

City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, January 25, 2023
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on January 25, 2023. Chair Clein convened the meeting at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein, Vice-Chair Bryan Williams; Board Members Robin Boyle, Bert Koseck, Daniel Share (left at 10:03 p.m.), Janelle Whipple-Boyce; Alternate Board Member Jason Emerine

Absent: Board Member Stuart Jeffares; Alternate Board Member Nasseem Ramin

Staff: Planning Director Dupuis; Senior Planner Cowan, City Transcriptionist Eichenhorn

F&V: Julie Kroll

B. Approval Of The Minutes Of The Regular Planning Board Meeting of January 11, 2023

01-02-23

Motion by Mr. Williams

Seconded by Mr. Koseck to approve the minutes of the Regular Planning Board meeting of January 11, 2023 as submitted.

Motion carried, 7-0

VOICE VOTE

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

Nays: None

C. Chair's Comments

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

D. Review Of The Agenda

E. Unfinished Business/Courtesy Review

F. Rezoning Applications

G. Community Impact Studies

H. Special Land Use Permits and Site Plan & Design Reviews

- 1. 34350 Woodward** – Fred Lavery Porsche – Request for Special Land Use Permit and Final Site Plan and Design Review for New 3- Story Auto Sales Agency

SP Cowan and Ms. Kroll presented the item and answered informational questions.

Ms. Kroll said that while she was requesting corrected synchro models from the applicant, she did not anticipate that any major concerns would arise from the corrected models.

Fred Lavery, applicant, spoke regarding the item.

Seeing no public comment, the Chair invited Board discussion.

The Chair said that while the Commission could require Mr. Lavery to reconfigure Elm, he did not feel it was within the Board's purview to do so. He said Mr. Lavery's project should also not be delayed while all concerned parties work on a mutually agreeable reconfiguration of Elm.

Messrs. Williams and Emerine concurred, adding that the reconfiguration of Elm should be carried out by the City and not by the applicant.

Four members stated that the crosswalk should be moved to the north to mitigate the safety issue on Elm.

Mr. Boyle said this proposal was a good example of 'planning gain', where a proposal benefits the surrounding neighborhood. He said this proposal, combined with Option C2, would make the surrounding area **safer with less traffic**. He voiced his support to the proposal as a result.

Mr. Koseck said the building as proposed did not meet most of the criteria used to permit deviations from Article 3, Section 3.09. He cited the metal siding as a key concern, noting that it neither 'demonstrated innovation in architectural design' nor was 'of equal or better quality and durability as those permitted herein'. He said that while it was an aesthetically appealing building, it did not fit the intent for the area to be an urban, walkable environment. He said he would not support the project for that reason.

Mr. Share said he believed that the building as proposed 'fit' in the area, while noting that he would not expect every building in the area to look similar.

01-03-23

Motion by Mr. Share

Seconded by Mr. Williams to recommend approval to the City Commission of the Special Land Use Permit for 34350 Woodward Ave & 909-911 Haynes Street with the following conditions:

- 1. The applicant must provide details regarding the species of landscaping proposed for the entrance to ensure that no prohibited species are being used;**
- 2. The applicant relocate the crosswalk on Elm to the north to avoid conflict with the service entry to a location approved by Staff;**
- 3. The Planning Board expresses a high priority on making the intersection of Haynes, Woodward, and Elm safer through a reconfiguration similar to Option C2 as expeditiously as possible by the City Commission;**

- 4. The applicant provide updated site plans and surveys addressing concerns related to the electrical pole in the sidewalk on the northwest corner of the property;**
- 5. The applicant provide updated lighting information regarding the light fixture specifications and the parking lot circulation area lumen values;**
- 6. The Planning Board approve deviations to the architectural requirements of of Section 3.09(D)(1), Section 3.09(B)(2), and Section 3.09(A)(4) to enable the applicant creativity and flexibility in design for a metal exterior, a non-inset front door, and a garage door on the front façade with the condition that the applicant provide a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block;**
- 7. The applicant comply with all department requests; and,**
- 8. That the applicant obtain a lot combination to create a single parcel for 34350 Woodward Ave & 909-911 Haynes Street.**

Mr. Lavery emphasized the necessity of the City Commission working to accomplish condition number three, stating that MDOT and other parties would not work with him to reconfigure the intersection.

