**City Of Birmingham**
**Regular Meeting Of The Planning Board**
**Wednesday, July 27, 2022**
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on July 27, 2022. Chair Scott Clein convened the meeting at 7:30 p.m.

## A. Roll Call

**Present:** Chair Scott Clein (left 9:07 p.m.); Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Jason Emerine, Nasseem Ramin; Student Representatives MacKinzie Clein, Andrew Fuller

**Absent:** Board Member Daniel Share

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

## B. Approval Of The Minutes Of The Regular Planning Board Meeting of July 13, 2022

Mr. Jeffares recommended that the fifth bullet point on page five be amended to explain that the Board regulates the material and appearance of canopies more than it does umbrellas because canopies are structures that are replaced only occasionally whereas umbrellas are changed more frequently.

**07-141-22**

**Motion by Mr. Williams**
**Seconded by Mr. Jeffares to approve the minutes of the Regular Planning Board meeting of July 13, 2022 as amended.**

**Motion carried, 7-0**

VOICE VOTE
Yeas: Emerine, Clein, Jeffares, Boyle, Whipple-Boyce, Williams, Koseck
Nays: None

## C. Chair's Comments

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

## D. Review Of The Agenda

**E. Rezoning Applications**

**F. Special Land Use Permits (SLUPs) and Site Plan and Design Reviews**

**G. Site Plan & Design Reviews**

1. **35106 Woodward – Whole Dental Wellness (Postponed from June 22, 2022) – Final Site Plan and Design Review request for new addition to rear of building. (REQUEST TO POSTPONE)**

PD Dupuis explained that the applicant wanted additional time to resolve departmental comments.

**07-142-22**

**Motion by Mr. Williams**
**Seconded by Mr. Koseck to postpone 35106 Woodward – Whole Dental Wellness to August 24, 2022.**

**Motion carried, 7-0**

VOICE VOTE
Yeas: Emerine, Clein, Jeffares, Boyle, Whipple-Boyce, Williams, Koseck
Nays: None

2. **320 Martin St. – Birmingham Post Office – Final Site Plan and Design Review request for new 5-story addition to rear of existing building**

PD Dupuis presented the item.

Kevin Biddison, architect, spoke on behalf of the project.

**07-143-22**

**Motion by Mr. Williams**
**Seconded by Mr. Koseck to approve the Final Site Plan and Design Review application for 320 Martin St. with the following conditions:**

1. **The applicant must submit revised glazing calculations and specification standards that comply with Article 3, Section 3.04 (E) of the Zoning Ordinance;**
2. **The Planning Board approves the canopy projection of 2 ft. into the W. Maple and Bates right-of-ways; and,**
3. **The applicant comply with the requests of all City Departments.**

**Mr. Koseck spoke in support of the project.**

**Motion carried, 7-0**

VOICE VOTE
Yeas: Emerine, Clein, Jeffares, Boyle, Whipple-Boyce, Williams, Koseck
Nays: None

**H. Study Session**

1. **D4 Parking Standards – Ordinance Amendment Request**

PD Dupuis clarified that Board members who expressed potential conflicts of interest with the previous 770 S. Adams project did not have to recuse for this item, per the City Attorney, because the team for this request was different than the proposed team for the previous project.

Doraid Markus, owner of 770 S. Adams, confirmed that to be the case.

SP Cowan presented the item. He confirmed that the Staff memorandum was reviewed by the City Attorney. He noted that the Board would have to set a public hearing before the item could proceed to the Commission.

Stephen Estey, attorney, and Mr. Markus, owner, spoke on behalf of the request.

Mr. Jeffares said the property has special circumstances, noting the three sides. He continued that the Board had to consider what it would want to see built at 770 S. Adams and said that what could be built by right was not likely to meet his expectations. He said it would be appropriate to try and find a way to have this property align with the intent of the master plan.

Mr. Koseck said the potential of having three sides of retail lining the sidewalk would be a good thing. He said that this proposal could be better than the by right option, assuming this proposal does not adversely affect the walkability, parking, or other aspects of the area.

Mr. Williams raised some concerns about the potential impact on parking in the area since 60 on street parking spaces were already removed from S. Old Woodward this year. He said that given that fact, even with the control over the project offered by a SLUP, the Commission would have to gain clarity on the potential parking impact of waiving 50 parking spaces for this property. He said he did like Mr. Estey's suggested language.

