

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, JUNE 10, 2015**

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<p>COMMUNITY IMPACT STATEMENT REVIEW ("CIS") PRELIMINARY SITE PLAN REVIEW 2100 E. Maple Rd. (former Urgent Care) (postponed from the meeting of May 27, 2015) Request for approval of a CIS and Preliminary Site Plan Review to review the construction of a new one-story, 46,000 sq. ft. retail building for Whole Foods Market</p>	2
<p style="padding-left: 40px;">Motion by Mr. DeWeese Seconded by Mr. Koseck to accept the CIS as provided by the applicant for the proposed development at 2100 E. Maple Rd., Whole Foods, with the following conditions:</p> <ol style="list-style-type: none"> 1. The applicant will be required to obtain approval to rezone the property to permit the proposed use as a grocery store; 2. Applicant must provide information on all life safety issues to the Fire Dept. for approval; 3. Applicant must provide information on the details of the collection of trash and recycled materials; 4. Applicant must provide information on all utility easements; 5. Applicant must provide information on the proposed security system for approval by the Police Department; and 6. The applicant complies with the recommendations of the City's transportation consultant and all City Departments. 	3
<p>Motion carried, 7-0.</p>	4
<p style="padding-left: 40px;">Motion by Mr. Koseck Seconded by Ms. Whipple-Boyce to postpone the Preliminary Site Plan for 2100 E. Maple Rd., Whole Foods, to July 22, 2015.</p>	4
<p>Motion carried, 7-0.</p>	4
<p>REZONING REQUEST 555 S. Old Woodward Ave., 555 Building Application for rezoning of the property from D-4 in the Downtown Overlay District to D-5, a new zoning classification proposed for the Downtown Overlay District, to allow the renovation and expansion of the existing mixed-use building (postponed from May 27, 2015; new request to</p>	4

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<p>postpone to July 8, 2015)</p> <p>Motion by Mr. Share Seconded by Ms. Lazar to postpone the Rezoning Request for 555 S. Old Woodward Ave., 555 Building, to July 8, 2015.</p>	<p>5</p>
<p>Motion carried, 7-0.</p>	<p>5</p>
<p>FINAL SITE PLAN REVIEW 1691/1693 Haynes Request for approval of two new garages on-site</p>	<p>5</p>
<p>Motion by Mr. Jeffares Seconded by Mr. DeWeese to approve the Final Site Plan for 1691/1693 Haynes</p>	<p>5</p>
<p>Motion carried, 7-0.</p>	<p>5</p>

APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JUNE 10, 2015
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on June 10, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce; Alternate Board Members Stuart Jeffares, Daniel Share

Absent: Board Members Robin Boyle, Bryan Williams; Student Representatives Scott Casperson, Andrea Laverty

Administration: Matthew Baka, Senior Planner
Mario Mendoza, Recording Secretary

06-109-15

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD MAY 13, 2015**

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to approve the amended Minutes of May 13, 2015 as presented.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Boyle, Williams

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD MAY 27, 2015**

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to approve the Minutes of May 27, 2015 as presented.

Motion carried, 6-0.

VOICE VOTE

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

Abstain: Share

Nays: None

Absent: Boyle, Williams

06-109-15

CHAIRPERSON'S COMMENTS (none)

06-110-15

APPROVAL OF THE AGENDA

Mr. Baka advised that the applicant has requested to postpone the Preliminary Site Plan Review for Whole Foods Market to July 22, 2015.

