

**City Of Birmingham**  
**Regular Meeting Of The Planning Board**  
**Wednesday, May 25, 2022**  
City Commission Room  
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on May 25, 2022. Vice-Chair Bryan Williams convened the meeting at 7:30 p.m.

**A. Roll Call**

**Present:** Vice-Chair Bryan Williams; Board Members Robin Boyle, Stuart Jeffares, Daniel Share, Janelle Whipple-Boyce; Alternate Board Member Nasseem Ramin; Student Representative Andrew Fuller

**Absent:** Chair Scott Clein; Board Member Bert Koseck; Alternate Board Member Jason Emerine; Student Representative MacKinzie Clein

**Administration:**

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

**B. Approval Of The Minutes Of The Regular Planning Board Meeting of May 11, 2022**

Mr. Jeffares said the first bullet point on page two should say his concern was that establishments could store their outdoor elements on private property if their outdoor dining was on private property, but could not store their outdoor elements on private property if their outdoor dining was on public property. For the third bullet point on the same page, he recommended 'had designed the guidelines' be replaced with 'was concerned that both the Board and the public, including restaurants, had operated'. In the same line of the same bullet point, he recommended that 'immediately' be added after 'to'.

On page three, Mr. Jeffares recommended that 'direct communication with' be removed from the first full paragraph, that 'and the Board having a clear understanding of the impact. It should be noted that many' be added before 'the establishments', and that 'who may' should be removed from the paragraph.

Mr. Boyle recommended that the second sentence of the second bullet on page two be changed to read 'He found umbrellas to obscure sightlines more than awnings'.

Mr. Jeffares added that the second bullet on page nine should replace 'on Adams' with 'downtown'.

Mr. Share asked it be noted that no public comments were made during the public hearings of Items I2 and I3.

**05-117-22**

**Motion by Mr. Jeffares**

**Seconded by Mr. Share to approve the minutes of the Regular Planning Board meeting of May 11, 2022 as amended.**

**Motion carried, 6-0**

VOICE VOTE

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

Nays: None

**C. Chair's Comments**

Vice-Chair Williams welcomed everyone to the meeting and reviewed the meeting's procedures.

**D. Review Of The Agenda**

**E. Unfinished Business**

**F. Rezoning Applications**

**G. Community Impact Study (CIS) and Preliminary Site Plan Review**

**1. 320 Martin St. – Request for new 5-story mixed-use building addition.**

PD Dupuis presented the CIS.

In reply to Board inquiry, PD Dupuis stated:

- He would verify with the Engineering Department whether additional facilities for stormwater retention not already shown on the site plan will be required; and,
- He was unsure if the Phase 1 ESA needed to be updated, but wanted the Board to consider it since it has been approximately ten years since the ESA was conducted.

Kevin Biddison, architect, Shawn Adams, of Dasher Lawless, and Sam Surnow, owner, spoke on behalf of the project.

In reply to Board inquiry, Mr. Biddison stated:

- He did not believe the Phase 1 ESA needed to be updated since it was conducted after the last changes to the site in 2010;
- Consistent efforts will be made to contain dust from construction;
- The applicant will work with the City's Building and Engineering Departments to accommodate pedestrian traffic around the site;
- The stormwater retention on-site would likely be a square underground vault measuring about 12-15 feet with a four-to-five foot depth, and gravity flow that would tie into the 21-inch sewer on Bates. This proposal would not result in any changes to the building as proposed; and,
- The thread park between the buildings will be open to the public.

Messrs. Biddison and Adams described the proposed parking system.

In response to Board inquiry, Mr. Adams stated:

- When dropping off a vehicle, it takes a user about thirty seconds. The actual parking the vehicle takes approximately another three minutes, but the user is gone for that part of the process;
- Retrieving a vehicle from this system takes approximately three minutes, whereas leaving a regular parking structure takes about eight to 12.5 minutes;
- If a vehicle in this system is retrieved but not taken from the load bay within three minutes, the system will re-park the vehicle. If, however, someone else is waiting to either park or retrieve their vehicle using that load bay, the system will only wait 30 seconds before re-parking the first vehicle;
- A system in California can accommodate 287 vehicles and they have a queue depth of five. 320 Martin's proposed system would accommodate 50 vehicles and has a queue depth of three. He believes 320 Martin is more than adequately equipped to avoid queuing issues;
- There is emergency lighting in the lower levels but no regular lighting, which is more sustainable;
- Dasher Lawless has been in operation since 2008; and,
- The loading bay detects a vehicle via lasers.

