

City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, October 13, 2021
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on October 13, 2021. Chair Clein convened the meeting at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein (left at 8:52 p.m.); Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Nasseem Ramin; Student Representative Daniel Murphy

Absent: Alternate Board Member Jason Emerine; Student Representative Jane Wineman

Administration:

Nick Dupuis, Planning Director (PD)
Jana Ecker, Assistant City Manager (ACM)
Laura Eichenhorn, City Transcriptionist
Melissa Fairbairn, Assistant to the City Manager

Master Planning Team:

Matt Lambert, DPZ

10-151-21

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

Mr. Share noted that on page four the second motion was in regards to the Special Land Use Permit. He said that should be corrected, and recommended that conditions one through four from the Final Site Plan and Design Review motion be re-listed for the Special Land Use Permit Motion.

Motion by Mr. Share

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

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

Abstain: Clein, Koseck

10-152-21

C. Chair's Comments

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

10-153-21

D. Review Of The Agenda

10-154-21

E. Unfinished Business

- 1. 34745 Woodward – Jax Kar Wash** – Request for Final Site Plan and Design Review for circulation, layout and minor building changes to the existing site.

PD Dupuis presented the item.

Jason Milen, owner, and Bradley Scobel, attorney, spoke on behalf of the application.

Mr. Scobel stated that the north side of the site should be considered a drive lane, which would not necessitate a screening wall. He said having a wall there would make the site inefficient and would make it too difficult to clear the site of snow.

Mr. Milen said he would be willing to change the colors of the stanchions if requested.

In reply to Mr. Koseck, Mr. Milen said he would also clean up the conduits once the awning is removed and would clean up the conduits on the north elevation. He said he would also be removing a conduit on the north side.

Messrs. Koseck and Jeffares said choosing a subtler color for the stanchions would be appropriate.

Noting that there are three Jax signs visible on the north elevation, Mr. Jeffares opined that the on-site signage would be more appropriately calculated based on Woodward being the frontage. Consequently, he said extra signage afforded by using Brown as the frontage was probably not necessary.

Ms. Whipple-Boyce concurred.

Mr. Share noted the applicant's contention that the extra signage afforded by using Brown would be used for directional signage only that would not be visible from Brown or Woodward. He said he was comfortable using Brown to calculate the signage for that reason. He noted the applicant would also be getting rid of the pylon sign which he counted as positive.

Chair Clein concurred.

Chair Clein said the mechanical equipment need not be screened but that it should be painted to blend in with the building. He said the applicant should also show Auto Turn on the site plans and be required to receive an administrative approval for it.

Ms. Whipple-Boyce said 'Kar Wash' could be removed from both sides of the frontage without impact the success of the business. She said it would be more aesthetically pleasing.

Messrs. Share, Williams, Jeffares, Koseck, Ms. Whipple-Boyce and Chair Clein said there was no flexibility in regards to screening wall requirement on the north side of the building at the east property line along Woodward. A number of Board members also noted that the screening wall would also increase pedestrian safety.

Chair Clein said he would not vote to approve the project without the screening wall. While he noted the applicant would be legally within their rights to pursue a variance, the Chair emphatically stated it would be counter to the successful interaction of pedestrians and vehicles and to the preservation of health, safety and welfare on-site.

Mr. Boyle noted this project would be unlikely to move forward without a screening wall along Woodward at the east side of the property north of the building and recommended the Board and the applicant reach a compromise.

Mr. Koseck reiterated his strong support for a 32-inch masonry screening wall on the north side of the building along the east property line of the site along Woodward. He said he could think of no legitimate reason to not have a screening wall there.

Mr. Boyle recalled the applicant claimed that vehicles would have problems making a necessary turn if the screening wall was there. He stated that requiring a masonry wall on the north side of the building along Woodward would require the applicants to change their building.

Mr. Koseck said that if that was the case then a change to the building was necessary.

Mr. Share suggested the Board require a 32-inch masonry screening wall, or some other permanent visual barrier that meets the requirements of the ordinance and would be approved by the Planning Board.

Chair Clein concurred. He said the screening wall should be required and the applicant should be allowed to make minor modifications to the materials that could be approved by the Board at the end of a future meeting should the applicant take that route.

PD Dupuis noted that masonry or evergreens are the two most commonly used options for a screening wall.

Mr. Milen said he was unable to do a screening wall on the north side of the site and would abandon the project if required to install one.

Motion by Mr. Share

Seconded by Mr. Williams to approve the Final Site Plan & Design Review for 34745 Woodward – Jax Kar Wash – with the following conditions: 1. The applicant must submit revised plans with sufficient screening that meets Article 4, Section 4.54 of the Zoning Ordinance; 2. The Board designates Brown Street as the frontage for the purposes of signage; 3. That the applicant change the stanchions to a neutral color subject to administrative approval; 4. The applicant must comply with the requests of all City Departments including the City’s traffic engineer; and, 5. That there not be a curb cut at the required break in the screening wall on the north side.

