
**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, JUNE 28, 2017**

Item	Page

APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JUNE 28, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on June 28, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Stuart Jeffares, Bert Koseck, Vice Chairperson Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Daniel Share; Student Representatives Ariana Afrakhteh, Isabella Niskar

Absent: Board Member Robin Boyle; Alternate Board Member Lisa Prasad

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

06-115-17

APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF JUNE 14, 2017

Ms. Lazar:

Page 2 - Last paragraph, first line, replace "allow" with "require."

Page 2 - Last paragraph, fifth line, replace "permitted" with "required."

Mr. Share:

Page 6 - Last paragraph - first line, replace "Ferrill" with "Farrell."

Mr. Jeffares:

Page 3 - Replace Motion carried "6-0" with "6-1"

Motion by Ms. Lazar

Seconded by Mr. Share to approve the Planning Board Minutes of June 14, 2017 as amended.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Abstain: Williams
Absent: Boyle

06-116-17

CHAIRPERSON'S COMMENTS (none)

06-117-17

APPROVAL OF THE AGENDA (no change)

06-118-17

OLD BUSINESS

1. 2010 Cole St.

**New mixed use building (partially demolished building)
Request for Community Impact Study ("CIS") and Preliminary Site Plan review
to allow the construction of a new three-story mixed-use building** (postponed
from the meeting of May 24, 2017)

Ms. Lazar recused herself because of a familial relationship with the applicant.
Chairman Clein recused himself because his firm is doing work with a member of the
development team..

**Motion by Ms. Whipple-Boyce
Seconded by Mr. Share to ask Mr. Williams to take the gavel.**

Motion carried, 4-0.

VOICE VOTE

Yeas: Whipple-Boyce, Share, Jeffares, Koseck
Nays: None
Recused: Clein, Lazar, Williams
Absent: Boyle:

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

C/S

On April 26th, 2017, the applicant appeared before the Planning Board for a CIS and
Preliminary Site Plan review. A motion to accept the CIS for 2010 Cole St. was made
and passed with several conditions. The Preliminary Site Plan Review was postponed
based on concerns about vehicle circulation in the parking lots (dead end lots causing

cars to reverse back onto Cole St.) and a request from the Planning Board that the longer side of the building could be rotated to run along Cole St., instead of facing the parking lot on the east portion of the property. Since the last meeting the applicant has revised their plans to deal with the circulation issue by losing two parking spaces. They will still meet the parking requirement. Also they have indicated there will not be a restaurant on the first floor, because that would increase their parking requirements.

In August 2016 an update to a 2015 Environmental Site Assessment ("ESA") was performed by PM Environmental. The Phase I ESA update revealed several recognized environmental conditions ("RECs") at the property. The applicant utilized Testing Engineers and Consultants, Inc. to conduct a review of the existing environmental assessment information for this property. Two subsurface investigations discovered contamination over much of the site. The review of environmental factors lead to a recommendation by the environmental consultants not to rotate the building 90 degrees to provide greater building frontage along Cole St., as this would create a far greater disturbance of contaminated soil. Extensive new footings/foundations would require additional excavation and land filling of impacted soil, and possible dewatering of impacted groundwater.

Summary of the CIS items needed:

- (1) Verification that contamination from neighboring property, 2006 Cole, has not migrated to the subject site;
- (2) Storm water detention plans;
- (3) Information on all life safety issues and Fire Dept. approval;
- (4) Information on the proposed security system for approval by the Police Department;
- (5) Elevator plans; and
- (6) Plans demonstrating on-site bike racks.

Preliminary Site Plan

The applicant will be required to provide at Final Site Plan Review a floor plan of the residential units to determine the number of rooms within the two residential units. This will ensure all density requirements have been met and determine the number of parking spaces required.

During the Planning Board meeting on April 26th, 2017, board members expressed displeasure with the circulation design of the parking lot. Both of the parking lots were designed to dead end, forcing cars who could not find a parking spot to back out all the way back onto Cole St. The applicant has resolved this by adding end-of-lane turn arounds at the rear of both parking lots where cars can reverse direction and proceed back to Cole St. driving forward.

Mr. Jeffares suggested that by moving the dumpsters there could be room to drive around the building to get in and out of the parking lots.

