

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, JULY 8, 2015**

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<p>6. Applicant update the photometric plan to meet all lighting standards; 7. Compliance with the Engineering, Building and Fire Dept. requirements; and 8. The applicant provide material samples and signage details at Final Site Plan review.</p> <p>When the board sees the proposal in its final form they should be able to set it in the environment and look at the materials and how they would work, taking into account the gentleman's comments about working with the neighbors.</p>	<p>6</p>
<p>Motion carried, 4-1.</p>	<p>7</p>
<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 June 10, 2015)</p>	<p>7</p>
<p>Motion by Ms. Whipple-Boyce Seconded by Mr. Williams to postpone 555 S. Old Woodward Ave., 555 Building to August 26, 2015.</p>	<p>7</p>
<p>Motion carried, 7-0.</p>	<p>7</p>

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JULY 8, 2015
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on July 8, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Stuart Jeffares, Daniel Share

Absent: Board Members Carroll DeWeese, Bert Koseck; Student Representatives Scott Casperson, Andrea Laverty

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

07-127-15

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
OF JUNE 10, 2015**

Mr. Share:
Page 8 - Item b, delete "Citgo."

**Motion by Mr. Share
Seconded by Ms. Lazar to approve the Minutes of the Planning Board meeting of
June 10, 2015 as corrected.**

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: DeWeese, Koseck

07-128-15

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
OF JUNE 24, 2015**

**Motion by Ms. Whipple-Boyce
Seconded by Ms. Lazar to approve the Minutes of the Planning Board meeting of
June 24, 2015 as presented.**

Motion carried, 6-0.

VOICE VOTE

Yeas: Whipple-Boyce, Lazar, Boyle, Clein, Jeffares, Williams

Nays: None

Abstain: Share

Absent: DeWeese, Koseck

07-129-15

CHAIRPERSON'S COMMENTS

Chairman Clein welcomed Mr. Boyle back and noted this would be another hybrid meeting containing site plan and SLUP reviews along with a study session.

07-130-15

APPROVAL OF THE AGENDA (no change)

07-131-15

SPECIAL LAND USE PERMIT ("SLUP") REVIEW

1098 S. Adams

Platinum Motor Cars

Application for a SLUP to allow the use of an existing building for an auto sales agency and showroom

FINAL SITE PLAN REVIEW

1098 S. Adams

Platinum Motor Cars

Request for approval of a Final Site Plan and Design Review to allow the use and renovation of an existing building for an auto sales agency and showroom

Mr. Baka explained the subject site is located on the northwest corner of S. Adams and E. Lincoln. The parcel is zoned B-2, General Business, lies within the Triangle Overlay District and is zoned MU-5, Mixed Use 5. The applicant is proposing a pre-owned exotic auto sales agency in an existing 5,486 S.F. building.

Section 3.07 requires that the applicant obtain a SLUP and approval from the City Commission to permit an auto sales agency. The applicant needs 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.

Auto sales agencies are permitted as a SLUP in MU-5 in the Triangle Overlay District. Since the applicant is proposing a new, special land use in an existing building, the site

shall be brought into compliance with the requirements of the Overlay to the maximum extent practical, as determined by the building official.

Design Review

The applicant is not proposing any changes to the existing elevations. The elevations show a dark metal siding on the east, west, and south elevations, broken up by glass windows and doors. The existing windows are glazed, not clear glass. The elevations provided are not dimensioned. The existing elevations do not meet the following design standards of the Triangle District:

- No less than 70% of storefront facade shall be clear glass panels or doors;
- The front entrance shall be inset 3 ft.;
- Buildings shall have a decorative cornice;
- Building materials must be 60% brick, stone, or glass.

Signage

The applicant did not provide any sign details. **Any proposed sign must be approved by the Planning Department before a sign permit may be issued.**

Mr. Williams received confirmation that to the extent there is grandfathering in connection with the SLUP the board is allowed to look at existing issues. Further, Article 3 for the Triangle District says when there is a new use that goes in the board has to look at meeting the standards to the maximum extent practical.

Mr. Syed Ahmed, Platinum Motor Cars Detroit, explained they are looking to use this location as a boutique or showroom for high end cars. All transporter car deliveries would go to their other establishment in Troy and then be individually driven to this site. They generally will not have more than three clients at the site at the same time, along with two or three employees.

Ms. Lazar pointed out areas that make this a very difficult location for vehicle circulation. Mr. Ahmed noted they won't ever have much parking and explained how the traffic flow would work. He added their signage will be on the glass and they intend of keep the existing yellow tinted glass.

