City Of Birmingham
Regular Meeting Of The Planning Board
July 12, 2023
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on July 12, 2023. 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, Bert Koseck, Janelle Whipple-Boyce; Alternate Board Member Jason Emerine, Nasseem Ramin; Student Representative Matthew Wiegand (arrived 8:25 p.m.)

Absent: Board Members Stuart Jeffares, Daniel Share; Student Representatives Asher Kaftan

Staff: Planning Director Dupuis; Senior Planner Cowan, City Transcriptionist Eichenhorn

B. Approval Of The Minutes Of The Regular Planning Board Meeting of June 14, 2023

07-28-23

Motion by Mr. Williams
Seconded by Mr. Koseck to approve the minutes of the Regular Planning Board meeting of June 14, 2023 as amended.

Motion carried, 7-0

VOICE VOTE
Yeas: Ramin, Clein, Koseck, Emerine, Boyle, Whipple-Boyce, Williams
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 and Site Plan & Design Reviews

1. **245 S. Eton – Big Rock – Request for Special Land Use Permit and Final Site Plan and Design Review for New Restaurant Tenant Serving Alcohol for On-Premise Consumption**

PD Dupuis presented the item and answered informational questions from the Board.

Mark Knauer of Knauer, Randy Roberty of Cameron Mitchell, and Kelly Allen, attorney, spoke on behalf of the project and answered informational questions from the Board.

Seeing no public comment, discussion returned to the Board.

Board discussion was as follows:

- The design was beautifully done, and most of the issues outlined by Staff would be easily addressed;
- Five Board members shared a lack of support for the polycarbonate roof and the screen for the outdoor dining;
- One Board member said they preferred the pergola be removed because it seemed like an enclosure and detracted from the building's facade, but said they would not make their vote contingent on the pergola;
- Two Board members expressed support for the pergola and said it added to the site;
- The Board had not intended the recently amended ordinance to allow for something like the proposed polycarbonate roof; and,
- Based on Board comment, if the applicant preferred to proceed with the polycarbonate roof, the final site plan and design approval would likely be postponed to allow for further deliberation, and if the applicant chose to forgo the polycarbonate roof, the final site plan and design review would likely be approved.

In reply to Board comment, the project team indicated that the matter of the polycarbonate roof and screening would be pursued as a variance request at a later date.

07-29-23

Motion by Mr. Williams
Seconded by Mr. Emerine to recommend to the Commission for approval the Special Land Use Permit for 245 S. Eton – Big Rock – subject to the following conditions:

1. **The applicant must submit revised site/design plans and provide screening for all new mechanical units in accordance with Article 4, Section 4.54 of the Zoning Ordinance;**
2. **The property owner work with City Staff to provide an easement to the City of Birmingham of up to 5 feet attached to the sidewalk north of the existing historic building for the purpose of an 8'-10' wide shared use path, contingent upon the City receiving a TAP Grant for the proposed S. Eton project, applied for on June 21, 2023 and subsequently amended;**
3. **The applicant must submit revised site/design plans demonstrating one offstreet loading space at the minimum dimensions required;**
4. **The Planning Board grants a waiver for non-cutoff light fixtures pursuant to Article 4, Section 4.21 (D)(1) of the Zoning Ordinance;**
5. **The applicant must submit revised site/design plans that meet the outdoor dining standards of Article 4, Section 4.44 of the Zoning Ordinance, and must remove the proposed roof on the outdoor dining facility and the roll down screens also depicted on the plans;**
6. **The applicant must revise the site/design plans to include sufficient details and signs that meet the requirements of the Sign Ordinance; and,**

7. **The applicant must comply with the requests of all City Departments**

Motion carried, 7-0

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

07-30-23

Motion by Mr. Williams
Seconded by Mr. Emerine to recommend approval of Final Site Plan and Design Review for 245 S. Eton – Big Rock – subject to the same seven conditions just recited.

Motion carried, 7-0

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

I. Site Plan & Design Review

1. **33866 Woodward – Polestar – Request for Final Site Plan & Design Review for Extensive Building and Site Renovations for new Auto Sales Agency (POSTPONED FROM 6/14/23)**

PD Dupuis presented the item and answered informational questions from the Board.

Elizabeth Marchese and Gary Laundroche of LAG Development spoke on behalf of the project and answered informational questions from the Board.

One Board member recommended that the screening wall should be brick or furnished block as opposed to painted concrete.

Seeing no public comment, discussion returned to the Board.

07-31-23

Motion by Mr. Williams
Seconded by Mr. Koseck to approve the Final Site Plan and Design Review for 33866 Woodward – Polestar – with the following conditions:

1. **The applicant must revise their lighting plan to reduce the light intensity at the western property line;**
2. **The applicant must work with the Planning Division to submit glazing calculations that meet the requirements of the Zoning Ordinance;**
3. **No signage is approved as a part of this Final Site Plan & Design Review application; and,**
4. **The applicant must comply with the requests of all City Departments.**

Motion carried, 7-0

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

J. Study Session

1. **Health Club/Studio – Study Session**

SP Cowan and PD Dupuis presented the item and answered informational questions from the Board.

Board discussion was as follows:

- Most Board members said that garden level and second floor or above would be appropriate for this use, while first floor would not;
- Allowing this use would help activate other aspects of the City, and using a SLUP to regulate the use would be appropriate;
- Three Board members advocated for allowing the use on the first floor with a SLUP, saying that it would activate the street;
- One Board member said that the use on the first floor would not be significantly activating since shades would likely be drawn and the classes would likely be held outside of regular business hours, resulting in a lack of activity during most of the day;
- Limiting the use to upper floors or garden levels may present challenges for landlords to find tenants interested in the use. Many buildings do not have garden levels, and concerns about impact load or sound control could be prohibitive for upper floors;
- It would be appropriate to allow the use in the garden level or upper floor contexts first to see how it impacts the community before considering a first floor use. It would be very challenging to permit a first floor use and then to remove that use if it was not benefiting the community;
- The BSD did not support the use on the first floor;
- One Board member said the ordinance should specify how many instances of this use could be allowed per building or per a certain amount of square feet in one building;
- Three Board members said they were not concerned about larger or repeat instances of the use in one building;
- One Board member advocated for a SLUP above a certain square footage;
- The Board requested Staff remove the first floor use and return with research on the use and square footage in other urban environments; and,
- A public hearing could likely be scheduled after one more review of this use.

K. Miscellaneous Business and Communications

1. **Administrative Approval Correspondence**
   i. 751 Chestnut

SP Cowan presented the item and answered informational questions from the Board. The project team spoke on behalf of the request.

Board consensus was that the request should not be administratively approved.

ii. 325 S. Eton – District Lofts Phase III

SP Cowan presented the item and answered informational questions from the Board.

Board consensus was that the request should not be administratively approved.

iii. 320 Martin – Birmingham Post Office Addition

PD Dupuis presented the item and answered informational questions from the Board. The project architect spoke on behalf of the request.

Board consensus was that the request should be administratively approved.

The Chair said in the future requests similar in scale to this one should include far more detail on the proposed changes. He said a before and after presentation would be useful.

2. **Communications**
3. **Draft Agenda**
4. **Action List – 2023**
5. **Other Business**

Concerns about code violations were discussed. It was recommended that concerned Board members and residents use the GovAlert mobile app to submit concerns.

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 10:01 p.m.

Nick Dupuis, Planning Director

Laura Eichenhorn, City Transcriptionist