06-111-15

COMMUNITY IMPACT STATEMENT REVIEW ("CIS")

PRELIMINARY SITE PLAN REVIEW

2100 E. Maple Rd. (former Urgent Care) (postponed from the meeting of May 27, 2015)

Request for approval of a CIS and Preliminary Site Plan Review to review the construction of a new one-story, 46,000 sq. ft. retail building for Whole Foods Market

CIS

Mr. Baka advised this site is currently the subject of a rezoning request from O-1 to B-2 which will go before the City Commission on June 29, 2015 with a recommendation for approval by the Planning Board that was made at their May 27 meeting. There have been changes to the site on the front elevation on the NE and NW corners. Whole Foods has provided letters indicating: the anticipated haul route during construction phase; the general contractor will mitigate any vibration and dust issues; the applicant will provide all mechanical specifications to ensure City standards are met; a trash compactor will be used and housed in the depressed loading area to the west of the proposed building; the recycling will be conducted within the building; the applicant will provide details on the security system, fire suppression system, fire access and Knox Box location.

The applicant has provided a Traffic Impact Study ("TIS") prepared by Parsons dated May 10, 2015 indicating that the level of service will not be decreased based on the addition of Whole Foods and may be slightly improved at the E. Maple Rd. and N. Eton intersection with improved signal timing.

It was discussed that the addition of a right hand turn lane would not necessarily affect traffic flow that much. Mr. Share wanted assurance that there is no difference today from the Environmental Site Assessment ("ESA") from eight (8) years ago that has been presented by the applicant.

Mr. Rick Rattner, 380 N. Old Woodward Ave., Attorney for Whole Foods, indicated with respect to the ESA, he has been advised there was no nuclear medicine practiced at St. Joseph Urgent Care. He said that the City's traffic consultant, Mr. Mike Labadie, listed several concerns which they have immediately taken care of. He hoped to move forward with the CIS because all of the engineering and technical issues have been approached by the experts.

At Mr. Koseck's request Mr. Joseph Marson, Traffic Engineer with Parsons, described how the improvements the applicant is recommending will help the traffic situation at the intersection of E. Maple Rd. and N. Eton. Mr. Koseck hoped that traffic would inherently slow down because the project will increase interest and not be something to continuously drive by.

Mr. Linden Nelson, the developer, answered for Mr. Share that they have not commissioned or obtained a current ESA. Urgent Care could not get a Certificate of Need in that building to practice nuclear medicine because they didn't offer enough services there. Therefore, Whole Foods is fine with the ESA that has been submitted.

Mr. Marson clarified the traffic movement restrictions that are proposed at the driveway into the site. Outbound, vehicles will only be allowed to turn right onto E. Maple Rd. (an outbound left is prohibited). Heading west on E. Maple Rd., only an inbound left turn is permitted, and a right turn in going east.

Chairman Clein opened discussion to the public regarding the CIS for Whole Foods.

Mr. Michael Kopmeyer, 1351 Bennaville, suggested constructing a pedestrian tunnel under E. Maple Rd. at N. Eton and one under the railroad tracks at Villa. Also, convert the driveway at the west end of the property next to the railroad tracks into a pedestrian plaza. These improvements would make the City more favorable for pedestrian traffic. Mr. Koseck thought the tunnels are a good idea, but they are cost prohibitive for that project.

The chairman was appreciative of the changes that were brought forward in the CIS by the applicant at the board's request. There are a few issues that still remain, but from the standpoint of impact he is convinced that this development if properly done can fit and work in this area. Therefore, he will support the CIS.

Motion by Mr. DeWeese

Seconded by Mr. Koseck to accept the CIS as provided by the applicant for the proposed development at 2100 E. Maple Rd., Whole Foods, with the following conditions:

- 1. The applicant will be required to obtain approval to rezone the property to permit the proposed use as a grocery store;**
- 2. Applicant must provide information on all life safety issues to the Fire Dept. for approval;**
- 3. Applicant must provide information on the details of the collection of trash and recycled materials;**
- 4. Applicant must provide information on all utility easements;**

5. Applicant must provide information on the proposed security system for approval by the Police Department; and
6. The applicant complies with the recommendations of the City's transportation consultant and all City Departments.

