

**City Of Birmingham**  
**Regular Meeting Of The Planning Board**  
**Wednesday, June 22, 2022**  
City Commission Room  
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on June 22, 2022. Chair Scott Clein convened the meeting at 7:30 p.m.

**A. Roll Call**

**Present:** Chair Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Jason Emerine, Nasseem Ramin; Student Representatives MacKinzie Clein, Andrew Fuller

**Absent:** None

**Administration:**

Nick Dupuis, Planning Director  
Leah Blizinski, City Planner  
Rebekah Craft, Baldwin Library Director  
Brooks Cowan, Senior Planner  
Laura Eichenhorn, City Transcriptionist

**B. Approval Of The Minutes Of The Regular Planning Board Meeting of June 8, 2022**

On page three, it should be 'a right on Grant' and not 'a left on Grant' per Mr. Williams.

On page five, condition one of the motion, 'apply for' should be replaced by 'obtain' per Mr. Share.

**06-129-22**

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to approve the minutes of the Regular Planning Board meeting of June 8, 2022 as amended.**

**Motion carried, 7-0**

**VOICE VOTE**

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

Nays: None

**C. Chair's Comments**

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

**D. Review Of The Agenda**

## **E. Courtesy Review**

### **1. 300 W. Merrill – Baldwin Public Library – Request for new addition**

PD Dupuis introduced the item.

Steve Schneeman, architect, and BLD Craft presented the project and answered informational questions from the Board.

Mr. Jeffares noted that one street tree seemed to be missing.

Ms. Whipple-Boyce raised the issue of mechanical screening.

It was noted in discussion that if this were a private development, the mechanical units on the roof would need to be screened.

Mr. Koseck said the plan complements the Birkerts addition and allow it to still be viewed without being overpowered.

The Chair said he was pleased the plan embraces the Library's proximity to Shain Park, citing both the outdoor collaboration space and the plaza as ways that is accomplished. He said he would like to see a street tree added where the one is currently missing and mechanical screening added if at all possible. He said the plan in general was well done.

Mr. Jeffares concurred regarding the street tree and mechanical screening. He said the plan would likely help attract students back to the Library as a place to study and learn.

Ms. Whipple-Boyce praised the plan, saying that the plaza's relationship to Shain Park, the interior floor plan, the cafe, and the complementary nature between the 2018 addition and the Birkerts addition were well done. She commended everyone affiliated with the Library who helped see all three phases of the renovation project through.

#### Public Comment

David Bloom asked Mr. Schneeman to review the horizontal metal bars above the nanowall and the brass band above the entrance for alignment with design aspects of the Birkerts addition. He asked Mr. Schneeman to verify whether the spacing of the nanowall aligned with the spacing of the mullions done in phase two. He recommended that the entrance vestibule have a second set of doors added in the interest of climate control.

Bill Seklar, President and CEO of the Community House, spoke highly of the project, the Library Staff, and BLD Craft. He said it would be beneficial to Community House if the mechanicals on the roof of the Library are screened since gathering spaces on the second floor of the Community House face the Library's mechanicals.

## **F. Rezoning Applications**

### **1. Watkins/Brown Property (No address, Parcel Identification Number: 1936151027) – Request to rezone property from R8 to R2.**

The Chair opened the public hearing at 8:08 p.m.

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

**06-130-22**

**Motion by Mr. Williams**

**Seconded by Mr. Share to receive and file a letter dated June 14, 2022 from Martin F. McGough M.D. and Colleen McGough and an email dated June 20, 2022 from Gerald Seizert and Maragaret Overton. Both correspondences requested that the Board deny the request for rezoning.**

**Motion carried, 7-0**

VOICE VOTE

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

Nays: None

Rick Rattner, attorney, spoke on behalf of the request.

Public Comment

Brian Gordon, resident of W. Brown, said he believed the applicant was facing a self-created issue and that it was not the responsibility of the City to resolve that for the applicant. He said there were other options for development available to the applicant without the need for rezoning, including joining the parcel to the W. Brown condominium association. He asked the Board to vote no on the rezoning request.

Gerald Seizert, resident of W. Brown, asked the Board to vote no on the rezoning request. He said that some language in the master deed conflicted with the planned developments. He noted that he and other nearby residents have offered to compensate the developer to turn the area into a greenspace instead.

Guy Simons, resident of Watkins, said that the wall did not comply with the zoning ordinance's requirements for the side setback of a corner lot. He noted the developer was encouraged at past Board meetings to work with the neighbors. Mr. Simons said those engagements were unproductive. If the Board approves the lot split, Mr. Simons asked that strict conditions regarding safety be attached, including issues of traffic and parking.

Anita Regalato, resident of Watkins, concurred with Messrs. Seizert and Simons.

Mr. Seizert and Ms. Regalato also commented that the wall on the property was tall enough to dangerously obscure drivers' views of pedestrians.

Seeing no further public comment, the Chair closed the public hearing at 8:50 p.m. and returned the conversation to the Board for deliberation.

