

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, SEPTEMBER 25, 2013**

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<p>Motion carried, 7-0.</p>	10

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

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

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

Absent: None

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

09-164-13

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD SEPTEMBER 11, 2013**

**Motion by Ms. Whipple-Boyce
Seconded by Mr. DeWeese to accept the Minutes of the Regular Planning Board
Meeting of September 11, 2013 as submitted.**

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: Koseck

09-165-13

CHAIRPERSON'S COMMENTS

The chairman noted tonight's busy agenda.

09-166-13

APPROVAL OF THE AGENDA (no change)

09-167-13

**REQUEST FOR SITE PLAN EXTENSION
2000-2070 Villa St.
Request for one-year extension of Final Site Plan**

Ms. Ecker related that she received correspondence from David Steuer, Steuer & Associates, Inc., to the effect that the architect who did the initial design is not able to complete the plans. Unfortunately that did not leave them enough time to hire another architect to finish the job. They have now hired Steve Auger who was the architect for several Robertson projects in Birmingham. Accordingly, they are formally requesting an extension of the approved site plan for one year.

Mr. Steuer said Mr. Auger is now working on the project. They are anxious to complete the drawings and submit for permits. However, their site plan approval expires at the end of September.

Mr. DeWeese was more in favor of a nine-month extension as opposed to one year. Mr. Steuer thought that was fair.

**Motion by Mr. DeWeese
Seconded by Ms. Lazar to extend the Final Site Plan Approval for 2000-2070 Villa St. for nine months.**

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

09-168-13

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

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

Mr. Baka advised that the Planning Board has been discussing whether the ordinance could be amended to give the reviewing City Board the authority to give architects more

creativity and flexibility when composing their designs by allowing variation from the window requirements.

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

Mr. Williams received confirmation that the City Attorney is happy with the suggested ordinance amendments. Ms. Ecker verified that if a proposal goes before two different City boards, the Planning Board and the Historic District Commission (“HDC”), the HDC determination would take priority.

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

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

Motion by Mr. Williams

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

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

Motion carried, 7-0.

ROLLCALL VOTE

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

Nays: None

Absent: None

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

09-169-13

REZONING APPLICATION

412-420 E. Frank St.

Request to rezone property from R-3 and B-1 to B-2B General Business

Ms. Ecker described the property in question. She advised the subject property is located on the southeast corner of Frank St. and Ann St., and includes one corner lot (Lot 32, Blakeslee Addition); one lot immediately to the south facing Ann St. and running parallel to Frank St. (Lot 31, Blakeslee Addition); and the rear 32 ft. of lots 3 and 4 of the Blakeslee Addition that front on S. Old Woodward Ave. **All three of these lots or**

portions of lots were previously combined and appear to have been split into three independent parcels prior to 1960. The three parcels are currently under common ownership.

Ms. Ecker advised that only a person who has a fee interest in a piece of property, or a contractual interest which may become a fee interest in a piece of property, may seek an amendment in the zoning classification of that property under this section. The applicant is the owner of the subject property, which includes the three parcels noted above, and has provided authority to his architect to act on his behalf regarding the application for rezoning. In accordance with the requirements of the Zoning Ordinance the applicant is the property owner of parcels #19-36-253-001, 19-36-253-002 and 19-36-253-003, being Lots 31 & 32 and the west 32 ft. of lots 3 & 4 Blakeslee Addition. The applicant is requesting that the Planning Board consider the rezoning of the western portion of the property (a former home converted for office use, 412 E. Frank Street, parcel #19-36-253-001) to B-2B (General Business); and the central portion of the property, The Frank Street Bakery, 420 E. Frank St., parcel #19-36-253-002) to B-2B (General Business) to match the existing zoning of the eastern portion of the property (no known address, parcel #19-36-253-003), which is striped for parking and is currently vacant.

Existing Zoning of Subject Property:

The **western portion** of the entire parcel (roughly 60 ft. along Frank, starting at Ann, known as 412 E. Frank, parcel # 19-36-253-001) is currently zoned **R-3 Single-Family Residential**. A building currently exists on the western portion which is used for office use and associated parking.

