

**CITY OF BIRMINGHAM  
 PLANNING BOARD ACTION ITEMS  
 OF WEDNESDAY, FEBRUARY 27, 2019**

Item	Page
<p><b>B. APPROVAL OF THE MINUTES OF FEBRUARY 13, 2019</b></p> <p><b>Motion by Mr. Koseck</b>  <b>Seconded by Mr. Share to approve the minutes of the Regular Planning Board Meeting of February 13, 2019 as amended.</b></p> <p><b>Motion carried, 5-0.</b></p>	1
<p><b>E. PRELIMINARY SITE PLAN REVIEW</b></p> <p><b>1. 35001 Woodward Avenue</b></p> <p><b>Motion by Mr. Williams</b>  <b>Seconded by Mr. Share to postpone consideration of the Preliminary Site Plan approval for 35001 Woodward Avenue until April 24, 2019.</b></p> <p><b>Motion carried, 7-0.</b></p>	3  7
<p><b>F. REQUEST FOR A SITE PLAN EXTENSION</b></p> <p><b>1. 277 Pierce St -- The Varsity Shop</b></p> <p><b>Motion by Mr. Williams</b>  <b>Seconded by Mr. Boyle to extend the site plan approval for six months until August 23, 2019.</b></p> <p><b>Motion carried, 7-0.</b></p>	8

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, FEBRUARY 27, 2019**

City Commission Room  
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on February 27, 2019. Chairman Scott Clein convened the meeting at 7:30 p.m.

**A. ROLL CALL**

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Bryan Williams, Janelle Whipple-Boyce; Alternate Board Member Jason Emerine; Student Representative John Utley

**Absent:** Alternate Board Member Nasseen Ramin; Student Representative Sophia Trimble

**Administration:** Jana Ecker, Planning Director  
Laura Eichenhorn, Transcriptionist

**02-025-19**

**B. APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF FEBRUARY 13, 2019**

Mr. Share noted that the title page provided with the minutes recorded the motions from the meeting of January 23, 2019 instead of the motions from the meeting of February 13, 2019.

Planning Director Ecker confirmed and said the title page would be updated with the motions from the meeting of February 13, 2019.

**Motion by Mr. Koseck**

**Seconded by Mr. Share to approve the minutes of the Regular Planning Board Meeting of February 13, 2019 as amended.**

**Motion carried, 5-0.**

VOICE VOTE

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

Nays: None

Abstain: Boyle, Williams

**02-026-19**

**C. CHAIRPERSON'S COMMENTS (none)**

**02-027-19**

**D. APPROVAL OF THE AGENDA**

The agenda had featured two preliminary site plan reviews, but the applicant for 695 W. Brown asked that the matter be withdrawn. The applicant plans to redesign and return at a later date.

Chairman Clein noted that if 695 W. Brown requests a Preliminary Site Plan review in the future it would be treated as a new submittal.

**02-028-19**

**E. PRELIMINARY SITE PLAN REVIEW**

Chairman Clein explained the process of a Preliminary Site Plan review, wherein staff reviews their report, the Planning Board asks clarifying questions, the Planning Board hears from the applicant, the Planning Board invites public comment, and the matter is returned to the Planning Board for discussion and decision.

**1. 35001 Woodward Avenue**

Planning Director Ecker presented the item in full.

Planning Director Ecker confirmed for Chairman Clein that the hotel's planned residential units do not conform to City ordinances, as they are currently shown at 300 sq. ft. on the submitted plans and are required to be 600 sq. ft.

Chairman Clein observed that these plans would not obtain approval this evening because they were neither complete nor compliant with the City's ordinances. He said it was the applicants' responsibility to submit complete plans and that they had not. Apologizing for his tone, he told Planning Director Ecker that his frustration was not with her, but with the incomplete plan submission.

Mr. Williams noted the Planning Board said it would require a City-approved special event operations plan prior to the final site plan as a condition of the CIS, so condition three in the sample motion language should be amended to reflect that.

