

**CITY OF BIRMINGHAM
 PLANNING BOARD ACTION ITEMS
 OF WEDNESDAY, FEBRUARY 28, 2018**

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<p>Amended by Mr. Boyle and accepted:</p> <p>7. Regarding the open land to the south of the site, the land to be used for staging, that the land be restored per ordinance (until such time as the other development comes forward) with a landscape plan to be administratively approved. This condition would be maintained until, at a date yet to be determined, the owner brings a proposed development for that site.</p> <p>Motion carried, 7-0.</p>	5
<p>2. 34965 Woodward Ave. (former Peabody Restaurant and Frame Shop) Request for approval of a Final Site Plan and Design to allow for construction of a new five-story mixed-use building</p> <p>Motion by Mr. Boyle Seconded by Mr. Koseck to APPROVE the Final Site Plan and Design Review for 34965 Woodward Ave. and 215 Peabody St. subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The applicant submit plans demonstrating the size and location of three usable off-street loading spaces, or obtain a variance from the Board of Zoning Appeals; 2. Comply with the requirements of City departments; and 3. The applicant update their civil plans to match the architectural site plans that were submitted. <p>Motion carried, 5-1.</p>	6 6 11
<p>3. 670 S. Old Woodward Ave. (Detroit Trading Co.) Final Site Plan and Design Review Request to replace existing entrance door with a garage door and sidelight and add a small 23 sq. ft. addition</p> <p>Motion by Mr. Boyle Seconded by Mr. Koseck to approve the Final Site Plan and Design Review for 670 S. Old Woodward Ave. with the following conditions as the proposed site plan meets the approval criteria set out in Article 7, section 7.27(B) of the Zoning Ordinance:</p> <ol style="list-style-type: none"> 1. The applicant will be required to provide the VLT% of the new door to verify compliance with this requirement; and 2. Address the concerns of City Departments. <p>Motion carried, 7-0.</p>	11 11 12

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Motion carried, 7-0.	14

APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, FEBRUARY 28, 2018
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on February 28, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Vice-Chairperson Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representatives Madison Dominato, Sam Fogel, Ellie McElroy

Also Present: Alternate Board Member Nasseem Ramin

Absent: Alternate Board Member Daniel Share

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

02-21-18

APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF JANUARY 24, 2018

Ms. Lazar made the following correction:
Page 4 - Last paragraph, replace "antrha" with "anthra."

Motion by Ms. Whipple-Boyce

Seconded by Mr. Williams to approve the Minutes of the Regular Planning Board Meeting of January 24, 2018 as amended.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

02-22-18

CHAIRPERSON'S COMMENTS

The Chairman announced that three new students have joined the board: Madison Dominato, Sam Fogel and Ellie McElroy.

02-23-18

APPROVAL OF THE AGENDA (no change)

02-24-18

PUBLIC HEARING

1. AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 7, SECTION 7.26, APPLICATION, TO AMEND THE SITE PLAN REVIEW SUBMITTAL REQUIREMENTS TO INCLUDE ADJACENT PROPERTY DETAILS

TO AMEND ARTICLE 7, SECTION 7.34, SPECIAL LAND USE PERMIT REVIEW, TO AMEND THE SPECIAL LAND USE PERMIT REVIEW PROCESS TO INCLUDE SITE PLAN REVIEW SUBMITTAL REQUIREMENTS TO INCLUDE ADJACENT PROPERTY DETAIL

The public hearing opened at 7:34 p.m.

Ms. Ecker recalled that on December 4, 2017, the City Commission reviewed and approved the Special Land Use Permit ("SLUP") and Final Site Plan & Design Review for 33353 Woodward Ave. to allow Tide Dry Cleaners to open a storefront. During this review, several questions were raised by Commissioners and neighbors regarding the layout and proximity of adjacent properties, and the potential impact of the drive-in dry cleaning facility on the surrounding property owners.

At the end of the meeting, Commissioner Nickita specifically requested that the Planning Board review the existing submittal requirements for site plan reviews and SLUP reviews, to determine if amendments should be made to add additional details of the subject site and/or adjacent sites to provide context for discussion. This direction to the Planning Board was provided by the City Manager.

