

**CITY OF BIRMINGHAM
SPECIAL MEETING OF THE PLANNING BOARD
THURSDAY, FEBRUARY 27, 2020**

City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the special meeting of the City of Birmingham Planning Board held on February 27, 2020. Chairman Scott Clein convened the meeting at 7:30 p.m.

A. ROLL CALL

Present: Chairman Scott Clein; Board Members Stuart Jeffares, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Jason Emerine (arrived 7:33 p.m.), Nasseem Ramin

Absent: Board Members Robin Boyle, Bert Koseck

Administration: Brooks Cowan, City Planner
Laura Eichenhorn, Transcriptionist

02-26-20

B. Approval Of The Minutes Of The Regular Planning Board Meeting of February 12, 2020

Mr. Share requested that the premises discussed in the February 12, 2020 minutes be appended to the minutes for reference.

Ms. Whipple-Boyce and Mr. Jeffares commented positively on the thoroughness of the minutes.

Mr. Arpin, a member of the public, asked for permission to comment on the minutes. After being granted permission by Chairman Clein, Mr. Arpin said that the word 'attendant' in his final comments on page 11 should be changed to 'proportional' or 'respective'.

While the word 'attendant' was correctly used, Mr. Williams recommended 'respective'. Mr. Share agreed.

Mr. Share recommended to members of the public that in the future if they have concerns with meeting minutes, those concerns should be emailed to Planning Director Ecker so they can be submitted to the Board for review.

Motion by Mr. Share

Seconded by Mr. Williams to approve the minutes of the Regular Planning Board Meeting of February 12, 2020 as amended.

Motion carried, 6-0.

VOICE VOTE

Yeas: Share, Williams, Clein, Jeffares, Ramin, Whipple-Boyce
Nays: None
Abstain: Emerine

02-27-20

C. Chairperson's Comments

Chairman Clein noted that there would be two items postponed as noted on the agenda and a few reviews. He also welcomed the Board's newest student member, Rachel Hester.

He then said he wanted to comment on a report that was released the week prior.

Chairman Clein explained that the report showed pedestrian deaths from vehicular crashes went up across Michigan for the first time in almost a decade. He stated that while he had been exiting a Birmingham parking garage that evening he had three close encounters with vehicles speeding around blind curves.

Given both the report and his own experience, he said there was no better time to comment on the dangers of excessive driving speed and distracted driving. Chairman Clein stated distracted driving leads to an increase in serious and critical crashes, in addition to fatalities.

Chairman Clein concluded by imploring drivers to both slow down and to pay attention while driving.

02-28-20

D. Review Of The Agenda

City Planner Cowan noted that there may have been an issue with the plans for the orthodontic office being included in the agenda, and that he had the plans up on the projection screen as a result.

02-29-20

E. Old Business

- 1. 35001 Woodward (Parking lots & Hunter House)** – Revised Preliminary Site Plan & Community Impact Study Review to allow construction of a new 5 story mixed use building containing retail, office and residential uses (Continued from January 22, 2020, request by applicant for postponement to March 25, 2020).

Motion by Ms. Whipple-Boyce

Seconded by Mr. Share to postpone the Revised Preliminary Site Plan & Community Impact Study Review for 35001 Woodward (Parking lots & Hunter House) until March 25, 2020.

Motion carried, 7-0.

VOICE VOTE

Yeas: Whipple-Boyce, Share, Williams, Clein, Emerine, Jeffares, Ramin

Nays: None

02-30-20

F. Rezoning Request

- 1. 469 – 479 S. Old Woodward (Former Mountain King and Talmer Bank) –** Request for rezoning from B3/D4 to B3/D5 to allow construction of a new 9 story mixed use building (Proposed to be rescheduled to March 25, 2020).

Chairman Clein explained that the applicant did not have signs posted on their property regarding the rezoning request as required by ordinance so the hearing for the request had to be postponed as a result.

Chairman Clein asked City Planner Cowan to make sure that an email received by the Board from Dr. Mickey Schwartz dated February 19, 2020 regarding the matter be inserted into the permanent record. He also confirmed that new noticing on the matter would be sent out to all required properties even though the Board proposed to postpone to a date certain.

Motion by Mr. Williams

Seconded by Ms. Ramin to postpone review of the request for rezoning for 469 – 479 S. Old Woodward until March 25, 2020.

Motion carried, 7-0.

Chairman Clein clarified for Mr. Arpin that no site plan would be considered as part of this matter, and that only the potential recommendation for rezoning of this particular property would be considered. He said he would recommend the verbiage be updated to reflect that as part of the renoticing process. He also confirmed for Mr. Arpin that the agenda on March 25, 2020 would have all required documentation for consideration of the rezoning request.

VOICE VOTE

Yeas: Williams, Ramin, Share, Whipple-Boyce, Clein, Emerine, Jeffares

Nays: None

02-31-20

G. Special Land Use Permit Reviews

- 1. 160 W. Merrill (Dick O'Dows) -** Amendment of Special Land Use Permit to temporarily provide outdoor dining at the rear of the restaurant during 2020 due to Maple Road reconstruction.

City Planner Cowan and Mitch Black, owner of Dick O'Dows, presented the item.

