

City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, March 23, 2022
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 23, 2022.
Chair Scott Clein convened the meeting at 7:36 p.m.

A. Roll Call

Present: Chair Scott Clein; Board Members Robin Boyle, Bert Koseck, Daniel Share, Janelle Whipple-Boyce; Student Representatives MacKinzie Clein, Andrew Fuller

Absent: Board Member Stuart Jeffares, Bryan Williams; Alternate Board Members Jason Emerine, Nasseem Ramin

Administration:

Nick Dupuis, Planning Director
Leah Blizinski, City Planner
Brooks Cowan, Senior Planner
Laura Eichenhorn, City Transcriptionist

03-61-22

B. Approval Of The Minutes Of The Regular Planning Board Meeting of March 9, 2022

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce to approve the minutes of the Regular Planning Board Meeting of March 9, 2022 as submitted.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

03-62-22

C. Chair's Comments

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

03-63-22

D. Review Of The Agenda

03-64-22

E. Unfinished Business

None.

03-65-22

F. Rezoning Applications

None.

03-66-22

G. Community Impact Studies

1. 294 E. Brown St. – Request for new 4-story mixed-use building

Chair Clein recused himself from Items G1 and I1 at 7:38 p.m., citing a business relationship with one of the applicants. Items G1 and I1 were discussed together.

At the Chair's request, Mr. Boyle assumed facilitation of the meeting at 7:38 p.m.

PD Dupuis reviewed the updates to the community impact study (CIS) and the preliminary site plan and design review.

In reply to Mr. Share, PD Dupuis confirmed that the City's traffic consultant was advising improvements to the pedestrian crossings on Brown Street. Those improvements would include rebuilt crosswalks and ramps, restriped crosswalks, and a signalized crossing with flashing beacons on Brown. He stated the applicant was willing to implement those improvements. He said he would consider that a CIS condition as opposed to a site plan condition.

Victor Saroki, architect, and Michael Dul, landscape architect, spoke on behalf of the project.

Mr. Saroki confirmed that the applicant team was willing to make the aforementioned pedestrian improvements to Brown. He continued that the project was planned to complement the RH project. He explained why synthetic plantings were being proposed for one area of the site and what the project might do if the synthetic plantings were not approved. He offered to bring synthetic plantings for the Board's review at final site plan should the Board be interested.

Mr. Dul described the synthetic plantings being proposed as white birch with a limited amount of ground cover.

In reply to Mr. Koseck, PD Dupuis stated that Article 4, Section 4.20 would allow the Board to provide a waiver for 'innovative landscaping'.

Mr. Boyle asked the applicant to bring images and samples of the proposed synthetic plantings for review at final site plan.

Mr. Share also asked the applicant to let the Board know if there were any examples of the birch-type synthetic plantings in use somewhere nearby.

Mr. Dul said he would let the Board know if he could think of an example. He said he hoped it would not start a trend in Birmingham 'with front lawns and such'.

In reply to Mr. Share, Mr. Saroki confirmed that while windows were considered for the west elevation in order to break up the view of brick on the first floor, they were decided against because they would only provide a view of the garage ramp and utility spaces. He stated that plantings would be used to enliven the area instead.

PD Dupuis recommended that a mural be considered for the west elevation as part of the City's new wall art program. He said the applicant had previously expressed interest in that as well.

Public Comment

David Bloom expressed general approval of the project, while raising concerns about its impact on parking in the downtown area. He recommended the project consider having the upper three floors be entirely residential and that the City consider a private-public partnership with the developer to add more on-site parking partially for public use.

Mr. Boyle raised concerns about increasing office vacancy rates nationally and asked if the second floor could be retrofitted for a use other than office if necessary.

Mr. Saroki stated that the second floor will be identical to the residential floors in terms of height, windows, and footprint, so changing the use would be feasible if desired at some point in the future. He added that the office real estate market in Birmingham is currently strong and that a number of prospective office tenants have already expressed interest in renting out the second floor.

Mr. Koseck praised the project and spoke in favor of the inclusion of an office use within the project.

