

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, OCTOBER 28, 2015**

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<p>1. Preliminary Site Plan Review 559 W. Brown</p> <p>Application for Preliminary Site Plan Review to allow construction of two new attached single-family homes (postponed from October 14, 2015)</p> <p>Motion by Mr. Williams</p> <p>Seconded by Mr. DeWeese to receive and file the three letters so that they are officially part of the record being considered.</p> <p>Motion carried, 6-0.</p> <p>Motion by Mr. Koseck</p> <p>Seconded by Ms. Whipple-Boyce to approve the Preliminary Site Plan for 559 W. Brown with the following conditions:</p> <p>1. Applicant submits information verifying that the trees on the landscaping plan comply with the minimum size requirements listed in the Zoning Ordinance;</p> <p>2. Applicant submits a revised photometric plan that complies with the Zoning Ordinance; and</p> <p>3. Applicant addresses the concerns of all City Departments.</p> <p>Amended by Mr. Boyle and accepted</p> <p>4. That the drawings for Final Site Plan Review should include cut-off light fixtures on the rear.</p> <p>Motion carried, 6-0.</p>	<p>2</p> <p>4</p> <p>4</p> <p>4</p> <p>4</p>
<p>1. SLUP Amendment Final Site Plan Review 250-280 E. Merrill ROJO Restaurant</p> <p>Request to allow the expansion of the existing restaurant serving alcoholic liquors into the adjacent storefront space</p> <p>Motion by Ms. Whipple-Boyce</p> <p>Seconded by Mr. Koseck to recommend approval to the City Commission of the applicant's request for Final Site Plan and a SLUP Amendment to expand the SLUP for 250 E. Merrill, ROJO, to include the vacant space at</p>	<p>4</p> <p>6</p>

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<p>280 E. Merrill for use as Sidecar Slider Bar with the following conditions: 1. The applicant obtains an Outdoor Dining Permit from the City of Birmingham; 2. The applicant provides a trash receptacle in the outdoor dining area; and 3. The applicant provides dimensions of the proposed sign to verify Sign Ordinance compliance.</p>	6
<p>Motion carried, 6-0.</p>	
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<p>Motion carried, 6-0.</p>	
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<p>Application for new construction of a four-story mixed-use building (Request by applicant to postpone to November 11, 2015)</p>	8
<p>Motion by Mr. DeWeese Seconded by Ms. Whipple-Boyce to postpone the Preliminary Site Plan and CIS for 856 N. Old Woodward Ave. to December 9, 2015.</p>	8
<p>Motion carried, 6-0.</p>	

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, OCTOBER 28, 2015
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on October 14, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Carroll DeWeese, Bert Koseck (arrived at 7:32 p.m.), Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Stuart Jeffares

Absent: Board Member Gillian Lazar; Alternate Board Member Daniel Share; Student Representatives Scott Casperson, Andrea Laverty

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

10-206-15

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
OF OCTOBER 14, 2015**

**Motion by Mr. Boyle
Seconded by Mr. DeWeese to approve the Minutes of October 14, 2015 as
presented.**

Motion carried, 5-0

VOICE VOTE

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

10-207-15

CHAIRPERSON'S COMMENTS (none)

10-208-15

APPROVAL OF THE AGENDA

- Chesterfield Fire Station is scheduled for their courtesy review on November 11.
- 856 N. Old Woodward Ave has requested postponement to December 9.

10-209-15

COURTESY REVIEW OF PUBLIC PROPERTY

- 1. Chesterfield Fire Station**
Birmingham Fire Dept. (postponed to November 11)

10-210-15

UNFINISHED BUSINESS

- 1. Preliminary Site Plan Review**
559 W. Brown

Application for Preliminary Site Plan Review to allow construction of two new attached single-family homes (postponed from October 14, 2015)

Mr. Baka recalled the subject site is a 0.141 acre parcel located on the south side of W. Brown St. between Cherry Ct. and Watkins in the R-8 Zoning District. The existing parcel is currently vacant. The applicant is proposing to construct a new 2 ½ story attached single-family building with two residential units. The applicant appeared before the Planning Board on September 9, 2015. The review was postponed in order to get clarification from the Building Official on the requirements of section 4.34 OS – 05 (A), which requires a 180 sq. ft. open space that is immediately accessible from the living space. In addition, the Planning Board requested further review of the rear entrance into the garage by the City Engineer to confirm that there is sufficient room for maneuvering.

