

City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, June 23, 2021

Held Remotely Via Zoom And Telephone Access

Minutes of the regular meeting of the City of Birmingham Planning Board held on June 23, 2021. Chair Clein convened the meeting at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Nasseem Ramin; Student Representative Daniel Murphy

All located in Birmingham, MI.

Absent: Alternate Board Members Jason Emerine; Student Representative Jane Wineman

Administration: Jana Ecker, Planning Director ("PD")
Nick Dupuis, City Planner ("CP")
Laura Eichenhorn, City Transcriptionist

06-082-21

B. Approval Of The Minutes Of The Regular Planning Board Meeting of June 9, 2021

Motion by Mr. Boyle

Seconded by Mr. Share to approve the minutes of the Regular Planning Board Meeting of June 9, 2021 as submitted.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

06-083-21

C. Chair's Comments

Chair Clein welcomed everyone to the virtual meeting and reviewed the meeting's procedures.

06-084-21

D. Review Of The Agenda

Given that the majority of the items on the published agenda were to be rescheduled, the Chair recommended the Board consider holding a study session regarding the June 21, 2021 PB-CC joint meeting at the end of the evening's agenda.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to implement the Chair's recommendation under Miscellaneous Business and Communications, Other Business.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

06-085-21

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

1. 300 & 394 S. Old Woodward, and portions of 294 E. Brown – New Construction (Capital Title & Frank's Shoe Service, portions of Coldwell Banker Weir Manual parking lot), Request for a Special Land Use Permit request to consider approval of a new four story building, including a request to operate a restaurant using an Economic Development Liquor License. (Matter to be rescheduled to July 14, 2021)

Chair Clein recused himself at 7:36 p.m. from this item due to a potential conflict stemming from a business association he had through his company.

Vice-Chair Williams assumed facilitation of the meeting at 7:36 p.m.

Ms. Ramin participated in place of Chair Clein in the discussion of, and vote on, this item.

Ms. Whipple-Boyce and Mr. Share stated they would not be present at the July 14, 2021 meeting.

Vice-Chair Williams noted that the Chair would also be absent from discussion of the item.

Since the Board has two alternates, PD Ecker recommended that the Board reschedule the item to July 14, 2021 and postpone again at that time if necessary.

Motion by Mr. Boyle

Seconded by Mr. Koseck to amend the rules of procedure for the July 14, 2021 meeting to allow for the Special Land Use Permit review and Final Pite plan and Design review for 300 & 394 S. Old Woodward and portions of 294 E. Brown.

Public Comment

David Bloom said he believed that additional noticing requirements on the part of he applicant may have been violated and asked if the Planning Board would investigate.

Vice-Chair Williams said that was outside the Board's purview and recommended Mr. Bloom raise the item with the Commission at their June 28, 2021 meeting or with City Manager Markus.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

Motion by Mr. Boyle

Seconded by Mr. Koseck to schedule the Special Land Use Permit review and Final Site Plan and Design review for 300 & 394 S. Old Woodward and portions of 294 E. Brown for the Board's the July 14, 2021 meeting.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

06-086-21

F. Final Site Plan and Design Review

1. 35001 Woodward (Parking lot & Hunter House), Request for Final Site Plan and Design Review to consider approval of a new 5 story mixed use building.

Chair Clein resumed facilitation of the meeting at 7:44 p.m.

PD Ecker reviewed the item.

Mr. Williams echoed Mr. Jeffares' comment from a previous meeting that City departments need to provide comments on applications in a timely manner. He noted that this is the second time recently that the Engineering Department has failed to provide comments. He ~~exhorted~~ **requested that** the City to resolve whatever issue was preventing timely comments from being offered, stated that a lack of comment is unacceptable on a continuing basis, and said that the City Manager should be made aware of the issue.

Chair Clein asked the City Transcriptionist to make sure Mr. Williams' comments were minuted.

Mr. Williams noted that changing this building to residential will result in less of a strain on parking in the area since more onsite parking will be provided, and that the plans moved the entry to the underground parking away from the traffic bottleneck of Maple and big Woodward. He said both of those were significant improvements from prior iterations of the plans for this site.

In reply to Mr. Koseck, PD Ecker confirmed that the City would need more information to ensure that the plans for the roof comply with both building codes and zoning requirements.

Mr. Koseck said that while the materials and building were high-quality, he said did not feel that the building had sufficient verticality in its facade openings as required by the architectural standards for the overlay district.

Mr. Williams asked if more horizontality made sense in this case since floors three and four are residential, as opposed to the Greenleaf Trust building where those floors are office uses.

Mr. Koseck said that the ordinance does not specify that the requirements for verticality are dependent either on the length of a building or on the uses for different floors. He stated the requirement for verticality made sense to him and that there was a reason the overlay standards were written as they were.