Accordingly, on January 10, 2018, the Planning Board discussed the proposed draft ordinance language to consider amending the submittal requirements for site plan review and SLUP review to require all applicants to include details of adjacent properties on their site plans. The board approved a motion to set a public hearing date for the amendments that would require all property lines, buildings and structures within 200 ft. of a subject site to be marked on the site plan drawings submitted. A comment was made that an aerial photo should suffice in providing these details. On January 27, 2018 at the Long Range Planning meeting this issue was also discussed. A comment was made by Commissioner Nickita that he did not believe that an aerial photo would be sufficient to meet the provision of adjacent property details.

Mr. Jeffares stated he would still prefer to have the aerial photo, at least in addition. Ms. Ecker said they could add and then bring back to the board language that would also require applicants to provide an aerial photo.

At 7:40 p.m. no one from the public had comments.

Motion by Mr. Williams

Seconded by Mr. Koseck to continue the public hearing to March 14, 2018 at 7:30 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

The public hearing closed at 7:42 p.m.

02-25-18

FINAL SITE PLAN AND DESIGN REVIEW

1. 525 Southfield Rd. (former Wellness Center)

Final Site Plan and Design Review of request to demolish existing building and replace with eight-unit attached single-family residences

Mr. Baka reported that the subject site is a 0.829 acre parcel confined by Southfield Rd. to the west, Brown St. to the north, and Watkins St. to the east in the R-8 Zoning District. The existing parcel currently contains a wellness center and parking lot. The applicant is proposing to demolish the existing building and parking lot to construct eight new attached single-family residential units that are proposed to be erected side by side in a single building facing Brown St. Each residential unit has its own stairway and individual front door that leads directly into each unit. The applicant appeared before the Planning Board on September 27, 2017 for Preliminary Site Plan Review and was approved with five conditions.

The applicant has updated the plans to reflect the request for a landscaping and photometric plan, and added four additional parking spaces, but has failed to include specification sheets for all of the screenwalls. A rooftop plan is not needed, as all mechanicals are proposed to be located within the attic of each unit. The applicant has also revised the east and west sides of the building to show more interest, adding numerous windows, some decorative features, and a base constructed of a different material.

The applicant must add one street tree to the Southfield Rd. or Watkins St. frontage, bringing the total number of street trees to twelve, or obtain a waiver from the Staff Arborist.

The Building Official has determined that the enclosed outdoor terraces on the back of each unit comply with the open space requirement of 180 sq. ft./unit mandated in Article 4, section 4.34 OS-05 of the Zoning Ordinance.

Design Review

The applicant is proposing to create eight units, each with a different façade facing Brown St. The units are comprised of varied high quality building materials with different and tasteful colors. The materials used include brick, limestone, painted wood trim, stucco, copper flashing, and painted metal features. The applicant has not submitted specifications on where the material will be sourced from, or what the exact colors will be. The applicant must submit

specifications on the materials used for the construction of the building to complete the Design Review.

The applicant is proposing a total of 52 new light fixtures at various locations on the property.

Mr. Williams received confirmation from Mr. Baka that the entire site is zoned R-8, including the parcel to the south. Permitted uses on that vacant land to the south are R-8 and R-3 single-family. Anything that happens on that portion of the property would have to return for site plan review.

Mr. Chris Longe, Architect, came forward to represent the applicant. He stated they will meet all of the ordinance requirements. As a result of discussion last time, they have added four guest parking spaces on the west/southwest side of the driveway. A brick wall with limestone cap traces the whole perimeter of the townhome development.

Mr. Boyle asked what the land to the south would look like in four years. Mr. Longe replied that what has been left vacant is a 10,000 sq. ft. site. The intent is to propose a single-family home that will be contextual with the townhomes and with the neighborhood. He explained for Mr. Boyle that it will be a staging area during construction for the townhomes. He will be back before the board in the next couple of weeks with a house design for that parcel. Until the house is constructed the site will be stabilized with grass.

Chairman Clein opened discussion from the audience at 8 p.m.

Mr. Alan Kaplan, 600 W. Brown St., was concerned the construction workers would park in their lot in Piety Hill Place. His other concern was there are only four extra spaces for this project. Therefore, visitors will also park in their lot and he feels that more excess parking is needed.

Ms. Colleen LeGoff, 543 Watkins St., wanted the green space returned after staging is completed until a house is built.

Mr. Paul Gozolo, 550 Watkins St., received confirmation there will not be accessible parking along his street because Watkins St. has residential permit parking. He questioned why the development needs to open up onto Watkins St. rather than onto Southfield Rd. Regarding the lot to the south, he asked that "single-family" be written into the agreement if it is approved. Lastly, he noted there are large, hundred year-old trees on the lot and it will not remain the same as it is now.