Mr. Baka worked through the issues from the last meeting and the changes that have been made.

The applicant has now provided the required open space in the side yard of each unit. An interior staircase has been added to the floor plan that allows immediate accessibility to the space, which is enclosed with a 6 ft. fence. Also, they have reduced the setback of the front steps. However, there are some issues with the photometric plan that need to be corrected at Final Site Plan Review.

The City Engineer has indicated that when reviewing houses that have a side entry garage, he has always used the rule that the garage should be no closer than 20 ft. to the property line in order to allow sufficient room to make the turn into the garage. This is a bit more extreme because it is a U-turn; but the fact there is 24 ft. from the garage door straight out makes him feel that it is sufficient.

Design Review

A complete design review will be conducted at Final Site Plan Review. However, the applicant is currently proposing the following materials:

- Brick Veneer – body of the building;
- Stone Veneer – accents and trim;
- Asphalt Shingles – main roof section; and
- Standing seam copper – dormers, bay window and porch roof.

Mr. DeWeese wanted to see an interpretation by the Building Official as to whether the fence around the open space can be higher than 6 ft. per Article 04, section 4.34 OS-05. That is in direct conflict with the fence section of the ordinance that mandates 6 ft. Mr. Baka clarified there could not be an 8 ft. fence along the back of the property where it does not enclose the 180 sq. ft. open space.

Mr. Jason Krieger and Mr. Brian Watson were present from Krieger Klatt Architects. Mr. Krieger noted they met with City staff and altered the site plan and floor plans. They addressed the screening from the neighbors to the south and southeast as well as dealing with the turning radiuses. They have a 10 year storm capacity for drainage. With regards to lighting, their proposal was to have decorative lights, but they will change to full cut-off fixtures along the southern section. By Final Site Plan Review they intend to provide zero cut-off fixtures along the west property line. Their intent is to meet the ordinance without variances and try to move forward.

Chairman Clein noticed a typo on the engineering site plan which shows a 7 in. wall that is flush with the neighbors in the back. Mr. Krieger clarified the intent is to have 6 ft. of screenwall from the existing ground level on the neighbor's property.

At 7:55 p.m. the chairman took discussion from the audience.

Mr. Herbert Danziger, 550 Cherry Ct., pointed out his issues with the site plan as stated in his letter to the Planning Board:

- The landscaping plan does not provide an obstructed view from his property to the multi-story building. Therefore he asked for tall plantings on the SE side of the property.
- He appreciated the comments about changing to full cut-off lighting, as his master bedroom is very close to the property line.
- The driveway circulation plan should be tested before it is approved. It appears that it would require a lot of backing up and pulling forward in order to enter the garage.
- He recommended an 8 ft. wall if it is allowed because of noise and emissions from four cars.

Mr. Danziger concluded he hopes the Planning Board realizes that with approval of these townhomes they are changing the character of the neighborhood. The previous building on the lot was nowhere near the footprint of the proposed structure.

Ms. Coleen McGoff, 543 Watkins, read her letter into the record that expresses approval of the townhomes.

Mr. Baka read an additional letter in support of the project.

Motion by Mr. Williams

Seconded by Mr. DeWeese to receive and file the three letters so that they are officially part of the record being considered.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: Lazar

In response to discussion regarding the driveway leading to the garages, Mr. Krieger agreed to look into broadening the radius.

Motion by Mr. Koseck

Seconded by Ms. Whipple-Boyce to approve the Preliminary Site Plan for 559 W. Brown with the following conditions:

- 1. Applicant submits information verifying that the trees on the landscaping plan comply with the minimum size requirements listed in the Zoning Ordinance;**
- 2. Applicant submits a revised photometric plan that complies with the Zoning Ordinance; and**
- 3. Applicant addresses the concerns of all City Departments.**

Amended by Mr. Boyle and accepted

- 4. That the drawings for Final Site Plan Review should include cut-off light fixtures on the rear.**

No members of the public wished to comment on the motion at 8:15 p.m.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: Lazar

