

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, APRIL 24, 2019**

Item	Page
<p>B. Approval of The Minutes of The Regular Planning Board Meeting of April 10, 2019</p> <p>Motion by Ms. Whipple-Boyce Seconded by Mr. Share to approve the minutes of the Regular Planning Board Meeting of April 10, 2019 as submitted.</p> <p>Motion carried, 5-0.</p>	1
<p>F. Request for Special Land Use Permit Review and Request for Final Site Plan and Design Review</p> <p style="padding-left: 40px;">1. 203 Pierce – Toast – Request for approval of a SLUP Amendment and Final Site Plan Review to permit a change of hours of operation and a change of ownership.</p> <p>Motion by Mr. Share Seconded by Mr. Williams to recommend approval of the amended SLUP for 203 Pierce - Toast, incorporating the hours in the letter of April 18, 2019, based on the fact that of the six items in Article 7, Section 7.2.7 Items One, Two, Three, Four, and Six remain unchanged and Item Five, which relates to compatibility and the spirit and purpose are well-satisfied by changing circumstances over time including the evening activation of Pierce Street.</p> <p>Motion carried, 7-0.</p>	5
<p>Motion by Mr. Share Seconded by Mr. Williams to recommend approval of the Final Site Plan for 203 Pierce - Toast, which includes the original seating plan contained in the applicant's submittal materials and the letter of April 18, 2019. With reference to Article 7, Section 7.2.7, all of the site plan issues are satisfied.</p> <p>Motion carried, 7-0.</p>	6
<p style="padding-left: 40px;">2. 280 Merrill – Rojo / Sidecar – Request for approval of a SLUP Amendment and Final Site Plan Review to permit a change of in the size and interior layout of each establishment.</p> <p>Motion by Mr. Williams Seconded by Mr. Jeffares to recommend postponement of consideration of the Special Land Use Permit Amendment Final Site Plan Review for 280 E. Merrill – Sidecar Slider Bar/Rojo Mexican Bistro until Wednesday, May 8, 2019.</p> <p>Motion carried, 7-0.</p>	6
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**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 24, 2019**

City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 24, 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, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Jason Emerine; Student Representative Sophia Trimble

Absent: Board Member Bert Koseck; Student Representative John Utley

Administration: Jana Ecker, Planning Director
Nicholas Dupuis, City Planner
Laura Eichenhorn, Transcriptionist

Present in Audience: Alternate Board Member Nasseen Ramin

04-055-19

B. Approval Of The Minutes Of The Regular Planning Board Meeting Of April 10, 2019

**Motion by Ms. Whipple-Boyce
Seconded by Mr. Share to approve the minutes of the Regular Planning Board Meeting of April 10, 2019 as submitted.**

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Abstain: Emerine

04-056-19

C. Chairperson's Comments

Chairman Clein summarized the evening's agenda.

04-057-19

D. Approval Of The Agenda

No changes.

04-058-19

E. Master Plan Process Update

Matt Lambert of DPZ explained:

- Up to this point, the Master Planning team (the Team) has been largely performing background research and data collection. The Team began holding individual meetings with Commissioners and Planning Board members the week of April 15, 2019 in order to solicit input.
- The Team began holding roundtable meetings with residents in various neighborhoods the week of April 21, 2019. Through these conversations the Team will be clarifying the different character, concerns, and priorities of each neighborhood.
- This Master Planning process will update the content and standards from the 1980 Master Plan. Any topics from the 1980 Master Plan will be within the scope of this Master Planning process. The City has asked for an update of regional trends and best practices in walkable communities, for recommendations of best practices regarding multi-modal transportation, for recommendations regarding Birmingham's public and private parking, for an integration of all the subarea plans into the Master Plan, for an analysis of housing trends, neighborhood trends, and neighborhood typologies, which would include issues of aging-in-place, housing costs, and multi-generational housing. The Team has also been tasked with engaging extensively with the public throughout the process, addressing any other tasks that may arise and be deemed necessary for completing the Master Plan process, and making recommendations on all land use regulations, with additional focus on transition areas between commercial and residential use.
- The Planning Board and the Team will meet regularly throughout the process. It is possible the Team will have standing meetings with the Planning Board scheduled for the Planning Board's monthly study sessions.
- Meetings hosted by the Team will have specific focuses during the day, such as transition areas or parking, and more general public meetings will occur in the evenings. There will also be time for one-on-one meetings with residents on the weekends.
- The City aims to adopt the new Master Plan at the beginning of 2020.

