

City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, July 28, 2021
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on July 28, 2021. Chair Clein convened the meeting at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein (left at 8:33 p.m.); Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Jason Emerine, Nasseem Ramin

Absent: Board Member Daniel Share; Student Representatives Daniel Murphy, Jane Wineman

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

07-099-21

B. Approval Of The Minutes Of The Regular Planning Board Meeting of July 14, 2021

Mr. Williams asked that the minutes be corrected to show that while the second motion for Planthropie was described as having failed, it actually carried.

Motion by Mr. Williams
Seconded by Mr. Boyle to approve the minutes of the Regular Planning Board Meeting of July 14, 2021 as amended.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Abstain: Whipple-Boyce

07-100-21

C. Chair's Comments

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

07-101-21

D. Review Of The Agenda

07-102-21

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

1. 325 S. Old Woodward (Adachi Restaurant), Request for a Special Land Use Permit Amendment and Final Site Plan and Design Review to consider approval of an expanded outdoor dining area for Adachi.

CP Dupuis stated that the applicant submitted a request to postpone indefinitely.

Chair Clein asked that the Engineering Department comments distributed to the Board immediately prior to this meeting be forwarded to the applicant.

Mr. Boyle said he was positive **of the opinion** that this applicant was postponing since the Board is still in the process of devising revised outdoor dining standards. He recommended that other applicants pursuing changes to their outdoor dining consider postponing their applications as well until the revised outdoor dining standards are finalized.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to postpone the Special Land Use Permit Amendment and Final Site Plan and Design Review for 325 S. Old Woodward (Adachi Restaurant).

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

07-103-21

F. Final Site Plan and Design Review

1. 2425 E. Fourteen Mile Road (Clover Hill Cemetery), Request for Final Site Plan and Design Review to consider approval of a building addition and new patios.

CP Dupuis presented the item. He stated that the correspondence received from the neighbor at 1633 Hanley Court would be added to the agenda packet.

Chair Clein noted the aforementioned correspondence requested that the applicant establish more clear communication with the neighbors.

There was brief Board discussion about how neighbors are notified of construction in the City.

PD Ecker stated neighbors receive notice when the projects come before Boards for review.

Mr. Williams suggested the City could notice neighbors when building permits are granted. He said that while it would require a departmental change, it might be worth considering.

David Lubin and Kim Raznik were present on behalf of the project.

The Chair asked the applicant team to commit to better communication with the neighbors. He said the applicant team would be given the contact information for the nearby neighborhood association, church and school to notify them when construction begins.

Motion by Mr. Williams

Seconded by Mr. Jeffares to approve the Final Site Plan and Design Review for 2425 E. Fourteen Mile Road (Clover Hill Cemetery) with the following condition: 1. The applicant must submit specifications sheets on the proposed rooftop unit to determine if additional screening will be necessary.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

07-104-21

G. Design Review

- 1. 525 E. Brown (Birmingham Roast),** Request for Design Review for changes to existing outdoor dining area.

CP Dupuis presented the item. He noted that the proposal would be located on public property. He stated that he was emailed revised design plans showing the awning structure with no sides after the agenda packet was sent out.

Jesse Dhillon, owner, was present on behalf of the project.

PD Ecker told Mr. Williams that the proposal would not go to the Commission since there would be no alcohol service and thus no SLUP required. The owner would enter into a license agreement with the City via the Clerk's Office through the outdoor dining licensing process.

Mr. Koseck and Chair Clein noted the plans were missing dimensions as well as other necessary information, and said consequently the Board did not presently have enough information to complete the requested review.

Mr. Boyle reiterated his previous comment that this review should be postponed until the Board has a better sense of its likely outdoor dining standards recommendations.

Mr. Koseck agreed with Mr. Boyle.

Mr. Jeffares noted the Board had the unusual opportunity to see this structure since it was up during the temporary outdoor dining allowances that occurred because of Covid-19. He said that these plans were simple enough that they could be moved forward without conflict with the future outdoor dining standard discussions. He also disagreed with Engineering's comments, saying the structure would be unlikely to be in a driver's vision in the intersection.

Chair Clein said that while he needed to see more complete plans, he did not think this and other applicants should be asked to wait on outdoor dining reviews until the Board has made its updated outdoor dining ordinance recommendations.

Mr. Dhillon stated that any future plans would be submitted with sufficient information.

Motion by Mr. Williams

Seconded by Mr. Boyle to postpone consideration of 525 E. Brown (Birmingham Roast) to August 25, 2021.

Ms. Whipple-Boyce echoed Mr. Boyle's comments. She said the Board would be unlikely to know its outdoor dining ordinance recommendations by the proposed postponement date. She noted that the applicant could avail itself of umbrellas and other shade options in the interim, and expressed concern that approving one project would invite others prior to the Board being sure of the standards it would be applying.

