

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, MARCH 28, 2012**

Item	Page
<p>FINAL SITE PLAN REVIEW 33101 Woodward Ave. Comerica Bank Request for Final Site Plan and Design approval to allow construction of a new entrance tower and updated bank teller building</p> <p>Motion by Mr. Clein Seconded by Mr. DeWeese to approve the Final Site Plan and Design Review for 33101 Woodward Ave., Comerica Bank, as the proposed development meets the requirements set out in Chapter 126 – Article 07, subsection 7.27 (B), subject to the following:</p> <ol style="list-style-type: none"> 1) The applicant is required to appear before the DRB for signage and design changes to the building; 2) The applicant bring the site into compliance with the current Zoning Ordinance standards by installing an evergreen screen along Bird; 3) The rooftop screening be revised to screen the rooftop units or obtain a variance from the BZA; 4) The dumpster be screened in accordance with the Zoning Ordinance requirements, or removed; 5) All unpaved areas of the site be brought into compliance with the landscape requirements or obtain approval from the BZA; 6) The existing wooden screenwall along the western property line be repaired and replaced subject to administrative approval; 7) The tree proposed for removal on Woodward Ave. be replaced somewhere within the site in the northeast corner, subject to administrative approval. <p>Amended by Mr. DeWeese and accepted:</p> <ol style="list-style-type: none"> 8) Item (2) is modified to read: The screening on-site be brought into compliance with current Zoning Ordinance standards, subject to administrative approval. <p>Motion carried, 6-0.</p>	

Item	Page
<p>FINAL SITE PLAN REVIEW 2000-2070 Villa St. Former Eton St. Lofts (Building 6) Request for Revised Final Site Plan and Design Approval for an eight-unit multi-family residential building in the MX District</p> <p>Motion by Mr. DeWeese Seconded by Ms. Whipple-Boyce to approve the Revised Final Site Plan and Design for 2000-2070 Villa subject to the following conditions:</p> <ol style="list-style-type: none"> 1) The applicant provide specification sheets for the mechanical equipment and roofing material, and a survey for review and administrative approval; 2) Shrubs screening ground-mounted mechanical must be a minimum of 3 ft. in height at the time of planting; 3) The applicant create a public plaza space at the corner of Villa and Lewis, including two benches and a trash receptacle, subject to administrative approval; 4) The applicant add four more evergreen trees and two more deciduous trees to the site to comply with the Zoning Ordinance or obtain a variance from the BZA; 5) The applicant select a finish for the proposed lighting fixtures, and submit the photometrics on the fixtures to the Planning Division for administrative approval; 6) The applicant install two street lights adjacent to 2000-2070 Villa as previously approved; and 7) The applicant finish the concrete sidewalk from the sidewalk relative to the street subject to administrative approval. <p>Motion carried, 6-0.</p> <p>STUDY SESSION Zoning Ordinance Updates Medical office use, jewelry stores</p> <p>Motion by Mr. DeWeese Seconded by Ms. Whipple-Boyce to set a public hearing on April 25 to discuss the two Zoning Ordinance conflicts.</p> <p>Motion carried, 6-0.</p>	

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MARCH 28, 2012
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held March 28, 2012. Chairman Robin Boyle convened the meeting at 7:32 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Kate Leary (arrived at 7:43 p.m.)

Absent: Board Member Bert Koseck

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

03-52-12

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD MARCH 14, 2012**

Mr. DeWeese:

Page 9 - First paragraph, replace "Whipple-Boyce" with "Lazar."

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to approve the Minutes of the Regular Planning Board Meeting of March 14, 2012 as revised.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: Koseck

03-53-12

CHAIRPERSON'S COMMENTS (none)

The Chairman noted he was named in a piece of material that was brought before the board almost eight years ago and will be heard again tonight.

