

**REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY – OCTOBER 14, 2015
7:30 PM
CITY COMMISSION ROOM
151 MARTIN STREET, BIRMINGHAM**

- A. Roll Call
- B. Review and Approval of the Minutes of the regular meeting of **September 30, 2015**
- C. Chairpersons' Comments
- D. Review of the Agenda

- E. Courtesy Review of Public Property
 - 1. **Chesterfield Fire Station, Birmingham Fire Department**

- F. Preliminary Site Plan & Community Impact Study Reviews
 - 1. **559 W. Brown, Preliminary Site Plan Review** – Application for Preliminary Site Plan Review to allow construction of two new attached single family homes (**Postponed from September 9, 2015, Request to postpone to October 28, 2015**).
 - 2. **369 N. Old Woodward, Brookside Terrace, Preliminary Site Plan Review** - Application for Preliminary Site Plan Review to allow construction of a new five story, mixed use building (**Postponed from September 9, 2015**).
 - 3. **2400 E. Lincoln Street, Preliminary Site Plan Review** – Application for Preliminary Site Plan for new construction of a four story assisted living building (**Postponed from September 30, 2015**).

- G. Study Session
 - 1. Window Glazing Standards

- H. Meeting Open to the Public for items not on the Agenda

- I. Miscellaneous Business and Communications:
 - a. Communications – **October 19, 2015 Joint Meeting cancelled**
 - b. **Administrative Approval** Correspondence
 - c. Draft Agenda for the next Regular Planning Board Meeting (**October 28, 2015**)
 - d. Other Business

- J. Planning Division Action Items
 - a. Staff Report on Previous Requests
 - b. Additional Items from tonight's meeting

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J. Adjournment

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, SEPTEMBER 30, 2015**

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<p>1. 2100 E. Maple Rd. Whole Foods</p> <p>Application for Final Site Plan and Design Review to allow construction of a new 46,000 sq. ft. grocery store</p>	
<p>Motion by Ms. Whipple-Boyce</p> <p>Seconded by Mr. Koseck to approve the Final Site Plan and Design for 2100 E. Maple Rd., Whole Foods Market, with the following conditions:</p> <p>1) Applicant provide the required screen wall/evergreen screening for all parking areas or obtain a variance from the Board of Zoning Appeals;</p> <p>2) Obtain administrative approval for any rooftop mechanical equipment and associated screening;</p> <p>3) The applicant is required to obtain a waiver from the Arborist, or obtain a variance from the Board of Zoning Appeals, or provide the required total of 14 street trees, and to revise the landscape plan to ensure that all notes and drawings are consistent on all of the plan sheets;</p> <p>4) Applicant provide plans delineating the size of the indoor seating areas to determine if all parking requirements have been met;</p> <p>5) Applicant provide a public access easement to the City for the sidewalk along E. Maple Rd.;</p> <p>6) Adjust light levels at the northwest corner of the property or obtain a variance from the Board of Zoning Appeals;</p> <p>7) Applicant provide material samples and specifications for all proposed materials, including window tints for administrative approval;</p> <p>8) Comply with the 70% glazing requirement or obtain a variance from the Board of Zoning Appeals; and</p> <p>9) Applicant remove the deceleration lane.</p>	5
Motion carried, 7-0.	6
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<p>Motion by Mr. Boyle Seconded by Mr. Koseck to approve and adopt the CIS for 2400 and 2430 E. Lincoln as presented with the following conditions: 1) Applicant must coordinate with the City Engineer prior to removal or abandonment of any sewer leads; 2) Applicant provide information on all life safety issues and obtain Fire Dept. approval; 3) Applicant provide information on the proposed security system for approval by the Police Dept.; and 4) Applicant revise and resubmit the CIS pending any outcomes related to dealing with the three issues for staff administrative approval.</p>	<p>8</p>
<p>Motion carried, 7-0.</p>	<p>8</p>
<p>Motion by Ms. Whipple-Boyce Seconded by Mr. Koseck to postpone the Preliminary Site Plan Review for 2400 and 2430 E. Lincoln St., Birmingham Senior Living, to October 14, 2015.</p>	<p>10</p>
<p>Motion carried, 7-0.</p>	<p>11</p>

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, SEPTEMBER 30, 2015
City Commission Room
151 Martin Street, Birmingham, Michigan**

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

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

Absent: Board Members Carroll DeWeese, Bryan Williams; Student Representatives Scott Casperson, Andrea Laverty

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

09-184-15

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
OF SEPTEMBER 9, 2015**

**Motion by Mr. Boyle
Seconded by Mr. Koseck to approve the Minutes of September 9, 2015 as
presented.**

Motion carried, 6-0.

VOICE VOTE

Yeas: Boyce, Koseck, Clein, Jeffares Lazar, Share

Nays: None

Abstain: Whipple-Boyce

Absent: DeWeese, Williams

09-185-15

CHAIRPERSON'S COMMENTS (none)

09-186-15

APPROVAL OF THE AGENDA (approved).

FINAL SITE PLAN AND DESIGN REVIEW

**1. 2100 E. Maple Rd.
Whole Foods**

Application for Final Site Plan and Design Review to allow construction of a new 46,000 sq. ft. grocery store

Ms. Ecker advised that the subject site has been before the board on several occasions. The site currently contains a vacant building that was previously an office building, and then an urgent care medical clinic. At this time, the applicant is proposing a new single-story 46,500 sq. ft. retail building. The subject site is located on the south side of E. Maple Rd., west of the existing LA Fitness facility and east of the railroad tracks. The proposed new building will house a Whole Foods grocery store, selling natural and organic foods. The site occupies a total of 4.62 acres.

On June 10, 2015, the Planning Board voted to accept the Community Impact Statement ("CIS") for the proposed Whole Foods development with several conditions.

On June 29, 2015, the City Commission approved the rezoning of the parcel from O-1 to B-2, with the condition that the rezoning be approved, but the use be limited to grocery store uses only.

On August 12, 2015, the Planning Board continued to discuss the Preliminary Site Plan for the proposed Whole Foods Store. Much of the discussion focused on the traffic, landscaping, glazing, and the building's floor plan. At that time, the Preliminary Site Plan was approved with conditions.

Ms. Ecker advised that at this time in accordance with the Planning Board's request, the applicant has rotated the interior layout of the proposed building and placed the cash registers and eating areas along the east elevation and created a more prominent front entry on E. Maple Rd. There is a main entry at the southeast corner of the site as well. The applicant is also proposing outdoor seating along the front and side elevation of the building to promote activity and a welcoming front entry connected to the public sidewalk. Additionally, three new bike racks have been added along the northeast corner of the building as requested by the Planning Board.

The applicant is required to obtain a waiver from the arborist or obtain a variance from the Board of Zoning Appeals ("BZA") or provide the required total of 14 street trees and to ensure that all notes and drawings are consistent on all of the plan sheets. The arborist has indicated verbally that he would provide a waiver.

Design Review

Ms. Ecker advised that the applicant has submitted a photometric plan for the entire site. However, the photometric plan (drawing No. 15-38601-V6) shows light levels outside the property line on the northwest side of the property in excess of 1.5 fc, which does not meet the maximum luminance level in Article 4, section 4.21(E) of the Zoning Ordinance. This could be mitigated if lighting fixture LK- 30 were removed. **The**

applicant will be required to adjust the lighting in this area to meet all requirements, or to obtain a variance from the BZA.

Numerous changes have been made to the building design pursuant to the requests of the Planning Board during Preliminary Site Plan Review. The applicant has now removed the fritted glass panels, and has reconfigured the store layout as noted above to orient the front of the store to E. Maple Rd.

Accordingly, additional glazing has been added to both the north and the east elevations of the proposed store. Glazing has been minimized along the west elevation that faces the railroad embankment, and has been reduced along the south elevation to allow internal prep stations in this area. All active areas are now oriented toward the north and east edges of the building as requested by the Planning Board.

Ms. Ecker advised that the building as proposed does not meet the 70% glazing requirement as listed in section 4.83 of the Zoning Ordinance. ***The applicant has submitted an application for a glazing variance, and this matter will be heard at the October 13, 2015 meeting of the BZA.***

All signage will require review and approval by the Design Review Board or Administrative Sign Review by the Planning Division as insufficient detail has been provided on the size, materials and mounting details of the proposed signage.

Mr. Jeffares had concerns that inside lights shining out might be an issue along the north elevation. He received clarification that the Building Dept. will review placing of the barrier free parking spaces.

Mr. Rick Rattner, Attorney, 380 N. Old Woodward Ave., was present to represent the property owner, Mr. Linden Nelson of Nelson Ventures, LLC who was in attendance. With them was Mr. Mike Fitzgerald with OKW Architects, 600 W. Jackson Blvd., Chicago; Mr. David Hunter from PEA; and Mr. Joseph Marson, Traffic Engineer with Parsons,

Mr. Fitzgerald said they have activated the north facade by sliding the building to the south approximately 8 ft. That enabled them to provide a larger, more prominent entrance as well as an outdoor terrace that extends along a fair portion of that facade. They lost a couple of parking spaces, but there is no concern because there is adequate parking. The spaces along the railroad will be for employee parking. In response to Mr. Jeffares' comments they are open to sliding a couple of handicap spaces up to the north end of the building and they are sensitive to mitigating the light transmittance out from the building.

Mr. Fitzgerald described how the interior floor plan has been modified by rotating the interior plan 90 degrees to provide a significantly enhanced connection to the City along E. Maple Rd. as suggested by several board members. Additionally, he went on to illustrate how each of the elevations has changed.

Material samples were then passed around. The building is predominantly brick or cast stone, but three corner elements are glass to screen mechanical equipment at the parapet. That glass is insulated, layered and the back is painted medium grey. There is a consistent dot pattern silk screen on the front face of the glass that provides depth just as the clear vision glass has beneath it. The board might want to consider that same screening for the upper-most portions of the vision glass along the north facade. It would still provide vision into the store, but at the same time reduces the amount of light that can transmit through.

Ms. Ecker noted the medium grey glass with the dots will not count toward the 70% glazing requirement.

Mr. Fitzgerald indicated they will work with staff to rectify the concern for light bleeding out from the northwest corner of the site.

Ms. Whipple-Boyce had concerns regarding maintenance of the cedar stained horizontal wood slats that screen the loading and trash area on the west elevation of the building. Mr. Fitzgerald produced an alternate material called longboard they have considered to replace the wood. It is made from aluminum and has a wood grain finish. Ms. Whipple-Boyce asked if the porcelain tile material will be a full-bodied color rather than having just a painted surface. Mr. Fitzgerald agreed to look into that.

Mr. Fitzgerald explained for Ms. Lazar that six or seven cart corrals are provided throughout the site. He clarified for Mr. Jeffares that the eye level from the second floor of the apartments across the street will not be above the parapet of the Whole Foods building and therefore people will not be looking down on mechanical equipment.

Mr. Koseck thought this is a great design. He hopes the BZA will support the applicant's variance for the amount of glazing. He was not in favor of cedar stained wood slats and likes the porcelain tile or the aluminum. Further, he asked to eliminate the deceleration lane on this very wide section of E. Maple Rd. Another lane makes the road wider yet. He suggested it would be nice to have street trees between the curb and the porch area. Lastly he liked the elimination of two parking spaces at the entrance to the site.

Mr. Fitzgerald said if there is an issue of light transmittance, film can be added to the back of the glass inside the store. That is something that can be done post construction.

Chairman Clein took discussion to the public at 8:40 p.m.

Mr. David Bloom asked about the safety plan for the site. Ms. Ecker said if there is an issue, the various departments call it out. She assumes from their lack of comment that there is enough coverage.

Mr. Dorothy Conrad, 2252 Yorkshire, indicated she is very pleased with what has been done with this project.

Chairman Clein agreed with Mr. Koseck regarding the deceleration lane. Also he thought this is a much better project without the two parking spaces. Any change in the floor plan to add a bottle return area can be administratively approved.

Mr. Jeffares said people will come and go sporadically from this site as opposed to having an office building where everyone enters and leaves at the same time, so this is win-win with regards to traffic.

Mr. Boyle agreed about eliminating the deceleration lane. Also, he thinks this is a magnificent structure and it brings vitality, jobs and taxes into the City. So he looks forward to seeing it built.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Koseck to approve the Final Site Plan and Design for 2100 E. Maple Rd., Whole Foods Market, with the following conditions:

- 1) Applicant provide the required screen wall/evergreen screening for all parking areas or obtain a variance from the Board of Zoning Appeals;**
- 2) Obtain administrative approval for any rooftop mechanical equipment and associated screening;**
- 3) The applicant is required to obtain a waiver from the Arborist, or obtain a variance from the Board of Zoning Appeals, or provide the required total of 14 street trees, and to revise the landscape plan to ensure that all notes and drawings are consistent on all of the plan sheets;**
- 4) Applicant provide plans delineating the size of the indoor seating areas to determine if all parking requirements have been met;**
- 5) Applicant provide a public access easement to the City for the sidewalk along E. Maple Rd.;**
- 6) Adjust light levels at the northwest corner of the property or obtain a variance from the Board of Zoning Appeals;**
- 7) Applicant provide material samples and specifications for all proposed materials, including window tints for administrative approval;**
- 8) Comply with the 70% glazing requirement or obtain a variance from the Board of Zoning Appeals; and**
- 9) Applicant remove the deceleration lane.**

Mr. Share raised the question as to whether the board is in a position to remove the deceleration lane. Chairman Clein recalled that both the applicant's and the City's traffic consultants felt there was not an overwhelming traffic warrant for its installation, which is the reason why he personally supports its removal.

There was no discussion from the public at 9 pm.

Motion carried, 7-0.

ROLLCALL VOTE

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

Nays: None

Absent: DeWeese, Williams

At this time the board took a brief recess.

09-188-15

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

1. 2400 and 2430 E. Lincoln St. Birmingham Senior Living

Mr. Baka advised that the subject site, 2400 E. Lincoln St., which is currently vacant, was most recently used for manufacturing (2005), and has a total land area of 3.78 acres. It is located on the south side of E. Lincoln St. between S. Eton St. and the Grand Trunk Railroad right-of-way.

The applicant is proposing to develop the vacant site with a four-story senior living center, two surface parking lots, a detention basin and nearly 84,000 sq. ft. of landscaped open space. The proposed development will consist of two connected buildings. The east portion is one story and the west portion is four stories. The development will provide 122 residential units (83 assisted living and 39 memory care units) as well as building amenities for residents such as a community room, beauty salon and wellness suite.

The site is currently zoned MX and lies within the Eton Rd. Corridor Plan area. Assisted living is a permitted use in the MX District with City Commission approval. 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 a new building containing more than 20,000 sq. ft. of gross floor area.

CIS

Access and circulation: Mr. Baka advised that the main entries to the building are located along E. Lincoln St.

The front parking and drop-off area undermine the pedestrian experience by creating excessive curb cuts and unsightly parking between the building and frontage line. Pedestrian circulation is proposed along a sidewalk in the R-O-W on both E. Lincoln St. and the proposed N/S street. However, continuous pedestrian circulation has not been provided throughout the entire site.

Sub-Area Plan: While the proposed size and placement of the building does provide an anchor for this portion of the Rail District similar to the recommended large scale recreation building, no recreational components are being proposed. However there is some allowance for the recommended linear park.

Land development issues: A concentration of methane was detected exceeding the recommended action level for methane in soils. The potential exists for known contamination to have migrated from the site to the north onto the subject property. Verification of the presence or absence of contaminants potentially associated with these Recognized Environmental Conditions ("RECs") may be determined through a Phase II investigation by the applicant.

Utilities, noise and air issues: Specification sheets for all mechanical equipment will be reviewed at Final Site Plan Review for noise output to ensure that the City's noise limits for commercial property will be met.

Public Safety: The CIS states that the owner has plans for an expandable security system. The applicant will request approval from the Police Dept. after final design is complete. The Fire Dept. has said they need better access to the east side of the building up against the railroad tracks, and propose the addition of an eastern access drive.

