

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, JANUARY 23, 2013**

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<b>SPECIAL LAND USE PERMIT (“SLUP”) APPLICATION</b> <b>555 S. Old Woodward Ave.</b> <b>Request for Economic Development License for Crush</b>	<b>3</b>
<b>FINAL SITE PLAN REVIEW</b> <b>555 S. Old Woodward Ave.</b> <b>Request for Revised Final Site Plan in conjunction with Economic Development License SLUP application</b>	<b>3</b>
<b>Motion by Mr. DeWeese</b> <b>Seconded by Mr. Williams to recommend approval of the applicant’s request for Final Site Plan and SLUP to the City Commission to permit an Economic Development License for Crush at 555 S. Old Woodward Ave. with the following conditions:</b> <ol style="list-style-type: none"> <li><b>1) The applicant provide a signed copy of the contract with the City;</b></li> <li><b>2) Obtain an outdoor dining license;</b></li> <li><b>3) Applicant submit an economic impact statement to the Planning Dept. for review prior to appearing before the City Commission;</b></li> <li><b>4) Applicant obtain approval of the City Commission to include the 36 on-street parking spaces into the required parking;</b></li> <li><b>5) Applicant provide documentation terminating the parking agreement with Fred Lavery in order to make those spaces available for the parking requirement;</b></li> <li><b>6) Applicant provide documentation granting permission from the 555 Residential LLC and/or 555 Commercial LLC to use the available parking;</b></li> <li><b>7) Applicant provide floor plans for all levels of the parking deck to allow verification of proposed re-striping and submit for Administrative Approval;</b></li> <li><b>8) Applicant install signage indicating that exiting the residential drive directly onto Woodward Ave. is prohibited;</b></li> <li><b>9) Applicant indicate the intended kitchen hours will be from 11 a.m. to 12 midnight;</b></li> <li><b>10) The location of a grease trap at the corner of Woodward Ave. and Bowers is eliminated from that location; the applicant provide details regarding the trash disposal for the operation and that an acceptable location for the grease trap be identified with screening details;</b></li> </ol>	<b>6</b>

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<p>11) Applicant submit revised plans that indicate whether umbrellas are proposed for the street level outdoor dining area;</p> <p>12) Applicant correct the landscape plan on page 25 to reflect the proper location of the planters;</p> <p>13) Applicant provide specification sheets for the proposed outdoor dining tables;</p> <p>14) The trash receptacle on the street level must be located within the outdoor dining area as required;</p> <p>15) The applicant indicate which planters will remain out year-round and how those planters will be treated once the annuals are no longer in bloom;</p> <p>16) The applicant identifies the planting on the edge of the west terrace;</p> <p>17) Applicant reconstruct all streetscape elements in accordance with current standards as recommended by the Engineering Dept.;</p> <p>18) The Planning Board approves the non cut-off fixtures as permitted by Article 04 section 4.21 LY-01 (D);</p> <p>19) The applicant verify that all four signs are the same size and whether the signs on the north and south elevation are backlit;</p> <p>20) The applicant add a Knox Box and make other changes required by the Fire Dept.;</p> <p>21) Upper decks may only be used on or between April 1 to November 15;</p> <p>22) Add a rail by the outdoor dining area on the first floor subject to the approval of the Planning Dept.;</p> <p>23) Place disabled parking close to the second-floor entrance subject to the approval of the Planning Dept.;</p>	6
<p>Ms. Whipple-Boyce added:</p> <p>24) No clear zip-down windows as indicated on the plan;</p> <p>25) All health and sanitary facilities must meet Michigan Code; and</p> <p>26) Seventy percent clear glazing from 1 ft. to 8 ft. above grade on all facades that front a street (the north, east and west), subject to Planning Dept. approval.</p>	
<p>Motion carried, 7-0.</p>	7
<p>555 S. Old Woodward Ave.                  Request for Revised Final Site Plan in conjunction with Bistro License SLUP application previously reviewed on December 12, 2012</p>	3

