

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, JULY 24, 2013**

Item	Page
REQUEST FOR EXTENSION OF SITE PLAN 401-451 S. Eton Iron Gate One-year extension of the Final Site Plan Review	2
<p style="padding-left: 40px;">Motion by Mr. Williams</p> <p>Seconded by Ms. Whipple-Boyce to approve a one-year extension of the Final Site Plan Review for 401-451 S. Eton, Iron Gate.</p>	2
<p>Motion carried, 5-0.</p>	2
SPECIAL LAND USE PERMIT (“SLUP”) FINAL SITE PLAN REVIEW 250 E. Merrill ROJO Restaurant	2
<p style="padding-left: 40px;">Motion by Ms. Whipple-Boyce</p> <p>Seconded by Mr. Koseck to recommend approval of the applicant’s request for Final Site Plan and a SLUP for 250 E. Merrill, ROJO, with the following conditions:</p> <ol style="list-style-type: none"> 1) The applicant provide a trash receptacle within the outdoor dining area; and 2) The applicant obtain an Outdoor Dining Permit from the City of Birmingham. 	4
<p>Motion carried, 6-0.</p>	4
PRELIMINARY SITE PLAN REVIEW (continued from July 10, 2013) COMMUNITY IMPACT STUDY (“CIS”) (continued from July 10, 2013) 400 S. Old Woodward Ave. Green’s Art Supply New construction of a three-story mixed-use building	4
<p style="padding-left: 40px;">Motion by Mr. Koseck</p> <p>Seconded by Ms. Lazar to accept the CIS as provided by the applicant for the proposed development of 400 S. Old Woodward Ave. with the following conditions:</p>	4

Item	Page
<ol style="list-style-type: none"> 1) Applicant submit a drainage plan for review and approval; 2) Applicant provide information on all life safety issues and Fire Dept. approval; 3) Applicant provide information on the details of on-site recycling; 4) Applicant provide information on the proposed security system for approval by the Police Dept; and 5) Provision of required easements for portions of public sidewalk on private property. 	
<p>Motion carried, 6-0.</p>	4
<p>Motion by Ms. Whipple-Boyce Seconded by Mr. Clein to approve the Preliminary Site Plan for 400 S. Old Woodward Ave. subject to the following conditions:</p> <ol style="list-style-type: none"> 1) Applicant must submit specs on all mechanical equipment and lighting; 2) Applicant must provide a detailed landscape and photometric plan at the time of Final Site Plan Review; 3) Applicant must submit a complete streetscape plan at the time of Final Site Plan Review; 4) Applicant must abandon all existing connections, and install new water and sewer service connections for the building; 5) Install a Knox Box on the building; 6) Remove spandrel glass from the Daines elevation or obtain a variance from the BZA; and 7) Provide material and color samples at Final Site Plan Review. 	6
<p>Motion carried, 6-0.</p>	6

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JULY 24, 2013
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held July 10, 2013. Chairman Robin Boyle convened the meeting at 7:32 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Arshon Afrakhteh

Absent: Board Member Carroll DeWeese

Administration: Matthew Baka, Sr. Planner
Jana Ecker, Planning Director
Paul O'Meara, City Engineer
Carole Salutes, Recording Secretary

07-119-13

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
HELD JULY 10, 2013**

Motion by Mr. Williams

Seconded by Mr. Koseck to accept the Minutes of the Regular Planning Board Meeting of July 10, 2013 as presented.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: DeWeese

07-120-13

CHAIRPERSON'S COMMENTS (none)

07-121-13

APPROVAL OF THE AGENDA (no change)

07-122-13

**REQUEST FOR EXTENSION OF SITE PLAN
401-451 S. Eton
Iron Gate
One-year extension of the Final Site Plan Review**

Mr. Clein recused himself because of a conflict on this matter.

Mr. Dominic J. Mocerri of FMD Land Company, LLC explained their reason for needing the extension of their Final Site Plan Review. Construction has not begun solely due to pending decisions by the developer's principals concerning family and estate planning issues. The land company is owned solely by the Dominic and Francis Mocerri Trust. The Trustee passed away. There has been a challenge to the Trust documents which is now being resolved in the Circuit Court, and that is why they have not started construction. He re-affirmed they are committed to the site and added that he is not authorized by the Trustee to request less than a one-year extension at this time.