Kevin Biddison, architect, spoke on behalf of the project. He stated the project would use the standard City bike racks and would meet the clear glazing standards. He said he would also provide the City with information on roof access and would work on that with the Planning Department. He explained that the light elements proposed were previously approved and used at 100 Woodward. He noted that the lighting for those is so indirect that the light cast on the ground cannot be calculated for a photometric plan.

Regarding Mr. Koseck's comments about verticality, Mr. Biddison noted that 35001 Woodward would be about double the length of the Greenleaf Trust building, inherently leading it to seem more horizontal in comparison. He listed a number of elements included in the composition intended to increase verticality. He noted that the materials used comply with the ordinance requirements, and opined that it is positive for the City to have a variety of architectural styles.

In reply to Mr. Share, Mr. Biddison confirmed that pages 68 and 69 of the plans most accurately represent what the windows would look like. He noted they would have vertical mullions and would not be wide, single panes of glass.

In reply to Mr. Boyle, Mr. Biddison said the roof would be used to provide quiet green space for residents.

Public Comment

Mr. Bloom raised concerns about the development's potential impact on parking. He said he wanted to see an homage to Hunter House Hamburgers featured in the plans in some way, and said that while he understood the building looked high-end he found it to be lacking in character.

Kelly Cobb, owner of Hunter House Hamburgers, reiterated his statement from previous meetings that this development remained in violation of his rights per the deed restrictions on the Hunter House Property. He acknowledged the City has stated the issue is a civil matter regarding the contractual obligation between himself and the developer.

Seeing no further public comment, Chair Clein returned discussion to the Board.

Mr. Jeffares concurred with Mr. Koseck's comments, saying that he found the proposed building to be insufficiently complementary to the surrounding architecture. He said that while he agreed with Mr. Biddison's comments on the value of a variety of architectural styles, he said that these plans did not represent the kind of variety the City needed.

Mr. Koseck noted that the Daxton had a more horizontal elevation and added enough vertical elements to meet the standards of the architectural overlay. He said that the majority of the plans were superlative and that he was only recommending tweaks to the design. He agreed with Mr. Jeffares that while he supported architectural variety, this building had a noticeably horizontal bias and that the ordinance sought to promote more verticality.

Ms. Whipple-Boyce said she understood her Board colleagues' concerns but stated she liked the building. She expressed appreciation that the building was not overly ornamented. She noted that the color palette of the elevation did not accurately reflect the materials shown in the materials board. She explained that if the rendering of the elevation better matched the materials to be used the horizontal bias would be less pronounced.

Mr. Share and Chair Clein both addressed the Hunter House issue, reiterating the City's ongoing stance that the Board's actions should in no way be interpreted to reflect on the private dispute between the owner of Hunter House Hamburgers and the developer of this property.

Mr. Share said that a number of elements of the building's facade seemed to draw the eye vertically and not horizontally. He said he was untroubled by the building's design. He also noted that complementary architecture can be broadly defined in terms of scale, massing, and materials and that this building need not fully mirror the Greenleaf Trust building to be complementary to it.

Mr. Boyle said it was positive that this development had come this far and that it met many if not all of the conditions for the area. He noted this remains a significant location in southeast Michigan and said he would like to see it occupied. He said he would be in favor of moving this project forward.

Mr. Jeffares said that because this was an important site the Board could afford to take a bit longer to ensure the design was one the City was proud of.

Chair Clein noted that the City has been seeking small residential units downtown. He said he could not remember a project since he had been on the Board that had offered that, and that this one does. He said while he respected Messrs. Koseck's and Jeffares' concerns, he said he was persuaded by Ms. Whipple-Boyce's and Mr. Biddison's comments that the rendering sells the building short in terms of verticality and that the building complies with the spirit and intent of the ordinance. As a result, he continued that he would support a motion to move the item forward with no disrespect for those Board members inclined to vote otherwise.

Regarding Mr. Bloom's parking concerns, Chair Clein noted that the Commission is currently reviewing parking issues in the Parking Assessment District and stated that all concerns regarding that topic would be most appropriately addressed to the Commission.

Motion by Mr. Boyle

Seconded by Mr. Williams to approve the Final Site Plan and Design for 35001 & 35075 Woodward – The Maple – with the following conditions: 1. The City Commission approves a lease agreement with the applicant to use public property; 2. The applicant lower the height of the rooftop screening to 10’ or obtain a variance from the Board of Zoning Appeals; 3. The applicant correct the plans to show at least one of the loading spaces to be 12’ in width, or obtain a variance from the Board of Zoning Appeals; 4. The applicant increase the height of junipers screening the transformer and fuse box to 6’, and select another type of daylily; 5. The applicant correct the photometric plan and elevations for accuracy and consistency to show all proposed light fixtures and the corresponding light levels; 6. The applicant provide dimensions for the proposed utility sized brick, and further specifications on the clear glazing and obtain administrative approval for same; 7. The Planning Board approves the 2’ projection for the steel canopies marked on the plans; and, 8. The applicant comply with the requests of all City Departments.

