

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, OCTOBER 8, 2014**

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<p>SPECIAL LAND USE PERMIT ("SLUP") PRELIMINARY SITE PLAN REVIEW 2200 Holland St. Mercedes-Benz of Bloomfield Hills Prep and Storage Facility New construction of a one-story building 16,400 sq. ft. in size for the cleaning, detailing, light repair and storage of vehicles (postponed from September 10, 2014; request by applicant to further postpone to October 22, 2014).</p>	2
<p>Motion by Ms. Whipple-Boyce Seconded by Ms. Lazar to postpone Special Land Use Permit and Preliminary Site Plan review for 2200 Holland St. to the Planning Board meeting of October 22.</p>	2
<p>Motion carried, 5-0.</p>	2
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<p>Motion by Mr. DeWeese Seconded by Ms. Whipple-Boyce to accept the Community Impact Study as provided by the applicant for the proposed development at 2400 and 2430 E. Lincoln, subject to the following conditions:</p>	4
<p>1) Applicant combine the two lots prior to obtaining a building permit; 2) Applicant provide accommodation for the recommended linear park for bicyclists and pedestrians, including a southern terminus; 3) Applicant address all required environmental cleanup to meet residential Generic Cleanup Criteria; 4) Applicant provide details regarding the proposed separation and collection of recycled materials on site; 5) Applicant install 8 in. water main to service site, and provide the City with a 12 ft. easement for same; 6) Applicant provide all on-site storm water detention details and address all easement issues on site;</p>	

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7) Applicant provide irrigation for all landscaped areas, including street tree wells; and	
8) Applicant provide a Knox box and meet all NFPA requirements.	
Motion carried, 5-0.	4
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Seconded by Ms. Whipple-Boyce to postpone the Preliminary Site Plan for 2400 and 2430 E. Lincoln to December 10, 2014.	
Motion carried, 4-1.	8

DRAFT

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, OCTOBER 8, 2014
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held October 8, 2014. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams (left at 7:35 p.m.); Student Representative Jack Moore (left at 9:45 p.m.)

Absent: Robin Boyle, Student Representative Shelby Wilson

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

10-148-14

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD SEPTEMBER 24, 2014**

Motion by Mr. DeWeese

Seconded by Ms. Lazar to approve the Minutes of the regular Planning Board meeting on September 24, 2014 as presented.

Motion carried, 5-0.

VOICE VOTE

Yeas: DeWeese, Lazar, Clein, Koseck, Williams

Nays: None

Abstain: Whipple-Boyce

Absent: None

10-149-14

CHAIRPERSON'S COMMENTS

Chairman Clein noted this will be a hybrid meeting where the board will hear site plan reviews as well as conduct a study session.

10-150-14

APPROVAL OF THE AGENDA

The applicant has requested postponement of the review for 2200 Holland St. to October 22.

10-151-14

SPECIAL LAND USE PERMIT ("SLUP")

PRELIMINARY SITE PLAN REVIEW

2200 Holland St.

Mercedes-Benz of Bloomfield Hills Prep and Storage Facility

New construction of a one-story building 16,400 sq. ft. in size for the cleaning, detailing, light repair and storage of vehicles

Postponed from September 10, 2014; request by applicant to further postpone to October 22, 2014.

Motion by Ms. Whipple-Boyce

Seconded by Ms. Lazar to postpone Special Land Use Permit and Preliminary Site Plan review for 2200 Holland St. to the Planning Board meeting of October 22.

Motion carried, 5-0.

VOICE VOTE

Yeas: Whipple-Boyce, Lazar, Clein, Koseck, Lazar, Williams

Nays: None

Absent: None

10-152-14

COMMUNITY IMPACT STUDY ("CIS")

PRELIMINARY SITE PLAN REVIEW

2400 and 2430 E. Lincoln

The District East Live/Work Apartments

New construction of a four-story mixed-use live/work building with parking

Mr. Williams explained his law firm, Dickinson Wright, represents the owner of the property subject to the proposed development. Because of that relationship, he announced his intention to recuse himself. At this point, Mr. Williams left the meeting.

Ms. Ecker advised the subject sites are currently two parcels. The applicant has advised that they intend to combine both parcels into one parcel. The lot combination is required to meet the density requirements. The parcels are vacant and a new mixed-use (live/work units) four-story development is proposed. The combined site has a total land area of 3.78 acres and is located on the south side of E. Lincoln east of Eton. Currently the applicant is looking to phase the development. The first phase that will be discussed tonight is on the northern portion of the two parcels.

