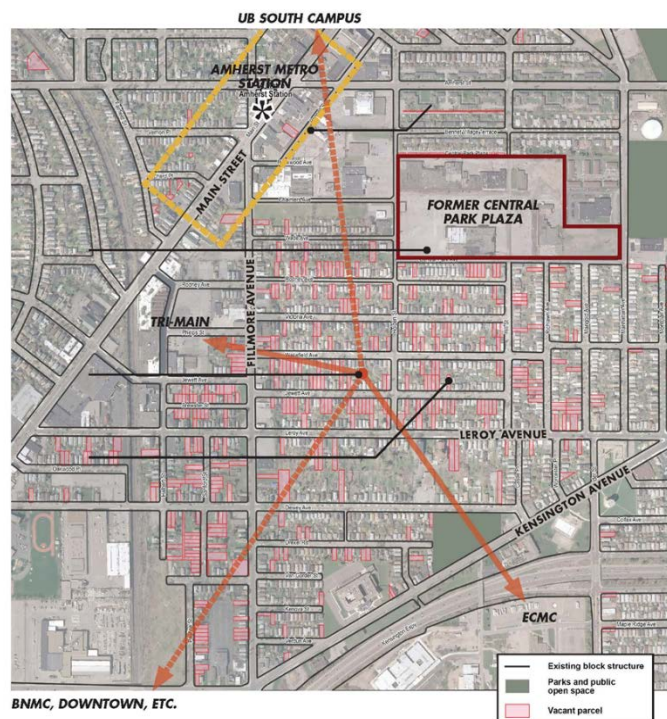
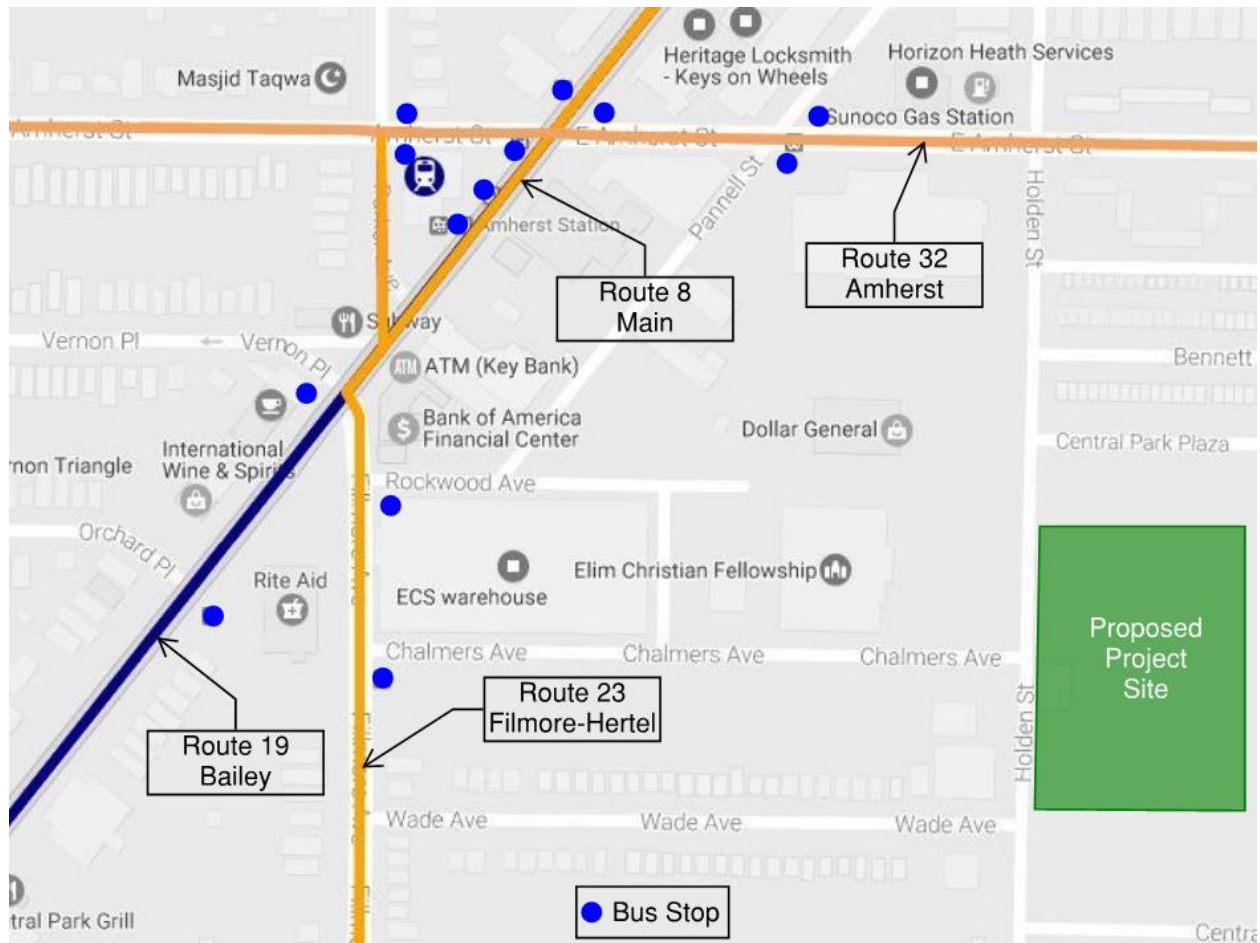


Figure 2: Employment Destinations





**Figure 3: NFTA Bus and Light Rail Routes**

Presently, the Number 32 Bus operates north of the development on Amherst Street. Previously, this the Number 32 Bus was routed through the Central Park Plaza. Once phased development allows, NFTA would prefer once again to route the bus through Highland Park and ultimately connect to the Amherst Street Metro Station. The route would leave Amherst Street at Hill Street and continue through the site on Chalmers Avenue before returning to Amherst Street via Holden Street. Phase 1A includes a bump out enhanced bus stop on Chalmers Avenue for this future routing.

The NFTA Metro Light Rail travels near the proposed development. The Amherst Station rail stop is located just north of the site on the corner of Amherst Street and Parker Avenue and can be accessed via walking or bicycling. The Metro Rail connects Downtown Buffalo to the University at Buffalo South Campus, located in the northeast corner of the City, servicing 14 stops along the way as seen in Figure 4.

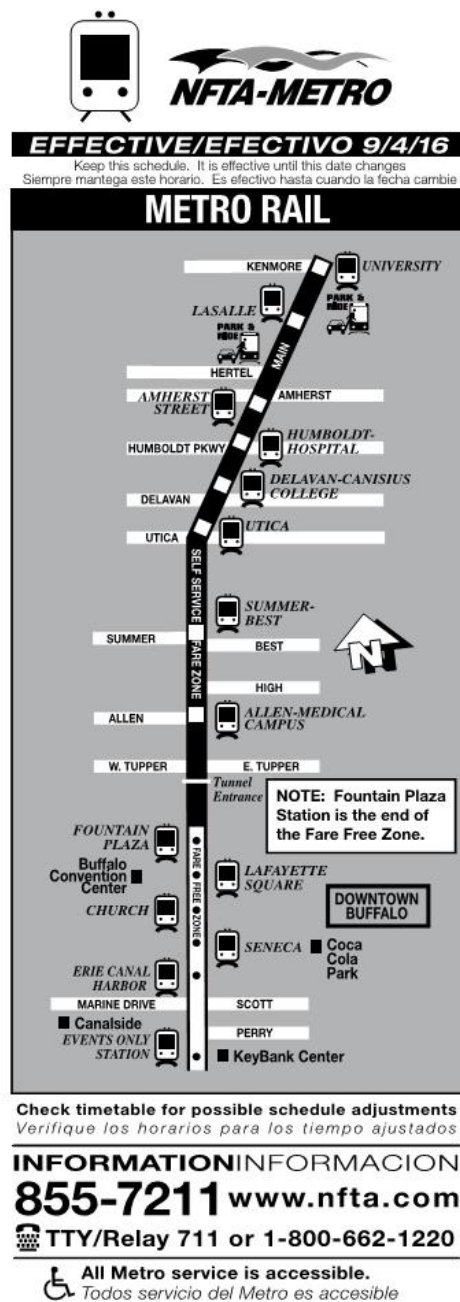


Figure 4: NFTA Metro Rail Route

NFTA Metro buses connect the Highland Park Development to virtually every major employment and activity centers in the Region. These include the SUNY Buffalo Campuses, ECC and Canisius Universities, the Central Business District and the Buffalo Niagara Medical Campus. As design progresses, the developer will continue to work with NFTA to incorporate enhanced bus stops and shelters and other transit amenities into the project.



