City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, December 14, 2022
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on December 14, 2022. Chair Clein convened the meeting at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein, Vice-Chair Bryan Williams; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce; Alternate Board Member Nasseem Ramin (not voting)

Absent: Alternate Board Member Jason Emerine; Student Representatives MacKinzie Clein, Andrew Fuller

Staff: Planning Director Dupuis; City Transcriptionist Eichenhorn

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

12-166-22

Motion by Mr. Share
Seconded by Mr. Boyle to approve the minutes of the Regular Planning Board meeting of November 9, 2022 as amended.

Motion carried, 7-0

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

C. Chair's Comments

Chair Clein thanked Staff, the Board, and the public for their work and participation throughout the year. He then 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 and Site Plan & Design Reviews

1. **300 S. Old Woodward** – RH – Request for Revised Special Land Use Permit, Final Site Plan & Design Review for a Redesigned 4-Story Commercial Building in Downtown Birmingham

PD Dupuis presented the item.

Victor Saroki, architect for the applicant, spoke on behalf of the application.

PD Dupuis and Mr. Saroki answered brief informational questions from the Board.

Mr. Saroki stated that the drawings were reviewed and found to be code-compliant by the City's Building Official.

In reply to Mr. Share, Mr. Saroki confirmed that if the Board of Zoning Appeals (BZA) would prefer, RH would likely be willing to turn the west facade sign off after the restaurant closes in the evenings.

Mr. Saroki noted that he was also working on the building across from RH's west facade. He said that while that building would be within 200 feet of RH's west facade, it would not be a problem for RH's west facade sign to be on during the day and into the early evening.

In reply to Mr. Boyle, Mr. Saroki said he would ask RH management about the possibility of adding an electric vehicle charging station to RH's parking area.

Mr. Saroki also confirmed that the bricks would be stacked flush.

Seeing no public comment, the Chair returned conversation to the Board.

Mr. Jeffares noted that the intent of the glazing ordinance was to create activation and interplay between the inside and outside of a building. Given the building's general design, he opined that this building would do that superlatively. He expressed no concerns about this particular building falling short of the glazing standards.

Mr. Williams concurred and said he hoped the BZA would approve the glazing variance. He also stated that the new designs resolved any previous concerns about the building's west orientation. He said the reorientation of the building towards S. Old Woodward was a very positive change and resulted in a better project. He said he was also comfortable with the sign proposal, as long as the sign on the west facade is turned off in the evenings when the building is closed. He opined that an illuminated sign facing S. Old Woodward would be positive in general. He praised the change in the color, noting that it would distinguish the building from the hotel across the street.

The Chair expressed appreciation for the quality of the materials being proposed in the new designs. He said he fully supported the variance for the glazing, and fully supported the sign variance as long as the west facade sign is turned off when the building is closed. He said the project would bring a lot of value to the community and that he was thrilled to see it move forward.

Ms. Whipple-Boyce said the planned lighting of the building was very aesthetically appropriate and that she could not imagine the lighting being done in another way.

The Board concurred that the proposed material for the metal gate was appropriate.

12-167-22

Motion by Mr. Share
Seconded by Ms. Whipple-Boyce to recommend to the City Commission approval of the Special Land Use Permit for 300 S. Old Woodward – RH – with the following conditions:

1. **The Planning Board approves the projection of the canopy into the right-of-way;**
2. **The applicant must still adhere to the principles accepted by the Planning Board in the Community Impact Study review and provide ample space for the separation of recycling in this area;**
3. **The Planning Board approves the use of arborvitae and masonry screen wall with metal gates to screen the proposed electrical equipment;**
4. **The applicant must submit revised plans demonstrating 70% clear glazing on the storefront facades or obtain a variance from the Board of Zoning Appeals;**
5. **The Planning Board approves the use of non-cutoff light fixtures on the facade;**
6. **The applicant must submit detailed and dimensioned sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals; and,**
7. **The applicant must comply with the requests of all City Departments.**

Mr. Share said that in his time on the Board he could not recall an applicant reconsidering their application with such an attention to quality aesthetics. He commended the applicant for doing so.

Motion carried, 7-0.

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

The Board offered unanimous support for the granting of the glazing variance and the granting of the sign variance with the caveat that the west facade sign be turned off when the building is closed.