Transportation issues: The applicant has provided a transportation study prepared by Tetra Tech (July 15, 2015). The transportation report concluded that the vehicular traffic impacts of the proposed development will be negligible and that vehicular traffic access to the site will be safe and efficient. The opinion of the City's traffic engineer is that the project will not have a significant impact on the adjacent road network. Minimum conflicts are expected between the existing and proposed land uses due to the low site-generated traffic volumes. He also feels that the north entrance driveway should be evaluated for turning movements and height restrictions to ensure adequate access for emergency vehicles. The applicant is proposing 11 on-street parking spaces and the width of Lincoln St. cannot support parking on both sides. So, if the applicant wants that parking it would have to be eliminated from the other side.

Chairman Clein received clarification that the proposed development meets the ordinance density requirements. A question came up as to whether parking spaces along Lincoln St. were counted in the parking requirements for the dental office.

Mr. Sean Havera, Mr. Ron Hughes and Mr. Don Bailey were present with Hughes Properties, along with Mr. Bob Baronski with Senior Lifestyles, operator for the project; Mr. Matt Boons with CA Ventures, joint venture partner; and Ms. Chauncey Hoffman with Harley Ellis Devereaux, the architect.

With regard to the curb cut issues Mr. Havera emphasized the importance of having a covered, safe drop-off area for residents. The Engineering Dept. has no concerns with regard to the number of curb cuts. Pedestrians won't be impacted because there won't be a lot of traffic inflow into the drop-off or parking areas. They are looking at adding sidewalk flow around the building. There will be discussions with the Fire Marshal as to how to bring in a road for emergency vehicles. They will prepare information for the City's traffic consultant related to the trip generation for the drop-off and for parking requirements which it appears will be met.

Mr. Koseck wanted to understand how this site relates to the future Master Plan and the linear park that is proposed. Ms. Ecker answered that the park as envisioned in the plan would come down to a certain extent on this property. So in the future that area may be more walkable than it currently is.

In response to Mr. Share, Mr. Havera said his understanding is that contaminants on the property are all minor in nature and can be taken care of by simply covering them. Ms. Ecker assured that soil testing will have to be done when the applicant submits for a

Building Permit. This site previously went through the Brownfield process and a lot of remediation was done at that time.

Mr. Boyle expressed his fears that this development prevents the connectivity of the green space which exists between Lincoln St. and Kenning Park. Thus, the CIS needs to think about how better to connect the whole neighborhood through and around the developments that are going onto this site. Mr. Havera replied they are trying to accomplish that as best they can by incorporating connections to a future park.

Chairman Clein established that some board members will need major convincing regarding anything that disrupts pedestrian flow on both sides of Lincoln St. in front of the building.

Motion by Mr. Boyle

Seconded by Mr. Koseck to approve and adopt the CIS for 2400 and 2430 E. Lincoln as presented with the following conditions:

- 1) Applicant must coordinate with the City Engineer prior to removal or abandonment of any sewer leads;**
- 2) Applicant provide information on all life safety issues and obtain Fire Dept. approval;**
- 3) Applicant provide information on the proposed security system for approval by the Police Dept.; and**
- 4) Applicant revise and resubmit the CIS pending any outcomes related to dealing with the three issues for staff administrative approval.**

No one from the public wished to comment on the motion at 9:58 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: DeWeese, Williams

Preliminary Site Plan Review

With regard to setback and height requirements, Mr. Baka noted the following:

- The height of the building must be reduced from 46 to 45 ft. in height;
- Number of units proposed must be reduced to meet the land area per unit requirement. ***Therefore the applicant must reduce the number of units to meet the minimum lot area or obtain a variance from the Board of Zoning Appeals ("BZA").***
- ***The building must be moved forward so it is at the frontage line or demonstrate that the requirements of Article 04 section 4.76 SS-08 are met to the satisfaction of the Planning Board, or the applicant must obtain a variance from the BZA.***

Parking facilities are not permitted between the building facade and the frontage line.

The applicant must remove parking from the front yard or obtain a variance from the BZA.

The applicant has 570 ft. of street frontage, and thus 14 street trees are required. Thirteen are proposed. **Accordingly, the applicant is required to add one additional tree, obtain a waiver from the City arborist, or obtain a variance from the BZA.**

In accordance with Article 4, section 4.43 (PK) of the Zoning Ordinance, a total of 68 parking spaces is required. The applicant is proposing 68 parking spaces, 57 on-site and 11 on the streets abutting the property. On-street parking located along a lot's frontage may be credited towards meeting the parking requirements, provided that the applicant obtains approval from the City Commission and the streetscape is improved as approved by the Engineering Dept. The applicant proposes many streetscape improvements, including street trees, benches, and waste receptacles. **If the on-street parking is not provided then the applicant would need to provide 11 additional spaces on site or obtain a variance from the BZA.**

Design Review

The new building facades are composed of brick, wood-look fiber cement siding, fiber cement panels, glass, and metal trim. The plans state that the north elevation first floor has 70% glazing to meet the requirements of section 4.83 of the Zoning Ordinance. However, it appears that the calculation was done based on the amount of linear glazing provided, not 70% of the area of the first floor. The applicant must provide a detailed analysis of the glazing provided based on area at Final Site Plan Review to verify that the requirement has been met. Material details have not been provided at this time, but will be required at the time of Final Site Plan Review.

Mr. Havera received confirmation that the City Commission will have ultimate jurisdiction in regards to the number of trees and street lights on the streetscape. He noted they will not count the three parking spaces along E. Lincoln St. toward their parking requirement. Rather, they propose on-street parking on the N/S street. They will address the front parking spaces with their engineer and pull them back so they conform with the ordinance. With regards to the glazing they will work with their architect to correct that.

Mr. Bob Garanski, Vice-President of Senior Lifestyles, said that for them the thing most appealing with this site is its proximity to the existing parks. The residents in assisted living need help with everyday activities. He went on to point out the highlights of the circulation plan through the site.

Ms. Hoffman said their building footprint is designed in such a way that they can provide full paved access around the site with a turning radius up against the east side.

It was noted the facility will typically have 36 employees and 122 residents in the building. Hughes Properties and CA Ventures will own the building and Senior Lifestyles will operate it. The apartment size ranges from 400, 600 and 800 sq. ft. for studio, one-bedroom, and two-bedroom units.

The chairman called for comments from the public on the proposal at 10:44 p.m.

Mr. David Bloom wondered why someone would want to live in this facility that is so close to the railroad tracks. Further, he noted there will be ambulances and fire trucks going through the adjacent residential neighborhood and wondered if an impact study has been thought about.

Ms. Ecker noted the Fire Marshal's request for access to the building on the east side could potentially eliminate the southern terminus of a linear park. Mr. Koseck indicated he would never bless this proposal unless that fundamental matter is resolved. He felt there are ways this project could be much better. Mr. Jeffares thought more open space could be added to the entry. He noted that floors 3 and 4 will look out past the railroad tracks and onto the dump. Mr. Share said from his perspective the building should be set back a foot rather than out to the street because these occupants don't move fast. He is reluctant to dive into the site plan without understanding the parking.

Chairman Clein stated he understands the need for the porte cochere. His concern is this plan pulls the building back 14 ft. to essentially pave the entire frontage. It seems the applicant tried to get as many units as possible and they needed 15 ft. to get that in so they slammed it up in front. He believes it is a bad design solution. Also, he agrees the parking plan needs more clarity. He is concerned with 36 employees and 37 parking spaces in the rear that are for employees and potentially residents. Further, he doesn't like that they have to walk through a service entrance and a driveway and a loading zone to get into the building. When you add that to the uncertainty of the Fire Marshal's request he thinks there is tweaking that needs to be done to make it all work.

Motion by Ms. Whipple-Boyce

Seconded by Ms. Lazar to extend the meeting 15 minutes to 11:15 p.m.

Motion carried, 7-0.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Koseck to postpone the Preliminary Site Plan Review for 2400 and 2430 E. Lincoln St., Birmingham Senior Living, to October 14, 2015.

There was no discussion on the motion from the public at 11:02 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: DeWeese, Williams

09-189-15

STUDY SESSION

1. Creation of D-5 Zone in the Birmingham Overlay District

Ms. Ecker explained that in order to renovate and expand the existing building, the owners of the 555 S. Old Woodward Building are requesting a Zoning Ordinance

amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District. The proposal then is to seek rezoning of the 555 S. Woodward Ave. property from the existing D-4 Overlay zoning classification to the proposed D-5 Overlay zoning classification, which would essentially render the existing building as a legal, conforming building that could then be renovated and expanded.

After several prior Planning Board meetings, on September 9, 2015 the Planning Board again discussed the possible creation of a D-5 zone in the Downtown Overlay. Board members talked about a revised draft of the proposed D-5 zone as submitted by the applicant seeking the rezoning for 555 S. Old Woodward. The board discussed several of the applicant's requests for exemptions from Overlay standards in the D-5 zone and consensus was reached on the following items:

- Drive-through facilities should not be permitted as of right in any new zoning district, but maybe they could be allowed with a Special Land Use Permit ("SLUP");
- It might be acceptable to make existing buildings conforming with regards to height, but new additions/buildings should be kept lower and consistent with either the Downtown Overlay heights or the Triangle Overlay maximum heights;
- Illuminated signage may be permitted only on Woodward Ave. elevations;
- All pedestrian-oriented regulations should be mandatory in any proposed overlay;
- The southern boundary of a new Overlay District should be in line with the southern edge of the Triangle District on the east side of Woodward Ave.

Also, there was some discussion about maybe creating two different zones.

The draft ordinance presented this evening covers two new zones, D-5 and D-6. D-5 is Downtown, nine stories as in the Triangle District; and D-6 is Downtown, over nine stories which goes up to 168 ft. and that is what the 555 Woodward Building is now.

Several questions were raised by the Planning Board and responses were received from the City attorney:

- He noted that in certain instances a waiver can be done as part of the planning process. This does not take jurisdiction from the Board of Zoning Appeals on other matters not related to the waiver.
- The Birmingham Zoning Ordinance does create sub-zones with respect to the zoning map. When the ordinance language creates a zone by geographic description, the map should also be amended so they are consistent.
- There is no appropriate means to provide exemptions to make non-conformities conforming, other than grandfathering. If the board wants to make the 555 Woodward Building conforming it must change the height standards and rezone it accordingly.

Mr. Koseck indicated he would make the 555 Woodward Building conforming by creating a D-5 Zone. He would include the piece south that is part of that property and allow it to extend to 168 ft. The Balmoral Building block is fine, and from there south allow 9 ft. in height.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Koseck to extend the meeting 15 more minutes to 11:30 p.m.

Motion carried, 7-0.

Chairman Clein thought the Planning Board could make the 555 Woodward Building conforming in some ways and send the applicant to the BZA for the others. Mr. Share didn't like making the height conforming; he would not be supportive of a 12-story building anywhere up and down that corridor; he would leave the question of height to the BZA; and he would certainly not be comfortable with a blank check for a 12-story on the piece to the south.

Ms. Whipple-Boyce said it is important to try to help the applicant have some sort of zoning classification so they can move on with their project. However, she also does not want to see 168 ft. up and down Woodward Ave. She is not sure that looking at the whole area is even appropriate. So maybe just work with this building and give them a zoning classification. Steer the applicant toward having their building conform with the sort of downtown standards that the board hopes to have; which for example, isn't the garden level. If they want to continue to have these when they come forward with a new plan that is when they can go to the BZA.

Mr. Share was in favor of having the applicant first exhaust their remedies. If the BZA doesn't provide them with the relief they need and this board concludes that it is really critical, then maybe the board changes the ordinance, takes the heat for it, and tells everyone it is because they don't want the building to fall down.

Chairman Clein said he is not hearing any clear direction so the board needs to bring this back because it is a complicated issue.

Motion by Mr. Boyle

Seconded by Ms. Whipple-Boyce to extend the meeting 5 more minutes to 11:35.

Motion carried, 7-0.

Mr. Rick Rattner recalled that Andres Duany during his visit to Birmingham said the 555 Woodward building should be redone. The building was built in the early '70s and has since been de-zoned. It can't be improved; only maintained. If they are going to maintain it, be able to improve it and put it into the 2016 Plan, this board has the obligation to make a Zoning Ordinance that follows the Plan. This is not spot zoning. The Planning Board has the right to go ahead and grant waivers (which is the same as a zoning variance). In this case the BZA can't do it because their variances are constrained by State law. If a public hearing is set on the ordinance that has been developed, that would be the right thing.

The board's conclusion was to bring this matter back for another study session.

09-190-15

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

09-191-15

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approval Correspondence
 - 34660 Woodward Ave. - New roof.
 - 820-827 Henrietta - Install central A/C unit at rear of house.
 - 33101 Woodward Ave. - Add approximately 16 ft. of a single HVAC duct run on top of existing low roof and add RTU/equipment screen to hide new (and existing ductwork and equipment. Finish of new screen to match finish of adjacent existing RTU screen.
- c. Draft Agenda for the Regular Planning Board Meeting on October 14, 2015
(not discussed)
- d. Other Business
 - It was consensus that because Planning Board meetings fall on a holiday on February 10, 2016 and on October 12, 2010, those meetings will be skipped.

09-192-15

PLANNING DIVISION ACTION ITEMS

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

09-193-15

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 11:35 p.m.

Jana Ecker
Planning Director

DRAFT



MEMORANDUM

Community Development Department

DATE: October 6, 2015

TO: Planning Board Members

FROM: Jana L. Ecker, Planning Director

SUBJECT: Re: 369 N. Old Woodward Ave – Brookside Terrace,
Community Impact Study & Preliminary Site Plan
Review (all changes in blue type)

I. INTRODUCTION

The subject site, 369 N. Old Woodward, is currently the site of an existing residential development of 9 townhouses and has a total land area of .81 acres. It is located on the west side of N. Old Woodward between Harmon and Willits Streets.

The applicant is proposing to demolish the existing building and surface parking lots to construct a 5-story mixed-use building. The building will provide 2 levels of underground parking, ground floor retail, and 26 residential units on the second through fifth floors.

The site is currently zoned R-6, but the applicant is seeking a rezoning to R-6/ D-4 Overlay. As it is currently zoned, the development does not meet the use or development standards. This review uses the standards of the D-4 Zone of the Downtown Overlay District as the applicant has proposed to rezone the property. However, a rezoning approval by the City Commission is necessary before a site plan approval based on these standards.

On August 26, 2015, the Planning Board reviewed the applicant's request for rezoning from R-6 Multiple Family Residential to R-6 Multiple Family Residential and D-4 in the Downtown Overlay District. After much discussion, the Planning Board voted unanimously to recommend the rezoning of the property as requested to the City Commission. Please see attached draft meeting minutes for your review.

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 square feet of gross floor area.

On September 9, 2015, the Planning Board reviewed the Community Impact

Study materials submitted, and after much discussion voted to accept the Community Impact Study with the following conditions:

- (1) Submission of a drainage plan for review and approval;**
- (2) Submission of information on planned mitigation strategies for vibration and dust during construction;**
- (3) Submission of information on the trash storage facilities to be provided, including information detailing the collection and separation of recyclable materials;**
- (4) Submission of information on the proposed security system for approval by the Police Department;**
- (5) Compliance with the recommendations of the City's transportation consultant;**
- (6) Compliance with the requirements of City Departments;**
- (7) Applicant gets permission from the City to use the southern access drive; and**
- (8) Submission to staff of a revised CIS addressing comments expressed tonight.**

At this time, the applicant has submitted a revised CIS to address all of the issues raised by the Planning Board on September 9, 2015 (see attached). New plans have been submitted as well for Preliminary Site Plan Review with changes proposed in the N. Old Woodward right-of-way based on comments of the Planning Board at the last meeting. The Preliminary Site Plan Review can be found in section III of this report.

II. COMMUNITY IMPACT STUDY

As stated above, the applicant was required to prepare a Community Impact Study given the size of the proposed development. The Zoning Ordinance recognizes that buildings of a certain size may affect community services, the environment, and neighboring properties. The CIS acts as a foundation for discussion between the Planning Board and the applicant, beyond the normal scope of information addressed in the preliminary site plan review application. Procedurally, the Planning Board "accepts" the CIS prior to taking action on a Preliminary Site Plan.

A. Planning & Zoning Issues:

Use

The property is currently zoned R-6 and the applicant is in the process of requesting a rezoning to R-6 and D-4 in the Overlay District. The proposed retail and residential uses are permitted principal uses in the D-4 zone districts, as the property is within the red-line retail district of the Downtown Overlay. Retail/commercial uses are not permitted in R-6 if the

site is not included in the Downtown Overlay District. The site is currently developed with nine residential units.