Chairman Clein asked him why this body should look past some of the basic requirements of the zoning for this site. Mr. Ahmed replied the building works for them.

Mr. Chester Stempian, Architect for the project, described how the site works well for its intended use. Mr. Ahmed explained his higher end cars will be in this location. There will be one or two vehicles in the detail room plus four or five in the showroom.

Chairman Clein called for comments from members of the public at 7:55 p.m.

Mr. John Marusich, Architect, indicated he represents the Winters, Prime Management, who have property located on either side adjacent to the subject property. The Winters believe this proposal is totally inappropriate under the zoning. He pointed out the parking constraints and believes there will be a conflict. The applicant should have a traffic study done that confirms there is adequate parking.

Ms. Whipple-Boyce voiced her concerns about the lack of any improvements to the building. She thought clear glass instead of orange glass would highlight the building better. This use seems to work because retail in most cases cannot happen there as there is not enough parking. Mr. Jeffares agreed if people are going there to buy a \$200 thousand car, the outside of the building should look better than it does today.

Mr. Williams observed the building continues to be vacant, and he thought if this usage doesn't work he cannot think of one that would work. His feeling was to place a time limit when the board would come back and review the parking as advertised. If it has not worked then the SLUP would be cancelled. Mr. Boyle noted this district has become a destination for high end cars. He suggested that the applicant find a way to draw attention to the cars. The area needs color and activity and vibrancy.

Chairman Clein felt there has been zero effort on the part of the applicant to bring the building into any type of compliance. So far the board has been talking about letting a bad looking building continue. He is not opposed to the use. Mr. Williams agreed and added he is not concerned about the parking which will be monitored. The parking and use are okay but the building needs work.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to postpone consideration of the SLUP and Final Site Plan and Design Review for 1098 S. Adams, Platinum Motor Cars, until August 12, 2015.

At 8:15 p.m. there was no discussion from the public on the motion.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: DeWeese, Koseck

Mr. John Marusich stated his client has tried to buy that building on numerous occasions but his offer was not accepted.

07-132-15

PRELIMINARY SITE PLAN REVIEW

1193 Floyd (former salon)

Request for approval of Preliminary Site Plan to allow the construction of a new two-story residential building

Chairman Clein and Mr. Share announced their intention to recuse themselves on this matter and Ms. Lazar took over the chair for the review.

Ms. Ecker provided background. The subject site contains an existing building that is currently vacant (previously the site of a beauty salon) and the associated parking lot. The 0.23 acre site is located on Floyd, two blocks west of the E. Lincoln and Woodward

Ave. intersection. The applicant is proposing to demolish the existing building and construct a two-story, 12-unit multi-family residential building and parking facility.

The parcel is located in a district that is currently in the process of being rezoned from O-1, Office to TZ-2, Transition Zone. The rezoning has been recommended for approval by the Planning Board and is pending a determination of approval by the City Commission. The Zoning Map from 2000 showed O-1 zoning for the property when it should have been B-1. The Building Official has ruled that a use variance is not required as the property has been determined to be zoned as O-1 office. The proposal generally complies with the standards of O-1 in regards to bulk, area, and placement. Lighting and landscape standards are the same in O-1 and TZ-2.

Mr. Williams observed there is no grade level entrance to any of the 12 units. Ms. Ecker indicated accessibility is required for some but not all of the units; however the Building Official intends to look further into the Code to see if there is a provision that would allow this.

Design Review

The materials for the proposed residential building are as follows:

- Brick masonry and fiber cement panels for the majority of the building elevations;
- Aluminum and glass windows;
- Decorative metal screen panels for rooftop screening and balcony railing; and
- Wood-like fiber cement panels on balcony walls.

No material samples or manufacturer details have been provided at this time. A full design review will be conducted at the time of Final Site Plan Review.

Signage

The applicant is proposing an 18 in. high metal wall sign. No drawings or material samples have been provided at this time. ***The applicant will be required to obtain approval from the Design Review Board for all signage as well as a sign permit prior to installation.***

Mr. Chuck DiMaggio from Burton Katzman said he appreciates review of the project under the O-1 Zoning District. He introduced Mr. John Skoke and Ms. Elise Beatrice, project architects with McIntosh Poris Assoc.

Mr. Skoke described the project and indicated their approach has been to take advantage of the park. They are playing with a minimal palate with natural glazing and orientation to the park. They will address accessibility from the parking lot to the front doors as well as what is required by the Building Code inside. They plan to comply with everything by the time they come back for Final Site Plan approval.