The proposed development will consist of a new structure, four stories in height with 71 garage parking spaces and an additional 69 uncovered spaces located at the rear and to the east of the building. The first floor will be for covered parking, and there will be a total of 63 live/work units on floors 2, 3, and 4. They are comprised of 27 one-bedroom units, 30 two-bedroom units, and 6 three-bedroom units. The total building area is 89,289 GSF. Thus, the applicant was required to prepare a CIS in accordance with Article 7, section 7.27 (E) of the Zoning Ordinance as they are proposing one new building containing more than 20,000 sq. ft. of gross floor area.

CIS

Ms. Ecker stated the proposed use of the site appears to conform to the provisions of both the Zoning Ordinance and the Eton Rd. Corridor Plan. The applicant submitted a Phase 1 Environmental Site Assessment that was conducted using EPA Brownfield Assessment Grant Funds, in order to identify recognized environmental conditions. The site is mainly cleaned up with only a few little pocket areas of contamination below the parking area that can be capped over.

The building official has verbally indicated that it appears parking will not be permitted within the first 10 ft. from the E. Lincoln building facade back. It seems the applicant will either have to appeal the interpretation to the Board of Zoning Appeals ("BZA") or apply for a variance to allow the parking there.

Mr. Koseck said he is missing how this building fits in relationship to its neighboring buildings, sidewalks, and roads.

Mr. Sean Havera, Sr. Project Manager with Hughes Properties, was present with Mr. Ronald Hughes, one of the principals of the development team, and Mr. Thom Phillips of Hobbs & Black Architects. Commenting on the CIS, Mr. Havera talked about how the City's plan to develop a linear park could be accomplished. In regards to the environmental report, contaminants can be addressed by capping them to take away their exposure level so they don't need to be physically removed from the site. In landscape areas where there is contamination, a geotextile fabric would be put down and 6 in. of topsoil added on top of that.

Recycling will be accomplished within the building.

Mr. Havera advised that they have shown the construction of the new public road as part of this project and will work with the City with respect to when it is constructed and how it is paid for. When future developments are done, additional fire hydrants will be added to provide appropriate coverage. Plans for storm water detention will be presented at Final Site Plan Review. They plan to work with the City to abandon an 18 in. storm sewer drain appropriately. It is felt they have sufficient circulation throughout the site, but they intend to consult with the Fire Dept. to ensure that fire trucks are accommodated.

The chairman offered his opinion that the responsibility for the N/S road is not within this board's purview. He received clarification from Mr. Havera that their proposal will result in one tax ID parcel which will be master deeded in phases. It was noted the parking

requirement for this building is 72 spaces for the 63 condos and 140 parking spaces are provided. Mr. Havera explained each unit will have at least two spaces along with the necessary guest parking.

Chairman Clein opened discussion to the public at 8:15 p.m.

Mr. Mark Shwayder of the Shwayder Co. across the street was concerned about the additional traffic on that block. Ms. Ecker responded a traffic study was completed by the City's traffic consultant that showed the project would have very little impact on the level of service along E. Lincoln.

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to accept the Community Impact Study as provided by the applicant for the proposed development at 2400 and 2430 E. Lincoln, subject to the following conditions:

- 1) Applicant combine the two lots prior to obtaining a building permit;**
- 2) Applicant provide accommodation for the recommended linear park for bicyclists and pedestrians, including a southern terminus;**
- 3) Applicant address all required environmental cleanup to meet residential Generic Cleanup Criteria;**
- 4) Applicant provide details regarding the proposed separation and collection of recycled materials on site;**
- 5) Applicant install 8 in. water main to service site, and provide the City with a 12 ft. easement for same;**
- 6) Applicant provide all on-site storm water detention details and address all easement issues on site;**
- 7) Applicant provide irrigation for all landscaped areas, including street tree wells; and**
- 8) Applicant provide a Knox box and meet all NFPA requirements.**

There were no comments on the motion from the public at 8:22 p.m.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Abstain: Williams

Absent: None

Preliminary Site Plan

Ms. Ecker reviewed the landscape requirements and advised that Article 04 section 4-17 of the Zoning Ordinance requires at least one street tree for each 40 linear feet of frontage. ***The applicant will be required to add one additional street tree along the new N/S roadway or obtain a variance from the Board of Zoning Appeals ("BZA").***

