

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, MARCH 23, 2016**

Item	Page
<b>UNFINISHED BUSINESS</b> <b>369 - 397 N. Old Woodward Ave. (Brookside Terrace Condominiums)</b> <b>Application for Final Site Plan Review to allow construction of a new five-story mixed-use building</b> (postponed from the meeting of February 24, 2016)	2
<p style="padding-left: 40px;"><b>Motion by Mr. Williams</b></p> <b>Seconded by Mr. Share to approve the Final Site Plan and Design for 369-397 N. Old Woodward Ave. subject to the following conditions:</b> <ol style="list-style-type: none"> <li>1) Applicant will be required to reduce the number of residential units proposed or obtain a variance from the Board of Zoning Appeals;</li> <li>2) Trees must be 3 in. in caliper at the time of planting;</li> <li>3) Applicant obtain an easement for ingress/egress from the City alley to access the underground parking level, with conditions noted; and</li> <li>4) Compliance with the request of City Departments.</li> </ol>	4
<b>Motion carried, 6-0.</b>	4
<b>SPECIAL LAND USE PERMIT ("SLUP") REVIEW</b> <b>FINAL SITE PLAN REVIEW</b> <b>555 S. Old Woodward Ave, Suite 610, Triple Nickel</b> <b>Request for a SLUP Amendment to allow an on-street platform for outdoor dining for the existing restaurant</b>	5
<p style="padding-left: 40px;"><b>Motion by Mr. Williams</b></p> <b>Seconded by Ms. Whipple-Boyce that based on a review of the site plans submitted, the Planning Board recommends approval to the City Commission of the applicant's request for Revised Final Site Plan and a SLUP Amendment for an outdoor dining platform at 555 S. Old Woodward Ave., Suite 610, Triple Nickel, with the following conditions:</b> <ol style="list-style-type: none"> <li>1) The applicant will be required to submit the plans for the proposed outdoor dining platform in color;</li> <li>2) Applicant must submit plans that include refuse containers within the outdoor dining area in accordance with Article 4, Section 44, OD-01 Outdoor Dining Standards (A) (1); and</li> <li>3) Applicant must submit spec sheets for the proposed outdoor tables and chairs.</li> </ol>	6
<b>Motion carried, 6-0.</b>	6
<b>SPECIAL LAND USE PERMIT ("SLUP") REVIEW</b> <b>FINAL SITE PLAN REVIEW</b>	6

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<b>835 - 909 Haynes St., Fred Lavery Porsche/Audi</b> <b>Request for a SLUP Amendment to allow the temporary expansion of the existing SLUP at 835 Haynes St. to include 909 Haynes St. to allow an Audi sales facility for a maximum of one year.</b>	
<b>Motion by Mr. Williams</b> <b>Seconded by Mr. Share to postpone consideration of the Special Land Use Permit Review and Final Site Plan Review for 835 - 909 Haynes St., Fred Lavery Porsche/Audi to April 27, 2016.</b>	8
<b>Motion carried, 6-0.</b>	9

APPROVED

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**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MARCH 23, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on March 23, 2016. Board Member Robin Boyle convened the meeting at 7:33 p.m.

**Present:** Board Members Robin Boyle, Stuart Jeffares, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Lisa Prasad, Daniel Share

**Absent:** Chairman Scott Clein; Board Members Bert Koseck, Gillian Lazar; Student Representative Colin Cusimano

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

**03-47-16**

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

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to approve the Minutes of March 9, 2016 as presented.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Williams, Whipple-Boyce, Boyle, Jeffares, Prasad

Nays: None

Abstain: Share

Absent: Clein, Koseck, Lazar

**03-48-16**

**CHAIRPERSON'S COMMENTS**

Mr. Boyle said he is acting as Chairperson tonight because Scott Clein is unfortunately under the weather. Vice-Chairperson Gillian Lazar is similarly not available to attend.

**03-49-16**

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

**03-50-16**

**UNFINISHED BUSINESS**

- 1. 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** (postponed from the meeting of February 24, 2016)

Ms. Ecker recalled the subject site, 369-397 N. Old Woodward, was previously a residential development of nine townhouses. The site is currently vacant. The property has a total land area of .81 acres and it is located on the west side of N. Old Woodward Ave. between Harmon and Willits Streets.