Mr. Baka explained the parking provided exceeds ordinance requirements by four spaces.

Mr. Longe stated that it is not feasible to enter the development off of Southfield Rd. that close to the corner. Also, entering off of Brown St. destroys the composition.

It was discussed that cars could be parallel parked along the wall that surrounds the complex when there is a need. There is 25 ft. between the garages and the wall.

Chairman Clein noted for Mr. Gozolo that the Planning Board does not have legal authority to put contract zoning in place to mandate single-family residential use for the southern lot.

Mr. Jeffares remembered that the former use on this site was a pediatric office. They probably had more people in and out in one day than this complex will have in a month.

Mr. Williams announced he would look askance at any attached single-family development going in on the south parcel.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Jeffares to recommend APROVAL of the Final Site Plan and Design Review for 525 Southfield Rd. subject to the following conditions:

- 1. The applicant submit a specification sheet for the parking area screening wall for administrative approval to ensure that the screening is complementary to the building, uses proper materials, and meets the required dimensions;**
- 2. The applicant add one street tree to the Southfield Rd. or Watkins St. frontage, bringing the total number of street trees to 12, or obtain a waiver from the Staff Arborist;**
- 3. The applicant submit a revised photometric plan showing luminance levels no greater than 1.5 maintained foot candles at the northern property line;**
- 4. The applicant must submit specifications on the materials used in the construction of the building facade to complete the design review;**
- 5. The applicant must address the concerns of City Departments; and**
- 6. The Planning Board approves the use of cut-off fixtures as proposed.**

Amended by Mr. Boyle and accepted:

7. Regarding the open land to the south of the site, the land to be used for staging, that the land be restored per ordinance (until such time as the other development comes forward) with a landscape plan to be administratively approved. This condition would be maintained until, at a date yet to be determined, the owner brings a proposed development for that site.

Motion carried, 7-0.

The Chairman called for public comments on the motion at 8:12 p.m.

Mr. Gozolo showed the board a picture of one of the mature trees on the property.

Mr. Koseck thought this is a great project. It has quality design, it has variety, it anchors the corner, and he feels that it fits that street.

ROLLCALL VOTE

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

Nays: None

Absent: None

02-26-18

**2. 34965 Woodward Ave. (former Peabody Restaurant and Frame Shop)
Request for approval of a Final Site Plan and Design to allow for construction of a new five-story mixed-use building**

Chairman Clein announced he would recuse himself as in the past, since his firm provided some consultant services at the front end of the project. Vice-Chairperson Lazar took over the gavel.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to introduce two pieces of correspondence into the formal record:

- **E-mail to Jana Ecker from Beier Howlett, City Attorney, dated 02-27-18; and**
- **Letter to Jana Ecker from Dykema Gossett, signed by Alan M Greene and dated 02-27-18 with a number of attachments.**

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Recused: Clein

Absent: None

Mr. Williams pointed out that a complaint against the City has been filed in Circuit Court by Dykema Gossett and litigation is pending. Ms. Ecker added the applicant also submitted an administrative appeal to the Board of Zoning Appeals for the Planning Board's Preliminary Site Plan approval and that appeal was denied. Further, a letter from the City Attorney states the litigation in this case does not affect what the Planning Board is doing tonight and the board should proceed in the normal course of business.

Ms. Ecker recalled the applicant has submitted an application for Final Site Plan and Design Review to construct a five-story mixed-use building in the B4/D4 Zoning District. The 0.579 acre property is located on the west side of Woodward Ave. on Peabody St. at the former location of Peabody's Restaurant and the former Art & Frame Station.

On July 26, 2017 the Planning Board reviewed the Community Impact Statement ("CIS") and Preliminary Site Plan Application for 34965 Woodward Ave. At that time, the Planning Board decided to accept the CIS but postponed the Preliminary Site Plan Review. The Board requested that the applicant provide additional information regarding the interfacing of the proposed building with the two existing buildings on each side and how they will abut. In addition, the postponement was granted to provide the applicant time to engage with the neighboring property owners in light of the public comments made at the meeting.

