

City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, July 14, 2021
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on July 14, 2021. Chair Clein convened the meeting at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Bryan Williams; Alternate Board Member Jason Emerine, Nasseem Ramin

Absent: Board Members Daniel Share, Janelle Whipple-Boyce; Student Representatives Daniel Murphy, Jane Wineman

Administration: Jana Ecker, Planning Director ("PD")
Nick Dupuis, City Planner ("CP")
Laura Eichenhorn, City Transcriptionist

07-090-21

B. Approval Of The Minutes Of The Regular Planning Board Meeting of June 23, 2021

Mr. Williams said he did not know the meaning of the word "exhorted" as used on page two of the minutes. He asked that "exhorted to" be changed to "requested that".

Motion by Mr. Williams

Seconded by Mr. Koseck to approve the minutes of the Regular Planning Board Meeting of June 23, 2021 as amended.

Motion carried, 6-0.

VOICE VOTE

Yeas: Boyle, Koseck, Jeffares, Williams, Clein, Ramin

Nays: None

Abstain: Emerine

07-091-21

C. Chair's Comments

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

07-092-21

D. Review Of The Agenda

07-093-21

E. Special Land Use Permit Review and Final Site Plan and Design Review

1. 300 & 394 S. Old Woodward, and portions of 294 E. Brown – New Construction (Capital Title/Lutz & Frank’s Shoe Service, portions of Coldwell Banker Weir Manual parking lot), Request for a Special Land Use Permit and Preliminary Site Plan Review to consider approval of a new 4 story building, including a request to operate a restaurant using an Economic Development Liquor License.

Chair Clein recused himself from discussion of this item at 7:35 p.m. citing a potential conflict-of-interest stemming from a business relationship.

Vice-Chair Williams began facilitating the meeting at 7:35 p.m.

PD Ecker reviewed the item for the City.

Victor Saroki, architect, Alex Saroki, architect, Michael Dul, landscape architect, Michael Avellone, Director, Architecture & Design Galleries for RH, Rick Rattner, attorney, and Kelly Allen, attorney, were present on behalf of the project.

Mr. Saroki and Ms. Allen reviewed the item for the applicant.

Vice-Chair Williams noted that landscaping on the adjacent property was not part of the evening’s site plan review. He said he was fine with that aspect of the proposal being administratively approved. He continued that given the current ambiguity about whether RH’s valet would use the Caldwell Banker site, the Board should not delegate administrative approval on that issue until an agreement between RH and the owner of the Coldwell Banker site is reached.

Mr. Koseck said he was also fine with an administrative approval for the landscaping on the adjacent site, noting that landscaping the adjacent site goes above and beyond the requirements of the project.

PD Ecker stated that RH believed they would be able to reach an agreement with the owner of Coldwell Banker but that the RH applicant team also submitted an updated valet proposal that would avoid the site if necessary.

In reply to Mr. Saroki, PD Ecker stated that the small LED lights proposed for the trees, primarily located on the roof, would need to be added to the site’s photometric plan.

Mr. Saroki confirmed the applicant team would comply with the requests of all City departments. He reviewed the valet proposal that would avoid the Coldwell Banker site for the Board.

In reply to Mr. Boyle, Mr. Saroki reviewed the proposed park area on Daines. He stated that there would be public access to the space on the west end and that RH would be responsible for maintaining the area.

Public Comment

Paul Reagan expressed concerns about parking and traffic from the RH site extending into the adjacent residential areas.

Mr. Williams noted that the plan to have valeted vehicles picked up at the underground parking entrance by owners would prevent the valet from having to drive through the residential areas to return the cars. He also said that any concerns regarding the Parking Assessment District should be addressed to the Commission since they are currently studying the issue and it is under their purview.

A member of the public said he was looking forward to getting more involved in the City. He said he hoped the RH development would benefit the Birmingham community.

Motion by Mr. Boyle

Seconded by Mr. Jeffares to recommend approval of the Special Land Use Permit for 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street to the City Commission for the use of an economic development license with the following conditions based on the Planning Board's finding that all of the requirements of section 7.34 of the Zoning Ordinance have been met: 1) The applicant must comply with the requests of all departments; and, 2) The applicant is required to execute an agreement with the City for the use of an economic development liquor license with a Special Land Use Permit.

Mr. Boyle said that Birmingham's economic development licensing achieved its purpose in allow the City to bring a building of this scale.

Vice-Chair Williams noted this was a recommendation to the Commission, and that ultimately the Commission would decide whether to approve the SLUP.

Motion carried, 6-0.