## Bicycle Facilities and Access

Buffalo recently has updated the City's Bicycle Master Plan. The Bicycle Network Map shows existing and future cycling routes and facilities.

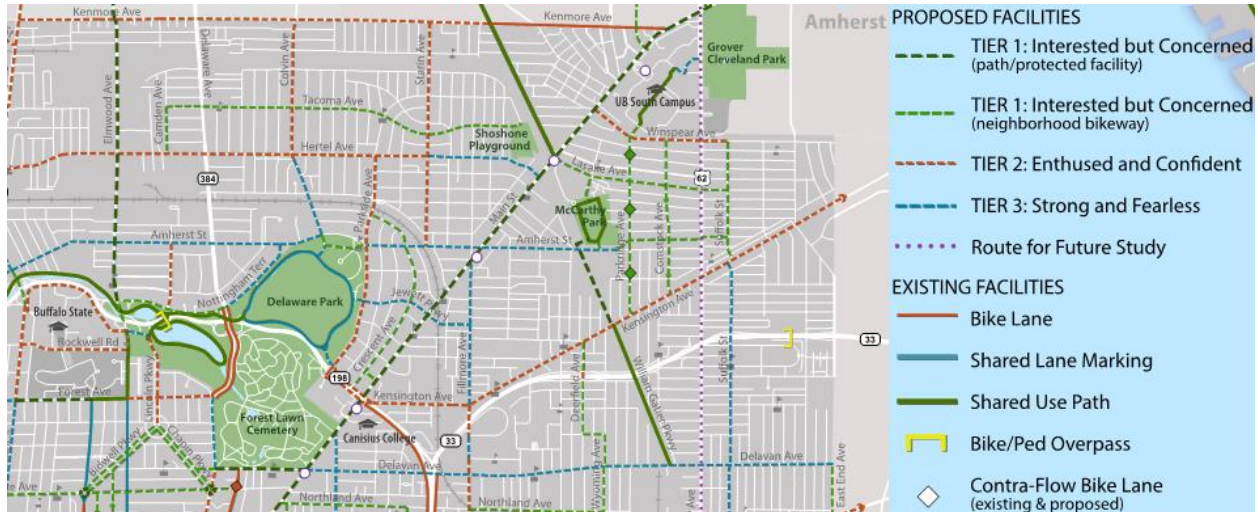


Figure 5: Buffalo Bicycle Network

There are several Tier 1 and 3 bike facilities that are proposed in the vicinity of the Highland Park Development. Tier 1 facilities are proposed for Main Street. Tier 3 facilities are proposed for Amherst Street and Fillmore Avenue. These facilities would connect to major work and activity centers as well as regional shared use pathways along Buffalo's waterfront.

As illustrated in Figure 1, the site includes pedestrian and bicycle pathways and sidewalks that provide convenient ADA compliant circulation throughout the site. Curb bump outs on Chalmers Avenue provide a shorter road crossing distance, and a center median provides a refuge area for pedestrians and bicyclists. Enhanced NFTA bus stops at the curb bump outs allow easy access for pedestrians and bicyclists to ride public transit. Bicycle racks throughout the site provide secured bicycle storage.

The residential streets have been designed to incorporate on-street parking; parking on Chalmers Avenue will be restricted from 9:00 AM to 4:00 PM on alternate days. Sharrows will be used on these low speed residential streets to accommodate bicycle traffic.

## Travel and Parking Demand

### Trip Generation

The Trip Generation Summary, which is presented in Table 1, provides the anticipated travel demand for the project. Trip Generation calculations were based on Institute of Transportation Engineers (ITE) trip generation rates for the land use codes included in the development program. Trip generation rates were applied to the square footages or number of units set forth in the development program. Land Use 221–Low-Rise Apartment was used for the proposed 4 multi-family buildings with 13 units in each for a total of 52 units. Land Use 230–Residential Condominium/Townhouse was used for the 32 single family attached homes.

**Table 1: Trip Generation Summary**

Trip Generation Summary							
Development	Units	AM Peak Hour			PM Peak Hour		
		Total Trips	Entering	Exiting	Total Trips	Entering	Exiting
Land Use 221 - Low-Rise Apartment	52	24	6	18	31	21	10
Land Use 230 - Residential Condominium/Townhouse	32	15	3	12	17	12	5
<b>Baseline Vehicle Trip Total</b>		<b>39</b>	<b>9</b>	<b>30</b>	<b>48</b>	<b>33</b>	<b>15</b>

During the morning commuter peak hour, the development would generate a baseline total of 39 Vehicle Trips. During the evening commuter peak hour, the development would generate a baseline total of 48 Vehicle Trips.

### Travel Demand

The Buffalo Green Code has a 9-step process to estimate the anticipated travel demand. Table 2 shows the steps and equations used to calculate the Percent Reduction in Trips for the Highland Park development. The evening commuter peak hour was chosen to calculate the Percent Reduction in Vehicle Trips since it generated more Baseline Vehicle Trips than the morning commuter peak hour.

**Table 2: Percent Reduction in Trips Calculation**

PM PEAK HOUR							
Step 2	Equation 2	Person Trips (Baseline) = [Vehicle Trips (Baseline) x Vehicle Occupancy] + Transit Trips + Non-Vehicle Trips	=	67	=	48 x 1.4 + 0 + 0	
Step 3	Equation 3	Person Trips (Adjusted) = Person Trips (Baseline) - Person Trips (Internal)	=	n/a	=	n/a - 0	
Step 4	Equation 4	Person Trips (Adjusted) = Person Trips (Adjusted or Baseline) - Person Trips (Infill)	=	n/a	=	n/a - 0	
Step 5	Equation 5	Vehicle Trips (Final) = [Person Trips (Adjusted or Baseline) x Percent Person Trips in Vehicles] / Vehicle Occupancy	=	48	=	67 x 100% / 1.4	
Step 6	Equation 6	% Reduction Trips = [Vehicle Trips (Baseline) - Vehicle Trips (Final)] / Vehicle Trips (Baseline)	=	0%	=	[48 - 48] / 48	

The Baseline Vehicle Trips found in Step 1 were converted to Baseline Person Trips in Step 2, which accounts for 1.4 persons per vehicle based on the 2009 National Household Travel Survey. Transit Trips and Non-Vehicle Trips were also accounted for in this step. For the Highland Park development, there will be no Transit Trips and no Non-Vehicle Trips.

Step 3 is applied to mixed-use developments only and accounts for Internal Person Trips traveling within the proposed development. The Highland Park development is not mixed-use and has only residential development. Therefore, Step 3 does not apply.

Step 4 is applied to infill developments only and accounts for Infill Person Trips traveling from nearby existing developments to the proposed infill development. The Highland Park development is not an infill development but rather a new development. Therefore, Step 4 does not apply.

Step 5 calculates the Final Vehicle Trips associated with the Highland Park development. Since Steps 3 and 4 are not applicable, the Final Vehicle Trips calculated in Step 5 is the same as the Baseline Vehicle Trips calculated in Step 1. The Final Vehicle Trips associated with the Highland Park development is 48 trips.

Step 6 calculates the Percent Reduction in Trips associated with the Highland Park development. Since there are no Transit Trips or Non-Vehicle Trips, and the development is not a mixed-use development or an infill development, there is a 0% reduction in trips.

### Parking Demand and Supply

Anticipated parking demand for the Highland Park development is presented in Table 3. Parking Generation calculations were based on Institute of Transportation Engineers (ITE) parking generation rates for the land use codes included in the development program. Parking generation rates were applied to the square footages or number of units set forth in the development program. Land Use 221–Low-Rise Apartment was used for the proposed 4 multi-family buildings with 13 units in each for a total of 52 units. Land Use 230–Residential Condominium/Townhouse was used for the 32 single family attached homes. The Baseline Parking Demand Total for the Highland Park development is 108 parking spaces.

**Table 3: Parking Demand Summary**

Parking Demand Summary		
Development	Units	Parking Demand
<i>Land Use 221 - Low/Mid-Rise Apartment</i>	52 Units	63
<i>Land Use 230 - Residential Condominium/Townhouse</i>	32 Units	45
<b>Baseline Parking Demand Total</b>		<b>108</b>

Table 4 shows the steps and equations to calculate the Adjusted Parking Demand based on the Percent Reduction in Trips found in Step 6. The Baseline Parking Demand Total for Single-Use Developments is found in Table 3 and transferred to Step 7.