Article 4 Section 4.20 LA-01 (E) requires one deciduous tree and one evergreen tree for every two residential units. As the applicant is proposing a total of 63 units, a total of 32 deciduous and 32 evergreen trees is required on site. The applicant is proposing a total

of 45 deciduous trees and no evergreen trees. **The applicant will be required to add the required evergreen trees or obtain a variance from the BZA.**

Article 4, section 4.48 of the Zoning Ordinance provides that off-street parking contained in the first story shall not be permitted within 10 ft. of any building facade on a frontage line or between the building facade and the frontage line. The applicant is proposing parking to be contained within the first story of the building within 10 ft. of the front building facade and approximately 5 ft. off the lot's frontage line. **The applicant will be required to shift the first floor parking back 10 ft. from the front building facade or obtain a variance from the BZA.** The applicant has filed a request for an interpretation from the building official on this issue.

Mr. DeWeese wanted to know prior to Final Site Plan Review whether parallel parking will be allowed on both sides of that section of E. Lincoln.

Design Review

At this time the applicant is proposing to utilize the following materials for the new live/work building:

- Split face load bearing masonry block on the first level;
- Burnished block veneer in two colors on the upper levels;
- Cement board accent panels on upper floors;
- Metal coping around the eave line/parapet wall;
- Aluminum windows with a tint;
- Painted metal canopies at the entrance on E. Lincoln; and
- Ornamental metal rails on the balconies.

Detailed discussion regarding architectural standards and design related issues will take place at Final Site Plan and Design Review.

Mr. Koseck initiated conversation regarding eliminating the leftover hammerhead in the City right-of-way to the north. Mr. Havera said they cannot accommodate the timing to go through that process. They will just honor what was previously negotiated.

Mr. Havera stated they intend to proceed to the BZA for an overruling of the building official's interpretation regarding their first-floor parking, or request variances to allow the parking. They are in favor of parallel parking being allowed on E. Lincoln, but need a response from the Engineering Dept. because it affects their streetscape. Green space could replace some of their parking that is accommodated on the street. Mr. Koseck encouraged him to take a hard look at extending their sidewalk out to the curb at the entrance. Chairman Clein suggested they widen the sidewalk in front of the building.

Mr. DeWeese indicated it would be hard for him to approve this Preliminary Site Plan until he receives an interpretation about the first floor parking from the building official. Mr. Phillips noted they don't see the parking as a tremendous obstacle and certainly can come up with a viable solution to address it.

Chairman Clein asked the applicants if it is their intention to do storm water detention below grade or to come back at Final Site Plan Review with a detention pond. That

impacts the site plan and design and he needs to see it tonight. Mr. Havera said they plan an open pond. Mr. Phillips added it wouldn't substantially impact the site plan, as it borders the railroad track and the cemetery.

Chairman Clein referred to the public for comment at 9:20 p.m.

Mr. Mark Shwayder told the board that during the summer there are many occasions when baseball games and swim meets are going on at the same time. The surrounding area is packed with cars and that is something the board should think about.

Ms. Whipple-Boyce said she will vote to postpone a decision until the board has a better understanding of what will be on the first floor. She doesn't like the cars on the first floor and the lack of pedestrian relationship that comes with walking 300 ft along a row of parked cars. She thinks the intent of the ordinance was to avoid that from happening. She noted several requirements from the Eton Rd. Corridor Plan that are not being met with the proposed plan. She wants to see something that is more compliant with what the board is hoping to see in this area.

Ms. Lazar noted the site is a destination as opposed to something people will walk by to get elsewhere. Chairman Clein agreed. Mr. Koseck commented if there is any place that this would be okay it is on this site because it is a dead-end. However, that might set a precedent. For the next submission of this plan he would want to see a plaza in the front of the building and see that trees are not placed without any relationship to the front entrance. The board is spending a lot of time on something that may not be achievable.

Motion by Mr. Koseck

Seconded by Ms. Lazar to approve the Preliminary Site Plan for 2400 and 2430 E. Lincoln subject to the following conditions:

- 1) Applicant combine the two lots prior to obtaining a building permit;**
- 2) Planning Board approves the adjustment of the front setback to 5 ft.**
- 3) Applicant shift the first floor parking back 10 ft. from the front façade of the building or obtain a variance from the Board of Zoning Appeals or obtain a favorable interpretation from the Building Official;**
- 4) Applicant provide the height of the knee walls on the north and west elevation to demonstrate that the knee wall is at least 32 in. in height;**
- 5) Applicant provide specification sheets on all proposed mechanical equipment and lighting and a photometric plan for Final Site Plan and Design Review;**
- 6) Applicant provide a detailed landscape plan to demonstrate compliance with all landscape requirements, including providing the required evergreen trees or obtain any required variances from the Board of Zoning Appeals;**
- 7) Applicant provide accommodation for the recommended linear park for bicyclists and pedestrians, including a southern terminus;**
- 8) Applicant install 8 in. water main to service site, and provide the City with a 12 ft. easement for same;**
- 9) Applicant provide all on site storm water detention details and address all easement issues on site;**
- 10) Applicant provide irrigation for all landscaped areas, including street tree wells;**

