

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, FEBRUARY 24, 2016**

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<p style="text-align: center;">1193 Floyd St., Vacant Building (former salon) Application for Final Site Plan Review to allow construction of a new eight-unit residential building (postponed from January 13, 2016)</p>	2
<p>Motion by Mr. Boyle Seconded by Mr. Williams to approve the Final Site Plan and Design for 1193 Floyd St. subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Applicant provide evergreen plantings in lieu of the lilac trees to fully screen the transformer and all ground-mounted mechanical; 2. Add four additional street trees to be planted in the general area of the site and/or St. James Park as approved by City staff along with two park benches; and 3. Provide revised plans that indicate that the dumpster enclosure is 6 ft. high or obtain a variance from the Board of Zoning Appeals. 	4
<p>Motion carried, 6-0.</p>	4
PRELIMINARY SITE PLAN REVIEWS	
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<p>Motion by Mr. Williams Seconded by Ms. Whipple-Boyce that the Planning Board approves the Preliminary Site Plan for 856 N. Old Woodward Ave. with the following conditions:</p> <ol style="list-style-type: none"> 1. The applicant eliminate the fourth floor and set back the third floor by 10 ft., or obtain variances from the Board of Zoning Appeals ("BZA"); 2. Provide the front setback of both abutting buildings to determine the required setback for the proposed building; 3. Provide the City with an access easement for ingress/egress and maintenance of these proposed public parking spaces; 4. Provide specification sheets and a roof plan at the time of Final Site 	7

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<p>Plan and Design review; 5. Submit a landscape plan and photometric plan at the time of Final Site Plan and Design Review; 6. Add pedestrian scale street lights along N. Old Woodward Ave.; 7. Provide dimensions on the architectural site plan and elevation drawings at the time of Final Site Plan and Design Review to demonstrate that the width requirements have been met for the vehicular entry; 8. Address the engineering and traffic issues identified by the City's traffic consultant and as raised by the Planning Board tonight. The Planning Board specifically does not approve ingress, egress, or parking as part of the Preliminary Site Plan approval; 9. Reduce the upper floor glazing or obtain a variance from the Board of Zoning Appeals; and 10. Comply with the requirements of all City departments.</p> <p>Motion carried, 7-0.</p>	<p>8</p>
<p>REZONING APPLICATIONS</p> <p>413 E. Frank St. (taupe building) 420 E. Frank St. (Frank Street Bakery) being lots 31 and 32 and the west 32 ft. of lots 3 and 4, Blakeslee Addition Request to rezone 412 E. Frank St. from R-3 Single Family Residential to B-2B General Business, and request to rezone 420 E. Frank St. from B-1 Neighborhood Business to B-2B General Business</p> <p>Motion by Ms. Whipple-Boyce Seconded by Mr. Williams to recommend denial of the proposed rezoning of 412-420 E. Frank St. from B-1 and R-3 to B-2B to the City Commission.</p> <p>Motion carried, 7-0.</p>	<p>8</p> <p>9</p> <p>9</p>

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, FEBRUARY 24, 2016
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on February 24, 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; Student Representative Colin Cusimano (left at 10:05 p.m.)

Absent: Alternate Board Members Lisa Prasad, Daniel Share

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

02-24-16

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
OF JANUARY 13, 2016**

Ms. Lazar:

Page 1 - Remove her name from the list of board members present.

Motion by Mr. Boyle

Seconded by Mr. Williams to approve the Minutes of January 27, 2016 as amended.

Motion carried,

VOICE VOTE

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

Nays: None

Abstain: Lazar

Absent: None

02-25-16

CHAIRPERSON'S COMMENTS

The chairman welcomed the new student representative, Colin Cusimano.

02-26-16

APPROVAL OF THE AGENDA

It was noted that 369-397 N. Old Woodward Ave. and 191 N. Chester St. will be postponed.

02-27-16

FINAL SITE PLAN REVIEWS

1. 1193 Floyd St., Vacant Building (former salon) Application for Final Site Plan Review to allow construction of a new eight-unit residential building (postponed from January 13, 2016)

Chairman Clein recused himself from this review due to a business relationship with one of the applicants. Vice-Chairperson Lazar took over as chairperson for this hearing.

Mr. Baka advised the subject site contains an existing building that is currently vacant along with the associated parking lot. The 0.23 acre site is located on Floyd St. two blocks west of the E. Lincoln and Woodward Ave. intersection. The applicant is proposing to demolish the existing building and construct a two-story, eight-unit multi-family residential building and parking facility. The Preliminary Site Plan approval was based on a twelve-unit building. However, in order to meet the Building Code requirements the applicant has reduced the number of units within the building from twelve to eight. They now have four at-grade units and four units above. All barrier free requirements have now been met. In addition, they have eliminated the need for easements by shifting the building approximately 5 ft. to the north. This was able to be accomplished because the need for parking was reduced with the loss of four units.