**Table 4: Reduction in Parking Demand**

PM PEAK HOUR						
Step 7	Equation 7	Park Single Use (Baseline) = Parking Demand (Baseline)				
		108	=	108		
Step 8	Equation 8	Park Mixed Use (Baseline) = Parking Demand (Baseline)				
		n/a	=	n/a		
Step 8	Equation 9	Park Single Use (Adjusted) = Park Single Use (Baseline) - [Park Single Use (Baseline) * % Reduction Trips]				
		108	=	108	-	108 * 0%
Step 8	Equation 10	Park Mixed-Use (Adjusted) = Park Mixed Use (Baseline) - [Park Mixed Use (Baseline) * % Reduction Trips]				
		n/a	=	n/a	-	n/a * n/a

Step 8 calculates the Adjusted Parking Demand for Single Use-Developments by applying the Percent Reduction in Trips found in Step 6. Since there was a 0% reduction in trips, the Adjusted Parking Demand for the Highland Park development is 108 parking spaces.

### Vehicle Parking Demand Accommodations

Parking demand for the development is 108 parking spaces. This demand will be met by means of the proposed one-car and two-car residential garages that will accommodate 44 vehicles. There also will be 56 off street parking spaces. Therefore, total off street parking is 100 spaces.

On street parking will be provided on Chalmers Avenue. A total of 19 on street parking spaces is provided. Therefore, the total parking associated with the site is 119 spaces.

### Bicycle Parking Accommodations

Section 8.2 of the UDO establishes the minimum bicycle parking standards for multi-unit building residential developments as 1 per 5 dwelling units. Phase 1A includes 4 buildings with 13 units per building for a total of 52 dwelling units. Therefore, the required total number of bicycle parking spaces is 11 of which 90% or 10 need to be long term spaces.

The requirement for long term spaces will be met using indoor bicycle lockers. Each multi-unit building will have 8 lockers for a total of 32 lockers. In addition, 7 bicycle racks that can accommodate parking for 8 bicycles each, for a total of 56 spaces will be installed on the Phase 1A site. Two of these racks will be installed at the enhanced bus stop on Chalmers Avenue.

## Transportation Demand Management Strategies and Objectives

### Travel and Parking Demand Targets

Phase 1A of the Highland Park Development will include a mix of single family and multi-family residential homes. The Unified Development Ordinance (UDO) zone for the site is D-R, Residential Campus. The project is not within the C-M Metro Rail corridor zone and is slightly further than ¼ mile from the Amherst Street Metro Rail Station. Therefore, based on the TDM Policy Guide, the travel and parking reduction target for this zone would be ten percent.

As shown in Table 2, travel demand associated with the Phase 1A single use residential development is 48 vehicle trips. As shown in Table 3, the parking demand for Phase 1A is 108 spaces. Therefore, based on a target of ten percent, implementation of TDM strategies would reduce travel demand by five vehicle trips during the evening peak hour and parking demand by eleven parking spaces.

### TDM Strategies

The Phase 1A Highland Park project would include the following TDM strategies:

#### *Promotion and Outreach*

*Proposed Credit 2%*

- **Promotion and Education** – CREC maintains a tenant services website. This tenant services site would be utilized to promote TDM opportunities and incentives that are available to Highland Park residents. This would include links to the NFTA's Trip Planner and fare purchase sites as well as other sites providing information and support for ride sharing. In addition, this information would be available at the CREC leasing on-site office.

CREC will be responsible for promotion and education as part of their tenant leasing services program.

#### *Enhanced Design Amenities*

*Proposed Credit 8%*

- **Roadway Improvements** - Phase 1A development includes construction of a portion of Chalmers Avenue. Once complete, Chalmers Avenue will be dedicated to the City of Buffalo. Street design follows the guidance for pedestrian facilities, bicycle facilities, intersection treatments and traffic calming measures that are set forth in Section 10.2 of the UDO. The right-of way type that was used for design is D. Residential Street along with the optional median. In addition to Chalmers Avenue, Phase 1A includes reconstruction of the east side of Holden Street from the Central Park Plaza Alley to Wade Avenue. Street improvements include new sidewalks, pedestrian scale lighting intersection treatments, streetscape and resurfacing of the street. Much of this work is already complete with the balance to be completed as part of the Phase 1A buildout.
- **Enhanced Transit Facilities** – The Phase 1A development includes construction of an enhanced bus stop on Chalmers Avenue. The enhanced stop was designed in accordance with AASHTO Guide for Geometric Design for Transit Facilities on Highways and Streets. The stop includes a mid-block bus bulb, mid-block high visibility pedestrian crossing, bus shelter, bicycle racks and additional lighting. As shown in Figure 1, pedestrian and bicycle access to the enhanced stop is provided by a series of walkways. Siting and design of the enhanced stop was coordinated with the NFTA.

CREC will be responsible for the initial construction of Enhanced Design Amenities. Many of these amenities will be located within the City's right-of-way. Accordingly, CREC presently, is working with the City to establish responsibility for long term maintenance of these facilities. Amenities that are located within the Highland Park will be operated and maintained by CREC.

### ***Parking Management***

***Proposed Credit 10%***

- **Unbundled Parking** – Phase 1A includes 4 multi-family buildings with 13 units in each for a total of 52 units. Spaces in the 56-car off-street parking lot associated with these units will be rented separately from the rental units.

CREC will be responsible for management of unbundled parking for Highland Park as part of their tenant leasing services program.

### **Reporting**

CREC will be responsible for compliance with the reporting provisions that are set forth in the TDM Policy Guide. Measurement of target travel demand would be accomplished through periodic tenant surveys. The survey would focus on identifying the number of commuter trips during the evening peak hour period that utilize alternative transit, pedestrian and bicycle travel modes. Parking demand would be measured as the number of tenants that do not purchase on-site parking spaces.

### Conclusion

The Highland Park Phase 1A development will transform the Central Park Plaza into an urban residential, transit oriented development. The proposed development site will promote other modes of transportation, including public transportation (Metro light rail and NFTA bus routes), bicycle and walking. The development will be pedestrian friendly and encourage foot traffic through walkways, landscaping, and street lighting. Parking demand generated by the development will be met by the proposed townhouse garages and off street surface lots. Overall, the travel demand will be managed and will not have a significant impact.



## Parkageddon

# How not to create traffic jams, pollution and urban sprawl

Don't let people park for free



From the print edition | Briefing

Apr 8th 2017 | AMSTERDAM, BEIJING AND TOKYO

EVEN if the new headquarters that Apple is creating in California does not prove to be “the best office building in the world”, as Steve Jobs boasted shortly before his death in 2011, it will be an astounding sight. The main building resembles a flying saucer with a hole in the middle. Through its large, gently curving windows, workers will eventually look out on a wood containing some 7,000 carefully chosen trees. It is as though a race of high-tech beings has

Register to read 3 articles each week or subscribe for full access

Register: 3 art

And then, unfortunately, there's the car park. For 14,000 workers, Apple is building almost 11,000 parking spaces. Many cars will be tucked under the main building, but most will cram into two enormous garages to the south. Tot up all the parking spaces and the lanes and ramps that will allow cars to reach them, and it is clear that Apple is allocating a vast area to stationary vehicles. In all, the new headquarters will contain 318,000 square metres of offices and

**Welcome to The Economist. Subscribe today to take advantage of our introductory offers and Subscribers enjoy:**

**Economist.com**  
Unlimited access to  
Economist.com

**The Economist**  
The weekly edition, in print or  
digital

**A**  
**R**

GAME THEORY

---

**United Airlines forcibly removes a man from an overbooked flight**

GULLIVER

---

See all updates

for every building. A developer who wants to put up a block of flats, for example, must provide two parking spaces per apartment, one of which must be covered. For a fast-food restaurant, the city demands one space for every three seats; for a

bowling alley, seven spaces per lane plus one for every worker. Cupertino's neighbours have similar rules. With such a surfeit of parking, most of it free, it is little wonder that most people get around Silicon Valley by car, or that the area has such appalling traffic jams.

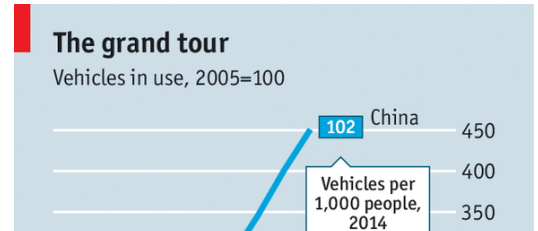
Parking can seem like the most humdrum concern in the world. Even planners, who thrill to things like zoning and floor-area ratios, find it unglamorous. But parking influences the way cities look, and how people travel around them, more powerfully than almost anything else. Many cities try to make themselves more appealing by building cycle paths and tram lines or by erecting swaggering buildings by famous architects. If they do not also change their parking policies, such efforts amount to little more than window-dressing. There is a one-word answer to why the streets of Los Angeles look so different from those of London, and why neither city resembles Tokyo: parking.