12-168-22

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce to recommend to the City Commission approval of the Final Site Plan and Design Review for 300 S. Old Woodward – RH – with the following conditions:

1. **The Planning Board approves the projection of the canopy into the right-of-way;**
2. **The applicant must still adhere to the principles accepted by the Planning Board in the Community Impact Study review and provide ample space for the separation of recycling in this area;**
3. **The Planning Board approves the use of arborvitae and masonry screen wall with metal gates to screen the proposed electrical equipment;**
4. **The applicant must submit revised plans demonstrating 70% clear glazing on the storefront facades or obtain a variance from the Board of Zoning Appeals;**
5. **The Planning Board approves the use of non-cutoff light fixtures on the facade;**
6. **The applicant must submit detailed and dimensioned sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals; and,**
7. **The applicant must comply with the requests of all City Departments.**

Motion carried, 7-0.

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

I. Site Plan and Design Reviews

1. **325 S. Eton** – District Lofts Phase 3 – Request to Extend the Final Site Plan & Design Review Approval (12/16/21)

Mr. Saroki explained that the team was looking for an extension due to present market conditions.

12-169-22

Motion by Mr. Williams
Seconded by Mr. Jeffares to extend the final site plan and design review approval for 325 S. Eton until December 14, 2023.

Mr. Jeffares noted that the applicant team was working in earnest on this project.

In reply to Mr. Boyle, Mr. Saroki said this extension had no impact on the Grand Trunk Western Railroad Birmingham Depot train station.

Motion carried, 7-0.

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

J. Study Session

1. Outdoor Dining – Public Hearing

The Chair opened the public hearing.

PD Dupuis introduced the item.

The Chair noted the amount of work done on the item. He noted that an attorney for a number of restaurants in Birmingham wrote in support of the changes the Board made to the sunset clause. He said that the ordinance was a strong one and recommended it be advanced to the Commission.

Mr. Williams concurred. He noted that the Commission could make changes regarding a sunset provision if it saw fit to do so.

Seeing no public comment, the Chair closed the public hearing.

Mr. Share noted that representatives for Social Kitchen and Market North End were in support of dropping the sunset provision, and that both restaurants use isinglass and lease public space. He said the leases would provide whatever legitimate property interest those two establishments would have in retaining their isinglass. He said that two important features of the new ordinance might not be enacted for a long time without a sunset clause: preserving the five-foot clear path, and limitations on the height of any cover. He said the sunset clause would do no harm to the operators trying to preserve their isinglass, and recommended that either the Board or the Commission re-add a sunset clause to the ordinance.

Chair Clein agreed that the five-foot clear paths and the height limitations on covers were important. He said the ordinance was designed like other ordinances, which do not require retroactive application, and said he believed that was appropriate. At the same time, he said he could understand if the Commission determined that, as a policy matter, the changes should be implemented more quickly.

Mr. Share and PD Dupuis noted that the difference between this ordinance and some other ordinances is that this ordinance relates to an annual, renewable permit and public property.

12-170-22

Motion by Mr. Jeffares
Seconded by Mr. Williams to recommend to the City Commission approval of the amendments, as included in the December 14, 2022 agenda packet, to Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide more clear and enforceable outdoor dining ordinances.

Motion carried, 6-1.

ROLL CALL VOTE
Yeas: Jeffares, Koseck, Boyle, Clein, Williams, Whipple-Boyce

Nays: Share

The Chair thanked the Board and Staff.

K. Miscellaneous Business and Communications

1. **Pre-Application Discussions**
2. **Communications**
   i. 320 Martin – Birmingham Post Office

PD Dupuis presented the request.

The Board agreed to allow the changes to proceed with administrative approval.

3. **Administrative Approval Correspondence**
4. **Draft Agenda**

The Board reviewed what would be discussed at the January 11, 2023 meeting regarding the 2040 Master Plan draft. They also discussed some possible ways to address some publicly-circulating misinformation that had arisen about the 2040 Master Plan.

5. **Action List - 2022**
6. **Other Business**

Some Board members requested brief status updates on projects once said projects leave the Planning Board.

PD Dupuis confirmed Staff would do so.

Mr. Boyle said the Commission should consider reviewing the City's policies relating to liquor licenses and whether bistros as a separate entity remained necessary.

Mr. Williams concurred. He said he did not know what the present costs of a Class C license were, but said the Commission could look into the matter.

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 Chair adjourned the meeting at 9:08 p.m.

Nick Dupuis, Planning Director

Laura Eichenhorn, City Transcriptionist