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<p><b>Motion by Mr. DeWeese</b>  <b>Seconded by Mr. Williams to recommend approval of the applicant’s request for Final Site Plan to the City Commission to permit a Bistro License for Crush Bistro at 555 S. Old Woodward Ave. with all of the previous motion’s conditions plus addition of the following:</b></p> <ul style="list-style-type: none"> <li>➤ <b>The second-floor east area may not be used by patrons of the bistro and changes in the rooftop garden are subject to administrative approval.</b></li> </ul>	<b>8</b>
<p><b>Motion carried, 5-2.</b></p>	<b>9</b>
<p><b>Motion by Ms. Whipple-Boyce</b>  <b>Seconded by Mr. Clein to recommend to the City Commission acceptance of the applicant’s request for an Economic Development License over a Bistro License for Crush at 555 S. Old Woodward Ave.</b></p>	<b>8</b>
<p><b>Motion carried, 6-1.</b></p>	<b>9</b>
<p><b>FINAL SITE PLAN REVIEW</b>  <b>2400 E. Lincoln</b>  <b>Pristine Properties</b>  <b>Request for Final Site Plan Review for proposed new office building, parking and access roads</b></p>	<b>9</b>
<p><b>Motion by Ms. Whipple-Boyce</b>  <b>Seconded by Mr. DeWeese to recommend approval of the Final Site Plan and Design Review for 2400 E. Lincoln subject to the following conditions:</b></p> <ol style="list-style-type: none"> <li><b>1) Applicant obtain approval of the proposed lot split and SLUP by the City Commission;</b></li> <li><b>2) Applicant enter into an agreement with the City regarding the location and construction of the N/S street and the extension of E. Lincoln;</b></li> <li><b>3) Planning Board adjusts the front setback requirements on the N/S street and the extension of E. Lincoln;</b></li> <li><b>4) Applicant increase the height of the dense yews along E. Lincoln to a minimum of 32 in. in height at the time of planting and extend this screening to the eastern property line;</b></li> <li><b>5) Applicant provide details on the rooftop mechanical for administrative approval;</b></li> <li><b>6) Applicant resolve the issue with the eastern terminus of E. Lincoln with the Engineering Dept. and Fire Dept. prior to City Commission review;</b></li> </ol>	<b>11</b>

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<p>7) Applicant comply with the requests of all departments, subject to Planning Dept. approval;</p> <p>8) Applicant provide ADA compliant ramps at the corner of E. Lincoln and the proposed N/S street;</p> <p>9) Applicant provide required pedestrian scale street lighting, subject to Planning Dept. approval;</p> <p>10) Applicant provide specification sheets for building and sign light fixtures prior to review by the City Commission;</p> <p>11) Applicant reduce the light levels at the property lines or obtain a variance from the BZA;</p> <p>12) All plan revisions needed to comply with the above conditions are in place prior to review by the City Commission; and</p> <p>13) Add a Knox Box and other Fire Dept. requirements.</p> <p>Motion carried, 6-0.</p>	<p>12</p>

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**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, JANUARY 23, 2013  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held January 23, 2013. Chairman Robin Boyle convened the meeting at 7:30 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, Sr. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**01-11-13**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING  
HELD JANUARY 9, 2013**

Ms. Whipple-Boyce:

Page 5 - Fifth paragraph, replace "Ms. Whipple-Boyce" with "Ms. Leary."

Ms. Lazar:

Page 12 - Last line, add "faux" in front of "brick wall."

**Motion by Mr. DeWeese**

**Seconded by Mr. Clein to accept the Minutes of the Regular Planning Board Meeting of January 9, 2013 as revised.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Absent: None

**01-12-13**

**CHAIRMAN'S COMMENTS**

The chairman invited the Boy Scouts who were visiting this evening to introduce themselves so that they would be on TV and recorded in the minutes:

John Crow, Troop 1034, working on Communications Merit Badge, Derby School  
Paul Fisher, Troop 1034, working on Communications Merit Badge, Covington School  
Dave Howlett, Troop 1034, Covington School  
Polatio Levine, Troop 1034, Covington School  
Ben Rickowski, Troop 1034, Covington School  
Trevor, Troop 1034, Covington School

Mr. Mark Craig, the scoutmaster of Troop 1034, reported they work on the Communications Badge every couple of years and part of the requirement is to attend a public meeting and prepare a presentation about what was discussed.