The applicant is proposing to construct a new five-story mixed-use building. The building will provide two levels of underground parking with 82 spaces, ground floor commercial space, and 29 residential units on the first through fifth floors.

On August 26, 2015, the Planning Board voted unanimously to recommend to the City Commission the applicant's request to rezone the property from R-6 Multiple Family Residential to R-6 Multiple Family Residential and D-4 in the Downtown Overlay District.

On October 12, 2015, the City Commission rezoned the property from R-6 to R-6 and D-4 in the Downtown Overlay District.

The applicant was 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. On September 9, 2015, the Planning Board reviewed the CIS materials submitted, and after much discussion voted to accept the CIS with several provisions.

On October 14, 2016, the Planning Board voted to approve the Preliminary Site Plan, subject to a number of conditions.

The building official has provided an interpretation stating that the R-6 lot area requirements are applicable to this project as they are not superseded by the provisions of the Downtown Overlay District. The applicant has been approved to bring the property into the Parking Assessment District.

***Given the interpretation of the building official with regards to the applicability of the lot area requirements in the R-6 Zoning District, the applicant will be required to reduce the number of residential units proposed or obtain a variance from the Board of Zoning Appeals ("BZA").*** The applicant has submitted a variance request to the BZA.

As per Article 3 Section 3.04, provision A.3 of the Zoning Ordinance, the fifth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal setback 10 ft. from any building facade. Units A and E of the fifth floor, as well as the staircase, do not meet setback requirements. However, the building official has since ruled that will not apply because it is an error in the Zoning Ordinance whereby that

requirement in the old Zoning Ordinance only applied along the frontage line on a street. Therefore, the applicant is not required to seek a variance.

In response to Mr. Williams, Ms. Ecker clarified that 26 residential units were originally approved by the Planning Board. The applicant has since shrunk the two retail spaces on the main floor and added three more residential units. The upper floors remain unchanged.

The property owner has indicated a willingness to deed land at the south end of this property to the City to be used as part of a future Bates St. right-of-way, as the City is looking at potentially redeveloping the N. Old Woodward Parking Structure and/or the surface parking lot behind. As well, the developer needs an Easement Agreement from the City to get access to and from the underground parking levels from the City property.

Mr. Share received confirmation that the ceiling height on the first floor retail space is 18 ft.

#### *Design Review*

The proposed plans meet the architectural standards set out in Article 3, Downtown Birmingham Overlay District, of the Zoning Ordinance as the first floor storefronts are directly accessible from the sidewalk, the storefront windows are vertically proportioned, and the main entries incorporate canopy features to add architectural interest on a pedestrian scale.

The exterior finish materials facing a street consist of the following:

- Nova Black granite base;
- Comanche limestone veneer and pilasters;
- Zinc storefront system and columns, painted blue grey and graphite grey;
- Stainless steel arches, canopies, railings and other details;
- Aluminum mechanical screening;
- Clear butt-glazed windows; and
- Wood paneled doors.

The primary colors of the exterior are compatible with the colors of adjacent buildings and in character with the surrounding area. The glazing calculations indicate that the required 70% minimum glazing has been met with 75% at the main storefront level, and the maximum 35% glazing has been met on floors two through five, with the glazing percentages ranging from 28% to 34%.

A signage review will be conducted by the Design Review Board where a Master Sign Plan for the building as a whole will be submitted by the applicant.

Ms. Ecker indicated that in the future, the City would like to see public access to the river. At Preliminary Site Plan Review, the applicant said they were willing to allow public access to the river and riverbank. In light of the addition of residential units to the first floor, the applicant should confirm that public access will still be provided.

Mr. Christopher Longe, Architect, spoke to represent the project for Alden Development Group. Their intent for signage is to have it set back from the glass line. There is no plan to prohibit anyone from walking onto the property between the west face of the building and the river, but that cannot be addressed yet because they don't know what will be there. He provided samples of the materials to be used on the building. Discussion brought out that an arrangement for retail parking has not yet been determined.

Chairman Boyle opened discussion to members of the public at 8:15 p.m.

Mr. Scott Aikens, Robert Aikens and Associates, 350 N. Old Woodward Ave., said it seems incongruous to him that retail is required on the first floor throughout this District, because already it is extremely difficult to find parking and this will exacerbate the problem.

