



Item	Page
<p><b>Motion by Ms. Whipple-Boyce</b>  <b>Seconded by Mr. Williams to recommend approval to the City Commission of the proposed amendments to Chapter 126, Zoning, Article 2, section 2.37, B-4 Business Residential, to allow the use of liquor licenses in theaters in the B-4 Zoning District, and to recommend approval of the associated amendments to Chapter 10, Alcoholic Liquors, Article II, to add a Division 5, Licenses for theaters.</b></p>	4
<p><b>Motion carried, 7-0.</b></p>	
<p><b>PRELIMINARY SITE PLAN REVIEW</b></p>	4
<p><b>1. 35975 Woodward Ave.</b> (currently vacant, former gas station)  <b>Preliminary Site Plan Review for new two-story office/retail building</b></p>	
<p><b>Motion by Mr. Williams</b>  <b>Seconded by Mr. Jeffares to postpone the Preliminary Site Plan Review for 35975 Woodward Ave. to January 25, 2017.</b></p>	5
<p><b>Motion carried, 7-0.</b></p>	5
	5

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**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, JANUARY 11, 2017  
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 January 11, 2017. 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, Janelle Whipple-Boyce, Bryan Williams

**Absent:** Alternate Board Members Lisa Prasad, Daniel Share

**Administration:** Matthew Baka, Sr. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary  
Mike Morad, Building Inspector  
Scott Worthington, Asst. Building Official  
Jeff Zielke, Building Inspector

**01-01-17**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF  
DECEMBER 14, 2016**

**Motion by Mr. Boyle  
Seconded by Mr. Koseck to approve the Planning Board Minutes of December 14,  
2016 as presented.**

**Motion carried, 6-0.**

**VOICE VOTE**

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

Abstain: Lazar

Nays: None

Absent: None

**01-02-17**

**CHAIRPERSON'S COMMENTS**

Chairman Clein discussed a report, *Dangerous by Design*, which highlights the alarming connection between the configuration of our roadways and the behavior of our drivers to pedestrian deaths. This city wants to be a walkable city, but there are still major issues with

regard to how the streets are designed and how the general public operates on them. He suggested that everyone read the report.

**01-03-17**

## **APPROVAL OF THE AGENDA**

There has been a request to postpone the Preliminary Site Plan Review for 35975 Woodward Ave. to January 25th.

**01-03-17**

## **PUBLIC HEARINGS**

### **1. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:**

TO AMEND ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.75 SS02, TO ADD REGULATIONS FOR **DORMERS** PROJECTING FROM SECOND-STORY ROOFS ON SINGLE-FAMILY HOMES.

TO AMEND ARTICLE 09, DEFINITIONS, SECTION 9.02, TO ADD A DEFINITION OF "ATTIC" AND TO AMEND THE DEFINITIONS OF "HABITABLE ATTIC" AND "STORY".  
(continued from December 14, 2016)

The Chairman formally opened the continuation of the public hearing at 7:34 p.m.

Mr. Baka noted at the request of City Staff, the Planning Board has been reviewing potential changes to the Zoning Ordinance that would alter the way that dormers are regulated on single-family homes. Over the past few months the Planning Board has been presented with draft ordinance language on this subject.

On December 14, 2016, the Planning Board set a public hearing to consider a recommendation to the City Commission on the draft language as amended at that meeting. At the public hearing additional language was suggested by the board. At that time the board decided to continue the public hearing to this evening. Therefore the Planning Division, in co-operation with the Building Dept., has prepared revised draft ordinance language that incorporates the comments made at the December 14th meeting.

The new language under Section 4.75 SS-02, Structure Standards states:

Dormers on elevations facing interior lot lines must be located behind the eaves of the roofline they project from and set back a minimum of 8 in. from the face of the second- floor facade below.

Mr. Johnson explained one of the reasons to insert this language was to make sure the eave lines are continuous on the elevations facing interior lot lines, side and rear. Also, the board discussed stepping that dormer back 8 in. from the exterior face of the wall. Accordingly, the eave line would be in front of the dormer.

Discussion disclosed the intent is not to control the third floor dormer, or habitable attic. When the third element is placed on the roof, Mr. Koseck said that is when the eave line needs to be broken.

No one from the public wished to comment at 7:40 p.m.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Koseck to re-set and re-notice this public hearing to February 8, 2017 to consider the following Zoning Ordinance amendments:**

**(a) Article 04, Structure Standards, section 4.75 SS-02, to create limitations on the allowable size of dormers on single-family homes; and**

**(b) Article 09, Definitions, section 9.02, to add a definition of "Attic" and to amend the definitions of "Habitable Attic" and "Story" for consistency with the Michigan Residential Code.**

There were no comments from members of the public at 7:48 p.m.

**Motion carried, 7-0.**

ROLLCALL VOTE

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

Nays: None

Absent: None

The chairman closed the public hearing at 7:50 p.m.