There were no comments from the public on the motion.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Boyle, Williams

Preliminary Site Plan

Mr. Rattner asked to postpone the site plan to July 22 in order to comply with the City's requests. Mr. Koseck advised that along with the site plan the applicant must show the floor plans so the board can understand how the building is going to function and how it relates to the site. He hoped to see more public uses that face and energize what happens along E. Maple Rd. rather than transom windows with fret glass. Mr. Baka noted that staff is working with the architect and they are aware of this and making improvements.

Motion by Mr. Koseck

Seconded by Ms. Whipple-Boyce to postpone the Preliminary Site Plan for 2100 E. Maple Rd., Whole Foods, to July 22, 2015.

There were no comments from the public on the motion.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Boyle, Williams

06-112-15

REZONING REQUEST

555 S. Old Woodward Ave., 555 Building

Application for rezoning of the property from D-4 in the Downtown Overlay District to D-5, a new zoning classification proposed for the Downtown Overlay District, to allow the renovation and expansion of the existing mixed-use building (postponed from May 27, 2015; new request to postpone to July 8, 2015)

Motion by Mr. Share

Seconded by Ms. Lazar to postpone the Rezoning Request for 555 S. Old Woodward Ave., 555 Building, to July 8, 2015.

There were no comments from the public on the motion.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Boyle, Williams

06-113-15

FINAL SITE PLAN REVIEW

1691/1693 Haynes

Request for approval of two new garages on-site

Mr. Baka advised the subject site is a .20 acre parcel located on the north side of Haynes between Eton and Adams in the R-4 Zoning District. The existing parcel contains a two-family residential duplex. The applicant is planning to build two detached single-car garages in the backyard, along with a concrete driveway and a new concrete porch for each residence. Article 7 section 7.25 requires that accessory structures in all zones (except single family residential) must obtain site plan approval. All Ordinance requirements have been met by the petitioner. Mr. Baka passed around the proposed materials and colors. He stated the garages are 8 ft. tall to the eaves.

There was no public input at this time.

Motion by Mr. Jeffares

Seconded by Mr. DeWeese to approve the Final Site Plan for 1691/1693 Haynes

No comments were heard from the public on the motion.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Boyle, Williams

06-114-15

STUDY SESSION

D-5 - Proposed Gateway Zone in the Downtown Birmingham Overlay District

Mr. Baka explained the owners of the 555 S. Old Woodward Ave. building are interested in renovating the existing building, and adding new residential units along S. Old Woodward Ave., as well as adding an addition to the south of the existing residential tower for new retail space and residential units. The building official previously ruled that any changes to the existing legal non-conforming building would increase the non-conformity, and thus be prohibited unless numerous variances were approved.

Accordingly, the applicant is requesting a Zoning Ordinance amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District. Over the past several months, the applicant has reviewed several drafts of proposed ordinance language with City staff. On May 13, 2015, the Planning Board began discussing the applicant's proposal to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District.

It was discussed this amendment should be viewed not only as to how it applies to 555 S. Old Woodward Ave., but possibly to other properties as well. Mr. Baka read highlighted areas from the proposed ordinance language to amend Article 3, section 3.01, 3.02, and 3.04 of the Birmingham Zoning Ordinance for the board to review and consider.

The 555 S. Old Woodward Ave. building is 180 ft. in height. Allowable height in the general proximity across Woodward Ave. is 114 ft. maximum. Mr. Koseck thought the board should be looking at the proposed language in a broad way, and not just specific to the 555 S. Old Woodward Ave. property. Chairman Clein advised not to incorporate a number of items for one particular parcel just because that makes it easier. Mr. Share added that if the applicant needs some variances, then the applicant needs some variances.