Mr. Jason ~~Kruger~~ **Kreiger** with ~~Kruger~~ **Kreiger** Klatt Architects was present with Ms. Jennifer ~~Higgins~~ **Higham** from Lorian Capital; Mr. Jason Arnold from Creative Site Solutions; and Mr. Donald Kaler from Testing Engineers & Consultants ("TEC"). Mr. ~~Kruger~~ **Kreiger** stated the impact and cost to rotate the building 90 degrees and remediate the soil would incur a financial burden that the owner was not willing to

absorb. Therefore their proposal is to try and encapsulate and maintain what is there as best they can in order to make the project financially doable. They believe the turn-around issue has been handled. However, larger vehicles such as garbage trucks would need to back out. They intend to comply with the nine points listed at the end of the staff report and are hoping to move forward to the next level with their proposal.

Mr. Jeffares inquired why it would not be better to move the dumpster so that vehicles can drive around the building. Mr. ~~Kruger~~ **Kreiger** thought that it might be a tight turn going around the building. The other thing is that placement of the dumpsters facing Cole St. makes it convenient for a truck to come in straight.

Ms. Whipple-Boyce did not know why they couldn't take 2 ft. **off** of the back of the building in order to be able to drive around. Mr. ~~Kruger~~ **Kreiger** said it seems better to him to leave the dumpsters where they are situated and let the parking lot on the west be the main lot that people would use.

Mr. Koseck thought a Suburban would be hard pressed to make the turn to get out. He views this as a new project and he doesn't believe it complies with the ERC Master Plan which says buildings should be pushed to the street and parking to the back. He questioned at what point the financial burden becomes a breaking point to create what he views as an unsafe walking and vehicular environment.

Mr. Donald Kaler offered an idea of what the challenges are. The levels of volatile organic compounds on the site can lead to a condition called hazardous waste. Non-hazardous waste is solid and goes to a Class 2 Landfill. If soil is determined to contain hazardous waste, the cost to dispose in a different landfill usually goes up ten to twenty times/unit. That is an important reason to minimize subsurface soil disturbance and use as much of the existing foundation as the engineers and architects feel is appropriate.

Mr. Koseck thought that with the building rotated the tenants would have a front view to the street. Extra street frontage is worth more than facing the alley and parking lots.

Mr. Share announced that before he can deviate from the ERC Master Plan he needs to have a lot more information specific to what the cost is. If the applicant wants to use cost as a justification for the board doing something that it might not otherwise do, then they need to provide facts to justify it.

Ms. Whipple-Boyce did not understand how the decision could have already been made not to be able to move the building the way the board is asking if the research hasn't been done to even determine if there is non-hazardous or hazardous waste; if it can be left, or if it needs to be removed. Besides that, she does not think this project meets the requirements of the ERC Plan well enough. One of the most important things about the Plan is that buildings are oriented to the street and parking is behind. She was sorry to see the applicant did not come forward with a plan that accomplishes that. Further, she doesn't think the parking will work. The hatched spots will be parked in when there are no parking spaces left and people will not be able to turn around and will be forced to back out.

Mr. Koseck said he knows there are alternatives available that would make this a safer parking lot and make the plan more in compliance the vision for the ERC Master Plan

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce to postpone consideration of the CIS and Preliminary Site Plan for 2010 Cole St. to July 26, 2017.

There were no comments from the public on the motion to postpone.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Recused: Clein, Lazar

Absent: Boyle:

06-119-17

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

- 1. 211 S. Old Woodward Ave.
Birmingham Theater
Request for approval to serve alcoholic liquors in the existing theater
operating under a Class C Liquor License**

Chairman ~~Clein~~ **Clein** took back the gavel at this time.

Ms. Ecker advised the subject site is located on the east side of S. Old Woodward Ave. just south of Merrill. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, Birmingham Teatro, LLC, is applying for a SLUP to operate with a Class C Liquor License under the new ordinance allowing a movie theater to operate with a liquor license. Birmingham Teatro is owned equally by Daniel Shaw and Nicholas Lekas, who in addition to operating the theater, are also part owners of Birmingham Theater, LLC, which is the sub-landlord for 211 S. Old Woodward.

Article 2, section 2.37 (B4) of the Zoning Ordinance requires that a theater seeking to provide alcoholic beverage sales (on-premise consumption) shall obtain a SLUP and site plan review. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan and SLUP.

The applicant has advised that the service of alcohol is required for the continued operation of the Birmingham 8 Theater, given market trends and the need to compete with the Emagine Palladium Theater, which also provides the service of alcohol to theater patrons. Emagine and the Birmingham Theater are the only two movie theaters in the City. Granting the SLUP to the Birmingham Theater will enable it to serve alcohol,

the theaters will be similarly situated, and both should be able to sustain their businesses into the future.