**Motion by Mr. Williams
Seconded by Ms. Whipple-Boyce to approve a one-year extension of the Final Site Plan Review for 401-451 S. Eton, Iron Gate.**

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Recused: Clein

Absent: DeWeese

07-123-13

**SPECIAL LAND USE PERMIT ("SLUP")
FINAL SITE PLAN REVIEW
250 E. Merrill
ROJO Restaurant**

Ms. Ecker explained the subject site, currently vacant, was a Max & Erma's, later approved to be a Stony Creek Steakhouse and is located at 250 E. Merrill, on the south side of E. Merrill west of N. Old Woodward Ave. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, ROJO, is proposing to renovate the existing façade, add approximately 215 sq. ft. to the interior, new signage, and an outdoor café on private property adjacent to the public sidewalk on the south side of E. Merrill Street.

The proposed new establishment will be operating with the existing Class C Liquor

License from Max & Erma's. Article 06 section 6.02 Continuance of Nonconformity, A (5) requires that any establishment with alcoholic beverage sales (on-premise consumption) shall obtain a SLUP upon change in ownership or name of establishment, or upon application for a site plan review. Accordingly, ***the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP, and then obtain approval from the City Commission for the Final Site Plan and SLUP.*** As the proposed establishment is located within the Central Business District Historic District, ***the applicant is also required to appear before the Historic District Commission.***

Design Review

Ms. Ecker advised that the applicant is proposing to renovate the existing façade by stripping the existing wood and applying a clear coat (no stain), installing a new canopy and signage, as well as adding permanent outdoor dining to the west of the main entrance. The applicant also wishes to add decorative perforated metal panels and railings to help section off the outdoor dining. The applicant also proposes to construct an entry with new wood and glass doors.

The applicant is permitted to have a total of 69.5 sq. ft. of signage, based on the frontage of the building. One 5.94 sq. ft. name letter sign is proposed to be flat cut polished red aluminum letters pin mounted to the awning with five sign lights attached to the canopy reading "ROJO MEXICAN BISTRO."

The applicant is proposing a total of 6 tables and 22 chairs in the outdoor dining area. The tables have a black metal base and oak table tops. The chairs proposed are handmade barrel chairs from Mexico. No umbrellas are proposed for the outdoor dining area. The applicant is proposing outdoor seating along the front side of the restaurant on private property within the recessed area of the building. The doors along the front of the building will open into the outdoor dining area. The outdoor café is proposed to be enclosed with planter boxes containing reeds between the seating area and the public sidewalk. The outdoor dining area is proposed to maintain the required 5 ft. pedestrian pathway.

Mr. Dan Linen, 888 Humphrey, the bistro owner, said they will feature Mexican cuisine in a lively, contemporary setting.

Mr. Roman Bonislowski and Mr. Ron Rea from Ron and Roman Architects were present. Mr. Bonislowski indicated not much is being changed with the exception that inside they have maintained the higher floor level of the bar all the way along the western end of the building to the café. The spill out of tables from the indoor/outdoor opening creates life on the street.

In response to questions from board members, the owner indicated he has outdoor dining in his other locations. There will not be valet parking in this location. Tableside service will be offered. They anticipate a ten or eleven week construction period.

There were no comments from members of the public at 7:55 p.m.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Koseck to recommend approval of the applicant's request for Final Site Plan and a SLUP for 250 E. Merrill, ROJO, with the following conditions:

- 1) The applicant provide a trash receptacle within the outdoor dining area; and**
- 2) The applicant obtain an Outdoor Dining Permit from the City of Birmingham.**

No comments were heard from the audience at 7:57 p.m.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: DeWeese

07-124-13

PRELIMINARY SITE PLAN REVIEW (continued from July 10, 2013)
COMMUNITY IMPACT STUDY ("CIS") (continued from July 10, 2013)
400 S. Old Woodward Ave.
Green's Art Supply
New construction of a three-story mixed-use building

CIS

Ms. Ecker reviewed details of the CIS and outlined the issues that remain outstanding.

Motion by Mr. Koseck

Seconded by Ms. Lazar to accept the CIS as provided by the applicant for the proposed development of 400 S. Old Woodward Ave. with the following conditions:

- 1) Applicant submit a drainage plan for review and approval;**
- 2) Applicant provide information on all life safety issues and Fire Dept. approval;**
- 3) Applicant provide information on the details of on-site recycling;**
- 4) Applicant provide information on the proposed security system for approval by the Police Dept; and**
- 5) Provision of required easements for portions of public sidewalk on private property.**

No one from the public wished to comment at 8:19 p.m.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Absent: DeWeese

Preliminary Site Plan Review

Ms. Ecker advised the applicant is proposing to demolish the existing building and surface parking lots to construct a 58,001 sq. ft. three-story, mixed-use building. The building will provide ground floor retail, second floor office space, and six residential units on the third floor. As the building is located within the Parking Assessment District, twelve parking spots for the residential units only will be provided at grade underneath the overhang of the building along the western property line. The building is located in the D-2 Zone District. Ms. Ecker went on to touch upon some of the site plan changes the applicant made as a result of the board's request at the July 10 meeting.

