

**City Of Birmingham**  
**Regular Meeting Of The Planning Board**  
**May 10, 2023**

City Commission Room  
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on May 10, 2023. Chair Clein convened the meeting at 7:30 p.m.

**A. Roll Call**

**Present:** Chair Scott Clein; Board Members Robin Boyle, Bert Koseck, Daniel Share, Janelle Whipple-Boyce; Alternate Board Member Jason Emerine, Nasseem Ramin; Student Representative Matthew Wiegand (arrived 7:31 p.m.)

**Absent:** Vice-Chair Bryan Williams; Board Members Stuart Jeffares; Student Representative Asher Kaftan

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

**B. Approval Of The Minutes Of The Regular Planning Board Meeting of April 17, 2023**

**05-18-23**

**Motion by Mr. Boyle**  
**Seconded by Mr. Emerine to approve the minutes of the Regular Planning Board meeting of April 17, 2023 as amended.**

**Motion carried, 7-0**

VOICE VOTE

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

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. Study Session**

**1. B1 Zoning District – Commercial Permitted Uses**

SP Cowan presented the item and Staff answered informational questions from the Board.

Michael Vogt, attorney for the applicant, spoke on behalf of the request.

Seeing no public comment, the Chair returned discussion to the Board.

Board members' discussion was as follows:

- 750 sq. ft. might be too high for indoor dining as an accessory use, and 500 sq. ft. might be more appropriate;
- There may be a grey area between a café use and indoor dining as an accessory use;
- Parking for a health club or studio use remains a likely issue;
- Since SLUPs can be challenging to receive, it might be possible to instead establish a health club or studio use as an accessory use to a primary retail use in order to limit the traffic;
- A health club or studio use might generate so much traffic that it would be inappropriate in B1 areas, even with a SLUP. It might be possible to come up with a different definition for a personal fitness studio in the future for a B1 use;
- The café use should calculate parking at 1 parking space per 75 sq. ft. of assembly space, since that still represents a reduction in parking versus the previous 1 parking space per 75 sq. ft. of gross floor area;
- A personal fitness studio could be a good use for a neighborhood, and a SLUP would allow the Board to guide how that would occur. There would likely not be many health club or studio requests since SLUPs are challenging, but it would be better to make it an option;
- Health club and studio uses could change in the future, so allowing them to exist with SLUPs would allow for different configurations than the Board could presently anticipate; and,
- A health club and studio use has such generous parking calculations that it might be necessary to write a different definition even with a SLUP. The applicant might not want to wait for a study on the appropriate definition of that use, so it might be appropriate for the Board to leave a redefinition of health club and studio use for the future.

There was Board consensus to use 500 sq. ft. or 50% of the total space, whichever is less, for indoor dining as an accessory use and that the café use should calculate parking at 1 parking space per 75 sq. ft. of assembly space.

**05-19-23**

**Motion by Mr. Share**

**Seconded by Mr. Boyle to set a public hearing for June 14, 2023 to consider a recommendation for the proposed Zoning Ordinance Amendments as presented with the following modifications: 500 sq. ft. not to exceed 50% rather than 750, 1 per 75 for the parking, and permitting personal fitness studios subject to a SLUP.**

**The Chair said he would support the motion since they could make the changes more restrictive at a public hearing but not less.**

**Motion carried, 7-0**

VOICE VOTE

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

Nays: None

#### **H. Community Impact Studies**

##### **1. 34952 Woodward & 690 E. Maple – Request for Community Impact Study Review for new 6-9 story mixed use development (Postponed from 4/17/23)**

CP Blizinski presented the item. Toby Veit, Vice President of Development for Ryan Companies, answered informational questions from the Board.

Seeing no public comment, the Chair returned discussion to the Board.

Board members' discussion was as follows:

- The CIS included a draft environmental report as opposed to a final environmental report, which indicated the consultant might plan to add information in the future;
- The issue with odors coming from the soil has been known for three or four months and a plan for further investigation has not been proposed. Information should be provided about the location of the boring with the odoriferous soil, the potential origins of the odor, the depth of the boring, the relation of the boring to the underground hydrology, a laboratory analysis of the boring, and whether there should be further borings;
- An explanation of the slightly elevated chromium levels should be provided;
- The Board needed to know whether there was an issue with the soil;
- The applicant answered the majority of questions that had been previously raised by the Board; and,
- The applicant should submit a final phase one environmental report that explains the source of the odor and states there were no recognized environmental conditions on site prior to, or as part of, the Board's final site plan review for the project. If a phase two environmental report is required, the applicant would proceed accordingly. If remediation or an action plan was required, that could be performed prior to closing.

