

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, AUGUST 27, 2014**

Item	Page
<p>SPECIAL LAND USE PERMIT (SLUP) FINAL SITE PLAN REVIEW 33588 Woodward Ave. Shell Gas Station and Dunkin Donuts New construction of gas station with Dunkin Donuts</p>	2
<p style="padding-left: 40px;">Motion by Mr. DeWeese Seconded by Mr. Koseck to recommend approval of the Final Site Plan and SLUP for 33588 Woodward Ave., Shell Gas Station and Dunkin Donuts, with the following conditions:</p> <ol style="list-style-type: none"> 1. The applicant must reduce the max/min foot candle levels in the parking/drive area to 20/1 or obtain a variance from the BZA; 2. The applicant address all department concerns as outlined in the report, subject to administrative approval; 3. All mechanical equipment must be fully screened; 4. The Planning Board approves the use of non-cutoff fixtures to up light the facade as proposed tonight; 5. Full brick is allowed and permitted as indicated tonight. 	4
<p>Motion carried, 6-0.</p>	5
<p>COMMUNITY IMPACT STUDY ("CIS") REVIEW PRELIMINARY SITE PLAN REVIEW 2159 and 2295 E. Lincoln The District Live/Work Apartments New construction of a four-story mixed-use live/work building with parking</p>	6
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Item	Page
<p>systems on site to meet Generic Cleanup Criteria; 4. The applicant provide details regarding the proposed separation and collection of recycled materials on site; 5. Applicant resolve fire safety and access issues with the Fire Dept; and 6. Applicant resolve all issues raised by City Departments and the City's traffic consultant.</p>	
<p>Motion carried, 6-0.</p>	<p>6</p>
<p>Motion by Mr. DeWeese Seconded by Mr. Williams to postpone the Preliminary Site Plan Review for 2159 and 2295 E. Lincoln, The District Live/Work Apartments, to September 10, 2014.</p>	<p>8</p>
<p>Motion carried, 6-0.</p>	<p>8</p>

APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, AUGUST 27, 2014
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held August 27, 2014. Chairman Robin Boyle convened the meeting at 7:30 p.m.

Present: Chairman Robin Boyle; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Shelby Wilson

Absent: Board Member Scott Clein; Student Representative Jack Moore

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

08-120-14

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD JULY 23, 2014**

**Motion by Ms. Whipple-Boyce
Seconded by Mr. Koseck to approve the Minutes of the regular Planning Board
meeting on July 23, 2014 as**

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Abstain: Williams

Absent: Clein

08-121-14

CHAIRPERSON'S COMMENTS

The board is back now to review an interesting selection of developments they hope to see coming to fruition in the City.

08-122-14

APPROVAL OF THE AGENDA

Ms. Ecker announced that 2388 Cole St./Parcel 1 - 2400 E. Lincoln has verbally indicated they wish to withdraw their application. Their representative is not present this evening so if they come back, their application will have to be re-noticed.

08-123-14

FINAL SITE PLAN REVIEW

2388 Cole St./Parcel 1 - 2400 E. Lincoln

Expansion of existing parking lot of 2388 Cole St. to the south to include Parcel 1

Postponed from July 23, 2014. Applicant verbally withdrew application.

08-124-14

SPECIAL LAND USE PERMIT (SLUP)

FINAL SITE PLAN REVIEW

33588 Woodward Ave.

Shell Gas Station and Dunkin Donuts

New construction of gas station with Dunkin Donuts

Mr. Baka advised the subject site is located on the northeast corner of Woodward Ave. and Chapin and was most recently a Citgo gasoline station. The parcel is zoned B-2B General Business. At this time, the applicant is applying to convert the property from Citgo to Shell/Dunkin Donuts. The proposal includes expanding the existing building, installing new gas pumps and canopy, lighting, new signage, screening and landscaping.

Due to the extensive building and site plan changes the applicant will be required to bring the entire site into compliance with the current Zoning Ordinance standards with the exception of the setback for the existing building, which will be retained.