The sale of alcohol will be a relatively small amount of the Birmingham Theater's business, but they believe it will help them to provide a full service experience.

Design Review

The applicant is proposing no interior or exterior design changes to the building at this time other than the service of alcohol primarily from the second-floor concession stand.

As the applicant was not present, the following motion was made:

Motion by Mr. Williams

Seconded by Mr. Share to postpone the SLUP and Final Site Plan And Design Review for 211 S. Old Woodward Ave., Birmingham Theater, to July 12, 2017.

No one from the public wished to comment on the motion.

Motion carried, 6-1.

VOICE VOTE

Yeas: Williams, Clein, Koseck, Lazar, Share, Whipple-Boyce

Nays: Jeffares

Absent: Boyle

06-120-17

FINAL SITE PLAN AND DESIGN REVIEW

2. 412 - 420 E. Frank St. (vacant office/restaurant)

Request for Final Site Plan to allow construction of a new three-story residential building

Mr. Baka explained the subject site is composed of three parcels, 412 & 420 E. Frank St. as well as the small strip of parking that abuts on the east. 412 E. Frank St. was most recently occupied by Frank Street Bakery, while 420 E. Frank has been used as an interior design office space for the past several years. The combined parcels are 15,200 sq. ft. and are located on the southeast corner of E. Frank and Ann Sts. The applicant is proposing to demolish the existing buildings to construct a three-story five-unit multi-family structure. On February 13, 2017 the City Commission approved a rezoning to TZ-1 Transition Zoning. The proposed residential units are permitted principal uses in the TZ-1 Zone.

On March 22, 2017, the Planning Board approved the Preliminary Site Plan with conditions. The applicant has complied with all of the conditions requested by the Planning Board for the acceptance of the Preliminary Site Plan.

Design Review

The plans meet the requirements of Article 04 section 4.82 SS-09 Development Standards for TZ-1. However, the applicant will need to provide glazing calculations for the front facade of residential units to show they are at least 25% windows or doors.

The applicant is proposing to construct the building façade from “Olde Windsor Sand Coated” brick with sections of tan limestone veneer. These are high quality building materials permitted in the Ordinance. The development will mesh nicely with the surrounding neighborhood as many of its neighbors are constructed with identical materials (631, 647, 659, and 650 Ann St.; 393 E. Frank St.; 500 S. Old Woodward Ave).

Mr. Alex Bogaerts, the architect, was present along with Mr. John Serkesian who represented the applicant. Mr. Bogaerts passed around the materials. The building is predominantly masonry with limestone accent. They intend to add the exact percentage of glass to the plans.

Mr. Jeffares thought this a beautiful building but one thing that bothers him is the massive brick wall along the east elevation that can be seen from Woodward Ave. Mr. Bogaerts indicated they can't put in windows because the building is right on the property line. If someone else were to build they could potentially come right up against their building. However, they would be happy to introduce limestone and masonry detailing in the wall.

Motion by Mr. Jeffares

Seconded by Ms. Whipple-Boyce to approve the Final Site Plan Review for 412-420 E. Frank St. with the following conditions:

- 1. The applicant provide calculations that confirm at least 25% of the proposed building's front facade is comprised of windows or doors;**
- 2. The east elevation first floor is broken up with some masonry detail to be administratively approved.**

No one from the public wished to comment on the motion at 8:47 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Boyle

06-121-17

3. 300 Hamilton Row (Commonwealth Cafe)

Request for Final Site Plan Review to allow installation of a larger outdoor dining platform in the street

Mr. Baka explained the building is located on the south side of Hamilton Row between Ferndale Ave. and Park St. The applicant proposes to construct an outdoor terrace area utilizing two existing parallel parking spaces. The applicant was previously approved for

a dining deck of approximately 23 ft. that spanned the existing storefront. The café has now expanded into the storefront to the east, doubling their linear frontage to 46 ft. Accordingly, they are now requesting permission to extend the dining deck across the new portion of the café as well.

As this requested change approximately doubles the size of the dining deck the Planning Dept. determined that it required a revised design review by the Planning Board. The previously approved deck also required two parking spaces as the expanded deck does. However, when Hamilton Row was reconstructed in 2016 the spaces were realigned which resulted in the spaces shifting slightly to the east. As a result, the new expanded deck does not require any additional parking spaces and thus does not need approval from the Advisory Parking Board for the new configuration.