For as long as there have been cars, there has been a need to store them when they are not moving—which, these days, is about 95% of the time. Washington, DC, had a parking garage in 1907, before Ford produced its first Model T. But the most important innovation came in 1923, when Columbus, in Ohio, began to insist that builders of flats create parking spaces for the people who would live in them. "Parking minimums", as these are known, gradually spread

Register to read 3 articles each week or subscribe for full access

Register: 3 art

The codes that tell developers how much parking they must provide can be wonderfully revealing of local mores. In Las Vegas, “sex novelty shops” must have at least three spaces per 1,000 square feet (93 square metres) of floor space but “adult entertainment cabarets” at least ten for the same



**Welcome to The Economist. Subscribe today to take advantage of our introductory offers and Subscribers enjoy:**

**Economist.com**  
Unlimited access to  
Economist.com

**The Economist**  
The weekly edition, in print or  
digital

**A**  
**R**

## Might as well do the white line

Some developers are happy to supply parking spaces. Ryan Shear of Property Markets Group builds expensive flats in Miami, which are often bought by Latin Americans. He sometimes creates more spaces than the city requires, because his customers desire a safe place for their precious motors. But most developers create the number of parking spaces they are compelled to build and no more. In 2004 London abolished minimum parking requirements. Research by Zhan Guo of New York University shows that the amount of parking in new residential blocks promptly plunged, from an average of 1.1 spaces per flat to 0.6 spaces. The parking minimum had boosted supply far beyond what the market demanded.

Water companies are not obliged to supply all the water that people would use if it were free, nor are power companies expected to provide all the free electricity that customers might want. But many cities try to provide enough spaces to meet the demand for free parking, even at peak times. Some base their parking minimums on the “Parking Generation Handbook”, a tome produced by the Institute of Transportation Engineers. This reports how many cars are found in the free car parks of synagogues, waterslide parks and so on when they are busiest.

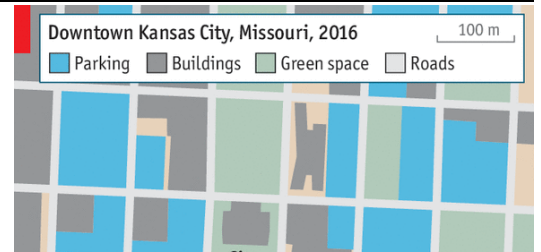
The harm caused begins with the obvious fact that parking takes up a lot of room. A typical space is 12-15 square metres; add the necessary access lanes and the space per car roughly doubles. For comparison, this summer *The Economist* will move into a building in central London where it is assumed each employee will have ten square metres of space. In cities, such as Kansas City (see map), where land is cheap and surface parking the norm, central areas

Register to read 3 articles each week or subscribe for full access

Register: 3 art

## Kerb your enthusiasm

The more spread out and car-oriented a city, as a result of enormous car parks, the less appealing walking and cycling become. Besides, if you know you can park free wherever



**Welcome to The Economist. Subscribe today to take advantage of our introductory offers and Subscribers enjoy:**

**Economist.com**  
Unlimited access to  
Economist.com

**The Economist**  
The weekly edition, in print or  
digital

A  
R

expensive tram and rapid-bus projects, 76% drove.



The rule of thumb in America is that multi-storey car parks cost about \$25,000 per space and underground parking costs \$35,000. Donald Shoup, an authority on parking economics, estimates that creating the minimum number of spaces adds 67% to the cost of a new shopping centre in Los Angeles if the car park is above ground and 93% if it is underground. Parking requirements can also make redevelopment impossible. Converting an old office building into flats generally means providing the parking spaces required for a new block of flats, which is likely to be difficult. The biggest cost of parking minimums may be the economic activity they prevent.

Free parking is not, of course, really free. The costs of building the car parks, as well as cleaning, lighting, repairing and securing them, are passed on to the people who use the buildings to which they are attached. Restaurant meals and cinema tickets are more pricey; flats are more expensive; office workers are presumably paid less. Everybody pays, whether or not they drive. And that has an unfortunate distributional effect, because young people drive a little less than the middle-aged and the poor drive less than the rich. In America, 17% of blacks and 12% of Hispanics who lived in big cities usually took public transport to work in 2013, whereas 7% of whites did. Free parking represents a subsidy for older people that is paid disproportionately by the young and a subsidy for the wealthy that is paid by the poor.

A few crowded American cities, including San Francisco, have abolished their parking minimums. So has one shrinking city—Buffalo, in New York state. But most of the country seems to be stuck with a hugely costly and damaging solution to the parking problem. And the

Register to read 3 articles each week or subscribe for full access

Register: 3 art



In China, cars park everywhere—in marked spaces, in places where parking is specifically banned, in bicycle lanes, on pavements. In some cities, the fight for parking spaces has become so intense that people install metal barriers to which only they have the key, or persuade their parents to reserve spaces by sitting in them. Beijing's streets are patrolled by orange-jacketed workers who, in theory, put slips of paper on car windows to mark when the vehicles arrive, and

**Welcome to The Economist. Subscribe today to take advantage of our introductory offers and Subscribers enjoy:**

**Economist.com**  
Unlimited access to  
Economist.com

**The Economist**  
The weekly edition, in print or  
digital

**A**  
**R**

to the growing chaos on the streets. Most Indian planners concur that the best way of ameliorating a shortage is to require more off-street parking, says Shreya Gadepalli of the Institute for Transportation and Development Policy, a think-tank. One reason, she suggests, is that so many of them studied at American universities.

Whether in America or Asia, oceans of free parking might delay a transport revolution. When autonomous cars that are allowed to move with nobody inside them become widespread, demand for private cars could fall sharply. Starting in the morning, one car could take a child to school, a city worker to his office, a student to her lecture, party people to a club, and a security guard to his night shift, all more cheaply than taxis. Cars that now sit idle could become much more active, which would drastically change parking needs.

Parking garages would still be needed in a driverless world, predicts Sean Behr, a Silicon Valley entrepreneur. Instead of storing vehicles for hours at a time, though, garages might become service centres where shared battery-powered cars could be cleaned, repaired and recharged before being sent back on the road. "We will need better facilities for a smaller number of vehicles," he suggests. These garages need not be in city centres. In the slow hours of mid-morning and early afternoon, driverless cars could trundle to industrial estates in suburbia. Much of the area now allocated to cars in city centres could be turned into homes, offices or parks.

Mr Shear is already building flats with drop-off and pick-up areas, to accommodate people who travel by Uber cars. In a radically driverless future, he could perhaps do away with many of his parking spaces. But only if consumers decide to forgo car ownership—and whether they do is

Register to read 3 articles each week or subscribe for full access

Register: 3 art

highly attractive. They are less attractive in cities where parking is plentiful and free, such as Miami.

Unlike Africa and Asia, European streets are for the most part well-policed. Although some cities have parking requirements, these are seldom as extravagant as American ones, and have been

**Welcome to The Economist. Subscribe today to take advantage of our introductory offers and Subscribers enjoy:**

**Economist.com**  
Unlimited access to  
Economist.com

**The Economist**  
The weekly edition, in print or  
digital

**A**  
**R**

Cameras are snapping the number plates of every parked car. If any vehicle has a red tag, which the system knows because Amsterdam's parking meters are connected to a database, and drivers are required to enter their number plates when they pay—a second officer is alerted. He rides to the scene on a moped and issues a digital fine. Amsterdam's parking officers describe their system as fair. They mean it is so ruthlessly efficient that it cannot be beaten.

## Just the ticket

Amsterdam charges up to €5 (\$5.30) an hour for parking on the street. Visitors can also park underneath office buildings or in large, clean park-and-ride garages run by the city. Drivers thus have many choices and the city raises a lot of money—€190m in 2015. Yet this diverse, market-based system covers only a small slice of parking in Amsterdam. Three-quarters of spaces on the streets of the city centre are occupied not by visitors or commuters but by residents. And the people of Amsterdam, who are so keen on pricing parking for others, would not dream of exposing themselves to market forces.

Anybody who lives in a home without a dedicated space is entitled to buy a permit to park nearby for between €30 and €535 a year. This is a good deal and, not surprisingly, the number of takers in many districts exceeds the number of spaces. So Amsterdam has waiting lists for permits. The longest, in the Westerpark area, is 232 months long. To free more spaces, the city has begun to reimburse permit-holders part of the annual fee if they keep their cars in suburban garages. Take-up is encouraging—which suggests that, despite the long queues, many people do not prize the opportunity to park close to their homes.