Mr. Emerine said he also liked Mr. Estey's suggested language, but noted that Staff had not yet provided a review of the proposal. He asked whether the proposal could be moved to a public hearing without a Staff review.

The Chair said he was very skeptical of the request prior to Mr. Estey's presentation. He opined that the language still required some changes but was largely usable. He said he liked the SLUP aspect of the proposal. For 'notwithstanding the foregoing, parking on the site shall not be required if the property owner [...]', the Chair said it was a bit too far. He noted that the Parking Assessment District (PAD) only allows parking for commercial uses to be considered fulfilled, not residential uses. He said the language needs to align with what the PAD allowed and should not exceed those prior allowances out of fairness to members of the PAD. He asked Staff to consider whether or how the Advisory Parking Committee should provide input on this proposal. He said he was also interested in an opinion from the City Attorney regarding mimicking the rights of a property in the PAD for a property not in the PAD while using the same parking decks. He said he would like to know whether there would be any potential injury to those in the PAD already.

Mr. Williams said he was interested in learning the same, and added he would also like to know the potential impact on properties nearby that are not in the PAD.

The Chair said the requestor should work with Staff to see if the language could be revised to address Board concerns in order to potentially move the revised language to a public hearing.

Mr. Boyle concurred with the Chair in saying he was also initially skeptical of the request, saying it seemed like spot zoning. As he listened to the requestor's presentation, however, he said it seemed like it was worth collecting some information and working on the proposed language. He also noted that the City's parking standards are based on full occupancy of buildings that may not be filled due to pandemic-related changes. Consequently, he said a better understanding of how the City's parking decks are currently being used would help inform the discussion.

Mr. Jeffares opined that the same amount of office space may be leased but the number of employees coming in daily and requiring parking has likely permanently decreased.

The Chair said he would be weighing whether the City should be changing its parking requirements for one specific zone now when the Board also plans on reviewing the City's parking standards as a whole. He explained that he would like input from Staff about why this request may merit that treatment.

PD Dupuis noted that Birmingham Place previously proposed subterranean lifts to provide parking. He said a review by the Engineering Department indicated that doing so may cause the building to tip over. He opined that that fact sounded like a hardship in terms of providing parking.

Mr. Koseck replied that he did not think the Birmingham Place matter was relevant to the present consideration.

Mr. Jeffares opined that this discussion would not be changing the zoning of one area so much as correcting the zoning of the area.

The Board agreed to review this matter again at a August 24, 2022 study session with more information from Staff and updates to the language.

**J. Miscellaneous Business and Communications**

1. **Pre-Application Discussions**
2. **Communications**
3. **Administrative Approval Correspondence**
    i. **135 Pierce**

PD Dupuis presented the request.

Board consensus was that the applicant should adhere to the City's sidewalk standards.

**ii. 33366 Woodward – House of Reem**

PD Dupuis presented the request.

Board consensus approved a VLT of 74%.

**iii. 460 N. Old Woodward – Rooftop Use**

The Chair recused himself from discussion of this item citing a business relationship with the owner of the property. The Chair departed the meeting at 9:07 p.m.

Vice-Chair Williams assumed facilitation of the meeting at 9:07 p.m.

PD Dupuis presented the request.

The Board agreed to allow an administrative approval for the removal of the rooftop use.

4. **Draft Agenda**
5. **Action List - 2022**
6. **Other Business**

PD Dupuis informed the Board that the changes to the corner lot setbacks were approved by the Commission and that the barrier free standards were approved with slight amendments.

**K. Planning Division Action Items**

**a. Staff Report on Previous Requests**

**b. Additional Items from tonight's meeting**

Vice-Chair Williams asked PD Dupuis to provide, at the August 10, 2022 meeting, a broad scheduling proposal for the remaining master plan tasks and action list tasks. He also encouraged the Board to be prepared with recommendations for how the action list tasks should be scheduled during the balance of the year.

Mr. Koseck said it would be helpful for Staff to provide brief updates on:
- Items referred to the Board of Zoning Appeals by the Planning Board; and,
- Larger projects that do not come before the Planning Board for review.

**L. Adjournment**

No further business being evident, the Vice-Chair adjourned the meeting at 9:15 p.m.

Nick Dupuis
Planning Director

Laura Eichenhorn
City Transcriptionist