

City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, February 23, 2022
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on February 23, 2022. Vice-Chair Williams convened the meeting at 7:31 p.m.

A. Roll Call

Present: Vice-Chair Bryan Williams; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce; Alternate Board Member Jason Emerine

Absent: Chair Scott Clein; Alternate Board Member Nasseem Ramin

Administration:

Nick Dupuis, Planning Director
Leah Blizinski, City Planner
Brooks Cowan, Senior Planner
Laura Eichenhorn, City Transcriptionist

02-37-22

B. Approval Of The Minutes Of The Regular Planning Board Meeting of February 9, 2022

Mr. Share stated that on page two, seventh bullet, windbreaks should be removed; on page four, third full paragraph from the bottom, the 'but' after 'except' should be removed; and, on page six, fifth full paragraph from the bottom, 'an' should be changed to 'any'.

Mr. Jeffares said he believed it was not Matt Knio but Garen Damiryan who spoke in regards to Cannelle Patisserie.

A subsequent review of the record by Staff indicated that it was indeed Mr. Damiryan who spoke.

Motion by Mr. Share

Seconded by Mr. Jeffares to approve the minutes of the Regular Planning Board Meeting of February 9, 2022 as amended.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Abstain: Koseck

02-38-22

C. Chair's Comments

Vice-Chair Williams responded to a resident's comment made at the February 21, 2022 Commission meeting which asserted that the Planning Board did not have a quorum at its January 26, 2022 meeting.

Vice-Chair Williams noted the Planning Board did, in fact, have a quorum at its January 26, 2022 meeting, and that the Board deliberated during that meeting for a lengthy period of time.

Vice-Chair Williams then noted that the City's traffic engineer had not yet provided the traffic analyses for 770 S. Adams and 294 E. Brown. He noted the lack of those analyses would impede the Board in its review of the traffic aspects of 770 S. Adams and 294 E. Brown during the present meeting.

Vice-Chair Williams reviewed the meeting's procedures.

02-39-22

D. Review Of The Agenda

02-40-22

E. Unfinished Business

None.

02-41-22

F. Rezoning Applications

None.

02-42-22

G. Community Impact Studies

1. 770 S. Adams – Request for a new 4-6 story mixed use building

Messrs. Emerine and Koseck recused themselves from the item at 7:38 p.m., citing a current and previous business relationship, respectively.

PD Dupuis reviewed the item.

Mr. Boyle said:

- He was pleased that the development both increased the height and number of units being proposed. These increases align with the City's plans for the area;
- This development does not accomplish Worth Park but moves the area in the right direction in terms of having an open space requirement. He said the plans do not do what the City has hoped, but that the open space does add to the City itself;
- The project team made some improvements to the Adams Street elevation based on previous Board comments, which he said 'would get 50% from me'. He had some concerns

about the finishes and the large block pillars on either end, but said the elevation was largely moving in the correct direction;

- He would strongly suggest the ATM be removed from the plans;
- The developer should consider a finish for the interior open space more like a Japanese garden which would incorporate different forms of material instead of either real grass or turf; and,
- The item should not be passed at the present meeting since the Board had not been able to review the traffic engineer's comments.

Vice-Chair Williams said there seemed to be a discrepancy between the Triangle Plan and the zoning ordinance. He said that while he thought the zoning ordinance would control, the City Attorney should opine.

Chris Longe, architect, and Nico Schultz, of Soave Enterprises, spoke on behalf of the project.

Vice-Chair Williams noted that the proposed use of artificial turf could be discussed at the final site plan if and when the project advances to that stage.

PD Dupuis noted that presently it is the Planning Department's interpretation of the ordinance that all plantings used for a project are required to be live.

Mr. Longe said the proposal for the use of artificial turf should be seen as a placeholder for now.

Vice-Chair Williams told the applicants there was unanimity among the Board members that plans for a drive-through ATM in the alley should be nixed. He said he would be willing to consider an ATM located elsewhere on-site.

In reply to Mr. Longe, Mr. Share encouraged the applicants to discuss the designs for the open space amongst themselves and with Planning Staff to create a proposal that would benefit both the project and the neighborhood.

In reply to Mr. Share, Mr. Schultz said the drive-through ATM proposal had remained because the applicant modified the plans in an attempt to address the concerns raised by the Board at the January 26, 2022 meeting. He said they tried to retain the drive-through ATM since the current building on Haynes has a bank as a tenant. He said it was now clear that the Board had a total disinterest in the drive-through ATM.

In reply to Vice-Chair Williams, Mr. Schultz said the applicant team was concerned that vacant retail on Adams would be damaging to the area, and that having the three proposed residences on Adams would not be. He said that the activation the building could control had been shifted over to Adams after the feedback received at the January 26, 2022 Board meeting.

