

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, JULY 26, 2017**

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APPROVED

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**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, JULY 26, 2017  
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 July 26, 2017. Vice-Chairperson Gillian Lazar convened the meeting at 7:31 p.m.

**Present:** Vice Chairperson Gillian Lazar; Board Members Robin Boyle, Bert Koseck, Janelle Whipple-Boyce; Student Representatives Ariana Afrakhteh, Isabella Niskar

**Absent:** Chairman Scott Clein; Board Members Stuart Jeffares, Bryan Williams; Alternate Board Members Lisa Prasad, Daniel Share

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

**07-138-17**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF JULY 12, 2017**

It was discovered there were not enough members present at the July 12 meeting to form a quorum. Therefore, the minutes were postponed to the August 9, 2017 Planning Board meeting.

**07-139-17**

**CHAIRPERSON'S COMMENTS**

Ms. Ecker advised that only four board members are present and one member has to recuse herself on any substantive issue with regard to 298 S. Old Woodward Ave., the Boutique Hotel. Therefore, there will not be a quorum of the Planning Board present to discuss the hotel and that matter will be postponed to a future date. All other hearings may proceed with the caveat that everyone knows that in order for something to pass the support of all four members is needed. None of the applicants stepped forward to ask for postponement to a later date.

**07-140-17**

**APPROVAL OF THE AGENDA**

Vice-Chairperson Lazar announced that 2010 Cole St. has asked for postponement to August 23, 2017.

**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 June  
28, 2017, request to postpone to August 23, 2017)

Vice-Chairperson Ms. Lazar indicated she is recusing herself regarding substantive issues on this matter due to a familial relationship with the applicant. However, the City Attorney has advised that her presence may be counted towards a quorum and that she may vote on this procedural matter so long as no substantive issues are discussed.

**Motion by Mr. Boyle  
Seconded by Ms. Whipple-Boyce to postpone the hearing for 2010 Cole St. to August  
23, 2017,**

**Motion carried, 4-0.**

VOICE VOTE

Yeas: Boyle, Whipple-Boyce, Koseck, Lazar

Nays: None

Absent: Clein, Jeffares, Williams

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

**375 S. Eton, District Lofts  
Request for approval of a commercial office use over 6,000 sq. ft. in size**

Ms. Ecker explained the subject site is part of a larger site including the existing Big Rock Chop House, the parking deck, the Reserve banquet facility, and the District Lofts Villa St. Building A and Building B (currently under construction), and has a total land area of 3.54 acres. It is located on the southeast corner of S. Eton and Maple Rd., and extends down to Villa St. to the south.

The applicant is completing construction of the final phase of the entire development which was originally approved on August 6, 2006. This final phase includes a four-story mixed-use building containing 18 residential loft units, and office space on the first floor (Building B). A single office tenant (Oppenheimer Financial) is now proposing to occupy approximately 10,000 sq. ft. of space on the first floor of Building B. The first-floor use is now proposed to change from retail/residential to office use. As the single office user wishes to occupy more than 6,000 sq. ft., a SLUP and approval from the Planning Board and City Commission is required.

*Design Review*

The proposed building design matches the contemporary style of the existing District Lofts building next door, while using some traditional style materials to blend in with the historic Big Rock Restaurant and The Reserve to create a building design that is harmonious with both the

Mixed-Use ("MX") District on the east side of Eton and the Single-Family Residential District on the west side of Eton. Overall, the proposed design of Building B is compatible with the vision for the MX District contained in the Eton Road Corridor Plan. The only design changes that are proposed at this time with the proposed conversion from retail/residential to office use on the first floor are the proposed decommissioning of several doors along all elevations. The only office entrance open to the public is proposed at the southwest corner of the building, facing Villa St. The residential entrance is on the east elevation.

