

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

Item	Page
<p>1. 1193 Floyd, Vacant Building (former salon) Application for Final Site Plan Review to allow construction of a new 12 unit residential building (postponed from November 11, 2015; request by applicant to postpone to February)</p> <p style="text-align: right;">Motion by Mr. Williams</p> <p>Seconded by Mr. Koseck to postpone consideration of this item to February 24, 2016.</p> <p>Motion carried, 5-0.</p>	<p>2</p> <p>2</p> <p>2</p>
<p>2. 885 Redding Rd. (existing duplex) 2400 and 2430 E. Lincoln St. (vacant property) Application for Final Site Plan Review to allow construction of two new residential condominiums, each with attached garage</p> <p style="text-align: right;">Motion by Mr. Williams</p> <p>Seconded by Mr. Koseck to approve the Final Site Plan for 885 Redding with the condition that the applicant address the concerns of all City Departments.</p> <p>Motion carried, 7-0.</p>	<p>2</p> <p>4</p> <p>4</p>
<p>3. 2159 and 2295 E. Lincoln Request for one-year extension of Final Site Plan</p> <p style="text-align: right;">Motion by Mr. Williams</p> <p>Seconded by Mr. Boyle to request extension of the Final Site Plan for 2159 and 2295 E. Lincoln to August 31, 2016.</p> <p>Motion carried, 7-0.</p>	<p>4</p> <p>4</p> <p>4</p>
<p>1. 856 N. Old Woodward Ave. (vacant land) Application for Community Impact Study and Preliminary Site Plan Review to allow construction of new four-story building with first-floor retail and residential above (postponed from December 9, 2015)</p>	<p>5</p>

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<p>Motion by Mr. Share Seconded by Mr. Boyle to accept the CIS with the provision that if the number of units or stories change or there are other significant changes the applicant would have to provide an update to the impacts for administrative approval.</p>	9
<p>Motion carried, 7-0.</p>	9
<p>Motion by Mr. Williams Seconded by Mr. Share to postpone the Preliminary Site Plan Approval for 856 N. Old Woodward Ave. to February 24, 2016.</p>	9
<p>Motion carried, 7-0.</p>	9

APPROVED

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

Minutes of the regular meeting of the City of Birmingham Planning Board held on January 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; Bryan Williams; Alternate Board Member Daniel Share

Absent: Board Member Janelle Whipple-Boyce; Student Representatives Scott Casperson, Andrea Laverty

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

Also Present: Michael Labadie, Fleis and Vandenbrink ("F&V"), City Traffic Consultant

01-01-15

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
OF DECEMBER 9, 2016**

Mr. Share:

Page 3 - Last paragraph, third line, insert "Danziger" in front of "house."

Motion by Mr. Williams

Seconded by Mr. Boyle to approve the Minutes of December 9, 2016 with the change.

Motion carried, 5-0.

VOICE VOTE

Yeas: Williams, Boyle, Clein, Jeffares, Share

Nays: None

Abstain: Koseck, Lazar

Absent: Whipple-Boyce

01-02-16

CHAIRPERSON'S COMMENTS (none)

01-03-16

APPROVAL OF THE AGENDA

The Agenda heading for 856 N. Old Woodward Ave. should have read that the request is for Community Impact Statement and Preliminary Site Plan Review.

01-04-16

FINAL SITE PLAN REVIEWS

1. **1193 Floyd, Vacant Building** (former salon)
Application for Final Site Plan Review to allow construction of a new 12 unit residential building (postponed from November 11, 2015; request by applicant to postpone to February)

Mr. Chuck Dimaggio with Burton Katzman spoke to represent the property owner, Floyd St., LLC. Postponement to February 24 is requested because they are still working through some issues. They are in the process of re-designing for accessibility.

Motion by Mr. Williams

Seconded by Mr. Koseck to postpone consideration of this item to February 24, 2016.

At 7:38 p.m. there were no comments from the public on the motion.

Motion carried, 5-0.