Ms. Ecker said that parking was called out in the Community Impact Study and it was considered to be appropriate. The applicant meets all of their on-site parking requirements and they have become part of the Parking Assessment District.

**Motion by Mr. Williams**

**Seconded by Mr. Share to approve the Final Site Plan and Design for 369-397 N. Old Woodward Ave. subject to the following conditions:**

- 1) Applicant will be required to reduce the number of residential units proposed or obtain a variance from the Board of Zoning Appeals;**
- 2) Trees must be 3 in. in caliper at the time of planting;**
- 3) Applicant obtain an easement for ingress/egress from the City alley to access the underground parking level, with conditions noted; and**
- 4) Compliance with the request of City Departments.**

Speaking for himself and not for the board, Chairman Boyle noted it strikes him that the City is trying to increase the number of residents living in the Downtown area. Therefore he suggested that the variance be granted. Mr. Williams seconded that thought and added it is important to note that enough parking has been provided within the structure for the proposed residential units.

There were no final comments from the public at 8:30 p.m.

**Motion carried, 6-0.**

**ROLLCALL VOTE**

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

Nays: None

Absent: Clein, Koseck, Lazar

**03-51-16**

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

**555 S. Old Woodward Ave, Suite 610, Triple Nickel**

**Request for a SLUP Amendment to allow an on-street platform for outdoor dining for the existing restaurant**

Ms. Ecker provided background. The subject site is located between Bowers St. and Haynes St. The applicant, Triple Nickel, is proposing to increase their outdoor seating on S. Old Woodward Ave. from 16 to 24 by constructing an outdoor dining platform in the front (to the west) of the existing restaurant. The proposed platform is located on the sidewalk abutting the building and extends into S. Old Woodward Ave. Triple Nickel was approved for an Economic Development License and the restaurant was permitted with a SLUP in 2013. A SLUP Amendment is required for any changes to the approved plans pursuant to Chapter 10, Article II, Division 3.

The applicant is proposing to build a temporary elevated dining platform constructed of Synthetic Trex decking. The platform, which is 376.25 sq. ft. in area, is proposed to be enclosed with a 42 in. tall ornamental metal railing. The platform area will project 4 ft. from the existing curb cut into the street and extend 13.5 ft. into the sidewalk right-of-way. No parking spaces will be obstructed by the platform. A 5 ft. pedestrian pathway is proposed to remain between the platform and the building, which is the required minimum for a pedestrian pathway. The entrance has a 3.5 ft. wide tapered sill ramp up the 9 in. from the sidewalk to the elevated platform and is positioned away from any dining tables. Four of the 7 existing planters will be arranged on the sidewalk bordering the north railing of the platform. To shade the area, the applicant proposes one 7 ft. x 21.5 ft. Sunbrella canopy that measures 9.5 ft. in height at its highest point. The canopy includes a valence with hanging crystals that match the existing awning.

The plan indicates seven red four-top tables and 24 blue chairs to be arranged on the platform. The proposed dining tables are 2.5 ft. x 2.5 ft. and the table tops are pressed wood with a laminate coating. The chairs proposed are constructed of engineered wicker.

The second floor of Triple Nickel has two upstairs dining patios with retractable awnings and sliding windows that provide an outdoor dining experience when the weather permits. On the west terrace facing S. Old Woodward Ave. there are 26 seats and four tables along with a bar. The east terrace facing Woodward Ave. seats 20 at five round tables and also has two couches that can accommodate a total of eight patrons. The restaurant also has 16 outdoor seats in its current outdoor dining area. The proposed outdoor dining platform with 24 seats will be constructed in place of the existing 16 seats on the sidewalk to provide an additional 8 seats.

Mr. Jeffares thought there is a bit of a sense of vulnerability so he likes the railing. Mr. Williams noted that the cars parked out in front of the south tower stick out into the street further than the proposed platform, so a visual problem is not caused by the deck. Mr. Boyle added the parked cars give a measure of protection to folks sitting on the platform.

Mr. Bob Ziegelman, Luckenbach Ziegelman Architects, said the tables and chairs are the same ones that were used for the past two summers so they have received Planning Board approval. Mr. Jack Reinhart from Triple Nickel said they terminated valet about three months ago because there is a lot of parking in that area. He added the restaurant closes at 10 p.m.

