

AGENDA
BIRMINGHAM DESIGN REVIEW BOARD
Wednesday - December 1, 2021
BIRMINGHAM CITY HALL, 151 MARTIN ST, COMMISSION ROOM 205, BIRMINGHAM MI *
******* 7:15 PM*******

The highly transmissible COVID-19 Delta variant is spreading throughout the nation at an alarming rate. As a result, the CDC is recommending that vaccinated and unvaccinated personnel wear a facemask indoors while in public if you live or work in a substantial or high transmission area. Oakland County is currently classified as a substantial transmission area. **The City has reinstated mask requirements for all employees while indoors. The mask requirement also applies to all board and commission members as well as the public attending public meetings.**

- 1) Roll Call
- 2) **Approval of the DRB Minutes of November 17, 2021**
- 3) Public Hearing
- 4) Design Review
 - A. **34164 Woodward – Sun Medical (POSTPONED)**
- 5) Sign Review
- 6) Study Session
 - A. **Sign Ordinance Update**
- 7) Miscellaneous Business and Communication
 - A. Pre-Application Discussions
 - B. Draft Agenda
 1. **December 15, 2021**
 - C. Staff Reports
 1. **Administrative Sign Approvals**
 2. **Administrative Approvals**
 3. **Action List 2021**
- 8) Adjournment

*Please note that board meetings will be conducted in person once again. Members of the public can attend in person at Birmingham City Hall, 151 Martin St., or may attend virtually at:

Link to Access Virtual Meeting: <https://zoom.us/j/91282479817>
Telephone Meeting Access: 877 853 5247 US Toll-free
Meeting ID Code: 912 8247 9817

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**Design Review Board
Minutes Of November 17, 2021**

151 Martin Street, City Commission Room 205, Birmingham, MI

Minutes of the regular meeting of the Design Review Board ("DRB") held Wednesday, November 17, 2021. Chair John Henke called the meeting to order at 7:12 p.m.

1) Rollcall

Present: Chair John Henke; Board Members Keith Deyer, Natalia Dukas, Dustin Kolo, Julie Rasawehr, Michael Willoughby; Student Representatives Charles Cusimano, Elizabeth Wiegand

Absent: Board Member Patricia Lang; Alternate Board Members Samantha Cappello, Kathleen Kriel

Administration: Nicholas Dupuis, Planning Director
Laura Eichenhorn, City Transcriptionist

11-106-21

2) Approval of the DRB Minutes of November 3, 2021

Motion by Ms. Rasawehr

Seconded by Mr. Willoughby to approve the DRB Minutes of November 3, 2021 as submitted.

Motion carried, 6-0.

VOICE VOTE

Yeas: Kolo, Dukas, Deyer, Rasawehr, Willoughby, Henke,

Nays: None

11-107-21

3) Public Hearing

None.

11-108-21

4) Design Review

A. 2006 Cole St.

PD Dupuis summarized the item.

Kevin Biddison, architect, spoke on behalf of the proposal. He confirmed that the ginkgo biloba trees to be planted would be of the non-fruit bearing variety.

Motion by Ms. Dukas

Seconded by Ms. Rasawehr to approve the Design Review application for 2006 Cole St. based on the requirements of Article 7, Section 7.09, with the following conditions:

- 1. The Design Review Board approves the non-cutoff light fixtures pursuant to Article 4, Section 4.21 (D) of the Zoning Ordinance; and,**
- 2. The applicant must submit revised plans with a capped masonry screen wall with wood gates for the trash enclosure.**

Motion carried, 6-0.

VOICE VOTE

Yeas: Kolo, Dukas, Deyer, Rasawehr, Willoughby, Henke,

Nays: None

11-109-21

5) Sign Review

None.

11-110-21

6) Study Session

A. Sign Ordinance Update

PD Dupuis recommended that the DRB study updating the sign ordinance to make it both more inclusive of newer signage issues and more internally consistent.

The DRB concurred.

11-111-21

7) Miscellaneous Business And Communications

Mr. Deyer informed PD Dupuis that there seemed to be a sound issue with the City Commission broadcasts on cable television.