Mr. Boyle stated that the 2010 Phase 1 ESA ended with 'this assessment [...] revealed no evidence of recognized environmental conditions in connection with this property.' He said that in light of Mr. Biddison's comments there did not seem to be a need to perform a revised Phase 1 ESA.

Mr. Share partially disagreed, saying it would be appropriate to have a professional do an updated visual inspection of the site to make sure there is nothing open and obvious that would constitute ~~an~~ a recognized environmental condition. He said he would also like an updated public record search to show whether there are any underground leaking storage tanks or other issues since 2013. He said he doubted there were any issues but thought the Board would be failing in its diligence to not check. He said neither request would be prohibitive to the applicant.

**05-118-22**

**Motion by Mr. Share**

**Seconded by Ms. Whipple-Boyce to accept the Community Impact Study as provided by the applicant for the proposed development at 320 Martin with the following conditions:**

- 1. The applicant submit an updated the Phase 1 ESA limited to an updated records review for changes since 2013 and an updated visual inspection. The applicant does not need to do a full ESA on Phase 1;**
- 2. The applicant must submit a soils investigation;**
- 3. The applicant must submit details as to how they plan to mitigate noise, dust, debris, and other nuisances during the construction process; and,**
- 4. The applicant must clarify the location of the trash rooms and how trash will be handled across floors.**

**Motion carried, 6-0**

ROLL CALL VOTE

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

Nays: None

PD Dupuis then presented the preliminary site plan and design review.

Mr. Biddison described how office and residential users would gain access to the interior of the building from the parking area. He also reviewed the documentation submitted by the applicant after the evening's agenda packet went out clarifying how the applicant would address sample motion language conditions one through five. He noted that information would be included with the item moving forward so it would be available for the Board's reference during the final site plan review as well.

In reply to Board inquiry, Mr. Biddison stated:

- Fobs would ensure that only office users could access the office floors and only residential users could access the residential floors; and,
- A generator was under consideration in order to keep the parking accessible even during a loss of power.

Vice-Chair Williams noted that larger units in Birmingham have gone unsold in the past and had to be converted into smaller units. He asked Mr. Surnow to explain why he was proposing six larger units as opposed to more moderately-sized units. He noted that the building's parking would also allow for smaller units than currently proposed.

Mr. Surnow said he would be considering adjusting the unit size during construction in order to accommodate market conditions. He explained that the currently-proposed residential unit size allows for a more premium experience in terms of the parking amenity and views of the area.

Mr. Boyle said he had a similar question to Vice-Chair Williams' and was not 'terribly happy' with the answer from Mr. Surnow. He echoed Vice-Chair Williams' comment that the building's parking would permit smaller units and more parking. While acknowledging those reservations, he continued that the City's three adaptive reuses done by Mr. Surnow are some of the best buildings in the City. He said he expects this building to be built to the same standard.

In reply to Mr. Jeffares, Mr. Surnow said that while the office floors could likely be converted to residential if necessary, he was confident that the building would be able to attract and retain office tenants.

Vice-Chair Williams commended the applicant team on a plan that would not add strain to the City's parking system.

Ms. Whipple-Boyce commended the applicant team on the quality materials and design. She also thanked the applicant for adding retail where it was not required.

