AGENDA BIRMINGHAM DESIGN REVIEW BOARD

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 February 2, 2022
- 3) Public Hearing
- 4) Design Review
 - A. 220 Park Request for minor façade changes to existing building
- 5) Sign Review
- 6) Study Session
- 7) Miscellaneous Business and Communication
 - A. Pre-Application Discussions
 - B. Draft Agenda
 - 1. June 1, 2022
 - C. Staff Reports
 - 1. Administrative Sign Approvals
 - 2. Administrative Approvals
 - 3. Action List 2022
- 8) Adjournment

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

<u>Notice:</u> Individuals requiring accommodations, such as interpreter services for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 at least on day in advance of the public meeting.

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al (248) 530-1880 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).

A PERSON DESIGNATED WITH THE AUTHORITY TO MAKE DECISIONS MUST BE PRESENT AT THE MEETING.

^{*}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:

Design Review Board Minutes Of February 2, 2022

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

Minutes of the regular meeting of the Design Review Board ("DRB") held Wednesday, February 2, 2022. Vice-Chair Keith Deyer called the meeting to order at 9:02 p.m.

1) Rollcall

Present: Vice-Chair Keith Deyer; Board Members Natalia Dukas, Patricia Lang, Julie

Rasawehr, Michael Willoughby; Alternate Board Member Kathleen Kriel

Absent: Chair John Henke; Board Member Dustin Kolo; Alternate Board Member Samantha

Cappello

Administration: Nicholas Dupuis, Planning Director

Laura Eichenhorn, City Transcriptionist

02-08-22

2) Approval of the DRB Minutes of January 19, 2022

Motion by Ms. Rasawehr Seconded by Ms. Lang to approve the DRB Minutes of January 19, 2022 as submitted.

Motion carried, 6-0.

VOICE VOTE

Yeas: Rasawehr, Lang, Dukas, Kriel, Deyer, Willoughby

Nays: None

02-09-22

3) Public Hearing

None.

02-10-22

4) Design Review

None.

02-11-22

5) Sign Review

None.

02-12-22

6) Study Session

A. Sign Ordinance (Update)

No updates at this time.

02-13-22

7) Miscellaneous Business And Communications

- A. Pre-Application Discussions
- **B.** Draft Agenda
- C. Staff Reports
 - 1. Administrative Sign Approvals
 - 2. Administrative Approvals
 - 3. Action List 2022

PD Dupuis summarized the changes to the 2022 Action List.

Vice-Chair Deyer recommended finding a way to streamline the review of projects' signage proposals so that signage is not reviewed by both the DRB and the Planning Board wherever possible. He said that could be reviewed as part of the DRB's future updates to the sign ordinance.

PD Dupuis said he anticipated more DRB action items in 2023 stemming from the adoption of the City's 2040 Plan.

The DRB endorsed the 2022 Action List.

02-14-22

Adjournment

Motion by Mr. Willoughby Seconded by Ms. Lang to adjourn the DRB meeting of February 2, 2022 at 9:09 p.m.

Motion carried, 6-0.

VOICE VOTE

Yeas: Rasawehr, Lang, Dukas, Kriel, Deyer, Willoughby

Nays: None

Nicholas Dupuis Planning Director Laura Eichenhorn City Transcriptionist



MEMORANDUM

Planning Division

DATE: May 18, 2022

TO: Design Review Board

FROM: Nicholas Dupuis, Planning Director

SUBJECT: 220 Park – Design Review

Zoning: B4 (Business-Residential) & D4 (Downtown Overlay)

Existing Use: Commercial

Introduction

The applicant has submitted a Design Review application for modifications to an existing 3-story commercial building in Downtown Birmingham. The subject site is located on the east side of Park, north of Hamilton Row.

