City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, September 9, 2021
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on September 9, 2021. Chair Clein convened the meeting at 7:39 p.m. as the result of initial technical difficulties.

A. Roll Call

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

Absent: Board Member Robin Boyle; Alternate Board Member Jason Emerine (arrived 8:11 p.m. via Zoom), Student Representatives Daniel Murphy, Jane Wineman

Administration: Jana Ecker, Assistant City Manager ("ACM")
Brooks Cowan, City Planner ("CP")
Nick Dupuis, City Planner ("CP")
Laura Eichenhorn, City Transcriptionist

F&V: Julie Kroll

09-129-21

B. Approval Of The Minutes Of The Regular Planning Board Meeting of August 25, 2021

Motion by Mr. Williams
Seconded by Ms. Whipple-Boyce to approve the minutes of the Regular Planning Board Meeting of August 25, 2021 as submitted.

Motion carried, 7-0.

VOICE VOTE
Yeas: Williams, Whipple-Boyce, Share, Ramin, Koseck, Jeffares, Clein
Nays: None

09-130-21

C. Chair's Comments

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

09-131-21

D. Review Of The Agenda

09-132-21

E. Unfinished Business

1. 525 E. Brown (Birmingham Roast), Request for Design Review for changes to existing outdoor dining area (postponed from July 28, 2021).

CP Dupuis reviewed the item. He noted that the applicant was now seeking approval for the 2022 outdoor dining season, and was no longer seeking to install the outdoor dining area during the 2021 outdoor dining season.

The applicant was not present.

Mr. Jeffares opined that the City's requirements for this proposal seemed more onerous than the requirements for other outdoor dining setups in the City.

In light of the applicant's intent to delay installation until 2022, Mr. Share recommended postponing this review until after the Board concludes its study of the City's outdoor dining standards.

Mr. Koseck concurred with Mr. Share.

Motion by Mr. Williams
Seconded by Mr. Share to postpone consideration of the design review for 525 E. Brown (Birmingham Roast) to February 23, 2022.

Motion carried, 7-0.

VOICE VOTE
Yeas: Williams, Whipple-Boyce, Share, Ramin, Koseck, Jeffares, Clein
Nays: None

Chair Clein noted that the concerns from the Building Official and Fire Marshal were code, and not ordinance, related. He stated that the City's ordinance needs to take code implications into account. He asked CP Dupuis to reach out again to the Fire Marshal and Building Official for clarification regarding the definitions and code implications.

09-133-21

F. Final Site Plan & Design Review

1. 34745 Woodward Avenue – Jax Kar Wash, Request for Final Site Plan & Design Review for circulation and layout changes to the existing car wash site.

ACM Ecker presented the item.

Jason Milen, owner, and Bradley Scobel, attorney, were present on behalf of Jax Kar Wash.

Mr. Milen stated that the plans presented by ACM Ecker were not the final ones submitted by the applicant. Messrs. Milen and Scobel reviewed the differences between the plans presented by ACM Ecker and the final submitted plans.

Mr. Milen said the changes were being proposed in order to the increase efficiency, aesthetic appeal, and safety of the site.

Mr. Koseck said that in order to gain his vote the plans would have to increase their attention to aesthetic improvements to the site.

Chair Clein noted that the new plans would need to be made available to the Board, City departments, the City's traffic consultant, and the public for review before the Board could vote on the proposed changes. He said the City would expedite the review of the final plans so as not to further delay the applicant.

ACM Ecker said that CP Dupuis determined that the City had indeed received a hardcopy of the final plans but had not considered them as part of this review. She apologized for the error.

Motion by Mr. Williams
Seconded by Mr. Share to postpone consideration of the final site plan and design review for 34745 Woodward Avenue (Jax Kar Wash) to September 23, 2021.

Mr. Koseck recommended the applicant make improvements to the aesthetics of the building's site with particular focus on the building's awning. He also asked why the signage plans did not comply with the ordinance.

Mr. Jeffares concurred with Mr. Koseck regarding the building's awning.

Mr. Milen said he would change the signage proposal to comply with the ordinance. He also said he had plans for improvements to the awning that he would include in his next submittal.

Motion carried, 6-1.