PD Dupuis said he would report the issue.

In reply to Ms. Dukas, PD Dupuis said he would be working with the owners of Henry Electric to bring their side wall into compliance with City ordinance.

- A. Pre-Application Discussions**
- B. Draft Agenda**
- C. Staff Reports**
 - 1. Administrative Sign Approvals**
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 - 3. Action List 2021**

11-112-21

Adjournment

Motion by Ms. Rasawehr

Seconded by Mr. Kolo to adjourn the DRB meeting of November 17, 2021 at 7:29 p.m.

Motion carried, 6-0

VOICE VOTE

Yeas: Rasawehr, Kolo, Dukas, Willoughby, Deyer, Henke

Nays: None

Nicholas Dupuis
Planning Director



MEMORANDUM

Planning Division

DATE: November 3rd, 2021

TO: Design Review Board

FROM: Nicholas Dupuis, Planning Director

SUBJECT: 34164 Woodward – Sun Medical – Design Review

Zoning: B2 (General Business) & MU7 (Triangle Overlay)

Existing Use: Commercial

Introduction

The applicant has submitted a Design Review application for paint modifications to an existing 1-story building in the Tringle District of Birmingham. The subject site is located on the east side of Woodward, south of Webster.

On October 20th, 2021, the Design Review Board moved to postpone the Design Review requesting some dimensions for clarity purposes.

Building Exterior

The site/design plans submitted contain proposals for a small area of paint proposed on the existing mansard roof. The paint is proposed as “Cheerful Yellow” by Sherman Williams. The proposal is to paint the left (north) end of the mansard in the yellow color, curving down from the top to the bottom of the mansard to terminate just before the Sun Medical signage. As noted in the letter submitted by the applicant, a different version of the yellow paint was denied by the Planning Division citing the definition of sign in Article 3, Section 3.02 and Article 1, Section 1.03 (D) of the Sign Ordinance. The applicant has stated that their intent for the paint is to add color, and that it is more of a building design element than a logo or a sign. The yellow painted area will extend 6.6 ft. from left to right, and 6.4 ft. from the bottom of the mansard to the top of the mansard.

The building is located within the Triangle District Overlay zone, which corresponds with the Tringle District Urban Design Plan. The Urban Design Plan states that buildings should be designed in a contemporary style with a bold approach using massing, colors, façade treatments and the like.

Signage

As noted above, the issue at hand is that the Planning Division finds the proposed yellow paint design to closely resemble the Sun Medical logo, and thus consider it as a sign. The definition of sign is as follows:

“Any object, device, logo, display or structure, or part thereof, which is intended to advertise, identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means”

If the yellow paint design is considered a sign, two additional issues present themselves. First, Article 1, Section 1.03 states that no sign may be painted directly onto any building surface. Second, the applicant has used 61 sq. ft. of the permitted 74 sq. ft. sign area. The inclusion of the yellow painted area would likely exceed the permitted combined sign area for the building.

Lighting

There are no new light fixtures proposed as a part of the Design Review application submitted.

Planning and Zoning

As the building/site is not changing its use or size, there are no bulk, height or area requirements that must be reviewed at this time.

Required Attachments

	Submitted	Not Submitted	Not Required
Detailed and Scaled Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interior Floor Plans	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Landscape Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Photometric Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Colored Elevations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Material Specification Sheets	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Material Samples	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site & Aerial Photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Design Standards

Article 7, Section 7.09 states that the Design Review Board shall review all documents submitted pursuant to this section and shall determine the following:

1. All of the materials required by this section have been submitted for review.
2. All provisions of this Zoning Ordinance have been complied with.
3. The appearance, color, texture and materials being used will preserve property values in the immediate neighborhood and will not adversely affect any property values.

4. The appearance of the building exterior will not detract from the general harmony of and is compatible with other buildings already existing in the immediate neighborhood.
5. The appearance of the building exterior will not be garish or otherwise offensive to the sense of sight.
6. The appearance of the building exterior will tend to minimize or prevent discordant and unsightly properties in the City.
7. The total design, including but not limited to colors and materials of all walls, screens, towers, openings, windows, lighting and signs, as well as treatment to be utilized in concealing any exposed mechanical and electrical equipment, is compatible with the intent of the urban design plan or such future modifications of that plan as may be approved by the City Commission.