On July 8, 2015, the Planning Board approved the Preliminary Site Plan review with several conditions.

The applicant has proposed a masonry screen enclosure with stained cedar wood swing doors. However, the dimensions of the enclosure are not indicated on the plans. **Therefore, the applicant must provide plans that specify a minimum 6 ft. enclosure wall in accordance with Article 4; section 4.53 (C) (7) of the Zoning Ordinance or obtain a variance from the Board of Zoning Appeals.**

The Final Site Plan Review provides the required and proposed bulk, area, and placement regulations for the proposed project based on O-1 provisions.

Design Review

The materials proposed are as follows:

- Grey, "Capitol Iron Spot" smooth brick and grey, smooth lap fiber cement panels for the majority of the building elevations;
- Aluminum and glass windows;

- Grey, laser cut, decorative metal screen panels for rooftop screening and balcony railing;
- Stained, western red cedar wood doors; and
- Wood-like stained cedar lap fiber cement panels on balcony walls.

Signage

The applicant is proposing an 8 in. high metal wall sign, 6 ft. in length that displays the address above an overhang at the northwest corner of the building, for a total of 4.5 sq. ft. of signage. This sign will consist of gray metal/acrylic letters that will be illuminated at no more than .08 fc. Address signs are permitted with illumination provided they are 8 in. in height or less. Thus, the proposed address sign complies with the Sign Ordinance.

Mr. Koseck commented that getting out of the parking lot could be challenging.

Mr. Rick Rattner, 380 N. Old Woodward Ave., represented the owners and developers of 1193 Floyd. With him were the architects, Messrs. Michael Poris and John Skok; along with a representative of the owner, Mr. Chuck DiMaggio. Mr. Rattner showed slides and noted this is a third reduction in the intensity of the use. All units are now at grade or higher. The building has been moved back 5 ft. from the park. With respect to safety and buffering, a residential presence allows "eyes on the park" by residents who live in the area. A vacant building will now be replaced. Regarding offsite improvements, they are proposing two new benches to beautify the park. Further, they propose to plant four new trees in the park area.

Mr. Rattner went on to explain why this will not be low-cost housing. Eight hundred sq. ft. units will rent for around \$1,600/mo. The upper floor with a mezzanine will go for \$2,300 - \$2,500/mo. The changes that have been made are directly related to the comments by this board and the give and take with the neighbors.

Mr. Poris of McIntosh Poris, 36801 Woodward Ave., was present with his associate, Mr. John Skok to answer questions.

There were no public comments at 8 p.m.

Ms. Whipple-Boyce voiced her enthusiasm for the site. She was happy that the applicants took the board's comments to heart; but more importantly that they reached out to the neighbors and people who were most concerned about the original design. Further, she liked that the project was turned into eight units by eliminating the basement units and complying with ADA Code.

Mr. Jeffares also made it clear this is not low cost housing. In the immediate area there is a 24 unit apartment complex that is renting for \$.87/sf. Nearby there are other houses and duplexes that are renting for \$.67/sf. This project is going for \$2.00/sf. Therefore, it will be the most expensive rental housing in the area.

Mr. Boyle recommended to staff that they put this on their website to illustrate what the Planning Board is looking for.

Motion by Mr. Boyle

Seconded by Mr. Williams to approve the Final Site Plan and Design for 1193 Floyd St. subject to the following conditions:

1. Applicant provide evergreen plantings in lieu of the lilac trees to fully screen the transformer and all ground-mounted mechanical;
2. Add four additional street trees to be planted in the general area of the site and/or St. James Park as approved by City staff along with two park benches; and
3. Provide revised plans that indicate that the dumpster enclosure is 6 ft. high or obtain a variance from the Board of Zoning Appeals.

There were no comments from the public on the motion at 8:10 p.m.

Motion carried, 6-0.

ROLLCALL VOTE

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

Nays: None

Recused: Clein

Absent: None

02-28-16

2. **369-397 N. Old Woodward Ave. (Brookside Terrace Condominiums)**
Application for Final Site Plan Review to allow construction of a new five-story mixed use building

Request by the applicant to postpone to March 23, 2016.

