

City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, January 27, 2021
Held Remotely Via Zoom And Telephone Access

Minutes of the regular meeting of the City of Birmingham Planning Board held on January 27, 2021. Chair Scott Clein convened the meeting at 7:29 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 Members Jason Emerine (left at 9:11 p.m.), Nasseem Ramin (all located in Birmingham, MI, except for Bryan Williams who was located in Commerce Charter Twp.)

Absent: None.

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

01-009-21

B. Approval Of The Minutes Of The Regular Planning Board Meeting of January 13, 2021

Mr. Share recommended that on page two, in the third bullet point of the second list, the beginning be changed to read 'Accessory Dwelling Units (ADUs)' so as to clarify what the acronym stands for. In the second to last bullet point of the second list on page two he recommended that it say "Some residents lack **confidence in** the validity of the population growth statistics contained in the draft master plan."

Mr. Williams asked that 'single-story' be excised from the first bullet point in the second list on page two.

Motion by Mr. Williams

Seconded by Mr. Boyle to approve the minutes of the Regular Planning Board Meeting of January 13, 2021 as submitted.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

01-010-21

C. Chairperson's Comments

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

01-011-21

D. Review Of The Agenda

There were no changes to the agenda.

01-012-21

E. Special Land Use Permit and Final Site Plan Review

1. 856 N. Old Woodward – Fruition (New Building – The Pearl), Special Land Use Permit request and Final Site Plan and Design Review for changes to the building to permit a new food and drink establishment (no alcohol) in an O2 zone district.

CP Cowan presented the item.

There was discussion regarding the fact that the parking ordinance in this case would require as many parking spaces as chairs, or possibly more parking spaces than chairs, because it is calculated based on interior square footage. There was consensus that this would be inordinately burdensome to the applicant in this case, and consensus that this aspect of the parking ordinance should be reviewed by the Planning Board in the future.

A number of Board members discussed possible ways of reducing the parking burden on the applicant. There was discussion from some Board members that a variance could be recommended to the Board of Zoning Appeals for this case since the applicant was requesting so few seats.

Chair Clein noted that, as long as the ordinance remains as-written, the Board has no flexibility in making these parking requirements less burdensome. As far as potentially recommending a variance, he stated that the issue is self-created since the owner of the building knew the parking requirements when he rented the retail spaces to more parking-intensive uses than originally proposed in his plans.

Mr. Williams concurred with the Chair that the owner of the building caused this issue by pursuing three parking-intensive retail uses in an area already affected by parking shortages.

Ms. Whipple-Boyce and Mr. Koseck both noted that Fruition is the kind of business the City would want to encourage in this location.

Chair Clein agreed with Ms. Whipple-Boyce and Mr. Koseck, even though he noted that this would not make the Board any more able to lessen the parking requirements in this case. Ordinances must be applied evenly. He suggested that his colleagues may not be advocating as much for parking flexibility outside of the ordinance if this were for a salon or spa use.

Lindsey Sales, co-owner of Fruition, said they were willing to take the interior seating down to six seats total if that would help. She added that this location, in contrast with their Grand Rapids location, would not be serving smoothies. She said all of the food and beverages would require very little prep time which would be less likely to tax parking. She said she and her sister, the other owner, were not warned by the building owner that parking would be an issue and said they likely would not have rented the space if they had known it might be.

Mr. Williams agreed with the Planning Division's recommendation that the applicant be given time to try and negotiate better parking conditions with the building owner, since either the salon and the spa could possibly give up a chair to create more parking for Fruition. Mr. Williams said that in the event that does not work, the Planning Board could consider limiting the SLUP for Fruition to four seats and two parking spaces which might allow the BZA to consider granting a variance.

Motion by Mr. Williams

Seconded by Mr. Boyle to postpone the Special Land Use Permit and Final Site Plan for 856 N. Old Woodward – Fruition to March 24, 2021. The purpose of the postponement is to provide an opportunity for the building owner and all three commercial tenants to consider reaching an agreement where all tenants involved satisfy the requirements of the Zoning Ordinance and have submitted acceptable updated floor plans with new occupancy permits signed by the tenant representatives who acknowledge any changes.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

Mr. Williams said he would like to see the master plan team review the issues stemming from this item in terms of parking requirements. He said the master plan team should also address how the City historically discouraged residential and encouraged commercial uses via the creation of the Parking Assessment District.

Chair Clein said it would be helpful if the master plan team were to make recommendations for potential ordinance changes that would address Mr. Williams' points. He also said the City might not want to wait on reviewing the general parking ordinances particularly when talking about yields.

01-013-21

F. Special Land Use Permit

1. 219 Elm Street – All Seasons Phase 2 (Vacant office building), Special Land Use Permit request for new construction of a multi-family independent senior living building.