Master Plan Compliance: Downtown Birmingham 2016 Plan

Article 3, section 3.01 of the Zoning Ordinance states that the purposes of the Downtown Birmingham Overlay District are to:

- (a) Encourage and direct development within the boundaries of the Overlay Zoning District and implement the 2016 Plan;**
- (b) Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of downtown Birmingham and to maintain the desired character of the City of Birmingham as stated in the 2016 Plan;**
- (c) Encourage the renovation of buildings; ensure that new buildings are compatible with their context and the desired character of the city; ensure that all uses relate to the pedestrian; and, ensure that retail be safeguarded along specific street frontages; and**
- (d) Ensure that new buildings are compatible with and enhance the historic districts which reflect the city's cultural, social, economic, political, and architectural heritage.**

While this site is not classified with a Downtown Overlay zoning classification, the site is located within the Study Area of the plan, and the front portion of the site along N. Old Woodward is located in the red-line retail district of the Downtown Overlay. At this time, the applicant is seeking rezoning to D4 within the Downtown Overlay District, to make the entire site consistent and fully included in the Downtown Overlay. Accordingly, a review of proposed development against the goals and intent of the 2016 Plan will follow.

Overall, the proposed development implements many of the recommendations contained in the Downtown Birmingham 2016 Master Plan ("2016 Plan") as the applicant is proposing a mixed-use building with first floor retail space, and the applicant has provided pedestrian-scaled architectural elements along N. Old Woodward. The North Woodward area is described specifically in the 2016 Plan with recommendations for unique streetscape including lighting and signage, medium-density housing, and a desire to maintain the unique art and antique character of the area.

The proposed development and uses relate to the pedestrian, as the building is located at the property line and was designed with human scale detailing on the first floor, including canopies, large windows, and pedestrian entrances from the adjacent street. This site is currently located within the red-line retail district of the Downtown Overlay, and thus retail is required for at least the first 20' of depth along N. Old Woodward. The plan for the proposed building includes a majority glass storefront façade and first floor retail to engage the pedestrian. Awnings are also proposed, although details were not provided. In addition, the proposed development includes 26 new residential units to bring more residents to the downtown, which was also recommended in the 2016 Plan.

The 2016 Plan also encourages proper building mass and scale to create an environment that is more comfortable to pedestrians, thus creating a walkable downtown. The proposed development will help improve the visual appearance of the area, by creating an urban street wall with enough height to mask the parking garage to the south, and to continue the street wall along N. Old Woodward towards the north. The parking entrance utilizes the alley to prevent breaking the street wall and interrupting pedestrian activity along N. Old Woodward.

B. Land Development Issues:

The applicant has provided a survey of existing site conditions and existing drainage. The applicant states that in existing conditions, approximately 0.25 acres of the site drains into the municipal system while the remaining portion of the site drains directly into the Rouge River. The drainage plan for the proposed new development is to collect roof drainage from the building and discharge it directly to the Rouge River. **A detailed drainage plan has not been provided at this time and will be required for approval by the Engineering Department prior to construction. The Engineering Department has advised that they do not need any further information at this time.**

The applicant has submitted a Phase 1 Environmental Site Assessment dated December 26, 2014, prepared by McDowell & Associates. The report indicates that there is an identified BEA site with potential recognized environmental conditions ("RECs") that could not be confirmed due to the timing of the report, located approximately 250 feet southeast of the subject property. A REC was also identified on land to the southeast of the subject property that was utilized as a former drycleaner. No historical RECs were identified in association with the subject property, however the following potential concerns were identified: unknown fuel sources prior to 1976 and suspect asbestos-containing materials.

The applicant has submitted a soil report dated December 23, 2014,

prepared by McDowell & Associates. Three soil borings were taken that indicated that the fill soils have somewhat poor densities while the underlying native soils have good to very good strengths with a tendency of decreasing strength with depth.

The soil report recommends additional borings for design of special ground retention systems that will minimize ground movement and/or distress to the existing roadway, walkways and nearby structures. They believe that the existing river bank area may need special stabilization activities. They believe that the planned structure could be supported on a system of conventional spread and/or strip footings founded on native non-organic soils below the existing fill soils. However, they suggest that it may be more economical to support the building on a mat-type foundation.

Due to the steep slope down to the Rouge River, the soil report recommends that the footings or the mat foundation should be installed at an elevation which would be below a theoretical line starting at the edge of the river and extending upward at an inclination of 3 horizontal to 1 vertical. If installed above this line, retention wall systems may be needed. Temporary shoring and/or retention systems will likely be needed to help facilitate the excavation and installation.

Overall, the report states that on-site soils are acceptable for the support of the proposed structure with multiple concerns and recommendations for the proper design and process for development due to soil types, the steep slope, and neighboring structures. The applicant has provided a plan for slope stabilization that includes a silt fence, inlet filter bags, stabilizing vegetation, and a reduction of the slope. It is indicated that a soil erosion and sedimentation control plan will be presented to the City and approved prior to any construction activities.

The applicant has stated in the CIS that cut and fill volumes are still being analyzed. The CIS states that proposed haul routes to and from the site will be coordinated with the City at a later date. A map detailing the haul routes was provided indicating a route from the site using N. Old Woodward to Woodward Avenue via Oak Avenue.

The applicant has not provided any mitigation strategies at this time to address construction vibration and dust. [The applicant has now provided mitigation strategies in the updated CIS.](#)

C. Utilities, Noise and Air Issues:

In accordance with the 2016 Plan, all utilities on the site should be buried to visually enhance the site. The applicant has indicated that DTE will be providing electricity to the site, CMS Energy will be providing natural gas,

and AT&T Communication will be providing telephone and cable service to the site. The CIS states that their respective easements will be coordinated, but has not indicated that all new lines on this site will be run underground.

As noted in the CIS, the applicant states that the proposed development will not exceed the noise levels outlined in the City Code. A noise study was prepared by Kolano and Saha Engineers, Inc. dated May 25, 2014. Noise readings were taken at one location in front of the existing townhouse at 381 N. Old Woodward for a continuous period from May 13th 1:00 PM to May 14th at 4:30 PM. The day-night sound level (DNL) was measured at 63dB, which falls between HUD's guidelines for outdoor noise levels rated "normally acceptable," 65dB – 75dB. Spikes in sound levels were related to truck traffic, planes and helicopters, some train activity, and the barking of a nearby dog.

The noise study states that the proposed development will likely comply with the City's noise limits as it is consistent with other existing developments in Birmingham. The primary concerns for noise from the proposed development are:

- The emergency power generator, which the applicant states will be located underground and exhausted vertically;
- The parking garage ventilation equipment; and
- Rooftop mechanical equipment.

Specification sheets for all mechanical equipment will be reviewed at Final Site Plan Review for noise output to ensure that the City's noise limits for commercial property will be met.

The applicant has stated in the CIS that there will be a slight increase in traffic from the existing development to the proposed, but the noise generated will be similar to and compatible with the existing uses that line N. Old Woodward and border Booth Park to the north.

The site is located in the Southeast Michigan Air Quality District. The closest air quality monitoring stations are located in Oak Park, Pontiac and Rochester. There are no air quality violations in this area. The applicant has stated that the proposed development will likely create additional pollution from vehicles and HVAC units. The CIS states that the proposed uses will not create more vehicular traffic and emissions than adjacent uses. The HVAC units will have filters. The applicant states that the users and uses are consistent with typical downtown Birmingham projects.

D. Environmental Design and Historic Values:

The development will result in the demolition of the existing structures and

removal of several existing mature trees. Demolition will include the elimination of three buildings and one surface parking lot. The proposed building will be designed to fit harmoniously with the site, surroundings and neighborhood. The proposed building will be developed to utilize the existing slope to the Rouge River and existing trees in the flood plain and around the river will be saved.

The CIS states that the proposed 5-story structure is similar in height to the existing adjacent building to the south. The proposed building will alter the skyline on N. Old Woodward and provide a new focal point. The mass of the building will assist in visually masking the structure and reducing the width of N. Old Woodward. The CIS states that the new building will not block or degrade views from surrounding buildings or park. The CIS states that the existing site trees and shrubs will be removed during demolition with the exception of those in the floodplain. A complete design review, including streetscape elements, will be conducted as a part of the Final Site Plan review process.

The site is not listed on the National Register of Historic Places, nor is it on the City's list of historic sites. Review by the SHPO and HDC is not required. The CIS states that there are no properties or elements within the site plan boundaries that are historic. No adjacent properties are on the Historic Register.

E. Refuse, Sewer and Water:

Refuse areas are proposed on the south side of the ground level with access from the alley. The CIS states that the amount of refuse generated will be similar to a standard development in the city. **The applicant will be required to provide information on the trash storage facilities to be provided, including information detailing the collection and separation of recyclable materials. The applicant has now provided trash storage and collection information in the revised CIS.**

The applicant is proposing to utilize the existing sanitary sewer which they anticipate has the capacity to adequately serve the proposed development as discussed with the City Engineer. A 6-inch service lead will connect the proposed development to the existing sewer main in the N. Old Woodward right-of-way. The CIS states that the applicant will use restricted flow plumbing fixtures and Energy Star appliances wherever possible.

The CIS indicates that the existing site storm water drains to the municipal storm sewer system within the N. Old Woodward right-of-way at approximately 0.9 cubic feet per second during the 10-year return period storm. The proposed development would create conditions that would redirect storm water to discharge directly to the Rouge River. They

anticipate that the Rouge River will adequately serve the development with a proposed storm water discharge during a 10-year return period storm of 3.4 cubic feet per second. The CIS suggests that the quality of storm water discharge will be improved with the proposed development by swapping surface parking runoff with less polluted rooftop runoff. The planned storm water management design will be reviewed and approved by the Engineering Department prior to construction.

The CIS states that the existing 12" water main within the N. Old Woodward right-of-way will adequately serve the development. The proposed development includes a 3" water line and a fire suppression line that will connect to the existing water main. Booster pumps at the building may need to be installed to service the upper levels of the building. The planned water usage design and capacity of the existing water main will be reviewed and approved by the Engineering Department prior to construction.

F. Public Safety:

The applicant has stated that the proposed development provides adequate access for police, fire and emergency vehicles from N. Old Woodward. The CIS states that one of the elevators in the building will accommodate a stretcher and that the building will be open on all four sides for firefighting access and rescue. In addition, the CIS states that a Fire Command Center will be provided. **Please see the comments below from the Fire and Building Departments regarding the placement of the Fire Command Center. The applicant has now moved the fire command center to the front of the building. Please see comments below.**

The applicant has advised that the building will be sprinkled, and will have a Knox Box. The Fire Department will need to review this information to ensure that all life safety issues have been addressed, including details on the fire suppression system, fire access and the Knox Box location. The CIS states that there will be a state-of-the-art security system for the building to be interfaced with the Police Department. **The applicant has stated that they will request approval from the Police Department after final design is complete. The applicant has now provided detailed information on the proposed alarm systems in the revised CIS.**

G. Transportation Issues:

The CIS states that on-site car parking will be sufficient to support the proposed development. In addition, bus service is currently available with a SMART bus stop 300 feet from the main entrance on N. Old

Woodward. Given the location of the proposed development, a vast majority of retail options, restaurants, and personal services are also available within walking distance of the site. The applicant is proposing bicycle racks for residents and visitors as well as pedestrian amenities, including barrier free access, planting areas, benches, and lighting. Crosswalks and pedestrian activated signals are provided north and south of the site along N. Old Woodward.

The applicant has provided a transportation study prepared by CLEARZONING Inc. in May 2015. **A minor discrepancy was found in the report as only 23 residential units were used for forecasting rather than the proposed 26 units.** The transportation report concluded that the vehicular traffic impacts of the proposed development will be negligible and that vehicular traffic access to the site will be safe and efficient. However, the study states that the City should consider enhancing the existing sight distance along N. Old Woodward by eliminating the first two parking spaces south of the drive.

Specifically, the report found that the traffic expected to be generated by the proposed building in the more critical PM peak hour will increase the volumes now exiting the site by only 11-12%. Thus, the study concluded that no site access improvements are recommended beyond those shown on the site plan. Level of service was not evaluated in the study because total trip generation is not expected to generate more than 50-75 peak-hour, peak-direction trips. Since the parking deck can be accessed from the alley which has two access drives, N. Old Woodward and N. Bates, it is expected that total trip generation will be well-distributed between the two access drives.

The report also concluded that bicycle, pedestrian and transit connections with the neighborhoods, downtown Birmingham and the region are adequate. The CIS further states that charging station for owners' electric vehicles will be available in the underground parking levels.

A full review by the City's transportation consultant is attached to this report. [The applicant has provided additional traffic information in the revised CIS.](#)

H. Parking Issues:

The applicant indicates that a total of 75 parking spaces are proposed, with all spaces located in the parking deck under the building. A total of 99 parking spaces are required (1.5 spaces / residential unit and 1/300 sq. ft. for retail and commercial uses). The applicant has indicated in the CIS that only 35 spaces are required based on 1.5 spaces per unit. They

did not include calculations for the commercial space. A discussion of the parking requirements is contained in the attached Preliminary Site Plan report.

I. Natural Features:

The project proposes to increase the impervious area of the existing site by approximately 11,900 square feet and direct storm water discharge from the existing City sewer to discharge directly to the Rouge River. Storm water discharge is expected to increase from 2.7 to 3.4 cubic feet per second during a 10-year return period storm. The CIS states that this increase will have a negligible effect on the Rouge River, which has a large tributary area and flow rate. It is not anticipated that the development will be impacted by nor impact any existing wetlands, floodplains, or floodways. The proposed layout of the building is set outside the limits of the floodplain and wetlands that are within the banks of the Rouge River.

Existing site trees and shrubs will be removed, but some new landscaping will be provided. The existing slope will generally be maintained and the impact will be minimized with the development as proposed.

The CIS states that the proposed project will not destroy any existing wildlife or habitats nor impede the public access to the amenities that surround it.

J. Departmental Reports

1. Engineering Division – The Engineering Dept. has reviewed the plans submitted for review in August, 2015. The following comments are provided at this time:
 1. As expected, the plans are conceptual at this time. They appear to acknowledge the existence of the floodplain in the northwest corner of the property, and propose building the new building immediately to the edge of it. **A more precise design based on the survey will need to be submitted prior to construction verifying that the building will in fact not cross into the established floodplain boundary.**
 2. The applicant is requesting a change in zoning and use for this parcel. Since the land has been used as residential for several decades, it is assumed that it has not historically contributed to the parking assessment district. **Since a change in zoning will allow the property to benefit from**

the parking system, any change in zoning should be contingent upon the owner paying their share of what would have been charged for previous special assessments into the parking system, had the proposed building been constructed at that time. Further, the owner is advised that this building, if built, will be subject to any future parking assessments that may be created to help pay for future parking structure expansions within the Central Business District. **At this time, the applicant has commenced the process of applying to the City to bring the subject site into the Parking Assessment District to eliminate the need to provide on-site parking for the proposed commercial space on the first floor of the building.**

3. The plans as prepared appear to assume that there is a right to access the driveway that serves the adjacent parking structure. The parcel to the south is currently involved in a study that could result in major redevelopment, including the possibility that the existing building will be removed and replaced. While owned by the City, there is no written easement on the land bounding the City to leave this area as an open, accessible driveway for the benefit of the adjoining property owner. Doing so would limit the possible designs that could be proposed for the redevelopment of this land. **The owner should understand that the only public access this parcel currently has is its frontage to N. Old Woodward Ave. The applicant has met with City officials to discuss obtaining an access easement from the City from the N. Old Woodward parking structure entry/exit drive to allow access to their underground parking level from this drive. In exchange for this access, the City may wish to acquire additional right-of-way on the north side of the access drive to allow for construction of a public street. Discussions are ongoing, and the final decision will rest with the City Commission.**

Discussions for the redevelopment of the City parcel to the south include the renovation of the existing parking structure, and the change of the existing parking structure driveway to a public street. This option is not practical if the City is restricted to the existing property lines. Moving the property line northwest about 15 ft. at N. Old Woodward Ave., and meeting the existing southwest property corner, would provide the land needed to build a City street adjacent to the existing building. **If the property owner wishes to build the building as**

proposed, with several access points (both pedestrian and vehicular), the City should consider requesting deeding this desired triangular shaped piece of the property to the City to accommodate the construction of a true public street.