Signage: The applicant has submitted plans that depict signage on the west and south elevations. The name letter signs are proposed to be placed 12 ft. above finish grade and are 18 in. high and 9 ft. long. The signs will feature the name of the tenant, Oppenheimer, in brushed stainless steel metal lettering. The lettering will be attached to the metal canopy over the west and south elevations. The signs will be 31.40 sq. ft. which is well under the maximum allowed by the Birmingham Sign Ordinance for that building.

Mr. Victor Saroki, Architect, was present with Messrs. John Kelly and J.C. Cataldo, the contractors representing ownership. Oppenheimer will employ approximately thirty people in Birmingham. They plan to take out a few doors and replace them with windows that are consistent with the existing storefront windows. In their opinion this is a good use and it meets the design guidelines that were intended for the Eton Rd. Corridor Plan. He passed around a sample of the brushed stainless sign material.

**Motion by Mr. Boyle**

**Seconded by Mr. Koseck to recommend approval of the Final Site Plan and Special Land Use Permit for 375 S. Eton subject to the following condition:**

**1) The applicant adds one or more entrances along S. Eton and obtain Administrative Approval for same.**

There were no comments from the public regarding the motion at 7:50 p.m.

**Motion carried, 4-0.**

VOICE VOTE

Yeas: Boyle, Koseck, Lazar, Whipple-Boyce

Nays: None

Absent: Clein, Jeffares, Williams

**07-143-17**

**FINAL SITE PLAN AND DESIGN REVIEW**

**298 S. Old Woodward Ave. (former Doctors House Call Building)**

**Request for approval of a new five-story hotel with commercial and residential uses**

Vice-Chairperson Ms. Lazar indicated she is recusing herself regarding substantive issues on this matter due to a familial relationship with the applicant. However, the City Attorney has advised that her presence may be counted towards a quorum and that she may vote on this procedural matter so long as no substantive issues are discussed.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Boyle to postpone the matter of 298 S. Old Woodward Ave. to August 9, 2017.**

**Motion carried, 4-0.**

VOICE VOTE

Yeas: Whipple-Boyce, Boyle, Koseck, Lazar

Nays: None

Absent: Clein, Jeffares, Williams

**07-144-17**

**COMMUNITY IMPACT STATEMENT ("CIS") REVIEW  
PRELIMINARY SITE PLAN REVIEW**

**34965 Woodward Ave. (former Peabody's Restaurant)  
Request for approval of the CIS to allow a new five-story mixed-use building to be constructed**

Mr. Baka explained the subject site is currently vacant land where the former Peabody's Restaurant and the Art & Frame Station were located, and has a total land area of .597 acres. It is located on the east side of Peabody St., on the west side of Woodward Ave. and south of Maple Rd. The applicant is proposing to construct a 161,910 sq. ft. (including basement levels), five-story mixed-use building. The building will provide two levels of underground off-street parking; first floor retail/office; second and third floors office; fourth floor commercial/residential; and fifth floor residential. Parking for the residential units will be provided below grade in the parking garage. As the building is located within the Parking Assessment District, no on-site parking is required for retail, commercial or office uses. The applicant was required to prepare a Community Impact Study 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.

*CIS*

The proposed development and its uses relate to the pedestrian, as the building is located at the property line and is proposed with human scale detailing on the first floor, including canopies, large windows, attractive stone and masonry facades, and elegant pedestrian entrances from both adjacent streets. The 2016 Plan encourages proper building mass and scale that creates an environment that is comfortable to pedestrians walking Downtown. The proposed development will help improve the visual appearance of the area by introducing a denser, more compact development with enough height to create a street wall along Peabody St. and Woodward Ave. The main entry to the building is located on Peabody St.

The applicant has submitted a Phase 1 Environmental Site Assessment by SME dated August 5, 2016. The report indicates that there is some evidence of recognized environmental conditions ("RECs") associated with this property. SME concluded that the reported presence of contaminated soil and groundwater; the potential for additional environmental impact from unreported and/or undetected releases of hazardous substances and/or petroleum products associated with the properties historical uses (vehicle manufacturing and repair operations); and the potential for cross contamination by a northern site which was formerly a vehicle repair and gasoline station, are all considered to be REC's.