Mr. Baka advised that the Planning Board conducted a review of the Preliminary Site Review and SLUP Amendment on June 25, 2014. At that time, the board requested additional information from the applicant regarding the interior floor plan, hours of operation, and the nature of the Dunkin Donuts use. In addition, the Planning Board expressed concern about the choice of materials proposed for the building and the lack of design details on the new addition, and the side and rear elevations. Board members indicated that they would not support encroachment into the rear setback, and did not approve of the proposed coolers being added to the rear of the building rather than being incorporated into the building. The Planning Board postponed the matter until the July 9, 2014 meeting.

At the July 9, 2014 meeting the applicant presented a revised plan with numerous design changes to the building and the site elements proposed. The applicant still maintained the scored CMU on the lower portion of the side and rear of the building and

added splitface CMU to the lower portion of the front of the building. The applicant proposed Azak composite wood paneling on the upper portion of the entire building. The Azak composite wood paneling was also proposed to be used on the underside of the gas canopy, and on the upper portion of the proposed screenwalls on the site. The applicant added a new addition to the rear of the building to house the proposed coolers as requested by the Planning Board. The applicant added three large storefront windows on the west elevation as requested by the Planning Board, but has not added any architectural details to the north, south or east elevations of the building; however they proposed to plant Boston Ivy to grow up the building and soften the blank walls. The Planning Board granted Preliminary Site Plan Review based on the changes that were presented.

The City Engineer is concerned about the angle with which cars have to pull in as it might require coming to almost a complete stop. It would have to be reviewed by M-DOT and they might request changes.

The max/min foot candle ratio of 48/5/1 exceeds the levels permitted in the ordinance. **The applicant must reduce the max/min foot candle levels in the parking/drive area to 10/1 or obtain a variance from the Board of Zoning Appeals ("BZA").**

It may be best not to have uplighting on the back of the building, considering that faces single-family residential.

Design Review

The applicant made design changes to the building and the site elements proposed at Preliminary Site Plan Review, and has provided color elevations and material samples. The applicant intends to construct the building of CMU clad in thin brick on the lower portions of the building and proposes to paint the thin brick in Martin_Senour Burdick's Ordinary Black. The applicant proposes to use Azak composite wood paneling on the upper portion of the entire building which will act as the mechanical screening. The AZEK paneling will be constructed with ½ in. gaps between boards to allow the LED up lighting wall wash to be visible. The Azak composite wood paneling is also proposed to be used on the underside of the gas canopy, and on the upper portion of the proposed screenwall on the site. The applicant proposes seven (7) large storefront windows on the west elevation that will have an aluminum bronze sash and clear insulated glass.

Sign Review

The principal building frontage of the station on Woodward Ave. is 93 ft. 4 1/2 in. in length, and thus the applicant is permitted to have 140 sq. ft. of total signage on the property. All of the signs meet the ordinance requirements in regards to size and depth. The total sign area of the four proposed signs is 125.166 sq. ft., which is within the allowable signage for the site.

Upon receiving a recommendation on the site plan from the Planning Board, the City Commission will conduct another public hearing and make a final decision on the proposed SLUP amendment.

Mr. Roman Bonislowski, Ron and Roman Architects, responded to an inquiry from Ms. Lazar. The planting pocket around the alley is 12 in. and it is 6 in. around the rest of the building. He then discussed the lighting. They designed the canopy lighting system so that it is recessed into the construction of the canopy and is not overly bright. The balance of the lighting as it relates to the site and the property was then considered. Two corners of the site skew the lighting ratio. Mr. Baka advised that the ordinance allows him to take out 5 ft. from the property line provided it is lower than what the light trespass levels are. Anything below .6 can be subtracted from the photometric and recalculated.

With respect to uplighting they are proposing on the building facade that faces residential, Mr. Bonislowski described that it will be a subtle glow that comes out from between the 1/2 in. gaps in the Azak material that clads the building. The lighting is designed to become gentler as it raises towards the top of the wall. There would not be any objectionable light for a neighbor or light traveling into the night sky. They feel strongly that this lighting effect should continue all the way around the building. There are no other lights in that alleyway in the back.