10-211-15

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

- 1. SLUP Amendment
Final Site Plan Review
250-280 E. Merrill
ROJO Restaurant**

Request to allow the expansion of the existing restaurant serving alcoholic liquors into the adjacent storefront space

The subject site consists of two tenant spaces: the first, currently ROJO, is located at

250 E. Merrill; and the second, an abutting vacant storefront, formerly Custom Elegance gift shop, is located at 280 E. Merrill, both on the south side of E. Merrill, west of Old Woodward Ave. The parcels are zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, ROJO, is proposing to expand the restaurant into the 1,817 sq. ft. adjacent vacant space; connecting the two spaces and making interior and façade improvements to the new space. The space at 280 E. Merrill will be an expansion of ROJO as a second concept called Sidecar, a slider and soup restaurant.

The proposed expansion will be operating with the existing Class C liquor license from ROJO. Article 06 section 6.02 Continuance of Nonconformity, in the Zoning Ordinance requires that any establishment with alcoholic beverage sales (on-premise consumption) shall obtain a SLUP upon change in ownership or name of establishment, or upon application for a site plan review. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan and Special Land Use Permit. ***As the proposed establishment is located within the Central Business District Historic District, the applicant is also required to appear before the Historic District Commission.***

Design Review

The applicant is proposing to renovate the existing facade of 280 E. Merrill by removing the existing wood sign and installing a new canopy and signage. The applicant also wishes to replace existing storefront windows with a five panel Nana wall system.

Facade: The applicant proposes to designate the doors at 280 E. Merrill as the Sidecar Restaurant entrance. Between the entrance and the existing ROJO site, the applicant proposes replacing the current storefront windows with a five panel Nana wall system. All framing will be dark anodized aluminum with clear glass. Additionally, the applicant proposes a 1.5 ft. black fabric awning valance to hang down from the building overhang above the Nana wall. Outdoor dining is also proposed adjacent to the new Nana wall system.

Signage: The total linear building frontage along E. Merrill is 26.6 ft. permitting 26.6 sq. ft. of sign area. The applicant proposes to install a screen printed sign on the new awning with the sidecar logo. The applicant has indicated that the sign will not exceed 36 in. in height but has not provided the width. The applicant must provide the width of the sign in order to determine if the proposal meets the requirement of *Article 1.0, section 1.04 (B) of the Birmingham Sign Ordinance, Combined Sign Area* which allows 1 sq. ft. of signage for each linear foot of principal building frontage, or in this case 26.6 sq. ft.

The wall sign is proposed to be mounted over 8 ft. which meets the requirement of *Article 1.0, Table B of the Birmingham Sign Ordinance* which states 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.

Outdoor Dining Area: The applicant is proposing the addition of 5 tables and 16 chairs in the outdoor dining area. No umbrellas are proposed for the outdoor area. The

applicant is proposing outdoor seating along the front side of the restaurant on private property within the recessed area of the building. The outdoor dining area is proposed to maintain the required 5 ft. pedestrian pathway. Enclosure of the outdoor dining area is a State requirement when alcohol is served.

Direct Connection: The kitchen will be shared with ROJO.

Mr. Dan Lennan, owner of ROJO Mexican Bistro and also the applicant for Sidecar indicated they anticipate 75% of their sales will be for food. They are looking to expand in order to maximize their kitchen facility, as it is much larger than they currently need. It is their feeling the new restaurant will add vibrancy day and night to that section of E. Merrill. The environment will be casual and comfortable. Dining offerings will include gourmet sliders along with soups and appetizers and the kitchen will stay open late night. They don't have concerns about parking because Birmingham is a walkable community.

No one from the public wished to comment at 8:34 p.m.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Koseck to recommend approval to the City Commission of the applicant's request for Final Site Plan and a SLUP Amendment to expand the SLUP for 250 E. Merrill, ROJO, to include the vacant space at 280 E. Merrill for use as Sidecar Slider Bar with the following conditions:

- 1. The applicant obtains an Outdoor Dining Permit from the City of Birmingham;**
- 2. The applicant provides a trash receptacle in the outdoor dining area; and**
- 3. The applicant provides dimensions of the proposed sign to verify Sign Ordinance compliance.**

There was no discussion from the audience at 8:40 p.m.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: Lazar

