

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, MAY 25, 2016**

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**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MAY 25, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on May 25, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Gillian Lazar, Bryan Williams (left at 9:58 p.m.); Alternate Board Member Lisa Prasad (left at 8:05 p.m.); Student Representative Colin Cusimano (left at 9 p.m.)

**Absent:** Board Member Janelle Whipple-Boyce; Alternate Board Member Daniel Share

**Administration:** Matthew Baka, Senior Planner  
Sean Campbell, Asst. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**05-92-16**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING  
OF MAY 11, 2016**

Mr. Williams:  
Page 6 - Line 3, change "point" to "purpose."

**Motion by Mr. Williams**

**Seconded by Ms. Lazar to approve the Minutes of May 11, 2016 as amended.**

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: Williams, Lazar, Jeffares, Koseck, Prasad

Nays: None

Abstain: Boyle, Clein

Absent: Share, Whipple-Boyce

**05-93-16**

**CHAIRPERSON'S COMMENTS** (none)

05-94-16

**APPROVAL OF THE AGENDA** (no change)

05-95-16

**SPECIAL LAND USE PERMIT ("SLUP")**

**FINAL SITE PLAN**

**100 Townsend**

**The Corner Bar**

**Request to make exterior renovations to the north and east elevations as well as interior remodel work**

Mr. Campbell advised the subject site is a 1,778 sq. ft. commercial space inside the first floor of the Townsend Hotel located at the corner of Pierce St. and Merrill St. The applicant is proposing exterior renovations to the north and east elevations as well as interior work to the existing Corner Bar establishment. The applicant has indicated that the former establishment will be remodeled into a private dining and meeting venue.

The applicant is seeking approval for a SLUP pursuant to Article 6, section 6.02 which requires existing and new establishments with alcoholic beverage sales to obtain a SLUP upon a change in name or ownership of establishment, or upon application for a site plan review.

The proposed plan meets all of the setback, height and floor area requirements for a B-4 and D-4 Overlay District development. A materials board was passed around.

*Design Review*

The applicant is proposing to utilize the following materials for the exterior renovations:

- Benjamin Moore Gray 2121-10 paint
- Brushed stainless steel sign letters
- Sunbrella 64 Charcoal Tweed awnings
- Brass doors

*Signage Review*

The applicant is proposing to remove the existing sign that reads "CORNER BAR" along the valence of the northwest metal canopy and to replace it with an 8 in. tall, 19 ft. 6 in. long, brushed stainless steel name letter sign. The sign will display "THE TOWNSEND HOTEL" to match the north main entrance canopy sign. The proposed sign will be 13 sq. ft., which meets the requirements for area in accordance with Article 1, section 1.05, Table B of the Sign Ordinance.

A recess was called at 7:45 p.m. and the board reconvened at 8:15 p.m.

Ms. Ecker responded to Mr. Williams that this licensed establishment existed before the rule was changed to require SLUPs for all Liquor License establishments. Therefore, they were grandfathered in until they had a name change, an ownership change, or a

site plan review trigger. In this case, they have had a name change and a site plan review trigger.

Mr. Victor Saroki, Architect, was present and along with him was Mr. Steven Kalczynski, General Manager of the Townsend Hotel. Mr. Saroki said the intent for the space is to have private dining, small functions, corporate events, and showers. The interior will be upscale and classic. There are three main spaces on the interior: the private dining area, pre-function area, and a reception area. The last little space is a vestibule which is an air lock. A steel and glass door system can retract and allow two spaces to function as one larger space. The main entrance to this area will move to the west and provide an ADA compliant at-grade entry. The entrance will have brass doors, a small canopy, and topiaries on each side. The teal blue canopies and green awnings will be changed to a warm grey tweed color.

Lastly, there is a curb cut all the way down the side of Merrill St. in front of the Townsend which will allow for a valet operation.

**Motion by Mr. Williams**

**Seconded by Mr. Koseck that based on a review of the site plans submitted, the Planning Board recommends approval of the applicant's request for Final Site Plan and a SLUP to allow the exterior and interior work for the former Corner Bar at 100 Townsend.**

There were no last comments from the public at 8:20 p.m.

