

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, MARCH 11, 2015**

Item	Page
<b>PUBLIC HEARING</b>	<b>2</b>
<p>1. TO CONSIDER AMENDING CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM, ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.70 SS-02, TO AMEND THE REGULATIONS FOR ATTACHED, SINGLE-FAMILY GARAGES.</p>	
<p>2. TO CONSIDER AMENDING CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM, ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.59 SB-02, TO AMEND THE REGULATIONS FOR ATTACHED, SINGLE-FAMILY GARAGES ON CORNER LOTS.</p>	
<p><b>Motion by Mr. DeWeese</b>  <b>Seconded by Ms. Lazar to recommend to the City Commission the adoption of ordinance amendments to Section 4.59 and 4.70 of the Zoning Ordinance to amend the regulations controlling the size and placement of private, attached, single-family residential garages.</b></p>	<b>3</b>
<p><b>Amended by Mr. Jeffares</b>  <b>And accepted to only recommend Section 4.70 to the City Commission.</b></p>	<b>3</b>
<p><b>Amended motion carried, 6-0.</b></p>	<b>3</b>
<p><b>Motion by Mr. DeWeese</b>  <b>Seconded by Ms. Lazar to recommend to the City Commission the adoption of ordinance amendments to Section 4.59 of the Zoning Ordinance to amend the regulations controlling the size and placement of single-family residential attached garages on corner lots.</b></p>	<b>3</b>
<p><b>Motion carried, 5-1.</b></p>	<b>3</b>
<p><b>SPECIAL LAND USE PERMIT ("SLUP")  FINAL SITE PLAN REVIEW  250 N. Old Woodward Ave.  Emagine Palladium Theatre, and Ironwood Grill  Application to allow a movie theatre, restaurant and bar serving alcoholic liquors in a portion of the former Palladium Theatre space</b></p>	<b>4</b>
<p><b>Motion by Mr. DeWeese</b>  <b>Seconded by Ms. Whipple-Boyce to postpone the Final Site Plan and SLUP for 250 N. Old Woodward Ave, Emagine Palladium Theatre and Ironwood Grill to March 25, 2015, pending receipt of:</b>  <b>1. Detailed elevation drawings to illustrate the design of the proposed</b></p>	<b>6</b>



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**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MARCH 11, 2015  
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 11, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Carroll DeWeese, Gillian Lazar, Janelle Whipple-Boyce; Alternate Board Members Stuart Jeffares, Daniel Share; Student Representatives Scott Casperson, Andrea Laferty

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

**Administration:** Matthew Baka, Sr. Planner  
Jana Ecker, Planning Director  
Ken Cooper, Asst. Building Official  
Bruce Johnson, Building Official  
Scott Lenhart, Building Department  
Carole Salutes, Recording Secretary

**03-43-15**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING HELD FEBRUARY 25, 2015**

**Motion by Mr. DeWeese  
Seconded by Mr. Jeffares to approve the Minutes of the regular Planning Board meeting on February 25, 2015 as presented.**

**Motion carried, 6-0.**

VOICE VOTE

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

Nays: None

Absent: Boyle, Koseck, Williams

**03-44-15**

**CHAIRPERSON'S COMMENTS (none)**

**03-45-15**

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

**03-46-15**

**PUBLIC HEARING**

1. TO CONSIDER AMENDING CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM, ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.70 SS-02, TO AMEND THE REGULATIONS FOR ATTACHED, SINGLE-FAMILY GARAGES.

2. TO CONSIDER AMENDING CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM, ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.59 SB-02, TO AMEND THE REGULATIONS FOR ATTACHED, SINGLE-FAMILY GARAGES ON CORNER LOTS.

Chairman Clein opened the public hearing at 7:31 p.m.

Ms. Ecker provided an overview and showed a PowerPoint. Back in 1998, the Planning Board drafted the provisions in section 4.70 and the definitions in section 9.02 of the Zoning Ordinance to ensure that attached private garages did not dominate the front of single-family homes.