The **central portion** of the entire parcel (60 ft. in width along Frank, known as 420 E. Frank, parcel # 19-36-253-002)) is currently zoned **B-1 Neighborhood Business**. This center portion is currently occupied by a one-story building that is used for Frank Street Bakery. An adjacent outdoor dining area and associated parking are also located on the central portion of the property.

The **eastern portion** of the entire parcel (32 ft. in width along Frank, no known address, parcel # 19-36-253-003) is already zoned **B-2B General Business**. No zoning change is requested for this portion of the property.

Ms. Ecker went on to offer a history of each of the two properties requested for rezoning to B-2B in order to build a projected four-unit condominium project.

Ms. Ecker advised that the Planning Division finds that the proposed rezoning of the subject property at 412 E. Frank St. from R-3 Single-Family Residential to B-2B General Business, and the proposed rezoning of 420 E. Frank St. from B-1 Neighborhood Business to B-2B General Business should not be recommended for approval. B-2B Zoning allows for all kinds of commercial, recreational, institutional and residential uses. As an alternative, the Planning Board may wish to consider allowing Attached Single-

Family Residential on the subject property, perhaps under an R-8 Attached Single-Family or ASF Attached Single-Family (under the Zoning Transition Overlay District) zoning classification instead. This would be consistent with the Planning Board's approach to similar transitional properties throughout the City.

Mr. Williams noted there are other parcels that ~~would~~ **may** fit the definition of a transition area that haven't been identified. His view was that they all should be included when the board holds its public hearing on transition zoning.

The property owner, Mr. Sal Bitonti, 709 Ann St., and his architect, Mr. Irving Tobocman, 439 Greenwood, were present to discuss their proposal to go to B-2B Zoning in order to construct four attached single-family homes on the site. Mr. Tobocman said their reason for requesting B-2B zoning is so they can set the buildings back approximately 24 ft. from Frank St. At the corner, the idea is to continue that green area along Ann St. Lawn and trees will be planted within the setbacks to separate the units from people on the street. They chose this zoning because under R-8 Residential Zoning their building coverage would be very much smaller than what they are proposing.

Ms. Ecker noted the ASF Zoning could increase the building footprint because it allows them to move closer to Frank St. Chairman Boyle said if they go to B-2B Zoning it would open up a whole variety of permitted land uses. The ASF Zoning narrows down the land use to residential.

In response to a question from Mr. Koseck, Mr. Bitonti stated that he purchased and assembled the three properties about fifteen years ago.

The chairman took comments from the public at 8:32 p.m.

Mr. Eric Morganroth, 631 Ann St., said his biggest challenge with Ann St. is the parking. He wants to make sure that his home maintains its value and that the rezoning request is good for his children as well as the surrounding community.

Mr. Eric Wolfe, 393 E. Frank, said he has no objection to the current uses on the site. As far as rezoning to B-2B, the allowed uses are totally incompatible. The property could easily be combined with the piece to the east that is on S. Old Woodward Ave. and it would now be a very substantial parcel. So, the potential for a much greater density on this site is there; it is inevitable. He doesn't think there is a real plan, only an idea. B-2B just grants heavier zoning to permit the sale at a maximum price. As a homeowner directly impacted, he objects. The two buildings on the site are small parcels and act as a transitional buffer; they prevent the potential for a large development on this site. It was the intention of the 2016 Plan to prevent further proliferation of two-family and multi-family residential development in areas just like this. So he disagrees with the Planning Dept.'s conclusion which says that four attached units are a good idea. He doesn't think that should be addressed at this point.

Ms. Krista Winger, 371 E. Frank, expressed her opposition to the rezoning because the property could turn into anything rather than residences. She was afraid that more commercial would come into the neighborhood.

Mr. Clein pointed out that Transitional Zoning does not yet exist.

Several board members said they are not in favor of the B-2B Zoning Classification because far too many uses are allowed.

Motion by Mr. Clein

Seconded by Mr. Williams to recommend postponement of the proposed rezoning for 412-420 E. Frank St. to the December 11 Planning Board meeting.

No one from the public commented on the motion at 9 p.m.

Motion carried, 7-0.