Register to read 3 articles each week or subscribe for full access

Register: 3 art

deputy mayor in charge of transport. (They also believe they should be able to leave their bicycles absolutely anywhere for nothing, which is another headache.) So the queues for permits are likely to grow. Amsterdam expects to build 50,000 more homes before 2025, which will mean



**Welcome to The Economist. Subscribe today to take advantage of our introductory offers and Subscribers enjoy:**

**Economist.com**  
Unlimited access to  
Economist.com

**The Economist**  
The weekly edition, in print or  
digital

A  
R

canal and are digging an underground garage with 600 parking spaces into the marshy ground beneath. When the car park is finished and sealed, the canal will be refilled with water. The city will then abolish 273 parking spaces on the streets above.

Other cities lauded for their excellent public transport and enthusiasm for market-based solutions to traffic problems also have a blind spot when it comes to residents' parking. Much of inner London, for example, is covered with residents' parking zones. The permits are often even cheaper than in Amsterdam: Kensington and Chelsea charges between £80 (\$100) and £219 a year for the right to park anywhere in the borough and on the fringe of nearby Westminster. Visitors, on the other hand, must pay between £1.20 and £4.60 an hour. Given that the average home in Kensington and Chelsea sold for £1.9m last year, residents' parking represents a gift to some of Britain's richest people.

Despite being the home of Lyft and Uber, two car-sharing services, San Francisco is similarly generous. It charges just \$127 a year for residents' permits. Unlike Amsterdam, though, San Francisco does not cap the number, and in some neighbourhoods one and a half are issued for every parking space. The result is a perpetual scrap for empty kerb. A survey in 2015 found that 53% of permit-holders had spent at least five minutes looking for a space at the end of their most recent trip, and 7% more than half an hour.

As San Francisco's infuriated drivers cruise around, they crowd the roads and pollute the air. This is a widespread hidden cost of under-priced street parking. Mr Shoup has estimated that cruising for spaces in Westwood village, in Los Angeles, amounts to 950,000 excess vehicle miles travelled per year. Westwood is tiny, with only 170 metered spaces

Register to read 3 articles each week or subscribe for full access

Register: 3 art



There is, however, one exception to the rule that residential parking must never be subjected to market forces. In the 1950s, when it was still far from rich, Japan began to require city-dwellers who did not have parking spaces in their buildings to purchase them. These days anybody who wishes to buy a car must first show a receipt for a space. He or she had better use it: any vehicle without one left on the roadside will be removed by the police in the middle of the night.

**Welcome to The Economist. Subscribe today to take advantage of our introductory offers and Subscribers enjoy:**

**Economist.com**  
Unlimited access to  
Economist.com

**The Economist**  
The weekly edition, in print or  
digital

**A**  
**R**

~~Explains that prices are actually higher close to transport hubs, because commuters compete for~~  
those spaces. Near the central station in Tama, a suburb, the going rate is ¥17,000 per month (\$150). Ten minutes' walk away it drops to ¥10,000.

Once you become accustomed to the idea that city streets are only for driving and walking, and not for parking, it is difficult to imagine how it could possibly be otherwise. Mr Kondoh is so perplexed by an account of a British suburb, with its kerbside commons, that he asks for a diagram. Your correspondent tries to draw his own street, with large rectangles for houses, a line representing the kerb and small rectangles showing all the parked cars. The small rectangles take up a surprising amount of room.

*This article appeared in the Briefing section of the print edition under the headline "Sacred spaces"*

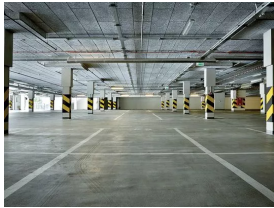
Register to read 3 articles each week or subscribe for full access

Register: 3 art

# Self-driving cars, QLINE and bikes could leave parking lots empty

John Gallagher, Detroit Free Press

9:59 p.m. ET May 3, 2017



(Photo: Getty Images)

Urban planners learn early that there can never be enough parking. It's one reason American cities, including Detroit, disfigure themselves with so many ugly concrete parking garages. And it's why historic buildings often fall to wreckers when a surface parking lot appears to offer a more lucrative revenue stream.

But it's just possible that the coming of the autonomous self-driving car may break the stranglehold that parking has on cities like Detroit. Most proponents of autonomous vehicles predict we'll need a lot fewer parking spaces in the future because driverless cars will not need to park at all, except at night. Rather, they will roam around during the day, seeking new passengers or running errands instead of sitting empty all day in a lot or deck.

Combined with the growing popularity of ride-sharing services such as Uber and Lyft, new bike-sharing programs such as Detroit's MoGo service that starts up next month, transit options such as the Qline that begins service in May and the trend toward downtown living, autonomous vehicles could drastically reduce the need for parking lots and decks in the city.

## Related:

[Delphi invests in technology for self-driving cars](http://www.freep.com/story/money/cars/2017/04/06/delphi-autonomous-car/100083842/)

(<http://www.freep.com/story/money/cars/2017/04/06/delphi-autonomous-car/100083842/>)

[Need a ride in Detroit? Soon you can share a bike](http://www.freep.com/story/news/local/michigan/detroit/2017/04/26/detroit-bike-share-is-mogo/100898424/)

(<http://www.freep.com/story/news/local/michigan/detroit/2017/04/26/detroit-bike-share-is-mogo/100898424/>)

[Gallagher: Is QLINE the start of something much bigger?](http://www.freep.com/story/money/business/john-gallagher/2017/05/02/detroit-qline-transit-streccars/101212540/)

(<http://www.freep.com/story/money/business/john-gallagher/2017/05/02/detroit-qline-transit-streccars/101212540/>)

That would bring on a revolution in design. American planners long ago adopted regulations that mandate minimum parking for all sorts of uses. These requirements drive up the cost of construction and leave an urban streetscape marred with unsightly parking decks and surface lots.

From an urban design standpoint, it could be a blessing if demand for parking goes down. But don't expect it just yet. If anything, recent trends have pushed up — rather than reduced — demand for parking in Detroit and in suburban downtowns such as Birmingham and Ferndale.

One reason: Employers responded to the squeeze of the Great Recession by reducing their real estate costs. They did that by packing more workers into the same size or smaller building footprints. In effect, that meant more parking needed for the same old buildings.

The newfound popularity of urban downtowns has pushed up parking needs even more. Businessman Dan Gilbert's aides estimate that Quicken Loans and its spinoff firms have brought 17,000 workers to the downtown Detroit area since 2010. Some of those mostly millennial workers bike or walk to work. But many look for a parking space. It's a big reason why even outlying lots and street parking on the fringes of downtown Detroit look so full these days.

But at some point, the coming of autonomous vehicles and alternative means of transit may turn that tide. And so some architects and city planners are beginning to grapple with what that means.

One intriguing possibility: Architects will design parking decks in the future to be convertible to housing, office space and other uses as the need arises. It's not such a strange idea. Cities have long since converted old factories and warehouses to loft housing; unused churches now host brew pubs, and the early 20th-Century office buildings lining Woodward Avenue in downtown Detroit have been converted to apartments, retail, restaurants and the occasional nightclub.

But converting parking decks to new uses will mean building them in new ways. For one thing, the slightly sloping floors of most parking decks (allowing rain and snowmelt to flow toward drains) will have to be flat to accommodate potential new uses. Ceilings will have to be higher if we expect people to live there one day.

Then, too, office and residential uses tend to carry more weight than parked cars, so the parking structures will have to be designed stronger. And architects will have to think about leaving room for mechanical ductwork and windows, even if a garage may not be converted for many years.

This is not all fanciful. Planners in Seattle, Boston, Denver, Miami and Atlanta are all mulling building parking decks in this new way. So far, it's just talk for now.

Suburban shopping malls surrounded by seas of asphalt will also change. Already under pressure from online shopping habits, malls won't need anywhere near as much surface parking as they have in the past. In this vision, self-driving cars will pick up and drop off shoppers, then drive on to other tasks, rather than looking for parking.

Michael Osment, senior vice president of the Taubman Co., the Bloomfield Hills-based developer of upscale malls, said at a transportation conference in Southfield recently that millions of square feet of mall parking lots will have to be redeveloped as online shopping and autonomous vehicles cut the need for parking spaces.

Already, Sterling Heights has asked the Detroit architectural firm Archive DS to work up a plan for converting Lakeside Mall in this way. Mark Nickita, a partner in the firm, showed a preliminary design that fills in the existing parking lots with new buildings and an extension of a nearby pond to create a more walkable environment. "We left the big boxes, take out all the guts, and design in a mixed-use community," Nickita said.

The plans are just concepts at this point. But, then, that's true of so much about the future of parking. Indeed, much of what proponents predict for autonomous vehicles remains speculative at best.