Motion carried, 6-1.

ROLL CALL VOTE

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

Nays: Koseck

01-04-23

Motion by Mr. Share

Seconded by Mr. Williams to recommend approval to the City Commission of the Final Site Plan and Design Review for 34350 Woodward Ave & 909-911 Haynes Street with the following conditions:

- 1. The applicant must provide details regarding the species of landscaping proposed for the entrance to ensure that no prohibited species are being used;**
- 2. The applicant relocate the crosswalk on Elm to the north to avoid conflict with the service entry to a location approved by Staff;**
- 3. The Planning Board expresses a high priority on making the intersection of Haynes, Woodward, and Elm safer through a reconfiguration similar to Option C2 as expeditiously as possible by the City Commission;**
- 4. The applicant provide updated site plans and surveys addressing concerns related to the electrical pole in the sidewalk on the northwest corner of the property;**
- 5. The applicant provide updated lighting information regarding the light fixture specifications and the parking lot circulation area lumen values;**
- 6. The Planning Board approve deviations to the architectural requirements of of Section 3.09(D)(1), Section 3.09(B)(2), and Section 3.09(A)(4) to enable the applicant creativity and flexibility in design for a metal exterior, a non-inset**

- front door, and a garage door on the front façade with the condition that the applicant provide a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block;**
- 7. The applicant comply with all department requests; and,**
 - 8. That the applicant obtain a lot combination to create a single parcel for 34350 Woodward Ave & 909-911 Haynes Street.**

Mr. Boyle commented that he did think the design of the building was aligned with the general aesthetic goals for the Triangle District.

Motion carried, 6-1.

ROLL CALL VOTE

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

Nays: Koseck

- 2. 479 S. Old Woodward** – Birmingham Tower – Request for Special Land Use Permit and Final Site Plan and Design Review for New 5- Story Mixed-Use Building

SP Cowan presented the item and answered informational questions. He noted that when a building has mixed use with office and restaurant use in a B3 zone, Article 4.50(d) allows for a credit towards the number of parking spaces required because of the mix of uses. He also noted that conditions five and six in the sample motion language no longer needed to be included since the applicant met those conditions.

The Board motioned to accept a letter from Birmingham Place indicating supporting for the development as proposed.

Duraid Markus, owner, Stephen Estey, attorney for the project, and Scott Bowers, architect for the project, spoke on behalf of the request.

In reply to Board comment, Mr. Markus stated:

- He was proposing an office use instead of more residential because more residential would require additional on-site parking;
- An office use would also result in less impact on the parking system since a percentage of the parking spaces occupied during the night by residential users could be occupied during the day by the office users;
- His team had not explored adding a half-basement, in addition to the two stories underground, away from Birmingham Place in order to get another nine to ten parking spaces. The ramp would likely still cause an issue with that configuration;
- He was skeptical that he would be able to replace the office use on floor two with apartments without offering parking for those apartments;
- He did not think a four-story building would be appropriate, given its location between two taller buildings and a Master Plan allowance for a five-story building at that location;
- **He confirmed that he had an ownership interest in the commercial space of the Birmingham Place building and** was working to mitigate the impact of the parking

needs of the **proposed** building by trying to make parking agreements with neighboring buildings; and,

- He would likely be able to get permission from the commercial tenants of Birmingham Place to build under their building, but would not likely be able to get permission from the residential tenants of Birmingham Place.

Mr. Bowers answered brief informational questions from the Board.

Public Comment

Lynn Gross, owner of the property across the street, stated that she has a private parking lot for her business tenants. She said that this project's approval could increase the demand for parking in the area, and result in people inappropriately using her private lot.

David Bloom said the City should address parking demands potentially outpacing the City's parking supply.

Seeing no further public comment, discussion was returned to the Board.