**01-13-13**

**APPROVAL OF THE AGENDA** (no changes)

**01-14-13**

**474 N OLD WOODWARD AVE.**

**Market Bistro**

**Review of exterior design changes for Administrative Approval**

Ms. Ecker announced the applicant has brought forward a couple of options for the mechanical venting which became necessary because an oven was moved:

- Painted metal duct work covered by ornamental filigree metal detail, or;
- Enclose the duct work with E.F.I.S.

Mr. Roman Bonislowski, Ron & Roman Architects, explained they tried to convince the landlord to sacrifice a little space on the interior of the building so that the ducting could occur inside of the building, but he has been reticent to agree. Mr. Bonislowski added the odors will exhaust over the roof and not be a problem.

Board members felt it would be better to enclose the ducts and cause them to disappear, rather than to make a feature out of them.

It was agreed at the last meeting that the window on the east wall facing the parking lot will be put back in. Another issue from the last meeting concerned the metal framed Sunbrella fabric that has been proposed for the rooftop screening. Mr. Bonislowski was confident it would last 7 - 8 years without showing any wear. They like its light weight.

No one from the public wished to comment on the proposed enclosure at 8:17 p.m.

Mr. Koseck commented that the board looks for 50-year products, therefore he won't support Sunbrella. Mr. Bonislowski agreed to use a plastered enclosure that will

seamlessly blend with the enclosure for the duct work that comes up over the parapet wall. The sense of the board was to go with that.

Mr. Bonislawski advised they are proposing the introduction of two semi-transparent roller shades hidden under the valance of the canopy on the west side of the café facing N. Old Woodward Ave. This is a sunscreen that enables visibility through it. Board members were in support of the shading.

Lastly, the board deliberated on an acrylic semi-rigid panel enclosure for year-around use. This is proposed around the entire perimeter of the café and would increase the outside seating capacity from 44 to over 100 for off-season outdoor dining. Mr. Bonislawski thought this would benefit the vibrancy of the Downtown area. However, it was felt by several board members that this screening would negatively affect the appearance of the building from November through March.

It was Mr. Williams' feeling a legal opinion is needed regarding the permitted adaptation of the Bistro Ordinance and what precedent would be set here for other bistros to follow. Also, ask whether it makes a difference if the outdoor café is in a public right-of-way or not. Therefore, he recommended that the city attorney be consulted and that the City Commission should weigh in on this issue. That request was acceptable to the board as a whole.

**01-15-13**

**SPECIAL LAND USE PERMIT ("SLUP") APPLICATION  
555 S. Old Woodward Ave.  
Request for Economic Development License for Crush**

**FINAL SITE PLAN REVIEW  
555 S. Old Woodward Ave.  
Request for Revised Final Site Plan in conjunction with Economic Development License SLUP application**

AND/OR, IN THE ALTERNATIVE:

**555 S. Old Woodward Ave.  
Request for Revised Final Site Plan in conjunction with Bistro License SLUP application previously reviewed on December 12, 2012**

Economic Development License SLUP application

*Final Site Plan Review*

Mr. Baka summarized the review. The subject site is located at 555 S. Old Woodward Ave., between Haynes and Bowers St. The parcel is zoned B-3, Office-Residential and D-4 in the Downtown Overlay District. The property is also in the Red Line Retail District. The applicant, a new restaurant by the name of Crush, is seeking approval of

an Economic Development License under Chapter 10, Alcoholic Liquors, of the City Code. Chapter 10 requires that the applicant obtain a SLUP and approval from the City Commission to operate an establishment with an Economic Development License within the City of Birmingham. **Accordingly, the applicant is required to obtain a recommendation from the Planning Board on both the Preliminary and Final Site Plans and SLUP, and then obtain approval from the City Commission for the Final Site Plan, SLUP, and for the operation of an Economic Development License.**

