City of Birmingham
A Walkable Community

MEMORANDUM

Community Development Department

DATE: **January 19, 2015**

TO: **Joseph A. Valentine, City Manager**

CC: **Jana Ecker, Planning Director**

FROM: **Matthew Baka, Senior Planner**

SUBJECT: **To set a Public Hearing for Final Site Plan & Special Land Use Permit Amendment at 575 S. Eton – Griffin Claw Brewery**

On January 14, 2015, the Planning Board conducted a public hearing to discuss a request by the applicant to construct an accessory building to provide additional storage, expand the outdoor seating slightly, build a canopy over the loading dock for weather protection and add a new entrance feature to the back of the building. The Planning Board voted to recommend approval of the Final Site Plan and Special Land Use Permit Amendment to the City Commission with the following condition;

1) The applicant complies with the comments/suggestions made by the various departments and addresses the width of the parking lot access lane in front of the barrel house, subject to administrative approval.

Thus, the Planning Division requests that the City Commission set a public hearing date for **February 23, 2015** to consider approval of the Final Site Plan and Special Land Use Permit amendment to allow the construct an accessory building to provide additional storage, expand the outdoor seating slightly, build a canopy over the loading dock for weather protection and add a new entrance feature to the back of the building. Please find attached the staff report presented to the Planning Board, along with the relevant meeting minutes for your review.

SUGGESTED ACTION:
To set a public hearing date for **February 23, 2015** to consider the Final Site Plan and Special Land Use Permit Amendment at 575 S. Eton, Griffin Claw Brewery, to construct an accessory building, expand the outdoor dining area, build a canopy over the loading dock and add a new entrance feature to the back of the building.

MEMORANDUM

Community Development

DATE: **January 6, 2015**

TO: **Planning Board**

FROM: **Matthew Baka, Senior Planner**

SUBJECT: **563 & 575 S. Eton — Final Site Plan Review / SLUP Amendment - Griffin Claw Brewing Co.**

The subject property is located at 563 & 575 S. Eton. The applicant was approved for a SLUP on December 12, 2011 for the operation of a permitted commercial use over 6,000 sq. ft. The current use consists of 6,344 sq. ft. brewery, 3,494 sq. ft. restaurant, 2,170 sq. ft. walk in cooler, outdoor seating and associated parking lot. The total area of the lot is 1.52 acres. At this time, the applicant is proposing to construct a new 4,525 sq. ft. accessory structure at the rear of the property for barrel aging and additional storage, expanding the existing beer garden, adding a new shipping container entrance, and adding a new structural canopy at the service doors. The proposal will require the alteration of the existing parking layout to accommodate the changes.

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

1.1 Land Use and Zoning

1.2 Existing Land Use – The existing land uses on the site include a brewery, restaurant, outdoor seating and associated parking lot.

1.3 Zoning – The site is zoned MX, Mixed Use. The existing use and surrounding uses appear to conform to the permitted uses of their respective Zoning Districts.

1.4 Summary of Adjacent Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site, including the proposed 2016 Regulating Plan zones.

	North	**South**	**East**	**West**
Existing Land Use	Whistle Stop/Crosswinds	Commercial/ Warehouse	Crosswinds Development	Single-family Residential

	Development			
Existing Zoning District	MX – Mixed Use	MX – Mixed Use	MX - Mixed Use	R-3 – Single-Family Residential
Downtown Overlay Zoning District	NA	NA	NA	NA

2.0 **Setback and Height Requirements**

The attached summary analysis provides the required and proposed bulk, area, and placement regulations for the proposed project. The applicant meets all of the bulk, height, area and placement requirements for the MX Zoning District.

Please see the attached Zoning Compliance Summary Sheet for detailed zoning compliance information.

3.0 **Screening and Landscaping**

3.1 Dumpster Screening – The applicant is not proposing any changes to the existing dumpster enclosure at the southeast corner of the property which is in accordance with the requirements of Article 04 section 4.53 SC-01 C (7)

3.2 Parking Lot Screening – All parking facilities must be screened in accordance with Article 4, section 4.53 of the Zoning Ordinance. There are no changes proposed to the screening at this point.