ROLLCALL VOTE

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

Nays: None

Absent: None

Chairman Boyle asked the applicant to make an appointment with Ms. Ecker and her staff to come in and get a better sense of why the Planning Board is postponing and perhaps they will reconsider their idea regarding the zoning of this site.

The board took a short break at 9:30 p.m.

09-170-13

SPECIAL LAND USE PERMIT (“SLUP”) REVIEW

1755 Melton

Eton Academy

Purchase of St. Columban Church for Eton Academy administrative offices and tutoring

FINAL SITE PLAN REVIEW

1755 Melton

Eton Academy

Purchase of St. Columban Church for Eton Academy administrative offices and tutoring

Ms. Ecker explained the Eton Academy site is located at 1755 Melton, just north of Fourteen Mile Rd. The former St. Columban Church is located immediately south of the Academy at 1775 Melton. Both properties are currently zoned R-2 (Single Family

Residential). Eton Academy operates under a SLUP at their location, as did the former St. Columban Church.

Ms. Ecker advised that at this time, Eton Academy is requesting a SLUP Amendment to purchase the existing St. Columban Church building, parking lot and property at 1775 Melton. They wish to revoke the former SLUP for St. Columban Church and then expand the SLUP for Eton Academy to include the church property with no exterior changes at this time. Currently the applicant intends to use the existing church for office and tutoring space. The applicant has advised that no exterior renovations are presently proposed. Eton Academy has plans to expand classroom space into the Church in the future, and will apply for a subsequent SLUP Amendment at that time. They have taken down the St. Columban sign and put up a new Eton Academy sign. All signage has to be reviewed and approved through the SLUP process. It would appear that signage that was put up does not comply because it is a pole sign.

As this is a SLUP, the Planning Board will review the plans and make a recommendation to the City Commission. The City Commission's approval of the SLUP application or amendment shall constitute approval of the site plan and design.

Mr. Robert Huer, Lord-Aeck-Sargent Architecture, spoke to represent Eton Academy. Originally the school and the church were one parcel. The school purchased the bigger part of the property and continued it as a school. The arrangement was always that if the church came up for sale Eton Academy would have the right of first refusal. The school plans to move some office space into the newly acquired building in order to have room for more classrooms.

With regard to parking, Mr. Huer explained right now there are 142 spaces and Eton utilizes 70% of those. The enrollment numbers won't change significantly; therefore the parking will be sufficient.

Ms. Ecker read an e-mail which stated the need for a second entrance/exit to or from the parking lot so the students may be dropped off and picked up in the parking lot. Driving on Melton is difficult when school is dismissed for the day because cars are lined up on one side to pick up students and there is parking on the other side.

Mr. Pete Pullen, 1102 Cedar Hill, Royal Oak, said he is head of the school. He noted that on occasion they hire busses for field trips.

There were no comments from the public at 9:20 p.m.

Motion by Mr. Koseck

Seconded by Ms. Whipple-Boyce to recommend approval of the SLUP Amendment for 1755 and 1775 Melton to the City Commission with the condition that the applicant submit all signage details for review prior to going before the City Commission for review and approval of the SLUP Amendment.

No one from the audience wished to comment on the motion at 9:22 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

09-171-13

SPECIAL LAND USE PERMIT (“SLUP”) AMENDMENT

555 S. Old Woodward Ave.

Crush

Design and site plan changes to previously approved restaurant

Site Plan Review

Mr. Baka noted 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, Manorwood Properties LLC, is seeking approval of an amendment to their Economic Development License for Crush Restaurant, which was approved by the City Commission on February 25, 2013 under Chapter 10, Alcoholic Liquors, of the City Code. The applicant is requesting several changes to the approved Final Site Plan and SLUP, including enclosing the eastern second story deck with windows, re-aligning the driveway leading to the rear of the building in accordance with MDOT revisions, and minor modifications to the footprint of the building. The proposed changes will result in an increase in the interior square footage and seats. Based on the plans submitted, the new layout would provide 99 seats inside the lower level, 11 seats at the bar, and 69 seats in the upper level terraces, with 6 seats at the bar. The additional square footage requires that the parking requirement be recalculated.