VOICE VOTE

Yeas: Boyle, Jeffares, Williams, Ramin, Emerine, Koseck

Nays: None

Motion by Mr. Jeffares

Seconded by Mr. Koseck to recommend approval of the Final Site Plan and Design Review for 300 - 394 S. Old Woodward and a portion of 294 E. Brown Street to the City Commission with the following conditions based on the Planning Board's finding that all of the requirements of section 7.27 of the Zoning Ordinance have been met:: 1) The applicant update the landscape plan to provide species and size details on all proposed plantings, provide material specifications on hardscape items and obtain a waiver for the required street trees on Daines prior to City Commission review; 2) The applicant is required to receive separate Planning approval for all landscaping changes proposed for the adjacent site subject to administrative approval; 3) All streetscape elements on S. Old Woodward will be required to be consistent with the

enhanced streetscape design planned by the City for future construction; 4) The applicant must obtain approval of the Police Department and / or City Commission for any valet operation proposed; 5) The applicant must submit all light fixture and mechanical equipment specification sheets and a revised photometric plan that meets all lighting requirements prior to City Commission review; 6) The Planning Board approves the use of non-cut off fixtures to enhance the architecture of the building; and, 7) The applicant must comply with the requirements of all departments.

Mr. Emerine noted that the applicant worked diligently with the City and stated the applicant submitted an excellent proposal. He said he was glad to be supporting the request.

Vice-Chair Williams said the project would be positive in an area of the City that needs some enhancement and vitality. He said he was appreciative of both the applicant's voluntary limitation of its building to four stories in D4, and of the Commission's decision to accept the Planning Board's recommendation of that limitation.

Mr. Koseck stated that this was not a large building, relatively speaking. He observed that while construction costs are rising this applicant is choosing to use high quality materials and complementary landscaping and hardscaping. He said this proposal would complete an important intersection and continue the City's downtown to the south. He said it would also be likely to benefit retail in the area.

Mr. Jeffares said the BSD was excited about how this project would be likely to draw additional new retailers to the City.

Motion carried, 6-0.

VOICE VOTE

Yeas: Jeffares, Koseck, Williams, Ramin, Emerine, Boyle

Nays: None

07-094-21

F. Final Site Plan and Design Review

- 1. 135 Pierce Street, Planthropie** – Request for Design Review for a new outdoor dining platform.

Chair Clein rejoined the meeting and resumed facilitation at 9:03 p.m.

CP Dupuis presented the item.

Owner Rua Francis spoke on behalf of the application. She stated that the hours would be noon to seven p.m. on weekends and noon to six p.m. on weekdays. She said they hope to expand both the hours and menu at some point in the future.

Mr. Emerine noted that there would be one parking space between Planthropie's outdoor dining and the outdoor dining of the restaurant next door. He said that while that would not necessarily make him decline the request he thought it should be noted.

Mr. Boyle said he was conflicted about removing a parking space for Planthropie's outdoor dining given its focus on small plates.

Mr. Koseck said that having the deck empty at night might make the streets seem inactive. He suggested that three tables closer to the building might be more appropriate in terms of scale.

Mr. Jeffares spoke in favor of the request. He said it would be beneficial to have another establishment activating the streets during the day. He noted that Birmingham Roast has outdoor dining even though it offers more cafe-fare than it does meals. He said that while ideally he would prefer not to lose a parking space, this particular location is not conducive to alley or sidewalk dining and so he said it was worth giving the proposal a try.

Chair Clein said Planthropie was unique and eclectic and their focus on small plates instead of more traditional meals should not prevent them from qualifying for outdoor dining. He said he was inclined to approve without the polypropylene chairs since he is in favor of reducing the use of plastics where possible.

Mr. Emerine said he was in favor of giving Planthropie's outdoor dining a chance.

CP Dupuis noted the City has the opportunity to review outdoor dining permits every year and make changes if necessary.

Motion by Mr. Williams

Seconded by Mr. Jeffares to approve the Design Review application for 135 Pierce – Planthropie – with the following conditions:

- 1. The applicant must submit revised plans showing dining chairs constructed of wood or metal, or obtain a variance from the Board of Zoning Appeals; and,**
- 2. The applicant receives a favorable recommendation from the Advisory Parking Committee in regards to the parking and traffic conditions surrounding the subject site.**

Ms. Francis stated the chairs are artist-designed, in line with the interior aesthetic, and more likely to withstand inclement weather than other chairs and therefore likely to generate less waste.

Motion failed, 3-4.

VOICE VOTE

Yeas: Boyle, Ramin, Clein

Nays: Koseck, Jeffares, Williams, Emerine

Motion by Mr. Williams

Seconded by Mr. Jeffares to approve the Design Review application for 135 Pierce – Planthropie – with the following conditions: 1. The Planning Board approves the polypropylene dining chairs as a material of comparable quality; and 2. The applicant receives a favorable recommendation from the Advisory Parking Committee in regards to the parking and traffic conditions surrounding the subject site.

Mr. Jeffares said it would be positive to have this establishment activating the street from midday to early evening every day since many bistros only activate the street during the evenings five days a week.

Mr. Koseck said Mr. Jeffares’ comments changed his vote.

Motion failed-passed, 6-1.