4. For reasons unknown, the existing City sidewalk is not constructed on the right-of-way line. Assuming the reconstruction of the right-of-way in front of this building will include an enhanced streetscape, it is the City's goal to provide wide, pedestrian friendly areas to provide plenty of room for pedestrians, street lights, trees, etc. **The current design, while respecting the property line, includes major planter boxes attached to the building that encroach into the right-of-way. The applicant has now shifted the planter boxes back out of the right-of-way. The final streetscape plan must depict the main pedestrian path starting at the property line without obstructions, as well as a full width sidewalk to the existing curb section.** Even though pedestrian scale street lights have not been installed in this area in the past, the developer should expect these to be a component of the final streetscape. The street lights shall be installed by DTE Energy and connected to the existing public system, at developer expense.
5. It is clear that this development will increase the storm water runoff from this site. Typically, projects of this nature would require a Storm Water Runoff Permit to restrict storm water discharge to the existing site's rate. However, since the site has direct access to the river, the permit can be waived if all storm water can be cleaned on site and discharged responsibly to the river, thereby not adding any additional storm water burden to the adjacent sewer system.

Permits for this project will include:

- Right-of-way (for excavations)
 - Sidewalk
 - Soil Erosion Permit
 - Storm Water Runoff Permit (if not waived)
2. Department of Public Services – DPS requests that the current existing fence along the curb on the south side of the proposed shared drive approach be replaced with new fence or screening as part of this project for the entire length of Brookside property that borders the City property.

3. Fire Department – The Fire Department provided the following comments:
 1. Buildings with an occupied floor located more than 55 feet above the lowest level of Fire Department vehicle access are considered High Rise and subject to code requirements for High Rise.
 2. Fire suppression is required.
 3. Fire Alarm system is required.
 4. Emergency Radio coverage is required.
 5. And of course a Knox Box is required.
4. Police Department – No concerns were reported from the Police Department.
5. Building Division – The Building Division provided the following comments:
 1. Fire separation between proposed structure and parking garage may pose problems concerning penetrations on that elevation and in the existing structure.
 2. Flood plain issues could trigger specific requirements to mitigate water levels.
 3. Two stories below grade would probably require de-watering time and continual water mitigation.
 4. **The fire command location is to be determined by the Fire Department. This location (D.4) may be too far from elevators. The revised plans now show the fire command location moved up to the front of the building in the southeast corner, which is closer to the elevators than the previous location. However, the Fire Marshall has advised that the fire command location must be located off of the main lobby for the building's front entrance and provide direct access into the building.**
 5. **High rise buildings require the elevators to have a rated lobby on each floor. These appear to empty into a hallway without fire doors on levels 2 through 5.**
 6. High rise would require a secondary power source (generator).

K. Summary of CIS:

The following is a list of all information currently outstanding with regards to the CIS:

- (1) Submission of a drainage plan for review and approval;
- (2) Submission of information on planned mitigation strategies for vibration and dust during construction;

- (3) Submission of information on the trash storage facilities to be provided, including information detailing the collection and separation of recyclable materials;
- (4) Submission of information on the proposed security system for approval by the Police Department;
- (5) Compliance with the recommendations of the City's transportation consultant; and
- (6) Compliance with the requirements of City Departments.

L. Suggested Action:

1. To accept the Community Impact Study as provided by the applicant for the proposed development at 369 N. Old Woodward with the following conditions:

- (1) Applicant submit a drainage plan for review and approval;
- (2) Applicant provide information on planned mitigation strategies for vibration and dust during construction;
- (3) Applicant provide information on the trash storage facilities to be provided, including information detailing the collection and separation of recyclable materials;
- (4) Applicant provide information on the proposed security system for approval by the Police Department;
- (5) Compliance with the recommendations of the City's transportation consultant; and
- (6) Compliance with the requirements of City Departments.

Or

2. To postpone action on the Community Impact Study as provided by the applicant for the proposed development at 369 N. Old Woodward, allowing the applicant the opportunity to address the outstanding items raised above.

Or

3. To decline the Community Impact Study as provided by the applicant for the proposed development at 369 N. Old Woodward for the following reasons:

a. _____

b. _____

c. _____

Preliminary Site Plan Review

III. Preliminary Site Plan Review

Please see the attached Zoning Compliance Summary Sheet for detailed zoning compliance information.

1.0 Land Use and Zoning

- 1.1. Existing Land Use – The existing land uses on the site include townhomes, garages, and one surface parking lot. They are proposed to be demolished to allow construction of the proposed five-story mixed use building.
- 1.2. Zoning – The property is zoned R6 Multiple-Family Residential. The proposed residential uses and surrounding uses appear to conform to the permitted uses of the zoning districts, however the proposed retail and commercial uses do not. The applicant is seeking a rezoning to R-6 Multiple Family Residential and D4 in the Downtown District Overlay to accommodate the proposed project.
- 1.3. Summary of Adjacent Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site, including the 2016 Regulating Plan.

	North	South	East	West
Existing Land Use	Booth Park	Public Parking	Commercial/ Right-of-Way	Public Park/ Parking
Existing Zoning District	PP Public Property	PP Public Property	B2 General Business	PP Public Property
Overlay Zoning District	N/A	D3	D3	N/A

2.0 Setback and Height Requirements

The attached summary analysis provides the required and proposed bulk, area, and placement regulations for the proposed project. As the site is currently zoned R6 Multiple Family Residential, all R6 requirements are listed. However, the D4 requirements are also listed as the applicant has applied for rezoning of the property into the D4 district of the Downtown Overlay. The outcome of this

rezoning application dictates the potential variances needs. Assuming that the rezoning application into D4 of the Downtown Overlay, the proposed uses are permitted, and the proposed development meets many of the bulk, area and placement requirements for the D4 Downtown Overlay District. **However, to meet the rear yard setback requirements for D4, the Planning Board will be required to eliminate the 10' rear setback, or the applicant will be required to obtain a variance from the Board of Zoning Appeals. In addition, the applicant does not meet the lot area requirements of the R6 zoning district. It is unclear whether these standards apply if the property is rezoned to D4 in the Downtown Overlay District. An interpretation of the Building Official will be sought for this issue if the property is successfully rezoned into D4 of the Downtown Overlay. [The public hearing on the proposed rezoning is scheduled for October 12, 2015 at the City Commission.](#)**

3.0 Screening and Landscaping

- 3.1 Dumpster Screening – The applicant is proposing to store all trash in containers in a refuse room on the ground floor. One garage door is proposed facing the existing alley along the southern lot line for access to the refuse room and dumpsters. All dumpsters will be screened by the building itself.
- 3.2 Parking Lot Screening – The applicant is proposing 2 parking levels, both below ground, with access via the alley along the southern lot line. All parking will be screened by the building itself.
- 3.3 Mechanical Equipment Screening –No specifications have been submitted at this time on any proposed ground-mounted mechanical equipment or screening. The applicant is proposing the screening of rooftop mechanical equipment with a parapet that is compatible in design to the proposed building. Details regarding the type and placement of all rooftop mechanical equipment and associated screening must be provided at the time of Final Site Plan review.
- 3.4 Landscaping –A detailed landscape plan has not been provided at this time. However, the site plan shows 4 trees in the rear yard. No species or sizes have been provided. The Downtown Overlay District requires that one street tree be provided for every 40' of street frontage. The applicant will be required to provide a detailed landscape plan at the time of Final Site Plan Review. **[The applicant has now submitted a revised site plan that shows the addition of 6 street trees along N. Old Woodward.](#)**

3.5 Streetscape Elements

In accordance with Downtown Streetscape Standards, the following

streetscape standards must be met.

- Provide Sidewalks - Based on the drawings submitted, it appears the existing sidewalk along N. Old Woodward will remain.
- Exposed aggregate along curb with broom finish in pedestrian path – **The applicant has not provided the required sidewalk design with a broom finish pedestrian path and exposed aggregate between the pedestrian path and the curb on N. Old Woodward. The revised site plan submitted by the applicant does not provide a continuous broom finish pedestrian path in the right-of-way.**
- Pedestrian level street lighting along all sidewalks with hanging planters. **Plans submitted do not indicate the required pedestrian scale street lights or hanging planters, which will be required to comply with streetscape requirements. The applicant has now submitted revised plans that show the addition of 6 pedestrian scale street lights as required.**
- Benches and trash receptacles in park and plaza areas and along adjoining sidewalks where pedestrian activity will benefit as determined by the Planning Board. **The Planning Board may wish to recommend the addition of 1 bench and/or trash receptacle along N. Old Woodward. All furniture proposed must be the City approved standard design for the Downtown Overlay District. The applicant has now submitted revised plans that include the addition of 2 benches on the proposed bump-out at the south end of the right-of-way adjacent to the entry/exit drive to the N. Old Woodward parking structure.**

The applicant will be required to provide a complete streetscape plan at the time of Final Site Plan review that meets each of the streetscape standards listed above.

4.0 Parking, Loading and Circulation

- 4.1 Parking – In accordance with Article 4, section 4.43 (PK) of the Zoning Ordinance, a total of 100 parking spaces are required in total for the residential levels of the building (26 residential units x 1.5 parking spaces = 39) and first floor commercial (18,195 / 300sq.ft. = 61). The applicant is proposing 75 parking spaces on site. **The applicant is required to provide all required parking on site as the property is not currently located within the Parking Assessment District. The applicant has now**

submitted an option for the second level of underground parking that shows a total of 96 parking spaces that could be constructed if the storage area for residents is removed. In addition, 12 parking spaces are adjacent to the property on N. Old Woodward. Given the proposed streetscape improvements, the applicant could apply for City Commission approval to count these spaces towards their parking requirement, which would allow them to fully meet all parking requirements. The Planning Board has the discretion to decrease the number of spaces required based on shared parking standards upon review of supporting documentation. **The applicant could also apply for approval to bring the property into the Parking Assessment District, and thus only the 39 parking spaces required for the residential units would be required. Otherwise, the applicant will be required to obtain a variance from the Board of Zoning Appeals. At this time, the applicant has commenced the process of applying to the City to bring the subject site into the Parking Assessment District to eliminate the need to provide on-site parking for the proposed commercial space on the first floor of the building. The applicant has also added bicycle parking on the proposed bump-out in the right-of-way.**

All parking spaces must meet the minimum size requirement of 180 square feet. Dimensions were not provided.

- 4.2 Loading – In accordance with Article 4, section 4.22 of the Zoning Ordinance, one loading space or 40 feet of adjacent alley that is at least 18 feet wide is required for the proposed development. No loading spaces are proposed at this time, however the site and associated receiving area is located on an existing public alley. No screening is required if the alley is used for the required loading space.
- 4.3 Vehicular Circulation and Access – The proposed development includes the removal of one curb cut on N. Old Woodward. The existing alley along the south lot line will be used for vehicular access to the proposed development. Vehicles entering the site from the alley do so via a ramp to the underground parking deck. With regards to internal circulation on the site, it appears that a two-way drive has been provided. Dimensions of the drive are needed to ensure adequate access will be provided. **Based on comments made by the Planning Board, the applicant has now added a bump-out to the curb immediately north of the entry/exit drive to the N. Old Woodward parking structure. This bump-out proposes to remove 2 parking spaces, but**

greatly enhances both the streetscape for pedestrians, and the vision clearance for drivers entering and exiting the adjacent drive.

- 4.4 Pedestrian Circulation and Access –Pedestrian entrances are provided along N. Old Woodward for the two proposed retail/commercial spaces, along with a pedestrian entrance for the proposed residential lobby. All entrances are accessible from the City sidewalk, as well as a proposed 7' walkway that wraps around the N. Old Woodward elevation and along the northern part of the building facing the Rouge River. As the ground is not level along the street front, the applicant is proposing steps in front of both commercial entrances to reach floor grade. The residential entrance is at grade.

5.0 Lighting

The applicant has not submitted a photometric plan as part of the Preliminary Site Plan Review application. **A photometric plan must be submitted at Final Site Plan review to determine compliance with the Zoning Ordinance lighting standards.**

6.0 Departmental Reports

- 6.1 Engineering Division – The Engineering Dept. has reviewed the plans submitted for review in August 2015. The following comments are provided at this time:
1. As expected, the plans are conceptual at this time. They appear to acknowledge the existence of the floodplain in the northwest corner of the property, and propose building the new building immediately to the edge of it. **A more precise design based on the survey will need to be submitted prior to construction verifying that the building will in fact not cross into the established floodplain boundary.**
 2. The applicant is requesting a change in zoning and use for this parcel. Since the land has been used as residential for several decades, it is assumed that it has not historically contributed to the parking assessment district. **Since a change in zoning will allow the property to benefit from the parking system, any change in zoning should be contingent upon the owner paying their share of what would have been charged for previous special assessments into the parking system, had the proposed building been constructed at that time.** Further, the owner is advised that this building, if built, will be

subject to any future parking assessments that may be created to help pay for future parking structure expansions within the Central Business District.

3. The plans as prepared appear to assume that there is a right to access the driveway that serves the adjacent parking structure. The parcel to the south is currently involved in a study that could result in major redevelopment, including the possibility that the existing building will be removed and replaced. While owned by the City, there is no written easement on the land bounding the City to leave this area as an open, accessible driveway for the benefit of the adjoining property owner. Doing so would limit the possible designs that could be proposed for the redevelopment of this land. **The owner should understand that the only public access this parcel currently has is its frontage to N. Old Woodward Ave. The applicant has met with City officials to discuss obtaining an access easement from the City from the N. Old Woodward parking structure entry/exit drive to allow access to their underground parking level from this drive. In exchange for this access, the City may wish to acquire additional right-of-way on the north side of the access drive to allow for construction of a public street. Discussions are ongoing, and the final decision will rest with the City Commission.**

Discussions for the redevelopment of the City parcel to the south include the renovation of the existing parking structure, and the change of the existing parking structure driveway to a public street. This option is not practical if the City is restricted to the existing property lines. Moving the property line northwest about 15 ft. at N. Old Woodward Ave., and meeting the existing southwest property corner, would provide the land needed to build a City street adjacent to the existing building. **If the property owner wishes to build the building as proposed, with several access points (both pedestrian and vehicular), the City should consider requesting deeding this desired triangular shaped piece of the property to the City to accommodate the construction of a true public street. See above.**

4. For reasons unknown, the existing City sidewalk is not constructed on the right-of-way line. Assuming the reconstruction of the right-of-way in front of this building will include an enhanced streetscape, it is the City's goal to provide wide, pedestrian friendly areas to provide plenty of room for pedestrians, street lights, trees, etc. **The current design, while**

respecting the property line, includes major planter boxes attached to the building that encroach into the right-of-way. The final streetscape plan must depict the main pedestrian path starting at the property line without obstructions, as well as a full width sidewalk to the existing curb section. Even though pedestrian scale street lights have not been installed in this area in the past, the developer should expect these to be a component of the final streetscape. The street lights shall be installed by DTE Energy and connected to the existing public system, at developer expense.

5. It is clear that this development will increase the storm water runoff from this site. Typically, projects of this nature would require a Storm Water Runoff Permit to restrict storm water discharge to the existing site's rate. However, since the site has direct access to the river, the permit can be waived if all storm water can be cleaned on site and discharged responsibly to the river, thereby not adding any additional storm water burden to the adjacent sewer system.

Permits for this project will include:

- Right-of-way (for excavations)
- Sidewalk
- Soil Erosion Permit
- Storm Water Runoff Permit (if not waived)

- 6.2. Department of Public Services – DPS requests that the current existing fence along the curb on the south side of the proposed shared drive approach be replaced with new fence or screening as part of this project for the entire length of Brookside property that borders the City property. **The Department of Public Services has advised that the fence will not be required to be replaced if the proposed building is constructed.**

- 6.3. Fire Department – The Fire Department provided the following comments:

1. Buildings with an occupied floor located more than 55 feet above the lowest level of Fire Department vehicle access are considered High Rise and subject to code requirements for High Rise.
2. Fire suppression is required.
3. Fire Alarm system is required.
4. Emergency Radio coverage is required.
5. And of course a Knox Box is required.