10-212-15

FINAL SITE PLAN REVIEW

- 1. Final Site Plan Review
1051 Oakland
Roeper School**

Request to allow an addition to fill in an existing interior courtyard

Ms. Ecker advised the applicant proposes to construct a two-story library and learning commons in the existing internal courtyard that will add 9,875 sq. ft. of interior space to the building. The ground floor will include multiple storage rooms, a kitchen, and a

commons area. The first floor will consist primarily of commons space and collaborative work stations. The second floor will have a designated space for quiet study and rooms for faculty use. Given the fact that this is an infill project within an enclosed courtyard, there will be no changes to the exterior of the building that will be visible from the street. Additionally, the school is not proposing to increase either the student or staff population.

Roeper School received a Special Land Use Permit ("SLUP") Amendment on February 22, 2006, which included the right to build out the courtyard to less than or equal to the height of the adjacent building without obtaining another SLUP Amendment. Final Site Plan Review is still required.

Design Review

Since this addition is proposed to enclose an interior courtyard, all exterior materials relate to the roof of the addition and will not be seen from the street. All roofing materials as proposed match the roof of the existing building. An Advisor type screening system is proposed to go around the mechanical equipment. The height of the rooftop units will be within the confines of the height regulations.

Mr. Brian Wilmers, Facility Planner for Roeper School, was present with Mr. David Feldman, Head of School. Mr. Wilmers offered samples of the skylight, roofing material, and Envisor screening for the RTUs. The plan is to minimize disruption to the neighborhood. All construction work will be done within the enclosed courtyard. The workers will park legally on the street. They always adhere to City of Birmingham construction hours and noise ordinances. Construction will begin May 1, 2016 and be completed by March 2017.

There were no comments from members of the public at 8:46 p.m.

Motion by Mr. Boyle

Seconded by Mr. Williams to recommend approval of the Final Site Plan for 1051 Oakland, Roeper School, with the following condition:

1. That 7 ft. high Rancho Red Envisor screening will be used to screen all RTUs.

Mr. Koseck commented the project has been beautifully done and it will be a jewel for the school.

There was no discussion from the audience on the motion at 8:50 p.m.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: Lazar

10-213-15

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

**1. Preliminary Site Plan and CIS
856 N. Old Woodward Ave.**

Application for new construction of a four-story mixed-use building
(Request by applicant to postpone to November 11, 2015)

Motion by Mr. DeWeese

**Seconded by Ms. Whipple-Boyce to postpone the Preliminary Site Plan and CIS
for 856 N. Old Woodward Ave. to December 9, 2015.**

There was no discussion from the public on the motion at 7:34 p.m.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: Lazar

10-214-15

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (none)

10-215-15

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications (none)

b. Administrative Approval Correspondence

- 111 Elm St., All Seasons of Birmingham - Add an above-ground tank to serve the generator plus add arborvitae to screen the tank.

c. Draft Agenda for the Regular Planning Board Meeting on November 11, 2015

- Public hearing on window glazing;
- Review of 2400 E. Lincoln;
- Final Site Plan for 1193 Floyd;
- Review of 885 Redding;
- Courtesy Review of Chesterfield Fire Station.

d. Other Business

- Ms. Ecker noted that Transitional Zoning went to the City Commission and in the end they adopted all the ordinance language for TZ-1 and TZ-3. They left TZ-2 and directed it back to the Planning Board. Their concern was with regard to use

and they asked the Planning Board to consider making all uses within that zone SLUPs. The board will consider that and/or consider eliminating or changing some of the uses and properties.

- Board members contemplated whether making all of the uses SLUPs would be too onerous and far-reaching. Further, they were concerned about proceeding at this point with an entire new City Commission. Rather, board members felt that they should talk through this matter in a joint session with the new Commission before embarking on a two-year process regarding TZ-2.
- It was discussed that in order to have a meaningful dialogue with the Commission the conversation should cover 1) what is the concept; and 2) what are the parcels. Maybe staff could do a study session to catch the new Commission up on things prior to the joint meeting. Perhaps the joint meeting should take place on a Saturday.
- Ms. Ecker agreed to convey those suggestions.

10-204-15

PLANNING DIVISION ACTION ITEMS

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

10-205-15

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 9:02 p.m.

Jana Ecker
Planning Director