Public Comment

David Bloom said the City could request changes to the development since the project requires a lease of City property. He also expressed concern about the legal dispute between the owner of Hunter House Hamburgers and the developer in terms of potential legal implications for the City.

Motion carried, 5-2.

ROLL CALL VOTE

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

Nays: Koseck, Jeffares

2. 34745 Woodward Avenue – Jax Car Wash, Request for Final Site Plan & Design Review for circulation and layout changes to the existing car wash site. (Request by applicant to postpone to July 28, 2021)

After brief discussion, the Board agreed it would be most appropriate to postpone this item without a date certain given the number of previous postponements requested by the applicant.

Mr. Koseck noted that the site could still use improvements, and said he did not want the postponement to be seen as an endorsement of the site’s current conditions.

Motion by Mr. Share

Seconded by Mr. Koseck to postpone the Final Site Plan and Design review for 34745 Woodward Avenue – Jax Car Wash indefinitely.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

06-087-21

G. Miscellaneous Business and Communications

a. Communications - Live meetings starting in July 2021

b. Administrative Approval Correspondence

PD Ecker notified the Board that the HDC requested changes to Bloom Bistro's plans. She asked whether the Board wanted to review the updated plans once available.

After brief Board discussion, it was decided that the Planning Board would only review the project again if the updated plans included changes to the site plan.

c. Draft Agenda for next meeting

d. Other Business

Chair Clein summarized his understanding of the directives from the Commission regarding outdoor dining and parking standards.

The Board agreed that the goals of the outdoor dining review would be to:

- Incentivize outdoor off-season dining;
- Review the placement of decks and enclosures;
- Ensure that additional outdoor off-season dining does not become an extension of the indoor space;
- Solicit feedback from restaurateurs of all types in the City;
- Seek possible ideas from local, national and international examples;
- Review the current ordinance for issues;
- Review tickets that were given out to temporary outdoor dining operations;
- Review photos of the variety of temporary outdoor dining structures that were used around the City;
- Explore options for maintaining permanent aspects of outdoor dining structures even if the parts of the structures come down in different seasons;
- Discuss potential differences in policy for outdoor dining on public versus private property;
- Solicit feedback from Public Services and the BSD;
- Review agreements from temporary outdoor dining to see if any of the temporary policies might be worth integrating;
- Consider aspects like sidewalk widths and snow clearing in writing the policy;
- Maintain the current seating allowances for differently-sized establishments and maintain the differences for establishments holding different kinds of licenses for alcoholic beverage service; and,
- Recommend a permanent solution so that restaurateurs do not have to continue to adapt to changing policies.

Public Comment

Joe Bongiovanni expressed optimism about the upcoming review of outdoor dining and said he looked forward to participating in the discussions. He said that in terms of his restaurants, Market North End and Luxe might both be good case studies in that the outdoor dining at Luxe might be appropriate for longer-term whereas the outdoor dining at Market North End would be less so.

In terms of timing, the Board concurred that outdoor dining would be the second priority after the master plan second draft and that study sessions in July and August would focus on outdoor dining. The aim would be to have new ordinances in place for the 2021-2022 fall/winter dining season.

The Board agreed that the goals of the parking standards review would be to determine whether the City's current zoning requires too many spaces for certain types of uses or in certain contexts. They agreed that they would compare Birmingham's standards to other municipalities to see how those issues are addressed elsewhere.

Mr. Boyle recommended the City consider hiring a consultant to help guide the review of the parking standards, stating that it is an enormous and serious topic that should not be addressed on the fly.

Chair Clein said the Board could start to get a broad idea of the topic, and could concurrently discuss with PD Ecker and CM Markus whether there is a need, willingness, or budget to bring on a consultant to guide the process.

Mr. Williams asked Chair Clein to communicate the Board's understanding of these two charges to make sure there are no misunderstandings from the outset.

Mr. Share stated that the parking issue would be best guided by the master plan, and recommended that the Board's studies of the issue do not get excessively in-depth until the master plan's recommendations on parking are more clear.

Mr. Boyle concurred with Mr. Share and suggested that parking could be discussed as part of the review of the second master plan draft.

The Board concurred that this would be the third priority on their action list.

Chair Clein said that the Board and Staff should begin familiarizing themselves with the factors that go into devising parking standards as preparation for the Board's review of the subject.

Public Comment

Mr. Bloom said that parking is the largest issue facing Birmingham aside from unimproved streets and encouraged the Board to face the task of reviewing parking standards accordingly.

06-088-21

H. Planning Division Action Items

- a. Staff Report on Previous Requests**
- b. Additional Items from tonight's meeting**

06-089-21

I. Adjournment

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

Jana L. Ecker

Planning Director

APPROVED