The proposed restaurant will be located in a new structure on Bowers directly beneath a portion of the existing 555 Building. The applicant received Preliminary Site Plan review approval for the construction of a new restaurant along with a recommendation for approval of the SLUP on December 12, 2012 with several conditions. However, it should be noted that the Preliminary Site Plan review was performed under the Bistro License guidelines. While this does not affect the majority of the site plan review, Economic Development licenses are not restricted in regards to the number of seats that are permitted. Therefore, the concern expressed at that meeting that the vinyl enclosure proposed on the terrace would violate the spirit of the ordinance may not apply here. Accordingly, the enclosure was not eliminated from these plans.

The total parking requirement is 418 spaces. Three hundred sixty-three spaces are provided in the parking deck, along with 36 on-street spots which will require approval from the City Commission. The applicant indicates they intend to re-stripe the parking structure in order to gain an additional 28 spaces, for a total of 427. The applicant indicates there are thirty additional spaces located under the ramp but they are not shown on the plans. If new plans indicate those spaces are there and they get permission from the City Commission for their on-street parking, then there would be enough spaces to meet the parking requirement. ***The applicant must provide plans indicating that the new striping pattern and additional spaces will comply with the Zoning Ordinance prior to appearing before the City Commission or obtain a variance for 24 parking spaces from the Board of Zoning Appeals.*** Also the applicant must terminate the lease with Fred Lavery in order to make the spaces in the parking deck available for use. Also, 555 Residential has submitted a letter giving the applicant permission to use the parking deck.

#### *Design Review*

The applicant is proposing to construct a new building in the area under the existing parking deck on Bowers where there is currently an outdoor concrete plaza with metal sculptures. While it is planned within the building envelope of the existing structure, the proposed bistro will be a distinct building with its own roof structure. The materials used on the building will be primarily a smooth limestone and clear glass with a course of dark granite around the base. Decorative wall sconces and planters are proposed on all sides.

The applicant is proposing outdoor seating along the west side of the building in the public right-of-way. The outdoor café area is proposed to be enclosed with planters. The café area is proposed to contain 28 seats and will encompass an area



approximately 35 ft. x 12 ft. and includes an existing street tree. The café area as proposed does maintain the required 5 ft. pedestrian pathway adjacent to the building.

The applicant is also proposing outdoor dining on both of the upper level terraces of the building on private property. The western terrace is proposed to contain 48 seats. The eastern terrace is proposed to contain six four top tables and lounge seating for an additional six people for a total of 32 seats. The total combined number of seats on the upper terraces is proposed to be 80.

Each terrace is also proposed to have an outdoor fireplace. The applicant has also indicated that vinyl enclosures are proposed for both of the upper terraces. The applicant received Preliminary Site Plan approval with the condition that no vinyl enclosures be used. However, as stated above, the seating capacity for an Economic Development license is not limited as with a Bistro.

In total the applicant is proposing 30.4 sq. ft. of signage. This complies with the Sign Ordinance which permits a total of 33.7 sq. ft. of signage, based on the linear frontage of the building.

Mr. Williams observed this is akin to a lot split within the confines of Woodward Ave. It creates a new designated area to be assessed. This is an issue that he thinks needs to be addressed by the City Commission.

Mr. Rick Rattner, Attorney, 380 N. Old Woodward Ave., spoke to represent Crush. With him were his co-counsel, Ms. Kelly Allen; Mr. Jack Reinhart, one of the owners; Ms. Michelle Russo and Mr. Mark Blanke, owners and operators of Crush; Mr. Ron Rea, Interior Designer; and Mr. Michael Yeager, Architect. Mr. Rattner went through the 19 conditions for economic development called out by Mr. Baka. He noted Crush meets or exceeds each of them.

