

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, MAY 28, 2014**

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<p>Motion carried, 5-0.</p>	6

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MAY 28, 2014
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held May 28, 2014. Chairman Robin Boyle convened the meeting at 7:33 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein; Carroll DeWeese, Bert Koseck (arrived at 7:40 p.m.), Janelle Whipple-Boyce, Bryan Williams (left at 7:40 p.m.); Student Representative Shelby Wilson

Absent: Board Member Gillian Lazar; Student Representative Jack Moore

Administration: Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

05-79-14

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD MAY 14, 2014**

Motion by Mr. Williams

Seconded by Mr. Clein to approve the Minutes of the regular Planning Board meeting on May 14, 2014 as presented.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Absent: Koseck, Lazar

05-80-14

CHAIRPERSON'S COMMENTS

Chairman Boyle noted a change to the agenda:

Property at 122 E. Brown and 511 Pierce St. has been postponed to the meeting of June 25, 2014.

05-81-14

APPROVAL OF THE AGENDA (approved)

05-82-14

PRELIMINARY SITE PLAN REVIEW

202 N. Old Woodward Ave.

Palladium Building

Renovation of Palladium Building, conversion of floor 2 of existing theater into two floors of office and construction of three new residential units on SE corner of roof

Mr. Williams recused himself. The Palladium Building was the subject of a Consent Judgment in 1999. At that time his law firm, Dickinson Wright, represented the Palladium Co. Therefore, there may be questions on the interpretation of the Consent Judgment as this project moves forward.

Ms. Ecker advised the subject site is located on the northeast corner of N. Old Woodward Ave. and Hamilton Row. The existing Palladium Building sits on this site and was approved by Consent Judgment on May 5, 1999. Under the terms of the Consent Judgment, the court approved the Preliminary and Final Site Plans for the building, and the Planning Board had the authority to approve only the design of the building and the proposed streetscape. Accordingly, the Planning Board reviewed and approved the building design and streetscape on July 21, 1999. The previous owner applied for a Revised Final Site Plan in 2002 for the addition of new lighting.

At this time, the property has been sold and the new owner is seeking to renovate the existing building and change some of the uses. The footprint of the building will remain the same. The new owner is proposing to repurpose the basement level retail space into underground parking to support the new office and residential uses proposed in the building. This parking level will be accessed by a new ramp off of Ferndale. The ground floor is proposed to remain retail, and the existing second floor is proposed to be split into two floors of office. Both floors will fit within the existing envelope of the second floor as the floor is currently built for stadium-style theater seating. The existing third floor of theater is proposed to remain (although it will now be the fourth floor), and the new owner proposes to add a partial fifth floor at the southeast corner of the building where the existing roof is lowest to construct three residential units. The overall height of the building is not proposed to increase as the new residential units will not exceed the existing building height on the highest portion of the roof. All of the uses are permitted.

Ms. Ecker advised that as the existing Consent Judgment continues to control the development and use of this property, all of the proposed changes discussed in this report must be approved by the City Commission and the U.S. District Court. Accordingly, the recommendations of the Planning Board on the Preliminary and Final Site Plan and Design Review for the renovation of the Palladium Building will be forwarded to the City Commission for their consideration. Should the City Commission vote to amend the Consent Judgment, this matter will be referred to the U.S. District

Court for final consideration. In the alternative, the City Commission can request the Court to remove their jurisdiction and terminate the Consent Judgment.

Community Impact Study

The applicant has submitted a revised traffic study that analyses the effects of the added lower level parking and egress ramp on the area traffic. The traffic analysis, in general, indicates that the trips generated by the changes in uses on the site will decrease in comparison to the previous use configuration.

The only real issues at this time are the obstruction of the basement vehicle entrance ramp by a light pole and a tree. The Engineering Dept. notes there is some concrete breaking up around the site and the applicant will be required to repair those areas. Additionally, there is a shortage of parking in the Downtown and tenants in the future office spaces should anticipate continued struggles to find a parking spot during weekdays. However, an ad hoc Parking Committee has been formed to study how to increase parking capacity.

Mr. Jordan Jonna, the developer, was present with his construction team from Tower Construction, along with the original architects of the building from JPRA. Mr. Jonna indicated that with this project they want to bring more life back into the building. They found parking is the best use for the basement space. The retail space on the ground level will stay the same. The very large office space will be contained on two floors. The theatre remodel will feature five screens and luxury seating for 600 patrons, where originally there were 2,300 seats. At the top, three residential units will be added.

Ms. Sue Newman with JPRA Architects noted that uses in the building compliment each other because office use will peak during the day and the theatre, restaurant, and retail business will occur at night. This is a completely different dynamic than the original building where everything was peaking at the same time.

Chairman Boyle stated his concern is the ground floor use which has been consistently problematic for close to a decade. He inquired how that will change. Ms. Newman replied it will go to the leasing of those particular uses. Mr. Jonna added that with the right management and the right operators the retail will work. This is a good site.

Mr. DeWeese received clarification that there are roughly 64,000 sq. of office space, enough for 250 - 300 workers. He indicated the movement of people safely in and out through the building bothers him. Also, right now it seems there may not be enough parking capacity to make the office tenants fully happy. Ms. Newman addressed the pedestrian movement. Currently they plan three elevators that will stop at every level.

Mr. DeWeese went on to say part of the issue may be that the structure at the ground level doesn't work so much for retail. Mr. Jason Gekiere with Tower Construction noted that the theatre operator will stagger the movie times in order to move people efficiently in and out of the theatre. The largest theatre will contain 110 seats. Mr. DeWeese thought it would be useful for them to indicate how they will deal with emergencies.