However, over the years creative design plans have been submitted to the City and approved for single-family homes with attached, private garages that protrude in front of the principal residential building on the site. By extending the living area over an attached garage and then down in front of the garage by at least 5 ft., designers have found a way to technically comply with the ordinance by removing the garage from the linear building frontage and setting it back 5 ft. from the front facade. Complaints have been received that these designs are a violation of the Zoning Ordinance structure standards. There is no interaction between people within the house and people on the street.

The Planning Board has met on several occasions to review this topic. At the February 11, 2015 Planning Board meeting, board members discussed draft ordinance language to amend section 4.70 that requires garage doors facing a street to be set back 5 ft. from the portion of the first floor front façade that is furthest set back from the front property line, and continues to limit the width of garages to less than 50% of the width of a principal residential building. The proposed language also increases the maximum width of street facing garage doors from 8 ft. to 9 ft. In addition, board members agreed upon an amendment to section 4.59(A) as well to control the size and prominence of garages facing side streets on corner lots, by increasing the setback of attached garages to match the setback for detached garages and other accessory structures.

It is important to note that no changes have been made with regards to regulating the specific placement of front doors. After much discussion between staff members of both the Planning and Building Divisions, it was determined that the proposed ordinance language by its very nature both reduces the dominance of the garage, AND thus increases the prominence of the pedestrian entry by moving the garages back 5 ft. from the furthest setback portion of the front façade.

Mr. Johnson explained that a detached garage is not allowed in the front open space.

No one from the public wished to join the discussion at 7:50 p.m.

Mr. Jeffares thought more study should be given to corner lots. It was discussed that on wide corner lots houses are constructed longer than they are deep. Mr. Cooper said it is the three car garages on wide lots that will be caught with the 50% limitation. As the third bay comes out, it creates a little private courtyard in the back. Mr. Jeffares thought that the rear courtyard blocks the resident's interaction with the street. Everything this board tries to do is the exact opposite of that.

**Motion by Mr. DeWeese**

**Seconded by Ms. Lazar to recommend to the City Commission the adoption of ordinance amendments to Section 4.59 and 4.70 of the Zoning Ordinance to amend the regulations controlling the size and placement of private, attached, single-family residential garages.**

**Amended by Mr. Jeffares**

**And accepted to only recommend Section 4.70 to the City Commission.**

There was no discussion from the audience on the motion at 8:10 p.m.

**Amended motion carried, 6-0.**

**ROLLCALL VOTE**

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

Nays: None

Absent: Boyle, Koseck, Williams

**Motion by Mr. DeWeese**

**Seconded by Ms. Lazar to recommend to the City Commission the adoption of ordinance amendments to Section 4.59 of the Zoning Ordinance to amend the regulations controlling the size and placement of single-family residential attached garages on corner lots.**

There was no discussion from the audience on the motion at 8:10 p.m.

**Motion carried, 5-1.**

**ROLLCALL VOTE**

Yeas: DeWeese, Share, Clein, Lazar, Whipple-Boyce

Nays: Jeffares

Absent: Boyle, Koseck, Williams

Chairman Clein closed the public hearing at 8:13 p.m.

**03-47-15**

**SPECIAL LAND USE PERMIT ("SLUP")**

**FINAL SITE PLAN REVIEW**

**250 N. Old Woodward Ave.**

**Emagine Palladium Theatre, and Ironwood Grill**

**Application to allow a movie theatre, restaurant and bar serving alcoholic liquors in a portion of the former Palladium Theatre space**

Ms. Ecker explained that the subject site is located at 250 N. Old Woodward Ave., on the south side of the existing Palladium building, in a portion of the former Palladium Theatre space. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District.

