

City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, September 28, 2022
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on September 28, 2022. Chair Scott Clein convened the meeting at 7:30 p.m.

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; Student Representatives MacKinzie Clein, Andrew Fuller

Absent: Board Member Robin Boyle; Alternate Board Member Jason Emerine

Staff: Senior Planner Cowan; City Planner Blizinski, City Transcriptionist Eichenhorn

B. Approval Of The Minutes Of The Regular Planning Board Meeting of September 14, 2022

09-155-22

Motion by Mr. Share

Seconded by Mr. Williams to approve the minutes of the Regular Planning Board meeting of September 14, 2022 as submitted.

Motion carried, 7-0

VOICE VOTE

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

Nays: None

C. Chair's Comments

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

D. Review Of The Agenda

E. Unfinished Business/Courtesy Review

F. Rezoning Applications

G. Community Impact Studies

H. Special Land Use Permits

I. Site Plan & Design Reviews

- 1. 295 Elm – Request for Final Site Plan & Design Review for 6 new attached single family townhomes.**

City Planner Blizinski summarized the item.

John Marusich, the architect for the project, stated that their team held a meeting with the residents regarding the development. In addition, he stated that the development team is also willing to adjust the drive aisle width, and restated the desire to utilize the arborvitae in lieu of the masonry screen wall on the south side of the development.

Mr. Share asked about the materials in reference to a comment made at Preliminary Site Plan review regarding the faux wood material proposed. Mr. Share also asked Mr. Marusich how he planned to address the comments from the Building Department regarding the required landings.

Mr. Jeffares clarified the length of the garage and the space provided for tandem parking.

Mr. Koseck complimented the applicant team on the massing diagrams and the other items that helped the Planning Board understand the site as it relates to its surrounding.

Public Comment

Allison Everett, 900 Forest Ave., acknowledged that she understands the project meets the requirements of the Zoning Ordinance, but states that she remains skeptical in regards to parking and the likely spillover onto Forest.

Tim Stenson, 900 Forest Ave., made comments regarding the Triangle District Urban Design Plan and the zoning of the area, and said that the proposed 6 units might be too much for the site, and that the parking will become an issue over time.

Chair Clein acknowledged the concerns brought up from the neighbors, but noted that the proposal meets the requirements of the Zoning Ordinance. Chair Clein and Mr. Jeffares agreed that the increase to 22 ft. for the drive aisle was welcomed.

Ms. Whipple Boyce ~~recanted~~ recounted a recent experience with a similar project in which she observed condominium owners utilizing their garages frequently. Mr. Williams concurred that tandem parking has worked in his experience.

09-156-22

Motion by Mr. Williams

Seconded by Mr. Koseck to approve the Final Site Plan for 295 Elm St. – Forest Townhomes – with the following conditions:

- 1. The applicant must submit a photometric plan to ensure the light intensity does not exceed the permitted levels at all property lines;**
- 2. The Planning Board finds the use of 42 in. arborvitae to be an adequate screen wall material along the South side of the drive aisle;**
- 3. The Planning Board approves modifications of the site plan to permit a 22 ft. drive aisle; and**
- 4. The applicant must comply with the requests of all City Departments.**

Motion carried, 7-0

VOICE VOTE

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

Nays: None

5. 469/479 S. Old Woodward – Request for revised Final Site Plan & Design Review for new 1st and 2nd floor layouts and lower level parking modifications.

Ms. Ramin recused herself from the discussion due to an existing business relationship with the applicant team.

Senior Planner Cowan summarized the item.

Chair Clein, Mr. Koseck and Mr. Share requested clarification the proposal for the mezzanine.

Mr. Koseck discussed the setback regulations that are required to be followed versus the streetscape issues along Hazel.

Mr. Williams asked why the proposal has gone from 2 levels of underground parking to 1 level of underground parking.

Doraid Markus, representing the ownership of 469/479 S. Old Woodward, provided commentary on the Hazel St. streetscape issues and explained the engineering issues with providing a second level of underground parking. He also summarized the changes that are being proposed to the site plan that reflect a new opportunity that was presented to them.

Stephen Estey, council for the applicant, summarized the issues present in the Planning Division report and offered more background on the existing efforts being pursued by the applicant team.

Public Comment

Michelle Prentis, resident of the Birmingham Place, offered her support for the proposed revised Final Site Plan based on the improved safety and aesthetics.

Dan Barber, general manager of the 555 Building, read a letter from Molly ~~Barron~~ Barran from Studio M. Pilates (a tenant of the 555 Building) which outlined her concerns with the proposed project.