VOICE VOTE

Yeas: Boyle, Ramin, Koseck, Jeffares, Williams, Emerine

Nays: Clein

07-095-21

F. Study Session

1. Public Notice Signs

CP Dupuis reviewed the topic.

The Board discussed the item.

PD Ecker stated that the previously used general public notice signs worked well and did not generate a surplus of calls to the Planning Department.

Mr. Jeffares advocated for more detailed public notice signs on which information could be written. He said more general signs make it easier for developers than it does for residents, and said the priority should be maintaining transparency for residents.

Chair Clein noted that Mr. Jeffares’ recommendation does not resolve the issue of the wrong public notice signs being inadvertently posted by the developer, which is how this issue came to the Board. He recommended that the ordinance language be advanced since it does not prescribe the sign’s design, and that Staff, the City Manager, and the Commission consider the various factors relevant to designing the signs. He said Mr. Jeffares’ concerns were valid.

Mr. Jeffares also advocated for the noticing requirements to be reduced from 15 days to 13 days since Planning Board meetings are 14 days apart. He suggested that would alleviate a number of the noticing issues the City runs into.

Mr. Williams said he was in favor of more general public notice signs. Mr. Boyle concurred, and said that the City website and phone number should be sufficient for members of the public seeking information.

It was discussed that the ordinance should require the signs to be “visible from a public right-of-way” to clarify where the signs should be located.

Mr. Koseck recommended getting rid of the tree and boulevard graphics on the signs.

Staff said they would update the recommended language for Article 7, Section 7.29 to clarify that this ordinance only applies to Historic District Commission reviews of non-historic buildings in historic districts.

Motion by Mr. Williams

Seconded by Mr. Boyle to schedule a public hearing for the amendment of Article 7, Section 7.29 and Article 7, Section 7.01(b), to August 11, 2021 with changes as noted.

Mr. Jeffares said that while he respected his colleagues’ perspectives he would be voting no on principle.

Motion carried, 6-1.

VOICE VOTE

Yeas: Boyle, Ramin, Koseck, Clein, Williams, Emerine

Nays: Jeffares

CP Dupuis said this would be an excellent Engage Birmingham topic to explore how much detail residents want to see on the signs.

2. Outdoor Dining

CP Dupuis presented the item.

Mr. Boyle noted that many examples of the outdoor dining he was seeing occur on private property, and that Birmingham is considering how to deal with outdoor dining on public property. He noted there are key differences in those considerations. He stated that when outdoor dining occurs on public property in Europe it often is on very wide sidewalks or in squares adjacent to the cafes.

Mr. Jeffares noted that Birmingham’s sidewalks keep getting wider. He said outdoor dining in Europe would not be a perfect match to Birmingham but that there would still be things to learn from those examples.

Chair Clein told CP Dupuis that he appreciated the high level start to the discussion.

Board members listed aspects of outdoor dining that would need discussion and/or further research in order to make ordinance recommendations. Those aspects included whether there should be a year-round set of standards, or two sets of standards for the warmer and colder months; how pop-ups and social districts might be related; what national downtown associations are discussing and recommending for outdoor dining; how winter resort towns like Aspen or Vail

handle cold-weather outdoor dining; creating some appearance standards for outdoor dining and related utilities; whether outdoor dining should be on both sides of a pedestrian path or in parking spaces; how the building, energy, and plumbing codes relate to outdoor dining; how outdoor dining relates to clear width of the streets, travelled ways, and shy distances; the differences between walls versus windbreaks, weather protection versus roofs, and temperature mitigation versus full climate control; the perspectives of City Departments; and, how to minimize potential conflict between restauranteurs and their retail neighbors.

CP Dupuis noted that the City had begun soliciting feedback from residents on the Covid-19 outdoor dining, and that the feedback regarding outdoor dining had been overwhelmingly positive. He said some of that information could be relevant to these proceedings.

PD Ecker encouraged residents to visit Engage Birmingham on the City's website in order to provide their feedback.

Public Comment

Joe Bongiovanni of Market North End said that a detached deck in wintertime may not have a lot of value to restauranteurs. He said that one of the main questions seemed to be whether the City would continue to give up parking spaces for dining decks. He recommended that outdoor service remain close to the entrance/exit of a restaurant.

Chair Clein thanked Mr. Bongiovanni and asked him to stay involved in the ongoing outdoor dining discussions.

PD Ecker said that Staff would bring the item back to the Board in parts in order to maintain momentum on the issue.

07-096-21

G. Miscellaneous Business and Communications

- a. Communications**
- b. Administrative Approval Correspondence**
- c. Draft Agenda for next meeting**
- d. Other Business**

The possibility of scheduling a second Board meeting for September 2021 was briefly discussed.

07-097-21

H. Planning Division Action Items

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

07-098-21

I. Adjournment

No further business being evident, the Chair adjourned the meeting at 10:27 p.m.

Jana L. Ecker

Planning Director

APPROVED