Mr. Baka advised that the applicant also wishes to change the name of the applicant, property owner and to change the status of the property from a “unit” to a “Lot”. The applicant has submitted a lot split request that will be considered by the City Commission at the same meeting as the SLUP Amendment.

With respect to parking, the building still has 98 additional spaces available after their current parking requirement is met. Chairman Boyle said this is a multi-use building that includes residential and during the day a proportion of the residents will drive their cars to work, freeing up space that could be used for the lunch patrons at Crush.

Design Review

The applicant was approved to construct a new building in the area under the existing parking deck where there is currently an outdoor concrete plaza with metal sculptures. The materials approved for use on the building are primarily a smooth limestone and

clear glass windows and a course of dark granite around the base. Decorative wall sconces and planters were approved for all sides. The applicant is proposing two significant changes at this time. First, they are proposing to enclose the eastern terrace. Second, they are expanding the footprint of the building along the north elevation by eliminating one of the previously approved planting beds.

Mr. Koseck commented that the kitchen area never seems to change in size but the patron area keeps growing. Ms. Ecker responded there are not specified standards for restaurants like there are for bistros. Nothing dictates the number of seats they can have at the bar or the size of their kitchen, or if they even have a kitchen, other than the level of control that the City has through the SLUP process. The chairman observed that the other thing that never seems to change is the State's requirements for restrooms.

Rick Rattner, Attorney, 380 N. Old Woodward Ave., represented the applicant. He answered questions that board members had put forth:

➤ *The difference between a lot and a unit*

The counsel representing 555 decided it would be easier to split it off and have cross easements. The function of these structures will operate the exact same as if it were a unit.

➤ *The shared parking issue*

Shared parking is desired because they don't want seas of asphalt and a lot of parking not used. In this case when the residents are gone the restaurant is open for lunch. The agreement with Fred Lavery for 40 spaces is a month-to-month arrangement and may be terminated.

➤ *Location of the dumpster*

Will be moved to a location in back of the 555 Building and enclosed.

➤ *Deliveries*

Will go back in that same place.

➤ *The kitchen*

The kitchen is large and designed by a great restaurateur to service this number of patrons. The restaurant is 3,500 sq. ft. and about 1,000 sq. ft. is the kitchen.

Cory Campbell, Architect, C-Arc Design Group, 283 E. Frank St., described the structural element at the top of the second-floor terrace and the operable glass units that provide protection from the wind. By keeping the parapet low with the glass at the top, there will be a nice visual looking out and patrons will be seen from the street.

There was no public present to comment at 10:05 p.m.

Board members agreed that although they comply with State regulations, the restroom facilities are very limited for that amount of customers.

Motion by Mr. DeWeese

Seconded by Mr. Williams that the Planning Board recommends approval of the applicant's request for Revised Final Site Plan approval and SLUP Amendment to

the City Commission for Crush Restaurant 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 complies with any unresolved conditions of previous approvals;
- 4) Applicant reconstruct all streetscape elements in accordance with current standards as recommended by the Engineering Dept.; and
- 5) Dumpster is relocated and properly enclosed.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (none)

09-172-13

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approvals
 - 555 S. Old Woodward Ave. – Applicant proposes to install one 6 ft. satellite dish on a ballast mount on the rooftop of the building and replace one equipment cabinet on the rooftop as well. Applicant has an existing wireless radio site on the rooftop.
 - 33779 Woodward Ave. – Roof plan showing sump pumps added to site plan.
- c. Draft Agenda for the Regular Planning Board Meeting on October 9, 2013
 - Transitional Zoning Overlay – a map including all of the overlays is needed.
- c. Other Business
 - The former Neighborhood Hardware is now a Halloween store and they have pulled a permit for a temporary banner for two weeks and will go before the Design Review Board the first week in October.

- Ms. Whipple-Boyce observed the bushes are very tall in front of Stand. Ms. Ecker recalled they were approved because they didn't want diners to see headlights and cars.

09-173-13

PLANNING DIVISION ACTION ITEMS

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

09-174-13

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 10:22 p.m.

Jana Ecker
Planning Director

APPROVED