Building Exterior

The site/design plans submitted contain proposals for new work at the main entrance, new windows along the Woodward/Hamilton Row facades, lighting, and renovated planter boxes. The material palate is as follows:

Material	Location	Color
Cast Stone	Planter boxes	Natural
?	Canopy	Dark Bronze
Aluminum/Glass	Storefront System	Dark Bronze
Metal Panel	Main Entrance	Dark Bronze

The proposed renovations are minor in nature in terms of new materials. However, the building is subject to the Downtown Overlay Architectural Standards as outlined in Article 3. Section 3.04 (E) of the Zoning Ordinance. The following standards apply to the proposed renovation:

- 1. At least 90% of the exterior finish material on all facades that face a street shall be limited to the following: glass, brick, cut stone, cast stone, coarsely textured stucco, or wood. Dryvit or E.F.I.S is prohibited.
- 2. The primary colors of building exteriors shall be compatible with the colors of adjacent buildings and in character with the surrounding area, although the trim may be of a contrasting color.

- 3. Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or decorative finish materials.
- 4. Storefronts shall be directly accessible from public sidewalks. Each storefront must have transparent areas, equal to 70% of its portion of the facade, between one and eight feet from the ground. The wood or metal armature (structural elements to support canopies or signage) of such storefronts shall be painted, bronze, or powder-coated.
- 5. Storefronts shall have mullion systems, with doorways and signage integrally designed. Mullion systems shall be painted, powder-coated, or stained.
- 6. The glazed area of a facade above the first floor shall not exceed 35% of the total area, with each facade being calculated independently.
- 7. Clear glazing is required on the first floor. Lightly tinted glazing is permitted on upper floors only. Windows shall not be blocked with opaque materials or the back of shelving units or signs.
- 8. Facade openings, including porches, windows, and colonnades, shall be vertical in proportion.
- 9. Facades may be supplemented by awnings, which shall be straight sheds without side flaps, not cubed or curved. Awnings shall be between 8 and 12 feet above sidewalk grade at the lower drip edge.

At this time, the applicant appears to meet the above standards, with the exception of the various glazing/window requirements, which will be discussed in the Planning and Zoning section below.

Signage

There are no new signs proposed as a part of the Design Review application submitted. However, the applicant does appear to be proposing new address numerals placed above the canopy. Table A of the Sign Ordinance requires address numerals to be no greater than 8 in. in height. The applicant has not submitted a dimension of the numerals. However, using the scale provided on Sheet A.201, the numerals appear to measure 24 in. in height.

The sign could, however, be considered as regular commercial signage as a building identification sign, which would require it to conform to the rest of the Sign Ordinance and specifically the canopy sign regulations.

Thus, the applicant must submit design plans demonstrating address numerals that do not exceed 8 in. in height, or submit plans that detail the proposed numerals as commercial signage.

Lighting

The applicant has submitted specification sheets and a photometric plan pursuant to Article 4, Section 4.21 of the Zoning Ordinance. The light fixtures proposed are wall mounted sconces and soffit mounted down lighting. The soffit lights appear to be mostly replacements for existing

fixtures beneath the soffit of the building above the first floor. The new wall mounted sconces, which also appear to be replacements, are proposed on columns along the Park, Hamilton Row and Woodward facades. The light fixtures appear to be cutoff as required and defined by Section 9.02 of the Zoning Ordinance.

As far as the photometric plans submitted, the applicant is required to maintain a maximum light intensity of 1.5 maintained foot-candles at all property lines measure at 6 ft. above grade on a vertical plane. The photometric plan provided shows intensity levels at 0 ft. that exceed the maximum permitted intensity along the Hamilton Row and Park property lines. Thus, the applicant must submit revised lighting/photometric plans that meet the requirements of Article 4, Section 4.21 of the Zoning Ordinance.