Mr. Lambert also summarized the purpose of the charrette process.

Mr. Jeffares expressed concern that the roundtable discussion he attended involved more details of neighborhood living, such as dogs running loose or neighbors' lawn length, than a broad discussion of neighborhood character and priorities. Mr. Jeffares asked Mr. Lambert for his impression of the relevance of that roundtable meeting and other meetings thus far.

Mr. Lambert replied that the Team was not necessarily aiming for broad discussions of the neighborhoods yet. Their priority with the roundtable discussions is just to hear the variety of concerns residents have. The Team will analyze the information culled from these meetings, and use it to begin to shape next steps. There were some concerns shared across neighborhoods, such as concerns regarding housing construction, and then there were more localized concerns, such as patterns of lot combinations in one neighborhood or patterns of lot splits in the next. It has also been the Team's experience that concerns will arise that are not within the purview of the Master Plan, but that the Team can direct residents to the proper Board or Department to discuss the concern, thus improving the City in that way. Mr. Lambert

stated a more focused approach to the character of each neighborhood will occur during the charrette process.

Mr. Lambert told Chairman Clein that the Team welcomes as much participation as possible from the Planning Board. He also said members of the Planning Board will be welcome at Team meetings in order to aid in working through all of the community input early on in the process. Mr. Lambert confirmed the Team would be working with staff to make sure all legal standards, like the Open Meeting Act, are adhered to throughout the process.

Planning Director Ecker confirmed for Chairman Clein that Planning Board members may attend any general public meeting and participate in the group discussion.

Mr. Boyle commended the Team's publicizing of the process. He noted that he has not seen many younger people involved with the process thus far.

Mr. Lambert confirmed that the Team has plans to reach out to students and families with young children. The Team will be holding meetings at Birmingham schools and meetings on weekend afternoons to try to capture the perspectives of younger community members. In addition, the Team will be inviting the student representatives on City Boards to meet with the Team one-on-one and voice their observations and opinions.

Ms. Whipple-Boyce recommended the Team reach out to Birmingham elementary schools' Community Education Committees. She explained that the Committees participate in a lot of the schools' educational programming and can help get the word out about the Master Planning process to a lot of young families.

Chairman Clein thanked the Team for the update, echoing Mr. Boyle in his commendation of the Team's advertising of the Master Plan process. He also stated that he had heard several positive comments from Troy, Michigan City Commissioners at a Troy Commission meeting regarding the Team's publicizing of the Birmingham Master Plan process. Students in the National Honors Society are required to complete volunteer hours, and the Team could possibly ask them to help set up some of the upcoming community meetings.

Sarah Traxler of McKenna Planning Group introduced herself. She noted the Team will provide online surveys for those who want to contribute their comments but cannot attend an in-person meeting. She explained that the Team routinely receives valuable input via this avenue.

Mr. Lambert credited Ms. Traxler with the Team's success in publicizing the Master Plan process.

Robert Gibbs, of Gibbs Planning, introduced himself as another member of the Team.

Planning Director Ecker confirmed Staff would facilitate a standing meeting between the Team and the Planning Board.

04-059-19

F. Request for Special Land Use Permit Review and Request for Final Site Plan and Design Review

1. 203 Pierce – Toast – Request for approval of a SLUP Amendment and Final Site Plan Review to permit a change of hours of operation and a change of ownership.

City Planner Dupuis presented the item.