VOICE VOTE

Yeas: Williams, Koseck, Boyle, Jeffares, Lazar

Nays: None

Abstain: Clein, Share

Absent: Whipple-Boyce

01-05-16

2. **885 Redding Rd.** (existing duplex) **2400 and 2430 E. Lincoln St.** (vacant property)
Application for Final Site Plan Review to allow construction of two new residential condominiums, each with attached garage

Mr. Baka recalled the subject site is a 0.39 acre parcel located on the south side of Redding Rd. between Lakeside Dr. and N. Old Woodward Ave. in the R-4 Zoning District. The applicant is proposing to demolish the existing residential building and build a new two-unit condominium on the 16,988 sq. ft. parcel.

On December 9, 2015, the Planning Board approved the Preliminary Site Plan for the subject site with several conditions. The proposed plan meets all the setback, height, and floor area requirements for an R-4 (Two-Family Residential) development.

Mr. Baka went on to highlight some of the changes since the last meeting. The applicant has shrunk the depth of the building so that the 30 ft. rear setback is maintained, but the building is moved back 11 ft. to be more in line with the neighbor's front setback. The AC units have been taken down from four to two at the Planning Board's suggestion. A 6 ft. brick masonry wall along with six mature trees is proposed on the eastern boundary line. A very extensive landscape plan has been submitted.

Design Review

The proposed two-unit, multi-family house is an English cottage-style using the following building materials:

- Chestnut bronze aluminum gutters and downspouts;
- Glen-Gerry, Anchor Bay Tumble Queen brick – main building face material;
- Course Texture Stucco – accents and trim;
- CertainTeed 'Driftwood' Roof Shingles;
- Jeld-Wen Clad Desert Sand windows; and
- Indiana Limestone – secondary building face material.

Mr. Rick Wiand from Hunter Roberts Homes confirmed that they use natural stucco and not E.F.I.S. Further, he noted they have been working with the Minnas next door to the east who are concerned with their view. The Minnas have requested brick pillars and a wrought iron fence with yews planted along it instead of the brick. Mr. Wiand indicated they are agreeable to that.

Motion by Mr. Williams

Seconded by Mr. Share to receive and file e-mail correspondence from Fred Capaldi, Capaldi Building Co. dated January 11, 2016; and correspondence dated January 14, 2016 from Mike Minna.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Share, Boyle, Clein, Jeffares, Koseck, Lazar

Nays: None

Absent: Whipple-Boyce

The chairman took comments from the public at 7:50 p.m.

Ms. Kathleen Devereaux, 1019 Rivenoak, said that Zillow indicates the house that will be demolished to make room for the proposed development was designed by Wallace Frost. Mr. Baka clarified that it is not a designated historic property. Mr. Wiand stated that he does not believe this is a Wallace Frost home.

In response to Mr. Williams' inquiry about parking along Redding, Ms. Ecker indicated the applicant has met their parking requirements. If a parking problem develops along the street, people could apply for resident only parking.

Motion by Mr. Williams

Seconded by Mr. Koseck to approve the Final Site Plan for 885 Redding with the condition that the applicant address the concerns of all City Departments.

There were no public comments at 7:55 p.m.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Koseck, Boyle, Clein, Jeffares, Lazar, Share,

Nays: None

Absent: Whipple-Boyce

01-06-16

**3. 2159 and 2295 E. Lincoln
Request for one-year extension of Final Site Plan**

Ms. Ecker explained the applicant, Lincoln Birmingham Properties, LLC submitted a letter requesting a one-year extension of the Final Site Plan that was approved on February 25, 2015. They are currently in the process of evaluating their financing options for the project and need an extension to continue this process beyond February 25, 2015.

There was no one present for the applicant.

Mr. Koseck thought 12 months seems like a long time and others agreed. Mr. Williams commented that is not going to be any easier to get financing in the next few months.

Motion by Mr. Williams

Seconded by Mr. Boyle to request extension of the Final Site Plan for 2159 and 2295 E. Lincoln to August 31, 2016.

There were no comments from the public at 8 p.m.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Boyle, Clein, Jeffares, Koseck, Lazar, Share

Nays: None

Absent: Whipple-Boyce

01-07-16

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

1. **856 N. Old Woodward Ave.** (vacant land)
Application for Community Impact Study and Preliminary Site Plan Review to allow construction of new four-story building with first-floor retail and residential above (postponed from December 9, 2015)

Ms. Ecker stated that the site has a total land area of .56 acres and is located on the east side of N. Old Woodward Ave. south of Oak St. The site has been vacant over a decade.