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce that based on a review of the site plans submitted, the Planning Board recommends approval to the City Commission of the applicant's request for Revised Final Site Plan and a SLUP Amendment for an outdoor dining platform at 555 S. Old Woodward Ave., Suite 610, Triple Nickel, with the following conditions:**

- 1) The applicant will be required to submit the plans for the proposed outdoor dining platform in color;**
- 2) Applicant must submit plans that include refuse containers within the outdoor dining area in accordance with Article 4, Section 44, OD-01 Outdoor Dining Standards (A) (1); and**
- 3) Applicant must submit spec sheets for the proposed outdoor tables and chairs.**

Ms. Whipple-Boyce said she is happy to see this. It does a lot to bring people to that side of S. Old Woodward Ave. Also, she was thrilled to be getting rid of the valet because there is way too much of it.

There were no final comments from the public on the motion at 8:40 p.m.

**Motion carried, 6-0.**

ROLLCALL VOTE

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

Nays: None

Absent: Clein, Koseck, Lazar

**03-52-16**

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

**835 - 909 Haynes St., Fred Lavery Porsche/Audi**

**Request for a SLUP Amendment to allow the temporary expansion of the existing SLUP at 835 Haynes St. to include 909 Haynes St. to allow an Audi sales facility for a maximum of one year.**

The subject site is located on the north side of the street between Woodward Ave. and Elm St. The parcel is zoned B-2 General Business and MU-5 in the Triangle Overlay District. The applicant, Fred Lavery Co., owns the adjacent property to the west, 835 Haynes St., which received a SLUP in 2010 to operate a Porsche car dealership within the B-2 Zone and in the MU-7 Triangle District Overlay.

Mr. Baka advised that the applicant is conducting renovations to the existing Audi dealership at 34602 Woodward Ave., and wishes to amend its existing SLUP at 835 Haynes St. to temporarily include 909 Haynes St. The applicant is requesting temporary use of the first floor of 909 Haynes St. for office space and business operations for their Audi car dealership for no more than 12 months. Along with the proposed auto dealership sales office, there is an existing beauty spa on the second floor of 909 Haynes St.

Auto sales agencies require a SLUP to operate in the B-2 District. The Birmingham Zoning Ordinance requires that the applicant obtain a SLUP Amendment and approval from the City Commission to expand the auto sales agency and showroom to temporarily include the property at 909 Haynes St. Accordingly, the applicant will be required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP Amendment, and then obtain approval from the City Commission for the Final Site Plan and SLUP Amendment.

No new screening is proposed. The applicant is proposing to utilize the existing landscaping along the front property line as screening for the parking lot. All parking facilities must be screened in accordance with Article 4, section 4.53 of the Zoning Ordinance. A minimum 32 in. masonry screenwall is required. The ordinance does grant the Planning Board authority to approve landscaping in place of a screenwall.

Article 04 section 4.20 LA-01 states that the interior planting areas shall be located in a manner that breaks the expanse of paving throughout the parking lot interior. Each interior planting



area shall be at least 150 sq. ft. in size, and not less than 8 ft. in any single dimension. Current landscaping is only located at the front of the property, and does not break up the expanse of the parking lot interior. ***The applicant must place landscaping plantings no smaller than 150 sq. ft., and not less than 8 ft. in any single dimension throughout the parking lot in a manner that breaks the expanse of paving throughout the parking lot interior, or obtain a variance from the Board of Zoning Appeals ("BZA").***

Article 04 section 4.20 LA-01 also states there shall be at least one canopy tree for each 150 sq. ft. or fraction thereof of interior planting area required. ***The applicant is required to plant five canopy trees (745 /150=4.9) within the parking lot area, or obtain a variance from the BZA.***

#### *Design Review*

No changes to the facade are proposed.