Kelly Allen, Attorney for Toast, noted that the correct proposed hours were listed in her letter dated April 18, 2019 and included on page 83 of the agenda packet. She continued:

- Toast was one of the first two restaurants issued a bistro license in Birmingham in 2008. Ms. Allen had served as attorney for Toast at the time, and she had mostly worked with former co-owner Thomas Bloom.
- The goal of bistro licenses was to activate the street, especially with nighttime hours. Toast agreed to attempt nighttime hours, even though the focus was more of a breakfast and brunch experience. Toast tried to attract dinner patrons for ten years, and the efforts were largely unsuccessful.
- When Reagan Bloom assumed full ownership of Toast following her divorce from Mr. Bloom, she was unaware that Toast was obligated to stay open into the evening hours as part of the establishment's contract with the City.
- The City has many more bistros now, and the necessity of Toast having evening hours is no longer extant. City streets are now well-utilized in the evenings.
- Since the originally proposed change in hours was explicitly discouraged by the Commission, Toast is proposing a compromise in hours to try and meet the Commission's directive.
- Toast will attempt the proposed compromise hours in earnest, but they still may not be successful. If that is the case, Toast may be back before the Planning Board and the Commission in the future.
- During the change in ownership Toast acquired new investors and went through the required changes with the Michigan Liquor Control Commission. The attorneys handling that process did not come before the City to update the information as required by ordinance, so Ms. Allen is facilitating that process now. She expects all involved parties will be cleared by the City's Police Department.
- Toast's seating is now in compliance with the original SLUP. Toast will be open during all of the hours proposed in Ms. Allen's April 18, 2019 letter, and may host special events during some of its evening hours on occasion.

Mr. Jeffares noted other bistro license holders that seem to have less onerous hour requirements. He stated that Bella Piatti is not open for business two days out of the week, that La Strada is not open for business on Mondays, and that both Tallulah Wine Bar & Bistro and Bistro Joe's have days they are not open for business. Meanwhile, Toast is required to be open for all meals seven days a week.

Ms. Allen agreed with Mr. Jeffares, and suggested that a slight hardship is being imposed on Toast in terms of the evening hours.

Mr. Boyle noted that the City was imposing the requirement that Toast revise its schedule to stay open during evenings. He suggested that since the City is requiring this, the City could help publicize Toast's new hours and correct the perception that Toast will continue to remain closed in the evenings.

Chairman Clein said he understood the Commission's concerns, acknowledged it was a policy issue for the Commission to decide, and would not try to persuade them differently. He also opined that a reduction or elimination of evening hours would not negatively impact evening activity on Pierce Street.

Motion by Mr. Share

Seconded by Mr. Williams to recommend approval of the amended SLUP for 203 Pierce - Toast, incorporating the hours in the letter of April 18, 2019, based on the fact that of the six items in Article 7, Section 7.2.7 Items One, Two, Three, Four, and Six remain unchanged and Item Five, which relates to compatibility and the spirit and purpose are well-satisfied by changing circumstances over time including the evening activation of Pierce Street.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Motion by Mr. Share

Seconded by Mr. Williams to recommend approval of the Final Site Plan for 203 Pierce - Toast, which includes the original seating plan contained in the applicant's submittal materials and the letter of April 18, 2019. With reference to Article 7, Section 7.2.7, all of the site plan issues are satisfied.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

2. 280 Merrill – Rojo / Sidecar – Request for approval of a SLUP Amendment and Final Site Plan Review to permit a change of in the size and interior layout of each establishment.

Planning Director Ecker presented the item. She noted the items missing from the current SLUP amendment application and Site Plan review. She also noted that Rojo and Sidecar have Class C licenses, not bistro licenses.

Stephen Simon, owner of Rojo and Sidecar, advised the Board that any previously missing applications materials were submitted to the Planning Department on April 19, 2019. He explained:

- Rojo has had a five-year tenure in Birmingham, and was purchased out of bankruptcy by Mr. Simon in 2018 with the goal of changing the concept.
- He has been unable to reach agreement with the landlord on an extension of the lease, which leaves eighteen months left on the lease.
- Without making the proposed modifications, it is unlikely Rojo will be in business for eighteen months. All the other Rojo locations have closed. Sidecar, in contrast, is a growing brand with three new locations opened in the last year. All the other Sidecar locations are larger than the Birmingham location.
- The goal is to allow Sidecar to become a bit more of a food-oriented and family-friendly venue, with special focus on getting families in on Saturday and Sunday afternoons. This will allow there to be adequate business for Rojo, and will expand business for Sidecar.