**05-20-23**

#### **Motion by Mr. Share**

**Seconded by Ms. Whipple-Boyce to accept the Community Impact Study as submitted by the applicant provided that:**

- 1. No final site plan approval be granted until the applicant has submitted a final environmental report from their environmental professional that describes, according to applicable standards, the condition of the site and whether there are any recognized environmental conditions, and the information that needs to be further investigated.**

**And to add as conditions:**

- 1. The applicant must satisfy all recommendations of the CIS;**
- 2. The applicant must provide documentation from SMART of permission to relocate and upgrade the bus stop(s) at Final Site Plan review;**
- 3. The applicant must resolve all issues related to the Transportation Impact Study as requested by the City's traffic consultants and MDOT; and,**
- 4. The applicant must comply with the requests of all departments.**

**Mr. Veit said the applicant wanted the ability to maintain the drop-off and to allow left-hand turns out of the Woodward entry.**

**PD Dupuis said there were a number of ways those traffic items might be resolved.**

**The Chair said that, pending approval of the CIS, those traffic items would become topics for discussion as part of the site plan reviews.**

**Mr. Boyle noted the seriousness of the environmental issues raised during the preceding discussion.**

**The Chair explained he was comfortable with the way the motion addressed those issues.**

**Mr. Share explained that the lender would not accept an environmental condition that might put them at risk. He noted that the environmental professionals also have an obligation to report contamination, and that certain levels could ~~would~~ require EGLE to ~~could~~<sup>1</sup> get involved in regulation of a site. The Board's task was to make sure that all necessary information was available.**

**Motion carried, 6-1**

ROLL CALL VOTE

Yeas: Share, Clein, Koseck, Ramin, Whipple-Boyce, Emerine

Nays: Boyle

## **I. Special Land Use Permits and Site Plan & Design Reviews**

### **J. Site Plan & Design Review**

#### **1. 34952 Woodward & 690 E. Maple – Request for Preliminary Site Plan Review for new 6-9 story mixed use development (Postponed from 4/17/23)**

CP Blizinski presented the item. Matt Stevens, architect for the project with Ryan Companies, Paul O'Meara with Rowe Professional Services, and Brett Bunke, VP of Architecture with Ryan Companies, spoke on behalf of the item and answered informational questions from the Board.

Seeing no public comment, the Chair returned discussion to the Board.

Board members' discussion was as follows:

- There was concern about the proposed delivery and ride share locations on Maple given the number of building residents and likely attendant amount of activity;
- Ride share dropoffs could remain on Maple, but food and deliveries should likely be located elsewhere. The south side of the building or under the building might be more appropriate places;

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<sup>1</sup> As amended at the June 14, 2023 meeting.

- The alley would be used frequently, and the location of the trash and loading zone could result in conflicts with residents and other businesses if trash pick-up occurs during higher-traffic hours;
- The attention to the pedestrian scale and frontage along Woodward was much appreciated. While it would be positive if it could be turned into a wider pedestrian space, the changes made were realistic and expanded the area for pedestrians. The plaza on the corner of Woodward was a beneficial addition;
- The on-site parking will be important. The City prefers to have front doors at the front, and not the rear, of buildings. The pass-through retail was a valuable feature. The external egress stair should be brought inside to allow for a pedestrian path around the building, which would also allow for connection to the building to the east if it were to develop further in the future. The area to the south might benefit from additional benches and pedestrian area. The sculpture might obscure some driver sight lines of vehicles coming west on Maple. The parking redesign on Woodward was a great improvement. The underground parking could be improved if a few parking spaces were removed. The present plans represented an improvement over the previous plans;
- The applicant's proposal was appreciated. If a restaurant is located in the retail space, it would increase the necessity of an additional location for package deliveries, since there would likely be restaurant pickup and dropoff in the two spaces on Maple. Colored concrete is not allowed in the City. Final site plan review should include proposals for art near the proposed plaza;
- The preliminary site plan could likely be moved forward with certain conditions. Additionally, a vote in favor of a preliminary site plan approval would not represent full support of all aspects of the preliminary site plan. The proposed drop off locations on Maple require more work between the City's traffic consultant, Engineering Department, and the applicant team. Revisions to the ground floor parking layout, which might include the removal of a few spaces, could make the parking area more intuitive. The parking and drop off in general should be studied for any potential improvements, and the applicant should be prepared to explain why their parking and drop off designs were the most appropriate options at final site plan. The appropriateness of the left turn out of the building onto Maple will need to be further evaluated;
- The project would both represent a significant improvement versus the present building on the site and be a great project for the corner of Woodward and Maple overall. The left turn onto Maple needs further evaluation, the plans should allow for the possibility of a future via around the building, and the first floor parking should be made more user friendly;
- Approving the preliminary site plan would not prevent the Board from expecting revisions be submitted as part of the final site plan review. Some of the Board comments were preferential and some were necessary to address before final site plan, like the left turn onto Maple Woodward<sup>2</sup>;
- There were some improvements that would be valuable. The applicant team had been responsive thus far and it was hoped that they would continue to be;
- The building envelope, with the potential exception of a change to the egress stair, was expected to remain the same between preliminary and final site plan review. This made an approval of the preliminary site plan review appropriate; and,

