

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, AUGUST 26, 2015**

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<p>Motion by Ms. Whipple-Boyce Seconded by Mr. Williams based on a review of the site plans submitted, the Planning Board recommends approval of the applicant's request for a Final Site Plan and a SLUP approval to permit Platinum Motors Cars to operate at 1098 S. Adams with the following conditions:</p> <ol style="list-style-type: none"> 1. Reduce the amount of proposed signage to 48 sq. ft.; 2. Provide mounting height of all signs; 3. Provide a detail of the entry into the front door for administrative approval. 	<p>6</p>
<p>Motion carried, 6-1.</p>	<p>7</p>
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<p>Motion by Mr. Williams Seconded by Ms. Whipple-Boyce that based on a review of the rezoning request and supporting documentation submitted by the applicant, a review of the applicable master plan documents and the development trends in the area, the Planning Board recommends approval to the City Commission for the rezoning of 369 N. Old Woodward from R-6 Multiple-Family Residential to R-6 and D-4 in the Downtown Overlay District with the condition that the applicant submit a sealed plot plan of the property.</p>	<p>9</p>
<p>Motion carried, 7-0.</p>	<p>9</p>

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, AUGUST 26, 2015
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on August 26, 2015. Chairman Scott Clein convened the meeting at 7:35 p.m.

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

Absent: Board Member Bert Koseck; Alternate Board Member Daniel Share; Student Representatives Scott Casperson, Andrea Laverty

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

08-160-15

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
OF AUGUST 12, 2015**

**Motion by Mr. Boyle
Seconded by Ms. Lazar to approve the Minutes of the Planning Board meeting of
August 12, 2015 as presented.**

Motion carried, 6-0.

VOICE VOTE

Yeas: Boyle, Lazar, Clein, DeWeese, Whipple-Boyce, Williams
Nays: None
Abstain: Jeffares
Absent: Koseck

08-161-15

CHAIRPERSON'S COMMENTS (none)

08-162-15

APPROVAL OF THE AGENDA (approved).

08-163-15

PUBLIC HEARING

- 1. To consider amending Chapter 126, Zoning, of the Code of the City of Birmingham, Article 1, Zoning Ordinance Foundation, section 1.14, Zoning Map, to provide for the update of the Zoning Map as needed.**

The chairman opened the public hearing at 7:35 p.m.

Ms. Ecker recalled that on June 29, 2015, the City Commission voted to approve the rezoning of the property at 2100 E. Maple Rd. from O-1 Office to B-2 General Business. Shortly thereafter, it was discovered that the ordinance language in Article 1 of the Zoning Code established the official Zoning Map as the map that was dated July 14, 2008, without the "as amended" thereafter.

On July 22, 2015, the Planning Board voted to set a hearing date for August 26, 2015 to consider ordinance amendments to provide for the update of the Zoning Map as needed.

It was confirmed this amendment will be correcting an error that was made when the ordinance was updated.

There were no comments from the public and the public hearing was closed at 7:37 p.m.

Motion by Mr. DeWeese

Seconded by Mr. Williams to recommend approval to the City Commission of an amendment to Article 1, Zoning Ordinance Foundation, Section 1.14, Zoning Map, to provide for the update of the Zoning Map as needed.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Koseck

08-164-15

COURTESY REVIEW

- 1. 300 W. Merrill, Baldwin Library External Book Return
Courtesy Review of proposed external book return to be placed in the public right-of-way along W. Merrill.**

The Birmingham Library Director, Mr. Doug Koschik, advised the Library Board has decided to move forward on an external book drop on the Baldwin Public Library property. The rationale is that it helps people who are physically handicapped to return materials. It also helps people who are in a rush. Therefore, the Board would like to

test the book drop on a trial basis for at least a year. They are proposing a free-standing box by the curb that would be on the passenger's side.

The Baldwin Library staff met with Asst. Police Chief Mark Clemence and examined the advantages and disadvantages of four location options. Their recommendation is to locate the book drop on the west side of Bates St. just north of W. Merrill. It would take advantage of a large no parking zone and eliminate only one metered parking space. Also, it is the shortest space for staff to pick up material. The major disadvantage is that Bates St. is closed approximately twelve days/year for special events. It was noted that the book drop attached to the library door will remain.

The drop box that is being considered is a white 70 Series dual Drop Drive-Up / Walk-up Return manufactured by Kingsley Companies. It is approximately 76 in. long, 53 in. high and 50 in. wide, and can be painted Birmingham's color.