**05-119-22**

**Motion by Mr. Boyle**

**Seconded by Mr. Jeffares to approve the Preliminary Site Plan for 320 Martin – Birmingham Post Office – with the following conditions:**

- 1. The applicant must submit revised plans demonstrating the correct locations of the trash rooms in the interior floor plans;**
- 2. The applicant will be required to provide a clear dimension of the proposed screen wall to ensure the requirements of Section 4.54 are met;**
- 3. The applicant must provide 11 street trees and all additional recommended streetscape elements in accordance with Article 4, Section 4.20 of the Zoning Ordinance and comply with the direction of the Department of Public Services and the Planning Department;**
- 4. The applicant must ensure that there is appropriate street lighting on Bates;**
- 5. The applicant must submit revised site plans demonstrating a minimum of 9 off-street parking spaces at 180 sq. ft. minimum, or obtain a variance from the Board of Zoning Appeals;**
- 6. The applicant must submit revised plans showing a loading space that meets the requirements of Article 4, Section 4.24 (C) of the Zoning Ordinance;**
- 7. The applicant must submit material specifications, samples and all other required information for the proposed building to complete the Design Review at Final Site Plan; and,**
- 8. The applicant must comply with the requests of all City Departments.**

**Motion carried, 6-0**

ROLL CALL VOTE

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

Nays: None

**H. Special Land Use Permits (SLUPs) and Site Plan and Design Reviews**

- 1. 185 N. Old Woodward – Bell Bistro – Request for interior/exterior renovations to existing Mad Hatter Bistro and new outdoor dining plan.**

CP Blizinski presented the item.

The Vice-Chair noted that the Board was not in receipt of a number of items for this project, per the Staff report. He asked about the Planning Department recommending that the Board approve the item. He noted that the missing items could be subject to administrative approval once submitted.

PD Dupuis said he was comfortable recommending Board approval even with the omissions since the item would also be reviewed by the Historic District Commission and the City Commission.

In reply to an inquiry from Vice-Chair Williams, PD Dupuis clarified that the City Commission has purview over both the SLUP and the final site plan and design review.

In reply to Ms. Whipple-Boyce, CP Blizinski said she only recommended a photometric plan due to her lack of familiarity with the different styles of lighting proposed. She confirmed that the Board could choose to waive the need for a photometric plan. She also stated that a trash receptacle is required by ordinance in the outdoor dining area.

In reply to Board inquiry, CP Blizinski clarified that the only request before the Board presently was the four seats in front of the establishment.

Kelly Allen, attorney, John Gardner, architect, and Randy Dickow, owner, spoke on behalf of the project.

Ms. Allen noted that the applicant would likely be back in the future to request an expansion of their outdoor dining that was lost due to the streetscape project.

Vice-Chair Williams said that the City's Old Woodward projects do adversely affect businesses in some cases.

Mr. Gardner reviewed the proposed lighting and sign dimensions. He said a photometric plan would be submitted once completed and that he could provide a section to clarify the proposed signage.

Following clarification from Mr. Dickow, the Board noted the plans should be updated to reflect the fact that the establishment uses a compactor and that there would be no dumpster or dumpster enclosure.

**05-120-22**

**Motion by Mr. Share**

**Seconded by Mr. Jeffares to recommend approval to the City Commission of the Special Land Use Permit for 185 N. Old Woodward. – Bell Bistro – subject to the following conditions:**

- 1. The applicant must receive Historic District Commission approval for all exterior changes proposed within the Central Business Historic District;**
- 2. The applicant must provide revised plans that show usage of a compactor and not the dumpster shown on the submitted plans;**
- 3. The applicant must submit a photometric plan that includes all existing and proposed exterior lighting;**
- 4. The applicant must submit detailed sign plans that include the projection details for all signage;**
- 5. The applicant must provide detailed dimensions for the height and projection into the right of way of the Sunbrella awning; and,**
- 6. The applicant must comply with the requests of all City Departments.**

**Mr. Boyle asked about approving recommending the SLUP for approval without the need for a photometric plan.**

**It was noted that since the photometric plan was already in the process of being generated, and might be helpful to the City Commission, it was fine to leave in the submission requirement.**

**Motion carried, 6-0**

ROLL CALL VOTE

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

Nays: None

**05-121-22**

**Motion by Mr. Share**

**Seconded by Mr. Jeffares to recommend approval to the City Commission of the Final Site Plan and Design Review of 185 N. Old Woodward. – Bell Bistro – subject to the six conditions in the Special Land Use Permit approval.**

**Motion carried, 6-0**

ROLL CALL VOTE

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

Nays: None

**2. 310 E. Maple – Pernoï – Request for eisenglass enclosure at existing outdoor dining patio.**

SP Cowan reviewed the item and noted that the new outdoor dining plans were available on the meeting room's projection screen.