Planning Division Analysis

Based on the requirements of Article 7, Section 7.09, the Planning Division recommends that the Design Review Board **DENY** the Design Review application for 34164 Woodward – Sun Medical – with the following conditions:

The applicant appears to meet many of the Design Review requirements outlined in the above ordinance language, including the submittal of all the required documents and the façade renovations are not garish or unsightly, are compatible with other buildings in the immediate area and the Woodward corridor, and should not adversely affect neighboring property values. However, the proposal appears to violate the provisions of the Sign Ordinance. Thus, the application does not meet the requirements of Section 7.09.

Sample Motion Language

Motion to **DENY** the Design Review application for 34164 Woodward – Sun Medical – for the following reasons:

1. The yellow portion of the proposed painting project is considered signage and must meet the requirements of the Sign Ordinance.

OR

Motion to **APPROVE** the Design Review application for 34164 Woodward – Sun Medical – with the following conditions:

1. _____
2. _____
3. _____

OR

Motion to **POSTPONE** the Design Review application for 34164 Woodward – Sun Medical – pending receipt of the following:

1. _____
2. _____
3. _____

SUN MEDICAL SUPPLIES

30 MIN
THIRTY
MINUTE
PARKING

NOW OPEN
SUNMEDICAL
EQUIPMENT & SUPPLIES
(248) 280-2020
Home Healthcare Center
• Medical Equipment
• Supplies and Services
• Private Duty Nursing
• Infusion Therapy

34164

SUNMEDICAL
EQUIPMENT & SUPPLIES
EST. 1981

OPEN

NOW OPEN
SUNMEDICAL
EQUIPMENT & SUPPLIES
(248) 280-2020
Home Healthcare Center
• Medical Equipment
• Supplies and Services
• Private Duty Nursing
• Infusion Therapy

30 MIN
THIRTY
MINUTE
PARKING



Cheerful (6903)
Sherwin Williams





Design Review Application Planning Division

Form will not be processed until it is completely filled out

1. Applicant

Name: Sun Medical Equipment, Inc.
Address: 34164 Woodward Avenue
Birmingham, Michigan 48009
Phone Number: 248-280-2020
Email address: mdorfman@americaremedical.com

2. Property Owner

Name: Woodweb Properties, LLC
Address: 700 N. Old Woodward Avenue, Suite 300
Birmingham, Michigan 48009
Phone Number: 248-865-1515
Email address: kdenha@visioninvparkers.com

3. Project Contact Person

Name: Michael R. Dorfman
Address: 1938 Woodslee Drive
Troy, Michigan 48083
Phone Number: 248-619-3681
Email address: mdorfman@americaremedical.com

4. Project Designer/Developer

Name: Northstar Custom Painting Corporation
Address: 600 North Old Woodward Avenue, Suite 305
Birmingham, Michigan 48009-1326
Phone Number: 866-823-8583 Ext.405
Email address: chris@paintwithnorstar.com

5. Required Attachments

- I. Two (2) paper copies and one (1) digital copy of all project plans including:
 - i. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
 - ii. Colored elevation drawings for each building elevation;
 - iii. A Landscape Plan (if applicable);
 - iv. A Photometric Plan (if applicable);
- II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;

- III. Samples of all proposed materials;
- IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- V. Current aerial photographs of the site and surrounding properties;
- VI. Warranty Deed, or Consent of Property Owner if applicant is not the owner;
- VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

6. Project Information

Address/Location of the property: _____
34164 Woodward Ave., Birmingham, Michigan
Name of development: _____
Sidwell #: _____
Current Use: _____
Proposed Use: _____
Area of Site in Acres: _____
Current zoning: _____

Is the property located in a floodplain? -----
Is the property within a Historic District? -----
→ If so, which? _____
Will the project require a variance? -----
→ If so, how many? _____
Has the project been reviewed by another board?
→ If so, which? _____

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. Details of the Proposed Development (attach separate sheet if necessary)

Please see attached documentation.