**01-04-17**

**2. To consider the following amendments to Chapter 10, Alcoholic Liquors and Chapter 126, Zoning, of the Code of the City of Birmingham:**

TO AMEND PART II OF THE CITY CODE, CHAPTER 10 ALCOHOLIC LIQUORS, ARTICLE II, LICENSES, TO ADD DIVISION 5. LICENSES FOR THEATERS  
*(Public hearing not required at the Planning Board)*

AND

TO AMEND CHAPTER 126, ZONING, OF THE CITY CODE, ARTICLE III SECTION 2.37 (B4) TO ALLOW THE USE OF LIQUOR LICENSES FOR THEATERS.

The chairman opened the public hearing at 7:49 p.m.

Ms. Ecker advised that the owners of the Birmingham 8 Theaters have submitted a request for an amendment to Chapter 10, Alcoholic Liquors, of the City Code to create a new Division 5 to establish a new category of liquor licenses for theaters in Downtown Birmingham.

As a response to the request of the applicant, the city attorney has drafted proposed ordinance language and amendments that would create a new division 5 in Chapter 10, Alcoholic Liquors.

Proposed amendments to Chapter 10 are not required to be reviewed by the Planning Board. Essentially this sets up a new category of Liquor Licenses for theaters that would allow the service of alcohol in the theater.

The public hearing for this board is for Chapter 126, Zoning to amend section 2.37 B-4 Standards that would then allow the use of Liquor Licenses in theaters in B-4 Business Residential Zone Districts only. The Planning Board will review and make recommendations to the City Commission on both the proposed amendments to Chapter 10, Alcoholic Liquors, and Chapter 126, Zoning. The City Commission has the final authority to approve or deny the proposed amendments.

Chairman Clein clarified that tonight the board would potentially be recommending approval that would allow the applicant to procure a Liquor License in the B-4 Zoning District with a Special Land Use Permit ("SLUP").

It was discussed that the hours of operation for the bar would be set up as a SLUP condition and also by the State rules.

Ms. Kelly Allen, Adkison, Need, Allen, & Rentrop, Attorney for Birmingham 8 Theaters, was present and had no further comment.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Williams to recommend approval to the City Commission of the proposed amendments to Chapter 126, Zoning, Article 2, section 2.37, B-4 Business Residential, to allow the use of liquor licenses in theaters in the B-4 Zoning District, and to recommend approval of the associated amendments to Chapter 10, Alcoholic Liquors, Article II, to add a Division 5, Licenses for theaters.**

No one from the audience had comments on the motion at 7:50 p.m.

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Absent: None

The chairman closed the public hearing at 7:50 p.m.

**01-05-17**

**PRELIMINARY SITE PLAN REVIEW**

**1. 35975 Woodward Ave.** (currently vacant, former gas station)

**Preliminary Site Plan Review for new two-story office/retail building**

**Motion by Mr. Williams**

**Seconded by Mr. Jeffares to postpone the Preliminary Site Plan Review for 35975 Woodward Ave. to January 25, 2017.**

It was noted there were 15 items that the applicant needs to clean up.

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Absent: None

**01-06-17**

**STUDY SESSION ITEMS**

**1. Window tinting requirements**

Mr. Baka reported that at the July 25, 2016 City Commission meeting, a public hearing was held to consider proposed amendments to the current window standards in the Zoning Ordinance. The proposed changes would have added a requirement to have at least 30% glazing on rear elevations with a public entrance; increased the amount of glazing permitted on upper floors; prohibited blank walls longer than 20 ft. on all elevations facing a park, plaza or parking lot; and would also have provided the reviewing board with the flexibility to allow adjustments to the amount of glazing under specific conditions. These standards would have applied to every Commercial Zone in the City. The City Commission decided to send the subject back to the Planning Board for further consideration.

During the public hearing, the City Commission identified two additional issues that they would like the Planning Board to consider. These issues are whether only clear glazing should be allowed; or if lightly tinted is allowed, define lightly tinted. The second issue is whether a minimum glazing standard should be added for facades that front on vias.

With respect to vias and passages, there is language in the Ordinance that requires windows but not a certain amount. Sites directly adjoining a via must provide windows and doors overlooking the via to provide solar access, visual interaction and surveillance of the via. Additionally, the Ordinance states walls facing vias shall include windows and architectural features customarily found on the front facade of a building. So, the issue is addressed, but not with concrete numbers.

Research by staff has discovered that with respect to window tinting there are three basic categories or ratings that are measured when evaluating the efficiency of a window, which are as follows:

- U-factor - measures the rate of heat transfer (or loss). Predominately determined by the number of glass panes and the type of gas barrier sealed between those panes.
- Solar Heat Gain Coefficient (SHGC) - measures how much heat from the sun is blocked. The lower the SHGC the more a product is blocking solar heat gain. SHGC can be controlled through tinting, reflective coatings or low-e coatings.
- Visible Transmittance (VT) - measures how much light comes through a window. The higher the VT, the higher the potential for daylighting. VT is generally controlled with tinting and reflective coatings.

Modern technology has gotten to a point where low-e coatings that don't have a tint are effective in blocking solar heat gain. From that point of view, the board should not be concerned about whether or not they are affecting the Energy Code.

