

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, SEPTEMBER 25, 2019**  
City Commission Room  
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on September 25, 2019. Vice-Chairman Bryan Williams convened the meeting at 7:30 p.m.

**A. ROLL CALL**

**Present:** Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Nasseem Ramin; Student Representative Sophia Trimble

**Absent:** Chairman Scott Clein, Student Representative John Utley

**Present in Audience:** Alternate Board Member Jason Emerine

**Administration:** Jana Ecker, Planning Director  
Brooks Cowan, City Planner  
Laura Eichenhorn, Transcriptionist

**09-143-19**

**B. Approval Of The Minutes Of The Regular Planning Board Meeting of September 11, 2019**

Mr. Jeffares asked that the section regarding 117 Willits note that the Board's concerns were satisfied regarding changes requested at the previous meeting.

Mr. Share noted that page two, line five needed the word "too" to be added. He noted that on page three, line three the date should be changed to reference the August 14, 2019 meeting and not the incorrect date of August 11, 2019.

**Motion by Mr. Share**

**Seconded by Mr. Jeffares to approve the minutes of the Regular Planning Board Meeting of September 11, 2019 as amended.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Share, Jeffares, Koseck, Whipple-Boyce, Williams

Nays: None

Abstain: Boyle, Ramin

**09-144-19**

**C. Chairperson's Comments**

Vice-Chairman Williams conveyed Chairman Clein's apologies regarding his absence due to illness. Vice-Chairman Williams then requested that Planning Director Ecker explain why discussion of the first draft of the master plan was postponed until the City Commission-Planning Board joint meeting scheduled for October 17, 2019.

Planning Director Ecker explained the discussion was postponed in order to provide sufficient time for both the Board and the Commission to review the materials and to discuss the matter jointly.

**09-145-19**

**D. Approval Of The Agenda**

There were no changes to the agenda.

**09-146-19**

**E. Special Land Use Permit and Final Site Plan & Design Review**

**1. 2159 E. Lincoln – Lincoln Yard (former bus garage)** – Request for approval of a Special Land Use Permit and Final Site Plan and Design Review to renovate a vacant industrial building and operate two restaurants, Lincoln Yard and Little Yard utilizing an Economic Development license.

City Planner Cowan presented the item.

Planning Director Ecker told the Board the Commission would likely be setting a date for a public hearing at their October 7, 2019 meeting to determine whether this property would be included as part of the economic development district.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Share to receive and file one email from Alicia Birach, dated September 11, 2019 and one email from Sarah Winkler, dated September 23, 2019, both in support of the Lincoln Yard restaurant site.**

**Motion carried, 7-0.**

VOICE VOTE

Yeas: Whipple-Boyce, Share, Boyle, Ramin, Jeffares, Koseck, Williams

Nays: None

Mr. Share noted that the Cross Access and Parking Easement Agreement must be updated to reflect the correct address of Lincoln Yard at 2125 E. Lincoln, Birmingham, Michigan instead of

the incorrect 2525 E. Lincoln address provided. He also said the document the Board is not recorded, and that whatever is approved must be recorded so subsequent owners are bound.

Mr. Jeffares wondered whether the City might want there to be design consistency between the proposed on-site bicycle racks and benches and the bicycle racks and benches found elsewhere in the City **Rail District (in portion south of Lincoln)**. Mr. Jeffares also stated that if the project goes forward developers will have installed 22 City-standard lamp posts on one side of the street, and the City will have installed zero lamp posts on the other side of the street. Mr. Jeffares observed that the City has lowered its tax rate five years in a row while saying it does not have sufficient funds to perform these and similar installations.

Vice-Chairman Williams said it would be presumptive for the Board to recommend this site for an economic development license when the Commission has not decided how to proceed regarding a potential economic development district expansion. He said he was in favor of the project while not being in favor of the timing of the request. He stated he would not vote in favor of the proposal during the evening's meeting. Vice-Chairman Williams explained he was most in favor of considering the zoning issue for the area both separately and prior to considering the issue of a specific economic development license (EDL).