- 6.4 Police Department – No concerns were reported from the Police Department.
- 6.5 Building Division – The Building Division provided the following comments:
 1. Fire separation between proposed structure and parking garage may pose problems concerning penetrations on that elevation and in the existing structure.
 2. Flood plain issues could trigger specific requirements to mitigate water levels.
 3. Two stories below grade would probably require de-watering time and continual water mitigation.
 4. The fire command location is to be determined by the Fire Department. This location (D.4) may be too far from elevators. **The revised plans now show the fire command location moved up to the front of the building in the southeast corner, which is closer to the elevators than the previous location. However, the Fire Marshall has advised that the fire command location must be located off of the main lobby for the building's front entrance and provide direct access into the building.**
 5. High rise buildings require the elevators to have a rated lobby on each floor. These appear to empty into a hallway without fire doors on levels 2 through 5.
 6. High rise would require a secondary power source (generator).

7.0 Design Review

Article 3, section 3.04(E), Downtown Overlay District, of the Zoning Ordinance contains architectural and design standards that will apply to this building, including specific requirements for the design and relief of front façades, glazing requirements, window and door standards and proportions, roof design, building materials, awnings and other pedestrian scaled architectural features.

The proposed building appears to meet most of the architectural standards set out in Article 3, Downtown Birmingham Overlay District, of the Zoning Ordinance as the first floor storefronts are directly accessible from the sidewalk, the storefront windows are vertically proportioned, and the main entries incorporate canopy features to add architectural interest on a pedestrian scale. **However, the glazing calculations listed on the plans indicate that the required 70% minimum glazing may not be met on the east elevation, and the maximum 35% glazing may be exceeded on the north elevation of the proposed building. No material samples have been provided at this time, but will be required at the time of Final Site Plan review.**

The Planning Division will reserve detailed analysis and comments regarding architectural standards and design related issues for the Final Site Plan and Design Review.

8.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

9.0 Recommendation

Based on a review of the site plan revisions submitted, the Planning Division recommends that the Planning Board **APPROVE** the Preliminary Site Plan for 369 N. Old Woodward with the following conditions:

- 1) Applicant obtain rezoning of the property into the D4 district of the Downtown Overlay;
- 2) Planning Board approves the elimination of the 10' rear yard setback requirements for D4;
- 3) Applicant seek an interpretation as to the applicability of the lot area requirements for R6 if the property is rezoned D4;
- (4) Applicant submit specifications on all mechanical equipment,

- mechanical screening and all building and site lighting at the time of Final Site Plan and Design Review;
- (5) Applicant provide detailed and compliant streetscape, landscape and photometric plans at the time of Final Site Plan Review;
- (6) Applicant obtain approval to bring the property into the Parking Assessment District or obtain a variance from the Board of Zoning Appeals;
- (7) Compliance with the requests of City Departments; and
- (8) Provision of material and color samples at Final Site Plan Review.

10.0 Sample Motion Language

Motion to APPROVE the Preliminary Site Plan for 369 N. Old Woodward subject to the following conditions:

- 1) Applicant obtain rezoning of the property into the D4 district of the Downtown Overlay;
- 2) Planning Board approves the elimination of the 10' rear yard setback requirements for D4;
- 3) Applicant seek an interpretation as to the applicability of the lot area requirements for R6 if the property is rezoned D4;
- 4) Applicant submit specifications on all mechanical equipment, mechanical screening and all building and site lighting at the time of Final Site Plan and Design Review;
- 5) Applicant provide detailed and compliant streetscape, landscape and photometric plans at the time of Final Site Plan Review;
- 6) Applicant obtain approval to bring the property into the Parking Assessment District or obtain a variance from the Board of Zoning Appeals;
- 7) Compliance with the requests of City Departments; and
- 8) Provision of material and color samples at Final Site Plan Review.

OR

Motion to POSTPONE the Preliminary Site Plan for 369 N. Old Woodward

OR

Motion to DENY the Preliminary Site Plan for 369 N. Old Woodward for the following reasons:

- 1. _____
- 2. _____
- 3. _____

**Planning Board Minutes
August 26, 2015**

**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, 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

**Planning Board Minutes
September 9, 2015**

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

- 1. 369 N. Old Woodward Ave.
Brookside Development
Application for Preliminary Site Plan Review and Community Impact
Study Review to allow construction of a new five-story mixed-use
building**

Ms. Ecker advised the subject location is currently the site of an existing residential development of nine townhouses and has a total land area of .81 acres. It is located on the west side of N. Old Woodward Ave. between Harmon and Willits.

The applicant is proposing to demolish the existing buildings and surface parking lot to construct a five-story mixed-use building. The building will provide two levels of underground parking along with storage, ground floor retail/commercial, and 26 residential units on the second through fifth floors.

The site is currently zoned R-6, but the applicant is seeking a rezoning to R-6/D-4 Overlay. As it is currently zoned, the development does not meet the use or development standards. This review uses the standards of the D-4 Zone of the Downtown Overlay District as the applicant has proposed to rezone the property. However, a rezoning approval by the City Commission is necessary prior to a site plan approval based on these standards.

On August 26, 2015, the Planning Board reviewed the applicant's request for rezoning from R-6 Multiple Family Residential to R-6 Multiple Family Residential and D-4 in the Downtown Overlay District. After much discussion, the Planning Board voted unanimously to recommend to the City Commission rezoning of the property as requested.

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 a new building containing more than 20,000 sq. ft. of gross floor area. Procedurally, the Planning Board "accepts" the CIS prior to taking action on a Preliminary Site Plan.

CIS

Ms. Ecker advised that the CIS states that under existing conditions approximately 0.25 acres of the site drains into the municipal system while the remaining portion of the site drains directly into the Rouge River. The drainage plan for the proposed new development is to collect roof drainage from the building and discharge it directly into the Rouge River. The quality of the storm

water would improve because it is coming from the roof; not from the parking lot. A detailed drainage plan has not been provided at this time.

The applicant has not provided any mitigation strategies to address construction vibration and dust.

The CIS states that the amount of refuse generated will be similar to a standard development in the City. The applicant will be required to provide information on the trash storage facilities to be provided, including information detailing the collection and separation of recyclable materials.

The CIS states there will be a state-of-the art security system for the building to be interfaced with the Police Dept. The applicant has said that they will request approval from the Police Dept. after final design is complete.

Mr. Williams received confirmation that the applicant doesn't have to go offsite for parking and they do not have to get a variance from the Board of Zoning Appeals ("BZA") if they create additional underground parking. Mr. DeWeese noticed maneuverability would be difficult in the drive unless the building is moved back; so he feels the building is too close to the property line. Second, the point was made in the CIS that two parking spaces need to be removed in order for a vehicle to have adequate site distance when exiting onto N. Old Woodward Ave. Nothing in the CIS addresses that there is adequate maneuverability for vehicles coming in and out safely.

The City's traffic consultant had the following comments:

- A 15% internal capture was applied in the applicant's Traffic Impact Assessment ("TIA"). An explanation of how this value was determined should be included in the report. Also, the use of multi-modal trips and associated impact were not reviewed and may be considered for this site.
- Since the parking garage is for exclusive use of the residents, it is recommended they assume all 100% of the residential trips using the parking garage access via N. Old Woodward Ave., not off of Bates.
- The level of service ("LOS") was not evaluated at the site driveways. The intersection operations should be evaluated with Synchro 8 or later. Emphasis should be put on consideration of left-turn queue lengths at the driveways, and also consider multi-modal impacts.
- The TIA identified a northbound left-turn queue length on N. Old Woodward Ave. at the site driveway of 95 ft. and it should only be 70 ft.
- A parking analysis should be included to determine if the proposed on-site and shared off-street parking will provide the necessary number of spaces for the existing and proposed land uses. Right now the site doesn't meet the parking requirements.
- The TIA recommends providing a sidewalk adjacent to the south side of the proposed building facade. That is agreed to.

Ms. Ecker noted the Engineering Dept. cannot approve an access drive to the underground parking deck from the existing land which has no easement of record to provide the access. So the condition would be that they would have to come in off of N. Old Woodward Ave. unless they get approval from the City Commission.

Mr. Chris Longe, Architect, addressed the items that had been flagged as issues within the CIS:

- They will provide an engineered site plan;
- The entire building including underground parking is above the flood plain;
- Pilings will not be driven and they will follow the HUD guidelines for noise;
- A trash compacter will be located within the building and recyclables will be handled;
- It is their intent to join the Parking Assessment District;
- They plan four stories of residential and no restaurant;
- It may be possible to enter the site from Bates;
- The streetscape will be related to the building and will include benches.

With respect to the flood plain, Mr. Longe said they have talked to the MDEQ, and Engineering. The Geotechnical Report was done by two separate firms. They do not encroach into the flood plain and they are 15 ft. above the river's edge.

There were no comments from the public related to the CIS at 9:55 p.m.

Ms. Ecker noted if the applicant does not get accepted for rezoning they would have to amend the CIS.

Motion by Mr. DeWeese

Seconded by Mr. Williams to accept the CIS as provided by the applicant for the proposed development at 369 N. Old Woodward Ave. with the following conditions:

- (1) Submission of a drainage plan for review and approval;**
- (2) Submission of information on planned mitigation strategies for vibration and dust during construction;**
- (3) Submission of information on the trash storage facilities to be provided, including information detailing the collection and separation of recyclable materials;**
- (4) Submission of information on the proposed security system for approval by the Police Department;**
- (5) Compliance with the recommendations of the City's transportation consultant;**
- (6) Compliance with the requirements of City Departments;**
- (7) Applicant gets permission from the City to use the southern access drive; and**
- (8) Submission to staff of a revised CIS addressing comments expressed tonight.**

No one from the public wished to comment on the motion at 10:05 p.m.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: DeWeese, Williams, Boyle, Clein, Koseck, Lazar, Share

Nays: None

Absent: Whipple-Boyce

It was discussed that the Preliminary Site Plan could not be considered until rezoning is approved.

Motion by Mr. Williams

Seconded by Mr. Share to postpone consideration of the Preliminary Site Plan for 369 N. Old Woodward Ave., Brookside Development, to the Planning Board meeting of October 14.

Mr. Rick Rattner, attorney for the applicant, requested that the Preliminary and Final Site Plans be considered at the same meeting. Board members agreed to add the Final Site Plan to the agenda as a separate item, although it may not be heard. Mr. Boyle emphasized that all submittals must be in on time or they won't be heard.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Share, Boyle, Clein, DeWeese, Koseck, Lazar

Nays: None

Absent: Whipple-Boyce

**Zoning Compliance Summary Sheet
Preliminary Site Plan
Mixed Use Development
369 N. Old Woodward Avenue**

**Existing Site:
Zoning:**

Current: R6 Multiple Family Residential
Requested: R6 Multiple Family Residential and D4 Downtown District Overlay

Land Use: Multiple Family Residential

Existing Land Use and Zoning of Adjacent Properties:

	North	South	East	West
Existing Land Use	Booth Park	Parking	Public right-of-way and commercial	Public Park/Parking
Existing Zoning District	PP, Public Property	PP, Public Property D3 Overlay	B2, General Business D3 Overlay	PP, Public Property

Land Area: existing: 39,204 sq.ft.
proposed: same as above

Land Use: existing: Multiple-family residential
proposed: Multiple-family residential and retail/commercial

Commercial uses are not permitted in R6; multiple-family residential and certain types of retail/commercial are permitted in D4. As the development is not permitted in R6, this review is based on the requested rezoning to R6 and D4 in the Downtown Overlay District.

Minimum Lot Area/Unit: required: R6: 1375 sq.ft./1 bedroom (3 = 4,125)
1750 sq.ft./2 bedroom (21 = 36,750)
2250 sq.ft./3 bedroom (2 = 4,500)
Total: 45,375 sq.ft.
D4: N/A
proposed: 39,204 sq.ft.

The applicant does not meet the lot area requirements of the R6 zoning district. It is unclear whether these standards apply if the property is not rezoned to D4 in the Downtown Overlay District. An interpretation of the Building Official will be sought for this issue if the property is successfully rezoned into D4 of the Downtown

Overlay.

Minimum Floor Area: required: R6: 600 sq. ft. (studio or one bedroom units)
800 sq. ft. (two bedroom units)
1,000 sq. ft. (three + bedroom units)
D4: N/A
proposed: Minimum size of all units 2,500 sq. ft.

Floor Area Ratio: allowed: N/A
proposed: N/A

Open Space required: N/A
proposed: N/A

Frontage line for Principal Building: required: along N. Old Woodward lot line
proposed: along N. Old Woodward lot line

Front Setback: required: R6: 25'
D4: 0', Planning Board can adjust to average
proposed: 1' as noted on plans

Side Setbacks: minimum: R6: 10' one side, 25' total
D4: 0'
proposed: 1' as noted on plans

Rear Setback: required: R6: 30'
D4: 10', can be eliminated by Planning Board
proposed: 1' to 38' as noted on plans

The applicant does not meet the minimum rear yard setback of the R6 zoning district. If the rezoning is approved to D4, the Planning Board will be required to eliminate the 10' rear setback, or the applicant will be required to obtain a variance from the Board of Zoning Appeals.

Max. Bldg. Height & Number of Stories: permitted: R6: 40', 3 stories
D4: 58 ft. eave, 80 ft. max , 5 stories
proposed: 58 ft. eave line, 80 ft. max; 5 stories

The fifth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or set back 10 feet from any building façade.

Minimum First Floor Height: required: 10 ft.
proposed: 18 ft.

Minimum Eave Height: required: R6: N/A
B4: 20'
proposed: 58'

Parking: required: 100 spaces (18,195 s.f. retail area / 300 = 61 plus 26 residential units x 1.5 = 39)

proposed: 75 spaces (with new option for 96 on site, plus 12 in the right-of-way with City Commission approval)

required: 180 sq.ft. parking spaces
proposed: Application states 9' by 20'

Parking space dimensions must be provided. The plans are deficient by 25 parking spaces as the site is not currently located within the Parking Assessment District. However the Planning Board may reduce or waive this requirement by the shared parking provisions of section 3.08 should the applicant provide supporting documentation. Otherwise, the applicant will be required to seek approval of the City Commission to pay into the Parking Assessment District or obtain a parking variance from the Board of Zoning Appeals.

Loading Area: required: 1 space or 40 ft. of abutting alley space
proposed: abutting alley

Screening:

Parking: required: N/A
proposed: N/A

Ground Mounted Mechanical: required: N/A
proposed: N/A

Roof-top Mech. units: required: Screen walls to fully obscure all mechanical units constructed of materials compatible with building
proposed: No details provided at this time.

It appears that the parapet screens rooftop mechanical, but the plans provided do not include details. Details of screening and mechanical equipment to be provided for Final Site Plan approval.

Trash Receptacles: required: 6' high masonry screen wall with wooden gate
proposed: All dumpsters are located within and screened by the proposed building.



MEMORANDUM

Community Development

DATE: September 24, 2015

TO: Planning Board members

FROM: Matthew Baka, Senior Planner

SUBJECT: 2400 & 2430 E. Lincoln Street – Birmingham Senior Living, Preliminary Site Plan Review (Changes highlighted in blue)

Community Impact Study

I. INTRODUCTION

The subject site, 2400 E. Lincoln St., which is currently vacant, was most recently used for manufacturing (2005), and has a total land area of 3.78 acres. It is located on the south side of E. Lincoln between S. Eton St. and the Grand Trunk Railroad right-of-way.

The applicant is proposing to develop the vacant site with a 4-story senior living center, two surface parking lots, a detention basin and nearly 84,000 sq. ft. of landscaped open space. The proposed development will consist of two connected buildings. The east portion is 1-story and the west portion is 4-stories. The development will provide 122 residential units (83 assisted living and 39 memory care units) and building amenities for residents such as a community room, beauty salon, and wellness suite.

The site is currently zoned MX and lies within the Eton Road Corridor Plan area.

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 square feet of gross floor area. On September 30, 2015 the Planning Board voted to accept the CIS.

II. Preliminary Site Plan Review

Please see the attached Zoning Compliance Summary Sheet for detailed zoning compliance information.

1.0 Land Use and Zoning

- 1.1. Existing Land Use – The existing site is vacant.
- 1.2. Zoning – The property is zoned MX Mixed Use. The proposed assisted living development is permitted with City Commission approval.