3.3 Mechanical Equipment Screening – All mechanical equipment must be screened in accordance with Article 4, section 4.53 C (8) of the Zoning Ordinance. There are no additional units proposed at this time.

3.4 Streetscape – The applicant is not proposing any changes to the existing streetscape.

3.5 Landscaping – The applicant is proposing a new curb extension to accommodate the expanded beirgarden that will replace an existing planting area, although the canopy tree will remain as a part of the expansion. Also, the plan calls for replacing the existing planting bed near the service doors with concrete paving.

The exterior façade of the accessory structure along the North West side includes planting pockets with Trumpet Vine at the wall piers. Several parking spaces, two canopy trees, and a portion of the large grassy area along the southeast corner of the site would be eliminated for the newly proposed storage structure.

Parking lot - In accordance with Article 4, section 4.20 LA-01(F) of the Zoning Ordinance, parking lots greater than 7,500 sq. ft. must meet landscaping requirements. Within the parking lot there shall be interior landscaping areas that total not less than 5% of the total parking lot interior area. Each planting area shall be at least 150 sq. ft. in size and not less than 8 ft in any single dimension. There shall be one canopy tree for every 150 sq. ft. of landscaping or fraction thereof of interior planting area required. Interior planting areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot interior. At the time of their original site plan approval the applicant was required to provide not less than 1,709 sq. ft. of interior planting area (34,458*0.05 = 1,723) and 11 canopy trees (1,723/150 = 11.48). The plans approved by the City Commission provided 3,619 sq. ft. of landscaped area and 18 canopy trees. The existing surface parking lot is proposed to be restructured to accommodate the accessory structure, expanded beirgarden and mechanical enclosure. This will reduce the size of the parking lot and eliminate a portion of the interior landscaping. Based on the amount of landscaping that was originally approved it appears that the site still complies with the ordinance requirements. However, the applicant has not submitted a revised landscaping plan to verify that they still comply with the interior parking lot landscaping requirements. **The applicant will be required to submit a revised landscaping plan to verify that they meet the 5% interior parking lot landscaping requirement.**

4.0 Parking, Loading and Circulation

4.1 Parking – The proposed changes to the site will require the removal of 18 parking spaces which will reduce the available on-site parking from 96 spaces to 78. In accordance with Article 4, section 4.42 of the Zoning Ordinance, 25 parking spaces are required for the brewery/storage (13,538 /550) and 47 spaces are required for restaurant (3,494/75). No additional parking is required for any of the outdoor dining areas. Thus, a total of 72 parking spaces are required for the proposed mix of uses on this site. The applicant is proposing a total of 78 parking spaces, two of which are barrier free. All of the proposed parking spaces meet or exceed the 180 sq.ft. size requirement.

4.2 Loading – There is one loading space behind the building adjacent to the loading dock area and there are no changes proposed at this time.

4.3 Vehicular Circulation and Access –There are no changes proposed to the existing entrance and exit. With regards to internal circulation on the site, the plans indicate 22' aisle width throughout except near the new accessory structure to allow two-way circulation. The aisle width along the northern face of the accessory structure is 16'-5.5". The proposed drive widths on the interior of the site appear adequate for proper maneuvering within the site given the circulation flow.

4.4 Streetscape - There are currently no changes proposed to the existing streetscape.

4.5 Pedestrian Circulation and Access – No changes are proposed to the existing circulation.

5.0 Lighting

Parking Lot Lighting – No changes are proposed to the existing lighting.

Building/Accent lighting - The applicant proposes a total of 7 black up/down cylindrical lights along the north and west façade of the new accessory building to be mounted 11' above grade. Specification sheets have been provided and are attached to this report. The fixtures that are proposed do not meet the Zoning Ordinance requirement for cut-off fixtures. However, the Planning Board may approve non-cutoff lights if any of the requirements of section 4.21 LT-01 (D) 1(a-f) are met.

a. The distribution of upward light is controlled by means of refractors or shielding to the effect that it be used solely for the purpose of decorative enhancement of the luminaire itself and does not expel undue ambient light into the nighttime environment.