8. Required and Proposed Parking

Required number of parking spaces: N/A
Proposed number of parking spaces: _____
Location of parking on site: _____
Location of parking off site: _____
Shared parking agreement? _____
Size of surface parking lot: _____

Number of underground parking levels: N/A
Typical size of parking spaces: _____
Typical width of maneuvering lanes: _____
Number of handicap spaces: _____
Screenwall material: _____
Height of screenwall: _____

9. Landscaping

Location of landscape areas: N/A

Proposed landscape material: N/A

10. Streetscape

Sidewalk width: N/A
Number of benches: _____
Number of planters: _____

Number of existing street trees: N/A
Number of proposed street trees: _____
Number of waste receptacles: _____

11. Loading

Required number of loading spaces: N/A
Proposed number of loading spaces: _____
Location of loading spaces on site: _____

Typical size of loading spaces: N/A
Screenwall material: _____
Height of screenwall: _____

12. Exterior Waste Receptacles

Required number of waste receptacles: N/A
Proposed number of waste receptacles: _____
Location of waste receptacles: _____

Size of waste receptacles: N/A
Screenwall material: _____
Height of screenwall: _____

13. Mechanical Equipment

Utilities and Transformers:

Number of ground mounted transformers: N/A
Location of all utilities & easements: _____

Size of transformers (L•W•H): N/A
Screenwall material: _____
Height of screenwall: _____

Ground Mounted Mechanical Equipment:

Number of ground mounted units: N/A
Location of all ground mounted units: _____

Size of ground mounted units (L•W•H): N/A
Screenwall material: _____
Height of screenwall: _____

Rooftop Mechanical Equipment:

Number of rooftop units: N/A
Type of rooftop units: _____
Location of all rooftop units: _____
Size of rooftop units (L•W•H): _____

Location of screenwall: N/A
Screenwall material: _____
Height of screenwall: _____
Distance from rooftop units to all screenwalls: _____

14. Building & Site Lighting

Number of light fixtures on building: N/A
Light level at each property line: _____
Type of light fixtures on building: _____
Location of light fixtures on building: _____

Number of light fixtures on site: N/A
Type of light fixtures on site: _____
Height from grade: _____
Location of light fixtures on site: _____

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan. The undersigned further states that they have reviewed the procedures and guidelines for Site Plan Review in Birmingham, and have complied with the same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

By providing your e-mail to the City, you agree to receive news notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

Signature of Owner: 

Date: 9-15-21

Print name: Kevin Denha, President

Signature of Applicant: 

Date: 9-15-21

Print Name: Gregory Jamian, President

Signature of Architect: _____

Date: _____

Print Name: N/A

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted By: _____

INTRODUCTION

Sun Medical Equipment, Inc. (“Sun Medical”) officially submits its application to the City of Birmingham Design Review Board (the “DRB”) seeking that it recommend approval to the Birmingham City Commission of the sign design illustrated in *ATTACHMENT 1*.

SUN MEDICAL

Since 1981, Sun Medical has been providing high-end, “physician recommended” products and Durable Medical Equipment to its customers. Whether a product is ordered directly from our warehouse in Troy, or shoppers come to either of our retail stores in Birmingham or Washington Township, our customers receive a high level of personalized care, compliance and customer service with a knowledgeable and friendly healthcare team, who truly care that all the buyer’s medical needs are achieved.

The majority shareholders of Sun Medical, Gregory Jamian and John Jamian, both grew up and were reared in Birmingham, and graduated from Groves High School, share an affinity for the City of Birmingham. This was the main reason that prompted the decision to move their store from inside St. Joseph Mercy-Oakland Hospital to a storefront on the east side of Woodward Avenue in the Triangle District.

The decision to open the flagship Sun Medical store in Birmingham was also motivated by the fact that there was a dearth of any medical supply stores for sophisticated consumers seeking higher-end products and the ability to be educated by a sales force who all have past medical training. There will also be employees on-hand to offer our premier in-home nursing services for those who want a loved one to remain in the home.