On August 23, 2017 the Planning Board held further discussions with the applicant and representatives for the neighboring properties. Many of the challenges of constructing the proposed building were discussed as well as the ancillary effects of the proposal on the neighboring buildings. As a result of this discussion, the Planning Board postponed the review to the meeting of September 13, 2017 and requested that staff provide the minutes from the previous Planning Board meetings when both 34901 Woodward Ave. and 34977 Woodward Ave. were reviewed. A thorough review of the minutes revealed no encouragement or requirements by the Planning Board or by staff to require the installation of windows on the property lines abutting the 34965 Woodward Ave. site. The only comments made by Staff regarding this issue were by the Building Dept. For the Catalyst Building. The Building Dept. indicated that windows were not permitted on the property line. This was later resolved through the use of fire rated glass. Similar comments were provided for the proposed windows on the north elevation of the Balmoral Building.

On September 13, 2017, the Planning Board unanimously approved the Preliminary Site Plan with several conditions.

Thus far, the applicant has complied with the conditions of approval and gained a waiver from the Staff Arborist, verified that there will be five pedestrian lights on Peabody St., provided a photometric plan and luminary specification sheets, provided mechanical unit specification sheets and screen wall details, provided material and color samples, and complied with the requests of all City Departments. ***The applicant will need to submit plans demonstrating the size and location of three usable off-street loading spaces, or obtain a variance from the Board of Zoning Appeals.*** The applicant meets their parking requirement by providing 88 spaces when only 15 are required.

Ms. Ecker advised that what has primarily changed since the Preliminary Site Plan Review is that on the north and south elevations the applicant has brought the building out to the front property line to match the adjacent buildings, but it then steps back about 4 ft. to provide a light well for the windows. Basically there will be about 9 ft. between the windows in order to accommodate the neighbors' concerns. Because the building has a zero side setback, the applicant was not required to set the building back, but they did so to address the neighbors' concerns.

Mr. Koseck noticed there is a bay protrusion on the third level that encroaches into M-Dot air rights. Ms. Ecker verified that in order to construct the bay the applicant would have to get an agreement with M-Dot to use the air rights.

Design Review

The applicant is proposing to utilize the following materials for the construction of the five-story, mixed use building:

- Granite for the base of the building in charcoal gray;
- Tan stone panels for the façade of the first floor;
- Masonry veneer in a light salmon color for the second, third and fourth floors;
- Metal composite panels to clad the fifth floor and sections of the rooftop screening;
- Steel window and door systems on all elevations (Ultra white, ultra clear glass with 80% VLT);
- Anodized aluminum channel accents, powder coated balcony rails with steel guardrail, and steel fin details;
- Decorative stainless steel metal grates for rooftop mechanical screening;
- Metal pedestrian scale canopies on the Peabody St. and Woodward Ave. elevations; and
- Cantilevered structural glass for the section on the third floor.

Mr. Chris Longe, Architect, passed along samples of the various materials to be used in the project, with the exception of the garage door material.

The proposed building will uphold the vision of the Maple Gateway and Downtown Birmingham 2016 Plan.

The proposed building meets the architectural standards set out in Article 3, Downtown Birmingham Overlay District, of the Zoning Ordinance as the first floor storefronts are directly accessible from the sidewalk, the storefront windows are vertically proportioned, no blank walls face a public street, and the main entry has a canopy and adds architectural interest and pedestrian scale details for patrons going in and out of the building.

Calculations have been submitted for the glazing requirements outlined in Article 3, Section 3.04 of the Zoning Ordinance that show that the minimum 70% glazing requirements have been met

on the first floor, and the maximum 35% glazing requirements on the upper floors have been met.

The applicant has submitted Visual Light Transmittance ("VLT") calculations showing ultra white, ultra clear glazing with 80% VLT. However, the applicant has also indicated that they propose to use clear glass with a 78% VLT. The applicant has advised that the 80% VLT glass will be used on the ground floor level as required, and the 78% VLT glass will be used on the upper levels, thus meeting this requirement as well.

Mr. Boyle inquired if a pedestrian walking along would see a space between the buildings to the north and south, or will they touch. Mr. Longe answered they will physically touch at the corners with the exception of the SW corner where the Balmoral Building is 5 ft. off their property line above the second floor. Their Alden Building comes to the property line. Therefore a pedestrian would see a continuous street wall.

Mr. Longe spoke to say the changes since Preliminary Site Plan Review were made after consultation with their neighbors to the north and to the south.

Mr. Jeffares noted the proposed Alden Building has taken more off the Parking System with the 88 spaces they have provided which is significantly more than their adjacent neighbors who provided 10 and 13 spots.