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce to accept the Community Impact Study as provided by the applicant for the proposed development at 294 E. Brown with the following conditions:

- 1. The Planning Division suggests that the applicant review any and all opportunities on site to provide stormwater detention in the form of green infrastructure;**
- 2. The applicant comply with the requests of the City's traffic consultant and submit a final transportation impact study;**
- 3. The applicant must comply with the requests of all City departments; and,**
- 4. That the applicant improve the pedestrian crosswalk on Brown, slightly to the west of 294 E. Brown, by installing signage, updating the ADA ramps, and restriping the crosswalk.**

Motion carried, 4-0.

ROLL CALL VOTE

Yeas: Share, Boyle, Whipple-Boyce, Koseck

Nays: None

03-67-22

H. Special Land Use Permits

1. 2225 E. 14 Mile – Our Shepherd – SLUP request for parking lot/circulation improvements and minor exterior façade changes.

After the review of Items G1 and I1, Chair Clein resumed facilitation of the meeting at 8:26 p.m.

PD Dupuis reviewed the item.

David Priskorn, Director of Operations for Our Shepherd, Howard Adams, Chair of the Board of Trustees for Our Shepherd, and Mark Abanatha, architect, spoke on behalf of the project.

Ms. Whipple-Boyce said she did not believe screening was necessary. She said she was concerned about the height and number of signs proposed. She said she appreciated the plans for the landscaping and street trees.

In reply to Board inquiry, PD Dupuis said he did not believe the ordinance imposes limitations on signage heights for religious institutions.

Mr. Boyle asked if the church had considered a further reduction in the size of their parking lot given potential changes in attendance.

Mr. Priskorn said that attendance was regularly at two-thirds to three-quarters of pre-pandemic rates.

Mr. Koseck said he felt that the site had unique adjacencies and conditions that made screening unnecessary. He said the plans would result in a number of improvements to the site. He said he was less concerned about the size of the sign on 14 Mile given the speed of traffic on the road. He said he was also glad to hear the parking lot and vehicular access are shared with Eton Academy (Eton).

Mr. Share concurred with Mr. Koseck regarding the signs on 14 Mile, though he said the sign could stand to be smaller on Melton. He said he was interested in seeing some sort of separation between the church's lot on the north side of the property, and Eton's lot.

Chair Clein and Mr. Share both said they would be supportive of landscaping at the north side of the property to visually provide some break between the two parking lots.

The Chair offered praise for the planned bio-garden, pedestrian improvements, and increases in landscaping. He said he wished the size of the parking lot would be reduced a bit further. He also agreed that the size of the sign on Melton could likely be reduced. He said that neither of those issues would cause him to vote against the project.

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce to recommend approval to the City Commission the Special Land Use Permit for 2225 E. 14 Mile – Our Shepherd – subject to the conditions of Final Site Plan approval.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

03-68-22

I. Site Plan & Design Reviews

1. 294 E. Brown St. – Request for new 4-story mixed-use building

Discussed during Item G1.

Motion by Mr. Koseck

Seconded by Mr. Share to approve the Preliminary Site Plan for 294 E. Brown with the following conditions:

- 1. The applicant must remove the synthetic planting material (turf, groundcover, birch trees, etc.) as currently proposed, or at final site plan review provide alternative definitions and how it might be considered in reference to Article 4, Section 4.20;**
- 2. The applicant must submit revised plans showing a loading space that meets the requirements of Article 4, Section 4.24 (C) of the Zoning Ordinance;**
- 3. The applicant must submit material specifications, samples and all other required information for the proposed building to complete the Design Review at Final Site Plan; and**
- 4. The applicant must comply with the requests of all City Departments.**

Motion carried, 4-0.

ROLL CALL VOTE

Yeas: Share, Boyle, Whipple-Boyce, Koseck

Nays: None

2. 2225 E. 14 Mile – Our Shepherd – Final Site Plan and Design Review request for parking lot/circulation improvements and minor exterior façade changes.

Discussed during Item H1.