b. The luminaire is neither obtrusive nor distracting, nor will it create a traffic hazard or otherwise adversely impact public safety, with appropriate methods used to eliminate undesirable glare and/or reflections.

c. The luminaire is consistent with the intent of the Master Plan, Urban Design Plan(s), Triangle district plan, Rail district plan and/or Downtown Birmingham 2016 Report, as applicable.

d. The scale, color, design or material of the luminaire will enhance the site on which it is located, as well as be compatible with the surrounding buildings or neighborhood.

e. Lighting designed for architectural enhancement of building features (i.e. architectural enhancement lighting). Appropriate methods shall be used to minimize reflection and glare.

f. The site lighting meets all requirements set forth in this ordinance including, but not limited to, light trespass and nuisance violations.

6.0 Departmental Reports

6.1 Engineering Division – The Engineering Division has indicated that the parking lot drainage may have to be re-worked slightly to accommodate the new building in the back.

6.2 Department of Public Services – The DPS has no concerns.

6.3 Fire Department – The Fire Department provided the following comments:

1. Knox Box required on the new building
2. New storage container entrance on restaurant must have fire suppression installed.
3. No combustible storage under the new canopy.
4. Suppression, heat and smoke vents, etc. may be required in the whiskey storage building depending upon quantities and storage configurations.
5. The wall abutting the existing building on the south property line will require special construction depending upon quantities and configurations of the storage.

6.4 Police Department – The Police Department has no concerns.

6.5 Building Division – The Building Department has provided the following comments:

1. Buildings for distilling beverages over 16% alcohol content must be constructed to F-1 use and occupancy classification.
2. The proposed storage container used as part of the building must meet all building code requirements.

7.0 Design Review

The materials/details for the proposed design are as follows:

- The exterior façade of storage is made up of 12" C.M.U painted black with a black prefinished metal coping at the roof level;
- The west side façade shows hollow metal doors compatible with the 12" black C.M.U and the north side has four clear aluminum and clear glass overhead sectional doors;
- There is a proposed exposed structural steel canopy above the service doors of the existing structure at a height of 17' above grade. But no structural details have been provided at this point;
- Also a 32' x 16' metal enclosure is provided on the existing curb beside the service doors. The metal enclosure gates are 8' tall and match the ornamental metal railings at the biergarten;
- The proposed steel container entry vestibule for the existing structure shows hollow metal doors and a corrugated cement board shed roof bumpout along the north face of the structure;
- The existing outdoor dining/biergarten is being expanded along the north eastern corner. The newly proposed expansion is 519 sq. ft. There is a 5' high black painted concrete site wall at the periphery combined with 5' high ornamental metal railing to match existing ones;

The proposed building is compatible with the vision for the MX district contained in the Eton Road Corridor Plan. The building is designed with an industrial look to fit in with the numerous industrial buildings in the MX district. In addition, the proposed light industrial and food and drink establishment uses are compatible with the range of uses recommended in the Eton Road Corridor Plan, and the pedestrian connections proposed will link this site with neighborhoods to the east and west of the site.

Outdoor Dining Area

The applicant is proposing to expand the existing outdoor/biergarten area by 519 sq. ft. The additional space will be used to provide four wooden beer hall style tables and two new Bistro tables with two chairs each made of painted wood and metal. The applicant has provided images of the outdoor furniture.

Outdoor cafés must comply with the site plan criteria as required by Article 04, Section 4.42 OD-01, Outdoor Dining Standards. Outdoor cafes are permitted immediately adjacent to the principal use and are subject to site plan review and the following conditions:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.

2. All outdoor activity must cease at the close of business, or as noted in Subsection 3 below, whichever is earlier.

3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 12:00 a.m., whichever is earlier.

4. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.

5. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.

6. For outdoor dining located in the public right-of-way:

(a) All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.

(b) In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.

(c) An elevated, ADA compliant, enclosed platform may be erected on the street adjacent to an eating establishment to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.

(d) No such facility shall erect or install permanent fixtures in the public right-of-way.