Mr. Ron Rea, Ron & Roman Architects, responded to a question from the chairman about whether the number of restrooms is sufficient. If the applicant receives an Economic Development License, the plan will have to be altered to add two more bathrooms. The dining decks will be open for seasonal use from April 1 through November 15. If in the future they want to enclose the decks they would seek approval for a glass system that can be opened when the weather permits.

Chairman Boyle opened up discussion to members of the public at 9:37 p.m.

Mr. Salverio Bitonti, 709 Ann St., said this development will be an asset to the whole area. He doesn't foresee any problems with parking.

Ms. Lynn Groth spoke to represent the property across the street that contains CVS. The proposed development is great, but there is a parking problem in this area. The 555 Building has lots of parking but they charge for it and that is why people don't want

to use their parking. Mr. Rattner said that parking won't be free, however it will be validated. Ms. Groth encouraged them to offer free parking to their patrons as incentive for them to use the structure.

Mr. Joe Murphy, 751 Ann St., fully supported the proposal and said the food will be great because the operators have been doing food for 50 years.

Mr. Baka noted the Planning Dept. received an e-mail in full support of the project from Tiffany's Florist.

### **Motion by Mr. DeWeese**

**Seconded by Mr. Williams to recommend approval of the applicant's request for Final Site Plan and SLUP to the City Commission to permit an Economic Development License for Crush at 555 S. Old Woodward Ave. with the following conditions:**

- 1) The applicant provide a signed copy of the contract with the City;**
- 2) Obtain an outdoor dining license;**
- 3) Applicant submit an economic impact statement to the Planning Dept. for review prior to appearing before the City Commission;**
- 4) Applicant obtain approval of the City Commission to include the 36 on-street parking spaces into the required parking;**
- 5) Applicant provide documentation terminating the parking agreement with Fred Lavery in order to make those spaces available for the parking requirement;**
- 6) Applicant provide documentation granting permission from the 555 Residential LLC and/or 555 Commercial LLC to use the available parking;**
- 7) Applicant provide floor plans for all levels of the parking deck to allow verification of proposed re-striping and submit for Administrative Approval;**
- 8) Applicant install signage indicating that exiting the residential drive directly onto Woodward Ave. is prohibited;**
- 9) Applicant indicate the intended kitchen hours will be from 11 a.m. to 12 midnight;**
- 10) The location of a grease trap at the corner of Woodward Ave. and Bowers is eliminated from that location; the applicant provide details regarding the trash disposal for the operation and that an acceptable location for the grease trap be identified with screening details;**
- 11) Applicant submit revised plans that indicate whether umbrellas are proposed for the street level outdoor dining area;**
- 12) Applicant correct the landscape plan on page 25 to reflect the proper location of the planters;**
- 13) Applicant provide specification sheets for the proposed outdoor dining tables;**
- 14) The trash receptacle on the street level must be located within the outdoor dining area as required;**

- 15) The applicant indicate which planters will remain out year-round and how those planters will be treated once the annuals are no longer in bloom;
- 16) The applicant identifies the planting on the edge of the west terrace;
- 17) Applicant reconstruct all streetscape elements in accordance with current standards as recommended by the Engineering Dept.;
- 18) The Planning Board approves these non cut-off fixtures as permitted by Article 04 section 4.21 LY-01 (D);
- 19) The applicant verify that all four signs are the same size and whether the signs on the north and south elevation are backlit;
- 20) The applicant add a Knox Box and make other changes required by the Fire Dept.;
- 21) Upper decks may only be used on or between April 1 to November 15;
- 22) Add a rail by the outdoor dining area on the first floor subject to the approval of the Planning Dept.;
- 23) Place disabled parking close to the second-floor entrance subject to the approval of the Planning Dept.;

Ms. Whipple-Boyce added:

- 24) No clear zip-down windows as indicated on the plan;
- 25) All health and sanitary facilities must meet Michigan Code; and
- 26) Seventy percent clear glazing from 1 ft. to 8 ft. above grade on all facades that front a street (the north, east and west), subject to Planning Dept. approval.