At the recent transportation conference in Southfield, sponsored by the Southeast Michigan Council of Governments, Richard Wallace, director of transportation analysis at the Center for Automotive Research at the University of Michigan, predicted that most self-driving cars will remain privately owned, as cars are today. But then Robert Feldmaier, director of the Center for Advanced Automotive Technology at Macomb Community College, predicted the opposite, saying most autonomous vehicles will operate as fleets owned by services, rather than individuals.

Will cars drive more miles or fewer once autonomous vehicles arrive? You can find predictions that hold either view. Will fully self-driving cars arrive in two years or 20? Analysts can make a case for both timetables.

So it's reasonable to hold off on celebrating the end to parking's hold on urban design. Parking may represent a vast waste — by some estimates, most cars are parked 95% of the time — but let's not forget that people get possessive about their parking spaces as with few other things.

As the great mid-20th Century architecture critic Lewis Mumford once observed, "The current American way of life is founded not just on motor transportation but on the religion of the motorcar, and the sacrifices that people are prepared to make for this religion stand outside the realm of rational criticism."

Contact John Gallagher: 313-222-5173 or [gallagher@freepress.com](mailto:gallagher@freepress.com). Follow him on Twitter [@jgallagherfreep](https://twitter.com/jgallagherfreep).

Read or Share this story: <http://on.freep.com/2pJwNhn>



Cheryl Anobile  
111 Willits St.  
Birmingham, MI 48009

April 25, 2017

City of Birmingham

Attn: Jana Ecker  
Planning Director

Thank you for returning my call late yesterday.

Further to our phone conversation, I would like to add to my letter dated April 20, 2017 regarding the application for special land use permit to make design changes to the existing restaurant to open up the rear and add outdoor dining into the via. The following are more concerns. I was told by an employee of Dick O'Dows that they are open until 2:00am every evening. They have live entertainment on Friday and Saturday evenings. This is a huge concern. The additional concerns are for the amount of new space for patrons and the voice noise coming out of that extremely large proposed opening, in addition, live music, and opened until 2:00am. I heard how loud this is with only one small back door, approximately 32", opened half way, on a live entertainment night. Also, the alley-way is very narrow so the noise and loud voices (yelling and swearing) have an echoed effect which carries through and up. The noise level is loud as I mentioned in my first letter when there are just a few patrons or small groups of patrons going out in and out of Dick O'Dows to smoke or congregate. They go outside underneath The Willits and other covered locations to do this. Also, as anyone who has visited the establishment knows, it is a Pub; people drink and get louder as the night goes on.

Please note: if I would have known of this potential proposal ever happening, I would have not purchased a condo in The Willits. This is a very upscale, exclusive property and this should be considered.

Is there a proposed seasonal time (i.e. April – September) bylaw for the proposed open air?

**CARSON FISCHER, P.L.C.**

ROBERT M. CARSON  
JOSEPH M. FISCHER  
ROBERT A. WEISBERG  
KAREN H. SAFRAN  
JEFFREY B. SCHLUSSEL  
GREGORY T. OBLOY  
CHRISTOPHER A. GROSMAN  
DAVID E. SCHLACKMAN  
JEFFREY B. MILLER

4111 ANDOVER ROAD  
WEST - SECOND FLOOR  
BLOOMFIELD HILLS, MICHIGAN 48302-1924

[rcarson@carsonfischer.com](mailto:rcarson@carsonfischer.com)

TELEPHONE  
(248) 644-4840  
FACSIMILE  
(248) 644-1832

April 26, 2017

Via email: [jecker@bhamgov.org](mailto:jecker@bhamgov.org)  
and Hand Delivery

Jana L. Ecker  
Planning Director  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48009

Re: Hotel Development at 298 S. Old Woodward Avenue

Dear Ms. Ecker:

We write in regard to the above proposed project which appears to not have completely addressed its impact on the City and its residents and which appears to be of a scale exceeding the capacity of the site and the area, at least as currently configured. The materials accompanying and the analysis within this letter are preliminary as we have not had the time to fully address the project.

From the reports submitted to the Planning Board it appears that this project will unduly burden traffic and parking within the City. Please also see the enclosed two letters from Midwestern Consulting dated April 19, 2017 and April 25, 2017 addressing traffic and parking concerns related to project.

All access to the proposed hotel, its restaurants, rooms, residences and meeting rooms appears to be from southbound Old Woodward Avenue. All vehicular traffic to the project will be in addition to the existing traffic and will cause vehicles to stack up on Old Woodward at least to Merrill Street. Northbound traffic on Old Woodward (and east and west bound traffic on Brown) will have to circulate around the area to approach from the north or make U-turns, creating more traffic and congestion. Further, we do not see an explanation of how and where delivery by event vendors (such as flowers, bakeries, bands, etc.) will take place. If these types of deliveries take

place on Old Woodward or Brown Street, by double parking or otherwise, the most difficult situations will only be exacerbated.

As you know, Brown is the southerly bypass route for Maple Road in downtown. The project proposes to have a single loading dock on Brown (although their CIS indicates 3 are required). Having trucks back into this loading dock from Brown will effectively shut down traffic on Brown. Moreover, westbound Brown is a one lane street and, therefore, all traffic will have to stop when there is a delivery truck idling on Brown waiting for the truck in the dock to leave or when it is backing in. This stoppage of traffic on westbound Brown could easily cause backups into the intersection at Brown and Old Woodward.

As all are aware, parking in downtown Birmingham has become extremely difficult and the two structures closest to the project (Pierce and Peabody) operate at near capacity. The new vehicular parking by employees, hotel residents and guests generated by the project, may very well have no place to go. With little to no availability to park, vehicular traffic and parking associated with this project and other businesses in the area will have to circulate numerous times within the downtown area, which creates additional trips on the streets and likely could force employees to park in nearby residential areas. This situation will, as discussed in the reports, also make the proposed valet operation problematic.

The project does not appear to have considered some possible ways to mitigate some of the problems it will create such as reducing its scale, providing additional levels of underground parking and bringing ingress and egress (for persons and vehicles) to and from the hotel/restaurant entrance within the site.

Lastly, we understand that Zoning Ordinance permits a 5<sup>th</sup> floor if it is used "only for residential". The 5<sup>th</sup> floor of the project identifies 17 keys; however, we see 25 keyed doors to the hallway, with only 17 of those doors have "kitchenettes". Whether these kitchenettes in rooms as small as 350 square feet are residential must be determined. Even if arguably they were residential, if the hotel was to rent out the other 8 doors without kitchenettes separately, that use is not residential under the Zoning Ordinance and a use variance may be required.

As stated above, this letter is only preliminary in nature and we look forward to reviewing any revised materials that may be submitted for later consideration by the city.

We ask that you distribute this letter and the enclosures to the members of the Planning Board for their consideration.

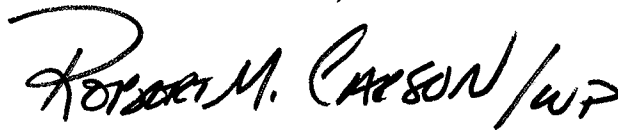
Jana L. Ecker  
April 26, 2017  
Page 3

**CARSON FISCHER, P.L.C.**

Thank you for your consideration and assistance.

Sincerely,

**CARSON FISCHER, P.L.C.**

A handwritten signature in black ink that reads "Robert M. Carson" with a stylized flourish at the end.

Robert M. Carson

RMC/lls  
Enclosures





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

April 19, 2017

Carson Fisher, PLC  
4111 Andover Road  
West Second Floor  
Bloomfield Hills, MI 48302

Attn: Greg Obloy

RE: Traffic Impact Study Review  
Birmingham Boutique Hotel

Dear Mr. Obloy:

Midwestern Consulting has performed a review of the Birmingham Boutique traffic impact study submitted by Giffels Webster, dated April 2017, and have summarized the following comments:

**Qualifications of Preparer**

The traffic impact study was prepared by William Stimpson, P.E. of Giffels Webster, who is qualified to perform the analysis.

**Scope of TIS**

The traffic impact study analyses the site driveway, drop off zone, and the adjacent intersection of Old Woodward and Brown. Given that a significant number of valet and guest trips will pass through the Pierce and Brown intersection, Pierce and Merrill intersection, Merrill and Old Woodward, and Maple and Old Woodward intersections, the traffic impact study and analyses should include those intersections, or at least an explanation and justification of why those intersections were excluded.

**Trip Generation**

The executive summary and introduction states that there are 141 guest rooms within the Hotel, but the trip generation analysis only shows 126. The study should be revised as needed to correct that discrepancy. All other adjustments and factors appear to be reasonable.

**Trip Distribution**

The trip distribution is logical as presented in the report, however there is no analysis of other nearby intersections that would also be impacted by the site traffic. If the additional intersections identified in the Scope of TIS paragraph above are added, then trip distributions affecting those intersections should be included in the analysis.