Motion by Mr. Williams

Seconded by Mr. Jeffares to postpone 369-397 N. Old Woodward to March 23, 2016.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

02-29-16

PRELIMINARY SITE PLAN REVIEWS

1. **856 N. Old Woodward Ave. (vacant land)**
Application for Preliminary Site Plan Review to allow construction of new mixed-use building with first floor retail and residential above (postponed from January 13, 2016)

Motion by Mr. Williams

Seconded by Mr. Koseck to receive and file two items:

- **E-mail dated Wednesday, February 24, 2016 from John Marusich;**

- **Letter dated February 19, 2016 from Fleis and Vandenbrink signed by Michael Labadie.**

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

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

Ms. Ecker recalled they have discussed this on two occasions: back on December 9, 2015 and on January 13, 2016. On January 13 the Planning Board voted to accept the Community Impact Study ("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. The board will hear the Preliminary Site Plan Review tonight.

There were two big issues that were mentioned last time this was discussed. One was that the applicant is asking for a fourth story in a zone that allows three stories. Also, the issue had come up with regards to the interpretation of the lower underground parking level as to whether or not it is a basement, and if not whether it constitutes an additional story and actually they had five stories. The building official has since determined that it is a basement and therefore it is not an additional story.

The proposed development meets the minimum eave height of 20 ft. and the maximum height requirement of 56 ft. in the D-2 Zone. Also, the maximum number of stories in the D-2 Zone is three if the third story is used solely for residential. The applicant is proposing four stories with both the third and fourth stories planned for residential use. Therefore the building height is allowable but the number of stories is not allowable.

The applicant will be required to eliminate the fourth floor and set back the third story 10 ft., or obtain a variance from the Board of Zoning Appeals ("BZA") for the fourth floor.

The applicant is required to have 55 parking spaces and they have provided 62 on-site plus they have an additional 16 in the right-of-way for public access. Twelve spaces are required for the retail component. Parking in that area is pretty tight and this will help out some of the properties around there.

Design Review

The plans submitted indicate that the applicant is proposing to utilize the following materials:

- Stone (knee walls and upper level panels);
- Brown brick (columns);

- Bronze metal (C channels, railings and overhead doors);
- Glass windows and storefront door systems; and
- Steel decorative metal fencing in the easement south of the building.

The applicant has provided glazing calculations on the upper floors that demonstrate 38% glazing is proposed. **However, a maximum of 35% glazing is permitted on the upper floors and thus the applicant must reduce the glazing or obtain a variance from the BZA.** The Planning Division will reserve detailed comments regarding architectural standards and design related issues for the Final Site Plan and Design Review.

Mr. Tim Ponton, Stonefield Engineering and Design, summarized some of the major points that have been completed since the last meeting. They have come up with what they think is the most feasible project for such a challenging site. They are open to any type of trees that the board would like to see. It is their intention to seek a variance for the extra floor because they are losing density because of setback restrictions based on the existing buildings. Six retail employees will be allowed to use the underground parking.

Mr. John Marusich, the architect, explained how they plan to control access in and out and to whom through the entrance. With respect to parking, they feel they are offering a lot even though it doesn't solve the dynamics of parking in the City.

Mr. Frank Filochoto, also from Stonefield, talked about turning movements and ingress and egress from the site as well as storage along N. Old Woodward Ave. To eliminate left turn conflicts they have decided to eliminate left turn ingress at the north end and have all ingress occur at the south end. They still believe that left turn egress is possible. With respect to the northbound right turn lane storage, the actual impact of their driveway is less than 10 ft. The impact of 10 ft. on storage getting through the light is negligible. They will be working with Fleis and Vandenbrink to resolve outstanding traffic issues and feel confident they will be able to address all concerns.

Chairman Clein asked the applicant to present as part of the packet some diagrams showing how the northern approach will work. The proximity to the intersection gives him pause so he would like to see a plan that shows where the movements are. Also, provide graphics how the entrance to the south will work. He asked why the driveway is at the worst possible spot. Mr. Filochoto replied that a driveway anywhere else would require them to break up the storefront. Mr. Marusich added that parking opportunity is maximized by that particular arrangement. Mr. Cusimano suggested another possible configuration.

Mr. Koseck was glad to see that someone is taking over this very challenging site with what looks like a quality building. However, he suspected the applicant would not receive a variance from the BZA. He wanted to have an understanding whether there is a better way to do this along with proof that it can be accomplished.

Mr. Williams stated that the extra floor is not in compliance. To him the question is how to address that fundamental issue. It is a huge structural concern that affects everything going forward. So it seems to him the Planning Board should get this proposal in front of the BZA as quickly as possible.

Mr. Ponton said the fourth story isn't necessarily directly related to density. If it isn't approved what will happen is they are going to come back with a number of small units on three floors.

There were no comments from members of the public at 9:25 p.m.