ROLL CALL VOTE
Yeas: Williams, Whipple-Boyce, Share, Ramin, Jeffares, Clein
Nays: Koseck

09-134-21

G. Community Impact Study Review and Preliminary Site Plan Review

1. 245 – 325 S. Eton Street – District Lofts Phase III, Request for approval of a CIS and a Preliminary Site Plan Review for a new four story mixed use building (Postponed from August 25, 2021).

ACM Ecker reviewed the CIS. She noted that the applicant submitted an updated traffic impact study which addressed all issues previously identified by Julie Kroll of F&V.

Motion by Mr. Williams
Seconded by Ms. Whipple-Boyce to receive and file a letter from F&V, dated September 8, 2021, which was furnished to the Board members but not included in the evening's agenda packet.

Motion carried, 7-0.

VOICE VOTE
Yeas: Williams, Whipple-Boyce, Koseck, Share, Ramin, Jeffares, Clein
Nays: None

Ms. Kroll confirmed that the Eton and Lincoln intersection is Level of Service F as referenced in her letter. She explained that finding and said the Multi-Modal Transportation Board would be looking at potential improvements to the intersection.

The Chair thanked Ms. Kroll for her work on the item over the Labor Day weekend.

Victor Saroki, architect for the project, stated the project would address all comments from City departments.

Mr. Share recommended the applicant consider extending the sidewalk and pedestrian scale streetlights to the north in front of the Big Rock Chophouse building.

Chair Clein noted that new stormwater retention standards were recently introduced by Oakland County and may impact the project.

Mr. Saroki acknowledged both Mr. Share's and the Chair's comments.

The Chair thanked the applicant for a thorough submittal.

Motion by Mr. Share
Seconded by Mr. Williams to accept the Community Impact Study as provided for 325 S. Eton with the following conditions:

1. **Applicant provide a public access easement to separate the sidewalk from the street and provide space in the right-of-way for City required street trees and street lights to be included along the frontage of the proposed building which will match the right-of-way along the eastern portion of S. Eton Road that exists to the south of the proposed Phase 3 building at Final Site Plan review.**
2. **The applicant indicate an area for the collection of recyclables in the dumpster enclosure; and,**
3. **The applicant indicate on the plans that the fire lane on the east side of the property (Villa) provide proper turn radius for the Birmingham Fire Department's largest vehicle and that a fire truck can turn into the access drive**

at the northeastern portion of the property (Big Rock, Phase 3, and Parking Deck) without disruption of islands, structures, or landscape.

Motion carried, 7-0.

VOICE VOTE
Yeas: Share, Williams, Whipple-Boyce, Koseck, Ramin, Jeffares, Clein
Nays: None

ACM Ecker reviewed the preliminary site plan.

ACM Ecker confirmed for Chair Clein that the City Attorney concurred with the Planning Department's findings regarding a clerical error in the Zoning Ordinance Article 2, Section 2.40 MX (Mixed Use) Table 2.40.3. A memorandum regarding the issue was provided in the evening's agenda packet.

It was stated that the same applicant team from Phase II of the District Lofts was working together on Phase III. Victor Saroki, architect, noted that this team has worked together on this campus for the last 15 years.

Mr. Saroki continued that the traffic and parking congestion on-site would be improved since the banquet hall was being removed, meaning that vehicular use would be more staggered. He stated the project would comply with all departmental comments. He explained that the intent was to make a companion building for the other two buildings, with complementary design and materials, instead of using the same design and materials. He noted that the residential units would be smaller than those available in the other two buildings.

In reply to Mr. Jeffares, Mr. Saroki stated the applicant team decided to develop the park for shared use by all three buildings instead of a rooftop amenity.

Mr. Share highlighted for the applicant team that, as noted in section 4.01 of ACM Ecker's report, certain retail uses could require parking in excess of the amount available. He cautioned them to be aware of that fact when selecting tenants.

Mr. Saroki confirmed the applicant team would be cognizant of the parking requirements for tenants.

In reply to Chair Clein, Mr. Saroki stated the drives were designed to efficiently facilitate pickups, dropoffs, and deliveries.

Mr. Koseck recommended the applicant team consider a piazza design to enhance the pedestrian-friendliness of the campus.

Chair Clein said he was enthused about the smaller residential units, and that the proposed use would be more appropriate than the previous banquet use.