**Motion carried, 6-0.**

**VOICE VOTE**

Yeas: Williams, Koseck, Boyle, Clein, Jeffares, Lazar

Nays: None

Absent: Prasad, Share, Whipple-Boyce

**05-96-16**

**PRELIMINARY SITE PLAN REVIEW  
COMMUNITY IMPACT STUDY ("CIS")**

**1. 856 N. Old Woodward Ave. (vacant)**

Ms. Ecker advised the applicant intends to build a four-story, mixed-use building at the subject site, with an additional level of underground parking. The site has a total land area of .56 acres and is located on the east side of N. Old Woodward Ave., south of Oak St.

It is proposed that the lower level of the building will have parking and the first floor is planned to contain parking fronted by retail space and a residential lobby. The second, third and fourth floors are now proposed to contain 26 residential units. On-street parking will also be provided on N. Old Woodward Ave. The footprint of the building proposed is 20,428 sq. ft., giving the building an approximate total of 102,000 gross sq. ft. Thus, the applicant was required to prepare a CIS in accordance with Article 7, section 7.27 (E) of the Zoning Ordinance as they are proposing one new building containing more than 20,000 sq. ft. of gross floor area.

On January 13, 2016, the Planning Board voted to accept the CIS with the provision that if the number of units or stories change or there are other significant changes the applicant would have to provide an update to the impacts for administrative approval. The Planning Board further postponed the Preliminary Site Plan Review until February 24, 2016.

On February 24, 2016, the Planning Board reviewed the site plan and traffic study further, and voted unanimously to approve the Preliminary Site Plan with conditions. One of the conditions was that the parking ingress and egress was not approved. Since then the applicant has made changes to their Preliminary Site Plan in order to bring their proposal more into compliance with the ordinance. The applicant has moved the entrance to the parking garage to the southwest corner of the building, and that has significantly improved the traffic flow. Both Birmingham's traffic engineer and the Engineering Dept. like this plan a lot better, so they have signed off on it.

Further, the applicant has addressed some of the other concerns this board had at the last meeting. Now they meet the ordinance requirements with regard to front and rear setbacks.

In accordance with Article 4, section 4.34 of the Zoning Ordinance, the proposed development is required to have a total of 56 parking spaces. The applicant is proposing 62 total parking spaces located on the first floor and lower levels of the building, and thus has met the requirements for parking. It appears there are six extra spaces on-site plus six extra in the right-of-way in front of the building that are available to the public. All proposed parking spaces meet the minimum 180 sq. ft. size requirement and the aisle widths are sufficient on the parking levels.

A height of 56 ft. and three stories is allowed by the ordinance. The applicant is proposing four stories at 56 ft., with both the third and fourth stories planned for residential use. The applicant has now revised their plans to make the building as compliant as feasible by stepping back the third floor 10 ft. and stepping back the proposed fourth story an additional 10 ft. ***The applicant will be required to eliminate the fourth floor and set back the third story 10 ft., or obtain a variance from the Board of Zoning Appeals ("BZA").***

Also there may be an issue with the canopy that protrudes over the third and fourth floor terraces at the front (west) elevation. ***Perhaps the canopy should be set back 10 ft. as well. Therefore the applicant has amended their variance application to add that to their request.***

Ms. Ecker explained that at the north end there are now six parking spaces in the right-of-way. Mr. Williams said his view is the six people who will be there for retail should not be allowed to make a left turn that close to the intersection.

#### *Design Review*

At this time the applicant has provided elevation drawings, but specific details or specification sheets on the materials have not yet been provided. The plans submitted indicate that the applicant is proposing to utilize the following materials:

- Stone (knee walls and upper level panels);

- Bronze metal (C channels, railings metal panels and awnings);
- Glass windows and storefront door systems with bronze frames and glass in bronze frame garage doors; and
- Bronze security screening and decorative bronze metal fencing in the easement south of the building.

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

Mr. Rick Rattner, Attorney, 380 N. Old Woodward Ave., was present with the owner, Mr. Frank Simon; the architect, Mr. John Marusich; and the engineer, Mr. Tim Ponton from Stonefield Engineering & Design, LLC. Mr. Rattner explained the review process that is followed in Birmingham. An appellant must first appear before the Planning Board for Preliminary Site Plan Review; then to the BZA if necessary to request any variances; and after that, back to the Planning Board for Final Site Plan Review.