Mr. DeWeese observed the recommended location makes it easy for cars to pull in and out. Mr. Boyle announced he is not in favor of the proposal because he is not altogether sure it favors a walkable community. Chairman Clein said he tends to agree with those thoughts. Further discussion concluded that putting books in the box would not cause any extra damage to them.

08-165-15

UNFINISHED BUSINESS

- 1. 555 S. Old Woodward Ave.
555 Building
Rezoning Request
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 July 8, 2015)**

Mr. Ms. Ecker noted the Planning Board has not yet come up with draft ordinance language that it is comfortable with to set up a new zoning classification. Board members considered the possibility of assigning a subcommittee to study this, but decided it might be better to follow the normal process leading to a public hearing.

Ms. Ecker said staff plans to present a review of what the applicant has submitted along with possible suggestions based on comments that board members have made in the past when this has been considered. Chairman Clein indicated that if the board feels it is appropriate, the plan is to postpone **the request to rezone this parcel until September 30 because there is no D-5 Zone and the board wants to keep it on the agenda. On September 9 there will be a study session** ~~discussion on rezoning of this parcel to September 30 and to come back on September 9 for a study session~~ which reviews the ordinance language that has been provided by the applicant along with a report and review by staff. Mr. Williams added the board should also look at other locations in the City where D-5 could become applicable.

Mr. Rick Rattner, 380 N. Old Woodward Ave., attorney for the applicant, said he has submitted new draft ordinance language this evening. He urged the board to set a public hearing for September 30 so they can move this matter along. Mr. Williams requested that the City Attorney be present at the September 9 study session. He would like a legal opinion from him coincident with any proposed adoption of this zoning classification.

No one from the public wished to add to the discussion at 8:15 p.m.

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to postpone the rezoning request for 555 S. Old Woodward Ave., 555 Building, to September 30, 2015.

There were no comments on the motion from the audience at 8:16 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Koseck

08-166-15

2. **1098 S. Adams Rd.
Platinum Motor Cars
Special Land Use Permit ("SLUP")
Final Site Plan and Design Review
Request for approval of a SLUP and Final Site Plan and Design Review to allow the use and renovation of an existing building for an auto sales agency and showroom (postponed from August 12, 2015)**

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

On July 8, 2015 the Planning Board reviewed the SLUP & Final Site Plan application for the above referenced property. The existing building does not comply with the requirements of the Triangle Overlay District. Article 3, section 3.05 A (2) of the Zoning Ordinance states that any new use that is established in the Triangle District must be brought into compliance with the plan to the maximum extent practical. The Planning Board expressed general support for the proposed use. However, the application was postponed due to the lack of improvements to the building. The applicant was instructed to return to the Planning Board with a revised proposal that includes improvements to

the building and property that bring the site closer into compliance with the Triangle Plan.

Accordingly, the applicant has submitted revised plans with several proposed improvements to the site. Their proposal includes replacing the existing tinted windows with clear glass, adding a window on the S. Adams elevation, painting the building, replacing three existing sconces on the building with new LED fixtures, and several improvements to the right-of-way.

Signage

The applicant has submitted plans for two (2) name letter signs and one (1) wall mounted sign. The total linear building frontage is 48 ft., permitting 48 sq. ft. of sign area. The proposed name letter sign on the Lincoln elevation will measure 29.375 sq. ft. The proposed name letter sign on the S. Adams elevation will measure 10.375 sq. ft. The applicant is also proposing to install a wall sign above the entrance that will measure 12.45 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 does not meet this requirement. The applicant must reduce the total amount of signage from 52.2 sq. ft. to 48 sq. ft.

Also, the maximum permitted height of a wall sign is 36 in. **The applicant will be required to reduce the height of the wall sign to 36 in.** The heights of the sign locations are not listed on the plans. *In accordance with Article 1.0, Table B of the Birmingham Sign Ordinance - Wall signs that project more than 3 in. from the building facade shall not be attached to the outer wall at a height of less than 8 ft. above a public sidewalk and at a height of less than 15 ft. above public alley.* **The applicant must revise the plans to indicate the mounting height of all signs and verify that they are above 8 ft.**

Illumination

The name letter signs are proposed to be internally illuminated with LED's.

Responding to Mr. DeWeese, Mr. Baka talked about the parking requirement. There are seven spaces available, six that are stacked and then a seventh. This is an existing condition that is grandfathered. The applicant has stated they will not be bringing car haulers to the site.