Mr. Koseck spoke in favor of clear glass, and as in the AAA Building blinds can be added, such as for a western exposure. Ms. Whipple-Boyce was also in favor of maintaining clear glass on all floors along with specifying a VT percentage in the Ordinance. People will want window treatments whether or not the glass is tinted.

No one from the public wished to join the discussion at 8:10 p.m.

Mr. Baka agreed to bring in samples of low-e coatings for next time. The question is whether they are really free of tint. Also, pictures of recent projects that have tinting can be provided.

**01-07-17**

## **PRE-APPLICATION DISCUSSION**

### **1. 298 S. Old Woodward Ave. Proposed boutique hotel**

Ms. Lazar recused herself for familial reasons. Chairman Clein stated he would also recuse himself as his friend, Giffels Webster, is involved in various aspects of this project. Mr. Boyle took over as temporary chair.

Mr. Rick Rattner, Attorney, 380 N. Old Woodward Ave., was present to represent 298 S. Old Woodward Ave., which is located on the NW corner of Brown and S. Old Woodward Ave. Messrs. Charlie Stetson, Project Director; and Scott Seifers, Project Architect and Designer, of Booth Hanson of Chicago have come tonight to give their presentation.

Mr. Stetson said he thinks this is a great opportunity to really bring life to the southern part of the City. Uses on the first floor which include retail frontage, along with food and beverage establishments, will encourage energy and street interaction.

In response to Mr. Williams, Mr. Stetson clarified that their client, Lorian Capital, owns the property. The hotel operator is Aperium Group out of Chicago.

Messrs. Stetson and Seifers provided plan diagrams, massing diagrams and exterior images for the board to look at. The area of the site is around 27,000 sq. ft. Parking for the fifth floor residents will be provided in the lower level. Otherwise they are in the Parking Overlay District. The first floor goes all the way across to the property line and contains a ballroom. The mezzanine will include three meeting rooms. Hotel rooms will be located on the next three floors and there will be a fifth residential level that is set back 10 ft. off the Brown and Woodward Ave. elevations. There will be 151 rooms, including the fifth floor residential units. They are looking for feedback from the board as they move forward.

Mr. David Berman with Lorian Capital said he runs their investments. Aperium Group develops boutique hotels across the country. Their style is to come in and figure out how to bring in the local environment and make it a gathering place where the community wants to congregate. That is what separates their design and management style from other developers.

In response to Mr. Koseck's inquiry, Mr. Stetson explained that a 10 ft. gap has been created between the hotel and its neighbor in order to have windows. Mr. Koseck thought the corner might be treated a little differently as it is a really important corner in all of Birmingham. Stone



and other sorts of things could be used to break down the character of the building so it is not a mega building. He likes the fact that the recess cuts the sky and offers more vertical architectural expression. He also likes that two-story spaces have been created, and that will produce a really first-class environment. Further, he likes how some of the interior spaces have been laid out. However, he noted that the curb cut drop-off probably would not be allowed.

Temporary Chairman Boyle said the design looks very interesting. He observed this is a fairly impactful development with respect to parking. Mr. Williams noted the one benefit is that the site has easy access to three parking structures. Temporary Chairman Boyle added the idea of opening up to the street is a positive.

Ms. Whipple-Boyce warned that drop-offs and waiting taxis congest traffic and it will be a concern in the residential neighborhood behind. Also, she thought it would be nice to keep the alley active and something that everyone in the neighborhood wants to use.

Mr. Stetson commented on the low percentage of vision glass on the upper levels. With today's technology the low-e glass can be very energy efficient, while at the same time transmit a lot of visible light. Therefore he thought the windows can be bigger.

Mr. Jeffares said he appreciates the 10 ft. gap between buildings that allows windows to be installed. Mr. Williams thought the building could contain a little less stone and more brick.

No one in the public cared to comment at 8:46 p.m.

Temporary Chairman Boyle wished the developers well.

Chairman Clein and Ms. Lazar rejoined the board.

**01-08-17**

**MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA** (no public was left)

**01-09-17**

## **MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

a. Communications

- The Long-Range Planning Session will be on Saturday, January 28th.

b. Administrative Approval Correspondence

- 820 E. Maple Rd., All Seasons of Birmingham - Allow temporary fence with screening to remain. Re-attach screen fabric to prevent unauthorized parking in lot until site is re-developed.
- 2254 Cole St., Cole Business Center IV - Rooftop screening.

c. Draft Agenda for the Regular Planning Board Meeting on January 25, 2017

- Final Site Plan - Woodland Villa gate

- Final Site Plan - Tuffy
- Preliminary Site Plan - Woodward Ave. and Oak

d. Other Business

Discussion took place regarding office use in the Overlay.

**01-10-17**

**PLANNING DIVISION ACTION ITEMS**

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

**01-11-17**

**ADJOURNMENT**

No further business being evident, the chairman adjourned the meeting at 8:55 p.m.

Jana Ecker  
Planning Director

APPROVED