1.3 Summary of Adjacent Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	South	East	West
Existing Land Use	Medical office	Swim club	Railroad Right-of-Way	Public Park/ Parking
Existing Zoning District	MX Mixed Use	MX Mixed Use/ B-1 Neighborhood Business	PP Public Property	PP Public Property

2.0 Setback and Height Requirements

The attached summary analysis provides the required and proposed bulk, area, and placement regulations for the proposed project. The applicant does not meet multiple bulk, area and placement requirements for the Mixed Use District. The applicant will be required to bring the proposal into compliance with the Zoning Ordinance in the following areas:

- **The height of the building must be reduced from 46' to 45' in height;**
- **The building must be moved forward so it is at the frontage line or demonstrate that the requirements of Article 04 section 4.76 SS-08 are met to the satisfaction of the Planning Board.**

3.0 Screening and Landscaping

- 3.1 Dumpster Screening – The applicant proposes a refuse area on the interior of the building.
- 3.2 Parking Lot Screening – The applicant proposes to screen the front parking area with a 36 inch screen wall. The parking spaces along the back of the building are proposed to be screened with 8 Green Luster Holly shrubs maintained at 32" in height. The parking area at the southeast corner of the property is not visible to the general public and therefore does not require screening.
- 3.3 Mechanical Equipment Screening – No specifications have been submitted at this time on any proposed roof-top mechanical, ground-mounted mechanical equipment or screening. Details regarding the type and placement of any rooftop mechanical equipment and screening of ground mechanical must be provided at the time of Final Site Plan review.
- 3.4 Landscaping – A detailed landscape plan has been provided. It shows

142 new trees in total, with street trees along the northerly and easterly rights-of-way. Shrubs and perennials are provided along the street right-of-ways. Additionally, two landscaped courtyards, one enclosed by the building, are proposed. Proposed perennials include Karl Foerster Feather Reed Grass, Pow Wow Wildberry Coneflower, Happy Returns Daylily, and Dwarf Fountain Grass. Proposed shrubs include Green Luster Holly, Gray Gleam Juniper, and Knockout Shrub Rose. [The south end of the existing hammerhead at the east end of Lincoln Street will be vacated and restored to landscape area.](#)

In accordance with Article 4, section 4.20 LA-01, required landscaping includes 1 street tree / 40' of street frontage, 1 deciduous and 1 evergreen / 2 residential units, and 5% interior landscaped area of total parking lot area, including 1 canopy tree / 150 S.F. required parking lot landscaped area. The applicant has 570' of street frontage, and thus 14 street trees are required. Thirteen are proposed. Specifically, six Tulip Tree street trees with 4' diameter mulch rings are proposed on the north/south road, five of the same along E. Lincoln, and three of the same at the E. Lincoln dead end, to be surrounded by grass in the right-of-way. **Accordingly, the applicant is required to add one additional street tree or obtain a waiver from the staff arborist.**

The Mixed Use required plantings result in 61 required deciduous and 61 required evergreen trees (122 units / 2). The required trees are provided in the front, side and rear yards and within the courtyards, including deciduous: 14 Upright European Hornbeams, 13 Sunburst Honey Locusts, 18 Emerald Sentinel Sweet Gums, 11 Armstrong Maples, and 5 Chancellor Lindens; and evergreens: 29 Black Hill Spruces and 32 Serbian Spruces.

The parking lot landscape requirements include 903 S.F. of interior landscaped area and 6 canopy trees. The plan provides 1,470 S.F. of landscaped parking lot area, 2 Armstrong Maple trees, and 4 Chancellor Linden trees.

4.0 Parking, Loading and Circulation

- 4.1 Parking – In accordance with Article 4, section 4.43 (PK) of the Zoning Ordinance, a total of 68 parking spaces are required (0.25 / bed and 1 per employee). The applicant is proposing 68 parking spaces, 57 on-site and 11 on the streets abutting the property. **On-street parking located along a lot's frontage may be credited towards meeting the parking requirements, provided that the applicant obtains approval from the City Commission and the streetscape is improved as approved by the Engineering Department.** The applicant proposes many streetscape improvements, including street trees, benches, and waste receptacles. All parking spaces must meet the minimum size requirement of 180 square feet. **However, the City Traffic Consultant has indicated that in order to allow for**

parking on the south side of the street the parking on the north side must be eliminated due to the narrow width of the street. If the on street parking is not provided then the applicant would need to provide 11 additional spaces on site or obtain a variance from the Board of Zoning Appeals. The three parking spaces have been removed from Lincoln Avenue; these spaces have been relocated to the southern parking lot. Eight parking spaces are still indicated along the N/S street, however they are no longer being counted towards our overall parking count. Eight spaces have been added to the southern parking lot. All required parking is now located onsite. The detention basin has been re-aligned to work with the larger southern parking lot.

Two parking lots are proposed, one in the front yard and one in the rear yard. Parking facilities are not permitted between the building façade and the frontage line. As proposed the parking area on the front side of the building extends past the front façade of the building and is partially located between the front façade and the frontage line. **The front parking area must be moved back so that it is behind the front façade.** The front yard parking lot has been shifted south, so that it is behind the plane of the front façade and no longer between the façade and frontage line. The adjacent patio has been reduced to accommodate this change. There has been no change in parking count in this lot.

- 4.2 Loading – Not required.
- 4.3 Vehicular Circulation and Access – The proposed development includes the addition of three curb cuts on E. Lincoln, two for a drop-off drive and one to access the parking lot in the front yard. An additional drive is located on the southwest corner of the lot on the north / south road.
- 4.4 Pedestrian Circulation and Access – The main pedestrian entrance is located on the north side of the building along E. Lincoln accessible from a new 5' sidewalk. A sidewalk connects the front parking area to the main entrance. A sidewalk is proposed along rear parking lot to connect to entrances on the south side of the building as well. However, **there are no pedestrian connections from the rear parking area to the building. Nor is there any pedestrian circulation or access around the eastern side of the building.** The south parking lot has been re-aligned and a sidewalk has been added along the west side of the lot, as well as along the south access drive, leading to this lot. A staff entrance and sidewalk have been added to the Memory Care building, to provide direct access from the southern parking lot into the building. The Assisted Living courtyard walkway has been connected to the sidewalk along the southern linear parking area; this provides direct access through the courtyard to a secondary secured entrance, for visitors and residents, in the event that they may need to park south of the building. At the northwest patio, the fence enclosure has been removed. A landscape

buffer remains between the patio and the sidewalk.

5.0 Lighting

The applicant has not submitted a photometric plan as part of the Preliminary Site Plan Review application. A photometric plan must be submitted at Final Site Plan review to determine compliance with the Zoning Ordinance lighting standards.

6.0 Departmental Reports

6.1 Engineering Division – The Engineering Dept. has reviewed the plans dated July 20, 2015. The following comments are offered:

1. The property owner will be required to dedicate a 12 ft. wide public easement centered on the new water main, for future City maintenance.
2. A storm sewer system design has been proposed to service the development using the designated outlet on Lincoln Ave., with a proposed detention basin shown south of the building. The design as shown is generally adequate at this time, except that no outlet has been indicated for the new parking lot on the north side of the building. Further review of the actual design will be completed prior to the issuance of a Storm Water Runoff Permit.
3. The survey as submitted indicates an existing DTE Energy easement in conflict with the new building. An old storm sewer built by Grand Trunk Western Railroad (now abandoned) may also have an easement on it. Previous surveys also depicted other railroad spur easements. The status of all easements will be reviewed by the Engineering Dept. Any easements that are in conflict will have to be properly abandoned prior to the issuance of a building permit.

The following permits will be required for this project:

- Right-of-way Permit (for excavations and street paving in the right-of-way)
- Soil Erosion and Sedimentation Control Permit
- Sidewalk/Drive Approach Permit
- Storm Water Runoff Permit

6.2 Department of Public Services – No comments have been provided at this time.

6.3 Fire Department – Fire Department has the following concerns:

1. FD needs better access to the east side of the building up against the railroad tracks.
 2. Knox Box required
 3. NFPA 13 suppression system required for assisted living.
 4. Minimum of a 6 inch water supply line required for the fire suppression.
- Per the Fire Marshal's request, a paved access road has been added to the

east side of the site, providing full vehicular access around the site. The linear park at the end of Lincoln Street has been revised to accommodate the new access road.

6.4 Police Department – The PD has no concerns.

6.5 Building Department – No comments have been provided at this time.

7.0 Design Review

The new building facades are composed of brick, wood-look fiber cement siding, fiber cement panels, glass, and metal trim. The plans state that the north elevation first floor has 70% glazing to meet the requirements of section 4.83 of the Zoning Ordinance. However, it appears that the calculation was done based on the amount of linear glazing provided, not 70% of the area of the first floor. **The applicant must provide a detailed analysis of the glazing provided based on area at Final Site Plan review to verify that the requirement has been met.** Material details have not been provided at this time, but will be required at the time of Final Site Plan review.

The proposed building appears to be compatible with the buildings in the immediate neighborhood. The first floor is directly accessible from the sidewalk, the upper story windows are vertically proportioned, and the main entry incorporates a canopy feature to add architectural interest on a pedestrian scale.

The Planning Division will reserve detailed analysis and comments regarding architectural standards and design related issues for the Final Site Plan and Design Review.

8.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.

- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

9.0 Recommendation

Based on a review of the site plan revisions submitted, the Planning Division recommends that the Planning Board **APPROVE** the Preliminary Site Plan for 2400 E. Lincoln with the following conditions:

- (1) Front building façade at the first story shall be located on the frontage line unless the Planning Board determines that the requirements of section 4.76 SS-08;
- (2) The applicant is required to add one additional street tree or obtain a waiver from the staff arborist;
- (3) Building height must be reduced from 46 ft. to 45 ft.;
- (4) The applicant must provide a detailed analysis of the glazing provide based on area at final site plan review to verify that the requirement has been met;
- (5) Applicant must submit specs on all mechanical equipment and lighting;
- (6) All improvements in the right-of-way receive approval from the Engineering Department;
- (7) Applicant must provide a detailed photometric plan at the time of Final Site Plan Review;
- (8) Applicant must provide screening wall details at the time of Final Site Plan Review; and
- (9) Applicant must provide material and color samples at Final Site Plan review.

10.0 Sample Motion Language

Motion to APPROVE the Preliminary Site Plan for 2400 E. Lincoln subject to the following conditions:

- (1) Front building façade at the first story shall be located on the frontage line unless the Planning Board determines that the requirements of section 4.76 SS-08;
- (2) The applicant is required to add one additional street tree or obtain a waiver from the staff arborist;
- (3) Building height must be reduced from 46 ft. to 45 ft.;
- (4) The applicant must provide a detailed analysis of the glazing provide based on area at final site plan review to verify that the requirement has been met;

- (5) Applicant must submit specs on all mechanical equipment and lighting;
- (6) All improvements in the right-of-way receive approval from the Engineering Department;
- (7) Applicant must provide a detailed photometric plan at the time of Final Site Plan Review;
- (8) Applicant must provide screening wall details at the time of Final Site Plan Review; and
- (9) Applicant must provide material and color samples at Final Site Plan review.

OR

Motion to POSTPONE the Preliminary Site Plan for 2400 E. Lincoln

OR

Motion to DENY the Preliminary Site Plan for 2400 E. Lincoln for the following reasons:

1. _____
2. _____
3. _____

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, SEPTEMBER 30, 2015
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on

September 30, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

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

Absent: Board Members Carroll DeWeese, Bryan Williams; Student Representatives Scott Casperson, Andrea Laverty

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

09-188-15

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

1. 2400 and 2430 E. Lincoln St. Birmingham Senior Living

Mr. Baka advised that the subject site, 2400 E. Lincoln St., which is currently vacant, was most recently used for manufacturing (2005), and has a total land area of 3.78 acres. It is located on the south side of E. Lincoln St. between S. Eton St. and the Grand Trunk Railroad right-of-way.

The applicant is proposing to develop the vacant site with a four-story senior living center, two surface parking lots, a detention basin and nearly 84,000 sq. ft. of landscaped open space. The proposed development will consist of two connected buildings. The east portion is one story and the west portion is four stories. The development will provide 122 residential units (83 assisted living and 39 memory care units) as well as building amenities for residents such as a community room, beauty salon and wellness suite.

The site is currently zoned MX and lies within the Eton Rd. Corridor Plan area. Assisted living is a permitted use in the MX District with City Commission approval. 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 a new building containing more than 20,000 sq. ft. of gross floor area.

CIS

Access and circulation: Mr. Baka advised that the main entries to the building are located along E. Lincoln St.

The front parking and drop-off area undermine the pedestrian experience by creating excessive curb cuts and unsightly parking between the building and frontage line. Pedestrian circulation is proposed along a sidewalk in the R-O-W on both E.

Lincoln St. and the proposed N/S street. However, continuous pedestrian circulation has not been provided throughout the entire site.

Sub-Area Plan: While the proposed size and placement of the building does provide an anchor for this portion of the Rail District similar to the recommended large scale recreation building, no recreational components are being proposed. However there is some allowance for the recommended linear park.

Land development issues: A concentration of methane was detected exceeding the recommended action level for methane in soils. The potential exists for known contamination to have migrated from the site to the north onto the subject property. Verification of the presence or absence of contaminants potentially associated with these Recognized Environmental Conditions ("RECs") may be determined through a Phase II investigation by the applicant.

Utilities, noise and air issues: Specification sheets for all mechanical equipment will be reviewed at Final Site Plan Review for noise output to ensure that the City's noise limits for commercial property will be met.

Public Safety: The CIS states that the owner has plans for an expandable security system. The applicant will request approval from the Police Dept. after final design is complete. The Fire Dept. has said they need better access to the east side of the building up against the railroad tracks, and propose the addition of an eastern access drive.

Transportation issues: The applicant has provided a transportation study prepared by Tetra Tech (July 15, 2015). The transportation report concluded that the vehicular traffic impacts of the proposed development will be negligible and that vehicular traffic access to the site will be safe and efficient. The opinion of the City's traffic engineer is that the project will not have a significant impact on the adjacent road network. Minimum conflicts are expected between the existing and proposed land uses due to the low site-generated traffic volumes. He also feels that the north entrance driveway should be evaluated for turning movements and height restrictions to ensure adequate access for emergency vehicles. The applicant is proposing 11 on-street parking spaces and the width of Lincoln St. cannot support parking on both sides. So, if the applicant wants that parking it would have to be eliminated from the other side.

Chairman Clein received clarification that the proposed development meets the ordinance density requirements. A question came up as to whether parking spaces along Lincoln St. were counted in the parking requirements for the dental office.

Mr. Sean Havera, Mr. Ron Hughes and Mr. Don Bailey were present with

Hughes Properties, along with Mr. Bob Baronski with Senior Lifestyles, operator for the project; Mr. Matt Boons with CA Ventures, joint venture partner; and Ms. Chauncey Hoffman with Harley Ellis Devereaux, the architect.

With regard to the curb cut issues Mr. Havera emphasized the importance of having a covered, safe drop-off area for residents. The Engineering Dept. has no concerns with regard to the number of curb cuts. Pedestrians won't be impacted because there won't be a lot of traffic inflow into the drop-off or parking areas. They are looking at adding sidewalk flow around the building. There will be discussions with the Fire Marshal as to how to bring in a road for emergency vehicles. They will prepare information for the City's traffic consultant related to the trip generation for the drop-off and for parking requirements which it appears will be met.

Mr. Koseck wanted to understand how this site relates to the future Master Plan and the linear park that is proposed. Ms. Ecker answered that the park as envisioned in the plan would come down to a certain extent on this property. So in the future that area may be more walkable than it currently is.

In response to Mr. Share, Mr. Havera said his understanding is that contaminants on the property are all minor in nature and can be taken care of by simply covering them. Ms. Ecker assured that soil testing will have to be done when the applicant submits for a Building Permit. This site previously went through the Brownfield process and a lot of remediation was done at that time.

Mr. Boyle expressed his fears that this development prevents the connectivity of the green space which exists between Lincoln St. and Kenning Park. Thus, the CIS needs to think about how better to connect the whole neighborhood through and around the developments that are going onto this site. Mr. Havera replied they are trying to accomplish that as best they can by incorporating connections to a future park.

Chairman Clein established that some board members will need major convincing regarding anything that disrupts pedestrian flow on both sides of Lincoln St. in front of the building.