(e) Commercial General Liability Insurance must be procured and maintained on an "occurrence basis" with limits of liability not less than $1,000,000 per occurrence combined single limit, personal injury, bodily injury and property damage. This coverage shall include an endorsement naming the city, including all elected and appointed

officials, all employees, all boards, commissions and/or authorities and board members, as an additional insured. This coverage must be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a thirty (30) day advance written notice of cancellation or non-renewal to be sent to the city's Director of Finance.

Signage

As this development proposal requires a SLUP, all signage must be reviewed by the Planning Board, and a recommendation made to the City Commission.

The plans submitted show aluminum flat cut wall mount letters reading "BARREL HOUSE" on the northern façade of the new accessory/storage structure. The name letter sign is proposed to be 1' 2" h x 10' 3" w or 11.9 sq. ft. Based on the amount of street frontage the brewery has facing S. Eton the site is permitted 175 sq. ft. of signage. The applicant was previously approved to have 119.4 sq. ft. of signage. With the addition of the new sign the total proposed signage for the site is 131.3. The new sign meets all sign ordinance requirements. **Accordingly, the signage for the Griffin Claw meets the ordinance requirements.**

8.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

(1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.

(2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.

(3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.

(4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.

(5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.

(6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

9.0 Recommendation

Based on a review of the drawings submitted, the Planning Division finds that the proposed site plan meets the requirements of Article 7, section 7.27 of the Zoning Ordinance and recommends that the Planning Board recommend APPROVAL to the City Commission of the Final Site Plan and Special Land Use Permit Amendment for 563 & 575 S. Eton with the following conditions:

1. The applicant provides an updated landscaping plan to Zoning Ordinance compliance for the interior landscaping within the parking;
2. The applicant complies with the comments/suggestions made by the various departments;
3. The applicant provides colored renderings for the proposed accessory structure.

10.0 Sample Motion Language

Motion to recommend APPROVAL to the City Commission of the Final Site Plan and Special Land Use Permit Amendment for 563 & 575 S. Eton subject to the following conditions:

1. The applicant provides an updated landscaping plan to Zoning Ordinance compliance for the interior landscaping within the parking;
2. The applicant complies with the comments/suggestions made by the various departments;
3. The applicant provides colored renderings for the proposed accessory structure.

OR

Motion to POSTPONE the Final Site Plan for 563 & 575 S. Eton.

OR

Motion to DENY the Final Site Plan for 563 & 575 S. Eton.

DRAFT MINUTES
CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JANUARY 14, 2015
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on January 14, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Daniel Share; Student Representative Shelby Wilson (left at 9:15 p.m.)

Absent: Board Member Robin Boyle; Alternate Board Member Stuart Jeffares; Student Representative Jack Moore

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

Chairman Clein introduced and welcomed the new alternate member, Daniel Share.

01-06-15

SPECIAL LAND USE PERMIT ("SLUP")
FINAL SITE PLAN REVIEW
563 and 575 S. Eton
Griffin Claw Brewery
Request for approval of new construction of a whiskey distillery building and a new entrance to the existing restaurant

Mr. Baka recalled the subject property is located at 563 & 575 S. Eton. The applicant was approved for a SLUP on December 12, 2011 for the operation of a permitted commercial use over 6,000 sq. ft. The current use consists of a 6,344 sq. ft. brewery, 3,494 sq. ft. restaurant, 2,170 sq. ft. walk in cooler, outdoor seating, and associated parking lot. The total area of the lot is 1.52 acres. At this time, the applicant is proposing to construct a new 4,525 sq. ft. accessory structure at the rear of the property for barrel aging and additional storage, to expand the existing beer garden, to add a new shipping container entrance, and add a new structural canopy at the service doors. The proposal will require the alteration of the existing parking layout to accommodate the changes, and that will involve the elimination of 18 parking spaces. With that, the site will still have six spaces over the requirement.

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 Special Land Use Permit application or amendment shall constitute approval of the site plan and design.

Design Review
The building is designed with an industrial look to fit in with the numerous industrial buildings in the MX District. The pedestrian connections proposed will link this site with neighborhoods to the east and west of the site.

The applicant is proposing to expand the existing outdoor/biergarten area by 519 sq. ft. The additional space will be used to provide four wooden beer hall style tables and two new bistro tables with two chairs made of painted wood and metal.