DESIGN WORK BEING APPEALED AND PROCEDURAL HISTORY

Sun Medical is appealing the decision of the Birmingham Planning Division wherein they deemed the yellow, painted portion of *ATTACHMENT 1* to look too much like Sun Medical’s logo in violation of the Birmingham ordinance prohibiting the painting of logos or signs. It is the position of Sun Medical that the proposed yellow splash next to the channel lettering is not intended to be a logo or signage (See *ATTACHMENT 1*).

Last month, Sun Medical had the building re-painted in steely gray and white. (See *ATTACHMENT 2*, Current view). The new painting of the building exterior replaced a dilapidated and chipped dark green paint from when the prior tenant was using the store. On September 15, 2021, the sign in channel letters (previously approved) was affixed to the building. The lettering can be viewed in *ATTACHMENT 2*. Currently, the only issue of contention is authorization being held up to add the yellow design element in the left corner of the upper face of the building. The appeal does not seek to circumvent any ordinances as the yellow paint is being used to inject color into a darker appearing building. It is the belief of Sun Medical that the DRB will appreciate the need for one brighter color to make the store appear more of a traditional, Birmingham store and less cookie cutter and drab in appearance. The argument from the Birmingham Planning

Department has been that the proposed yellow accents in *ATTACHMENT 1* too closely mirror the logo of Sun Medical, and thus, would violate the signage ordinance regarding painting. Sun Medical acknowledges that yellow is a color used in its marketing, but the proposed design in *ATTACHMENT 1* is not remotely close to the current logo (see below) used on all marketing materials.



A side-by-side comparison between the proposed use of yellow paint for the accent design in *ATTACHMENT 1*, and the Sun Medical logo above, clearly demonstrates that the rendered, yellow design appears nothing like the logo of Sun Medical. Thus, if the DRB recommended to the Birmingham City Commission to approve the use of the yellow accent, no one would be afoul of any Birmingham City Ordinance as the proposed yellow accent is not a logo. The DRB must also consider the optics of the proposed yellow accent and appreciating the livening up of what would look droll should the yellow not ultimately be authorized (Compare *ATTACHMENT 1* and *ATTACHMENT 2*, in essence, what would be before and after if approved.)

Sun Medical has spent a lot of money fixing up the building internally and externally. Prior to the major improvements, the store sat abandoned with chipped, dark green paint around the building. Sun Medical's improvements, coupled with the proposed yellow accent mark, will bring vitality and life to the corridor.

Should any of the members of the DRB like to take a personal tour of the store (internally and/or externally) please do not hesitate to call on us prior to the October 6, 2021 Meeting.

ATTACHMENT 1

SUN MEDICAL SUPPLIES

34164

SUN MEDICAL



ATTACHMENT 2

SUN MEDICAL SUPPLIES

80' MAX HEIGHT
THIRTY
MINUTE
PARKING

NOW OPEN

SUN MEDICAL
(248) 280-2020

Home HealthCare Center

- Medical Equipment
- Supplies and Services
- Patient Daily Wound Care
- Infection Therapy

34164

OPEN

NOW OPEN

SUN MEDICAL
(248) 280-2020

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 - A. **34164 Woodward – Sun Medical**
- 5) Sign Review
 - A. **34100 Woodward – Loan X Mortgage**
- 6) Study Session
 - A. **Sign Ordinance Update**
- 7) Miscellaneous Business and Communication
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 1. **January 5, 2022**
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Design Review Board Action List – 2021

Design Review Board	Quarter	Rank	Status
Wall Art	1 st (January-March)	1	<input type="checkbox"/>
Update Sign Ordinance	2 nd (April-June)	2	<input type="checkbox"/>
Create New Informational Artwork for Sign Ordinance	3 rd (July-September)	3	<input type="checkbox"/>
Sign Ordinance Enforcement	4 th (October-December)	4	<input type="checkbox"/>

Updates:

1. Sign Ordinance update in progress.