**Data Collection and Adjustments**

The turning movement counts collected by Traffic Data Collection were appropriately adjusted to create the "Existing" and "Background" conditions analyzed in the report.

**Capacity Analysis**

The TIS study should also include a SimTraffic model analysis of the background conditions to determine what impact the site will have on the northbound left-turn movement at the Old Woodward and Brown intersection, as well as at additional intersections identified as belonging to an expanded traffic influence area. The mitigated forecast SimTraffic output indicates that the northbound left-turn movement would regularly exceed the available storage of the left-turn bay and thus interfere with northbound through traffic along Old Woodward at Brown. Since no background SimTraffic analysis of the intersection was included in the TIS report appendix, there is no point of reference to determine if that intersection movement is significantly affected by the proposed development or if the proposed mitigation adequately addresses that backup. The report should include the results of a background growth scenario without mitigation to serve this purpose.

**Parking Analysis**

The parking is based on 126 rooms, but 141 guest rooms are mentioned in the executive summary and introduction sections of the report. The study and parking analysis should be revised to correct that discrepancy. Special event parking demands, such as large meetings and receptions inside the proposed hotel, is not discussed.

The lack of available parking during the late afternoon timeframe could significantly impact the operational abilities of the valet service. The TIS should identify proposed contingency plans and its impact on service times if the valet service cannot find parking in the nearby decks during the afternoon and midday peaks, particularly if there is a special event at the Hotel during this critical timeframe.

**Summary**

In our option, the traffic impact study should be revised to:

1. Expand the scope of the study to identify the site's impact at other nearby intersections within the site's traffic influence area such as Pierce and Brown, Pierce and Merrill, Merrill and Old Woodward, and Maple and Old Woodward.
2. Correct the discrepancy in the number of rooms of the Hotel and adjust the parking, trip generation, and capacity analysis as needed.
3. Include an analysis of the background growth scenario without mitigation to compare with the mitigated background growth scenario.
4. Include what contingency plan the valet service will implement once the nearby parking decks are full during the midday peak parking periods and identify its potential impact to the service times and operation of the drop-off zone.

If you have any further questions, please do not hesitate to contact us at (734)-995-0200.

Sincerely,



James J. Valenta, P.E.  
Senior Project Manager



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

April 25, 2017

Carson Fisher, PLC  
4111 Andover Road  
West Second Floor  
Bloomfield Hills, MI 48302

Attn: Robert Carson

RE: Supplement to Traffic Impact Study Review  
Birmingham Boutique Hotel

Dear Mr. Carson:

Midwestern Consulting has now had the opportunity to review information submitted by Giffels Webster and City staff in anticipation of the 298 S. Old Woodward – New Boutique Hotel item currently listed on the agenda of the Birmingham Planning Board meeting of April 26, 2017.

I offer the following professional opinions relating to the traffic impact study and staff comments in addition to my comments of April 19, 2017:

1. The eleven (11) comments documented in the Fleis & Vandenbrink review individually and collectively identify legitimate and serious traffic and public parking concerns requiring significant additional study and analysis. These comments indicate that the traffic impact study falls short of the professional standards commonly employed and accepted within the traffic engineering community. All comments require additional analysis and must be addressed to the satisfaction of the City Planning Board.
2. Unresolved traffic and parking issues associated with the trip generation, trip distribution, modal split analysis and intersection traffic impacts have rendered the traffic study's conclusion prematurely speculative and not based upon the total consideration of all probable impacts to a congested street network and an overtaxed public parking system.
3. The study must be expanded to include additional intersections to the point where there are no adverse traffic impacts to service levels, vehicle queues or interferences without traffic mitigation alternatives being clearly identified. At a minimum the following intersections should be included in an expanded traffic influence area in order to appropriately evaluate potential detrimental impacts to existing and future traffic operations and traffic control strategies:
  - a. E. Brown Street & Peabody Street;
  - b. Southbound M-1 (Woodward) & E. Brown Street;
  - c. The median crossover located south of E. Maple Road & Woodward;
  - d. Old S. Woodward & E. Merrill Street;
  - e. E. Brown Street & Pierce Street, and

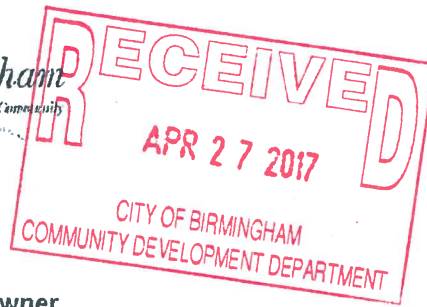
- f. The entrance/exit to the Pierce Street Parking Deck on E. Brown Street.
4. There is no detailed analysis of how the valet operations would function, or how employees would circulate while attempting to locate a vehicle parking space: given the fact that both parking decks are effectively full during much of a typical day. The applicant must address where the non-accommodated parkers will locate and the routes they will take while searching for and acquiring a legal parking space in the area.
  5. There is no explanation of how the loading dock will function. In its current configuration the proposed loading dock will result in unacceptable encroachments over the public sidewalk and into the E. Brown Street traffic stream.
  6. The use of Uber or Lyft, or autonomous vehicles of the near future, do not reduce traffic congestion since the use of these personal transportation services create twice the trips that are created using conventional private vehicles. It is not appropriate to reduce trips in modal split discussions to account for unknown instances involving personal transportation services.
  7. There is more than a single peak parking demand time. The theory forwarded by Giffels that a single peak parking demand will occur in July on a weekend is misleading. There are eight (8) additional months where a similar peak parking demand will occur. While it is obvious to all that the city parking supply cannot provide parking spaces for the additional parking demand, this subject must be addressed with specific attention paid to locating potential areas where the parking demand can be satisfied.
  8. The traffic impact study is not complete and does not identify parking and traffic impacts that can be reasonably attributed to the proposed development. Until these matters are addressed with specificity, the Planning Board does not have at their disposal a reliable information source to aid them in their deliberation.

If you have any further questions, please do not hesitate to contact me at (734)-995-0200.

Sincerely,

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

James J. Valenta, P.E.  
Senior Project Manager



## Administrative Sign Approval Application Planning Division

Form will not be processed until it is completely filled out

### 1. Applicant

Name: Harmon Sign  
Address: 7844 W. Central  
Toledo, OH 43617  
Phone Number: 419.841.6656  
Fax Number: 419.841.7160  
Email: charlotte.laney@harmonsign.com

### Property Owner

Name: Linden Nelson Nelson Ventures  
Address: 2100 E. Maple Road, Ste 200  
Birmingham, MI 48009  
Phone Number: 248.822.9500  
Fax Number: \_\_\_\_\_  
Email: linden@nelsonventures.com

### 2. Applicant's Attorney/Contact Person

Name: Charlotte Laney Dean Albright (Whole Foods)  
Address: 7844 W. Central  
Toledo, OH 43617  
Phone Number: 419.841.6656 312.799.5600  
Fax Number: 419.841.7160  
Email: Charlotte.laney@harmonsign.com  
dean.albright@wholefoods.com

### Project Designer

Name: Doyle Signs  
Address: 232 W. Interstate Rd  
Addison, IL 60101  
Phone Number: 630.543.9490  
Fax Number: 630.543.9493  
Email: office@doylesigns.com

### 3. Project Information

Address/Location of Property: Whole Foods  
2100 E. Maple, Birmingham, MI 48009  
Name of Development: \_\_\_\_\_  
Parcel ID #: 2031202001  
Current Use: None  
Area in Acres: \_\_\_\_\_  
Current Zoning: B-2

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

Two (2) raceway mounted, and one (1) individually mounted, channel letter sets, and one (1) ground sign.

### 6. Location of Proposed Signs

North side of buildings, South side of building, East side of building, Northwest corner adjacent to parking lot entrance.