Kelly Allen, attorney, and Luciano Delsignore, owner, spoke on behalf of the project.

In reply to Mr. Share, Mr. Delsignore said the establishment would use plywood planters with boxwoods to demarcate the five foot clear path through the via.

Mr. Jeffares spoke highly of the ambience created by Cafe Pernoï's operations in the via, and said he was highly supportive of allowing the ten new tables with 38 additional seats in the via.

Vice-Chair Williams and Ms. Whipple-Boyce concurred.

Ms. Whipple-Boyce said lowering the eisenglass results in the establishment having 91 indoor seats. She noted a bistro is only supposed to have 65 indoor seats. She said she would struggle with endorsing the use of the eisenglass for that reason.

Mr. Share stated that this establishment has an usual historical situation with the way the building was constructed. He said he could not say whether that amounted to a practical difficulty or an undue hardship. He agreed with Ms. Whipple-Boyce that the ordinance clearly does not allow 91 full-time indoor seats for a bistro. Mr. Share asked Mr. Delsignore to make sure that the boxwood planters maintained the five foot clear path.

In reply to PD Dupuis, Mr. Share said that in light of the building's construction he thought it would be reasonable for the applicant to be permitted the use of eisenglass in the winter months, with no additional tables or chairs in the vestibule, in order to maintain the indoor temperatures and to allow the restaurant to operate.

Vice-Chair Williams said that would be up to the applicant to pursue or not at a future date.

**05-122-22**

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Jeffares to recommend approval to the City Commission of the Special Land Use Permit for 310 E. Maple – Casa Pernoï – with the following conditions:**

- 1. The applicant remove all eisenglass and other enclosure systems from the outdoor dining area, or obtain a dimensional variance of 767.25 square feet from the Board of Zoning Appeals;**
- 2. The applicant submitted updated drawings dated May 25, 2022 for the outdoor dining plans showing a total of 64 seats and indicating the locations of all elements within the outdoor dining patio area;**
- 3. The Building Department and Fire Department inspect the canopy to determine that all life safety requirements remain in place and have not been altered;**
- 4. The Planning Board approves the tables and chairs consisting of woven plastic as a material of comparable quality to wood and metal as per the outdoor dining standards requirement of Article 4, Section 4.44(A)(5);**
- 5. The applicant meet all applicable fire codes regarding the locations of the proposed heaters and propane tanks; and,**
- 6. That the May 25, 2022 outdoor dining plans clearly identify the pedestrian clear path through the outdoor dining area.**

**Motion carried, 6-0**

ROLL CALL VOTE

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

Nays: None

**05-123-22**

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Jeffares to recommend approval to the City Commission of the Final Site Plan and Design Review for 310 E. Maple – Casa Pernoï – subject to the six conditions in the Special Land Use Permit approval.**

**Motion carried, 6-0**

ROLL CALL VOTE

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

Nays: None

**J. Study Session**

**K. Miscellaneous Business and Communications**

- 1. Pre-Application Discussions**
- 2. Communications**



**3. Administrative Approval Correspondence**

The Board approved a request for an administrative approval from 460 N. Old Woodward to remove three windows from the rear of the establishment which would have otherwise shown back-of-house items.

**4. Draft Agenda**

**5. Other Business**

**i. Action List – 2022**

**M. Planning Division Action Items**

**a. Staff Report on Previous Requests**

**b. Additional Items from tonight's meeting**

Mr. Jeffares noted that the ordinance does not address the kind of parking system proposed as part of the 320 Martin St. project and said the Board should add the topic to its action list.

Ms. Whipple-Boyce concurred.

After brief discussion, the Board recommended that a discussion of the City's parking standards be considered for the June 2022 joint City Commission-Planning Board agenda.

**N. Adjournment**

No further business being evident, the Chair adjourned the meeting at 10:34 p.m.



Nick Dupuis  
Planning Director



Laura Eichenhorn  
City Transcriptionist