Planning Director Ecker concurred and said she would amend the language.

She also told Mr. Koseck that while the architectural features should not hold the applicant up tonight, it is Planning Department practice to note any design issues that will require substantial changes to the plans during a Preliminary Site Plan review.

Chairman Clein explained that if the applicant would be seeking any variances the Board of Zoning Approvals (BZA) often likes to hear the Planning Board's observations on the planning aspects of the site. Applicants tend to go to the BZA before a Final Site Plan review.

Planning Director Ecker said the below-ground parking garage would be reviewed by the Police Department and the City's transportation consultants. Stacking of cars could only occur during a

special event, and the required special event plan would outline how the flow of parking and valet service would work.

Kevin Biddison of Biddison Architecture, 320 Martin St., addressed the Planning Board as a representative of the applicant. Taking the Planning Board through the site plans, he indicated:

- The civil sheet contained all the current and proposed conditions for Maple and Park, curb connections, buildings, property lines, and other elements required for a submitted plan.
- The 11½ foot drop-off lane with a two-foot protected curb is a current condition which City Engineer O'Meara asked Mr. Biddison to include as part of the plan since the City will either keep the curblineline or re-do the curblineline in the same location in order to maintain the same traffic flow and to allow the hotel to use that space as a car-queueing area. City Engineer O'Meara also advised Mr. Biddison to pull the concrete areas away from the building slightly more than originally planned to allow for the five-foot concrete walk area all the way around the building, to add additional exposed aggregate areas, and additional tree boxes.
- The five-foot sidewalk that goes across and in front of all the architectural elements, maintaining the same curb line.
- From Maple to the valet area is approximately 45 to 50 feet, which is how long a vehicle coming off Maple would have to know where the valet line begins.
- While both the Planning and Engineering staffs have reviewed these plans, both departments plus Biddison Architecture staff have not met all at once to discuss issues and concerns.
- Variances will be sought for the loading zone that is 12 x 30 x 14 ft. instead of the 12 x 40 x 14 ft. requirement, the canopy that will go over the drive-through area but not over the curb line, an area on the second floor that projects out over the property line about two feet at about a twenty foot level, and an area at a fifty foot elevation that sticks out over the front property line. Mr. Biddison confirmed that both he and the applicant are aware that the applicant will need an encroachment approval from MDOT for any areas that project out into the Woodward Avenue - M1 Right of Way.

Planning Director Ecker explained that there is an upcoming public hearing scheduled on a proposed ordinance that would regulate encroachments over the Right of Way. The ordinance is not yet in place, but the proposed encroachments in these plans may need to be considered in light of that ordinance if it is approved.

Mr. Biddison continued:

- Floors two, three and four as planned each have about 1.8 feet that project into the M1 ROW. The window is set back to be within the property line, and it is an architectural feature that encroaches into the M1 ROW.
- The plans for Park Street drop-off lane would not encroach into the traffic lane, but would go beyond the property line.
- Park Street is planned to be the back-of-house area for the building. The area would be kept as a solid, with material and structure changes to maintain the rhythm of the building. Glass doors would lead into the building from the garage and trash areas. The trash area would be screened, and the transformers would also be located in that area.

Mr. Koseck noted that from to the east of the overhead door in the parking area, there is no parking featured. There are stairs and the Hunter House. Given this, Mr. Koseck was unclear why the City's glazing requirements were not being met in that area at least.

Ms. Whipple-Boyce noted that the glass on the Hunter House show on the site plan appears much larger than the glazing shown on the elevation. Other members of the Planning Board concurred.