Mr. Share clarified the task before the Board, noting that the master deed, comments about perceived integrity of the property owner, or comments about setbacks were not pertinent to the present considerations. Mr. Share continued:

- This piece was likely zoned R8 because when it was first zoned it was done so as a 35,000 sq. ft. parcel that fronted on Southfield and Brown, and not as a series of smaller parcels;
- This property should be zoned R2, not R8. He said it fits the criteria of the zoning and lines up with the housing on Watkins whereas R8 does not;
- While a greenspace may be better from his perspective, that was not presently before the Board;
- This is not a recommendation for the Commission to grant the lot split and also gives no indication as to whether the Board would approve a single family residence on the site if the lot were split;
- The Board almost always attaches conditions to site plans; and,
- He was mindful and sympathetic to the residents' concerns about the wall and the fabric of the neighborhood but saw conformity with the rezoning criteria.

The Chair concurred with Mr. Share's comments about the matter before the Board. He also clarified that only the Commission could decide on a rezoning; the Board just makes a recommendation on the matter. The Commission is also the only body that can add conditions to a rezoning in Birmingham.

The Chair then reiterated that a recommendation on the rezoning was presently before the Board, and not a question of the lot split.

Mr. Williams concurred.

Mr. Williams said:

- The developer expressed plans to build a single family residence on this site from the first time the item was before the Board;
- The neighbors expressed support of that proposal in 2018, and cited a letter from the McGoughs in November 2018 to that effect as an example;
- The neighbors' original stance was not relevant to the question of rezoning but was relevant to the tone of some of the neighbors' comments; and,
- ~~The neighbors' opinions may have changed in part due to their perception of the developer's actions.~~
- The neighbors' original stance was relevant to the question of rezoning and was relevant to the current acerbic tone of some of the neighbors' recent comments'.

Mr. Boyle said:

- Item E from the findings of fact list allows the Board to determine whether the proposed rezoning would be the proper use of the land;
- The developer brought proposals for the whole site, the Board asked to see what would happen to the site at the rear, and the present proposal was not what was proposed;
- Instead, the developer chose to build what now stands, with a piece of property left at the rear;

- This is not unusual, and those undeveloped pieces often become very important for the neighborhood; and,
- He would like to see a way forward that does not necessarily result in a property being built on this lot.

The Chair said:

- Rezoning requests are one of the most difficult tasks that appears before the Board;
- Given the new information provided, the developer would be able to put in two to three more units on the site by right depending on whether one goes by the master deed or the zoning ordinance;
- If the present developer does not add the additional units, whichever developer purchases the parcel from the present developer will;
- This rezoning, consequently, seems like the least detrimental option for the neighborhood; and,
- He therefore would support a rezoning to R2 since he believes that the situation satisfies all five of the criteria for rezoning.

#### **06-131-22**

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

**Seconded by Mr. Williams based on a review of the rezoning request and supporting documentation submitted by the applicant, a review of the applicable master plan documents and the development trends in the area, to adopt the findings of fact contained in the staff report dated June 17, 2022 and to recommend approval to the City Commission for the rezoning of parcel #19-36- 151-027 from R8 Attached Single Family to R2 Single Family Residential.**

**Mr. Share noted that he updated the date in the motion to June 17, 2022 from April 22, 2022 to reference the most recent Staff report.**

#### **Public Comment**

**Ken Barrett, resident of Watkins, said residents' perspectives on this proposed rezoning changed based on interactions with the developer. He reiterated that there were offers from residents on W. Brown to compensate the developer for the parcel in order to maintain the greenspace. He asked the developer to work with the neighbors in good faith.**

**Motion carried, 6-1**

ROLL CALL VOTE

Yeas: Share, Clein, Jeffares, Whipple-Boyce, Williams, Koseck

Nays: Boyle

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

- 1. 460 N. Old Woodward – Wilders – Request for new bistro and associated exterior renovations.**

The Chair recused himself from the item at 9:10 p.m., citing a business relationship with the owner of the property.

Vice-Chair Williams assumed facilitation of the meeting and called a brief recess at 9:10 p.m.

The Board returned from recess at 9:18 p.m.

PD Dupuis presented the item.

**06-132-22**

**Motion by Mr. Share**

**Seconded by Mr. Koseck to receive and file an email dated June 22, 2022 from the Friends of Brookside addressed to the Planning Board.**

**Mr. Share noted it would be helpful for the Friends of Brookside to clarify nature of their group.**

**Motion carried, 6-0**

VOICE VOTE

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

Nays: None

Alex Saroki, architect, Victor Saroki, architect, and Samy Eid, owner, spoke on behalf of the item.

In reply to Mr. Boyle, Mr. Alex Saroki explained the applicant team chose to locate the outdoor dining on the sidewalk because they were able to maintain the five foot clear path at the narrowest point and because Mr. Eid prefers sidewalk dining over platforms in the street.

In reply to Mr. Boyle, PD Dupuis noted the applicant was advised that a nearby restaurant was denied an outdoor dining platform by the Commission. He said that may have impacted the applicant's decision to propose outdoor seating on the sidewalk instead.