Ms. Erika Ahmed from Platinum Motor Cars explained their business. They will sell used exotic import cars and are hoping this location will make more sense for their Birmingham customers. Vehicles will be driven to the site and they will be moved at night. Sales will be by appointment. They are willing to work with their neighbors to make sure the parking works. Employees will park furthest away from the site in order to leave room for customers.

Mr. Chester Stempien, architect for the project, explained the new look they are proposing for the building which is different from what was put forth at the previous meeting.

Ms. Whipple-Boyce received confirmation that the owners will maintain the grass in the right-of-way. Mr. Stempian explained they plan to do something with the entrance which is presently an exposed concrete platform.

The chairman took comments from the public at 8:37 p.m.

Mr. Dan Winter said he was present on behalf of the two adjacent parcels, 3400 Woodward Ave. and 1066 S. Adams. He expressed concerns for this specific use from a parking standpoint based on the former similar use on S. Old Woodward. Any time a vehicle is pulled in or out other cars have to be moved. People who purchase the vehicles seem to favor trailering them rather than driving them and therefore trailers will be entering and leaving the site. In order to exit, cars would have to back out onto Lincoln. Mr. Winter expressed concern that this proposal will reduce his property value and he would have to put up barricades.

Mr. Jeffares could not see how the proposed business would adversely affect the adjoining properties. Better to have as a neighbor someone that is selling \$150 thousand cars in an updated building rather than a vacant derelict structure. Ms. Lazar thought it would help if Mr. Winter could be a little more accommodating to his neighbor.

Mr. Boyle thought the applicant has listened to the Planning Board's comments and brought back an improved rendering. He hopes to see the business come to fruition. It will be up to the owners to make this site work. Mr. Jeffares said he cannot think of any business that would be better suited for the site than this one, because it will make the parking situation manageable.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Williams based on a review of the site plans submitted, the Planning Board recommends approval of the applicant's request for a Final Site Plan and a SLUP approval to permit Platinum Motors Cars to operate at 1098 S. Adams with the following conditions:

- 1. Reduce the amount of proposed signage to 48 sq. ft.;**
- 2. Provide mounting height of all signs;**
- 3. Provide a detail of the entry into the front door for administrative approval.**

Mr. DeWeese announced he will vote against the motion because he is uncomfortable with the parking and the access. Also, he is uncomfortable that there is not a clear interpretation from the Building Official that there have been sufficient improvements to the building and the property to bring them closer into compliance with the Triangle Plan.

Discussion considered whether restriction of trailers should be added to the motion. Mr. Williams was not in favor of changing the motion. The City Attorney can make the decision as to whether that kind of restriction is appropriate in the context of a SLUP.

No one from the public wished to comment on the motion at 8:58 p.m.

Motion carried, 6-1.

VOICE VOTE

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

Nays: DeWeese

Absent: Koseck

08-167-15

3. **369 N. Old Woodward Ave.
Brookside Development
Rezoning Request
Application for rezoning of property from R-6 Multiple Family Residential to R-6 and B-4 in the Downtown Birmingham Overlay District (postponed from August 12, 2015)**

Ms. Ecker explained the property owner is requesting that the Planning Board hold a public hearing to consider the rezoning of the property from R-6 Multiple-Family Residential to R-6 in a D-4 Overlay District. The applicant is not seeking to change the underlying R-6 zoning, but is seeking to add the property into the Downtown Birmingham Overlay District with a D-4 Overlay classification. The applicant proposes to demolish the existing condominiums and to construct a new five-story mixed-use building.

The subject site is located on the west side of N. Old Woodward Ave. between the N. Old Woodward parking structure and Booth Park. The area of the site is .88 acres.

The applicant requests that the property be included in the D-4 Overlay District to allow the current residential use to be redeveloped with first floor retail, and upper level residential units in a building that is compatible with the height of adjacent buildings, particularly given the topography. The main difference with regards to development standards is that D-4 in the Overlay permits five-stories if the fifth story is only used for residential. Without the Overlay classification, three-stories are permitted. The proposed use of multi-family residential is allowed under the R-6 zoning classification without the D-4 Overlay District, but the proposed retail use is not permitted in the underlying R-6 zoning. Retail use would be permitted under D-4 as the property is within the red-line retail district.