Vice-Chairman Williams invited the applicant to address the Board.

Curt Catallo of Union Joints addressed the Board and said he was present with Union Joints co-owner and lead designer Ann Stevenson, Eric Lyons, Matt Leone as lead project manager, Tony Yearego as project manager for the Lincoln Yard project, Jeff Klatt from Krieger Klatt, and Katherine Aboud from Armstrong White.

Mr. Catallo proceeded to thank City Planner Brooks and Planning Director Ecker for their work presenting the project to the Board. He then explained:

- In contrast with the project Union Joints proposed two years prior in Birmingham, this project is not seeking a bistro license.
- Typically if another developer were to come into the same space, they would propose tearing down a cinderblock building. Union Joints prefers to repurpose buildings and provide communities with a type of establishment the community does not already have.
- In response to concerns raised by Mr. Share and Vice-Chairman Williams regarding whether the proposed shared parking arrangements would provide adequate parking spaces during the day, that the hours the Armstrong White lot would have the most spaces available directly match Lincoln Yard's and Little Yard's needs. During lunch when there are more cars in the Armstrong White lot, only Little Yard will be open and it will be providing primarily grab and go service. When Lincoln Yard is open in the evenings for dinners, the Armstrong White lot will be entirely available for Lincoln Yard patrons.
- Union Joints emphasized solving potential parking issues at this site from the outset by choosing to develop in a very walkable area and by providing ample on-site parking.
- On site Little and Lincoln Yards have 42 times more spots than any restaurant Mr. Catallo could walk to from the City's municipal building at 151 Martin Street.
- It is appropriate for the parking lot availability to be reciprocal so that Armstrong White also has access to the Lincoln Yard lot, but Mr. Catallo does not anticipate that Armstrong White will generally utilize spaces in the Lincoln Yard lot.

- Union Joints anticipates many people will be walking or cycling to both Little and Lincoln Yards because designers at Armstrong White will be able to leave their cars in the Armstrong White and grab a quick meal, or people utilizing the ice rink or other local facilities would already be parked in the municipal lot.

City Planner Cowan summarized that there are 49 parking spaces on site at Lincoln Yards, nine parking spaces on street, **for a total of 58 parking spaces provided for the site.** ~~and~~ **An additional 16 parking spaces are also proposed on the adjacent property** through the proposed shared parking agreement with Armstrong White. The City requires that 65 parking spaces be available on-site, **and only 58 are provided on site, thus they are short 7 spaces.**

Mr. Boyle cautioned the Board that concerns over a lack of seven parking spaces, in an area with extensive parking available, should not be the determining factor in the Board's decision regarding this proposed \$3 million development.

Planning Director Ecker explained that under City ordinance the Board would not deduct the Lincoln Yard spaces that may be reciprocally available to Armstrong White. All those spaces may remain part of the Lincoln Yard parking space total. She also reminded the Board that the City performed a parking study in the Rail District approximately two years ago and found 2,483 parking spaces at that time. She stressed that there is ample parking in the Rail District, and especially in the south end of the Rail District where Lincoln Yard is proposed.

Mr. Jeffares said:

- He drives through the area frequently and has never seen an overflow of cars parked in the area. He added that a few days prior to the present meeting he drove by the ice rink and noted there were no cars parked in the rink's lot.
- If the Board's concern is having sufficient parking available during the lunch hour during the week, when school is in session the entire ice rink parking lot is empty. When school is not in session, the City melts the ice and puts in six pickleball courts, which will also not fill up the ice rink's parking lot during the day.
- The Board received letters of support from people who live in the neighborhood of Lincoln Yard saying they would be inclined to walk to the establishment.
- The Rail District is the largest neighborhood in Birmingham in terms of density which means that walking to Lincoln Yard will be an attractive option for many members of the community.
- He agreed with Mr. Boyle, saying that to stymie this project over seven parking spaces would be a mistake on the Board's part.

Mr. Koseck broached the architecture of the site, asking whether there was a way to increase the feeling of this building being connected to the street and therefore more of a pedestrian dominant area. He said that since the building cannot be moved his approach would be to increase the connectivity through changes to the hardscape and landscape. He said he would make a more heavily landscaped area by moving the landscaping forward and one parking space back in order to make a more pronounced entry for pedestrians.

Mr. Catallo agreed, saying Lincoln Yards could only benefit from making the changes Mr. Koseck was recommending.

Mr. Koseck continued, suggesting that the curb cut should be moved to align with the eastern-most drive aisle. He said he would do this to pull the driveway away from the pedestrian linkage which will also lead to cars slowing down. This would also provide Lincoln Yard's trash collectors a straight entrance to the establishment's dumpster instead of having to drive through the parking lot. He said he would like to see the pedestrian entryway emphasized more possibly with a bench and some lighting as well. Mr. Koseck said that would be an opportunity for Lincoln Yard to brand itself.

Mr. Catallo concurred, saying that Union Joints has made a number of changes since their first appearance in front of the Board with this project two years prior, but that there is more room to make changes to the layout of the parking lot.

In reply to Ms. Whipple-Boyce's question regarding meeting the 70% glazing requirement, Mr. Catallo explained:

- Lincoln Yards goes above the City's required glazing band but that it does not help the glazing calculations.
- The view from the street would include a lot of glazing that is not in the glazing calculation because it is a stand alone building. Observing that the City's glazing requirements are based off of storefronts, Mr. Catallo said the Lincoln Yards building stands in contrast to that since there is glazing at all four corners of the building.
- A driver would see incalculable glazing since they would see the glazing on the opposite side of the building which is not factored into the site's glazing requirements.
- Union Joints hopes their proposal satisfies the intention of the City's glazing requirement by providing an open, airy feeling. When they looked at changing the glazing so that it matched the City's requirements without needing calculations of the side windows and the side doors, it ended up looking like an auto repair establishment instead of a restaurant.
- Ms. Stevenson has worked very hard to celebrate the original intent of the building, and Union Joints believes their proposal maintains the glassiness of the building even if it does not meet the glazing requirement.

Mr. Jeffares drew the Board's attention to the fact that the Board reviewed this project on August 14, 2019 and in 2017. He said that the Board is usually good about not perseverating on an issue they have reviewed multiple times before and that the bottom line is that this is an excellent project. He said changing the glazing would make the building less aesthetically appealing than the submitted plans, and that holding the plans up over seven parking spaces would ignore the abundant parking available in the area. Mr. Jeffares maintained that the Board should not get lost in the details to the detriment of the overall proposal. He allowed that there may be some minor tweaks that would benefit the project, but that overall the project is of exceptional benefit and value to the City.

Mr. Boyle agreed with Mr. Jeffares, adding only that during the August 14, 2019 review he was eager to enhance pedestrians' ability to access the site. He said that he walked by three Birmingham restaurants recently which he was able to access via alleyways. He said he would love to be able to walk from Cole Street to Lincoln Yard as well.

Mr. Catallo said Union Joints is passionate about increasing access to the Lincoln Yard, and would be interested in making the boundaries between Lincoln Yard and any of its neighbors more walkable should the neighbors be interested in doing that.

Mr. Boyle said that if pedestrian access is not discussed at the Board level then it often does not occur. He said he was very serious about the benefit to Lincoln Yards that would follow from better pedestrian access to and from Cole. Mr. Boyle also urged the City to help make this area more walkable.

Vice-Chairman Williams invited public comment.

Katherine Aboud of Armstrong White addressed Board Members' concerns regarding available parking spaces at Armstrong White. Noting Mr. Share observed a nearly full parking lot at Armstrong White earlier on September 25, 2019 and was concerned about space availability, Ms. Aboud clarified that Armstrong White did have an event that morning that led to unusually high parking lot utilization. Speaking as someone at Armstrong White every weekday and sometimes on weekends, Ms. Aboud stressed that the Armstrong White lot, and the area in general, has a great deal of available parking. She said there is not high density parking use in the area. She concluded by reiterating her enthusiasm for the Lincoln Yard project, and said she hoped the the Board would move the project forward.

Mr. Share said he accepted Ms. Aboud's report of the parking situation in the area and that he did not now see a need for a parking study.

**Motion by Mr. Share**

**Seconded by Mr. Boyle that based on a review of the plans submitted, as the Planning Board finds that all of the requirements of Article 7, Section 7.27 and Article 7, Section 7.34 have been met, the Planning Board recommends approval to the City Commission of the Special Land Use Permit for 2159 E. Lincoln – Lincoln Yard to the City Commission, with the following conditions:**

- 1. The applicant obtain zoning amendment approval for the subject property to be eligible for an Economic Development Liquor License according to Chapter 126, Zoning Ordinance Appendix C, Exhibit 1, and Chapter 126, Zoning Ordinance Article 2, Section 2.39 MX Uses Requiring a Special Land Use Permit.**
- 2. The applicant provide details regarding what type of liquor license they will transfer into the City, who owns it, who it was purchased from, and whether or not they have endorsements attached to the liquor license.**
- 3. That the cross-parking agreement should allow cross parking during all hours the facilities are open.**
- 4. That the instrument recorded with the Oakland County Registrar of Deeds.**
- 5. That it be a breach of the SLUP if a parking agreement is not in effect.**
- 6. That the SLUP prohibit the relocation of ingress/egress drives without SLUP amendment.**

**Motion carried, 6-1.**

VOICE VOTE

Yeas: Share, Boyle, Whipple-Boyce, Ramin, Jeffares, Koseck

Nays: Williams

In reply to Vice-Chairman Williams, Mr. Koseck confirmed he would be comfortable with City staff approving enhancing the pedestrian entrance, increasing the landscaping, lighting and benches at the pedestrian entrance, and moving the ingress/egress to the east. He said staff should determine if moving the ingress/egress to the east can or cannot be done. He said he sees these as safety issues. Mr. Koseck also emphasized that he is enthusiastic about the project in general.

Mr. Emerine spoke as an engineer and a member of the public. He said that moving the entrance to the east would be safer for a shorter garbage truck, but not as safe for a longer delivery truck with a 40' trailer. He said shifting the entrance would make it impossible for the delivery trucks to access the loading docks. He noted that if a truck shows up in the late morning then it would be forced to make complicated maneuvers in order to use the lot while there are pedestrians walking to the restaurant. Mr. Emerine recommended shifting the entrance over so it lines up with the 21' radius to make the entrance line up north and south or staggering the curb to make a bit more room for the truck's end. He said he was more concerned about trucks hitting pedestrians than slow cars. **Mr. Koseck stated that he was persuaded by Mr. Emerine, and agreed with his comments.**

In reply to Ms. Whipple-Boyce, Mr. Emerine said he agreed that the safety of the left-hand turn into the lot should be fine since cars will be driving very slow in making the turn and looking for a space.

In reply to Vice-Chairman Williams, Mr. Emerine confirmed Union Joints could consider signage that indicates pedestrians will be crossing or any other number of enhancements to increase the safety of the area.

**Motion by Mr. Koseck**

**Seconded by Mr. Boyle that based on a review of the plans submitted, as the Planning Board finds that all of the requirements of Article 7, Section 7.27 and Article 7, Section 7.34 have been met, the Planning Board recommends approval to the City Commission of the Final Site Plan and Design Review for 2159 E. Lincoln – Lincoln Yard to the City Commission, with the following conditions:**

- 1. The applicant obtain zoning amendment approval for the subject property to be eligible for an Economic Development Liquor License according to Chapter 126, Zoning Ordinance Appendix C, Exhibit 1, and Chapter 126, Zoning Ordinance Article 2, Section 2.39 MX Uses Requiring a Special Land Use Permit.**
- 2. The applicant indicates a color for the city standard benches and trash receptacles.**
- 3. The applicant provides window details demonstrating an 80% VLT or greater.**
- 4. The applicant provide location and design specifics for the outdoor dining refuse containers.**

- 5. The applicant provides details regarding the material, size and height of the signs, as well as how they are attached to the wall.**
- 6. The applicant provides an operations floor plan.**
- 7. The applicant provide details regarding what type of liquor license they will transfer into the City, who owns it, who it was purchased from, and whether or not they have endorsements attached to the liquor license.**
- 8. The landscape zone south of the main entrance to the building be increased in width by reducing one parking space to the west of said landscape zone and increasing the parking lot to the east by one space to compensate to increase both the linkage to the pedestrian right of way and to increase safety.**
- 9. The applicant shall meet with adjacent property owners to explore pedestrian access on the north side of the proposed restaurant and report the results to City staff.**

**Motion carried, 6-1.**

VOICE VOTE

Yeas: Koseck, Boyle, Share, Whipple-Boyce, Ramin, Jeffares

Nays: Williams

**2. 298 S. Old Woodward – Daxton Hotel** – Request for approval of a Special Land Use Permit and Final Site Plan and Design Review to consider granting approval for a hotel liquor license in the B4/D4 zoning district.

Planning Director Ecker presented the item. She noted that conditions two, three and four could be removed from the approval criteria since the applicant indicated they would not be pursuing outdoor dining at this time.

Vice-Chairman Williams conveyed Chairman Clein's concerns about hours of operation and noise levels, specifying that Vice-Chairman Williams believed Chairman Clein's concerns to primarily regard outdoor dining. Vice-Chairman Williams said other residents had also expressed concerns about noise levels since the outdoor dining proposal was included in the agenda materials available to the public. Observing that the fifth floor of the site will be residential, Vice-Chairman Williams ventured that the applicant would also be concerned about noise levels. He concluded that discussions of outdoor dining at this site in the future would entail readdressing concerns about hours and noise levels.

Mr. Jeffares commented that the plans approved in August 2017 included a lighted via with a wine bar, and now the plans describe a storage room for the hotel with a small outdoor space potential for banquet functions. Describing the Townsend's banquet rooms as frequently devoid of activity while facing the street, Mr. Jeffares queried what pedestrians would routinely see when passing by the windows of the Daxton given the proposed changes. He noted that these and other changes are significant, and wondered how they changed so much from the originally reviewed plans.

Planning Director Ecker confirmed for Mr. Share that the parking that would be available would be able to handle the hotel's proposed volume of activity.



Mr. Share said he was not convinced that a hotel would need to be able to serve liquor from 7 a.m. to 11 a.m. in order to remain competitive.

Ms. Whipple-Boyce shared Mr. Jeffares' concerns about the changes in the plans. The Board had been provided with a set of plans to review, and when they arrived at the evening's meeting they were provided with a different set of plans many pages in length. Ms. Whipple-Boyce stressed the unlikelihood that Board Members would be able to pinpoint all the differences between the two lengthy sets of plans during the course of the meeting alone, and said she hoped that the applicant would be able to point out the changes that had been made.

Mr. Koseck agreed with Mr. Jeffares' and Ms. Whipple-Boyce's concerns. He said he noted the window sizes, colors, and other attributes were changing, and that he was not clear whether those changes had been previously accepted or whether those were modifications the Board Members were considering during the present meeting.

Ms. Whipple-Boyce noted the material of the proposed railings had also changed.

In response to one of Mr. Koseck's questions, Vice-Chairman Williams stated the public had not been provided with the documents the Board Members received at the outset of the evening's meeting.

Mr. Boyle agreed with his colleagues' stated concerns. He noted that the 'Previous' and 'Current' plans provided were dated for the same day, which he said was confusing as a reader.

Rick Rattner, attorney for the project, addressed the Board. He said he did not like having to deliver a set of plans the night of a meeting, but that he had tried to make necessary updates as quickly as possible in order to have them available for the Board, and subsequently the Commission. He continued:

- The whole set of plans was re-provided to the Board Members, but that the only changes were the ones noted specifically in Planning Director Ecker's review. He said it was not his or the applicant's intent to provide the Board Members with an unreasonable number of changes to review during the meeting.
- Every one of the documents attached to the SLUP was permitted and approved by the City. The applicant has moved forward with construction based on all the approved plans.
- In a large project like this, it is to be expected that there will be changes to the plans. All those changes were brought to the requisite City department for approval.
- Tim Ugima, president of the developer, Jeffrey Silverman, general counsel and executive vice-president of the developer, Marshall Butler, architect for the project, Pat Howe, the project's liquor attorney, and Aaron Black, the manager of the Daxton, were all in attendance.

In reply to Mr. Koseck's questions regarding the differences between the hardcopy plans provided to the Board and the elevation being shown on the projection screens, Mr. Butler explained that the hardcopies provided represented the accurate plans and the images being projected were preliminary drawings.

Planning Director Ecker explained the approved plans would have gone through the City's permit review process.

Ms. Whipple-Boyce recalled that after original approval the applicant returned to the Board where the metal panel material on the top floor was changed to a lighter-colored stucco, the railing was changed from glass to the present metal, and the residential rooms on the fifth floor have terraces.

Mr. Butler asked that the Board disregard the outdoor furniture specifications that were included in the electronic materials provided for the site, as the applicant is not pursuing outdoor dining at this time.

Ms. Whipple-Boyce asked Mr. Butler to delineate any other differences between the previous electronic materials provided and the accurate hardcopy materials provided regarding the site.

Mr. Butler stated:

- The southernmost streetlamp in front of the entry to the building is included in the hardcopy materials.
- A single story of bump-out is permitted with a long horizontal window as indicated in the hardcopy materials.
- The outdoor dining was removed from the hardcopy materials.

Mr. Butler then replied to Mr. Jeffares' comments regarding the winebar and the via, and to Mr. Boyle's question regarding the difference between a 'wine room' and a 'wine bar'. He explained:

- The applicant's decision to relocate the wine bar was to downsize that aspect of the hotel and tie it to the front of the building on the Old Woodward side.
- The proposed storage room of the via may become something different in future years depending on how the hotel operates.
- The wine room, as proposed, would not be accessible off of the via space. One must enter through the hotel in order to access the wine room. He said he would have to defer to another member of the applicant's team for further answers regarding how the space would be operated.

Aaron Black, general manager of the hotel, said the wine room would not be operated as an ongoing bar business for public access. It could be used as banquet space or for wine storage or display with cabinetry around the room.

Ms. Whipple-Boyce observed that the Board was being asked to approve the floor plan included in the paper packet, which indicated sofas and lounge chairs and decorations in the storage and wine room spaces. Given that Ms. Whipple-Boyce said she was comfortable with those proposed layouts. She also noted that the word 'gallery' does not necessitate retail and could refer to an entryway or vestibule, which she suggested was more likely the intent of the word in the plans. While Ms. Whipple-Boyce said she was sorry to lose the wine room and the outdoor dining from the via, she referenced the previous discussion regarding Lincoln Yard, and stated that such a tremendous and beneficial investment in the City should not be hindered as a result of something as small as moving a wine room off the via.

Mr. Black clarified that the wine room and parlors could be rented both by hotel guests and outside patrons who wanted to use the space. He explained that these spaces being at the front of the building means they will be show ready at all times in order to create an inviting environment. He explained that the storage rooms off the via are currently unprogrammed space but that it behooves the hotel to find something compelling and attractive to passerby. Mr. Black emphasized that it would be a lost opportunity for the hotel not to leverage that space to positive effect.

Mr. Share asked Mr. Black to consider a way that the Board could include the requirement for that room to remain productive and active within the SLUP requirements.

After being told that the room could not be screened off from the street to use it for storage, Mr. Black said he would need a bit more time to consider what parameters he could suggest to the Board for use of the space.

Vice-Chairman Williams underscored a previous point made by Mr. Jeffares that the Board does not want the storage room to resemble the Maple Road window view of Whole Foods. Vice-Chairman Williams added the window of the former Birmingham Drugs, which is now a CVS, and the window of Triple Nickle facing Woodward are two more windows the applicant should avoid replicating. He recommended the applicant visit those three locations to get a sense of what window views the Board would not look kindly upon.

Mr. Howe updated the Board on the liquor license application process for the hotel. He said the hotel would be applying for permits for portable bars to be used in reception and banquet areas in addition to the license being applied for from the State. The entire hotel would also be licensed from 7 a.m. to 2 a.m. because under state law, if a hotel guest wished to order an alcoholic beverage at time, the hotel bar could pour the drink and bring it up to the guest's room. That being the case, Mr. Howe also said the hotel is sensitive to noise issues and conscious of the fact that it will be a residential hotel.

Mr. Rattner added one comment regarding the via that the hope is still to maintain the area as an outdoor speakeasy with lights. He confirmed this with the owner, and these plans and plans for outdoor dining were included in the establishment's liquor application. He said the intent is that it would develop so that the plans for the via can be implemented appropriately.

Mr. Black confirmed for Vice-Chairman Williams that the Daxton Hotel would be sharing the same management company as the Foundation Hotel and Apparatus Room, both located in downtown Detroit. He stated that the ambience of the Daxton Hotel would be tailored to fit its Birmingham location, just as the ambience of the Foundation Hotel was tailored to fit its energetic downtown environment.

Vice-Chairman Williams replied, opining that the Foundation Hotel and Apparatus Room are fabulous and that while there will be differences between the Foundation and the Daxton, maintaining the same level of quality will be important.

Mr. Howe confirmed for Mr. Boyle that if the Daxton chose to pursue a course towards activating what is currently called the storage room on the plans, the Daxton would not need to return to

the State for an update to their liquor license as the whole building will be licensed once their current application is approved.

Vice-Chairman Williams clarified that the applicant would, however, need to return to amend their SLUP should they choose to install a permanent bar in any room not already approved as part of the original SLUP application.

Mr. Koseck addressed his fellow Board Members regarding the concerns raised about the windows of Whole Foods and Triple Nickle. He said that while he was not seeking to defend those establishments, both require a back-of-house which necessitates some of those aspects showing through the windows of their business. He explained the storage room being proposed is about the size of a one-and-a-half car garage which is 50 to 60 feet deep into the via, and pedestrians will pass a long wall where nothing of the interior will be visible. He said that while the storage for the banquet room items should have been determined appropriately prior to this meeting, the Daxton will need a space to store its banquet tables and chairs. Speaking as an architect Mr. Koseck explained that plans for a building tend to evolve right up until an application is approved by the City, and that is to be expected. He said he did not want to see the Board compel the Daxton to run a business in the 300 square feet in the back of the via.

It was clarified for Mr. Koseck that the plans the Board would be approving tonight would include the storage room with transparent windows, as indicated in the plans.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Share that based on a review of the plans submitted, as the Planning Board finds that all of the requirements of Article 7, Section 7.27 and Article 7, Section 7.34 have been met, the Planning Board recommends approval to the City Commission of the Special Land Use Permit for 298 S. Old Woodward – The Daxton Hotel, with the following conditions:**

- 1. The applicant correct all plan sheets for consistency and submit a revised operations plan if required prior to appearing before the City Commission;**
- 2. The applicant provide all signage details to demonstrate compliance with all requirements of the Sign Ordinance or obtain a variance from the Board of Zoning Appeals prior to appearing before the City Commission; and**
- 3. The applicant comply with the requests of the City Departments, especially Engineering.**

**Motion carried, 7-0.**

VOICE VOTE

Yeas: Whipple-Boyce, Share, Koseck, Boyle, Ramin, Jeffares, Williams

Nays: None

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Share that based on a review of the plans submitted, as the Planning Board finds that all of the requirements of Article 7, Section 7.27 and Article 7, Section 7.34 have been met, the Planning Board recommends approval to the City Commission of the Final Site Plan and Design Review based on the submission of**

**September 25, 2019, attached as Exhibit A, for 298 S. Old Woodward – The Daxton Hotel, with the following conditions:**

- 1. The applicant correct all plan sheets for consistency and submit a revised operations plan if required prior to appearing before the City Commission;**
- 2. The applicant provide all signage details to demonstrate compliance with all requirements of the Sign Ordinance or obtain a variance from the Board of Zoning Appeals prior to appearing before the City Commission; and**
- 3. The applicant comply with the requests of the City Departments, especially Engineering.**

**Motion carried, 7-0.**

VOICE VOTE

Yeas: Whipple-Boyce, Share, Koseck, Boyle, Ramin, Jeffares, Williams

Nays: None

**09-147-19**

**F. Pre-Application Discussion**

**1. 635 Elm Street – The Elsman**

John Marusich, architect, presented the conceptual drawings for an establishment that would be located at the corner of Elm and Bowers. The area is Zone MU-3, which allows for a building to go to 66 ft. in height if it meets the LEEDS and residential requirements, which the applicant intends to do. The basement will have parking, the street level will have the required retail component fronting on Elm, levels two and three will have a mix of one and two bedroom units, level four will be stepped back and have two units that share a terrace facing west and three units along the sides, and level five will be stepped back and will be one residential unit spanning the length of the building. These will be condominiums. There will be 21 residential units, with 1.5 parking spaces per unit. There will be 2100 sq. ft. of retail, and seven parking spaces for that. Five on-street parking spaces would count towards the building's required total. Thirty-six of the parking spaces would be located in the basement of the building. The balconies railings will be glass, and there will be seven foot sidewalks provided per the code requirements for the Triangle District. As planned, the balconies extend out six feet, but those may be reduced to five feet. The lowest balcony would be 16 feet off the ground.

Planning Director Ecker advised Mr. Marusich that the City has recently adopted ordinance language dealing with projections into the right of way at grade space and below. As a result, the proposed balconies would require a special approval from the City Commission.

Mr. Marusich said he would look into the City's roof ordinances as well, as he hoped to provide green space on the roof as an amenity.

Mr. Koseck explained that there was a rationale for creating criteria for projections into the right of way, since it encroaches visually on what would otherwise be public space. Mr. Koseck then

asked how Mr. Marusich perceives the demand for the units, and whether he would apportion them differently if parking requirements were not a factor.

Mr. Marusich said that larger units tend to sell less quickly than smaller units, but that the larger units will be upscale and appropriately designed for Birmingham. He then said he welcomed comment from the Board Members.

Vice-Chairman Williams said that the project would have to navigate the balcony issue and that the City needs more residential units available in the Triangle District.

Mr. Share said that slightly smaller units with slightly lower price points would be valuable to the City.

Mr. Marusich agreed, and noted Mr. Koseck's earlier point that parking requirements limit the number of apartments that can be offered. He also noted that Mr. Boyle had made the same point at prior Board meetings.

Mr. Marusich said the City's parking requirement discussion is evolving productively for the market demands. He explained he is doing projects in Detroit where if the development is within ¼ mile of Woodward the parking requirement is .75 spaces per unit. He also said he has been searching for an appropriate project in Birmingham to undertake with a particular developer he works with, but that the City's parking requirements have prevented them from being able to do so. He said that if he could build 700 - 800 sq. ft. one bedrooms and 1200 - 1300 sq. ft. two bedrooms that would be more of what both the City and the market are looking for.

Mr. Marusich thanked the Board for their feedback and bid them good evening.

**09-148-19**

**G. Miscellaneous Business and Communications:**

**a. Communications – Joint Meeting with City Commission, Thursday, October 17, 2019**

**b. Administrative Approval Correspondence**

**c. Draft Agenda for the next Regular Planning Board Meeting (October 23, 2019)**

- Brooklyn Pizza Bistro/SLUP Application
- 344 N. Old Woodward, postponed from this evening's agenda
- Jax Kar Wash
- Possibly 469-479 S. Old Woodward for a five-story building

**d. Other Business**

**09-149-19**

**H. Planning Division Action Items**

**a. Staff Report on Previous Requests**

**b. Additional Items from tonight's meeting**

**09-150-19**

**I. Adjournment**

No further business being evident, the Vice-Chairman adjourned the meeting at 10:28 p.m.

Jana L. Ecker

Planning Director

APPROVED