Ms. Whipple-Boyce asked if there was ever a live/work consideration. She observed there is so much going on in the surrounding area and there is not even a walkway out to the park. Mr. Skoke replied it is possible to walk to the park on the public sidewalk. In the past the market has not responded well to this building from a commercial point of view. It is so removed from any kind of through street that it doesn't have the kind of

visibility that retail people are looking for today. Further, live/work has not been very successful in a lot of instances and that is why they are thinking more in terms of straight apartment units. The units range from about 600 - 800 sq. ft. and should rent for \$12 hundred to \$13 hundred/month.

Mr. Williams stated that Birmingham has a dearth of these types of smaller units at that price point. Therefore, he thinks these would be a positive. Further he likes the fact they will be quiet and residential. Mr. Jeffares thought they would attract the next generation of Birmingham. Mr. Boyle agreed this is what Birmingham needs. However, he wanted to see some materials that are fitting for that price and that area. Also, he was worried that there is no space for storage.

Because of all the concerns that have been voiced, Ms. Whipple-Boyce announced she is not comfortable with moving ahead with the review.

Chairperson Lazar called for comments from the public at 9 p.m.

Mr. Jerry Siponiac, owner of the strip center directly east, said all of the utilities are along the east property line. He thought they should be redone or put under ground. Also, he doesn't see any landscaping between the two buildings. He is not sure how snow removal will be accomplished. He can see some tenants parking in their area in the event the YMCA is busy. There will be a challenge for people trying to get out onto Lincoln from Floyd. Further, in that the applicant plans residential units three-quarters under ground, he pointed out the sewers in that area are not very deep and a number of basements have flooded, especially during heavy rains.

Motion by Mr. Boyle

Seconded by Mr. Williams to move 1193 Floyd forward with the City's suggested conditions:

- 1. Applicant relocate the building as required to meet building placement standards;**
- 2. Applicant provide dimensioned elevation drawings of all story heights and step backs showing height, setback, and dimensional requirements are met;**
- 3. Add required wooden gates to dumpster enclosure;**
- 4. Submit specification sheets for all mechanical equipment and screening at Final Site Plan review;**
- 5. Applicant submit a detailed landscape plan meeting all landscape and streetscape standards at Final Site Plan review;**
- 6. Applicant update the photometric plan to meet all lighting standards;**
- 7. Compliance with the Engineering, Building and Fire Dept. requirements; and**
- 8. The applicant provide material samples and signage details at Final Site Plan review.**

When the board sees the proposal in its final form they should be able to set it in the environment and look at the materials and how they would work, taking into account the gentleman's comments about working with the neighbors.

There was no discussion from the public at 9:12 p.m.

Motion carried, 4-1.

ROLLCALL VOTE

Yeas: Boyle, Williams, Lazar, Jeffares

Nays: Whipple-Boyce

Recused: Clein, Share

Absent: DeWeese, Koseck

07-133-15

Mr. Clein returned as chairperson.

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 June 10, 2015)

Motion by Ms. Whipple-Boyce

Seconded by Mr. Williams to postpone 555 S. Old Woodward Ave., 555 Building to August 26, 2015.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: DeWeese, Koseck

07-134-15

STUDY SESSION

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

Ms. Ecker provided background. The owners of the 555 S. Old Woodward 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 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 that the building official has now ruled the reason for installing a new curtain wall on the 555 Woodward Bldg. would be to maintain the building in good condition, and therefore should be considered maintenance. Accordingly, application to the Board of Zoning Appeals ("BZA") would not be necessary.

Board members talked about considering an ordinance to allow Woodward Ave. frontage parcels up to a certain height between Hazel and Brown. Seven stories would be permitted as of right and an extra two stories for making two of five concessions.

Mr. Williams stated that everyone knows the 555 Bldg. is the gateway to Birmingham and as far as he is concerned it needs improvement and the City should work with the owners to achieve that result. That benefits everybody.

Discussion considered whether the building could be improved without creating a new zoning classification. Mr. Boyle suggested the board try to give the Woodward Ave. frontage parcels a designation that relates to Woodward Ave. Ms. Ecker thought that makes a lot of sense. It relates to more of a holistic view as to what is right for that area - not just one property. Mr. Share agreed. Start out with proper planning for that set of properties as opposed to fixing the 555 Bldg., and incidentally create a new district to do that.

Ms. Whipple-Boyce observed the board hasn't done anything to help the 555 Bldg. Ms. Ecker listed some of the key issues that the board has talked about over the last couple of meetings such as an improved retail frontage; improved street activation; pedestrian focus and pedestrian scale architecture at the street level on the S. Old Woodward and Woodward Ave. sides; and connectivity improvements - there is no sidewalk along Woodward Ave.