The applicant, Emagine Palladium Theatre and Ironwood Grill, is seeking approval of the transfer of ownership of one of the Class C liquor licenses that has long been associated with the Palladium Building to allow the owner to operate the Emagine Palladium Theatre and Ironwood Grill under Chapter 10, Alcoholic Liquors, of the City Code. This license was formerly used at Buca di Beppo and is being transferred from 270 N. Old Woodward to 250 N. Old Woodward. This Class C liquor license is proposed to be held by CH Birmingham, LLC,

The applicant has indicated that dancing and entertainment will be offered at special events only. The applicant has also indicated that the additional bar permit is to allow the use of a "floating bar," which will be set up in certain areas of the establishment as needed for special events. Finally, the applicant has advised that the specific purpose permit is to allow the showing of movies and the service of food outside the normal operating hours for the service of alcohol (such as special midnight release showings that could go past 2 a.m., thus the theater would be open past 2 a.m., but alcohol service would cease at 2 a.m.). No outdoor dining permit is requested, nor required.

Emagine Palladium Theatre and Ironwood Grill will be 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, and for the transfer of ownership of the existing liquor license.

Ms. Ecker advised that the proposed theatre and restaurant space is approximately 31,000 sq. ft. in size, and is proposing to operate five movie screens are proposed with a total of 590 seats. The former Palladium Theatre had 12 screens and 2200 seats. Emagine Palladium Theatre and Ironwood Grill propose to operate under a new neighborhood theatre membership model, where patrons must purchase a yearly membership. Under this model, only members can buy movie tickets, and all individual seats will be reserved for a specific date and time. The applicant does intend to provide guest memberships to visitors staying at the Townsend Hotel. All theatre seating will be luxury recliners and luxury rockers in the digital projection auditoriums.

Ironwood Grill is proposed to be open to the public (with no membership requirement). The restaurant will provide an upscale casual dining experience and offer 198 seats, including 17 seats at the bar, with an exhibition style brick pizza oven kitchen and an open air dining experience overlooking Hamilton St. Ironwood Grill will offer award winning BBQ specialties and wood-fired Neapolitan style pizzas, a variety of freshly prepared dishes and an extensive selection of craft beer, wine and cocktails. A private banquet room is also proposed with a private bar that will be available for rental.

#### *Design Review*

The applicant is proposing several design changes to the existing building. The changes proposed are to the design of the marquis itself, signage changes and the removal of decorative metal elements and fixed windows at the new fourth floor. The applicant is proposing to remove the art deco metal design element from the top of the marquis as well as the changeable channel letter boards that were previously used to list movies being shown in the

former Palladium Theatre. In addition, 40 ft. of the fourth floor fixed curtain wall windows are proposed to be replaced with a retractable Nanawall folding window system to provide an open air dining experience in the portion of the Ironwood Grill overlooking Hamilton St. above the existing marquis.

Three new name letter signs and three graphic elements are proposed to be mounted to the existing marquis sign. The sign drawings as submitted do not meet all required sign standards. The applicant has agreed to comply with the sign requirements. Details are needed from the petitioner with regard to the balcony railing, the spandrel glass and signage. This evening the board will consider only the packet that has been submitted and reviewed.

Discussion followed as to whether the membership requirement causes the operation to be a private social club rather than a movie theatre and how that may affect the Liquor License.

Mr. Paul Glantz, CEO of Imagine Entertainment, Inc., talked about the project. They have substantially reduced the seat count which is consistent with their goal of serving the local community as a neighborhood theatre. They believe that by creating an economic barrier to entry they will to some degree ensure they are serving the demographic that they endeavor to serve. They are considering a \$400 membership fee which would include a \$250 gift card that could be used at the theatre. Thereafter the membership would be \$150/year. He wants the theatre to be a place where there will be civility and good behavior.

Mr. Glantz advised that on occasions when there is a special midnight showing, the theatre may stay open until 2 a.m.

Ms. Whipple-Boyce asked if it is possible to see what is going on in other floors in order to understand how this application fits into the site as a whole. Ms. Lazar said the new concept of requiring membership comes across to her as being very exclusionary and she is uncomfortable with it. Mr. Glantz replied the venue is so small that they can't serve a region. The best they can do is to serve a community. He noted they are not selling movies anymore; they are selling an out-of-home entertainment experience. If they don't pick up their game to better serve the market, he thinks they will be relegated to the economic junk heap.