There was no further discussion from the public at 9:50 p.m.

**Motion carried, 7-0.**

ROLLCALL VOTE

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

Nays: None

Absent: None

Bistro License application

*Final Site Plan Review*

Mr. Baka summarized the review. The main difference between the Economic Development application and this is the terrace. Almost all references to the vinyl enclosures on the roof have been eliminated. Also, seating on the eastern terrace has been eliminated along with the canopy and it is basically a rooftop garden. The western terrace will contain 48 seats, plus 28 at grade and 65 inside, for a total of 141 seats.

Mr. Rattner summarized the conditions that are not similar to the Economic Development application:

- Eliminate reference to the vinyl enclosures;
- Eliminate the note requesting flexibility of seating capacity; and

- Authorization to open up the deck to seat those people who can be easily accommodated.

He went on to explain that Crush, LLC owns the property and they are leasing it to the operating company, Crush Bistro, LLC.

Mr. Ron Rea explained even without seating the east terrace it is an iconic visual that may be utilized by the residents. He clarified that screening on the S. Old Woodward Ave. side will be an awning overhead, a glass rail, and a PVC shade for sun and wind.

**Motion by Mr. DeWeese**

**Seconded by Mr. Williams to recommend approval of the applicant's request for Final Site Plan to the City Commission to permit a Bistro License for Crush Bistro at 555 S. Old Woodward Ave. with all of the previous motion's conditions plus addition of the following:**

- **The second-floor east area may not be used by patrons of the bistro and changes in the rooftop garden are subject to administrative approval.**

Mr. Clein did not think it is appropriate to recommend approval of two different site plan packages for the same property.

**Motion carried, 5-2.**

**ROLLCALL VOTE**

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

Nays: Clein, Lazar

Absent: None

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Clein to recommend to the City Commission acceptance of the applicant's request for an Economic Development License over a Bistro License for Crush at 555 S. Old Woodward Ave.**

Ms. Whipple-Boyce explained she is not uncomfortable with the amount of activity this will promote. Ms. Lazar thought Crush could be extremely effective as a commanding anchor to the southern end of town and it should be encouraged to realize its full potential which obviously it can't do as a bistro. Therefore, she fully supports the idea of an Economic Development License. Mr. Williams concurred with those comments. Further, he thought utilization of the upper deck during the summer months is a positive. Mr. DeWeese said that an Economic Development License will encourage the applicant to expand into a destination restaurant above and beyond what they could ever do as a bistro. Chairman Boyle was confident this area has the ability to handle the capacity. Mr. Koseck disagreed with the prior comments. He did not want to lose the engagement with life at the street level.

It was noted that the capacity for Crush is 171 seats and as a bistro it is 141.

**Motion carried, 6-1.**

ROLLCALL VOTE

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

Nays: Koseck

Absent: None

The board took a brief recess at 10:35 p.m.

**01-16-13**

**FINAL SITE PLAN REVIEW**

**2400 E. Lincoln**

**Pristine Properties**

**Request for Final Site Plan Review for proposed new office building, parking and access roads**

Mr. Williams recused himself because of a conflict of interest on this site.

*Final Site Plan Review*

Ms. Ecker recalled that the subject site is currently vacant, and was previously the site of the Stanley Door industrial complex. The 6.093 acre site is located at the far east end of E. Lincoln. The applicant is proposing to construct a one-story 8,260 sq. ft. dental office building and a large parking facility on a portion of the site. A Special Land Use Permit ("SLUP") will be required to allow construction of the 8,260 sq. ft. building as it exceeds 6,000 sq. ft. in size. The City Commission will make the final determination on the SLUP after receiving a recommendation from the Planning Board on the Final Site Plan and Design.