Mr. Victor Saroki said there was also some concern that an outdoor dining platform could impede the adjacent driveway. He stated that trash pickup would occur in the early morning on [S. Old Woodward](#) and that delivery drivers would be able to park in the spaces in front of establishment.

Mr. Koseck raised concerns about the slope of the south deck and the potential need for a rail on the east side of the deck. He said it would be helpful to see a drawing of those conditions. He noted that the location of the proposed outdoor dining could conflict with the language of the proposed outdoor dining ordinance updates in terms of locating dining in the furnishing zone.

Mr. Victor Saroki clarified that the slope of the south deck would only be about six inches.

Mr. Eid confirmed his preference not to have an outdoor dining platform in the street. He said it was also his impression that it would be the City's preference as well.

Ms. Whipple-Boyce said:

- She was not especially concerned about locating the outdoor dining on the sidewalk;
- She was concerned about moving the proposal forward without some of the outdoor dining information, including the lack of elevation and a lack of information about the built-in benches;
- This was the second time recently that the Board had not been provided with finish samples, which is a requirement at final site plan. In fairness to other applicants that do provide material boards, all applicants should be expected to provide them; and,
- It would be helpful to have a diagram of the nearby restaurants' approved outdoor dining layouts.

The Vice-Chair concurred with Ms. Whipple-Boyce that the Board should not deviate from its requirements for applicant teams.

Mr. Eid said there was an issue with sourcing and lead time for some of the products.

Mr. Victor Saroki said the applicant team could have the material boards, a drawing of both the currently proposed outdoor dining and a potential outdoor dining platform in the street, and the neighboring restaurants' outdoor dining locations by the next meeting.

**06-133-22**

**Motion by Mr. Boyle**

**Seconded by Mr. Koseck to amend the rules of procedure to allow for a study session and a special land use permit and site plan and design review for the meeting of July 13, 2022.**

**Motion carried, 6-0**

VOICE VOTE

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

Nays: None

**06-134-22**

**Motion by Mr. Boyle**

**Seconded by Mr. Koseck to postpone consideration of the special land use permit and final site plan and design review for 460 N. Old Woodward to July 13, 2022.**

**Motion carried, 6-0**

ROLL CALL VOTE

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

Nays: None

**H. Site Plan & Design Reviews**

**1. 35106 Woodward – Whole Dental Wellness – Request for addition to rear of existing commercial building.**

The Chair rejoined the meeting at 10:03 p.m.

CP Blizinski presented the item.

Iden Kalabat, engineer, spoke on behalf of the project.

In reply to Ms. Whipple-Boyce, Mr. Kalabat noted that one feature shown as a wall was actually a glass sliding door. He said the demolition work was overlaid on the proposed work in error.

Ms. Whipple-Boyce noted that the elevations did not match the floor plan either.

Mr. Kalabat explained there would be two windows on the front, with the left window being lower and the right window being higher so it does not look directly at patients. He explained the rear elevation would be a solid block wall, the side elevation would be the existing block wall with a door, ramp, and railing, and the proposed addition to the left of that.

After further discussion, it was noted that the applicant would need to add windows on the north elevation.

The Chair observed that the Engineering and Building Departments were recommending a relocation of the ADA entrance, that windows needed to be added, and that the interior floor plan did not align with the ordinance requirements. He recommended that the Board postpone this item until an updated floor plan and elevations are provided.

Mr. Kalabat noted that the intent is to move the ADA entrance to the front of the building, an ADA compliant parking space would be provided, and windows will be added where required.

The Chair asked Mr. Kalabat to work with Staff to resolve the outstanding issues before the next review.

**06-135-22**

**Motion by Mr. Williams**

**Seconded by Mr. Share to postpone consideration of the site plan and design review for 35106 Woodward to July 27, 2022.**

**Motion carried, 7-0**

VOICE VOTE

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

Nays: None

**I. Study Session**



**J. Miscellaneous Business and Communications**

- 1. Pre-Application Discussions**
- 2. Communications**
  - i. Michigan Age-Friendly Action Plan 2021-2023**
- 3. Administrative Approval Correspondence**
  - i. 100 Townsend – Townsend Hotel**

Ms. Whipple-Boyce raised concerns about the safety of the proposed umbrellas.

Mr. Koseck raised concerns about the size and location of the proposed umbrellas' bases.

The Board asked whether the Building Department could review items such as umbrellas for potential safety issues.

The Board concluded that they would not be able to administratively approve this request. If The Townsend proposed umbrellas that were located entirely within the platform, the Board said the Planning Department could proceed with administrative approval.

**ii. 183 N Old Woodward – Paris Baguette**

The Board concluded Paris Baguette needed to apply for a site plan approval with a full submittal for its outdoor dining.

The Chair specified that dimensions must be provided for the review.

- 4. Draft Agenda**
- 5. Action List - 2022**
- 6. Other Business**

**K. Planning Division Action Items**

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

**L. Adjournment**

No further business being evident, the Chair adjourned the meeting at 10:37 p.m.



Nick Dupuis  
Planning Director



Laura Eichenhorn  
City Transcriptionist

APPROVED