Motion by Mr. Boyle

Seconded by Mr. Koseck to approve and adopt the CIS for 2400 and 2430 E. Lincoln as presented with the following conditions:

- 1) Applicant must coordinate with the City Engineer prior to removal or abandonment of any sewer leads;**
- 2) Applicant provide information on all life safety issues and obtain Fire Dept. approval;**
- 3) Applicant provide information on the proposed security system for approval by the Police Dept.; and**
- 4) Applicant revise and resubmit the CIS pending any outcomes related to**

dealing with the three issues for staff administrative approval.

No one from the public wished to comment on the motion at 9:58 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: DeWeese, Williams

Preliminary Site Plan Review

With regard to setback and height requirements, Mr. Baka noted the following:

- The height of the building must be reduced from 46 to 45 ft. in height;
- Number of units proposed must be reduced to meet the land area per unit requirement. **Therefore the applicant must reduce the number of units to meet the minimum lot area or obtain a variance from the Board of Zoning Appeals ("BZA").**
- **The building must be moved forward so it is at the frontage line or demonstrate that the requirements of Article 04 section 4.76 SS-08 are met to the satisfaction of the Planning Board, or the applicant must obtain a variance from the BZA.**

Parking facilities are not permitted between the building facade and the frontage line. **The applicant must remove parking from the front yard or obtain a variance from the BZA.**

The applicant has 570 ft. of street frontage, and thus 14 street trees are required. Thirteen are proposed. **Accordingly, the applicant is required to add one additional tree, obtain a waiver from the City arborist, or obtain a variance from the BZA.**

In accordance with Article 4, section 4.43 (PK) of the Zoning Ordinance, a total of 68 parking spaces is required. The applicant is proposing 68 parking spaces, 57 on-site and 11 on the streets abutting the property. On-street parking located along a lot's frontage may be credited towards meeting the parking requirements, provided that the applicant obtains approval from the City Commission and the streetscape is improved as approved by the Engineering Dept. The applicant proposes many streetscape improvements, including street trees, benches, and waste receptacles. **If the on-street parking is not provided then the applicant would need to provide 11 additional spaces on site or obtain a variance from the BZA.**

Design Review

The new building facades are composed of brick, wood-look fiber cement siding,

fiber

cement panels, glass, and metal trim. The plans state that the north elevation first floor

has 70% glazing to meet the requirements of section 4.83 of the Zoning Ordinance.

However, it appears that the calculation was done based on the amount of linear glazing provided, not 70% of the area of the first floor. The applicant must provide a

detailed analysis of the glazing provided based on area at Final Site Plan Review to verify that the requirement has been met. Material details have not been provided at this time, but will be required at the time of Final Site Plan Review.

Mr. Havera received confirmation that the City Commission will have ultimate jurisdiction in regards to the number of trees and street lights on the streetscape. He noted they will not count the three parking spaces along E. Lincoln St. toward their parking requirement. Rather, they propose on-street parking on the N/S street. They will address the front parking spaces with their engineer and pull them back so they conform with the ordinance. With regards to the glazing they will work with their architect to correct that.

Mr. Bob Garanski, Vice-President of Senior Lifestyles, said that for them the thing most appealing with this site is its proximity to the existing parks. The residents in assisted living need help with everyday activities. He went on to point out the highlights of the circulation plan through the site.

Ms. Hoffman said their building footprint is designed in such a way that they can provide full paved access around the site with a turning radius up against the east side.

It was noted the facility will typically have 36 employees and 122 residents in the building. Hughes Properties and CA Ventures will own the building and Senior Lifestyles will operate it. The apartment size ranges from 400, 600 and 800 sq. ft. for studio, one-bedroom, and two-bedroom units.

The chairman called for comments from the public on the proposal at 10:44 p.m.

Mr. David Bloom wondered why someone would want to live in this facility that is so close to the railroad tracks. Further, he noted there will be ambulances and fire trucks going through the adjacent residential neighborhood and wondered if an impact study has been thought about.

Ms. Ecker noted the Fire Marshal's request for access to the building on the east side could potentially eliminate the southern terminus of a linear park. Mr. Koseck indicated he would never bless this proposal unless that fundamental matter is resolved. He felt there are ways this project could be much better. Mr. Jeffares thought more open space could be added to the entry. He noted that

floors 3 and 4 will look out past the railroad tracks and onto the dump. Mr. Share said from his perspective the building should be set back a foot rather than out to the street because these occupants don't move fast. He is reluctant to dive into the site plan without understanding the parking.

Chairman Clein stated he understands the need for the porte cochere. His concern is this plan pulls the building back 14 ft. to essentially pave the entire frontage. It seems the applicant tried to get as many units as possible and they needed 15 ft. to get that in so they slammed it up in front. He believes it is a bad design solution. Also, he agrees the parking plan needs more clarity. He is concerned with 36 employees and 37 parking spaces in the rear that are for employees and potentially residents. Further, he doesn't like that they have to walk through a service entrance and a driveway and a loading zone to get into the building. When you add that to the uncertainty of the Fire Marshal's request he thinks there is tweaking that needs to be done to make it all work.

Motion by Ms. Whipple-Boyce

Seconded by Ms. Lazar to extend the meeting 15 minutes to 11:15 p.m.

Motion carried, 7-0.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Koseck to postpone the Preliminary Site Plan Review for 2400 and 2430 E. Lincoln St., Birmingham Senior Living, to October 14, 2015.

There was no discussion on the motion from the public at 11:02 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: DeWeese, Williams

**Zoning Compliance Summary Sheet
Preliminary Site Plan
Senior Living Development
2400 E Lincoln Street**

Existing Site Zoning: MX Mixed Use
Land Use: Vacant

Existing Land Use and Zoning of Adjacent Properties:

	North	South	East	West
Existing Land Use	Medical office	Swim club	Railroad right-of-way	Public Park/Parking
Existing Zoning District	MX, Mixed Use	MX, Mixed Use / B-1, Neighborhood Business	PP, Public Property	PP, Public Property

Land Area: existing: 3.78 acres
proposed: same as above

Land Use: existing: Vacant
proposed: Assisted Living Senior Housing

Assisted living developments are permitted with City Commission approval of a Special Land Use Permit.

Minimum Lot Area per unit: required: 1,500 sq ft (1 bedroom)
116 units = 174,000 sq ft required
2,000 sq ft (2 bedroom)
6 units = 12,000 sq. ft. required
186,000 sq. ft. of land area required

proposed: **164,426 proposed**

The land area per unit for this proposal exceed the existing land area on the site.

Minimum Floor Area: required: 400 sq. ft. (efficiency)
600 sq. ft. (one bedroom units)
800 sq. ft. (two bedroom units)
proposed: 400 – 480 sq. ft. (per efficiency unit)
600 – 800 sq. ft. (per one bedroom unit)
850 – 900 sq. ft. (per two bedroom unit)

Floor Area Ratio:	allowed:	100% max 6,000 sq. ft. commercial/office/service uses
	proposed:	67.2% the site offers amenities to residents, but does not have any commercial space
Open Space:	required:	N/A
	proposed:	51%
Frontage line for Principal Building:	required:	at lot line (north and west)
	proposed:	at west lot line, 14.3 ft. setback from north
Front Setback:	required:	0 ft.
	proposed:	14.3 ft. Planning Board may adjust front setback if the requirements of Article 04 section 4.76 SS-08 are met.
Side Setbacks:	minimum:	west – 0 ft.; east – N/A
	proposed:	west – 0 ft.; east – 25.5 ft.
Rear Setback:	required:	10 ft.
	proposed:	37.4 ft.
Max. Bldg. Height &	permitted:	45 ft., 4 stories
	proposed:	46 ft., 4 stories

The CIS states the proposed maximum height at 45 ft.; however the plans indicate 46 ft.

Minimum First Floor Height:	required:	12 ft.
	proposed:	12 ft. – 13 ft. 9 in.
Parking:	required:	32 (units) + 36 (employees) = 68 spaces
	proposed:	57 on-site and 11 on-street spaces = 51 spaces
	required:	180 sq. ft. parking spaces
	proposed:	180 sq. ft.

Spaces provided in the right-of-way must be approved by the engineering department.

Loading Area:	required:	N/A
	proposed:	N/A

Screening Parking:	required:	32" high screen wall
	proposed:	36" screen wall
Ground Mounted	required:	Screen walls to obscure all mechanical units constructed of materials compatible with building

Mechanical:	proposed:	Block wall, details not provided
Roof-top Mech. units:	required:	Screen walls to obscure all mechanical units constructed of materials compatible with building
	proposed:	Units to be located out of sight in middle of rooftop

It is likely that the location of equipment and parapet screens rooftop mechanical, but the applicant needs to provide details of this and of ground mounted mechanical screening prior to final site plan approval.

Trash Receptacles:	required:	N/A
	proposed:	indoor refuse area



MEMORANDUM

Community Development Department

DATE: October 7, 2015

TO: Planning Board

FROM: Matthew Baka, Senior Planner

SUBJECT: Study Session to consider amendments to Chapter 126, Zoning, Article 04, Section 4.83 WN-01 (WINDOW STANDARDS)

Background

On October 24, 2012 the Planning Board approved a two story addition to the office building at 995 S. Eton. However, the applicant was forced to revise the architectural design of the addition in order to meet the window standards established in the Zoning Ordinance. At that time several members of the Planning Board expressed support for the proposed design. It was discussed whether the ordinance could be amended to permit the reviewing City Board the authority to give architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

On January 9, 2013 the Planning Board conducted a study session to discuss a draft ordinance amendment aimed at allowing the reviewing board the flexibility to modify the windows standards. At that time, there was discussion regarding limiting the amendment to the upper stories of a building. Accordingly, the Planning Board set a public hearing for February 25, 2013 to review draft ordinance language.

On May 6, 2013 the City Commission reviewed the ordinance amendment and sent it back to the Planning Department. The City Attorney asked for more specific requirements to be added to allow the Planning Board to waive the glazing requirements on the upper levels.

The Planning Board, at their September 25, 2013 meeting held a public hearing detailing ordinance changes to the City of Birmingham's Glazing Standards with additional objective criteria requirements for approval per the City Commissions' request.

The City Commission held another Public Hearing on January 27, 2014 to consider the revised glazing ordinance. The City Commission took no action on the proposed amendment and rather instructed staff to take the matter back to the Planning Board to consider ways to incorporate their comments into the ordinance. The City Commission suggested that the amendment be modified to allow the proposed flexibility in the MX district but to have more restrictive requirements in the downtown and Triangle District.

After reviewing the current Zoning Ordinance language and Overlay District requirements, the Planning Division has determined that the previously proposed changes would not apply in the

Downtown or Triangle District because the overlay standards for each area supersede the rest of the Zoning Ordinance, including the Window Standards of section 4.83. If the previously proposed amendment were to be adopted the following glazing standards would be required for each zone:

Downtown Overlay District (Section 3.04 E (1)):

- 70% glazing minimum on storefront facades between 1 and 8 feet above grade;
- 35% glazing maximum above the first floor.

Triangle District (Section 3.09 B (1)):

- 70% glazing minimum of the storefront/ground floor façade (all sides that abut a street);and
- Openings above the first story shall be a maximum of 50% of the total façade. Windows shall be vertical in proportion.

Rail District (MX) (Section 4.83-01):

- 70% glazing minimum of the storefront/ground floor façade (any façade that faces a street, plaza, park or parking area);and
- Openings above the first story shall be a maximum of 50% of the total façade. Windows shall be vertical in proportion. (Flexibility allowed with approval of the Planning Board).

The adoption of the previously proposed ordinance amendment would create the most flexibility in the Rail District while being the most restrictive in the Downtown.

Current Recommendations

The first floor glazing standards are inconsistent throughout these zones. In the Downtown Overlay the 70% requirement is only applied between 1 and 8 feet above grade. In the Triangle District and window standards of section 4.83, the 70% requirement is applied to the entire first floor. The result of this difference is that outside of the Downtown Overlay it requires a significantly larger amount of glazing to satisfy the requirement. In order to provide consistency throughout the ordinance and still achieve the pedestrian and public interaction intended by the standards, the Planning Division recommends, amending the first floor standards in the Triangle District and Section 4.83 to require 70% glazing between 1 and 8 feet above grade. Staff believes that the addition of this provision to these two sections will significantly decrease the frequency of variance applications, while still achieving the intent of the standards.

The Planning Board may also wish to consider whether the façades of the building to which the standards are applied in section 4.83 should be revised. Currently, section 4.83 states that the window standards apply on the front façade and any façade facing a street, plaza, park or parking area. There have been multiple applications that have come through the Planning

Board in recent months that have pursued variances from the glazing standards because the site conditions have required that they have 70% glazing on all sides of the building. Section 4.83 applies to all commercial properties outside of the Downtown and Triangle Overlay Districts. Many of these properties are isolated from other commercial properties or adjacent to residential zones and could likely face the same scenario as a stand-alone building.

On April 22, 2015 the Planning Board discussed possible solutions to these current problems with the window standards. Concerns were cited regarding the construction of buildings with blank walls that create no architectural interest. Based on that discussion, the draft ordinance language has been revised to include a provision that prohibits blank walls longer than 20 feet. This same provision is contained in the Triangle District. This does not resolve the issue that requires 70% glazing on four sides of certain buildings, but it would be a fall back if such a change were made to the standards.

If the Planning Board believes that further study is needed before altering the applicability of section 4.83, the Planning Division would recommend first adopting the draft language that limits the glazing calculation on the first floor to between 1 and 8 feet. Staff believes that would be a starting point that would make the window standards much more achievable, thus reducing the need for variances while any additional changes are contemplated.

Suggested Action

The Planning Department recommends that the Planning Board set a public hearing for November 11, 2015 to consider the following Zoning Ordinance amendment:

TO AMEND ARTICLE 03 SECTION 3.09 TO REQUIRE GLAZING IN THE TRIANGLE DISTRICT BETWEEN 1' AND 8' ABOVE GRADE ON THE GROUND FLOOR.

AND

TO AMEND ARTICLE 04, SECTION 4.83 WN-01(WINDOW STANDARDS) TO ALLOW DESIGN FLEXIBILITY AS PERMITTED BY THE PLANNING BOARD, DESIGN REVIEW BOARD, OR HISTORIC DISTRICT COMMISSION.

OR

TO AMEND ARTICLE 04, SECTION 4.83 WN-01(WINDOW STANDARDS) TO REQUIRE 70% GLAZING BETWEEN 1 AND 8 FEET ABOVE GRADE ON THE GROUND FLOOR.

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 04 DEVELOPMENT STANDARDS, SECTION 4.83, WN-01 (WINDOW STANDARDS) TO ALLOW DESIGN FLEXIBILITY AS PERMITTED BY THE PLANNING BOARD, DESIGN REVIEW BOARD OR HISTORIC DISTRICT COMMISSION.

Article 04, section 4.83 WN-01 shall be amended as follows:

4.83 WN-01

The following window standards apply on the front façade and any façade facing a street, plaza, park or parking area.

- A. Storefront/Ground Floor Windows: Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed. The following standards apply:
 - 1. No less than 70% of the storefront/ground floor façade **between 1 and 8 feet above grade** shall be clear glass panels and doorway.
 - 2. Glass areas on storefronts shall be clear, or lightly tinted in neutral colors. Mirrored glass is prohibited.
 - 3. Required window areas shall be either pedestrian entrances, windows that allow views into retail space, working areas or lobbies. Display windows set into the wall may be approved by the Planning Board.
 - 4. Windows shall not be blocked with opaque materials or furniture, products, signs, blank walls or the back of shelving units.
 - 5. The bottom of the window shall be no more than 3 feet above the adjacent exterior grade.
 - 6. Blank walls of longer than 20 feet shall not face a public street.**

- B. Upper Story Windows: Openings above the first story shall be a maximum of 50% of the total façade area. Windows shall be vertical in proportion.