It would appear that it makes sense to bring this property into the Overlay District. There appears to be a gap in the Overlay District in this area. The site is surrounded by Overlay on both sides including Booth Park. Further, the uses the applicant is proposing are consistent with not only what the Master Plan called for in 1980 for multi-family, but also what the red-line retail district calls for in requiring retail on the first floor.

Following receipt of the written report and recommendations from the Planning Board, the City Commission may grant or deny any application for the amendment for rezoning.

Chairman Clein observed the rezoning itself does not place the site into the Parking Assessment District. It was noted the office use is allowed but not required in D-4.

Mr. Rick Rattner, 380 N. Old Woodward Ave., attorney for the applicant, was present along with the property owners, Mr. Gary Shefman, Mr. Matt Shefman and Mr. Howard Fingeroux. Mr. Rattner gave a PowerPoint presentation that backed up his conclusion that their project is in direct compliance with the 2016 Plan. The contemplated plan for the property is complimentary to surrounding properties; it masks the view of the parking structure; it provides an extension of the City's pedestrian friendly environment; it provides retail activity on N. Old Woodward Ave.; and it meets every goal of the 2016 Plan. In summary, the rezoning would greatly enhance the area and be of benefit to the surrounding community.

Mr. Chris Longe, Architect, showed a video that took a virtual walk around the building and provided perspective on what is being proposed.

The chairman took comments from the public on the rezoning at 9:47 p.m.

Mr. David Bloom noted the serious parking problem downtown. He questioned what assurances there are that this plan will not stress the City parking system. The building is right next to Booth Park and it will cast shadows on the park in the afternoon. Therefore, he requested that the Parks and Recreation Board look at the proposal and discuss how they feel about having this kind of development next to them. Further, the building may block the view and afternoon sun from the residential properties in Little San Francisco. Perhaps there may be a holistic solution for this property by considering a public/private partnership that incorporates the potential Bates St. extension.

Mr. Scott Anjus ~~Anjus~~ **Ansheutz**, 452 Bonneybrier, asked about the height limitation if the property is rezoned. Ms. Ecker advised it would be four stories with a fifth story allowed if it is residential.

Mr. David Coleman who lives on Chester expressed his opinion that the proposal is amazing and exciting.

Mr. Clinton Ballard, 388 Greenwood, said he supports the proposal and hopes they will work through the steps of forming a public/private partnership.

Chairman Clein observed that everything he has ever learned in over twenty years is that unless you are looking at a planned development, or you are involved in a consent zoning, the proposed site plans have to be decoupled from land use planning. Ms. Whipple-Boyce agreed. The zoning and the site plan are two separate issues.

Mr. Boyle noted it is possible the developer could go ahead with a plan that includes two floors of offices. Mr. Williams observed that because they are not in the Parking Assessment District the project is not developable in the context of an office building. That is the control mechanism that the City Commission has.

Ms. Whipple-Boyce thought the property is very underutilized, but it has the potential to be something fantastic. Chairman Clein was supportive of the Overlay. The property clearly is not zoned properly. In response to Mr. Jeffares, Ms. Ecker said she has had

discussion with the Director of the Dept. of Public Services who oversees the parks. If Public Services would like to run the proposal through the Parks and Recreation Board, that can be done.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce that based on a review of the rezoning request and supporting documentation submitted by the applicant, a review of the applicable master plan documents and the development trends in the area, the Planning Board recommends approval to the City Commission for the rezoning of 369 N. Old Woodward from R-6 Multiple-Family Residential to R-6 and D-4 in the Downtown Overlay District with the condition that the applicant submit a sealed plot plan of the property.

There was no public comment on the motion at 10:12 p.m.

Motion carried, 7-0.

ROLLCALL VOTE

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

Nays: None

Absent: Koseck

08-168-15

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

08-169-15

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approval Correspondence
 - 575 S. Eton, Griffin Claw Brewing Co. - Proposed new additional grain silo, identical to the existing silo; correction to rear canopy dimensions at service area.
- c. Draft Agenda for the Regular Planning Board Meeting on September 9, 2015
 - 369 N. Old Woodward Ave. CIS and Preliminary Site Plan;
 - 559 W. Brown Preliminary Site Plan;
 - 200 E. Brown Final Site Plan for addition to existing office building;
 - Discussion on D-5 proposed ordinance.
- d. Other Business (not discussed)

08-170-15

PLANNING DIVISION ACTION ITEMS

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

08-171-15

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 10:15 p.m.

Jana Ecker
Planning Director

APPROVED