Design

The applicant intends to construct the deck of the platform with 1/8 in. metal diamond plate interlocking panels. The deck is proposed to be enclosed on three sides with matching 1/8 in. diamond plating that will enclose 10 in. w x 18 in. deep plastic planter liners. Attached to the top of the planter boxes the applicant is proposing a decorative railing constructed from a combination of flat stock steel, square steel tube and steel rod. The transition between the planter boxes and the railing is proposed to be clad with a 1 in. x 4 in. oak collar. The planter boxes are proposed to be planted with live bamboo planting. The rendering on the plans indicate that the plantings will extend above 6 ft. which will obscure the view the street from those dining on the deck and vice versa.

The Planning Board may wish to consider if this condition would be consistent with the intent of the goals of outdoor dining.

Signage

The applicant proposes to install four logo signs. The total linear building frontage is 46 ft., permitting 46 sq. ft. of sign area. The existing projecting wall sign measures 6 sq. ft. and the existing name letter sign measures 2 sq. ft. Each of the four proposed signs reading "COMMONWEALTH CAFE" will measure 5 in. h x 35.5 in. w or 177.5 sq. in. each for a total of 4.93 sq. ft. The combined area of the existing and new signage will be 12.93 sq. ft. In accordance with Article 1.0, section 1.04 (B) of the Birmingham Sign Ordinance, Combined Sign Area - For all buildings, including multi-tenant office or retail buildings, the combined area of all types of signs shall not exceed 1 sq. ft. (1.5 sq. ft. for addresses on Woodward Ave.) for each linear foot of principal building frontage. The proposal meets this requirement.

Illumination

No new lighting or changes to existing lighting are proposed.

Mr. Kevin Hart, Architect for the project, was present along with Mr. Jim Haisch, the business owner and Mr. George Joseph, the builder. Mr. Hart passed along a sample of the diamond plate metal and renderings of the planter boxes as they would look planted with bamboo. He explained the dining deck will be 43 ft. x 12 ft. rather than 46 ft. The planter boxes will be 36 in. high with oak trim at the top. One of the benefits of the metal diamond plate deck is that it can be locked into the curb to get a smooth transition. The deck will have 13 tables. They expect the height of the bamboo to be

about 60 in. which will make it eight to nine ft. high including the planter boxes. He feels this application has merit and will look very attractive for the City.

Board members expressed concerns about the bamboo's transparency and how fast it grows. Mr. Hart indicated the plants are fairly transparent and will be maintained by Planterra each week. At the end of the season the deck will be put into a storage facility.

Chairman Clein said likes the deck a lot but he is afraid the bamboo goes against the intent of the Ordinance to activate the street.

Mr. Jim Haisch thought this greenery would complement the interior of the cafe where it is very green. It will look attractive and be something that will draw people in.

The Chairman took comments from members of the public at 9:15 p.m.

Mr. Michael Poris indicated his support for the dining deck. He likes the idea of creating greenery on the street because right now the street is kind of dead. Also, he welcomes more seating for the cafe.

Ms. Whipple-Boyce indicated her willingness to give this a try. She did not think the applicant would want to do something that would block them off from the rest of the community. Ms. Niskar agreed. She likes the consistency with the cafe's interior and the fact the bamboo plants will be maintained every week. Mr. Williams also agreed. If this doesn't work for the applicant they will change it. Ms. Afrakhteh was in favor as well. She did not think the greenery will take away from the street. Adding the bamboo would improve the look of the street because there isn't much green there now. You can't go wrong by adding something green.

**Motion by Ms. Whipple-Boyce
Seconded by Mr. Williams to approve the Final Site Plan and Design Review for
300 Hamilton Row (Commonwealth Cafe).**

No comments were heard from the audience at 9:23 p.m.

Motion carried, 6-1.

VOICE VOTE

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

Nays: Clein

Absent: Boyle

06-122-17

PRE-APPLICATION DISCUSSION

1. 191 N. Chester

The First Church of Christ, Scientist

Proposal to adapt and reuse the existing church building for office use

Mr. Rick Rattner, Attorney, 381 S. Old Woodward Ave., was present with Mr. Sam Surnow representing The Surnow Co., the developer; and Mr. Victor Saroki, the architect. Mr. Rattner explained they intend to repurpose the church into an office building. The church is an iconic structure and they don't intend to change it. Surrounding neighbors have voiced their support. The site is zoned TZ-1 Residential but it would not be feasible to change the church into residential as it is a very complicated building. Office seems the most realistic use for the structure that is there.