Motion by Mr. Boyle

Seconded by Ms. Whipple-Boyce to recommend approval to the City Commission the Final Site Plan and Design Review for 2225 E. 14 Mile – Our Shepherd – subject to the following conditions:

- 1. The applicant must submit revised site plans with parking lot screening that meets the requirements of Section 4.54, or obtain a variance from the Board of Zoning Appeals;**

- 2. The applicant must submit revised landscaping plans replacing the prohibited Burning Bush Plantings with a permitted species;**
- 3. The applicant must submit revised site plans with the required street trees on Melton and 14 Mile, obtain a variance from the Board of Zoning Appeals, or obtain a waiver from the Staff Arborist;**
- 4. The applicant must submit revised photometric plans that meet the requirements of Article 4, Section 4.21 of the Zoning Ordinance;**
- 5. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals; and,**
- 6. The applicant must comply with the requests of all City Departments.**

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

3. 36877 Woodward – Gasow – Preliminary Site Plan request for a new 2-story building and associated site improvements

SP Cowan presented the item.

In reply to Mr. Koseck's comments about the number of conditions, PD Dupuis noted that approximately a third of the items were topics that the Board does not usually address until final site plan and design review.

Mike Matthys, architect, and Mike Bailey, owner of the property, spoke on behalf of the project. Mr. Matthys said adding sufficient screening to the north parking spots, accommodating the 14 foot floor-to-floor minimum, adjusting the sidewalks to meet the zoning requirements, and providing the materials for refuse container screening would be no issue.

Mr. Matthys said he was hoping to hear Board comment about screening in the rear of the building, screening on the south side of the parking lot, and access to the parking lot from Woodward. He added that the plans could likely meet the glazing requirements without issue.

Mr. Koseck said he would like to see the applicant modify the site plan to come closer to having 75% of the building façade within zero to five feet of the front lot line. He recommended that the lobby area be within zero to five feet of the front lot line with the exam room areas being further back. He said he was excited to see a new building with quality materials in this location, but that aspects of it could come further into compliance with the ordinance.

Mr. Bailey noted the site's conditions are difficult since it is bound by Consumers, DTE, and extant MDOT curb cuts. He said that the site could not accommodate more parking in the rear because of the alley and the topography. He opined that while requiring the building façade to be within zero to five feet of the lot line makes sense to prevent a gap in retail in a pedestrian-heavy area,

this site does not have those conditions and so the requirement may not be as relevant in this case.

Public Comment

Brady Blaine, neighbor of Gasow, summarized his letter to the Board requesting a few areas of additional screening on-site.

Robert Runco, neighbor of Gasow, concurred with Mr. Blaine's comments. He added that the alley to the south should remain closed and that the 16-foot light should be shielded appropriately.

Messrs. Blaine and Runco were both in favor of the general designs and plans for the project.

Ms. Whipple-Boyce said that in this condition she understood why the plans did not comply with TZ-3, and expressed support for the planned improvements to the site. She continued that she would be supportive of having a six-foot masonry screening wall across the rear parking given the comments of the neighbors. She said some creativity would be required to create some screening beyond the parking to the south. She said it did make sense for the wall to be in the southwest portion of the main parking lot, but that landscaping would be adequate in the area facing Woodward.

In reply to an inquiry from Ms. Whipple-Boyce, the applicant confirmed that the lack of a sidewalk from the rear entry to the main parking lot is because only staff would be using the rear entry and would be parking in the alley.

In reply to Mr. Boyle, PD Dupuis noted the applicant would be obligated to improve the alley if they continue using it. He also acknowledged Mr. Boyle's recommendation that Staff see how they might facilitate other improvements to the area surrounding the property, including the utilities uses, in order to make the area to the north more attractive to potential tenants.

Mr. Koseck recommended the applicant consider eliminating a few of the parking spaces on-site in favor of increased landscaping if at all possible.

Chair Clein thanked the applicant for agreeing to install a screening wall according to the neighbors' requests, and advised the applicant that projects that work with the neighbors produce better results. The Chair continued that the screening in the rear will be useful and that he did not see a need to change the screening in the front. He said he would prefer to see evergreen screening along the north property line rather than a masonry wall. He said he felt to some extent that the applicant was trying to skirt the ordinance by characterizing the project as a rebuild. He said he was not sure whether he would support a variance relating to that.