- 11) Applicant provide a Knox box and meet all NFPA requirements;
- 12) Subsequent site plans shall show neighboring buildings, sidewalks, and other adjacent components to help the Planning Board understand how this integrates with neighboring sites;
- 13) Storm water detention shall be shown in some detail to adequately understand how it impacts the design of the site;
- 14) Applicant shall make modifications to the north front entry, including the addition of a hardscape plaza and make adjustments to street lighting and street trees accordingly; and
- 15) Applicant present Interpretation of whether street parking is allowable; and if so, show on the plan its placement and how it relates to the site and neighboring properties.

There were no comments from the public at 9:37 p.m.

Motion failed, 3-2.

ROLLCALL VOTE

Yeas: Koseck, Lazar, Clein,

Nays: DeWeese, Whipple-Boyce

Abstain: Williams

Absent: None

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to postpone the Preliminary Site Plan for 2400 and 2430 E. Lincoln to December 10, 2014.

No one from the public wished to discuss the motion at 9:39 p.m.

It was noted that possibly the Preliminary and Final Site Plan Reviews could be conducted simultaneously on December 10.

Ms. Whipple-Boyce announced she is not comfortable moving this plan forward because she is uncomfortable with the E. Lincoln facade. Chairman Clein said he personally is concerned about this board taking stances related to BZA purview issues. Therefore he will not support the motion because he feels it is not being postponed for the right reason. Mr. DeWeese observed the interpretation that is yet to be made directly affects the basic structure and use of the entire building and how it is laid out.

Motion carried, 4-1.

ROLLCALL VOTE

Yeas: DeWeese, Whipple-Boyce, Koseck, Lazar

Nays: Clein

Abstain: Williams

Absent: None

10-153-14

STUDY SESSION

Transitional Zoning Update

Chairman Clein advised it was brought to the attention of the City Commission and the city attorney that there were concerns over the nature of noticing related to an overlay versus a strict rezoning. That is why the City Commission has asked the Planning Board to take a look and determine the next steps.

Mr. Baka explained the key with an overlay is that it is optional. A rezoning is not optional. The draft ordinance language was reviewed and the Applicability section was modified to make it optional, so it is a true overlay. It was brought out that now there is not much incentive for a developer to choose the overlay because the perks aren't so good.

Ms. Whipple-Boyce hoped this document would be mandatory rather than optional. Chairman Clein suggested if they start out optional the board might want to consider going through the parcels to see if they have the right perks from that perspective. Consensus was that single-family residential can always be done, no matter the zoning.

Ms. Ecker said the document will be reformatted and brought back to the Planning Board in a month; then the board will look at it and eventually set a public hearing. Following that there will be another public hearing at the City Commission. Board members agreed to make Transitional Zoning mandatory.

10-154-14

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (no audience was present)

10-155-14

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approvals
 - 442 S. Old Woodward Ave., Hall & Hunter Realtors - New windows. Profiles and color to match existing.
 - 633 S. Adams, Orange Theory Fitness - Request approval for additional rooftop unit screen to be located at rear of building. Screen to be City Scape Envisor 35 vertical style. Color to match existing.
 - 34750 Woodward Ave., Speedway - Remove and replace gasoline dispensing in same location; Concrete and asphalt work as required for modified piping and tank top work.
 - 2425 E. Lincoln, Suite 100 - The sign design changed per drawing.

- c. Draft Agenda for the Regular Planning Board Meeting on October 22, 2014
- 2200 Holland - SLUP and Preliminary Site Plan Review
 - 820 E. Maple, All Seasons Senior Living - Economic Development License
 - S. Hamilton Alley repaving - Courtesy review for public property

d. Other Business

- The deadline was October 1 and three bistro applications were received. A fourth application came in the day after the deadline and will not be considered.

10-156-14

PLANNING DIVISION ACTION ITEMS

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

10-157-14

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 10:20 p.m.

Jana Ecker
Planning Director