CP Dupuis reviewed the item.

Mark Highlen and Sam Beznos were present on behalf of the application.

Mr. Highlen explained that they had proposed some potential alternate materials since some members of the Board had said they wanted a bit more attention to aesthetics during the Final Site Plan and Design Review in December 2020.

Mr. Koseck said he was more comfortable with leaving the design as-is since the Board had already approved it and since they were not being provided with examples of the proposed material changes during the current meeting. He said he was all right with the proposed changes to the brick.

Mr. Highlen said the applicant was willing to leave the appearance as decided at the December 2020 meeting and said if they wanted to change the appearance further they would return to the Planning Department for further direction on how to pursue that. He also stated that it is the applicant's intention to meet even more of the LEED standards than currently laid out in the draft scorecard to ensure that they end up achieving certification.

Motion by Mr. Williams

Seconded by Mr. Share to recommend approval to the City Commission of the Special Land Use Permit for 219 Elm St. – All Seasons 2 – subject to the conditions of Final Site Plan approval and simultaneous with the Planning Boards previous recommendation regarding the final site plan and design review.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

01-014-21

G. Final Site Plan Reviews

1. 35001 Woodward – The Maple (Vacant lot, Hunter House) – Request for Revised Preliminary Site Plan Review to revise first floor of new 5 story mixed use building to include surface parking (Request by applicant to postpone to March 24, 2021).

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to postpone the revised Preliminary Site Plan Review for 35001 Woodward – The Maple (Vacant lot, Hunter House) to March 24, 2021.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

2. 2101 E. 14 Mile Road – Medical Office Building (vacant parking lot), Revised Final Site Plan and Design Review for new construction of a one story medical/dental office building.

CP Cowan reviewed the item.

The point was raised that the neighboring owner said he would like the owner of 2101 E. 14 Mile to install a row of concrete bumper blocks in addition to the row he already installed in order to prevent vehicles from going back-and-forth between lots.

Mr. Williams pointed out that people could always park in one lot and walk to the opposite business, so the row of concrete bumper blocks would not prevent intermingling of customers to the two businesses in the lots.

Mr. Koseck also said that an additional row of concrete bumper blocks would not likely be any more effective than the single row already present.

Robert Cliff, architect for the project, was present on behalf of the application.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Jeffares to approve the Revised Final Site Plan and Design Review for 2101 E. 14 Mile, which includes continued support from the Planning Board for waiving the glazing requirements, based on a review of the site plan submitted finding that the proposed site plan meets the requirements of Article 7, section 7.27 of the Zoning Ordinance.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

Mr. Koseck ~~complemented~~ **complimented** the plans for the building.

Mr. Williams said he thought the revised plans were even better than the originally approved plans.

01-015-21

H. Pre-application Discussion - Brown and Watkins – Portion of property facing Watkins

Thomas Saracino, Dan De Martinis and Paul Samartino talked the Planning Board through the tentative plans.

Concerns were raised by the Board members regarding the amount of concrete/impervious material, the small amount of green space, and the neighbors' historic advocacy for only a single family residence to be on this lot.

Mr. Jeffares noted that attached single family residential could be built as of right on this property.

Mr. Share and Chair Clein said the neighbors had previously felt that another builder had insufficiently discussed the plans for this property with them, which is part of the reason they had come out against that builder's proposals. They recommended Mr. Saracino and his team speak with the neighbors about any of their plans.

Mr. Saracino said he would speak to the neighbors but that he did not want to do so before officially purchasing the property. He said it is his modus operandi to reach out to the neighbors of his developments to create a good working relationship.

In reply to recommendations by Board members, Mr. Saracino confirmed that he did read previous minutes of Board meetings regarding this property. He said a lot of the concern had been with the provision of off-street parking, and that his plans include ample off-street parking to address that. He said he also would intent to meet all ordinance requirements including any about pervious and impervious ground materials. He suggested that pavers could be used for the driveways in order to begin addressing that issue.

Chair Clein said that if Mr. Saracino and his team stick to all the ordinance requirements that they will get the support of the Planning Board, but noted that the requirement for public input adds an element of time to the project. He said only Mr. Saracino can know whether the budget for the project would support the time required to engage with the public.

01-016-21

I. Miscellaneous Business and Communications:

- a. Communications**
- b. Administrative Approval Correspondence**
- c. Draft Agenda for the next Regular Planning Board Meeting (February 10, 2021)**
 - **Master Plan Discussion on the Neighborhoods**
- d. Other Business**

01-017-21

K. Planning Division Action Items

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

01-018-21

I. Adjournment

No further business being evident, the Chair thanked staff and the Board and adjourned the meeting at 9:48 p.m.

Jana L. Ecker

Planning Director

APPROVED