An abbreviated Phase 2 Environmental Site Assessment ("ESA") dated August 5, 2016 was also submitted by the applicant as a part of the CIS. Phase 2 involved the collecting and analyzing of

13 soil samples and two groundwater samples by SME. The results of SME's sampling were supplemented by a previous Phase 2 ESA conducted by McDowell & Associates on April 26th, 2015 where 12 soil samples were collected and analyzed.

Evidence of petroleum and other pollutants were found in the soil samples. The applicant has submitted a Brownfield Redevelopment Plan for the proposed development site dated March 16, 2016. The purpose of this is to seek reimbursement for the eligible remediation activities performed on the property. The necessity for a Brownfield Plan arose from the results of the Phase 1 and Phase 2 ESA.

Conclusions in the CIS were that although the building is located within Birmingham's Parking Assessment District which requires no additional parking, additional parking spaces are needed to service the retail options proposed on the first floor. The applicant is proposing 90 off-street parking spaces and 11 on-street parking spaces to alleviate the stress on the Parking Assessment District. The traffic impact study also notes that westbound left turns onto Peabody St. from Maple Rd. would benefit from extending the turn lane full width all the way to the near Woodward Ave. crosswalk due to the larger queue lengths imposed by the new development. Other traffic impacts of the development will be relatively minor.

Mr. Chris Longe, Architect for the project, responded to Mr. Boyle. They expect to have ten or more rental units. Employees and residents will have access to the on-site parking. He was confident that people using the building will find places to park.

Ms. Ecker stated the first floor is not required to be retail on the Woodward Ave. or Peabody sides.

Regarding noise, Mr. Longe said the mechanicals have been placed in the middle of their building, so noise does not impact the buildings to the north and south.

The Vice-Chairman called for comments from members of the public at 8:20 p.m.

Mr. Allen Green, 39577 Woodward Ave., Bloomfield Hills, represented the ownership of Balmoral, the building to the south of the proposed project. He voiced their objections to the project. Their building, along with the Greenleaf Trust, was designed as a gateway. Each side has windows and decorative architectural elements. Those features will essentially be hidden and that will cause a huge financial issue for their building. He did not see any way they could build this without trespassing on the Balmoral property. If the developer moved the building, adjusted the lot lines and created a visually impactful north and south wall between the buildings, it would be a huge improvement to the corridor. Two sides of two beautiful buildings would not be hidden and destroyed. He asked the board to consider the alternatives. Lastly, there has been no discussion with their neighboring developer about their plans and how the Balmoral building would be impacted.

Ms. Ecker stated the applicant has the right to build on their property. There would be some logistical issues to work out but the Building and Engineering Depts. would work with the applicant on those. Depending on where the windows were built, there was never an expectation that they would remain unblocked. A developer can either set back the windows a certain distance from the property line, or keep them there and use fire rated glass. In many cases when windows are constructed closer than would be permitted, there is a signed agreement by the owners saying they understand those windows could be covered up if the property next door gets developed to its potential.

Mr. Allen Green noted there are serious parking issues in that area. It has been a nightmare to get parking permits for their various tenants. He additionally remarked that each of the 1,500 sq. ft. apartment units proposed only has one window.

Mr. Koseck observed the Zoning Ordinance promotes contiguous buildings and not gaps or alleys between buildings. Cities are made up of buildings that have a variety of building materials and architectural styles. Apartments with one window are designed all the time. They are called lofts.