In reply to Mr. Schultz, Vice-Chair Williams stated that the Board could not move the item forward without the opportunity to review the City traffic engineer's findings.

Vice-Chair Williams said he appreciated the changes to the south wall and the activities that were moved from Haynes to Adams. He said he did not have strong feelings about three residences

remaining on Adams. He said that the amenities proposed by the applicant team do not exist in the City currently and would benefit the City. He said he liked the proposal for Worth as well, including how the retail could tie-in to a future Worth Park.

Ms. Whipple-Boyce said:

- The changes to the plans represented a significant improvement over the plans shown at the January 26, 2022 Board meeting and commended Mr. Longe on the improvements;
- The revised plans were much more in line with what the Board would have expected to see in the first place;
- She remained concerned about Adams, noting that she appreciated the small change of moving the workout room to Adams but did not think that would particularly activate the street;
- The workout room would not be accessible to the public and does nothing to draw people down Adams or to that side of the building;
- Keeping three residences on Adams would likely be as detrimental to activation of the street as vacant retail would be since the residences' blinds will likely remain drawn as thousands of vehicles a day travel Adams;
- Retail is viable on Adams since there will be 300 people living in the development and more in the nearby area. There should be an element on Adams that pulls people in the surrounding area to the building;
- Residences make sense on both Worth and Haynes; and,
- She could not support the project until the three residential units on Adams are removed, and doing so would align with the Triangle Plan. She hoped the applicant team could find a way to do that.

Mr. Jeffares said the proposal was impressive and that the goal should be a win for both the applicant team and the City. He noted that there are few large parcels in the area of the proposed development. He explained that if the Board were to give a pass on the City's aims for the area with this development, the City might not have the chance to achieve those goals with another development. He reiterated comments from the January 26, 2022 Board meeting regarding All Seasons and how their on-street residences resulted in drawn blinds and a lack of street activation. Given its size, Mr. Jeffares said this proposal should adequately embody many of the aims of the Triangle Plan. He noted that while there seemed to be sufficient residential, the plan remained light on retail. He said he was willing to consider compromising on some aspects of the project but concurred with Ms. Whipple-Boyce that the street level needs to be active. He noted that not only will there be 300 residents in the building, but that the most dense neighborhood in the City is across the street.

Mr. Share prefaced his comments by saying they could change subsequent to the review of the City traffic engineer's report. Continuing, he said he was having a hard time imagining that people would drive over to patronize retail on Adams at this time. He said in the future he could see people coming in from the western part of the Triangle. He said he appreciated the efforts the applicant team had made towards activating the street, and said he was skeptical more could be done given the traffic on Adams and the lack of on-street parking. He said he liked the plan and the increase in density. He said that preliminarily he did not like the drive-through ATM but was willing to review it in the context of the City traffic engineer's report and the Triangle Plan.

Mr. Boyle noted that he made the majority of his points at the beginning of the item. He said he would like to see the applicant propose a way of at least somewhat increasing the interaction between the Adams frontage and the adjacent neighborhood.

Motion by Mr. Boyle

Seconded by Mr. Share to hold a special meeting on Thursday, March 31, 2022 at 7:30 p.m. in the City Commission Room, and to postpone the community impact study and preliminary site plan review for 770 S. Adams to March 31, 2022.

Motion carried, 5-0.

ROLL CALL VOTE

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

Nays: None

2. 294 E. Brown St. – Request for new 4-story mixed-use building

Vice-Chair Williams called for a brief recess at 8:56 p.m.

At 9:01 p.m., the meeting reconvened and Messrs. Koseck and Emerine rejoined the meeting.

PD Dupuis presented the item. He noted that contrary to what was written in his report, the applicant did indicate how they would control noise, dust, and the like in point #20 in the community impact study (CIS). He said he would consider it no longer an issue.

Vice-Chair Williams directed PD Dupuis to ensure that the City's traffic engineer review the traffic report submitted by Rowe Engineering, with particular focus on the traffic likely to be generated by the RH development.

In reply to Mr. Jeffares, PD Dupuis said he would ask the Police Department whether there was an issue with construction workers parking in the neighborhoods during the Daxton's construction.

Victor Saroki, architect, spoke on behalf of the project. He explained:

- The development would be open to any sort of permitted retail use that would be appropriate and attractive;
- Recycling chutes would be provided on each floor next to the trash chutes;
- The building will incorporate green practices;
- The applicant team will work with its general contractor to prevent construction parking in the neighborhoods;
- The applicant team will design a route for deliveries to the retail spaces if necessary;

In reply to Mr. Share, Mr. Saroki stated that the two borings selected on this site were selected because of the previous furrier location. He stated that contaminants were only found on the RH site.