Mr. Koseck said that assuming they make it successful he thinks this is a better looking building and a lot of the pedestrian issues will be somewhat alleviated because of the

mixed use. Ms. Ecker explained the Planning Dept. advised the applicant that it would be a good idea to comply with the Ordinance entirely by putting in residential, given there were already constraints with the Consent Judgment. So, that is what they opted to do. Mr. Koseck went on to note that typically in a mixed-use building the uses are separated. Mr. Jonna replied that if they have to add more elevators or some system to move people in and out they will figure it out.

Ms. Whipple-Boyce said she looks forward to seeing those revisions. She thinks some of the retail spaces failed because of the design of the building. They will be much more successful when they are on the ground floor and have light. She is pleased to see that the basement will be used for parking.

Mr. Clein noticed these are still large spaces, particularly on the retail level, compared to other spaces in town. Therefore, he has serious concerns about the size of the retail and office spaces. The office floor plan at 64,000 sq. ft. seems immense for this market. His other two main concerns are points for the applicant to consider:

- He loves the use of the basement for parking but severely dislikes the layout.
- Ferndale with the addition of the new drive approach has gotten uglier. The ramp is centered directly on the pedestrian exit from the parking garage across the street. The vista is lacking as one leaves the parking garage.

Mr. Jonna replied they already have a new layout for the parking. Tomorrow they intend to address the location of the ramp.

Ms. Whipple-Boyce thought the Barrio space could be divided to have a retail presence on Ferndale and also one on Hamilton. Mr. Jonna said they are open to looking at all different uses.

Mr. DeWeese noted the streetscape is important. Anything that would soften it would work to their advantage. Mr. Jonna replied that for them the more greenery the better.

The chairman said they don't want a building that sits vacant in this part of the City. He urged the applicant to think about how these big footprints might be reconfigured in such a way that gives them more flexibility and allows them to go out and find tenants that will activate the space and keep pedestrians moving up and down. Secondly, he suggested from the Planning Board's experience, what people in Birmingham are looking for is not a model that came out of 1996. The applicant can take away the comments that were heard this evening and come back with a plan that might allay some of the board's concerns.

Mr. DeWeese cautioned it is very important that they try to foresee everything they can when they come back to the Planning Board because otherwise it will produce complications. Chairman Boyle added the best plans are those that are achieved in collaboration with staff.

Motion by Mr. DeWeese

Seconded by Mr. Koseck to approve the Preliminary Site Plan Review for 202 N. Old Woodward Ave. as it meets the requirements established in Article 7, section 7.27 of the Zoning Ordinance, with the following conditions:

- 1. An updated photometric plan has not been provided at this time and will be required for approval at Final Site Plan Review.**
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Mr. Koseck thought if the service and loading dock is too big it would be great to use part of that and make it a ramp. If the building has a big floor plate maybe the walls can be shifted around.

The chairman took comments from the public at 8:40 p.m.

Mr. Richard Astrein 120 W. Maple Rd., was quite excited about the new life and vibrancy that will be added to that corner. The City is clamoring for more soft goods. That would address part of the situation about more density in the traffic during the day. He is on the ad hoc Parking Committee and would like the developer to work with them on an overall solution to the parking situation.

Mr. David Bloom voiced several concerns about tonight's proposal:

- Make sure there is at least one large theatre screen to draw patrons. People have huge TVs and Lazy Boys at home and they can rent a video for \$5.
- People spending that kind of money for the residential will not want to stop at other floors. Getting rid of the escalators is probably a mistake. He doesn't think the elevators will do it for them, even with three.
- There is a shortage of parking Downtown and he doesn't know where the 200+ office workers will park. That is something that has to be addressed.
- Maybe a food market space might work in the retail area.
- Find some good theatre consultants and make sure they have an economically viable plan for the theatres.

Motion carried, 5-0.

VOICE VOTE

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

Recused: Williams

Nays: None

Absent: Lazar

Mr. Jonna said they are looking to make this the best project possible for the site.

05-83-14

**PRELIMINARY SITE PLAN REVIEW AND COMMUNITY IMPACT STUDY
122 E. Brown and 511 Pierce St.**

New construction of mixed-use building containing two-story medical office building and four stories of residential units

Postponed to the meeting of June 25, 2014.

05-84-14

STUDY SESSION

Debrief of Duany visit

Ms. Ecker recalled it was a very involved process over the three days and it stimulated a lot of discussion and thought. They have contacted Mr. Duany's office to see if they would be able to provide the final written report in time for the joint Planning Board/City Commission meeting on June 16. The presentation on Tuesday night was about what Mr. Duany has seen change in New Urbanism and his experiences around the world. On Wednesday night his presentation was Birmingham specific as to his ideas and recommendations.

05-85-14

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (no discussion from the public)

05-86-14

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approvals (none)
- c. Draft Agenda for the Regular Planning Board Meeting on June 11, 2014

The chairman suggested if there are no agenda items submitted for site plan review, cancel the meeting and encourage Planning Board members to attend the City Commission meeting on June 9 when they deliberate on the Zoning Transition Overlay.

- d. Other Business

Ms. Ecker provided an update. The Multi-Modal Transportation Board will meet for the first time within the next month. One of their functions will be to implement the Multi-Modal Plan. They are also taking over some of the functions of the Traffic and Safety Board, and they will be reviewing all road construction and road replacement projects. She will staff the new board along with Paul O'Meara, City Engineer, and the Police Dept.

05-87-14

PLANNING DIVISION ACTION ITEMS

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

05-88-14

ADJOURNMENT

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

Jana Ecker
Planning Director

APPROVED