Jack Reinhart, managing partner of the 555 Building, expressed his concern about the parking impacts of the proposed development.

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

Chair Clein summarized his opinion of the two main issues at hand, which are the streetscape on Hazel St., and the parking issues. He stated that in general, the uses proposed in the development are acceptable to him. He also stated his concern about the number of parking spaces that are short based on the proposal.

Mr. Koseck said that he feels as though the plan is a good plan, especially compared to the formerly approved final site plan. He also feels as though the development and general area are walkable, and have ample access to two nearby parking structures.

Mr. Williams stated his discomfort in approving a project that is significantly deficient in providing the required parking on site.

Mr. Share stated that he feels as though the parking issue could be broken down further into two facets: the hardship that will be analyzed by the Board of Zoning Appeals, and the impacts of not providing the required parking [on the surrounding area](#).

Ms. Whipple-Boyce stated that she feels as though it would be irresponsible to approve a project that is deficient 74 spaces.

Mr. Jeffares asked for clarification regarding the possibility of providing a development in this zone that could be fully parked with one underground level and that may be less than 5 stories in height.

In reply to Mr. Jeffares, Mr. Cowan suggested that a predominantly residential use with large units might be able to meet the requirements.

Mr. Jeffares continued to state that he feels as though a development like this is what the Planning Board is looking for, not a shorter building with a singular or less desirable use.

In reply to Chair Klein, Mr. Cowan clarified the next steps for the proposal based on potential outcomes of the revised final site plan hearing.

Mr. Markus and Mr. Estey provided comments regarding the issues that are specific to his property and offered some perspective regarding his potential tenant.

09-157-22

Motion by Mr. Share

Seconded by Mr. Williams to deny the proposed revised final site plan for 469/479 S. Old Woodward due to the impact of parking on the surrounding area.

Paul Regan, resident on Purdy, concurred with some of the comments made by Planning Board members in regards to the negative parking impacts of the proposal.

Motion carried, 4-2

ROLL CALL VOTE

Yeas: Klein, Williams, Share, Whipple-Boyce

Nays: Jeffares, Koseck

J. Study Session

1. D4 Parking Ordinance – Public Hearing

Chair Clein opened the public hearing at 9:24 PM.

Senior Planner Cowan provided a brief summary of the item and read the proposed ordinance language.

Stephen Estey, council for the applicant, summarized a history of the applicant's attempts to develop the property.

Mr. Share asked the applicant to address the long-term effects of the proposed ordinance amendment.

Public Comment

Karl Sachs, resident of Birmingham Place, expressed his frustration with various aspects of the development's history.

Paul Regan stated that he feels as though this proposal could be construed as spot zoning.

Mr. Williams said he feels as though this conversation relates to the broader parking conversation that the Planning Board has been having for a long time, especially in the context of the 2040 Plan and parking for residential versus commercial uses. He stated that he has concerns about selectively amending the ordinance to benefit one property.

Mr. Jeffares stated that he is in favor of the amendment and feels as though the Planning Board would be getting a development that they have been looking for at this site.

Mr. Share acknowledged that spot zoning is illegal in Michigan, but that contract zoning is legal. He also said that this property is unique and the site dimensions make it difficult to develop, and concurs that the potential development is favorable. [He was supportive because the proposal was permissive, not mandatory.](#)

Mr. Williams clarified the motion language and the options that the Planning Board has as it relates to the rest of the process, and what the provisions of a Special Land Use Permit would be if the language were to be passed.

09-158-22

Motion by Mr. Jeffares

Seconded by Mr. Share to recommend APPROVAL to the City Commission for the amendment to Article 3, Section 3.04(D)(3), of the Zoning Ordinance to allow off-street parking requirements of Article 4 to be reduced or eliminated under the provisions of a Special Land Use Permit for all nonresidential uses in the D4 Zone located outside of the former parking assessment district.

Stephen Estey expressed his agreement with the logic behind the recommendation to approve.

Jim Arpin stated noted his opinion that there was a disparity between the time spent on this development and its parking needs versus the Restoration Hardware development.

Paul Regan said that he does not agree with the various logics presented to try to fit the proposed development in the site.

Motion carried, 4-2

ROLL CALL VOTE

Yeas: Jeffares, Koseck, Share, Whipple-Boyce

Nays: Clein, Williams

K. Miscellaneous Business and Communications

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

L. Planning Division Action Items

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

M. Adjournment

No further business being evident, the Vice-Chair adjourned the meeting at 10:04 PM



Nick Dupuis
Planning Director



Laura Eichenhorn
City Transcriptionist