There was no input from the public at 8:50 p.m.

**Motion by Mr. DeWeese**

**Seconded by Ms. Whipple-Boyce to postpone the Final Site Plan and SLUP for 250 N. Old Woodward Ave, Emagine Palladium Theatre and Ironwood Grill to March 25, 2015, pending receipt of:**

- 1. Detailed elevation drawings to illustrate the design of the proposed safety barrier or the panel that may be attached to the safety barrier;**
- 2. Specification sheets and color selection for all proposed materials, which materials shall not include the use of spandrel glass or glass railings; and**
- 3. Detailed signage drawings with dimensions to show the amount of proposed signage, as well as a section view to show the mounting details and projection information, as well as material and lighting specifications.**

**Also, staff getting the necessary information about the impact of this being a membership type organization and how it affects Planning and City Code.**

No one from the public wished to speak about the motion at 8:54 p.m.

**Motion carried, 6-0.**

VOICE VOTE

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

Nays: None

Absent: Boyle, Koseck, Williams

**03-48-15**

## **FINAL SITE PLAN REVIEW**

### **2200 Holland**

**New construction of one-story warehouse and storage building** (postponed from the meeting of February 11, 2015)

Mr. Baka recalled the subject property located at 2200 Holland currently contains five (5) warehouse structures of various sizes. The applicant proposes to demolish four (4) of the existing buildings and construct a 16,400 sq. ft. warehouse building. The plan proposes to incorporate a mix of uses on the site by preserving the existing office building and constructing the warehouse behind it. The existing 2,597 sq. ft. office building on the property will remain and is proposed to be rented to an office user who will be separate from the Mercedes operation. The new warehouse will be used as the auto prep and storage facility for the Mercedes-Benz of Bloomfield Hills dealership.

All buildings over 6,000 sq. ft. in the MX District are required to obtain a SLUP. Accordingly, the Planning Board will perform the Preliminary and Final Site Plan Reviews for the project and then make a recommendation to the City Commission on whether or not to approve the proposal for a Special Land Use Permit ("SLUP"). The applicant received a recommendation to approve the Preliminary Site Plan and SLUP at the December 10, 2014 Planning Board meeting along with several conditions.

The applicant appeared before the Board of Zoning Appeals ("BZA") on January 13, 2015. The BZA granted variances to permit parking between the front facade and the frontage line and also to provide less than the required 70% glazing on the new warehouse.

At the February 11, 2015 Planning Board meeting the applicant was reviewed for Final Site Plan approval. At that time, the Planning Board voted to postpone the review so that the applicant could provide additional information regarding the colors and materials proposed for the warehouse building.

#### *Design Review*

The applicant has now provided color elevations and material samples, as well as a revised site plan, landscape plan and photometric plan. The applicant has offered two different color schemes for the board to consider. Both schemes include translucent panels on the upper portions of the sides and rear and "polar white" roof panels.

Mr. Gary Kwapis, Architect for the project, said the translucent panels have UV protection and should not fade. They will either use their existing fence or upgrade it.



Color scheme was discussed. Mr. Charles Ghesquiere, Dealer Principal of Mercedes-Benz of Bloomfield, said their preference would be the ivory color. Several board members thought the darker black and grey color would look better. After discussion, Mr. Ghesquiere agreed to adopt the darker color scheme.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. DeWeese to recommend approval of the Final Site Plan for 2200 Holland to the City Commission subject to the following condition:**

**1. The applicant revises the photometric plan to meet the requirements of the Zoning Ordinance or obtain a variance from the Board of Zoning Appeals.**

**Motion carried, 6-0.**

**VOICE VOTE**

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

Nays: None

Absent: Boyle, Koseck, Williams

**03-49-15**

**STUDY SESSION  
Glazing Standards**

Mr. Baka recalled the Planning Board has 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.