Mr. Rick Rattner, 380 N. Old Woodward Ave., Attorney for the applicant, was present with Mr. Bob Ziegelman, the architect; and Messrs. Jack Reinhart and Bruce Thal, the building owners. Mr. Rattner noted parts of the proposed ordinance were included because they were important to put into law so that their building could exist and not be doomed to some type of less than satisfactory condition under the current Zoning Ordinance. They hope to make their building the re-invigoration of S. Woodward Ave. In order for this to happen, a Gateway Zone must be established and their building zoned D-5. He went on to describe improvements they hope to make to the building and talked about building height, which would include an elevator shaft 14 ft. above the roof. If they construct a new building on the property they own to the south of the 555 Building it would comply with the old Overlay Zone Ordinance. They are providing their own parking on-site. With respect to architectural standards, they plan to re-surface and light the existing building as described by Andres Duany. Proposed signage standards allow for identification on all sides of the building. One way or another, the reasonable Zoning Ordinance for this area and the Gateway should be passed in order to benefit the City.

No members of the public wished to come forward to provide comment at this time.

Mr. Share announced he was having trouble conceptualizing why on any of the Gateway sites there would be buildings higher than the nine (9) maximum stories allowed in the Triangle District. Mr. Koseck noted there are all kinds of non-conforming buildings in the City and he doesn't think the goal is that they should all go away and become conforming. That is why the Board of Zoning Appeals exists. He is in favor of improvements being made to the building, but as the applicant makes enhancements he

hopes they would go further to be more in compliance with D-4, D-3, D-2, and D-1. It scares him to expand D-5 beyond the limits of this property without further study.

Mr. Jeffares thought the building should be polished so that it stands out like a jewel, and other buildings should be more in context with the nine (9) stories allowed in the Triangle District. Mr. DeWeese was in support of the building enhancement, but he also did not want to see it spreading.

Chairman Clein thought of this as an opportunity to take a look at this building along with several parcels in the context of future development. If Bruce Johnson, Building Official, and Tim Currier, City Attorney, would come to a Planning Board meeting and are on board, he would be in favor of providing some relief in a unique situation; but he just doesn't want to do it capriciously. The Ordinance standards were put in place for a reason and he would be supportive of fitting them into the context of a building that obviously is not going away, in order to help make it better.

Ms. Whipple-Boyce was also in support of helping to make this Gateway building better looking. She thought also that it would be helpful to have Messrs. Johnson and Currier come to a Planning Board meeting. She could not imagine why the Planning Board could not somehow help the applicant to get their building re-skinned in some other way. Further, the ordinance proposal should not include some of the things that the board does not want to have in the City.

Ms. Lazar was in full support, as well, of trying to do something with the building. However, she didn't see how this board could whip up a new ordinance in a short period of time. It concerns her that what might be applied to this building could become applicable to some other sites which would not be appropriate. She would rather try to help the applicant get to where they need to be with this building.

Mr. Share thought another way to get through this problem would be to modify the Ordinance to change the definition of *Dimensional Expansion of Non-Conformity*.

Mr. Jack Reinhart explained that it is difficult to get financing for a non-conforming building.

Mr. Rattner was positive they would get this done, but more work is needed in order to find the right answer. It will come out the right way if everyone works for it.

Chairman Clein suggested when this draft ordinance is brought back with input from tonight that Mr. Johnson; and if possible, Mr. Currier, be present for that study session to walk through the higher level issues and answer questions.

06-115-15

PRE-APPLICATION DISCUSSION

856 N. Old Woodward Ave. (commonly known as "the hole in the ground")

Mr. John Marosich, Architect for the project, was present with his associate, Tracy; and the developer of the building, Mr. Frank Simon. The site is 24,000 sq. ft. and it is zoned

D-2 in the Downtown Overlay District. The parcel is contaminated, so significant remediation is required. He offered an overview of what they intend to do. They propose a 3,500 sq. ft. retail component and a maximum of twenty-seven (27) apartment units, along with underground parking. The 22 ft. above ground storefront will be set back to approximately the same line as the existing storefronts; in this case, .88 ft. from the property line. The side setbacks are zero and the rear setback will be 10 ft. They propose four stories, at a height of 56 ft. The Ordinance allows three stories. Parking will take place on the surface street (15 spaces), on the first floor behind the retail (20 spaces for tenants only), and underground (39 spaces for tenants only). There are 66 parking spaces required and 74 are provided. He went on to explain generally how they will remediate the floodplain condition. A loading zone is not required.