#### *Signage Review*

The applicant has applied to add four signs to the west wall of 909 Haynes St. This includes a 23.28 sq. ft. Audi symbol, a 6.83 sq. ft "Audi" sign, a 17.27 sq. ft. "Fred Lavery" sign, and a 20 sq. ft. "Spa Mariana" sign. On the east facing wall, one 20 sq. ft "Spa Mariana" sign is proposed. The total amount of signage proposed is 87.38 sq. ft. The 909 Haynes St. building has 40 ft. of street frontage; therefore a cumulative of 40 sq. ft. of signage is allowed on site as per the Birmingham Sign Ordinance, Business Sign Standards, Table B. **The applicant has been informed that they will be required to reduce the total amount of signage on the site to no more than 40 sq. ft.** They have indicated that they intend to comply with the requirements of the Sign Ordinance and have asked permission to apply for sign approval administratively. **The Planning Division suggests that the Planning Board require that the applicant submit a proposal that is compliant with the Sign Ordinance prior to appearing before the City Commission for final approval.**

Mr. Share indicated he is having trouble conceptualizing where interior plantings would go in a parking lot with this configuration, other than perhaps in the far right corner. Mr. Baka responded that requirement is part of Article 4 Development Standards. Chairman Boyle did not think landscaping in the middle of the parking lot makes sense; but he did think screening, preferably a wall, would be appropriate.

Mr. Bob Ziegelman, Luckenbach Ziegelman Architects, clarified that the temporary use is for office space for the dealership. He assumed the SLUP itself would be permanent. Mr. Baka responded the request was for a 12 month temporary SLUP. Ms. Ecker added that right now the SLUP only includes the Porsche site. This request would expand it to include the 909 Haynes St. building only for a period for up to one year. Mr. Lavery had told the City he only needed to use that site for a period of approximately nine months while renovations are going on at the Woodward Ave. site. Mr. Ziegelman explained that his belief was that Mr. Lavery was seeking a permanent SLUP and the board should consider that request. Mr. Baka replied that the application form did not request approval for a permanent SLUP. Ms. Ecker also stated that the request was noticed as a temporary SLUP and thus could not be amended to a request for a permanent SLUP without be renoticed in the newspaper and to the surrounding property owners.

Chairman Boyle said that in order to grant a permanent SLUP the Planning Board would need to see a site plan indicating the permanent use of the building. Mr. Ziegelman indicated there is nothing planned now. Mr. Share explained they cannot have a permanent SLUP in the abstract.

It must be linked to a permanent use. If they have no idea what the permanent use is, there is no reason to apply for a permanent SLUP.

Consensus was that Mr. Ziegelman should talk to Mr. Lavery in order to clarify his intention.

**Motion by Mr. Williams**

**Seconded by Mr. Share to postpone consideration of the Special Land Use Permit Review and Final Site Plan Review for 835 - 909 Haynes St., Fred Lavery Porsche/Audi to April 27, 2016.**

There were no comments from the public at 9:10 p.m.

**Motion carried, 6-0.**

VOICE VOTE

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

Nays: None

Absent: Clein, Koseck, Lazar

**03-53-16**

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

**03-54-16**

**MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

a. Communications

b. Administrative Approval Correspondence

- 555 S. Old Woodward Ave., Triple Nickel - East elevation sign panels.
- 33588 Woodward Ave., Birmingham Shell, Inc.- Sign on front side above door.
- 355 W. Maple Rd., St. James Episcopal Church - One sided lighted ground church sign toward Maple Rd. on step entrance (replaces existing, same size).
- 280 Merrill - Change of size and location of sign adjacent to the front door.
- 2083 W. Maple Rd., DFCU Birmingham - Install three (3) non-illuminated directional signs at entrances.
- 1092 Waterfall Ct. - Repair patio (existing), replace pavers.
- 116 S. Old Woodward Ave., Churchill's - Re-cover canopy awning in black with lettering. Frame is shortened by 12 in. to prevent being hit by a truck.

**03-55-16**

c. Draft Agenda for the Regular Planning Board Meeting on April 13, 2016

- Chesterfield Fire Station Courtesy Review
- TZ-2
- Glazing Standards
- Outdoor Storage

Draft Agenda for the Regular Planning Board Meeting on April 27, 2016

- 404 Park, rezoning to TZ-1
- 191 Chester, First Church of Christ Scientist, Site Plan Review and rezoning
- 835-909 Haynes, Fred Lavery request for SLUP

d. Other Business (not discussed)

**03-56-16**

**PLANNING DIVISION ACTION ITEMS**

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

**03-57-16**

**ADJOURNMENT**

No further business being evident, board members motioned to adjourn at 9:20 p.m.

Jana Ecker  
Planning Director