There have been multiple applications that have come through the Planning Board in recent months that have pursued variances from the glazing standards because the site conditions have required that they have 70% glazing on all sides of the building. The Planning Staff feels that this issue is worthy of further discussion to see if any improvements can be made to the language that would still achieve the desired results while also curtailing the frequency of applicants seeking variances from the BZA.

After several study sessions and additional direction from the City Commission, language is provided to allow flexibility in the Rail District. After reviewing the current Zoning Ordinance language and Overlay District requirements, Planning Staff has determined that the Triangle District and the Downtown would not be affected because the overlay standards for each area supersede the rest of the Zoning Ordinance, including the Window Standards of Section 4.83. If the proposed amendment were to be adopted the following glazing standards would be required for each zone:

Downtown Overlay District:

- 70% glazing minimum on storefront facades between 1 and 8 ft. above grade;
- 35% glazing maximum above the first floor.

Windows shall be vertical in proportion.

Triangle District:

- 70% glazing minimum of the storefront/ground floor façade between 1 and 8 ft. above grade;
- Openings above the first story shall be a maximum of 50% of the total façade.

Windows shall be vertical in proportion.

Rail District (MX):

- 70% glazing minimum of the storefront/ground floor façade and any façade that faces a street, plaza, park or parking area;
- Openings above the first story shall be a maximum of 50% of the total façade.

Windows shall be vertical in proportion. (Flexibility allowed with approval of the Planning Board).

The adoption of the proposed ordinance amendment would create the most flexibility in the Rail District while being the most restrictive in the Downtown on a percentage basis.

In order to provide consistency throughout the Ordinance and still achieve the pedestrian and public interaction intended by the standards, 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.

The only other thing that may warrant further discussion is the facades of the building that this is applied to. In the Downtown, it is just the front facade. In the Triangle District it is any facade that directly abuts a street. In the rest of the City it is the front facade and any facade facing a street, plaza, park, or parking area.

Discussion considered that every case will be different and flexibility is needed to determine which facades require glazing. Mr. Baka said the intent would be to require four votes for approval. Chairman Clein thought there should be a minimum percentage that the glazing requirements could be reduced to.

Ms. Whipple-Boyce suggested they ask Commissioner Nickita why he thinks the three districts should be treated differently. Mr. Baka thought that allowing flexibility in the glazing standards should still require meeting the intent of the section by providing interaction with pedestrians.

**03-50-15**

**MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (no discussion)**

**03-51-15**

**MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

a. Communications

Ms. Ecker highlighted the intent of one e-mail submittal which was with regard to the O-1, O-2 study that the board embarked upon many years ago. From the writer's perspective it should have been a study of use - limiting the use and the board should stick to O-1, O-2, strictly look at the use and potentially the hours of operation, and leave it at that.

b. Administrative Approvals

Ms. Ecker advised that the developers of the Palladium have decided that they do need to add elevators, and they wish to separate the uses a little more. She showed a drawing of the proposed layout.

Mr. Jordan Jonna with Ed Jonna Developments said they want to create a barrier between the different uses in the building. Therefore, they decided to add two more elevators to the plan that was approved. Also, they separated and created different entrances. Now there will be the theatre entrance, the separate residential lobby and entrance, and doors leading to a separate office lobby with an elevator.

Board members were in agreement with the new proposal and gave direction for staff to grant administrative approval.

c. Draft Agenda for the Regular Planning Board Meeting on March 25, 2015

- Emagine Palladium;
- Market Square for Final Site Plan;
- Sav-on Drugs application for a drive-through on the south side.

d. Other Business (none)

**03-52-15**

**PLANNING DIVISION ACTION ITEMS**

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

**03-53-15**

**ADJOURNMENT**

No further business being evident, board members motioned to adjourn at 9:50 p.m.

Jana Ecker  
Planning Director

APPROVED