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. However, there are some planning and zoning issues that require review as a part of the Design Review application submitted:

- Projections into the Right-of-Way The applicant is proposing to provide a new canopy at the main entrance along Hamilton Row. The site plan drawings demonstrate that the canopy appears to be proposed in the existing alcove portion of the building façade and does not appear to project into the public right-of-way. However, the elevation drawings on Sheet A.200 appear to show a canopy that projects well beyond the building façade. The applicant must submit revised site/design plans to clarify the location of the canopy and provide all of the dimensions of the canopy.
- Glazing The applicant has indicated that the existing storefront glazing system at the main entrance, as well as adding new glazing on the 2nd and 3rd floor at the corner of Woodward and Hamilton Row. As noted above, the applicant is required to maintain 70% transparency on the storefront façade and no more than 35% transparency on the upper stories. Although the applicant has not submitted glazing calculations for the storefront facades or the upper story facades, it is clear that the applicant does not meet the storefront glazing requirements. The current condition at the storefront is considered legal non-conforming and may be allowed to continue, as the applicant is not proposing to expand the non-conformity.

As for the upper story glazing, it is also clear that the transparency figures do not exceed 35% transparency at these stories, even with the addition of new glazing where there was previously none.

However, in addition to the glazing percentage, the window standards also require clear glazing (80% Visual Light Transmittance) at the first floor and permits lightly tinted glazing (70% Visual Light Transmittance) on upper floors. The applicant has indicated that the

storefront façade will be clear, but has not submitted specification sheets for the proposed glass. The applicant must submit specification sheets for the proposed glazing.

- <u>Building Use</u> The D4 overlay zone requires buildings to provide retail on the first floor along the retail frontage line and a maximum of 2 stories of office use. The building is currently used as office/commercial, and building use is not proposed to change as a part of the Design Review application submitted.
- <u>Parking</u> Similar to the use section above, a parking analysis is not required, as the building use is not proposed to change. In addition, the building is located in the Parking Assessment District, thus no parking is required to be provided for the commercial uses within.
- <u>Landscaping</u> There are no landscaping installations on site. However, the applicant must indicate the planting types proposed within the planters to ensure that they are not contained on the prohibited species list provided in Article 4, Section 4.20 of the Zoning Ordinance.

Required Attachments

	Submitted	Not Submitted	Not Required
Detailed and Scaled Site Plan	\boxtimes		
Interior Floor Plans			\boxtimes
Landscape Plan		\boxtimes	
Photometric Plan	\boxtimes		
Colored Elevations	\boxtimes		
Material Specification Sheets		\boxtimes	
Material Samples			
Site & Aerial Photographs	\boxtimes		

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 **APPROVE** the Design Review application for 220 Park with the following conditions:

- 1. The applicant must submit design plans demonstrating address numerals that do not exceed 8 in. in height, or submit plans that detail the proposed numerals as commercial signage;
- 2. The applicant must submit revised lighting/photometric plans that meet the requirements of Article 4, Section 4.21 of the Zoning Ordinance;
- 3. The applicant must submit revised site/design plans to clarify the location of the canopy and provide all of the dimensions of the canopy;
- 4. The applicant must submit specification sheets for the proposed glazing; and
- 5. The applicant must indicate the planting types proposed within the planters to ensure that they are not contained on the prohibited species list provided in Article 4, Section 4.20 of the Zoning Ordinance.

Sample Motion Language

Motion to **APPROVE** the Design Review application for 220 Park with the following conditions:

- The applicant must submit design plans demonstrating address numerals that do not exceed 8 in. in height, or submit plans that detail the proposed numerals as commercial signage;
- 2. The applicant must submit revised lighting/photometric plans that meet the requirements of Article 4, Section 4.21 of the Zoning Ordinance;
- 3. The applicant must submit revised site/design plans to clarify the location of the canopy and provide all of the dimensions of the canopy;
- 4. The applicant must submit specification sheets for the proposed glazing; and
- 5. The applicant must indicate the planting types proposed within the planters to ensure that they are not contained on the prohibited species list provided in Article 4, Section 4.20 of the Zoning Ordinance.