At this time, the applicant is proposing to construct a four-story mixed-use building. The lower level of the building will have parking and residential storage spaces. The first floor is proposed to contain parking fronted by retail space and a residential lobby. The second, third and fourth floors will contain 27 residential units. On-street parking will be provided on N. Old Woodward Ave. The building will have an approximate total of 106,513.7 gross sq. ft. Thus, the applicant was required to prepare a Community Impact Study in accordance with Article 7, section 7.27(E) of the Zoning Ordinance as they are proposing one new building containing more than 20,000 sq. ft. of gross floor area.

On December 9, 2015, the applicant appeared before the Planning Board for a review of the CIS and Preliminary Site Plan. After much discussion, the Planning Board voted to postpone consideration of the CIS and Preliminary Site Plan to January 13, 2016 to allow the applicant to provide additional information with regards to the height of the building, to address traffic concerns, and to provide additional information regarding potential MDEQ issues.

The proposed building contains one extra floor of residential above what was recommended in the 2016 Plan. Although it is four stories, the building conforms to the maximum height limit of 56' in the D-2 Zone of the Overlay District. The Building Official has now provided an interpretation that although the building does not exceed the maximum height of 56 ft. in the D-2 District, it does exceed three stories. Further, the Building Official has indicated that the proposed underground parking level does not meet the definition of basement in the Zoning Ordinance, and is therefore considered a story. The underground level is not more than 50% below grade. **Thus, the applicant must obtain a variance for two additional stories.**

The applicant has submitted a summary letter from PM Environmental dated January 7, 2016 that outlines the geology, hydrology and contamination issues on the existing site. This letter also outlines in detail construction mitigation measures, response activities and the applicant's due care obligations to deal with the on-site contamination.

The applicant has now shown all proposed utility lines and connections on the civil plans and provided written confirmation that all utilities will be buried to comply with City regulations.

The applicant will be required to provide the City with a public access easement for the western portion of the site that is proposed for public parking and a public sidewalk. The applicant has advised in writing that they will provide a 22.5 ft. wide public access easement.

The applicant submitted a revised traffic study dated December 30, 2015 and new SYNCHRO data to the City's transportation consultant, Fleis and Vandenbrink ("F&V"), to address all of the issues previously raised. The traffic consultant noted several concerns that he outlined in a letter presented today.

The CIS shows a total of 70 parking spaces including those in the right-of-way. The drawings now confirm 17 parking spaces on the first level behind the retail, 37 spaces in the underground parking level, 9 on-street spaces on private property, and 7 more in the public right-of-way. They have 63 spaces, not including those in the right-of-way. The requirement is for 66 spaces. Given the improvements proposed in the right-of-way, the applicant may be entitled to include the 3 parking spaces in the right-of-way in their parking counts with approval by the City Commission.

Motion by Mr. Williams

Seconded by Mr. Jeffares to include the letter from Michael Labadie dated January 13, 2016.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Jeffares, Boyle, Clein, Koseck, Lazar, Share

Nays: None

Absent: Whipple-Boyce

Mr. Labadie summarized his findings. He pointed out that the right turn lane queue heading north along N. Old Woodward Ave. onto Oak blocks the site driveway during peak hours. If the right-of-way parking is used, there is not enough sight distance. To reduce the problem he suggested modifying the driveway operation to make it right-in/right-out only.

Mr. Frank Filochoto, Stonefield Engineering and Design, Inc., summarized how they have worked with F&V over the past couple of months in regards to resolving some of the traffic related issues. The reality is the queue will back up past the driveway during peak hours. However, this use is not intensive from a trip generation standpoint. They are looking at about forty trips during peak hours, combined retail and residential. The driveway cannot be moved to the south. They think the streetscape they are providing is consistent with and enhances the area. The minor negatives of sight distance and loss of storage in the right turn lane are mitigated by the benefit given back to the community of seven on-street parking spaces and streetscape enhancements. He doesn't think there is enough traffic to warrant right-in/right-out and therefore he disagrees. Parking demand will be offset because the retail uses will not be parking at night when the residents are home.

Mr. Tim Ponton, also with Stonefield Engineering and Design, Inc., thought they could potentially make up the area being given back for public benefit by adding one story that is still within the allowable height of 56 ft. Additionally, they disagree with the Building Official's interpretation of a basement. Approximately eighty-five percent of the overall perimeter of their structure meets the exact definition of a basement.