Design Review

The applicant is proposing to utilize the following materials for the construction of the three story, mixed use building:

- Cast stone for the first and second floor facades;
- Granite for the base of the building;
- Aluminum building panels for the third floor façade;
- Pre-finished metal coping along the parapet;
- Aluminum sunshades along the first floor of the north and east elevations;
- An aluminum and glass canopy at the main entrance at the corner of S. Old Woodward Ave. and Daines;
- Spandrel glass blocks on the Daines façade adjacent to the vehicular opening;
- Extensive window glazing on all levels of the north and east elevation, the second and third levels of the west elevation and the third level only of the south elevation.

Spandrel glass is not permitted, and the ordinance requires all glazing to be clear or lightly tinted only. ***Applicant must remove the spandrel glass from the Daines elevation or obtain a variance from the Board of Zoning Appeals.***

The top residential floor is set back and there are terraces for each of the units on that floor.

The Planning Division will reserve detailed analysis and comments regarding architectural standards and design-related issues for the Final Site Plan and Design Review.

Mr. Jason Kreiger with Kreiger Klatt Architects settled on a plan to remove the spandrel glass and remain within the required glazing calculations. They assume two tenants at the street level. Mr. Bobby Saron, the developer, indicated they have received interest in bank use and for high end restaurant or retail use.

Discussion followed with respect to the location of the lobbies. Mr. Koseck believed the applicant has missed an opportunity from a marketing standpoint by forcing visitors through the commercial lobby. Further, he suggested they combine the residential and trash areas, move them inside the building, and add landscape outside. Lastly, maneuvering through the parking area could be improved by getting rid of some of the columns.

Ms. Whipple-Boyce thought they may want to look at condo #5. There might be a missed opportunity for a fantastic outdoor space. In response to Ms. Lazar's question about their staging area, Mr. Saron replied they will probably use their Oak/N. Old Woodward lot for that purpose.

Mr. Clein pointed out that with creative layout between the building points of articulation, trees could be planted along Daines. Mr. Koseck felt that would add to the quality of the project. With respect to the third-floor residential, Mr. Krieger explained the condos will average 2,800 sq. ft.

There were no members of the public who wished to comment on this proposal at 8:53 p.m.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Clein to approve the Preliminary Site Plan for 400 S. Old Woodward Ave. subject to the following conditions:

- 1) **Applicant must submit specs on all mechanical equipment and lighting;**
- 2) **Applicant must provide a detailed landscape and photometric plan at the time of Final Site Plan Review;**
- 3) **Applicant must submit a complete streetscape plan at the time of Final Site Plan Review;**
- 4) **Applicant must abandon all existing connections, and install new water and sewer service connections for the building;**
- 5) **Install a Knox Box on the building;**
- 6) **Remove spandrel glass from the Daines elevation or obtain a variance from the BZA; and**
- 7) **Provide material and color samples at Final Site Plan Review.**

No one from the audience commented on the motion at 8:57 p.m.

Chairman Boyle suggested the applicant give serious consideration to the comments of board members Koseck and Clein before coming back to the Planning Board. It is about the relationship of the building to Woodward Ave.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None
Absent: DeWeese

The board took a short recess at 8:58 p.m.

07-125-13

STUDY SESSION

Zoning Transition Overlay – Map

Mr. Baka recalled at the June 12, 2013 Planning Board meeting the Planning Dept. presented maps identifying potential transition areas and overlay ordinance language that could be applied to those areas. Based on the last study session, the Planning Dept. has developed a range of zone classifications that can be applied to these areas as deemed appropriate. Also, new ordinance language has been incorporated as a result of comments at that meeting. The transition overlay includes four zoning classifications that can be applied in the various locations that have been identified, depending on the conditions present at each site.

Also, the use of screening, landscaping and appropriate lighting methods has been emphasized in each zone to provide a significant buffer to the residential area. He showed maps that identified each zone as discussed at the June 12, 2013 Planning Board meeting, along with staff's recommendations for each area based on the existing and adjacent land uses as well as the proximity to single-family residential. Input from the Planning Board was requested for each recommendation.