A PowerPoint highlighted the changes that were made to the plan as a result of input from staff and from the Planning Board:

- The front setback was moved back 10.8 ft. so that it is in line with the building to the north;
- Parking and circulation, ingress and egress on N. Old Woodward Ave. was re-designed for a net gain of four parking spaces;
- The eave line is now 30 ft. and the height is 56 ft. to the top of the parapet, which is in compliance with the ordinance;
- The third story is stepped back 10 ft. and the fourth story is stepped back an additional 10 ft., thus minimizing the building mass.
- Seventy-one parking spaces are available right now, and 67 are required.

No one from the public wanted to provide input on the project at 8:50 p.m.

Mr. Boyle received clarification that the 56 ft. height includes mechanical units which are recessed into a well.

Mr. Williams believed the ingress and egress is simplified and much safer, which is critical in that area. Chairman Clein agreed, and thought the applicant did a fantastic job of listening to the traffic concerns.

#### **Motion by Mr. Williams**

**Seconded by Mr. Koseck to approve the revised Preliminary Site Plan for 856 N. Old Woodward Ave. with the following conditions:**

- 1. The applicant eliminate the fourth floor or obtain all necessary variances for height and setback of upper floors from the Board of Zoning Appeals;**
- 2. Provide the City with an access easement for ingress/egress and maintenance of the proposed public parking spaces;**
- 3. Provide floor plans for all units to verify correct parking is provided;**
- 4. Provide specification sheets for all mechanical equipment at the time of Final Site Plan and Design Review;**
- 5. Submit a landscape plan and lighting specification sheets at the time of Final Site Plan and Design Review;**

- 6. Add pedestrian scale street lights along N. Old Woodward Ave.; and**
- 7. Comply with the requirements of all City departments.**

Mr. Jeffares commented the applicant meets all ordinance requirements now with the exception of the number of stories and perhaps the canopy extension.

Mr. Koseck noted this proposal found a way to make the extra floor happen without compromising the building. They are self parking so that should not be an issue. Further he thought this a nice plan for that end of the City.

There were no final comments from the public at 8:55 p.m.

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Williams, Koseck, Boyle, Clein, Jeffares, Lazar

Nays: None

Absent: Prasad, Share, Whipple-Boyce

**Motion by Mr. Williams**

**Seconded by Mr. Koseck to amend the CIS for 856 N. Old Woodward Ave. to include the revised Traffic Study.**

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Williams, Koseck, Boyle, Clein, Jeffares, Lazar

Nays: None

Absent: Prasad, Share, Whipple-Boyce

- 2. 748-750 Forest (existing office buildings)  
Proposal to demolish the existing buildings to construct a mixed-use office and residential development**

Chairman Clein said he has no conflict of interest with regard to this project, but one of the applicants, Mr. Larson, is a volunteer at Downtown Detroit Partnership where Chairman Clein's firm, Giffels Webster, has done work. The chairman thought that would be appropriate for the record to reflect.

Mr. Baka provided background. The subject site is composed of two parcels, 750 and 748 Forest Ave. located at the corner of Forest Ave. and Elm St. 750 is a fitness and health club, while 748 is an interior design office space. The combined parcels are 13,200 sq. ft. and are located on the southwest corner of Forest Ave. and Elm St. The applicant is proposing to demolish the existing buildings to construct a mixed-use, office and residential development occupying both lots. The proposed building consists of 22 residential units and 850 sq. ft. of office space.



The applicant is required to prepare a CIS accordance with Article 7, section 7.27 (E) of the Zoning Ordinance, as they are proposing a new building containing more than 20,000 sq. ft. of gross floor area.

The CIS acts as a foundation for discussion between the Planning Board and the applicant, beyond the normal scope of information addressed in the Preliminary Site Plan Review application. The Planning Board “accepts” the CIS prior to taking action on a Preliminary Site Plan.

#### *CIS*

The site is currently zoned O-2 Office Commercial and falls within the MU-5 and MU-3 Zones of the Triangle Overlay District.