Chairman Clein questioned how four stories above the N. Old Woodward plane fits into context with the surroundings. Mr. Ponton replied it is important to note that they are still within the building height from a zoning perspective. When you look at the whole big picture of what they are giving back in terms of parking for the City and that this is completely in line with the 2016 Plan, they think they are right there.

With respect to the basement level, Mr. Koseck thought there is a case to be made for unique circumstance.

In response to Mr. Boyle, Mr. John Marusich, the architect, talked about the size of the units they are hoping to construct which will be 1,500 to 1,700 sq. ft. with two bedrooms. They will be upscale, moderate units.

Mr. Bret Donaldson with J.B. Nelson and Co. explained their plan for staging trucks and equipment. They hope to make an arrangement with the property owner to the east to load off the parking lot that fronts on Woodward Ave. If they can't, they will ask the City for a permit to close some of the pavement on Woodward Ave. If they can't get the lots, they will have to park somewhere else and shuttle back to the site.

At 9:04 p.m. the chairman offered members of the public an opportunity to comment.

Mr. Fred Najor who owns a couple of properties to the south of the site spoke in support of the project.

Ms. Carolyn Butcher, who works for Mr. Norman Ziegelman, owner of the adjacent building to the south, said she will be happy to see the Carrie Lee hole built on. She questioned a four-story building in an area where the other buildings are two stories. Parking in this area is very difficult and she doesn't understand how more retail can be added in Birmingham without providing parking. There is no parking for employees. She has a parking permit, but it is impossible to find a space.

Mr. Drew Dutley, 740 Brookside, echoed the concerns about the size and mass of the building. It doesn't really fit into the context of the neighborhood. Looking from the southeast, the building is 67 ft. high; not 56 ft. Second, the parking and the traffic will be a problem. Further, given the condition of the soil, it is important of keep the water and air quality up.

Mr. Boyle received clarification that the stop for bus rapid transit would be in the vicinity of Oak and Woodward Ave. Therefore, he noted this parcel will be right in the middle of a Transit Oriented Development area. Within about two years this site might become extremely important in terms of accessing parking and getting a stop for the bus service. Ms. Ecker added that a certain percentage of people may choose to take the bus rapid transit to the site rather than driving.

Mr. Share indicated he does not understand the extent to which remediation is going to happen with regard to the heavy metals and some of the volatile organic compounds ("VOCs"). Mr. Jamie Entenovich, Engineer with PM Environmental, talked about hazards to residents and users of the site and adjacent area. Seven thousand cubic

yards of fill coming out will address a lot of the VOCs. Also, when the property is developed the surface cover will also be a barrier. Nothing will go off the property during construction before it is covered. The volatiles are not a direct contact concern. Construction will be conducted in a manner not to exacerbate the existing issues of the property. Ground water will be addressed in a manner that will not make it worse as far as how the building and utilities are put in. Based on what has been identified, additional steps will not be needed to prevent migration of metals down into the Rouge River. Mr. Entenovich thought the property owner along with the design team are more than willing to commit to having the environmental team present during construction to ensure that all local, state and DEQ regulations are met. The owner intends to submit a Brownfield Plan for the site.

In response to Ms. Lazar, Mr. Entenovich clarified that a slurry wall will be constructed on the property boundary as a barrier to prevent migration of contamination from the dry cleaner onto this property.

Mr. Williams said he is uncomfortable with moving on when the building is two floors out of compliance with D-2 zoning. He objects to the process where the Planning Board is forced to make a preliminary determination on a jurisdictional issue they don't have control over. He feels the legal process in Birmingham is flawed and the City Commission should address the issue.

The chairman said he tends to think the traffic impact can be resolved. However, he is not supportive of the Site Plan as presented, related to traffic. Ms. Lazar asked if the board accepts the CIS as it is, how many stories would they be accepting it for. Mr. Koseck thought that only allowing three floors may have been a density control. Mr. Boyle said the CIS allows the board to look in detail at the impact of the development on the environment. Mr. Jeffares said it seems that everything that will be looked at can only get better by becoming less intense.

Chairman Clein said he is not satisfied that the traffic and the parking situation is adequately addressed in the CIS. He has serious concerns about the proximity of the entry into the garage that close to the intersection with Oak. In that regard, he is not in a position to vote favorably on a Preliminary Site Plan. Mr. Boyle thought there is value in concluding the conversation on the CIS, but that doesn't mean they should immediately approve the site plan.