Mr. Jeffares said he was worried about an unapproved drive lane on the north side of the site along Brown St. He suggested that it be specified that the break in the wall on the north side of the site not be used for routine operation.

Mr. Share said the minutes should reflect the Board’s understanding that it is a break in the wall and not a drive lane.

Mr. Jeffares noted there was a curb cut.

ACM Ecker noted the break in the wall should be for pedestrians and should also be screened with a two-foot offset wall so vehicles cannot get through.

PD Dupuis noted Mr. Milen had said he was willing to remove the curb cut.

Messrs. Share and Williams agreed to add the fifth condition in response to the discussion.

Motion carried, 4-3.

ROLL CALL VOTE

Yeas: Share, Williams, Boyle, Clein

Nays: Whipple-Boyce, Jeffares, Koseck

10-155-21

F. Rezoning Applications

None.

10-156-21

G. Community Impact Studies

None.

10-157-21

H. Special Land Use Permits

None.

10-158-21

I. Site Plan & Design Reviews

None.

10-159-21

J. Study Session

1. The Birmingham Plan 2040 – 2nd Draft Receipt and Review Process

PD Dupuis introduced the item.

Chair Clein clarified that the Board would be reviewing and revising the second draft, and that no body in the City has offered finalized approval of the current draft.

Mr. Williams echoed a comment from the October 11, 2021 joint Commission-Planning Board meeting that the maps need to have street names added. He listed pages eight, nine, 12, 43, 46, 61, and 76 as having maps that require street names. He said there may be other maps not included in his list that also require street names. He said by November 10, 2021 he wanted those pages replaced with maps that are bigger and decipherable by street names.

In reply to Mr. Williams, PD Dupuis said those pages would be replaced and made available to the public before November 10, 2021.

Mr. Share said the color-coding for low-, medium-, and high-intensity seams was difficult to decipher as well. He asked that the colors be replaced with higher-contrast options. He also noted that the October 11, 2021 joint Commission-Planning Board meeting was a public meeting that remains available to the public for viewing.

PD Dupuis noted Mr. Share's comment. PD Dupuis continued that the upcoming Master Plan draft review meetings would be November 10, 2021; December 8, 2021; January 12, 2022; and, February 9, 2022.

In reply to Mr. Share, Chair Clein concurred that page four of the Master Plan draft should be referenced at the beginning of each chapter discussion instead of at the first review meeting in order to keep a broad view of the intentions of each chapter.

Mr. Jeffares noted that three new Commissioners would be joining the Commission in November. He asked if their feedback on the Master Plan draft was going to be specifically solicited.

PD Dupuis said there was no plan to do so at this time.

Mr. Williams noted that the Board would be meeting with the Commission at the end of the review process. He observed that the Commission could always choose to schedule an additional meeting for further discussion if they saw fit.

Chair Clein concurred.

In reply to Mr. Jeffares' inquiry about using Engage Birmingham to solicit feedback on the Master Plan draft, ACM Ecker stated that the use of Engage Birmingham was considered but it was ultimately decided that maintaining the present communication options would be best. She noted that web surveys were used to solicit feedback during the process and that direct feedback could still be provided to the Master Plan team either via thebirminghamplan.com or via submitting feedback to City Staff.

Chair Clein encouraged members of the public to attend the upcoming review meetings. He thanked PD Dupuis for his work on the item.

10-160-21

K. Miscellaneous Business and Communications

a. Communications

b. Administrative Approval Correspondence

Chair Clein recused himself at 8:52 p.m. from a conversation regarding RH citing a potential conflict-of-interest stemming from his business. Chair Clein departed the meeting at 8:52 p.m.

Vice-Chair Williams assumed facilitation of the meeting at 8:52 p.m.

Victor Saroki, architect, was present on behalf of RH. He described a requested change to the location of the interior stairwells and to make the center entry windows more vertical than horizontal in appearance.

The Board concurred that the requested changes could proceed subject to administrative approval.

c. Draft Agenda for next meeting

d. Other Business

Ms. Whipple-Boyce stated that there was a new home being built on Clark Street that was sitting five feet closer to the street than the other homes on the block. She said she believed that because the new home was closer to a corner property that also sits closer to Clark Street, it caused the average of setbacks of homes within 200 feet to be skewed. She said she wanted the Board to review the issue.

Chair Clein asked PD Dupuis to speak with BO Johnson, CM Markus and ACM Ecker to see whether it would be appropriate for the Board to review the matter.

10-161-21

L. Planning Division Action Items

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

10-162-21

M. Adjournment

No further business being evident, the Vice-Chair adjourned the meeting at 9:07 p.m.



Nick Dupuis
Planning Director

APPROVED