Ms. Patti Owens with Catalyst Development Co., the developer of Greenleaf Trust, said she has not had any input or conversation with the developers of this project. She doesn't feel that the massing is congruent with the vision for the City as was outlined to them and mandated to them by the City during the planning and development of their Greenleaf Trust Building. So they built what they felt was the idea of Birmingham which was to have a gateway building, a jewel on that corner. The proposed project feels like it is not a strong and harmonious continuation. The project's terraces that face east are within a handshake of the Greenleaf terraces facing east. This proposed building needs to be its own beautiful thing. Shrink it back a little bit. She understood when they built the building that their views to the south would be impacted if something else was built. So that is in their agreement and they installed the fireproof glass on those windows. However, that is only on two bays. The rest of their building is set back and has regular windows. Additionally, maintenance of the building would be severely impacted as they are currently dealing with an algae problem.

Her view of parking in the area is that it is an absolute nightmare. She recommended that the Planning Board take a good hard look at that to make sure they are not overburdening that area with not enough parking for this rather large development.

Mr. Boyle suggested looking at Fifth Ave, Washington Blvd, Princess St. to see the fantastic street walls that have been constructed over time using different architects, owners, and sites. That is the reality of a city. Just walk along Maple Rd. That was built over time using different heights, different materials, different owners and it works. So it will be difficult for the speakers to make their case to him.

Mr. Koseck said he knows the building can go up without touching the neighbors. Ms. Whipple-Boyce noted the Varsity Shop site knew to consider the impact their adjoining neighbors might have when they decided not to put windows on the side of their building. She finds it unfortunate that covering the adjoining windows wasn't considered in the applicant's CIS.

Vice Chairperson Lazar encouraged the applicant to engage in conversation with the neighbors to the north and south in order to reach some kind of agreement. Ms. Whipple-Boyce agreed they should have gone the extra mile and engaged their neighbors. This is a huge impact on them and there is no assessment of that impact in the CIS.

Mr. Chris Longe said he knows there has been communication between the developer and the Greenleaf Building. He assured they can build this building. The building to the south is designed in such a way that it anticipates an infill building. The stair tower is solid block as it abuts the property and the window wall steps back whatever the code minimum is, anticipating the wall going up. There is also a 1 ft. easement on the north side abutting the Greenleaf Building. The agreement mentions there might be a building there some day and goes so far



as to talk about taking off the window awnings in that case. The strict letter of the law has been met as far as the CIS.

Mr. Koseck thought the concerns he has heard from the neighbors are more design concerns rather than CIS concerns. Vice-Chairperson Lazar observed that by adopting the CIS the Planning Board is not approving the project.

### **Motion by Mr. Boyle**

**Seconded by Mr. Koseck to accept the CIS as provided by the applicant for the proposed development at 34965 Woodward with the following conditions:**

- (1) Provide mitigation strategies for control of noise, vibration and dust;**
- (2) Applicant will be required to bury all utilities on the site; and**
- (3) Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Dept.**

No one from the audience wished to speak on the motion at 9:15 p.m.

### **Motion carried, 4-0.**

#### ROLLCALL VOTE

Yeas: Boyle, Koseck, Lazar, Whipple-Boyce

Nays: None

Absent: Clein, Jeffares, Williams

#### *Preliminary Site Plan*

Mr. Baka reported on the Preliminary Site Plan. The property is zoned B-4 in the underlying zoning and D-4 in the Downtown Overlay District. In accordance with Article 4, section 4.24 C (2) of the Zoning Ordinance, developments with over 50,000 sq. ft. of office space require two usable off-street loading spaces, and commercial uses from 5,001 to 20,000 sq. ft. require one usable off-street loading space. The plans do not display any off-street loading spaces. ***The applicant will need to submit plans demonstrating the size and location of three usable off-street loading spaces, or obtain a variance from the Board of Zoning Appeals.***

#### *Design Review*

The applicant is proposing to utilize the following materials for the construction of the five-story, mixed-use building:

- Stone panels along the lower level of all façades;
- Masonry veneer along the upper levels of all façades;
- Stone for the base of the building;
- Steel window and door system;
- Extensive window glazing on all facades.