Motion by Mr. Share

Seconded by Mr. Boyle to accept the CIS with the provision that if the number of units or stories change or there are other significant changes the applicant would have to provide an update to the impacts for administrative approval.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Share, Boyle, Clein, Jeffares, Koseck, Lazar, Williams

Nays: None

Absent: Whipple-Boyce

Motion by Mr. Williams

Seconded by Mr. Share to postpone the Preliminary Site Plan Approval for 856 N. Old Woodward Ave. to February 24, 2016.

There were no public comments related to the motion at 9:38 p.m.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Share, Boyle, Clein, Jeffares, Koseck, Lazar

Nays: None

Absent: Whipple-Boyce

01-08-16

PRE-APPLICATION DISCUSSION

**1. 191 Chester
First Church of Christ, Scientist**

Mr. Rick Rattner, Attorney, 380 N. Old Woodward Ave., was present with the building owner, Mr. Sam Surnow, and Ms. Kelly Allen, Attorney. Mr. Rattner introduced Mr. Bill Ludwig, 520 Willits, the applicant. Mr. Ludwig showed a PowerPoint.

Mr. Ludwig said he was the CEO of Campbell Ewald up until two years ago. For the last two years of his administration he studied collaborative work environments. His intention was to create Forced Collisions of Collaboration. In retirement, he envisions surrounding himself in a collaborative work space with like-minded, affluent, visionary and accomplished people. He and his partners want to build in Birmingham and they found space in the church on the corner of Willits and Chester.

They hope to re-purpose the existing iconic church and will market to entrepreneurs, solopreneurs, corporatepreneurs, and retiredpreneurs. These are people who will demand world class hospitality and service and want to surround themselves with like minded people. The working title for this is Menlo Park 2020. They will have food and beverage as a compliment to the work/meet environment. Intellectually enlightening events will be held for the members and some will be open to the public.

Partners in this proposal are Mr. Campion Platt, Architect, who builds world-class hospitality environments; Mr. Abbasi Nima, Attorney and consultant for Price Waterhouse and luxury brands; and Ms. Kim Dent, interior designer. Mr. Ludwig expressed his excitement about providing a service that does not exist today in Michigan.

Ms. Kelly Allen explained the plan would be to introduce a bistro concept into Mr. Ludwig's idea of a collaborative work space. They will get in line for the bistro selection in April. The bistro would be a public space in cooperation with the cooperative workplace. Ms. Ecker advised there are no applications yet for the April deadline. Professional Office is not allowed in this T-1 Residential District. Prior to that this

property was zoned R-2. The Overlay District incorporates this parcel and it is zoned C for Community Use because it was a church.

Mr. Boyle said this is not new. There are examples of religious buildings that have been adapted to make them work today. Chairman Clein noted this is a Transitional Zone parcel that some neighbors may not be excited about. Mr. Rattner thought the neighbors will be very excited by this. From the standpoint of zoning he did not think it is that big a leap. This is a modern use that is needed and has been successful in other places.

Board members were in favor of the concept.

01-09-16

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

01-10-16

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications

- Long-Range Planning Meeting January 16, 2016
 - Downtown parking structure planning
 - Master Plan discussion
 - Regional projects
 - Bistro License Program review
- The City Commission has established a new Ad Hoc Rail District Committee to study parking, streetscape, sidewalks, bikes, bike lanes on S. Eton. One of the requirements is that there be a member from the Planning Board. It was decided to nominate Janelle Whipple-Boyce if she agrees.

b. Administrative Approval Correspondence and 2015 Report

Mr. Baka advised that Sidecar next to Rojo has decided they would like to propose a change to the front fascia from a Nana Wall to two large 180 degree doors. The HDC approved the change on the condition that the Planning Board is okay with it. All were in favor.

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

- Action List for the upcoming year;
- D-5;
- List of Zoning Ordinance Amendments that need clarification;
- Outdoor storage;
- Planning Board and BZA process and order.

- d. Other Business (not discussed)

01-11-16

PLANNING DIVISION ACTION ITEMS

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

01-12-16

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 10:25 p.m.

Jana Ecker
Planning Director

APPROVED