Mr. Share said that at the next review of this project he would like to know whether the Michigan Department of Environment, Great Lakes, and Energy had any response to the project's submitted environmental assessment.

Vice-Chair Williams said that any action on the CIS would be handled once discussion of the preliminary site plan was complete.

02-43-22

H. Special Land Use Permits

None.

02-44-22

I. Site Plan & Design Reviews

1. 770 S. Adams – Request for a new 4-6 story mixed use building

Discussed during Item G1.

2. 294 E. Brown St. – Request for new 4-story mixed-use building

PD Dupuis reviewed the item.

In reply to Mr. Share, PD Dupuis said he would look into what the Board's options might be to address the distance to the trash rooms in the building if the Board found it necessary. He said he would also check with City departments to determine whether there are any possible issues with the location of this building's loading docks on Daines and the RH loading docks, which may also be on Daines.

Mr. Saroki spoke on behalf of the project and introduced his team.

Victor Saroki, architect, stated that the view from the RH restaurant would be enhanced, rather than blocked, by the proposed building at 294 E. Brown. He said the rooftop of 294 E. Brown would be in view of the RH building.

In reply to Mr. Boyle, Mr. Saroki said the courtyard on the ground floor would be accessible to the public.

Mr. Saroki said the project was considering synthetic materials for two planters where plants would be unlikely to otherwise grow due to the lighting conditions. He acknowledged that the ordinance may not allow synthetic materials at this time, and said if that is the case that the Board should consider an exception in its review of the ordinance for cases when the conditions prohibit live plantings.

Mr. Emerine said he personally had no objection to synthetic materials as long as they are well-designed and executed.

Messrs. Share and Emerine said they would like the applicant to submit more information regarding truck movements on Daines, including truck-turning movements, how much of Daines would be blocked regularly, and for how long.

Mr. Emerine and Ms. Whipple-Boyce said they had no concerns with the proposed location of, or distance to, the trash room.

Ms. Whipple-Boyce and Mr. Koseck both said this is an exemplary project.

In reply to Mr. Boyle, Mr. Saroki described where additional storage for the apartments might be located on each floor. He also said there would be trees between the east side of this building and RH.

Ms. Whipple-Boyce and Messrs. Jeffares, Emerine, Boyle and Koseck all were enthused that the courtyard on the ground floor would be accessible to the public.

Vice-Chair Williams stated that the traffic report submitted by the applicant team was very thorough and said it would be reviewed along with the City traffic engineer's findings once those become available.

Public Comment

Kenny Koza, owner of Adachi, spoke in favor of this and the RH project.

Todd Sachse, co-owner of Broder & Sachse Real Estate and owner of Sachse Construction, spoke in favor of the project.

A real estate consultant who regularly does business in Birmingham, **Sam Munaco**, stated that the amount of contiguous office space offered in the project would make this project particularly desirable to office users.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Boyle to postpone the community impact study and preliminary site plan review for 294 E. Brown to Wednesday, March 23, 2022.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

3. 525 E. Brown – Birmingham Roast – Request for changes to outdoor dining patio (Postponed from September 9, 2021)

PD Dupuis summarized the item.

Mr. Koseck stated that if Hobbs+Black are not part of this proposal that their drawings should not be used as part of the submittals.

In light of the applicant's absence the Vice-Chair recommended postponement of the item.

**Motion by Mr. Boyle
Seconded by Mr. Koseck to postpone preliminary site plan review for 525 E. Brown to
March 9, 2022.**

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

02-45-22

J. Study Session

None.

02-46-22

K. Miscellaneous Business and Communications

In reply to Mr. Boyle, Vice-Chair Williams stated he would be asking the Chair and Staff to be discuss the timing issue for submission requirements in order to have the Board and public receiving reports in a more timely manner.

Mr. Saroki echoed the importance of reports being submitted in a timely manner.

Mr. Jeffares said it would be helpful for Staff to resume polling Board members in advance to make sure there is enough coverage to discuss items.

- 1. Pre-Application Discussions**
- 2. Communications**
- 3. Administrative Approval Correspondence**
- 4. Draft Agenda**
- 5. Other Business**
 - i. Action List – 2022**

In reply to Board comments, PD Dupuis confirmed he would add synthetic landscaping materials, lighting for commercial and single-family residential, and social districts to the list.

02-47-22

L. Planning Division Action Items
a. Staff Report on Previous Requests
b. Additional Items from tonight's meeting

02-48-22

M. Adjournment

No further business being evident, the Chair adjourned the meeting at 10:54 p.m.



Nick Dupuis
Planning Director



Laura Eichenhorn
City Transcriptionist

APPROVED