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<sup>2</sup> As amended at the June 14, 2023 meeting.

- In the process of this building's development, it might be possible for the City to do more to serve to connect the east and west sides of Woodward on the pedestrian level. Doing so is a major goal of the City's 2040 Plan. Such changes could include wires being removed, different signage, or different texture differences to slow the traffic down to let drivers know they are approaching a major pedestrian intersection.

**05-21-23**

**Motion by Mr. Boyle**

**Seconded by Ms. Whipple-Boyce to approve the Preliminary Site Plan for 34952 Woodward and 690 E. Maple with the following conditions:**

- 1. The applicant must provide full screening details for all proposed roof-top and ground-mounted mechanical units at Final Site Plan;**
- 2. The applicant must submit lighting and material specifications, samples, photometric plan and all other required information for the proposed building to complete the Design Review at Final Site Plan;**
- 3. Present to the Board details of egress from the building onto Maple and for a modification to the southern loading back-of-house and parking as shown in the plan;**
- 4. The further study the Board discussed; and,**
- 5. The applicant must comply with the requests of all City Departments.**

**Mr. Koseck said he felt strongly about the need for modifications to the egress stair and to the internal parking.**

**The Chair said those two items were included in condition four as requiring further study. He said that the applicant would return with plans and the Board would have to make a decision at that point.**

**Mr. Boyle said he intended his motion to identify certain serious issues that the Board expected the applicant to address in the final site plan. Those issues included the Maple entrance and exit, the public alley entrance and exit, the circulation on the level one plan for parking and the closure of the space on the eastern side of the building adjacent to the existing parking lot.**

**Motion carried, 7-0**

ROLL CALL VOTE

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

Nays: None

The Chair thanked the applicant team.

- 2. 221 Hamilton Row – Greek Islands – Request for Final Site Plan and Design Review for a new outdoor dining platform and minor façade renovations.**

SP Cowan presented the item. Two members of the applicant team spoke on behalf of the application. Staff and the applicant team answered brief informational questions from the Board.

There was neither public nor Board comment.

**05-22-23**

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Share to approve the Final Site Plan & Design Review application for 221 Hamilton Row – Greek Islands - with the following conditions:**

- 1. The applicant provide the total square footage of the signage and the projection dimension from the wall to verify the size satisfies the Sign Ordinance;**
- 2. The applicant maintain a valid outdoor dining permit; and,**
- 3. The applicant comply with all requests of City departments**

**Motion carried, 7-0**

VOICE VOTE

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

Nays: None

SP Cowan told the applicant team that the Building Department commented positively on the applicant's submitted plans.

**K. Miscellaneous Business and Communications**

**1. Pre-Application Discussions**

PD Dupuis presented the proposals. Board consensus was that both applicants could submit their plans for Board review.

- i. 34244 Woodward – Bistro Joes**
- ii. 525 N. Old Woodward – Luxe**

- 2. Communications**
- 3. Administrative Approval Correspondence**
- 4. Draft Agenda**
- 5. Action List – 2023**

PD Dupuis noted that Staff would likely bring some items from the Action List starting in July 2023.

**6. Other Business**

PD Dupuis noted that the June 12, 2023 joint Commission-Planning Board meeting would be canceled.

**05-23-23**

**Motion by Mr. Share**

**Seconded by Mr. Emerine to amend the rules of procedure for the June 14, 2023 meeting to allow for both site plan and study session items to be considered at the discretion of the Planning Director.**

**Motion carried, 7-0**

VOICE VOTE

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

Nays: None

**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 10:20 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist