

City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, December 9, 2020
Held Remotely Via Zoom And Telephone Access

Minutes of the regular meeting of the City of Birmingham Planning Board held on December 9, 2020. Chairman Scott Clein convened the meeting at 7:33 p.m.

A. Roll Call

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Jason Emerine, Nasseem Ramin; Student Representative Rachel Hesler (all located in Birmingham, MI, except for Bryan Williams who was located in Commerce Charter Twp.)

Absent: Student Representative June Lee

Administration: Jana Ecker, Planning Director ("PD")
Jamil Alawadi, IT Staff
Brooks Cowan, City Planner ("CP")
Nick Dupuis, City Planner ("CP")
Laura Eichenhorn, City Transcriptionist

12-141-20

B. Approval Of The Minutes Of The Regular Planning Board Meeting of November 11, 2020

Mr. Share said that on page three of the minutes, the fourth full paragraph, second line, "On Old Woodward" should be changed to "On Woodward in the south gateway".

Mr. Jeffares said that on page four, third full paragraph from the bottom, "conveniently" should be added between "to" and "get".

Motion by Mr. Boyle

Seconded by Mr. Share to approve the minutes of the Regular Planning Board Meeting of November 11, 2020 as amended.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

12-142-20

C. Chairperson's Comments

Chairman Clein welcomed everyone to the virtual meeting. He stated the meeting was being held under the auspices of state legislation. Chairman Clein reviewed procedures for the meeting.

12-143-20

D. Review Of The Agenda

PD Ecker explained that while the Final Site Plan and Design Review for All Seasons Phase 2 at 219 Elm Street was properly noticed, the Special Land Use Permit for the same business was not. She suggested that the Planning Board hear the Final Site Plan and Design Review during the present meeting and that they postpone the SLUP review to a date certain.

The Board accepted PD Ecker's suggestion.

12-144-20

E. Special Land Use Permit and Final Site Plan Reviews

- 1. 856 N. Old Woodward – Fruition (New Building – The Pearl),** Final Site Plan and Design Review for changes to the building for the operation of a new food and drink establishment (no alcohol) in an O2 zone district.

CP Cowan stated the applicant requested a postponement of the evening's hearing.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to postpone the SLUP request and Final Site Plan Review for Fruition at 856 N. Old Woodward to January 27, 2021.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

- 2. 251 E. Merrill, Suite 236 – Tapper's Gold Exchange (Merrillwood Building),** Final Site Plan and Design Review to permit a jewelry store including the buying and selling of precious metals in a second floor suite.

Chairman Clein recused himself from the item citing a potential conflict-of-interest.

Vice-Chairman Williams facilitated the item's discussion.

PD Ecker presented for the City and John Henke spoke as attorney for the applicant.

Mark Tapper, owner and applicant, was also available.

In reply to Board inquiries, PD Ecker stated:

- No other applicants have expressed interest in opening a business that would be a regulated use within 1,000 feet of 251 E. Merrill.
- This location would be selling new jewelry in addition to buying and selling precious metals and jewelry.
- If this approval were granted, the approval would stay with the applicant and not with the location.

In reply to an inquiry from Mr. Share, Mr. Tapper stated that some small percentage of the business would be collateralized loans.

Mr. Henke explained lending is authorized by a pawn license, which Tapper's will seek from the Birmingham Police Department in the event of a SLUP approval.

Motion by Mr. Share

Seconded by Mr. Jeffares to recommend approval of the Special Land Use Permit to the City Commission to permit the operation of Tapper's Gold Exchange in compliance with Article 7, Section 7.36 and Article 7, Section 7.21 of Birmingham Code as a regulated use at 251 E. Merrill, Suite 236.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce to recommend approval of the Final Site Plan to the City Commission to permit the operation of Tapper's Gold Exchange at 251 E. Merrill, Suite 236.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

Mr. Tapper thanked the Board for their work on behalf of the City.

F. Final Site Plan Review

- 1. 219 Elm Street – All Seasons Phase 2 (vacant office building),** Final Site Plan and Design Review for new construction of a multi-family independent senior living building.

Chairman Clein resumed facilitation of the evening's meeting.

CP Dupuis presented the item.

Mark Hyland of All Seasons, Sam Beznos of Beztak Companies, project engineer John Thompson, and project architect Xander Bogaerts were present on behalf of the applicant.

Mr. Hyland stated that:

- There are no doors on the north facade, only windows. All the windows on the north facade will be fire and blast resistant.
- As soon as the building's energy needs are finalized with DTE and the necessary electrical equipment determined his team will submit proposals for screening the electrical equipment that will be ordinance-compliant.
- The comments provided by the Fire and Engineering Departments will be accommodated. All Seasons Phase 2 is working on configuring a fire command room as required.
- No front step was added to the building because the grade is flat and they did not want to change it unnecessarily.

It was discussed by the Board that if All Seasons Phase 2 were sold in the future to an owner who wanted to convert the building from senior housing to regular residential that the parking requirements for the building would increase significantly.

Mr. Boyle noted that while an MX use was not required for this parcel, mixed uses in general are encouraged in the Triangle Plan. He said he just wanted to bring that fact to the Board's attention.

Chairman Clein asked the applicants to fix discrepancies between the various submitted plans and to fix the one area of the connectivity plan that has no pavement or sidewalks. He offered his support for the project as long as all City conditions are met.

Mr. Share noted that the last Board discussion of the master plan draft explored the idea of increasing residential density in the Triangle District. While noting that such a proposal is not binding until the City adopts it, he said there did seem to be some indication that increasing residential density in this area would be desirable and that this project moves towards that. He also asked how the City will approach the matter of the 'bonus' stories for this building, to be earned through presumptive LEED certification, if the LEED certification is either 1. not ultimately granted or 2. granted, but falls short of the City's expectations.

Mr. Jeffares expressed dismay at the amount of hardie board proposed for the building. He said it struck him that the Board had no authorization to impose architectural standards in this case, and said they may want to look into changing that for the future.

Mr. Koseck expressed aesthetic and functional concerns with the project. He said:

- He liked the density and infill.
- While he had no problem with the height of the building, he found the massing odd in its context. If it were situated midblock between other similar buildings he said the massing would not be as noticeable, but that here it stands out as excessively imposing.
- In bigger cities first floor bedrooms and living rooms are either usually up half a level from the street or other architectural elements like courtyards and stoops provide a buffer. In contrast this proposal puts bedrooms and living rooms directly next to sidewalks, which

he said creates an awkward and uncomfortable pedestrian-resident interface. The options for residents are either to leave the blinds drawn, which serves to deactivate the streetscape, or to leave them open, which leaves pedestrians unsure of whether they are actually being invited to gaze in or whether they are intruding on someone's privacy.

- He had asked the applicant at the last review to have All Seasons Phase 2 echo only some of the materials and design of All Seasons, while making it its own unique design. He was disappointed that suggestion was not more realized in the most recent plans.
- The applicant should consider pursuing a variance for the fire-rated glass on the north facade since the adjacent building has the same owner. He said it would be a better experience for residents looking out of those windows and would match the other windows on the building.
- His misgivings made him unenthusiastic about the project as a whole. The project, however, seemed ordinance-compliant.

Mr. Williams agreed it was worth pursuing a variance for the fire-rated glass on the north side, noting that the worse-case scenario is that the applicant is turned down and has to implement its current plan.

Mr. Beznos told the Board that the applicant team met with the president of the nearest homeowners association in June 2020 and that the president expressed his approval of the plans, materials and designs for All Seasons Phase 2.

Motion by Mr. Boyle

Seconded by Mr. Williams to recommend approval to the City Commission the Final Site Plan and Design Review for 219 Elm St. – All Seasons 2 – subject to the following conditions:

- 1. The Planning Board approves the projections into the right-of-way on the west side of the building fronting Elm Street and on the south side facing the public alley;**
- 2. The applicant must either remove the awnings, or provide an easement acceptable to the City Attorney with the neighboring property owner for the use of the air rights to the north of the building;**
- 3. The applicant must provide specification sheets for all rooftop and ground mounted mechanical units, and the applicant must provide screening for the ground-mounted mechanical units or obtain a variance from the Board of Zoning Appeals;**
- 4. The applicant must submit corrected landscaping plans showing the proposed locations of all planting material;**
- 5. The applicant must provide lighting for the parking facility that meets the requirements of Article 4, Section 4.21 (F) or obtain a variance from the Board of Zoning Appeals;**
- 6. The applicant must submit material specification sheets for all of the required materials; and,**
- 7. The applicant must comply with the requests of all City departments.**

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

Motion by Mr. Williams

Seconded by Mr. Share to schedule the SLUP request review for All Seasons Phase 2 at 219 Elm Street on January 27, 2021.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

12-145-20

F. Miscellaneous Business and Communications:

a. Communications

The Board had a pre-application discussion with Jeffrey Atto, who expressed interest in potentially seeking a rezoning of his home from RZ1 to TZ3. He explained that since his business is mostly conducted through telecommuting, he would like the option to host one or two employees at his house at a time with the rest of his staff working remotely. He explained:

- His stretch of Lincoln is largely commercial, with an immense amount of on-street parking available.
- He took the proposal to his three closest neighbors, all of whom expressed approval of the idea.
- Converting his home to a home-office use would be mixed use, which is appropriate for TZ3, and the location fronts on a major road, which is another TZ3 requirement.
- He had this idea because of the Covid-19 pandemic, when he was re-evaluating the most optimal way to run his business.

Mr. Emerine and Mr. Jeffares confirmed there is a surplus of available parking near Mr. Atto's home.

Mr. Koseck, Ms. Whipple-Boyce and Chairman Clein noted that rezoning is a difficult bar to clear. Both Mr. Koseck and Ms. Whipple-Boyce noted that most of Lincoln is residential, and that a TZ3 rezoning would be out of place in that area.

Mr. Koseck added that, even if Mr. Atto's proposed use is low-intensity, once the parcel is rezoned it remains that way. This could allow a more intrusive business to occupy that parcel in the future and the City would have little recourse to prevent that.

Mr. Jeffares noted that while the City is trying to promote mixed uses in a number of areas, the City should pay attention to where mixed-use proposals arise organically. He cited the master plan draft's proposal for small commercial areas within neighborhoods, and said a business with one to three employees at a time could help promote that kind of activity. He also noted that, in

light of the pandemic, Mr. Atto is likely not the only resident reflecting on possible live-work options and said the City should be aware the matter is likely to come up again.

In response to a suggestion that he could have one or two employees over more informally without a zoning change, Mr. Atto noted that RZ1 specifically prohibits that option and that he is trying to operate lawfully.

Chairman Clein added that when residents express concerns about 'businesses intruding into neighborhoods' this kind of proposed configuration, rightly or wrongly, is what they are likely referring to.

Chairman Clein and Mr. Williams both expressed skepticism that rezoning would be likely in this case.

Chairman Clein thanked Mr. Atto for his thoughtful presentation and for bringing his ideas to the Board.

b. Administrative Approval Correspondence

c. Draft Agenda for the next Regular Planning Board Meeting (January 13, 2021)

- **Master Plan Draft Discussion**

d. Other Business

In reply to Mr. Jeffares, PD Ecker confirmed the City has been notifying the public about each master plan draft discussion meeting via City social media channels, packets sent out to neighborhoods, and City e-newsletters. She noted the pandemic is likely affecting attendance.

Mr. Jeffares suggested the City consider posting ground signs with the information about the master plan draft discussions around the City.

Mr. Williams added that discussion of these topics on the social media website Nextdoor indicates residents are at least thinking about the master planning topics. He said the City should continue to promote the master plan draft discussions on Nextdoor. He added that the City Commission should also continue to promote the master plan draft discussions at their meetings.

12-146-20

G. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

12-147-20

H. Adjournment

No further business being evident, the Chairman adjourned the meeting at 9:35 p.m.

Jana L. Ecker

Planning Director

APPROVED