Motion to following:	POSTPONE	the Desigr	n Review	application	for	220	Park	pending	receipt	of	the
1											
2											
3											
Motion to	DENY the De	sign Review	applicati	OR on for 220 P	ark f	or th	e follo	owing rea	sons:		
1											
2											
3.											_



Design Review Application Planning Division

Form will not be processed until it is completely filled out

Applicant Name:Address:	2.	Name:		
Phone Number:Email address:		Phone Number:Email address:		
Project Contact Person Name: Address: Phone Number: Email address:	4.	Name:Address:Phone Number:		
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;		including all structures, parking areas, land adjacent structures; V. Current aerial photographs of the site and surrounding properties; VI. Warranty Deed, or Consent of Property Capplicant is not the owner; VII. Any other data requested by the Planning	idscapi d)wner i g Board	ng
Project Information Address/Location of the property: Name of development: Sidwell #: Current Use: Proposed Use: Area of Site in Acres: Current zoning: Details of the Proposed Development (attach see	epara	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	
	Name:	Name:	Name: Address: Phone Number:	Name: Address: Phone Number: Email address: Project Contact Person Name: Address: Phone Number: Email address: Phone Number: Email address: Phone Number: Email address: Phone Number: Email address: Phone Number: Email address: Phone Number: Email address: Phone Number: Email address: Phone Number: Email address: Phone Number: Email address: Required Attachments 1. Two (2) paper copies and one (1) digital copy of all project plans including:

	Required and Proposed Parking	
	Required number of parking spaces:	Number of underground parking levels:
	Proposed number of parking spaces:	Typical size of parking spaces:
	Location of parking on site:	Typical width of maneuvering lanes:
	Location of parking off site:	Number of handicap spaces:
	Shared parking agreement?	Screenwall material:
	Size of surface parking lot:	Height of screenwall:
9.	Landscaping	
	Location of landscape areas:	Proposed landscape material:
		· · · · · · · · · · · · · · · · ·
	,	
10.	Streetscape Sidewalk width:	Number of existing street trees:
	Number of benches:	
	Number of behenes. Number of planters:	
	Number of planters.	
11.	Loading	
	Required number of loading spaces:	Typical size of loading spaces:
	Proposed number of loading spaces:	Screenwall material:
	Location of loading spaces on site:	Height of screenwall:
12.	Exterior Waste Receptacles	
	Required number of waste receptacles:	Size of waste receptacles:
	Proposed number of waste receptacles:	Screenwall material:
	Location of waste receptacles:	Height of screenwall:
13.	Mechanical Equipment	
	Utilities and Transformers:	
	Utilities and Transformers: Number of ground mounted transformers:	Size of transformers (I •W•H):
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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:	July 1		Date: 5/2/202>
Print name: John Hndu	X		
Signature of Applicant:	1 hold		Date: 5/2/2023
Print Name: John Hndw			
Signature of Architect:			Date:
Print Name:			
	Office Use Only		
Application #:	Date Received:	Fee:	
Date of Approval:	Date of Denial:	Accepted By:	

OAKLAND COUNTY TREASURERS CERTIFICATE
This is a certify that there are no delinquent property
taxes as of this date owed to our office on this property
No representation is made as to the status of any taxes
tax liens or titles owed to any other entities

JAN 07 2022

5 00

ROBERT WITTENBERG, County Treasure Sec. 135, Act 206, 1893 as amended 292936 Liber 57282 Page 667 thru 670
1/13/2022 11:53:15 AM Receipt #000231829
\$26.00 Misc Recording
\$4.00 Remonumentation
\$5.00 Automation

UCC#

PAID RECORDED - Oakland County, MI Lisa Brown, Clerk/Register of Deeds

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that Peninsula Building Management Corporation, a Michigan limited liability company ("Grantor"), whose address is 220 Park Ave, Suite 200, Birmingham, Michigan 48009, hereby conveys and warrants to 220 Park Ave, LLC, a Michigan limited liability company ("Grantee"), whose address is 124 W Allegan Street, Suite 2100, Lansing, Michigan 48933, that certain premises situated in the City of Birmingham, County of Oakland and State of Michigan as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference for the full consideration set forth on the Real Estate Transfer Valuation Affidavit, the receipt and sufficiency of which is hereby acknowledged, subject to those matters set forth in Exhibit "B" attached hereto (the "Permitted Encumbrances")