Mr. Saroki presented a PowerPoint and noted the church has historical significance in the way it is sited and the way it looks. Their goal is to preserve the building and he went on to explain why it would not work for residential. The original structure was built in 1927 and additions were put on in 1960 and 1972. The building is extremely well maintained. They tried to market it as a church but couldn't find anyone that was interested.

It is proposed to take out three parking spaces and add landscape. Forty percent of the lower level will contain enclosed parking for twelve cars. Their plan is to build a new wall at the property line to keep the grade high. Then the sidewalk can be lowered so that it runs with the street elevation. An ADA compliant location for an elevator has been identified that will hit all of the levels of the building. The mechanicals can be effectively screened.

In response to a question from Mr. Williams, Ms. Ecker explained the applicant would have to submit a petition for an ordinance amendment that would allow this type of thing as opposed to a rezoning. The site is in the Parking Assessment District. Mr. Koseck spoke in favor of seeing this beautiful building preserved. Mr. Williams suggested that Mr. Currier sign off on the zoning issues in advance before the Planning Board starts to look at plans.

06-123-17

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approval Correspondence
 - 1964 Southfield Rd., Market Square - North wall windows to be revised per sheet A210 dated 02-28-17.
 - Mr. Paul Robertson, Robertson Bros. Builders, 779 S. Bates, brought forward an administrative approval request to change some of the materials on his building located at 750 Forest. With him were Messrs. Michael Poris and Ross Hoekestra from Poris & Associates, Architects. Sales are not going quite as well as he had anticipated. Their biggest problem is that parking is needed in the Triangle District. He discussed the siding material on floors four and five and two and three on the east side. It was specified out as Hardiplank but they have come to find out that both the material and the way it is put together are very significantly

more costly than anticipated. Therefore they would like to substitute an exterior insulation finish **insulation** system in place of the Hardiplank.

Mr. Hoekstra passed around samples of the proposed ~~efface~~ **EFIS** material and explained where it would be placed on 23% of the building. Mr. Robertson noted their general contractor is not enamored at all with the Hardiplank fiber cement, and how it is going to attach, Screws would have to put through the sheathing on the outside into the building to hold the panels in place and he was worried about the waterproofing detail behind that. With the ~~efface~~ **EFIS** installation the insulation is glued on the outside and the material is troweled on top of it, for almost a one coat situation all the way around.

Ms. Ecker read from the Ordinance with regards to building materials for mixed use or commercial buildings in the Triangle District. Exterior insulation finish systems (~~efface~~ **EFIS**) may be used for architectural detailing above the first floor. Mr. Robertson felt ~~efface~~ was spelled out in the Ordinance because it got a bad name 20 years ago as not being a good product. However, it is very acceptable now and used all over. The difference in cost for him is \$90 thousand net on a budget of \$8 million.

Chairman Clein noted that nevertheless the Ordinance does not allow ~~efface~~ **EFIS** under that interpretation. The Building Official would have to provide a formal interpretation of architectural detailing. Ms. Whipple-Boyce said this is not an architectural detail; it is full walls and she didn't know how the board could say yes.

Mr. Robertson said with lap siding like this there are no waterproofing issues. This needs looking at. Even if the board cannot do it for him they need to do it for someone else in the Triangle District that comes after him. The other thing the board really needs to look at is the glass requirement of no more than 50% of glass. That is really out of date. Glass is cheaper than cement siding.

c. Draft Agenda for the Regular Planning Board Meeting on July 12, 2017

- Redline Retail Proposed Changes, public hearing;
- 211 S. Old Woodward Ave., SLUP and Final Site Plan for the Theater;
- Bistro Regulations for outdoor dining parameters;
- Shared Parking.

d. Other Business

- Mr. Williams wanted to see data that analyzes uses in the Redline Retail District. That would be useful to him to know where he is going. Chairman Clein advised they are waiting on the memo from the City Manager to help clarify the joint meeting discussion with the City Commission. His understanding is they asked the Planning Board to continue the public hearing on matters they had already set and to focus on the definition of Personal Services. Ms. Lazar said that knowing the actual number of vacant spaces rather than the square footage of vacancies helps people to visualize.

06-124-17

PLANNING DIVISION ACTION ITEMS

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

06-125-17

ADJOURNMENT

No further business being evident, the Chairman adjourned the meeting at 10:28 p.m.

Jana Ecker
Planning Director

APPROVED