They propose the use of thin brick onto the solid substrate where two different types of block currently exist. They cannot find actual brick that is dark enough. Mr. Koseck said he likes the idea of full brick versus thin brick. He has seen issues with thin brick even with a solid substrate. Mr. Bonislowski said all the areas of new construction would then be full brick. Mr. Koseck was supportive.

Mr. Duane Barbat, the property owner, spoke to the hours of operation. They would love to be open 24 hours because of their competition. He doesn't believe the neighbors have concerns. Dunkin Donuts will only do minor baking. Ninety percent of their product is baked off-site at a central kitchen. There will be inside seating for six. Gas deliveries will occur overnight. Mr. Scott Barbat, the station manager, pointed out the circulation pattern for tanker truck deliveries.

It was considered that ingress and egress signage would help. Ms. Whipple-Boyce did not want to see ingress and egress signage or the air pump placed in the front corner - don't pollute the front of the site with clutter. Mr. Barbat thought they may be able to place the air pump behind the dumpster. Employees will park by the dumpster.

Ms. Lazar recommended that the City Commission hearing notice include that a 24-hour operation is being proposed.

There were no comments from members of the public at 8:25 p.m.

Motion by Mr. DeWeese

Seconded by Mr. Koseck to recommend approval of the Final Site Plan and SLUP for 33588 Woodward Ave., Shell Gas Station and Dunkin Donuts, with the following conditions:

- 1. The applicant must reduce the max/min foot candle levels in the parking/drive area to 20/1 or obtain a variance from the BZA;**

2. **The applicant address all department concerns as outlined in the report subject to administrative approval;**
3. **All mechanical equipment must be fully screened;**
4. **The Planning Board approves the use of non-cutoff fixtures to up light the facade as proposed tonight;**
5. **Full brick is allowed and permitted as indicated tonight.**

Mr. Koseck was glad the applicant listened to the comments of the board and he thinks this will be a nice building.

There were no final comments on the proposal from the audience at 8:27 p.m.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: Clein

08-125-14

**COMMUNITY IMPACT STUDY ("CIS") REVIEW
PRELIMINARY SITE PLAN REVIEW
2159 and 2295 E. Lincoln
The District Live/Work Apartments
New construction of a four-story mixed-use live/work building with parking**

CIS Review

Ms. Ecker reported the subject sites, 2159 & 2295 E. Lincoln Street, are currently two parcels. The parcel at 2295 E. Lincoln Street contains an existing two story commercial/industrial building and associated parking. No changes are proposed to this building or parking area. The parcel at 2159 E. Lincoln contains a vacant building and parking area that was once occupied by a Birmingham Public Schools bus garage and repair shop.

The applicant has advised that they intend to combine both parcels into one parcel. The combined site has a total land area of 2.07 acres and is located on the north side of Lincoln east of Eton Rd.

Ms. Ecker advised that at this time, the applicant is proposing to demolish the existing former bus repair structure and surrounding pavement and fencing to construct a new four-story live/work mixed-use building. A majority of the first floor is proposed to contain on-site parking while the second, third and fourth floors will contain 36 live/work units. Additional parking is also provided in a surface lot to the north of the building and on the street, giving the building a total of 68,722 gross sq. ft. Thus, the applicant was required to prepare a CIS in accordance with Article 7, section 7.27(E) of the Zoning Ordinance as they are proposing one new building containing more than 20,000 sq. ft. of gross floor area.

No review by the City's traffic consultant has been received as yet. However, no objections are anticipated.

The applicant is required to meet certain standards with regards to environmental issues on the site and they would have to remediate them in accordance with Federal law. They can get some of their money back for future tax liabilities if they come through the Brownfield Redevelopment Authority.

There was no discussion on the CIS from members of the public at 8:47 p.m.