Mr. Marosich noted that for the most part the facade will be brick, stone and glass with a bronze metal canopy signband. He showed depictions of the front, side, and rear elevations. Examples of the layout of some of the apartments were provided. Their square footage ranges from 1,800 sq. ft. to just below 3,000 sq. ft.

Mr. Koseck thought this seems like a nice project that will be a great asset to that part of town. Mr. DeWeese agreed and if the proposal meets all requirements the overall concept is good. Mr. Baka noted a variance will be needed from the Board of Zoning Appeals for parking in front of the building. Also, there may be a 10 ft. easement on the side lot line from the building to the south. Chairman Clein indicated said there needs to be discussion with the Engineering Dept. about how everything interplays with N. Old Woodward Ave. Mr. Marosich announced their intention to comply with all regulations or seek variance(s).

At this time no public was present to comment.

06-116-15

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

06-117-15

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approvals

➤ 33588 Woodward Ave., Citgo Shell Gasoline Station canopy material - Mr. Roman Bonislawski, Ron & Roman Architects, advised the company that produces the canopy structures for Shell has come up with numerous reasons why they cannot provide the under canopy ceiling surfacing as it was proposed. They have made two changes to the canopy: 1) only a single vertical steel column coming up at each of the traffic islands (originally proposed with two columns); and 2) white painted aluminum fascia on the underside of the canopy (no Azek). The columns will be painted a wood

color. There are four stainless steel bollards around each island. Mr. DeWeese commented that aesthetically having less (columns) is more. Mr. Koseck said he has no issue with the changes.

Mr. Scott Barbat, the business owner, said the way the logo looks on the white is the **Gitge Shell** image. **Gitge Shell** needs the ground sign to be a certain size. Board members approved the canopy changes and chose the second option for the sign and pectin that was submitted by **Gitge Shell**.

**Motion by Ms. Whipple-Boyce
Seconded by Ms. Lazar to extend the meeting five minutes.**

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Boyle, Williams

➤ 555 S. Old Woodward Ave., Triple Nickel, kitchen layout - The applicant passed out color renderings of the rear elevation:

1. Put a wood panel along the base of the cabinets up to the work surface in the kitchen;
2. Orient everything outward that is on the shelves or above the panel; and
3. Roller shades in the kitchen for the morning sun.

Chairman Clein asked why the windows cannot look like those at the Townhouse. Ms. Whipple-Boyce felt the board needs to know how this will work. She noted the shades are always down.

**Motion by Ms. Whipple-Boyce
Seconded by Mr. DeWeese to extend the meeting an additional ten minutes.**

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Boyle, Williams

The applicant stated the wood panels on the interior would be a similar coloration as the wood at the eaves of the building. Chairman Clein felt that storage shelves with everything on them is not what the board approved. Ms. Lazar suggested there might be an exterior treatment like an ivy wall up to the height of the wood panels. Chairman Clein noted the whole intent was to see in. He hoped there would be a way, if the shelves are allowed, to not completely block four windows. The applicant said he would verify with the Building and Planning Depts. regarding the Overlay and the Zoning and the permissibility of the shelving units.

- 203 Pierce, Toast -

1. Awnings for platform dining area;
2. Wall mounted awnings at outdoor seating w/heaters;
3. Approval of platform size per City Commission

➤ 34901 and 34953 Woodward Ave., The Balmoral - Per attached letter.

- c. Draft Agenda for the Regular Planning Board Meeting on June 24, 2015 (not discussed)
- d. Other Business (not discussed)

06-118-15

PLANNING DIVISION ACTION ITEMS

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

06-119-15

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 11:16 p.m.

Jana Ecker
Planning Director