The proposed building contains primarily residential units on the upper levels with parking, a residential lobby, and a small retail/office space on the first floor. However, the majority of the first floor is proposed to be parking and far exceeds the 60 ft. maximum street frontage permitted for parking areas. Further, based on the plans submitted the proposal does not meet the Triangle District requirements for 12 ft. sidewalks on the north elevation of the site.

No details have been provided on the energy efficiency of the systems proposed, nor on other energy reduction features, such as LED lighting, automatic shut offs, graywater recycling etc. It is not known at this time whether the applicant will be utilizing sustainable building techniques or applying for LEED certification.

Since almost the entire site is covered currently with impervious materials, a study of soil conditions will have to wait until the applicant has moved the tenants out and started construction. However, since there are two substantial structures that have been there a long time it would suggest that soils are not a problem. The Zoning Ordinance requires that soil conditions be provided as a part of the CIS review. Staff has not had time to thoroughly review the report, but the Executive Summary stated there were not any specific contamination issues.

The applicant provided a noise study today from, Kolano and Saha Engineers, Inc.; however staff has not had a chance to review the report.

The CIS states that the proposed building is larger than the two existing structures and larger than the building to the west and is very compatible with the building across the street to the north. The building meets the Zoning Ordinance in all ways as to height and scale.

The proposed site plan shows all trash and recycling collection taking place within the building. However, no details on this have been provided.

The Fire Dept. will require further information to ensure that all life safety issues have been addressed, including details on the fire suppression system, fire access, and the Knox Box location. The Police Dept. has not granted approval of the proposed security system at this time.

The applicant has provided a transportation study prepared by Tetra Tech, dated May 9, 2016. The transportation report concluded that the proposed development is not anticipated to have a significant impact on the operation of the adjacent roadway system or a negative effect on the Birmingham Multi-modal Plan.

The applicant indicates that a total of 36 parking spaces are proposed, with 34 spaces located in the parking lot under the building and two spaces located on Elm St. A total of 42 parking spaces is required.

**Motion by Mr. Williams**

**Seconded by Ms. Lazar to receive and file an e-mail from Jim Rosenthal, 700 Forest St. LLC dated Monday, May 23, 2016 at 5:48 p.m. Also a second e-mail from Mr. Rosenthal dated Wednesday, May 25, 2016 at 10:54 a.m.**

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Williams, Lazar, Boyle, Clein, Jeffares, Koseck

Nays: None

Absent: Prasad, Share, Whipple-Boyce

In response to Mr. Williams, Mr. Baka explained this site is split zoned and that is why the building is at different heights. The Triangle Plan requires that the height steps down as properties get closer to single-family residential. Mr. Williams believed this is a logical consequence of what will take place over time in the entire Triangle District as the buildings get taller and denser and are built next to existing lower level structures. Ms. Ecker was not aware of any objections by the adjoining property owners at the time the Triangle Plan was approved. Mr. Boyle recalled the neighbors felt comfortable with the plan because of the step-down issue. Mr. Baka pointed out this building is not maxing out the ordinance.

There were no comments from the audience on the CIS at 9:25 p.m.

**Motion by Mr. Williams**

**Seconded by Mr. Boyle to postpone consideration of the CIS for 748-750 Forest to the Planning Board meeting of June 8, 2016.**

There were no public comments on the motion at 9:26 p.m.

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Williams, Boyle, Clein, Jeffares, Koseck, Lazar

Nays: None

Absent: Prasad, Share, Whipple-Boyce

*Preliminary Site Plan Review*

Mr. Baka advised that the Overlay Ordinance limits parking to 25% of the frontage of the building, or 60 ft. maximum. At this point the applicant is at about 60% parking frontage,

where they need to be around 25%. Their corner location does not offer relief by providing additional frontage.

Chairman Clein summarized the issues with parking. There is non-compliance because of the linear frontage allowed for parking, along with the fact there are parking spaces within the first 20 ft. off the frontage line. Also, six additional spaces need to be provided.

Mr. Baka noted there is conflict with the rear setback requirement for the portion of the building in the MU-3 Triangle District Overlay Zone that requires a rear setback of 10 ft. which this building does not have.