Motion by Mr. DeWeese

Seconded by Mr. Koseck to accept the CIS as provided by the applicant for the proposed development at 2159 and 2295 E. Lincoln, The District Live/Work Apartments, subject to the following conditions:

1. The applicant provide a drainage plan for the proposed new development;
2. The applicant work with the Engineering Dept to relocate the existing storm sewer on site and provide an easement for same to the City, and mark these on the site plan;
3. Applicant remove noted contaminants from the site soils and drainage systems on site to meet Generic Cleanup Criteria;
4. The applicant provide details regarding the proposed separation and collection of recycled materials on site;
5. Applicant resolve fire safety and access issues with the Fire Dept; and
6. Applicant resolve all issues raised by City Departments and the City's traffic consultant.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: Clein

Preliminary Site Plan Review

Ms. Ecker explained that along the E. Lincoln frontage, the building is required to be on or within 3 ft. of the frontage line. The proposed building is set back 5 ft. In accordance with Article 4, Section 4.76, SS-08, the Planning Board may adjust this requirement. ***If the Planning Board does not approve an adjustment, the applicant will be required to obtain a variance from the Board of Zoning Appeals ("BZA").***

In accordance with Article 4, Section 4.52 PK-08, any off-street parking contained in the first story shall not be permitted within 10 ft. of any building façade on a frontage line or between the building façade and the frontage line. ***Thus, the applicant will be required to shift the first floor parking back 10 ft. from the front façade of the building or obtain a variance from the BZA.***

The applicant will be required to add one additional street tree along E. Lincoln and two additional street trees along Commerce St. to meet the street tree requirements or obtain a variance from the BZA.

The applicant has proposed extensive landscaping around the perimeter of the property. As the applicant is proposing a total of 36 units, a total of 18 deciduous and 18 evergreen trees are required on-site. ***The applicant is proposing a total of 22 deciduous trees and no evergreen trees. The applicant will be required to add the required evergreen trees or obtain a variance from the BZA.***

Ms. Ecker observed there is not a clear and defined entrance on the front facade for the public to come in if they don't live there. She has discussed with the applicant the possibility of creating a lobby on the E. Lincoln frontage that would be an inviting and functional space for people to use. Also, there are no clearly defined pedestrian pathways along the driveway or through the parking lot to the front door. That is something the applicant will need to address.

Design Review

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

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

It was noted that windows must be clear or lightly tinted only. Also the minimum glazing requirement for the first floor is 70% and for the upper floors it is 50%.

Mr. Tom Phillips with Hobbs and Black Architects was present with the property owners and the civil engineer. He noted upper level retail uses are not unusual in the City. The intent is to lease the units as live/work to professionals who will live and entertain clients on upper floors. They are willing to work on refining the entry from the street.

Mr. Koseck said the project is great but it is fundamentally flawed from many standpoints. It doesn't comply with the spirit and intent of the ordinance relative to this district and it will not get his vote. There is a reason 70% glazing is required on the first floor. There is no sales office or lobby for the residential. There should be a relationship between the building and the occupants and the visitors and how they interact with the City and the street.

Mr. Ron Hughes, Co-owner of the building, said he respectfully disagrees. They have spent an enormous amount of time to meet all ordinance requirements. Also, he thinks they have definitely met the spirit of the ordinance. The main entrance is in the rear where people park. They have minimized the impact of looking at cars on the site. The live/work units are a destination and people will know where the entry is in the back. If they don't know they can still go to the front and be buzzed into the building.

Mr. Don Bailey, the other co-owner, said the chances of visitors parking on the street and going into the building from the front are pretty slim. From a marketing standpoint the entrance being next to parking in the back is perfect. Mr. DeWeese remarked that as a pedestrian, access from the street is very difficult. The whole length of the building is dead. He doesn't see anything that makes it inviting or pedestrian friendly. If the 70% glazing is incorporated, all he sees is a car-oriented building on stilts. Everything that has been approved in the MX District is pedestrian friendly and accessed from the street.

Mr. Koseck did not have an issue with the concept of ground floor parking. Chairman Boyle added the challenge is how the applicant addresses the building. Everyone is forced around to the back. When one looks at the building from the street there is no obvious entrance. The board is asking the applicant to consider improving and strengthening the entrance on the street. That is part of the intent of the plan for Lincoln and the entire district. Mr. Koseck added that everything this board has done is about interaction between the street, the building and the visitor. However, this building is a bunker at the first floor.