03-54-12

APPROVAL OF THE AGENDA (no changes)

03-55-12

FINAL SITE PLAN REVIEW

33101 Woodward Ave.

Comerica Bank

Request for Final Site Plan and Design approval to allow construction of a new entrance tower and updated bank teller building

Mr. Baka explained the site is located at 33101 Woodward Ave, Comerica Bank. The applicant proposes to renovate the existing exterior of the building by adding a 20 sq. ft. vestibule, adding an entry tower, new fascia treatment, and new landscaping. The proposed changes are consistent with the new design scheme that Comerica is implementing at all of their locations and will draw attention to the main entrance of the building. The site is zoned B-2B. ***The applicant is required to appear before the Design Review Board (“DRB”) for signage and design changes to the building.***

Mr. Baka advised that the plans submitted propose a combination of adding new planting and maintaining existing plantings. Article 04, section 4.20 D (2) requires that all unpaved portions of a site be planted with grass, ground cover, shrubs or other suitable live plant material. This requirement also applies to the planting area at the northwest corner of the site by the curb cut off Bird where the applicant proposes to plant evergreen shrubs in lieu of the typical masonry screenwall. The Zoning Ordinance permits the board to approve evergreen screening if they see fit. ***All unpaved areas of the site must be brought into compliance with the landscape requirements or the applicant must obtain a variance from the Board of Zoning Appeals (“BZA”).***

The Zoning Ordinance requires that all dumpsters be screened with a 6 ft. masonry wall and wooden gates and must be painted to match the building. ***The dumpster must be screened in accordance with the Zoning Ordinance requirements or the applicant must obtain a variance from the BZA.***

The proposed rooftop screenwall does not screen the mechanical unit on the west elevation. ***The screenwall must be revised to screen the unit on the west elevation or the applicant must obtain a variance from the BZA.***

A materials sample board was passed around.

Mr. Baka explained if the Planning Board feels there is something important they would like to see happen to the site it is up to them to attach that as a condition. The Engineering Dept. has visited the site and didn't call out that the driveway approaches need to be improved. The wooden fence on the west side of the property is

grandfathered in and the applicant is not required to bring it into compliance with the ordinance, which would be a 6 ft. masonry screenwall. Ms. Ecker further explained that if the applicant doesn't change the use, the grandfather status is not affected.

Mr. Tony Bellacali from Cityscape Architects was present along with Mr. Mark Russell from Russell Design, the landscape architect; and also Mr. Leonard Mers, Sr. Project Manager for CB Richard Ellis, representing Comerica Bank. Mr. Bellacali talked about the design. They are trying to bring this facility up to the identifiable corporate image. The vestibule has been widened for security purposes. They have no issue with screening the rooftop mechanical units. The bank has made provisions to screen and buffer the parking lot. Also, the dumpster will be permanently removed from the site.

Mr. Russell said they were charged with improving visibility to the bank as well as improving security and freshening up the site. He went on to describe the landscaping that is planned. They propose planting 36 in. evergreen shrubs along Bird that will screen the cars and enrich that side.

At Mr. Clein's request Mr. Russell promised to take a look at the wooden fence that is adjacent to single-family residential in order to see if anything can be done to help soften that area. Mr. Mers said the fence definitely could use a coat of stain or paint and perhaps some repair. The bank would not have an issue with that. Mr. Russell said the little tree in the right-of-way at the southwest corner of Bird and Woodward Ave. will be removed. A new tree can be planted to replace it, perhaps in the landscape space immediately to the west.

Ms. Whipple-Boyce wanted to see a pedestrian break in the landscape wall for people to walk through to and from the ice cream store. Maybe lose one or two parking spaces and add some benches in that area.

Chairman Boyle said the City is beginning to brand this area as the gateway from the south. Therefore, if the applicant is able to find their way to improve the deteriorated driveways it would be an additional element to the southern gateway. He complimented the bank's presentation.

Motion by Mr. Clein

Seconded by Mr. DeWeese to approve the Final Site Plan and Design Review for 33101 Woodward Ave., Comerica Bank, as the proposed development meets the requirements set out in Chapter 126 – Article 07, subsection 7.27 (B), subject to the following:

- 1) The applicant is required to appear before the DRB for signage and design changes to the building;**
- 2) The applicant bring the site into compliance with the current Zoning Ordinance standards by installing an evergreen screen along Bird;**
- 3) The rooftop screening be revised to screen the rooftop units or obtain a variance from the BZA;**

- 4) **The dumpster be screened in accordance with the Zoning Ordinance requirements, or removed;**
- 5) **All unpaved areas of the site be brought into compliance with the landscape requirements or obtain approval from the BZA;**
- 6) **The existing wooden screenwall along the western property line be repaired and replaced subject to administrative approval;**
- 7) **The tree proposed for removal on Woodward Ave. be replaced somewhere within the site in the northeast corner, subject to administrative approval.**

Mr. Clein indicated he does not see a reason to encourage pedestrians to cross through the parking lot. Mr. Williams thought that the modifications to the screenwall that were suggested run the risk of Comerica assuming liability for creating almost an invitation for people to utilize the bank's parking lot for purposes other than banking. The problem is created by the ice cream store; not by Comerica. If Comerica were to put up the masonry wall, that would eliminate the liability issue.