Based on the amount of street frontage the brewery has facing S. Eton the site is permitted 175 sq. ft. of signage. The applicant was previously approved to have 119.4 sq. of signage. With the addition of the new sign the total proposed signage for the site is 131.3 sq. ft. Accordingly, the signage for Griffin Claw meets the Ordinance requirements.

Mr. Roman Bonislawski, Ron and Roman Architects, said part of the experience of visiting Griffin Claw is truly being part of the entire brewing and distillation process. Mr. Dan Rogers, the brewmaster, is bringing his expertise now to the distillation of different spirits. The proposal is an important component of the project because It only makes sense to have this simplistic building to house approximately three hundred barrels to be aged.

The only controversial issue is their proposed use of seven very simple black aluminum and clear glass up/down lights along the north and west facade of the accessory building that are in the same style as the cylinder up and down lights that are on the front of the building. The fixtures do not meet the Zoning Ordinance requirement for cut-off lights.

He described the intensity of usage at the barrel house as very minimal. The barrels go in and they age for years.

Mr. Williams commented that at 7 p.m. this evening every parking space was full and it is Winter. Eighteen spaces will now be moved into the neighborhood.

Chairman Clein said that considering the number of vehicles in the parking lot he is bothered by the 16 ft. 7 in. wide drive aisle. He received confirmation that the height of the canopy works at 17 ft.

The chairman called for comments from the public at 8:45 p.m.

Mr. Brian Renner, 1971 Bowers, expressed his concern about the removal of 18 parking spaces and the effect it will have on his street and on Eton. He encouraged the board to think about opportunities to improve parking availability for the patrons and not to affect the side streets.

Mr. Ron Glazer who lives on Webster said he too has a huge problem with losing 18 parking spots. The proposal is a large addition to an already large built-out area of property and he doesn't like it. The cement block building material doesn't seem to him to be very high quality. If this is allowed, the parking really needs to be adjusted.

Mr. Brian Renner spoke again to ask what if there is an emergency situation and fire trucks cannot get through because there are cars parked on both sides of Eton. He requested the board to think about that.

Ms. Ecker advised when residential streets get overrun with parking from other uses there is a Residential Parking Permit Program that allows neighbors to approach the Multi-Modal Transportation Board to consider making a street Residential Permit parking only.

Ms. Whipple-Boyce sympathized with the neighborhood concerns. She thought parking on Eton should be encouraged. If snow is blocking the painted curbs, perhaps some "No Parking Here to Corner" signs need to be installed. Also, there may be some opportunities for shared parking with Lego Garage. Lastly, perhaps a valet arrangement could be explored for parking in the garage or on Palmer.

Mr. Scott LePage, the business owner, said they currently have shared parking with Lego Garage. He could have the brewery staff park at Big Rock in the summer months. He offered to pay for striping parallel spots along Palmer.

Mr. Williams observed that crossing Eton to get to the brewery is a problem because people can't see around the cars on both sides and drivers can't see the people coming across. He thinks the City should put Stop signs along Eton to enable pedestrians and bicyclists to cross the street safely.

Mr. Koseck said he has been there a number of times and always found a parking space. This proposal shows him that an ordinary, utilitarian type building can be done beautifully understated. He thinks the concrete block is totally complimentary and appropriate and he likes the collection of all the accessory buildings - like going to a winery.

Chairman Clein said the more that people park on Eton, the slower traffic will go. His advice to the neighbors was to definitely look into Permit parking. Personally, he was supportive of the project.

Motion by Mr. DeWeese

Seconded by Mr. Koseck to recommend approval to the City Commission of the Final Site Plan and SLUP Amendment for 563 and 575 S. Eton, subject to the following condition:
1) The applicant complies with the comments/suggestions made by the various departments and addresses the width of the parking lot access in front of the brew house, subject to administrative approval.

There were no final comments from the public at 9:35 p.m.

Motion carried, 6-1.

VOICE VOTE
Yeas: DeWeese, Koseck, Clein, Lazar, Share, Whipple-Boyce
Nays: Williams
Absent: Boyle