Mr. Share said he was not in favor of payments in lieu of parking because it would not solve the parking demand issue and because it would translate into higher rents, which would be contrary to the City's aims of increasing attainable housing. He also noted that the Commission had previously passed an amendment to the ordinance that allowed parking waivers in non-residential areas. He said he did not believe this project qualified for such a waiver because the developer neither demonstrated that there was no parking problem or that there was a solution to the parking problem. He said he did not believe that this project was appropriate for a SLUP for these reasons.

Mr. Williams said he was not in favor of the proposed change of the second floor from residential to office. He said that if 401 S. Old Woodward were making parking available to this project, parking for residential on the second floor could be accommodated. He was entirely against an office use on the second floor, stating that the daytime use of parking in the building would create parking pressures for other businesses in the area. He said he understood the need for a five-story building, and could support a smaller parking deficit than the one proposed. He recommended Mr. Markus go to the Commission with an agreement with 401 S. Old Woodward and that council determine that the agreement would be enforceable. He said he would also not want to see the restaurant space occupied by a business that would generate a lot of traffic in the surrounding area.

Ms. Whipple-Boyce said she concurred with Messrs. Williams and Share. She said the project also should have been brought back as a preliminary site plan given the significant number of changes between the 2020 plans and the present plans. She said that while it could not influence her vote, she would have much preferred that the design had more elements of the 2020 plans.

Mr. Emerine said he agreed with his colleagues. He said he was not sure that a structural issue was preventing this project from being able to build under Birmingham Place. He said it might be more of an easement and cost issue. He noted that parking was the significant challenge to the

project, observing that neither the first nor second floors alone could be parked with the amount of parking on-site.

Mr. Koseck said he concurred with his colleagues. He said that building an additional level for parking would cost more than the Staff-proposed payment in lieu costs and would also add time to the development. He said while he understood the benefits of a five-story building, he would prefer to see a three- or four-story building that would not put additional demands on parking around the site. He noted that the applicant did not provide a required rendering of the building in its context, and also did not show the wall that would be visible to those driving south on Woodward.

Mr. Boyle said he would have great difficulty giving his vote to the project presently given the confusion over parking.

The Chair said he wanted to see the site developed and said he was supportive of the project in a broad sense. He said the plans presently did not comply with either Article 7, Sec. 7.36(2) or Article 7, Sec. 7.36(5), and that the office and restaurant uses would prove injurious to the surrounding area. He said office was too intense a use. He said he would support both a plan that proposed residential on the second floor and a request for a variance from the attendant second-floor residential parking requirements. He said he would prefer the restaurant space be retail but would not insist upon it. He said he would be much more likely to support a parking waiver if it only entailed the parking required for the retail on the ground floor and the corresponding warehouse use. He said that while he understood Staff's mention of a possible payment in lieu, he said it would be more of a Commission, policy-related issue than a Board, land use issue.

In response to Mr. Markus, the Chair said the Board would consider a parking agreement that was approved by the City Attorney and would be more likely to support a less-intensive use and a lower parking waiver request.

Mr. Markus said he would work to get the parking agreement with 401 S. Old Woodward approved by the City Attorney. He said he would also return with better elevations, plans that indicate the correct materials to be used, and with renderings that present the project in the visual context of the surrounding area.

01-05-23

Motion by Mr. Boyle

Seconded by Ms. Whipple-Boyce to postpone the item to a date certain of March 22, 2023.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

I. Study Session

J. Miscellaneous Business and Communications

1. Pre-Application Discussions

PD Dupuis presented the proposals.

i. Lincoln Yard

Board consensus was to allow the request to be administratively approved.

ii. Eton Square Apartment Lighting

Citing a business relationship to the requester, Mr. Share recused himself from the item and departed the meeting.

Board consensus was to require that Eton Square Apartments add the larger shields to their lighting and then to allow the request to be administratively approved.

2. Communications

i. Project Updates

The Board expressed appreciation for the project updates.

3. Administrative Approval Correspondence

4. Draft Agenda

5. Action List - 2023

PD Dupuis asked the Board to consider Action List items.

6. Other Business

L. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

M. Adjournment

No further business being evident, the Chair adjourned the meeting at 10:44 p.m.



Nick Dupuis, Planning Director



APPROVED