### 7. Type of Sign(s)

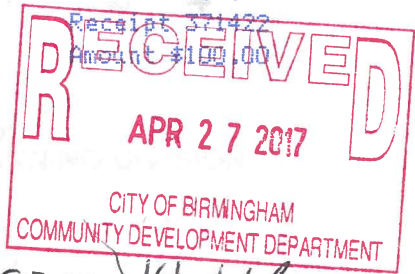
Wall: (2) raceway mounted, (1) individually mounted channel letters  
Ground: (1) pole mounted ground sign  
Projecting: \_\_\_\_\_

Canopy: \_\_\_\_\_  
Building Name: \_\_\_\_\_  
Post-mounted Projecting: \_\_\_\_\_

8 100. -



CITY OF BIRMINGHAM  
Date 05/02/2017 4:16:09 PM  
Ref 00137691



## Administrative Approval Application Planning Division

Form will not be processed until it is completely filled out

### 1. Applicant

Name: KELLY BLDG & DEV CO. LLC  
Address: 2051 VILLA SUITE 106 48009  
Phone Number: 2/258.6663  
Fax Number: 2/258.0917  
Email: KATIE@KELLYBUILDINGCOMPANY.COM

### Property Owner

Name: MANSFIELD 14, LLC  
Address: 2051 VILLA SUITE 106  
BIRMINGHAM MI 48009  
Phone Number: 2/258.6663  
Fax Number: 2/258.0917  
Email: \_\_\_\_\_

### 2. Applicant's Attorney/Contact Person

Name: JC CATRADO  
Address: \_\_\_\_\_  
Phone Number: 248.496.9096  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

### Project Designer

Name: JC CATRADO  
Address: \_\_\_\_\_  
Phone Number: 248.496.9096  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

### 3. Project Information

Address/Location of Property: 2075 E. 14 MILE  
Name of Development: \_\_\_\_\_  
Parcel ID #: 08-20-31-454-008  
Current Use: OFFICE  
Area in Acres: \_\_\_\_\_  
Current Zoning: OFFICE

Name of Historic District site is in, if any: \_\_\_\_\_  
Date of HDC Approval, if any: \_\_\_\_\_  
Date of Application for Preliminary Site Plan: \_\_\_\_\_  
Date of Preliminary Site Plan Approval: \_\_\_\_\_  
Date of Application for Final Site Plan: \_\_\_\_\_  
Date of Final Site Plan Approval: \_\_\_\_\_  
Date of Revised Final Site Plan Approval: \_\_\_\_\_

### 4. Attachments

- Warranty Deed with legal description of property
- Authorization from Owner(s) (if applicant is not owner)
- Completed Checklist
- 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

APPLICATION TO LOCATE (2) A/C CONDENSERS  
10' SOUTH OF N/E CORNER SCREENED BY  
4' TALL HEDGE OF HICKS TREES.

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: [Signature]

Date: 4/27/17

Application #: 17-0041

Date Received: 4/27/17

Fee: \$100

Date of Approval: 5/2/17

Date of Denial: \_\_\_\_\_

Reviewed by: M.B.A.





## Administrative Sign Approval Application Planning Division

Form will not be processed until it is completely filled out

### 1. Applicant

Name: Harmon Sign  
Address: 7844 W. Central  
Toledo, OH 43617  
Phone Number: 419.841.6656  
Fax Number: 419.841.7160  
Email: charlotte.laney@harmonsign.com

### 2. Applicant's Attorney/Contact Person

Name: Charlotte Laney Dean Albright (Whole Foods)  
Address: 7844 W. Central  
Toledo, OH 43617  
Phone Number: 419.841.6656 312.799.5600  
Fax Number: 419.841.7160  
Email: Charlotte.laney@harmonsign.com  
dean.albright@wholefoods.com

### 3. Project Information

Address/Location of Property: Whole Foods  
2100 E. Maple, Birmingham, MI 48009  
Name of Development: \_\_\_\_\_  
Parcel ID #: 2031202001  
Current Use: None  
Area in Acres: \_\_\_\_\_  
Current Zoning: B-2

### Property Owner

Name: Linden Nelson Nelson Ventures  
Address: 2100 E. Maple Road, Ste 200  
Birmingham, MI 48009  
Phone Number: 248.822.9500  
Fax Number: \_\_\_\_\_  
Email: linden@nelsonventures.com

### Project Designer

Name: Doyle Signs  
Address: 232 W. Interstate Rd  
Addison, IL 60101  
Phone Number: 630.543.9490  
Fax Number: 630.543.9493  
Email: office@doylesigns.com

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

Two (2) raceway mounted, and one (1) individually mounted, channel letter sets, and one (1) ground sign.

### 6. Location of Proposed Signs

North side of buildings, South side of building, East side of building, Northwest corner adjacent to parking lot entrance.

### 7. Type of Sign(s)

Wall: (2) raceway mounted, (1) individually mounted channel letters  
Ground: (1) pole mounted ground sign  
Projecting: \_\_\_\_\_

Canopy: \_\_\_\_\_  
Building Name: \_\_\_\_\_  
Post-mounted Projecting: \_\_\_\_\_

8 100. -



## Administrative Approval Application Planning Division

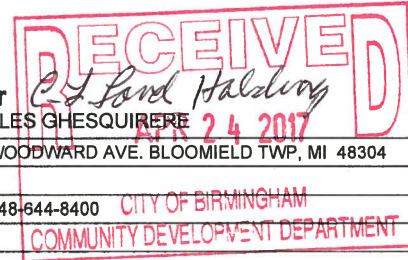
Form will not be processed until it is completely filled out

### 1. Applicant

Name: MR. CHARLES GHESQUIERE  
Address: 36600 WOODWARD AVE. BLOOMFIELD TWP., MI 48304  
Phone Number: 248-644-8400  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

### Property Owner

Name: MR. CHARLES GHESQUIERE  
Address: 36600 WOODWARD AVE. BLOOMFIELD TWP., MI 48304  
Phone Number: 248-644-8400  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_



### 2. Applicant's Attorney/Contact Person

Name: GARY KWAPIS ARCHITECT  
Address: 126 E. THIRD STREET ROCHESTER, MI 48307  
Phone Number: 248-651-6766  
Fax Number: \_\_\_\_\_  
Email: hka126@comcast.net

### Project Designer

Name: GARY KWAPIS ARCHITECT  
Address: 126 E. THIRD STREET ROCHESTER, MI 48306  
Phone Number: 248-651-6766  
Fax Number: \_\_\_\_\_  
Email: hka126@comcast.net

### 3. Project Information

Address/Location of Property: 2200 Holland St.  
Name of Development: Mercedes Benz Storage facility  
Parcel ID #: 20-31-251-0002  
Current Use: \_\_\_\_\_  
Area in Acres: \_\_\_\_\_  
Current Zoning: \_\_\_\_\_

Name of Historic District site is in, if any: \_\_\_\_\_  
Date of HDC Approval, if any: \_\_\_\_\_  
Date of Application for Preliminary Site Plan: \_\_\_\_\_  
Date of Preliminary Site Plan Approval: \_\_\_\_\_  
Date of Application for Final Site Plan: \_\_\_\_\_  
Date of Final Site Plan Approval: \_\_\_\_\_  
Date of Revised Final Site Plan Approval: \_\_\_\_\_

### 4. Attachments

- Warranty Deed with legal description of property
- Authorization from Owner(s) (if applicant is not owner)
- Completed Checklist
- Material Samples/Specification Sheets
- Digital Copy of plans

- Two (2) folded copies of plans including an itemized list of all changes for which administrative approval is requested, with the changes marked in color on all elevations

### 5. Details of the Request for Administrative Approval

To remove Mercedes Benz emblems signs on the proposed building.

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: Charles Ghesquiere Date: 4-24-17

Application #: <u>17-0037</u>	Office Use Only Date Received: <u>4/24/17</u>	Fee: <u>\$100</u>
Date of Approval: <u>4/25/17</u>	Date of Denial: _____	Reviewed by: <u>M. B. L.</u>



## Temporary Use Permit Application

### Planning Division

#### 1. Applicant

Name: CA SENIOR BIRMINGHAM MI PROPERTY  
 Address: 130 E. RANDOLPH SUITE 2100 OWNER LLC

Phone Number: 312.248.2091  
 Fax Number: \_\_\_\_\_

#### Property Owner

Name: SAME AS APPLICANT  
 Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_  
 Fax Number: \_\_\_\_\_

#### 2. Project Information

Address/Location of Property: 2400 E. LINCOLN

Name of Development: THE SHERIDAN AT BIRMINGHAM

Parcel ID #: \_\_\_\_\_

Current Use: VACANT

Area in Acres: \_\_\_\_\_

Current Zoning: D-DEVELOPMENT

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

- Three (3) folded copies of site plan including location and type of temporary use and other site amenities (buildings, accessory structures, parking spaces, right-of-way, property lines, etc.)
- Authorization from Owner(s) (if applicant is not owner)
- Letter detailing temporary use

#### 5. Details of the Request for Temporary Use Permit

TEMPORARY SALES TRAILER

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: Michael Dugan

Date: 4/19/17

Application #: 17-002

Office Use Only  
 Date Received: 4/19/17

Fee: \$100

Date of Approval: 5/1/17

Date of Denial: \_\_\_\_\_

Reviewed by: M. B/L

MDUGAN@CA-VENTURES.COM

MICHAEL DUGAN

630.936.0860

paying fee w/ credit Card