In addition, the applicant is proposing to split the existing site into two or three parcels. Parcel 1 is proposed to be 179,244 sq. ft. at the south end of the existing site. Parcel 2 is proposed to be 50,931 sq. ft. in the center of the existing site. Parcel 3 is proposed to be 16,364 sq. ft. at the north end of the existing site. Based on the size of the parcels, the applicant may combine parcels 2 and 3 together, thus creating only two parcels through a lot split. The remaining 18,861 sq. ft. of the existing site would be used for right-of-way for the proposed north/south ("N/S") connector street as recommended in the Eton Road Corridor Plan ("ERCPC"). The new dental office building and the associated parking facility is now to be located on Parcel 2. **The site plan review is conducted on the condition that the City Commission approves the requested lot split.**

Ms. Ecker advised that the applicant appeared before the Planning Board on September 19, 2012 for Preliminary Site Plan Review and SLUP Review. After much discussion regarding the single use and extensive parking proposed on the site, the Planning Board voted to recommend approval of the Preliminary Site Plan and SLUP to the City Commission with several conditions.

At this time, the applicant has applied for Final Site Plan and Design Review of the proposed building. In accordance with the Planning Board's conditions at Preliminary Site Plan Review, the applicant has now provided the required elevation drawings of the dumpster enclosure, the required number of trees within the interior of the parking lot, as well as pedestrian pathways through the parking facility. The applicant has also provided signage details and a photometric plan. However, the applicant has not yet fully complied with all of the Engineering Department's requirements.

Ms. Ecker advised that a portion of the front façade of the proposed building has been placed between 0 ft. and 3 ft. from the front property line on both the N/S street and E. Lincoln as required. However, the entire length of both front facades is not within the 0 ft. and 3 ft. of the frontage line, but the Planning Board has authority to adjust those front setbacks. In addition, the applicant has not met the continuous street wall requirement along the entire length of the E. Lincoln frontage, and has not provided specification sheets for all required mechanical equipment and light fixtures, and has not provided the required pedestrian scale lighting as requested in the right-of-way. ***The applicant will be required to obtain variances from the Board of Zoning Appeals ("BZA") for the proposed design or make the changes noted to comply with the Zoning Ordinance.***

The applicant has submitted a photometric plan for the site. However, there are several locations along the eastern property line, and adjacent to each vehicular drive on the west and south property line where the light levels proposed exceed the maximum of 1.6 fc. ***The applicant will be required to reduce these light levels at the property lines or obtain a variance from the BZA.*** Once these levels have been reduced, the property lighting will be compliant and compatible with the existing neighborhood ambient light levels.

**Motion by Mr. DeWeese**

**Seconded by Mr. Clein to extend the meeting for 30 minutes to 11:30 p.m.**

**Motion carried, 6-0.**

VOICE VOTE

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

Nays: None

Recused: Williams

Absent: None

*Design Review*

The proposed new construction is a one-story building, 18 ft. in height, which will house two dental practices and have a 22 ft. high entry section in the center of the building. The building is primarily oriented along the frontage line, with all parking provided at the rear of the building. The applicant is proposing to use brick and synthetic wood for the majority of the building at street level, with metal wall paneling on portions of the

building above the windows. Pedestrian scaled windows, canopies and sunscreens are proposed for both the west and south elevations along the proposed roads. A pedestrian entry to the building is proposed at the corner of the building accessible from the public right-of-way. Landscaping is also proposed between the building and adjacent parcels at either end of the building. Lighting provided will be minimal and compatible with neighborhood ambient light levels.

The applicant is proposing a total of 9.1 sq. ft. of signage. Based on the linear frontage of the building, the applicant is permitted to have a total of 120.5 sq. ft. of signage, and thus the proposed signage is in compliance with the Birmingham Sign Ordinance.