Amended by Mr. DeWeese and accepted:

- 8) **Item (2) is modified to read: The screening on-site be brought into compliance with current Zoning Ordinance standards, subject to administrative approval.**

Mr. Mers suggested minimizing the shrubbery hedge as it goes down Bird and adding some to the north corner, come down 10 ft. – 30 ft. down Bird and leave the rest of Bird without a hedge so that the existing conditions could traverse through the parking lot as it is today. Chairman Boyle thought they could come to a conclusion with staff that would take into account the concerns that have been raised.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: Koseck

03-56-12

FINAL SITE PLAN REVIEW

2000-2070 Villa St.

Former Eton St. Lofts (Building 6)

Request for Revised Final Site Plan and Design Approval for an eight-unit multi-family residential building in the MX District

Ms. Ecker advised that the Eton St. Station (Crosswinds Development) is located on the east side of S. Eton St. south of Villa. The current applicant has purchased the lot that was to house the former building 6 in the Eton St. Station (Crosswinds Development),

and is seeking to make design changes to the previously approved building. This parcel is still part of the entire Eton St. Station Development and falls under the jurisdiction of the existing Crosswinds Condominium Association. The applicant is seeking approval for changes to the Revised Final Site Plan and Design which was approved by the Planning Board on May 25, 2005. Specifically, the applicant is proposing to primarily keep the previously approved footprint for the building with minor changes on the east and west ends of the building, and to make design changes to the building to alter the interior layout of the units, and the exterior design of the building to complement the District Lofts that are now located on the north side of Villa St. directly across the street from this building.

The entire Eton St. Station development, including the subject site, is currently zoned MX-Mixed Use.

Ms. Ecker advised that the applicant is proposing to change the design of the former Crosswinds Building 6 from a four-story traditional styled pitched roof structure to a more contemporary two and one-half story flat roof design building that blends traditional materials such as brick and stone with the use of metal detailing on the upper floors and railings. Samples of materials were provided. The building is harmonious with both the Mixed-Use District on the east side of Eton and the Single-Family Residential District on the west side of Eton.

In accordance with Article 4, section 4.20 of the Zoning Ordinance, new buildings in the MX District are required to provide one evergreen and deciduous tree for every two residential units, and so four evergreen and four deciduous trees are required to be provided on-site. ***Thus, the applicant will be required to add four more evergreen trees and two more deciduous trees to the site to comply with the Zoning Ordinance or obtain a variance from the Board of Zoning Appeals (“BZA”).***

Ms. Ecker did not think the applicant would be locked into the floor plan provided unless they decide to block the windows on the first floor with shelves, etc. Board members were concerned that a survey was not provided with the application.

Mr. David Steuer, 30180 Orchard Lake Rd., Farmington Hills, spoke to represent the owner LLC. They feel that in designing this new building they have addressed many types of customer objections from their other building. They have set out to create an elevation that is compatible with the District Lofts concept. With respect to the missing survey, the footprint of the building has not changed.

Mr. Clein asked the applicant to finish off the sidewalk to make it compatible with the sidewalk on the other side of the street by getting rid of the strip of grass between the curb and the sidewalk and adding tree wells. Mr. Steuer replied he would be amenable to that change.

Ms. Whipple-Boyce said that she especially likes the look of the exterior. She wondered about the side elevation that will be seen from Eton. The third-floor bedroom has no

windows on that side. Mr. Steurer thought there will be a building on Eton before too long. On another subject, it is their preference at this point to rent the units. They plan to start construction soon after receiving approval of their construction plans from the City.

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to approve the Revised Final Site Plan and Design for 2000-2070 Villa subject to the following conditions:

- 1) **The applicant provide specification sheets for the mechanical equipment and roofing material, and a survey for review and administrative approval;**
- 2) **Shrubs screening ground-mounted mechanical must be a minimum of 3 ft. in height at the time of planting;**
- 3) **The applicant create a public plaza space at the corner of Villa and Lewis, including two benches and a trash receptacle, subject to administrative approval;**
- 4) **The applicant add four more evergreen trees and two more deciduous trees to the site to comply with the Zoning Ordinance or obtain a variance from the BZA;**
- 5) **The applicant select a finish for the proposed lighting fixtures, and submit the photometrics on the fixtures to the Planning Division for administrative approval;**
- 6) **The applicant install two street lights adjacent to 2000-2070 Villa as previously approved; and**
- 7) **The applicant finish the concrete sidewalk from the sidewalk relative to the street subject to administrative approval.**

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: Koseck

03-57-12

STUDY SESSION

Zoning Ordinance Updates

Medical office use, jewelry stores

Mr. Baka noted that recent inquires to the Community Development Department have brought conflicting aspects of the Zoning Ordinance to staff's attention as it is currently composed. There are two specific issues to be discussed.