Mr. Matthys said that given the feedback from the neighbors and the Board the applicant would not be seeking a variance for the screening wall. He said he would work with neighbors to design a screen wall they would support. He said the applicant would pursue a variance from the requirement that 75% of the building façade be within zero to five feet of the front lot line. He stated that if the variance is not granted the applicant would attempt to comply with the ordinance.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Share to approve the Preliminary Site Plan for 36877 Woodward Ave, Gasow Veterinary Clinic, with the following conditions:

- 1. The applicant apply for a lot combination to consolidate the parcels where the updated veterinary clinic is proposed;**
- 2. The applicant modify the site plan to have 75% of the building façade within 0-5 feet of the front lot line, or obtain a variance from the Board of Zoning Appeals;**
- 3. The applicant reduce the parking lot frontage to 25% or less of the front lot line, or obtain a from the Board of Zoning Appeals;**
- 4. The applicant satisfy all parking lot screening and buffer requirements of Article 4, Section 4.53 and 4.54 of the Zoning Ordinance for the proposed on-site and off-site parking lots through an understanding with the neighbors regarding satisfying to lot screening, or obtain a variance from the Board of Zoning Appeals;**
- 5. The applicant indicate materials and dimensions for mechanical units and refuse container screening;**
- 6. The applicant obtain approval from the Police Department to count on-street parking spaces towards their parking requirement;**
- 7. The applicant modify the site plan to have 6 foot wide sidewalks on-site and a 7 foot wide sidewalk along Woodward Ave;**
- 8. The applicant modify the site plan to incorporate two (2) entrances facing Woodward Ave;**
- 9. The applicant modify the site plan to eliminate large blank walls on both floors of the southern and western elevations;**
- 10. The applicant provide 5 bike racks to service the building;**
- 11. The applicant submit material specifications, samples, dimensions, and all other required information for the proposed building to complete the Design Review at Final Site Plan and SLUP review; and,**
- 12. The applicant comply with the requests of all City Departments.**

Ms. Whipple-Boyce said she was comfortable moving the item since discussion clarified that many of the items would either be resolved or addressed at the BZA.

Mr. Koseck said he would vote no on the motion until the Board can gain more insight on the curb cuts from Woodward and the related on-site traffic flow. He said he would like to hear from the City's traffic engineer on the safety of that aspect of the design.

Chair Clein directed Staff to ensure that all outstanding issues between the applicant and the City's traffic engineer, BZA, MDOT, neighbors, and other potentially relevant parties are resolved before the project returns to the Board for final site plan and design review.

Motion carried, 4-1.

ROLL CALL VOTE

Yeas: Share, Boyle, Whipple-Boyce, Clein

Nays: Koseck

4. 191 N. Chester – OneStream – Design Review request for new dumpster enclosure

CP Blizinski presented the item.

The Chair acknowledged an email from Robert Citrin of 532 Willits regarding whether trash would be put on the property or on the street.

Kevin Biddison, architect, spoke on behalf of the project. He stated the trash would remain in-place until collection, and then would be immediately returned to its enclosure. He noted that this would occur outside of times when the lot is in use.

Ms. Whipple-Boyce and Messrs. Koseck and Share raised concerns about the proposal, particularly noting the proximity of the dumpster to the single family home to the west.

Chair Clein and Mr. Koseck said that if this design had been part of the original proposal they would have hesitated to approve it.

Noting the number of concerns on the part of the Board, it was recommended that the applicant consider requesting a postponement which would result in more Board members present for a vote and a chance to amend the plans.

Mr. Biddison agreed with that recommendation.

Motion by Mr. Share

Seconded by Mr. Boyle to amend the rules of procedure for the April 13, 2022 Planning Board meeting to permit consideration of 191 N. Chester – OneStream – Design Review request for a new dumpster enclosure.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Motion by Mr. Share

Seconded by Mr. Boyle to postpone consideration of the application of 191 N. Chester – OneStream – request for a new dumpster enclosure to April 13, 2022.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

03-69-22

J. Study Session

None.

03-70-22

K. Miscellaneous Business and Communications

- 1. Pre-Application Discussions**
- 2. Communications**
- 3. Administrative Approval Correspondence**
- 4. Draft Agenda**
- 5. Other Business**
 - i. Action List – 2022**

03-71-22

L. Planning Division Action Items

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

03-72-22

M. Adjournment

No further business being evident, the Chair adjourned the meeting at 10:59 p.m.



Nick Dupuis
Planning Director



Laura Eichenhorn
City Transcriptionist