- Oakland between Woodward Ave. and Ferndale
Recommendation: ASF-3 Attached Single-Family
Planning Board Comments: ASF-2 Attached Single-Family, include two lots that run EW, consider the parking, consider removing institutional and recreational uses, consider setting up a separate transitional classification
- N. Old Woodward Ave. between Oakland and Ravine
Recommendation: MU-3 Mixed-Use
- Willits at Chester (First Church of Christ Scientist)
Recommendation: ASF-3 Attached Single-Family
Planning Board Consensus: Re-visit
- Chester at W. Maple Rd. (O-1 Office)
Recommendation: MU-3 Mixed-Use
- Brown and Purdy (O-2 Office Commercial and P Parking)
Recommendation: MU-3 Mixed-Use
- Purdy at Daines (R-3 Single-Family Residential)
Recommendation: ASF-3 Single-Family Residential
- Woodward Ave. and E. Maple Rd. to Adams (B-2 General Business, P Parking, and R-4 Two-Family Residential)
Recommendation: MU-3 Mixed-Use
- Post Office (O-2 Office/Commercial, P Parking)
Recommendation: ASF-2 Attached Single-Family

- Adams Square (B-2 General Business)
Recommendation: MU-3 Mixed-Use
Planning Board Comment: Include the existing residential red zone
- S. Adams between Adams Square and E. Lincoln
Recommendation: MU-2 Mixed-Use
Planning Board Comment: ASF-2 Attached Single-Family
- E. Lincoln at Grant
Recommendation: MU-2 Mixed-Use
- Woodward at Quarton, west side (O-2 Office/Commercial)
Recommendation: MU-3 Mixed-Use
- Fourteen Mile Rd. east of Woodward Ave. (R-5 Multiple-Family Residential, O-1 Office)
Recommendation: R-5 parcel to ASF-3 Single-Family Residential
O-1 parcels to MU-2 Mixed-Use
Planning Board Consensus: R-5 parcel to MU-2 Mixed-Use
- Fourteen Mile Rd. at Pierce (B-1 General Business, P Parking, R-5 Multiple-Family Residential)
Recommendation: B-1 and P to MU-2 Mixed-Use
R-5 to ASF-3 Attached Single-Family
Planning Board Consensus: R-5 parcel to ASF-2 Attached Single-Family
- Southfield at Fourteen Mile Rd. (PP Public Property, O-1 Office, B-1 Neighborhood Business, R-8 Multiple-Family Residential)
Recommendation: PP, O-1, B-1 to MU-2 Mixed-Use
R-8 to ASF-2 Attached Single-Family
Planning Board Consensus: Remove PP Public Property
- W. Maple Rd. at Chesterfield (P Parking, B-1 Neighborhood Business, O-1 Office)
Recommendation: MU-2 Mixed-Use
- W. Maple Rd. and S. Cranbrook (B-1 Neighborhood Business)
Recommendation: MU-2 Mixed-Use
- S. Woodward Ave. Corridor between Lincoln and Fourteen Mile Rd. (B-2B)
Recommendation: To be made after the master planning process is completed.

Mr. Baka said the Planning Department will take these comments and create final ordinance language and develop better maps that show the roads for review in advance of a public hearing. Mr. Williams said to use ASF-2 as the standard and look at heights of the neighboring residential properties as against what would be allowed under the new designation.

The chairman asked for comments from the public at 10:05 p.m.

Mr. Brad Host, 416 Park, thought what has happened on Brown St. could easily happen on Adams. He was confident that three of the five homes in the Overlay on Oakland are happy to be included in the Overlay. The same is true for his property and the neighbor to the north, 430 Park.

STUDY SESSION
Outdoor Dining Platforms

Mr. O'Meara advised that at the May, 2013 Advisory Parking Committee (APC) meeting, a request for a new dining deck on W. Maple Rd. was reviewed and approved. Similar to some of the previous requests, the APC expressed concern that there are no parameters for them to judge such applications, and that at some point, there may be too many people asking for approval of such platforms.

As caretakers of the Auto Parking System, the APC is asked to review and approve each dining platform when they are going to take parking places out of service. Currently there are 10 establishments operating with such platforms, using a total of 16 parking spaces.

While it is clear the platforms have merit, they can cause negative consequences to the surrounding businesses by taking away a resource that is important for everyone. (When parking demand exceeds supply, there is always the risk that potential customers are being lost.)

Should the Planning Board wish to recommend a policy, it would be a recommendation to the City Commission. Input from the Advisory Parking Committee and Principal Shopping District (hopefully with concurrence) should also be obtained prior to sending the issue to the Commission.