Mr. Rick Rattner, Attorney for the applicants, noted their building is non-conforming and they cannot expand it; all they can do is repair and maintain it. No one will provide a loan to re-skin a non-conforming structure. If they are going to do anything, they have to make it worthwhile in terms of expansion and improvements. He went on to describe the renovations they are considering.

Mr. Jack Reinhart spoke to say they have owned the building since 1982. They are looking at this as a comprehensive redevelopment and he will not do anything on the south end unless they can go all the way up. He doesn't think it is appropriate to go the BZA as there are too many exceptions to be considered.

Mr. Williams observed everyone agrees they want to create something that is conforming; not non-conforming. In his view, there are deficiencies on the Woodward Ave. (east) side. On the S. Old Woodward (west) side he sees retail too far from the street. On the south side he sees a blank wall. Therefore, from his standpoint three of the four sides of the building are not very good and he would like to see them improve. He thinks somehow the board has to craft something that allows for the development of other parcels on Woodward Ave., but at the same time allows improvements to these three geographic areas.

Mr. Boyle thought the board probably can't do everything that the applicants would like because the City Commission may not approve it all. However if some of the proposal is approved and the project is moved forward, then it will go a long way toward helping the applicants get value from their property and do what they want to do.

Mr. Williams summed up the discussion by saying the board wants to go the conforming route and use the SLUP process to do it. Maybe the applicant won't get everything but they can probably get a substantial achievement through the combination of the new MU classification plus SLUP exceptions for what they get as of right and what they get as a bonus. Ms. Ecker noted that is consistent with what the City does in other districts and what has been approved by the City Commission. This is a methodology gives the Planning Board flexibility. It was the consensus that staff should work on crafting something to that effect, taking the 555 Bldg. separately so that it gets through the City Commission.

In response to Mr. Rattner's inquiry, Ms. Ecker explained they can keep their existing height and renovate to maintain and repair it, but if they want to add more height to the building or bring the building to the south and go up higher, then they would have to get a SLUP if new ordinance language is approved.

07-134-15

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

07-135-15

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications

b. Administrative Approval Correspondence

- 475 S. Eton, Griffin Claw Brewing Co. - Proposed storage is 2,960 sq. ft. in lieu of 2,880 sq. ft.; proposed canopy is 69 ft. 1 in. in lieu of 68 ft. 4 in.
- 300 & 350 Woodward Ave., Villa Court -
 1. Chimney caps detail;
 2. East elevation - soldering stone over carriage door;
 3. East window - limestone header detail;
 4. South elevation - French door replaced with window of equal width;
 5. Patio made smaller (east);
 6. Front door squared off (north);
 7. Soldier header detail (north);
 8. Walk-out basement deleted - windows replace French doors.
- 808 S. Old Woodward Ave., Birmingham Design Studio - Replace leaking roof with Firestone rubber .60 mil black roof.

- 115 Willits, Cameron's Steakhouse - Install SS ductwork type 304 4 in. x 14 in. x 13 ft. long for dishwasher exhaust fan. Surface mount the ductwork to the carport cement ceiling using 55 straps. Angle ductwork down so it will drain. The end will be a perforated piece of SS to permit venting.
- 1964 Southfield Rd., Market Square -
 1. Revised site plan for Lease Agreement including proposed walk from rear parking to patio.
 2. Photometric plan per Final Site Plan approval.
- 185 N. Old Woodward Ave., Mad Hatter - Extending the bar using the same material.
- Ms. Ecker advised that Toast would like to put an awning over the top of their temporary dining deck, similar to the ones at Ellies and Streetside. However, they would place a heater under the awning and have posts come down to the exterior railing. Consensus of the board was to agree with the proposed changes as long as it is clear that no Eisenglass, drapes, or shades are permitted to be used on the outdoor dining deck.

c. Draft Agenda for the Regular Planning Board Meeting on July 22, 2015

- Preliminary Site Plan Review for 2100 E. Maple Rd., Whole Foods. The rezoning to B-2 with the condition that it would only be used for a grocery store was approved at the City Commission;
- SLUP and Final Site Plan Review for a bistro for La Strada Cafe on Merrill;
- SLUP amendment and Revised Final Site Plan Review for Forest Grill which has new owners.

d. Other Business (not discussed)

07-136-15

PLANNING DIVISION ACTION ITEMS

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

07-137-15

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 10:26 p.m.

Jana Ecker
Planning Director

APPROVED