Mr. Biddison said:

- Conversations with the Hunter House yielded a request for a larger window, but the larger window had not yet been reconciled with the elevation in the plans.
- The south elevation is not in compliance as there is 37% glazing while the City requires it be 70%.
- From a BZA standpoint, variances would be needed for the curb-cut issue relative to the Park St. side, the entrances to the building near the trash area, the solid area being proposed along the outside of the building, the dumpster at 10-foot, the parking and the residential unit size on the fifth floor.
- The 300 sq. ft. units represented on the fifth floor would be connected by a door in order to combine two into a larger 600 sq. ft. unit. There are other residential units which would be 600 sq. ft. on their own.
- A previous hotel planned for this location had stairs allowed on the north side of the building to get to the exterior. The decision was made to include stairs in these plans as part of operational considerations.
- The applicant is happy to add whatever number of trees the Engineering Department deems appropriate according to the standards for the City.
- Trash areas are screened with solid portions of the building. The roll-up door on the small Hunter House element would be fully screened.
- Full parking plans, including the movement of cars during valeted events, will be presented at the Final Site Plan review. The residential parking level would not be impacted by special events, and the hotel will be able to provide parking for 70-80 vehicles on-site with valet service for special events.

Chairman Clein asked the Board if there were any further questions for the applicant. Seeing none, Chairman Clein asked if any members of the public would like to comment on the proposal.

Kelly Cobb of the Hunter House reserved the right to speak on the matter at any future Board meeting.

Chairman Clein assured Mr. Cobb that the public is always welcome to speak at Planning Board meetings. Chairman Clein also requested that Mr. Cobb reach out to Planning Director Ecker and City staff to make them aware of any contractual agreements between the applicant and the Hunter House so that the Board and staff can be sure they are meeting the legal requirements for the review and the site plan.

Mr. Williams said the City may already have a document reviewing the contractual agreement between the applicant and the Hunter House, that he has not yet seen the document, and that he would like to see it.

Chairman Clein clarified the Board does not wish to get involved in the legal discussions between the applicant and the Hunter House; rather, he just wants to make sure the City has access to the most complete information possible so the Board can the most appropriate decision.

Mr. Cobb said he appreciated and respected Chairman Clein's request. He reported that one of the more important aspects of the agreement between the applicant and the Hunter House is the Hunter House's right to review and approve the applicant's plans before submission to the City, which he stated was not done. He also said he would speak to Planning Director Ecker further about the agreement.

Chairman Clein addressed Planning Director Ecker and said his only concern is to have staff review and verify that the Planning Board is not encumbered by any other contractual agreements pertaining to this site.

Planning Director Ecker acknowledged Chairman Clein.

Chairman Clein requested the Board permit him to speak on the matter first, even though he stated his usual practice was to yield to other members of the Board. He continued:

- The number of variances being requested for this site is staggering, and the applicant will need to prove hardship to the BZA in order to be granted those variances.
- The BZA likes to hear the Planning Board's opinion from a planning perspective in its consideration of variances, and as far as Chairman Clein was concerned there was no reason glazing should not be met -- particularly on the W. Maple frontage, there was no clear reason why height and setback requirements should not be met, and there was no reason for the minimum residential unit size requirements to not be met. Chairman Clein said he would not vote to approve any residential unit smaller than 600 sq. ft. as required by ordinance.
- Acknowledging this is a very difficult site to develop, Chairman Clein stated he also perceives the applicant as taking a troubling approach to a number of issues. Among Chairman Clein's concerns were inconsistencies both within the submitted plans and between the plans and ordinance requirements, vehicular and valet operation on Park St., and pedestrian flow on Park St.
- He does not like the Park St. valet entrance, stating the driveway and the loading areas are far too wide.
- He would not consider a motion to approve these plans until these issues have been satisfactorily addressed and advocated postponing the Board's vote.

Mr. Jeffares stated it is most prudent for applicants to reach an understanding with stakeholders before entering into a Planning Board review, because doing otherwise rarely works out in the applicant's favor.

Mr. Williams agreed with Chairman Clein about the Park St. valet, stating visitors unfamiliar with the area will not be able to visually locate the valet entrance in time given the speed of the flow of traffic of other vehicles heading north. Stating that this opinion was with all due respect, Mr. Williams said the traffic consultant did not seem to have taken traffic volumes in the area into account. He said part of the problem is the City's allowance of parallel parking along Maple between Park and Old Woodward, meaning that when a large vehicle is trying to parallel park on

Maple the traffic backs up unsafely onto Woodward. Given these issues, Mr. Williams opined that the valet location would significantly compound the problem.