- C. **To allow flexibility in design, these standards may be modified by a majority vote of the Planning Board, Design Review Board, and/or Historic District Commission for architectural design considerations provided that the following conditions are met:**
 - a. **The subject property must be in a zoning district that allows mixed uses.**
 - b. **The scale, color, design and quality of materials of upper stories must be consistent with the building and site on which it is located.**

- c. **The proposed development must not adversely affect other uses and buildings in the neighborhood.**

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 03 TRIANGLE OVERLAY DISTRICT, SECTION 3.09, COMMERCIAL/MIXED USE ARCHITECTURAL REQUIREMENTS TO LIMIT THE STOREFRONT GLAZING REQUIREMENTS TO BETWEEN 1 AND 8 FEET ABOVE GRADE

Article 03, Section 3.09 b(1) shall be amended as follows:

3.09 Commercial/Mixed Use Architectural Requirements

A. unchanged

B. Windows and Doors:

1. Storefront/Ground Floor. Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed and painted. No less than 70% of the storefront/ground floor façade **between 1 and 8 feet above grade** shall be clear glass panels and doorway. Glass areas on storefronts shall be clear, or lightly tinted. Mirrored glass is prohibited. Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall. Windows shall not be blocked with opaque materials or the back of shelving units or signs. The bottom of the window must be no more than 3 feet above the adjacent exterior grade.
2. Entranceway. The front entranceway shall be inset 3 feet from the front building wall.
3. Upper Stories. Openings above the first story shall be a maximum of 50% of the total façade area. Windows shall be vertical in proportion.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 22, 2015
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 22, 2015. 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; Alternate Board Members Stuart Jeffares; Student Representative Andrea Laverty (left at 9:30 p.m.)

Absent: Board Member Robin Boyle, Alternate Board Member Daniel Share; Student Representative Scott Casperson

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

04-80-15

**STUDY SESSION
Glazing Standards**

Mr. Baka explained that as a result of applicants having to revise their architectural designs in order to meet the window standards established in the Zoning Ordinance, members of the Planning Board have discussed whether the ordinance could be amended to give the reviewing City Board the authority to allow architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

After many prior meetings and review by the City Commission, the Planning Board at their March 11, 2015 meeting conducted a study session to continue discussion on improving the window standards. There was consensus that the 70% glazing requirement should be limited to between 1 and 8 ft. above grade in all zones and districts. It was also agreed that the current requirements of section 4.83 WN are problematic as they have required excessive glazing on several recent projects which has resulted in multiple variance requests to the Board of Zoning Appeals.

Although no specific modification standards were recommended over others, the Planning Board clearly indicated that the intent of the ordinance was to engage pedestrians in commercial zones. The board directed the Planning Dept. to review the various ways of accomplishing that intent. Accordingly, revised draft ordinance language is presented for the consideration of the Planning Board.

In order to provide consistency throughout the ordinance, the Planning Staff recommends amending the first floor standards in the Triangle District and Section 4.83 to require 70% glazing between 1 and 8 ft. above grade.

Mr. Baka advised that the window standards apply on the front façade and any façade that includes the primary entrance where the façade faces a street, plaza, park or parking area. Blank walls are not permitted on elevations with public entrances.

It was concluded that a definition of “blank wall” is needed. Ms. Whipple-Boyce thought that some flexibility should be written into the ordinance. Say that blank walls are not permitted on elevations, period. Mr. Koseck thought this matter needs another layer of study so they don’t end up with a bunch of windowless buildings or uninterrupted walls that don’t make for good architecture. Mr. Baka clarified that what is being discussed does not apply in the Downtown or the Triangle. It only applies in areas that are more likely to have a stand-alone building. Ms. Lazar thought the board needs definite parameters to work with.

**BIRMINGHAM CITY COMMISSION MINUTES
JANUARY 27, 2014 MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.**

**01-15-14 PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDMENT TO
CHAPTER 126, ARTICLE 04, SECTION 4.83 WN-01**

Mayor Pro Tem Sherman opened the Public Hearing to consider an ordinance amendment to Chapter 126, Article 04, Section 4.83 WN-01 at 8:44 PM.

Planner Ecker explained that the proposed ordinance amendment was the subject of a public hearing on September 25, 2013, after a request from the City Commission to add more specific criteria in order to waive the current 50% glazing requirement on upper level windows.

Planner Ecker explained that the Planning Board does not want to change the glazing standards for the first floor windows, which is 70% in the downtown area as well as in the triangle district; the change would apply to the upper levels only. There are no window glazing guidelines in the Rail District.

In response to Commission discussion regarding the amount of flexibility in the proposed ordinance, Planner Ecker noted that the Planning Board wanted to be able to respond to design changes in the marketplace and to prevent the glazing requirements from getting in the way of a good development.

Commissioner Nickita suggested the ordinance be more flexible in the rail district, less so in the triangle district, and more restrictive in the downtown district. Commissioner Dilgard suggested changing "to encourage flexibility", to "to allow flexibility".

Mayor Pro Tem Sherman closed the Public Hearing at 8:57 PM.

The commissioners took no action on the proposed ordinance amendment, and directed staff to review the discussion with the Planning Board.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, SEPTEMBER 25, 2013
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held September 25, 2013. Chairman Robin Boyle convened the meeting at 7:32 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck (arrived at 7:35 p.m.), Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Arshon Afrakhteh

Absent: None

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

09-168-13

PUBLIC HEARING

Glazing Standards (rescheduled from September 11, 2013)
**TO CONSIDER AN AMENDMENT TO CHAPTER 126, ZONING, ARTICLE 04,
SECTION 4.83 WN-01 (WINDOW STANDARDS) TO ALLOW DESIGN
FLEXIBILITY AS APPROVED BY THE PLANNING BOARD, DESIGN REVIEW
BOARD AND/OR HISTORIC DISTRICT COMMISSION**

Chairman Boyle opened the public hearing at 7:37 p.m.

Mr. Baka advised that the Planning Board has been discussing whether the ordinance could be amended to give the reviewing City Board the authority to give architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

After several meetings on this topic, the Planning Board, at their August 14, 2013 meeting, held a study session detailing ordinance changes to the Glazing Standards and requested staff to set a public hearing date to consider amendments to Chapter 126, Article 04, section 24.83 B.

Mr. Williams received confirmation that the City Attorney is happy with the suggested ordinance amendments. Ms. Ecker verified that if a proposal goes before two different

City boards, the Planning Board and the Historic District Commission (“HDC”), the HDC determination would take priority.

Chairman Boyle observed this is an example of the City listening to applicants and developers.

At 7:43 p.m. there were no comments from members of the audience.

Motion by Mr. Williams

Seconded by Mr. DeWeese to recommend approval by the City Commission to amend Article 04, Section 4.83 WN-01 (Window Standards) to allow design flexibility as permitted by the Planning Board, Design Review Board, and/or Historic District Commission.

There were no final comments from the audience at 7:44 p.m.

Motion carried, 7-0.

ROLLCALL VOTE

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

Nays: None

Absent: None

The chairman formally closed the public hearing at 7:45 p.m.

**PLANNING BOARD MINUTES
AUGUST 14, 2013**

**STUDY SESSION
Glazing Standards**

Ms. Ecker noted that on October 24, 2012 the Planning Board approved a two-story addition to the office building at 995 S. Eton. However, the applicant was forced to revise the architectural design of the addition in order to meet the window standards established in the Zoning Ordinance. At that time, several members of the Planning Board expressed support for the proposed design. It was discussed whether the Ordinance could be amended to authorize the reviewing City Board to give architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

On January 9, 2013 the Planning Board conducted a study session to discuss a draft ordinance amendment aimed at allowing the reviewing Board the flexibility to modify the window standards. At that time, there was discussion regarding limiting the amendment to the upper stories of a building. Accordingly, the Planning Board set a public hearing for February 27, 2013 to review the draft ordinance amendment.

On February 27, 2013 the Planning Board recommended approval to the City Commission.

On May 6, 2013 the City Commission reviewed the ordinance amendment and sent it back to the Planning Dept. The City Attorney asked for more specific requirements to be added that would allow the Planning Board to waive the glazing requirements on the upper levels.

The Planning Board reviewed the revised ordinance and changed the wording as follows:

“ . . .To encourage flexibility in design these standards may be waived by a majority vote of the Planning Board and/or Historic District Commission for architectural design considerations. . . ”

b. The scale, color, design and quality of materials of upper stories must be consistent with the building and site; and

c. The proposed development must not adversely affect other uses and buildings in the neighborhood.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Clein to schedule a public hearing on Glazing Standards for September 11, 1913.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Absent: Koseck, Lazar

**CITY COMMISSION MINUTES
MAY 6, 2013**

**05-148-13 PUBLIC HEARING – ZONING ORDINANCE
AMENDMENT WINDOW STANDARDS**

The Mayor opened the Public Hearing at 7:40 PM to consider an amendment to the Zoning Ordinance, Chapter 126, Article 04 Development Standards, Section 4.83, WN-01 (Window Standards).

Mr. Baka explained that the Planning Board requested a modification to the ordinance to allow some flexibility regarding window standards due to a recent site plan review. Mr. Currier recommended the Planning Board develop effective standards for when the second floor window requirements could be waived.

The Mayor closed the Public Hearing at 7:42 PM. The Commission took no action.

**PLANNING BOARD MINUTES
FEBRUARY 27, 2013**

PUBLIC HEARING

1. TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 04 DEVELOPMENT STANDARDS, SECTION 4.83, WN-01 (WINDOW STANDARDS) TO ALLOW DESIGN FLEXIBILITY AS PERMITTED BY THE PLANNING BOARD, DESIGN REVIEW BOARD OR HISTORIC DISTRICT COMMISSION.

Chairman Boyle opened the public hearing at 7:38 p.m.

Mr. Baka recalled that on October 24, 2012 the Planning Board approved a two-story addition to the office building at 995 S. Eton. However, the applicant was forced to revise the architectural design of the addition in order to meet the window standards established in the Zoning ordinance. At that time, it was discussed whether the Ordinance could be amended to give the reviewing City board the authority to allow architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

On January 9, 2013 the Planning Board conducted a study session to discuss a draft ordinance amendment aimed at allowing the reviewing board the flexibility to modify the window standards. At that time, there was discussion regarding limiting the amendment to the upper stories of a building. Accordingly, the Planning Board set a public hearing for February 27, 2013 to review the draft ordinance.

Mr. Baka said that consideration of window standards normally would only go to one or two relevant boards. Mr. Koseck thought that requiring an applicant to appear before two boards adds confusion. The board's consensus was that either board could make the call.

No one from the public wished to speak on this matter at 7:45 p.m.

Motion by Mr. DeWeese

Seconded by Mr. Clein to recommend approval to the City Commission to amend Article 04, Section 4.83 Wn-01(Window Standards) to encourage flexibility in design. These standards may be waived by a majority vote of the Planning Board or Design Review Board and the Historic District Commission, when required, for architectural design considerations.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

The chairman closed the public hearing at 7:48 p.m.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JANUARY 9, 2013
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held January 9, 2013. Chairman Robin Boyle convened the meeting at 7:34 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Kate Leary

Absent: None

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

01-07-13

STUDY SESSION

Glazing Requirements

To consider amendments to Chapter 126, Zoning, Article 04, Section 4.83 WN-1 (WINDOW STANDARDS) to allow architectural flexibility as approved by the Planning Board, Design Review Board, or Historic District Commission

Mr. Baka recalled that on October 24, 2012 the Planning Board approved a two-story addition to the office building at 995 S. Eton. However, the applicant was forced to revise the architectural design of the addition in order to meet the window standards established in the Zoning Ordinance. At that time, several members of the Planning Board expressed support for the proposed design. It was discussed whether the ordinance could be amended to authorize the reviewing City Board to give architects more creativity and flexibility when composing their designs by allowing variation from the window requirements on the second floor. He did not see any situation that would warrant going less than 70% glazing on the first floor.

Mr. DeWeese wanted to see wording to the effect that all appropriate boards must agree to design flexibility for upper story windows. Otherwise, he was supportive.

Motion by Mr. DeWeese

Seconded by Mr. Clein to set a public hearing for February 27 to consider the Zoning Ordinance Amendment.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, OCTOBER 24, 2012
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held October 24, 2012. Chairman Robin Boyle convened the meeting at 6:30 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams;

Absent: Student Representative Kate Leary

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

10-180-12

FINAL SITE PLAN REVIEW

995 S. ETON (postponed from the meeting of October 10, 2012)

Saretsky, Hart, Michaels & Gould Law Firm

Two-story addition to building in existing outdoor courtyard

Ms. Ecker highlighted the proposal. The site located at 995 S. Eton is a one-story building that currently houses a law office. The petitioner intends to build a two-story addition at the southeast corner of the building (facing Cole Ave.) at the location of an existing outdoor courtyard. The addition will add 1,043 sq. ft. for a total of 5,423 sq. ft. The existing parking lot will remain, though new plantings are proposed to buffer the addition from the parking lot. The applicant proposes an aluminum and glass façade with swinging window treatments for the addition. The applicant is also proposing the installation of a new rooftop mechanical unit on the existing roof with mechanical screening to match existing screens. The existing site is zoned MX, Mixed Use. The law office is a permitted use within this district.

The increase in square footage increases the applicant's parking requirement by three spaces. The applicant intends to convert one barrier-free parking spot to an unrestricted parking spot, and seeks to utilize two on-street parking spaces on Eton St. toward their parking requirement in exchange for making improvements in the right-of-way. *In order to count these spaces, the applicant will be required to obtain approval from the City Commission. If approval is not granted, the applicant will be required to obtain a variance from the Board of Zoning Appeals ("BZA") or enter into a shared parking agreement that must be approved by the Planning Board.*

The second level of the south elevation on Cole St. does not meet the glazing requirements of the MX District. The applicant has agreed to reduce the amount of glazing on the second floor of the addition to comply with the maximum 50 percent glazing requirement. *If the glazing requirement is not met, a variance will be required from the BZA.*

All exterior design changes to the existing building will also be reviewed by the Design Review Board.

Mr. Roman Bonaslowski from Ron & Roman Architects was present for the applicant. With regards to the parking along Eton, if the Engineering Dept. believes there is a problem with the tightness of Cole as it resolves itself on Eton, he suggested the opportunity exists to make modifications on the south side of Eton if they believe it is too tight of a condition. Secondly, if there is opportunity to find 50 percent glazing going up from the top of the existing parapet they would prefer to have the glass up there or have it continue behind the louvers. It seems reasonable to add an additional tree on Cole. He requested that lighting not be a street improvement along Eton until there is a determination of what is happening along the entire Eton Corridor, and an understanding on how that street lighting can work.

Mr. Miles Hart from the law firm said their employee base is not growing. They need more space to spread out and into offices in order to have better working conditions. They don't have an issue with parking.

Mr. Williams thought the glazing on the second floor adds interest to the building. Mr. DeWeese agreed. To him it looks better if the top and bottom windows are the same size and the second floor is defined as starting at the top of the existing building.

There were no comments from the public at 8:55 p.m.

Motion by Ms. Whipple-Boyce

Seconded by Mr. DeWeese to approve the Final Site Plan and Design Review for 995 S. Eton, Saretsky, Hart, Michaels & Gould Law Firm, with the following conditions:

- 1. Applicant obtain approval of the City Commission for the use of two parking spaces on S. Eton or obtain a parking variance from the BZA;**
- 2. Applicant submit details for administrative approval for all landscaping, plant material, the location of the Knox box, and a recalculated glazing requirement on the south and east elevations that incorporates calculating the second floor glazing from the line of the existing building's roofline. A tree will be added on Cole.**
- 3. Applicant replace non cut-off light fixtures with cut-off fixtures to bring the site into compliance with the current ordinance;**
- 4. Applicant obtain approval from the Design Review Board for the proposed addition.**

Members of the public had no final comments at 9 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

10-183-12

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications (none)

b. Administrative Approvals

- 335 E. Maple Rd. – To slightly re-design the proposed storefront at grade level to include an additional entrance door for the office component of the building.
- 953 S. Eton – Install five ton condenser on roof/"Lamsl" painted to match building. Height of unit: 33 in.; height of screening: 41 in.

c. Draft Agenda for the Regular Planning Board Meeting on November 14, 2012

- Park St. re-zoning application;
- Max and Erma's space for Stoney Creek Steakhouse; and
- 550 W. Merrill, School Administration Building, for office use.

d. Other Business

- 2013 Bistro Update – The City Commission has sent three bistros for the Planning Board to look at: What Crepe?, Birmingham Sushi, and Crush.
- Mr. Baka thought it might be useful in the future to give this board the flexibility to vary from the glazing requirement. Board members also agreed that applicants should not be required to appear before two boards for their reviews.