Discussion turned to whether parking in the Alden Building could be run as a private parking facility. Mr. Ecker affirmed that it could, with the exception of 15 spaces that are required for the residential units. Mr. Longe noted that a sample of the garage door material was not provided because there is no garage door.

Vice Chairperson Lazar invited comments from the public at 9 p.m.

Mr. Alan Greene spoke on behalf of the ownership of the Balmoral Bldg., Woodward Brown Associates; and the Greenleaf Trust Bldg., Catalyst Development. Mr. Greene listed questions:

- The Final Site Plan documents were very unclear about what was happening on the north and south facades abutting their buildings. He has now heard the material that will be on those facades will replicate what is on the east and west facades. The plans do not clarify what the materials are on the north and south facades.
- It is unclear from the plans how the first floor of the Alden Bldg. relates to the first and second floor of the Balmoral Bldg. Their architects say the Balmoral windows will be blocked or partially blocked. Regarding the Catalyst Bldg. it appears to be a situation where the Alden Bldg. is built right to the balconies of the residential units, and fire rated windows were added so that people look right into the Catalyst residential balconies.
- To summarize, the Final Site Plan does not provide details about the two elevations; what the materials are on the south and north; do they carry through the entire elevation; what kind of windows are on the north and south; are the windows facing the Balmoral Bldg. fire rated; and are they the kind of glass that was just shown.

Mr. Green went on to state they still object that the Plan does not meet the requirements of the Master Plan; it does not meet the requirements of the Zoning Ordinance on various standards; it impacts the value of their buildings; there is not sufficient parking available; and there are constructability issues about how the building will be constructed without trespassing on or damaging their property.

Mr. Longe responded with respect to the materials and the windows that they are indicated on the elevation drawing:

- The same materials that are on the Woodward Ave. and Peabody St. facades will be replicated on the north and south sides that cannot be seen.
- The glazing is identical to what has been shown in terms of its clarity and the framing. It does not have to be fire rated.
- The configuration of the building above the second and third floors was not something that they presented; it is something that they responded to at the Catalyst architect's request.
- Their counsel has had discussions with Mr. Greene about construction and imposing on the property of the adjacent buildings. They are at the threshold of producing a schedule of activities so it will be known what is going to happen throughout the course of construction. They are hoping to get a license to operate in and around the adjacent buildings with proper notice, and to produce a long-term maintenance agreement that benefits the properties to the north and south.

Mr. Williams stated he has not had an opportunity to read the materials submitted late yesterday by Mr. Greene and therefore is reticent to vote tonight, other than to postpone consideration for two weeks. Further, he requested that the Planning Dept. respond specifically as to the validity of the assertions about the site plan that the Balmoral and Catalyst Buildings have made in the Greene letter. He wants the Building Dept. to respond to what the plans say and what Mr. Greene's clients say and here is the conclusion of the Building Dept. as to the validity of those assertions. This dispute is in litigation and at some point a judge is going to look at this. He wants the judge to have the complete record and that in his own case he has had the opportunity to read all of the materials in detail before saying yes or no for Final Site Plan Approval.

Additionally, on page 4 of the materials that were submitted to the Board of Zoning Appeals by Mr. Greene, a statement is made that the petitioners gave up rentable square footage to create the buildings desired and mandated by the City. Ms. Ecker has addressed that issue by saying there is nothing in the record to support the claim that the City mandated the setbacks of the two buildings. He asked Mr. Greene to prove his case and submit the documents where he can make that statement. If he cannot, then correct the record.

Mr. Koseck stated that he does not have to read the materials. In his mind the placement and form of the building all comply with the ordinance. He is trying not to get caught up in all of the legalities and feels that is up to someone else. He has never heard anyone on this board say anything about zero lot lines except that the walls should not be boring. Therefore, he feels the board can move forward on this.

In response to Mr. Jeffares, Mr. Longe said there are zero windows blocked on either the Catalyst or Balmoral Buildings on the north or south side of his building.

Ms. Whipple-Boyce thought it may be worth the two weeks to thoroughly review the letter and attachments received from Mr. Greene that probably none of them has had the opportunity to read. That would ensure they have covered all of their bases. Ms. Ecker noted that she spoke to Mr. Currier who said absolutely nothing in the package changes his position that the board should move ahead in the normal course of business.