The APC is hopeful that some form of limitation can be agreed upon. However, it is noted that even a modest limitation, at some point, will likely result in a platform being denied. If and when a rule is agreed upon by the various boards, it is recommended that it be reviewed by legal counsel prior to proceeding.

Chairman Boyle asked what the particular problem was with regards to the decks as he believes they have been very successful. Chairman Boyle noted that there was no negative impact financially on the parking system as the restaurant owners pay for the use of on-street parking spaces, and he noted that the removal of 10 parking spaces from the hundreds of on-street parking spaces downtown is statistically insignificant.

Mr. Williams thought that areas of high concern should be designated, such as along Maple Rd. and N. Old Woodward Ave.

Mr. Clein said the challenge is the perception that 16 spaces have been lost and more could be lost. If they go to a system that categorically excludes outdoor platform decks, then bistros are eliminated from large swaths of the Central Business District where the sidewalks are too narrow. There could be some room to discuss this with proximity to intersections, proximity to site distance, and safety issues. Ms. Lazar thought if it is

possible for an establishment to have outdoor dining on the sidewalk, then they should not be allowed to have a deck.

Discussion concluded that before doing anything the Planning Board should hear where the Principal Shopping District stands.

07-127-13

PRE-APPLICATION DISCUSSION

263 Pierce St.

Elie's Mediterranean Grill/Bar

Elie presented his proposal to add an inside glass elevator that goes up to the rooftop which will have seating for about twenty-five customers and a service bar. Mr. Bill Roberts, the owner of Streetside, is also interested in the same plan for his establishment. The Varsity Shop has no concerns. Mr. Ted Fuller has not yet been contacted.

Ms. Whipple-Boyce was not sure there has to be more of a benefit to the City than the bistro is already providing by their improvements to the ground floor.

Chairman Boyle discussed the extent to which the proposal would affect the amenity of the area. Parking is covered. The pedestrian flow is marginally increased, so there will not be too much more pressure on the sidewalk. From a public safety perspective the police will be asked for their opinion about whether this would lead to overcrowding. At the end of the day it comes down subjective determination about whether it looks "Birmingham" or not.

Further deliberation determined that a bistro should only be allowed to have upper level dining if they also provide outdoor dining on the main level. A concern is the impact this would have on someone's actual view out of their window. A majority of board members indicated they would consider reviewing the application for rooftop dining. However, the applicant might want to first determine if the City Commission is in favor.

07-128-13

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

07-129-13

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approvals

- 203 Pierce St. – New HVAC install.
 - 30 Willits, First Baptist Church – Adding three mini-split systems w/condensers mounted on west wall at bottom with the tops below top of fence. Adding three screens to block from view.
 - 34500 Woodward Ave., Walgreens – Re-submit of landscaping plan:
 - Relocate bush from north side of site to west side between columns.
 - Remove existing yews indicated on sidewalk by east elevation.
 - Remove indicated existing trees at south side of site along alley.
 - 300, 350, 400, 450 Woodland Villa Ct., Woodland Villas –
 - Unit #5 – Removed two-story brick and replaced with shake at entrance.
 - Unit #6 – Removed two-story brick entrance and replaced with Hardi shakes.
 - Unit #8 – Separated windows: molded large great room windows, changed from Hardi siding to Hardi shake @ south end (back) of house.
 - 735 Willits, Willits West – Install a “Rockwell” Elite Series window well egress from south basement wall of condo.
 - 474 N. Old Woodward Ave., Market Bistro –
 - Omit proposed vertical valance/fascia component approved canopy.
 - Canopy framework paint color: Pratt & Lambert “Flint” #32-20.
 - 575 S. Eton St., Griffin Claw Brewing Co. – Itemized list.
 - 33828 Woodward Ave., Ducati Detroit – Roof plan for new renovations.
 - 193 W. Maple Rd. –
 - Remove and replace the existing five-ton package rooftop unit.
 - Install RTU screening system to hide the unit.
 - 36101 Woodward Ave, Mobil/Tim Horton’s – Addition of a concrete pad by dumpster to put propane tank cages to sell propane tanks.
- c. Draft Agenda for the Regular Planning Board Meeting on August 14, 2013
- Luxe – expansion of outdoor dining on the N. side of their building
 - Lutheran Church – sign proposal
 - Study sessions
- d. Other Business (none)

07-130-13

PLANNING DIVISION ACTION ITEMS

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

07-131-13

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 11 p.m.

Jana Ecker
Planning Director

APPROVED