First, there are two zones that specifically list Medical/Dental office as a permitted use while several others simply list office as a permitted use. However,

the definition of office that is listed in Article 09 of the Zoning Ordinance also lists medical services as part of the definition.

This raises the question of whether it was intended to permit medical uses in all zones that permit office, and if so, is it necessary to include a separate listing for Medical/Dental office in the various lists of permitted uses.

Secondly, the O-2 zone lists Jewelry store as a permitted use. However, no other zone permits this use specifically. Clearly, there are many jewelry stores in the Downtown which are compatible with the intended use of these retail-oriented zones. This raises the question of whether Jewelry was intentionally left off the permitted use lists in other zones or whether it was simply an oversight.

In light of these conflicts, the Planning Division would like input from the Planning Board on the impact of these conflicts and the necessity for amendments to correct them.

Mr. DeWeese recalled the basic thrust when discussing O-1 and O-2 was that less is more. The fewer categories, the better. He suggested that staff also look at definitions and get rid of redundancies. They could strike Medical/Dental under the specifically permitted uses, as they are included under the general definition of office.

Also, Ms. Ecker advised that the Engineering Dept. is having an issue with the backyard sewers. Where they run along the backyards, sometimes there is no easement and consequently is no way for the City to get in to work on them. Therefore, Engineering's recommendation is to add some language under the Utility section, Article 4 that in the Residential Districts only there would have to be a 10 ft. setback for structures from rear yard underground utilities so that equipment could get in to deal with the sewers. Also, Engineering is suggesting a 6 ft. setback from overhead utilities.

Several board members expressed the opinion that they would not want to take on that matter at this point. Further, Chairman Boyle cautioned that progressive ideas for densifying suburbs often look at the rear areas of homes for insertion of slim, skinny buildings. Why should Birmingham close that down without a great deal more thought? If the Engineering Dept. and the City administration feel this is a matter that needs Planning Board attention, they should bring it to the board formally in a report.

Mr. DeWeese said he is much more comfortable with something that gives the City the right of access to come in and work on something, as opposed to mandating where people have to build.

Motion by Mr. DeWeese

Seconded by Ms. Whipple-Boyce to set a public hearing on April 25 to discuss the two Zoning Ordinance conflicts.

Motion carried, 6-0.

VOICE VOTE

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

03-58-12

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (no one spoke)

03-59-12

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications

- Mr. Clein mentioned he has never come across another community that has not required a full stamped survey and an engineered site plan for a review. Ms. Ecker replied that dimensioned drawings must be submitted for the Permit. Chairman Boyle asked that staff give this due consideration, perhaps by picking up a couple of other cities to find out what they do.
- At the June 18 joint meeting with the City Commission, Mr. Williams wanted to consider the Woodward Gateway project.
- Chairman Boyle thought the board ought to give some thought to the fiscal capacity the City has to improve alleys and passages to the level they want. He suggested that when a development comes into the system a small impact fee could be charged that would go into a fund to be applied to the construction costs for improvement of alleys and public spaces. That would be something that the City Commission would ultimately approve.

b. Administrative Approvals

- 1025 Webster, Art of Strength – Parking lot and dumpster screening, new windows, new paint.
- 100 Townsend St., Rugby Grille – A 36 in. wide gate has been added to the outdoor patio for egress.

c. Draft Agenda for the Regular Planning Board Meeting on April 11, 2012

- Alleys and Passages ordinance language to implement the plan;
- Draft RFP for Complete Streets Multi-Mobile Plan;
- Update on alternative analysis project along Woodward Ave.

03-60-12

PLANNING DIVISION ACTION ITEMS

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

03-61-12

ADJOURNMENT

No further matters being evident, the Planning Board motioned to adjourn at 9:30 p.m.

Jana Ecker
Planning Director

APPROVED