Motion by Mr. Boyle

Seconded by Mr. Koseck to APPROVE the Final Site Plan and Design Review for 34965 Woodward Ave. and 215 Peabody St. subject to the following conditions:

- 1. The applicant submit plans demonstrating the size and location of three usable off-street loading spaces, or obtain a variance from the Board of Zoning Appeals;**
- 2. Comply with the requirements of City departments; and**
- 3. The applicant update their civil plans to match the architectural site plans that were submitted.**

There were no comments from the public on the motion at 9:12 p.m.

Motion carried, 5-1.

ROLLCALL VOTE

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

Nays: Williams

Recused: Clein

Absent: None

02-27-18

Vice- Chairperson Lazar turned the gavel back over to Chairman Clein.

**3. 670 S. Old Woodward Ave. (Detroit Trading Co.)
Final Site Plan and Design Review Request to replace existing entrance door with a garage door and sidelight and add a small 23 sq. ft. addition**

Mr. Baka reported the subject location is a 17,250 sq. ft. parcel with an existing one-story commercial building. The property is located on the west side of S. Old Woodward Ave. between George St. and E. Frank St. in the Downtown Overlay District. At this time, the applicant is proposing to add 24 sq. ft. to the building to allow for the installation of a new main entrance in the northeast corner. Further, the applicant is proposing to expand the door opening in order to have sufficient space to move a car into the building that will be visible from the front of the building. It should be noted that an auto showroom is not a permitted use in this Zone District, but an auto sales agency is a permitted use.

Design Review

The applicant is proposing to add a new door and transom window in the approximate location of the existing door. The new entrance is proposed to be a double door with a 9 ft. x 8 ft. combined opening. The hardware is proposed to be white to match the existing hardware and trim on the building. In accordance with the requirements of the Downtown Birmingham Overlay District, all glass must be clear with VLT% of 80 or higher. Thus, the applicant will be required to provide the VLT percent of the new door to verify compliance with this requirement.

In response to Mr. Jeffares, Ms. Ecker verified the property was legal and conforming prior to the Personal Services definition being adopted in November. Now it is legal non-conforming. The nature of the business being carried on there is still the same.

Mr. Boyle thought this is a perfectly good use of the property and is exactly the type of retail display the City has been looking for in the downtown. Mr. Baka said a showroom commonly is defined as a place where products are displayed. This property is zoned B-2B which allows

auto sales agencies but does not allow auto showrooms. Those are two separate uses within the ordinance.

Mr. Roger Young, Young and Young Architects, represented Detroit Trading Co. He stated the car is strictly a display vehicle and while cars are for sale by order, the display car itself will not be for sale. The intent is to display one vehicle only. The door will swing outward for only a few moments, although they certainly can look at an in-swing door. However, that would be more cumbersome based on what occurs within the interior space. He asked to be allowed to work with the Building Dept. on that. As to the VLT of the glazing, it will be clear with low-E coating. Also, they will place the Knox box where the Fire Dept. deems is most appropriate.

Motion by Mr. Boyle

Seconded by Mr. Koseck to approve the Final Site Plan and Design Review for 670 S. Old Woodward Ave. with the following conditions as the proposed site plan meets the approval criteria set out in Article 7, section 7.27(B) of the Zoning Ordinance:

- 1. The applicant will be required to provide the VLT% of the new door to verify compliance with this requirement; and**
- 2. Address the concerns of City Departments.**

There was no discussion from the public at 9:47 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

Motion by Ms. Whipple-Boyce

Seconded by Mr. Boyle to suspend the rules to take the Final Site Plan and SLUP for 1669 W. Maple Rd. together.

Motion carried,

VOICE VOTE

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

Nays: None

Absent: None

02-28-18

**FINAL SITE PLAN REVIEW
SPECIAL LAND USE PERMIT ("SLUP")**

1. 1669 W. Maple Rd. (First Presbyterian Church)

Request for approval of a Revised Final Site Plan and Design to permit a commercial catering business to operate in the existing church kitchen

Ms. Ecker explained that First Presbyterian Church is located on the south side of W. Maple Rd. between Pleasant and Larchlea Dr. The church is proposing to lease the kitchen in the lower level of the church to Canape Cart for the purpose of producing meals to be served off site. As a result of this change, the petitioner will require an amendment to their existing SLUP. Prior to the consideration of a SLUP Amendment, the City Commission refers the Site Plan and Design Review to the Planning Board. Should Planning Board approval be granted, a public hearing will be held by the City Commission to consider whether or not to grant the proposed SLUP Amendment.