***The applicant must provide an easement of 2 ft. on the north side facing Forest Ave. in order to meet the 12 ft. minimum sidewalk standards of Article 3.12 (B) of the Zoning Ordinance, or obtain a variance from the Board of Zoning Appeals.***

Mr. Paul Robertson, Robertson Brothers, was present on behalf of his partner, Mr. Eric Larson, Larson Realty Group; Mr. Jim Clark, their president; Mr. Tim Loggin from Land Planning; Messrs. Ross Hoekstra and Michael Poris from McIntosh Poris Architects; along with Mr. Steve Templeton and Ms. Ann Templeton, the owners of 748 Forest.

Mr. Robertson noted the only way to make parking work in an economic environment is to put it on one floor and place it on a slab. Anything besides that loses efficiency and triples the cost. He observed the ordinance requirements don't allow enough parking and that part of the ordinance needs to be looked at. Otherwise every site in the Triangle District is going to be difficult, just like this site is very difficult. They are trying to construct reasonably priced housing that will work in that district, and parking on-site is needed for the purchasers or tenants. Most units are 2,000 sq. ft. and less. Further, Mr. Robertson was not sure why a 12 ft. sidewalk is needed here.

He went on to explain a revised plan that meets the ordinance. The address is switched to Elm St. which allows space on the first floor and more parking spots. Mr. Williams suggested that some of these alternatives be presented on June 8.

Mr. Koseck noted the way the ordinance is written a developer would almost have to accumulate large sites to be able to go below grade for parking. He had concerns about that because he didn't think they want a bunch of big buildings. Mr. Robertson concluded they only considered doing a residential project because this is a residential neighborhood.

There were no members of the public that wished to comment at 9:50 p.m.

**Motion by Mr. Williams**

**Seconded by Mr. Jeffares to postpone consideration of the Preliminary Site Plan for 748-750 Forest to June 8, 2016.**

There were no comments from the audience on the motion.

**Motion carried, 6-0.**

## VOICE VOTE

Yeas: Williams, Jeffares, Boyle, Clein, Koseck, Lazar

Nays: None

Absent: Prasad, Share, Whipple-Boyce

**05-97-16**

**MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA** (no comments)

**05-98-16**

## MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications (none)

b. Administrative Approval Correspondence

➤ 2400 E. Lincoln, Assisted Living -  
Mr. Williams recused himself and left the meeting because of a conflict. His firm represented the owners of the land.

Ms. Ecker put the site plan up. Mr. Sean Havera with Hughes Properties was present along with Mr. Mike Dugan and Ms. Bethany Crispin with CA Ventures, Joint Venture Partner; and Mr. Chris George with Harley Ellis Devereaux, the architect. Mr. Havera cited changes that will allow them to continue to move forward and that he thought will be complimentary to what is going on in the City:

- Change screenwalls adjacent to the cemetery and to the service yard to CMU block;
- Change from brick to PVC fence around patio area;
- Remove the canopy on a portion of the south side of the site;
- Change the fountain to a planter;
- Change from Norman brick on the building to utility size brick;
- Replace brick with concrete foundation wall at ground level up to the underside of the aluminum windows;
- Change the color of the windows from bronze to dark grey;
- Change wood on the building to embossed fiber siding.

Mr. Koseck thought the screenwall in the back should be 32 in. and be built with concrete block that is integral to the building. The fence around the courtyard should be constructed of something that is permanent and not vinyl. Jumbo brick looks institutional and doesn't belong in a walkable environment.

Mr. Jeffares thought all of the proposed changes diminish the building and the chairman agreed. Mr. Havera did not think the changes lessen the look of the building.

The group's final consensus was that the changes are okay except no 8 in. concrete base at the bottom and no PVC fencing. Ms. Lazar suggested a piece of artwork could be placed where the fountain was removed.

**05-99-16**

c. Draft Agenda for the Regular Planning Board Meeting on June 8, 2016

- Public hearing on glazing change;
- TZ-2;
- Outdoor storage;
- 748 and 750 Forest, CIS and Preliminary Site Plan.

d. Other Business (none)

**05-100-16**

**PLANNING DIVISION ACTION ITEMS**

a. Staff report on previous requests (none)

b. Additional items from tonight's meeting (none)

**05-101-16**

**ADJOURNMENT**

No further business being evident, board members motioned to adjourn at 10:24 p.m.

Jana Ecker  
Planning Director