Chairman Clein stated that the Willits Residential Association Community (WRAC) Director submitted an email stating the WRAC has been comfortable with the way Dick O'Dows has been running and that they only hope the restaurant will not impact vehicular movement in the alley.

Mr. Black said they were doing their best, and that he hoped in the future the alley could be made pedestrian only with relocated truck traffic. He confirmed for Mr. Share that Dick O'Dows would keep its tables and planters within its private property and not in the public alley.

Motion by Mr. Williams

Seconded by Mr. Jeffares to recommend approval of the applicant's request based on the plans submitted for a final site plan and design review for 160 W. Maple, Dick O' Dows to allow outdoor dining at the rear of the building from April 1 through November 15, 2020 during construction on E. and W. Maple.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Jeffares, Ramin, Share, Whipple-Boyce, Clein, Emerine

Nays: None

02-32-20

H. Final Site Plan and Design Reviews

1. 160 W. Merrill (Dick O'Dows) - Amendment of Special Land Use Permit to temporarily provide outdoor dining at the rear of the restaurant during 2020 due to Maple Road reconstruction.

Motion by Mr. Williams

Seconded by Mr. Share to recommend approval of the applicant's request based on the plans submitted for a final site plan and design review for 160 W. Maple, Dick O' Dows to allow outdoor dining at the rear of the building from April 1 through November 15, 2020 during construction on E. and W. Maple.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Share, Whipple-Boyce, Clein, Emerine, Jeffares, Ramin

Nays: None

2. 2101 E. 14 Mile Road (vacant parking lot) - Final Site Plan & Design Review for construction of new one story medical office building.

City Planner Cowan, Robert Cliff, architect, and John Kelly, developer and owner, presented the item.

In reply to Mr. Emerine, Mr. Kelly stated the screening wall along Mansfield would be built to whatever height the ordinance requires. Mr. Kelly also explained that there would be no cross-traffic between the neighboring parking lot, and that they would be installing curbs or whatever else the City recommends to prevent that from occurring.

Mr. Jeffares stated that with its 14 Mile-facing facade as proposed, this building would still have more glass than any other building along that stretch of 14 Mile. He said that in his experience of visiting another orthodontist's office, no matter how much glass the Board gets this office to install, there will still be blinds or some other way of obscuring the window to block out sun and maintain patient privacy. Mr. Jeffares argued that this is a good opportunity for the Board to use its discretion on window glazing requirements.

Ms. Whipple-Boyce said she would much rather see a brick wall than the proposed six foot stamped concrete wall.

Mr. Kelly said they would be happy to change the wall to brick.

Chairman Clein asked if they would consider widening their walkway from three feet to four feet to better accommodate visitors.

Mr. Cliff said they would widen the walkway to four feet.

In reply to Ms. Whipple-Boyce, Mr. Cliff said the brick of the screen walls could be visually compatible with the brick of the building. He explained the brick of the building is expensive, and so they would like to do a more cost-effective option for the walls.

Ms. Whipple-Boyce stated that the brick for the walls should be administratively approved in that case. Other Board members concurred.

Motion by Mr. Share

Seconded by Mr. Williams that the Planning Board approves of the Final Site Plan and Design Review for 2101 E. 14 Mile based on a review of the site plan submitted and the Planning Division's finding that the proposed site plan meets the requirements of Article 7, section 7.27 of the Zoning Ordinance with the following conditions:

- 1. The sidewalk on the north facade by the landscaping be increased to four feet;**
- 2. The masonry wall along the north property line be constructed of brick that is visually compatible with the building and is administratively approved by the Planning Department;**
- 3. The standards of Section 4.90(E)(b), 4.90(E)(c), 4.90(E)(d), and 4.90(E)(e) of the Zoning Ordinance are satisfied such that if the City, through consultation with the City Attorney, determines that the subject property is in a zoning district that allows mixed use that the Board will waive the 70% glazing requirement. If the City, through consultation with the City Attorney, determines that the zoning district of the subject property does not allow**

**mixed uses, then the applicant will *must* obtain a variance from the Board of Zoning Appeals; and,
4. Compliance with all department requests.**

Motion carried, 7-0.

VOICE VOTE

Yeas: Share, Williams, Clein, Emerine, Jeffares, Ramin, Whipple-Boyce

Nays: None

02-33-20

I. Miscellaneous Business and Communications:

a. Communications

b. Administrative Approval Correspondence

c. Draft Agenda for the next Regular Planning Board Meeting (March 11, 2020)

- **Next discussion of the draft master plan**

d. Other Business

Mr. Jeffares said that the signs that were around the City regarding the master plan discussions came down in the snow, and asked that the City put them back up.

Chairman Clein said he also wanted to express his thanks to whomever put up the signs in the first place because he said they helped effectively spread the word about the master plan discussions.

02-34-20

J. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

Chairman Clein said that the Planning Department was seeking comment from the Board regarding the current Planning Board Action list.

Mr. Williams recommended Board members email comments to Planning Director Ecker.

Chairman Clein said that would be fine if no one had comments this evening. He asked City Planner Cowan to be sure that glazing and rooftop solar panels either remain or are added to the list.

02-35-20

K. Adjournment

No further business being evident, the Chairman adjourned the meeting at 8:41 p.m.

Jana L. Ecker

Planning Director

APPROVED