4P cert

Dated this 23 day of December, 2021

[Remainder of Page Intentionally Left Blank]

N DEC 30 PM 1: 2

REVENUE TO BE AFFIXED AFTER RECORDING

OK - MH

2133762

12a

IN WITNESS WHEREOF, this Warranty Deed has been executed to be effective as of the date first above written

Peninsula Building Management Corporation, a Michigan limited liability company

Name Harold Kassab Its President

STATE OF MICHIGAN) ss COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this <u>3</u> day of December, 2021 by Harold Kassab, President of **Peninsula Building Management Corporation**, a Michigan limited liability company, on behalf of the company

JANE GAREAU

NOTARY PUBLIC, STATE OF MI

COUNTY OF MACOMB

MY COMMISSION EXPIRES DOG 30, 2027

ACTING IN COUNTY OF O

Notary Public, MACOMB County, MI
My Commission Expires
Acting in the County of OAKLAMA

DRAFTED BY AND AFTER RECORDING RETURN TO

Casey Koppelman, Esq Varnum LLP 260 E Brown Street, Suite 150 Birmingham, Michigan 48009

292936 Liber 57282 Page 669 thru 670

EXHIBIT A TO DEED

LEGAL DESCRIPTION

The land situated in the County of Oakland, City of Birmingham, State of Michigan, is described as follows

Part of Lot 43 and all of Lots 42 and 70, of Assessor's Plat No 21, as recorded in Liber 54 of Plats, page 19, Oakland County Records, bounded by Hunter Boulevard, as established, Hamilton Avenue (60 feet wide) and Park Street, as established, being more particularly described as Beginning at the Southeasterly corner of said Lot 42 as recorded, said corner being also the intersection of the Westerly line of said Hunter Boulevard with the Northerly line of said Hamilton Avenue, South 82 degrees 23 minutes 50 seconds West 109 25 feet, thence along the Easterly line of said Park Street, North 30 degrees 00 minutes 30 seconds West 143 11 feet, thence along the Northerly line of said Lot 70, North 60 degrees 19 minutes 44 seconds East 128 38 feet, thence along the Easterly line of said Lot 70, being also the Westerly line of said Hunter Boulevard, along a curve to the right (radius 3719 43 feet, central angle 02 degrees 17 minutes 48 seconds, arc length 149 10 feet, chord bearing South 21 degrees 50 minutes 59 seconds East 149 09 feet) and continuing South 20 degrees 19 minutes 10 seconds East 36 94 feet to the point of beginning

Tax Parcel Id No 19-25-455-017 24-

Commonly Known As 220 Park Ave

EXHIBIT B TO DEED

PERMITTED ENCUMBRANCES

- Real Estate Taxes and assessments that are a lien on the property, but not yet due and payable
- 2 The occupancy rights of Grantor for six (6) months following the date of this Deed
- 3 Easement(s) as disclosed on the recorded plat
- Terms and Conditions contained in Easement Agreement, as disclosed by instrument recorded in Liber 10857, page 696
- Underground Right of Way Agreement in favor of The Detroit Edison Company and the Covenants, Conditions and Restrictions contained in instrument recorded in Liber 10657, page 90
- Terms and Conditions contained in Resolution, as disclosed by instrument recorded in Liber 3753, page 574

AGENDA BIRMINGHAM DESIGN REVIEW BOARD

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Design Review Board Action List – 2022-2023

Design Review Board	Quarter	In Progress	Complete
Signs vs. Designs	1st (January-March)		
Update Sign Ordinance	2 nd (April-June)		
Create New Informational Artwork for Sign Ordinance	3 rd (July-September)		
Sign Ordinance Enforcement	4 th (October-December)		