Mr. Bailey indicated they view this as a destination building, more like an office building than retail. Ms. Whipple-Boyce said that something is needed on the front of this building that relates to pedestrians. That goes along with the 200 ft. wall that screens the parking. There is no experience for anyone walking down Lincoln.

Ms. Lazar observed the board is really asking for a pretend front entrance because the most practical way to enter that building will be from the back. Mr. Williams thought that modest improvements can be made to the front of the building at not significant expense and not detrimental to what the applicant is trying to achieve.

There was no one from the public who wished to comment at 9:57 p.m.

Motion by Mr. DeWeese

Seconded by Mr. Williams to postpone the Preliminary Site Plan Review for 2159 and 2295 E. Lincoln, The District Live/Work Apartments, to September 10, 2014.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: Clein

Board members required that details of the second parcel and how the entire site relates to existing developments to the north be incorporated into the applicant's plans when they return.

08-126-14

**PRE-APPLICATION DISCUSSION
33877 Woodward Ave.**

Sav-On Drugs
Proposed drive-through facility

Mr. Kevin Hart, Architect for the owner and operator of Sav-On Drugs, said his client would like to implement a drive-through at this location with very little structural modification to the existing building. There is a buffer area to allow space between the parking lot and the residential area behind. An 18 ft. alley runs down the back of the property. It would be desirable to have two lane access to the site which would allow 40 parking spaces when they are required to have 39. With the drive-through the demand for parking will go down.

Ms. Ecker said most of the past issues on the site have been resolved. The only real concern left is that the backs of the shelves face the exterior of the store. The drive-through will require a Special Land Use Permit so any concerns about the site will open up. Ms. Lazar observed the north end of the store is not particularly appealing as one walks in. Ms. Whipple-Boyce would like to see the issue of the shelving backs facing the exterior resolved.

Mr. Koseck said he needs to know more about the neighbor, and how the traffic flow works.

Chairman Boyle announced the issue for him is access and encouraging people to drive down alleys. Mr. DeWeese added the drive-through will increase traffic flow in the alley and things should be added to make it safer for pedestrians. Ms. Lazar wanted to know if there will be a change in the hours of operation.

08-127-14

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (no public left)

08-128-14

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications

- Ms. Ecker said that Duany's final report has been received. It will be on the agenda for the joint Planning Board/City Commission meeting in October.
- Another draft of the S. Woodward Gateway Plan has been submitted.
- The Multi-Modal Transportation Board will be interviewing transportation consultants in September.
- Transitional Zoning will come back to the Planning Board in the near future.

b. Administrative Approvals

- 480 Pierce - Removing ballast and single ply from roof, installing 1/2 in. high density fiberboard over existing insulation. Install .60 mil reinforced T.P.O. membrane with heat induction application.
 - 215 W. Maple Rd. - Review of proposed rooftop screens for new roof-mounted HVAC units.
 - 600 N. Old Woodward Ave., Suite 203, Maplewood Office Park - Expand the outdoor brick paver patio.
 - Remove existing tree and shrubs. Replace with four new trees and shrubs;
 - Remove existing retaining wall and replace with new product;
 - Remove existing steps and replace to match new walls and new planters.
 - 33622 Woodward Ave. - Remove 15 ft. x 17 ft. of granite and replace with concrete slab.
 - 33801 Woodward Ave., Pet People – Rooftop mechanical equipment and screening.
 - 401 S. Old Woodward Ave. - The scope of this work includes removing three existing cell phone antennas and adding six + ancillary equipment to the existing structure. 96 in. tall, 119 in. wide, 21 in. deep. Will not extend above penthouse.
 - 34977 Woodward Ave., Greenleaf Trust -
 - Paint over the three existing signs on the building;
 - Add two red umbrellas to the east side of the building;
 - Cut down the arborvitae - height 48 in.
- c. Draft Agenda for the Regular Planning Board Meeting on September 10, 2014
- Special Land Use Permit for 2200 Holland;
 - 2159 and 2295 E. Lincoln, District Live/Work;
- d. Other Business (not discussed)

08-129-14

PLANNING DIVISION ACTION ITEMS

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

08-129-14

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 10:25 p.m.

Jana Ecker
Planning Director

APPROVED