Mr. Koseck stated that he hopes this site gets a development instead of the parking lots that are currently there. He acknowledged that while adherence to ordinances can be challenging to an architect, in his architectural projects he always goes through the applicable ordinances and familiarizes himself with the requirements. More times than not, Mr. Koseck said, the design adheres to the requirements. He has found that requesting a variance from the BZA is a very rare thing. Mr. Koseck accordingly said it is very troubling to him when architects, especially ones familiar with local ordinances, disregard what they know the requirements to be. He said the perspective is often one of 'bending the rules', but that architects need to understand ordinances are law. While architects may intend to request variances for the non-compliant aspects of their projects, they are unlikely to be successful unless the Planning Board has seen sufficient evidence of hardship for every case. He said he would definitely not be in support of the plan this evening. Mr. Koseck concluded by encouraging the applicant and architect to go back to the planning process and bring their plans into compliance with the ordinance requirements.

Mr. Boyle said this is the most important site in southeast Michigan. He continued that the plans for one-third of the ground floor of the site is actually determining the whole issue. Given the importance and high visibility of the area, Mr. Boyle opined that a successful hotel cannot be expected to occupy only two-thirds of its site. He noted the architect for the previous application had the same problem, and that this hotel will be nearly impossible to build as long as this issue remains the same.

Chairman Clein said he was willing to entertain a motion.

**Motion by Mr. Williams**

**Seconded by Mr. Share to postpone consideration of the Preliminary Site Plan approval for 35001 Woodward Avenue until April 24, 2019.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

**2. 695 W. Brown Street**

This item was withdrawn by the applicant and thus is no longer under consideration.

**02-029-19**

**F. REQUEST FOR A SITE PLAN EXTENSION**

**1. 277 Pierce St -- The Varsity Shop**

Mr. Share recused himself, citing a business relationship with the applicant.

Planning Director Ecker presented the item.

Architect Victor Saroki represented the site plan extension request on behalf of the companies involved with 277 Pierce. He said the construction and engineering documents have all been completed and turned in, but that the applicant was not aware the building permit also had to be obtained prior to the site plan expiration. They understood you simply needed to apply for the permit prior to expiration of the site plan. As a result, he appeared before the Planning Board to request another extension. The applicant is prepared to begin construction on the site this summer.

Mr. Saroki explained to Ms. Whipple-Boyce that six months is being requested to allow time for the required reviews, remediation, and demolition even though the applicant hopes to have the building permit within a couple of months. In addition, the adjacent alley is being redone by the City this summer, so the applicant and the City need to discuss the management of the simultaneous projects.

**Motion by Mr. Williams**

**Seconded by Mr. Boyle to extend the site plan approval for six months until August 23, 2019.**

**Motion carried, 7-0.**

VOICE VOTE

Yeas: Boyle, Williams, Koseck, Share, **Emerine**, Clein, Jeffares, Whipple-Boyce

Nays: None

**02-030-19**

**G. ANNUAL REPORT - COMMUNITY DEVELOPMENT**

Planning Director Ecker submitted the report to the Board.

Mr. Williams thanked Planning Director Ecker for all of her hard work, citing especially her precise analysis this evening. The rest of the Board joined in heartily thanking Planning Director Ecker.

**02-031-19**

- a. Communications (none)
- b. Administrative Approval Requests (none)
- c. Draft Agenda for the next Regular Planning Board Meeting of March 13, 2019
  - > Public hearing on projections in the Right of Way;
  - > Public hearing on the renovations of existing commercial buildings;
  - > Rooftop uses;
  - > Rules of procedure for regulated uses.



**02-032-19**

**H. ADJOURNMENT**

No further business being evident, the Chairman adjourned the meeting at 9:08 p.m.

Jana L. Ecker  
Planning Director

APPROVED