Chair Clein said that while he agreed with Ms. Whipple-Boyce and Mr. Boyle in theory, the City has a current ordinance and cannot require applicants to wait a number of months until the ordinances are updated.

Mr. Williams concurred with Chair Clein, noting that the applicants applying now would be operating under the existing ordinance.

Mr. Jeffares reiterated his contention that this proposal was relatively straightforward and reviewing and approving it would not conflict with the ongoing outdoor dining standard discussions. He said the only two questions this proposal might raise would be how long the structure could stay up and whether it could in some way be heated.

Motion carried, 5-2.

ROLL CALL VOTE

Yeas: Williams, Boyle, Koseck, Clein, Ramin

Nays: Jeffares, Whipple-Boyce

07-105-21

H. Preliminary Site Plan Review

1. 460 N. Old Woodward (Junior League Building), Request for Preliminary Site Plan Review to consider approval of a new three story mixed use building.

PD Ecker presented the item.

Alex Saroki introduced himself, architect, Victor Saroki, architect, John Hindo, attorney, and Ron Boji as members of the applicant team.

At 8:28 p.m., Chair Clein requested a brief pause in the meeting. At 8:32 p.m. the meeting resumed.

The Chair noted that the information provided to the Board had not clearly indicated the members of the applicant team, and that his further participation may represent a conflict-of-interest due to a business relationship with someone on the applicant team. He said he would depart the meeting, and asked that project information better identify all members of the applicant team in the future to make sure this does not recur.

At 8:33 p.m. Chair Clein departed the meeting, Vice-Chair Williams assumed facilitation of the meeting, and Mr. Emerine joined the meeting as a voting member.

Alex Saroki presented on behalf of the applicant team. He stated that all departmental comments would be addressed.

PD Ecker noted that the City would not require an easement in this case since both property owners can access their own property.

Mr. Emerine noted that combining the approaches would be better for both traffic and pedestrian safety.

Victor Saroki stated:

- All the cables on-site would be buried;
- The garbage would be wheeled out to the street since the truck would not fit under the eight foot cantilever;
- The applicant would find a way to indicate the height on the cantilever for the benefit of drivers; and,
- The proposed easement would create an 18-foot driveway, even on both sides.

Motion by Mr. Jeffares

Seconded by Mr. Emerine to approve the Preliminary Site Plan Review for 460 N. Old Woodward – pending receipt of the following:

- 1. The applicant will be required to provide a 6' wooden gate painted to match the brick of the screen wall and building or obtain a variance from the Board of Zoning Appeals;**
- 2. The applicant must submit specification sheets on all proposed rooftop units to ensure full screening at Final Site Plan review;**

- 3. A full Design Review will be conducted at Final Site Plan Review, in which the applicant will be required to supply all required calculations, specification sheets and samples as required; and**
- 4. The applicant comply with the requests of City departments.**

The Board discussed requiring that the applicant secure an easement agreement with 450 N. Old Woodward before final site plan approval as one of the motion's conditions.

Mr. Hindo noted that while the easement agreement would be beneficial, the project's success did not hinge on securing it. Consequently he asked that securing the easement agreement not be made a condition in the motion.

The Board ultimately concurred with Mr. Hindo.

Mr. Koseck listed the positive features of the plans and expressed satisfaction that the project would create two moderately-sized residential units.

Vice-Chair Williams agreed with Mr. Koseck.

Mr. Emerine commended the applicant on the submitted plans.

Stephen Frank, representative for 450 N. Old Woodward, stated he was interested in working with the applicant on an easement agreement that would allow 450 N. Old Woodward to build to the property line.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Jeffares, Emerine, Ramin, Whipple-Boyce, Williams, Boyle, Koseck

Nays: None

07-106-21

I. Miscellaneous Business and Communications

a. Communications

b. Administrative Approval Correspondence

Planning Staff presented administrative approval requests from EM Bistro and Shift/Sidecar/Slice. The Board concurred both proposals could move ahead with administrative approval, with Shift/Sidecar/Slice's being contingent on maintaining the five foot pedestrian clearance outside the establishment.

c. Draft Agenda for next meeting

d. Other Business

As part of creating outdoor dining guidelines, Mr. Jeffares observed that the Fire Department would need to clarify whether restaurants are allowed to store liquid propane tanks on-site.

In reply to Mr. Boyle, PD Ecker stated that CP Cowan was currently working on a map to show what land is publicly and privately owned near Market Square.

Mr. Williams reiterated his previous request of Staff for updates on projects that have received final site plan approval but have not proceeded.

The Board agreed that they would discuss scheduling a second September meeting at their August 11, 2021 meeting.

07-107-21

J. Planning Division Action Items

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

07-108-21

K. Adjournment

No further business being evident, the Vice-Chair adjourned the meeting at 9:14 p.m.

Jana L. Ecker

Planning Director