Chairman Clein indicated his main concern is that the traffic and circulation are still not settled. Mr. Boyle questioned if it would be possible to reconfigure the corner to add a dedicated lane for people in the garage to get out onto N. Old Woodward Ave. Then there would be two dedicated lanes to turn right onto Oak, doubling the storage.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce that the Planning Board approves the Preliminary Site Plan for 856 N. Old Woodward Ave. with the following conditions:

- 1. The applicant eliminate the fourth floor and set back the third floor by 10 ft., or obtain variances from the Board of Zoning Appeals ("BZA");**
- 2. Provide the front setback of both abutting buildings to determine the required setback for the proposed building;**
- 3. Provide the City with an access easement for ingress/egress and maintenance of these proposed public parking spaces;**
- 4. Provide specification sheets and a roof plan at the time of Final Site Plan and Design review;**
- 5. Submit a landscape plan and photometric plan at the time of Final Site Plan and Design Review;**
- 6. Add pedestrian scale street lights along N. Old Woodward Ave.;**
- 7. Provide dimensions on the architectural site plan and elevation drawings at the time of Final Site Plan and Design Review to demonstrate that the width requirements have been met for the vehicular entry;**
- 8. Address the engineering and traffic issues identified by the City's traffic consultant and as raised by the Planning Board tonight. The Planning Board specifically does not approve ingress, egress, or parking as part of the Preliminary Site Plan approval;**
- 9. Reduce the upper floor glazing or obtain a variance from the Board of Zoning Appeals; and**
- 10. Comply with the requirements of all City departments.**

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

Motion carried, 7-0.

ROLLCALL VOTE

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

Nays: None

Absent: None

02-30-16

REZONING APPLICATIONS

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

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

Motion by Mr. Williams

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

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

VOICE VOTE

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

Nays: None

Absent: None

Motion carried, 7-0.

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

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

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

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

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

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

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

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

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

Motion by Ms. Whipple-Boyce

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

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

2. 191 N. Chester St., First Church of Christ, Scientist

Request to rezone from TZ-1 Transition Zone to TZ-3 Transition Zone (request by the applicant to postpone to April 27, 2016)

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to postpone 191 N. Chester St., First Church of Christ, Scientist to April 27, 2016.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

02-31-16

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

02-32-16

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications

- Ms. Ecker noted that the City Commission has taken action to enhance the public notification process for both private and public projects in the City. Changes include requiring notification of everyone within 300 ft. of public property subject to a change, and public notice to everyone within 300 ft. of a public property that is adjacent to a private property on which development is proposed. In addition, QR codes will be added to all public notice signs that will take the viewer to the web page that will show exactly what is being proposed on that site. Also, there are updates to the City's website proposed: a new Public Notices page which will list all public and private activities that were noticed within the City, a new E-Notify page that will provide residents the opportunity to sign up for updates on numerous projects and activities in the City, as well as sign up for updates on the activities of all boards and commission, and a Constant Contact page that will allow residents to sign up for customized messages from the City.
- Regarding the Fire Station, there will be another review by the Architectural Review Committee based on all of the comments, and from there it will go to the City Commission.

b. Administrative Approval Correspondence

- 798 N. Old Woodward Ave., Salon - Removing two layers of asphalt roofing. Installing 3.5 in. ISO insulation 4.5 mil EPDM - R-20.
- 280 Merrill, Sidecar Slider Bar - Approved switch of 180 degree swing nana wall.
- 1964 Southfield Rd., Market Square - Design changes.
- 33967 Woodward Ave., Original Pancake House - Requesting approval for a new ground mounted A/C unit at rear of building with associated evergreen screening hedge.
- Mr. Baka advised that Mr. Scott Barbat, one of the owners of the Shell/Dunkin Donuts Gas Station, is requesting to have a new sign approved. Mr. Barbat spoke to say they would like to install a Beer and Wine sign with each individual letter internally illuminated with LEDs. He noted the message would help his business a lot. The board's consensus was to administratively approve the sign.
- Mr. Baka explained that St. James Church wants to replace their existing ground sign on the Maple Rd. frontage. They are requesting to enlarge it by 10 in. wider and 10 in. taller. The board members thought the sign is fine.

c. Draft Agenda for the Regular Planning Board Meeting on March 9, 2016

- Outdoor Storage
- Glazing
- Zoning Ordinance clerical errors
- TZ-2 - Update on City Commission comments

- d. Other Business (not discussed)

02-33-16

PLANNING DIVISION ACTION ITEMS

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

02-34-16

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 10:38 p.m.

Jana Ecker
Planning Director

APPROVED