Mark Farlow, Architect from Victor Saroki & Associates, was accompanied by Mr. Saroki and their clients, Dr. Justin Newingham and Dr. Abby Siad, dentists. Mr. Farlow indicated they are willing to comply with the particular issues raised by the Planning Board and the City Engineer:

- The mechanical units will be screened and details will be furnished;
- With regard to the continuous street wall requirement, the entry door is set back in order to provide a safe transition from the building to the new street;
- They hope to work with the City Engineer and the Fire Marshal toward creating a safe and practical smaller hammerhead turn-around;
- ADA compliant, barrier-free ramps will be added at the corners;
- Additional street furnishings will be discussed further;
- The strategy for pedestrian scale street lighting will be determined. 16 ft. street poles are appropriate and the fixture can be focused and dimmed. Therefore, they are asking for flexibility from the Planning Board on that point;
- Canopy lights will be recessed;
- They don't believe a variance will be needed for parking.

**Motion by Mr. DeWeese**

**Seconded by Ms Whipple-Boyce to extend the meeting an additional for 15 minutes to 11:45 p.m.**

**Motion carried, 6-0.**

VOICE VOTE

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

Nays: None

Recused: Williams

Absent: None

There were no comments from the public at 11:28 p.m.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. DeWeese to recommend approval of the Final Site Plan and Design Review for 2400 E. Lincoln subject to the following conditions:**

- 1) Applicant obtain approval of the proposed lot split and SLUP by the City Commission;
- 2) Applicant enter into an agreement with the City regarding the location and construction of the N/S street and the extension of E. Lincoln;
- 3) Planning Board adjusts the front setback requirements on the N/S street and the extension of E. Lincoln;
- 4) Applicant increase the height of the dense yews along E. Lincoln to a minimum of 32 in. in height at the time of planting and extend this screening to the eastern property line;
- 5) Applicant provide details on the rooftop mechanical for administrative approval;
- 6) Applicant resolve the issue with the eastern terminus of E. Lincoln with the Engineering Dept. and Fire Dept. prior to City Commission review;
- 7) Applicant comply with the requests of all departments, subject to Planning Dept. approval;
- 8) Applicant provide ADA compliant ramps at the corner of E. Lincoln and the proposed N/S street;
- 9) Applicant provide required pedestrian scale street lighting, subject to Planning Dept. approval;
- 10) Applicant provide specification sheets for building and sign light fixtures prior to review by the City Commission;
- 11) Applicant reduce the light levels at the property lines or obtain a variance from the BZA;
- 12) All plan revisions needed to comply with the above conditions are in place prior to review by the City Commission; and
- 13) Add a Knox Box and other Fire Dept. requirements.

No one from the public wished to comment on the motion at 11:33 p.m.

**Motion carried, 6-0.**

VOICE VOTE

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

Nays: None

Recused: Williams

Absent: None

**01-17-13**

## **MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

Ms. Patti Owens from the Greenleaf Building announced they have identified a new operator with a new concept for the existing Zazio's restaurant, and Mr. Victor Saroki is working to come up with a great new design for the interior. Mr. John Kelly and his group will be performing the construction and Ms. Kelly Allen will do the legal work. Ms. Ecker advised that by changing operators and changing concepts they will require



SLUP amendment approval by the City Commission. This review will come before this board on February 27, 2013.

**01-18-13**

**MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

- a. Communications (none)
- b. Administrative Approvals
  - Mr. Baka said they have a request to install a gate on private property next to Luxe to prevent patrons from parking there. No one was in favor. There are other options.
- c. Draft Agenda for the Regular Planning Board Meeting on February 27, 2013
  - Greenleaf Building
- d. Other Business
  - Update on Multi-Modal Workshop January 17, 2013  

Ms. Ecker indicated they received a lot of great feedback from the attendees and that will be reported to the City Commission at their next meeting on Monday.
  - Regarding the S. Woodward Corridor Plan, Ms. Ecker advised that Mr. Baka will be the lead and a Steering Committee will be formed.

**01-19-13**

**PLANNING DIVISION ACTION ITEMS**

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

**01-20-13**

**ADJOURNMENT**

No further matters being evident, the Planning Board motioned to adjourn at 11:45 p.m.

Jana Ecker  
Planning Director