Chairman Clein observed that Sidecar would get a few additional bar seats from the proposed change, but many more restaurant seats. He asked Mr. Simon if that was because the goal is to make Sidecar a restaurant with a bar, as opposed to a bar with a restaurant.

Mr. Simon confirmed that was the case.

Chris Longe, architect, told the Board that the window frames would be painted. He reiterated that all missing information was submitted the previous Friday, April 19, 2019.

Planning Director Ecker noted that City offices were closed for Good Friday on April 19, 2019.

Mr. Longe acknowledged that to be the case, and said he submitted the information while City offices were closed.

Mr. Simon confirmed for Mr. Emerine that the ramp within Rojo would be in compliance with the ADA and would remain accessible to patrons of both locations.

Mr. Emerine opined that it would be more accurate to call Sidecar a restaurant, and not a bar. He noted that he routinely visits the establishment with his one-year-old daughter in the summer and that this is an appropriate venue for families with children.

Mr. Longe told Ms. Whipple-Boyce that one red awning would be replaced with a black awning. The windows and signage will remain as-is. He said they would likely repaint the window frames to indicate the expansion of Sidecar.

Mr. Williams asked if this item could be postponed for two weeks instead of a month, in light of the fact that the plans have been submitted to the City and would be available for review shortly.

The Board affirmed Mr. Williams' suggestion.

Motion by Mr. Williams

Seconded by Mr. Jeffares to recommend postponement of consideration of the Special Land Use Permit Amendment Final Site Plan Review for 280 E. Merrill – Sidecar Slider Bar/Rojo Mexican Bistro until Wednesday, May 8, 2019.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

H. Miscellaneous Business and Communications

a. Communications (none)

b. Administrative Approval Correspondence (none)

c. Draft Agenda for the next Regular Planning Board Meeting (May 8)

- Public hearing on balcony materials where glass is not permitted the Downtown Overlay
- Public hearing for the screening materials for gates around dumpsters
- Further discussion of rooftop uses
- Continued Public Hearing for Rojo and Sidecar

d. Other Business (none)

Bistro license applications for Perno and Brooklyn Pizza were referred to the Planning Board by the City Commission during the April 22, 2019 Commission meeting. Ms. Ecker explained Brooklyn Pizza is looking to expand into the former Birmingham Geek location to make it a larger restaurant.

Ms. Ecker also state that at the May 6, 2019 Commission meeting, the City Commission will conduct a public hearing on the proposed ordinance dealing with projections into the right-of-way and clarification regarding which City Boards review which aspects of commercial property renovations.

Planning Director Ecker reported that the Development Agreement with Woodward Bates Partners for the Bates Street project was approved at the Commission's April 22, 2019 meeting. It is anticipated that the Woodward Bates team will appear before the Planning Board for site plan review within the next two months.

Chairman Clein reported that he has requested from the City Manager a summary of the project, a statement of intent regarding the project, and direction to the Planning Board on the desired level of review for the site plan.

Mr. Boyle reported attending the Commission's April 15, 2019 workshop on the development agreement. At the meeting, Mr. Boyle spoke to the fact that this project will require a Community Impact Statement (CIS). Mr. Boyle noted that prior to his comments there had been no mention of a CIS. He also noted that the City aims to have site plan approval for Phase One of the project before the bonding vote, scheduled to be held on August 6, 2019.

Mr. Jeffares clarified the site plan would actually need to be approved by July 15, 2019, in order to be far enough in advance for the vote to be scheduled.

Planning Director Ecker stated that the City has advised Woodward Bates Partners that a CIS will be necessary.

Mr. Boyle noted that it is a public deck.

Chairman Clein said these nuances are why he has requested clarification and direction from the City Manager on the project and the Planning Board's role in review.

Mr. Williams suggested that the Board should also consult the City Attorney to have a clear sense of the Board's legal obligations in regards to the review of the project.

04-060-19

G. Planning Division Action Items (none)
a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

04-061-19

J. ADJOURNMENT

No further business being evident, the Chairman adjourned the meeting at 8:40 p.m.

Jana L. Ecker

Planning Director