Motion by Mr. Williams

Seconded by Mr. Jeffares to approve the Preliminary Site Plan for 325 S. Eton Street with the following conditions:

1. The applicant provide a public access easement to the City to accommodate the required space to install required street trees and street lights in a manner consistent with the Eton Street Corridor and to maintain a 5 foot public sidewalk;
2. The applicant provide plans indicating one Rail District City standard street lamp and one street tree for every 40 feet of frontage for Final Site Plan Review;
3. The applicant provide plan indicating additional public amenities along S. Eton Street including Rail District standard benches, bike, racks, and refuse containers for Final Site Plan and Design Review;
4. The applicant apply for a Special Land Use Permit to have greater than 6,000 square feet of commercial space on the first floor in the MX zone;
5. The applicant apply for design review by the Historic District Committee;
6. The applicant provide a first floor ceiling height of 12 feet for the 1st floor in the MX zone;
7. The applicant label materials and dimensions for the dumpster screen wall and gate for FSP review to verify all dumpster screening requirements are met;
8. The applicant properly screen the ground level transformers with landscaping 5' in height; and,
9. Provide all specification sheets including but not limited to building materials, screening materials, signage, streetscape items, glass, light fixtures, mechanical units and landscaping be included for Final Site Plan and Design Review.

Motion carried, 7-0.

VOICE VOTE
Yeas: Williams, Jeffares, Clein, Whipple-Boyce, Koseck, Share, Ramin
Nays: None

09-135-21

H. Study Session Items

1. Outdoor Dining

CP Dupuis reviewed the item.

Topics raised for further consideration included:
- Whether to allow full, partial, or no walls;
- If allowing walls, what height, transparency, and materials should be permitted;
- Whether to allow overhead coverings or just umbrellas;
- How to distinguish between wind breaks and walls;
- How to define enclosures, roofs, and sides;
- Whether to have different allowances for MX areas and the central business district;

- Whether to have different allowances for public and private properties, and what to do if a business has outdoor dining that uses both;
- Changing 'improving' public health to 'protecting' public health;
- Whether to require some kind of barrier to protect the required five-foot clear path for pedestrians;
- How to make outdoor dining operations both more standardized and more efficient, with ideas including: tables with heating elements below the table tops, standardizing the permitted heating elements, having a layout with a shared fire and tables around the fire -- if safe, whether the BSD might look into hiring one unified contractor to replace and refill propane tanks, and how the heated sheds in Northville, MI could provide a model for standardization;
- Whether to create a bit more flexibility in allowing outdoor dining in front of neighboring businesses with consent;
- Whether artificial turf or plants should be permitted;
- Whether there should be some reference in the Intent to how outdoor dining at restaurants can allow people to be together in a pandemic when other options may be less safe or available;
- How the requirements of the plumbing code are enforced for outdoor dining without decks;
- Whether natural gas or electricity might be more appropriate than propane tanks for helping to provide heat;
- What specifications should be made for allowed materials;
- How to replace 'restaurants' with a broader word that encompasses other establishments like cafes or ice cream shops;
- How to specify that part of the goal is to protect the public use of public property; and,
- Whether an establishment should be permitted to have outdoor dining on both a sidewalk and a deck.

CP Dupuis stated that the BSD was working on developing comments for the discussion, and hoped to have them ready by October.

Ms. Whipple-Boyce asked that departments elaborate their reasons when making recommendations that are not part of the legal requirements.

Chair Clein thanked the APC for their feedback and said he wanted to make sure they remained involved in the process. He said he was a little concerned about how the City would limit the number of decks per block, and whether outdoor dining should be permitted on a first-come, first-serve basis, but said that otherwise he agreed with the bulk of the APC's comments.

There was Board consensus that the City should require outdoor dining plans to be professionally done.

09-136-21

I. Miscellaneous Business and Communications

a. Communications

Mr. Williams asked that meeting agendas with both site plans and study sessions be split into two separate files in the future for ease of use.

b. Administrative Approval Correspondence
c. Draft Agenda for next meeting
d. Other Business

09-138-21

J. Planning Division Action Items
a. Staff Report on Previous Requests
b. Additional Items from tonight's meeting

09-139-21

K. Adjournment

No further business being evident, the Chair adjourned the meeting at 10:42 p.m.

Jana L. Ecker

Assistant City Manager