Discussion considered the distinction between office and commercial on the fourth floor. Mr. Koseck noted the intent to get to five floors was to have residential on floors 4 and 5 in order to populate the Downtown and not put an additional burden on the parking structures.

Mr. Chris Longe said his building will have a significant entrance off of Woodward Ave. and off of Peabody St. He went through a PowerPoint and described the exterior elevation and interior layout along with the proposed materials. The building goes to the property line but the actual

first floor steps back on both the Woodward Ave. and Peabody St. sides. The reason for that is there is only 5 ft. of sidewalk there. They will internally brace the building because of the configuration of the site. Ten residential units are anticipated and 15 parking spaces are allowed for them. They would be open to putting windows on the side of their building, but didn't think it would be proper to do considering their proximity to the north and south neighbors.

Members of the public were invited to comment at this time.

Ms. Patti Owens reiterated her disappointment about the lack of communication between the developer and their neighbors. She agrees the proposed building needs to happen but she believes it should be stepped back to allow each building to stand on its own. She doesn't think that one building should benefit at another's detriment.

Mr. Allen Green said they are concerned about the value of their building and the operational issues. When the proposed building goes up next to them it will block the air and light of the 50 windows on that side. Their tenants looking out of those 50 windows a few feet away will see only a masonry wall. Further, no details have been provided about maintenance and how the properties relate to each other. For the buildings to be consistent with each other there may be insets anywhere between 5 and 15 ft. to be compatible with the buildings on either side. He asked the board to consider these issues, how the buildings interrelate, and whether this building is harmonious and meets the standards that are required in the Overlay District to get the fifth floor.

Mr. Koseck commented there are only four board members present and this is a sizable important project. He would like some additional information that would help him understand the design and how it speaks to the neighbors. He wanted to see a rendering of this building and how it relates to the neighboring buildings. Also, he wanted a cross section between the buildings to understand how they are abutting. Ms. Whipple-Boyce indicated she likes the building very much. She appreciates the contrast and the differentiation. In addition to what Mr. Koseck asked for, she wanted clarity on the fourth floor uses. She requested the applicant to review Article 7, 7.27 to see if they are meeting the ordinance well enough. Also, she wanted everyone to talk to each other.

Mr. Boyle thought the comments made by his colleagues are all very relevant.

**Motion by Mr. Boyle to postpone a decision on the Preliminary Site Plan for 34965 Woodward Ave. to August 23, 2017.**

At 10:20 p.m. there were no comments on the motion from members of the public.

**Motion carried, 4-0.**

VOICE VOTE

Yeas: Boyle, Koseck, Lazar, Whipple-Boyce

Nays: None

Absent: Clein, Jeffares, Williams

**07-145-17**

**MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

- a. Communications (none)
- b. Administrative Approval Correspondence
  - 856 N. Old Woodward Ave., The Pearl - Details for administrative approval request are in response to Planning Dept. comments dated 06-01-2017 for Project Number JTBE17-00. When the first architect designed the structure it wasn't enough to carry the load of the building. The next architect had to change where all the columns were placed throughout the building and make other changes according to the realignment.
- c. Draft Agenda for the Regular Planning Board Meeting on August 9, 2017
  - Definition of Personal Service, public hearing;
  - 298 S. Old Woodward Ave., Final Site Plan and Design Review;
  - Bistro regulations, study session;
  - DRB review process vs the Planning Board, study session;
  - Economic Development boundaries, study session.
- d. Other Business
  - At their last meeting the City Commission reviewed the Planning Board's Action List in light of some of the comments that were made at the joint meeting. They re-prioritized some of the items on that list.

It was discussed that the City Commission has begun using the Planning Board Action List to establish their policy priorities with regard to planning. Recently they have taken a more active role in looking at the Action List.

**07-146-17**

#### **PLANNING DIVISION ACTION ITEMS**

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

**07-147-17**

#### **ADJOURNMENT**

No further business being evident, the Chairman adjourned the meeting at 10:30 p.m.

Jana Ecker  
Planning Director