This parcel of land is zoned R-1, Single Family Residential District. Churches are a permitted use in the R-1 District, subject to Special Land Use regulations. The church originally received a SLUP on May 13, 1991.

Canape Cart is a catering service run by two individuals whose operation formerly resided in the Drayton Avenue Presbyterian Church in Ferndale, Michigan. The closing of that church has forced Canape Cart to seek a new kitchen to lease to prepare their food offerings. The First Presbyterian Church has an existing kitchen located in the basement level of the Church. No changes are proposed to either the kitchen layout, the interior or the exterior of the Church. No signage is proposed for Canape Cart.

The lease with the church states that Canape Cart may use the kitchen daily anytime between the hours of 8 a.m. to 7 p.m.; however, the church has first right to use the kitchen for church events. Canape Cart proposes to prepare food in the church kitchen to be delivered and served at other venues in Metro Detroit. No details have been provided at this time as to the number or size of vehicles to be used to transport food to offsite locations.

Design Review

The kitchen is located in the lower level of the church on the southeast side of the building, facing the rear parking lot. The existing building will not be altered in any way, nor any new signage placed upon the building or the grounds. The amendment to the SLUP is consistent with the Zoning Ordinance; compatible with adjacent uses of land; the natural environment; the capabilities of public services and facilities affected by the land use; consistent with the public health, safety and welfare of the City; and will not be injurious to the surrounding neighborhood.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce that an e-mail from James Goss, Business Manager, First Presbyterian Church-Birmingham. dated February 26, 2018, be formally made a part of the record.

Motion carried, 7-0.

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

Nays: None

Absent: None

Chairman Clein noted the church is allowed in an R-1 Zone. However, the use they are trying to add is commercial. The ordinance only allows an accessory use that is customarily incidental to the Church. It was discussed that there are commercial enterprises in various churches around town. Consensus of the board members was that they are in generally in favor of the proposal, but they don't have the power to approve the SLUP Amendment. It was determined

that a formal interpretation from the Building Official and a recommendation from the City Attorney would be needed to clear up the matter.

Ms. Kathleen O'Neal, co-owner of Canape Cart Catering and Mr. James Goss, Business Manager of First Presbyterian Church, came forward to speak.

Mr. Jeffares wanted assurance there would never be refrigerated trucks running outside. He had the same concern about holding cooking classes. Also, Mr. Goss assured him there would never be alcohol on the site.

Ms. O'Neal explained they have rented the Presbyterian Church in Ferndale for 25 years but now the building is being sold. She went on to say that they would be responsible for catering events within the church. Mr. Williams replied that would be incidental if the kitchen were to be used for church purposes.

Motion by Mr. Boyle

Seconded by Mr. Williams to postpone 1669 W. Maple Rd. to March 14, 2018.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

02-29-18

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications (none)

b. Administrative Approval Requests

- 2400 E. Lincoln, The Sheridan at Birmingham - Replace louvers with glazing on west elevation.
- 559 W. Brown - Minor design alterations and changes to landscape plan.
- Mr. Baka explained that Toast wants to install a semi-permanent awning over the entire dining deck. All were in favor.
- Mr. Baka advised that Commonwealth wants to change their deck from diamond plated steel to wood. They would still have a diamond plated transition from the sidewalk. The planters would remain, however Commonwealth would be willing to give up the bamboo. The railing would still be slatted steel along the sides. There were no concerns.

c. Draft Agenda for the next Regular Planning Board Meeting of March 14, 2018

- Continuation of the public hearing on Site Plan Review Standards;
- Continuation of 1669 W. Maple Rd. SLUP;
- Continuation of the discussion on retail;
- Planning Board Action List

Draft Agenda for the Regular Planning Board Meeting of March 28, 2018

- 857 Redding (Preliminary Site Plan);

- Morrie Restaurant, 250 N. Old Woodward (SLUP and Final Site Plan);
- Hotel at 298 S. Old Woodward Ave. (Revised Final Site Plan & Design).

d. Other Business (none)

02-30-18

PLANNING DIVISION ACTION ITEMS

a. Staff report on previous requests (none)

Additional items from tonight's meeting

- Mr. Jeffares noted with respect to aerial photos that they should go 300 ft. out. Everyone agreed.

02-31-18

ADJOURNMENT

No further business being evident, the Chairman adjourned the meeting at 10:20 p.m.

Jana L. Ecker
Planning Director