City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, December 8, 2021
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on December 8, 2021. Chair 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

Absent: Alternate Board Members Jason Emerine, Nasseem Ramin; Student Representatives Daniel Murphy, Jane Wineman

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

Master Planning Team:
Matt Lambert, DPZ

12-187-21

B. Approval Of The Minutes Of The Regular Planning Board Meeting of November 10, 2021

Mr. Share noted that on the bottom of page two "routs" should read "routes".

Mr. Jeffares said on page two "senior or community" should read "senior and community". Mr. Jeffares also specified that the 2040 draft Plan did not precisely call for a traffic circle on Woodward and recommended that Chair Clein's comments on page two be modified to clarify what was being referred to.

Chair Clein said that while he thought traffic circle sufficiently conveyed the concept, it could be changed from "a traffic circle on Woodward" to "the modification of the Woodward intersection".

Motion by Mr. Jeffares
Seconded by Mr. Koseck to approve the minutes of the Regular Planning Board Meeting of November 10, 2021 as amended.

Motion carried, 7-0.

VOICE VOTE

Yeas: Jeffares, Koseck, Share, Williams, Whipple-Boyce, Clein
Nays: None
Abstain: Boyle

12-188-21

C. Chair's Comments

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

12-189-21

D. Review Of The Agenda

12-190-21

E. Unfinished Business

None.

12-191-21

F. Rezoning Applications

None.

12-192-21

G. Community Impact Studies

None.

12-193-21

H. Special Land Use Permits

None.

12-194-21

I. Site Plan & Design Reviews

None.

12-195-21

J. Study Session

1. **The Birmingham Plan 2040 – Review of Chapter Two (Embrace Managed Growth)**

PD Dupuis introduced the item.

Mr. Lambert presented the item.

The Chair invited Board comment.

Mr. Williams commented that:
- Oakland west of Woodward and Ann near Purdy should be left as-is, and not as recommended in the light blue sections of the Future Land Use - Proposed Changes Map and the map on District Seams;
- The furthest east parcel of the aforementioned section of Oakland west of Woodward underwent a lot split in October 2021 which was not reflected on the map, and this area was previously rejected for rezoning by the City Commission; and,
- Moving development closer to the road on Southfield, from Southlawn up to Canterbury, would be worth further exploration.

Mr. Jeffares said he believed the area of Oakland Mr. Williams referred to should be upzoned. He noted the area has multifamily developments, commercial developments, and busy roads, and said that it was a prime candidate for the addition of duplexes and small-scale multifamily. He also noted that the maps were incorrect, because Lincoln does not go all the way through Haynes Square.

Ms. Whipple-Boyce and Mr. Share agreed with Mr. Williams' comments regarding Southfield Road. Ms. Whipple-Boyce and Mr. Share said there could be an opportunity to add moderately-priced housing along Southfield Road.

In reply to Mr. Boyle, Mr. Lambert explained that the parcel to the north of Greenwood Cemetery in the Future Land Use Proposed Changes "District Seams" was being recommended for upzoning to bring it in line with the zoning of the adjacent area.

Chair Clein concurred with Mr. Jeffares regarding Oakland, noting that zoning to allow low-intensity multifamily would not preclude the addition of single family residential to the area if desired. He concurred with Mr. Williams' recommendations for Ann. He said he agreed with Mr. Lambert's comments about the homes near Willits.

Two Board members stated they were comfortable with the recommendations for Lincoln and 14 Mile.

In reply to Board inquiry, Mr. Lambert stated:
- It would be appropriate to consider having criteria for developments to qualify for unbundled parking in order to incentivize more 'missing middle' housing; and,
- The Master Planning Team could look into other potential mechanisms for incentivizing the City's goals for residential unit size and cost.

Mr. Boyle agreed it remains important to look at the correlation between required parking, residential density, properties and their prices. He said that the Plan should at least state that as a goal for the City, even if it cannot make full recommendations of how to proceed.

Chair Clein concurred with Mr. Boyle.

Mr. Williams and Chair Clein stated that until the Triangle Area has parking available there will not be an increase in the Area's residential development.

Mr. Jeffares noted that the majority of the recommended "District Destinations" are near existing commercial areas.

Mr. Lambert explained that the recommended "District Destinations" would be more oriented towards community gathering, like coffee shops, than the businesses already in those areas.

In reply to Mr. Koseck, Mr. Lambert noted that while there were residents that expressed their opposition to accessory dwelling units (ADUs), some also offered their support for the concept. He said that ADUs could possibly be tested first in areas zoned for multifamily. He said that the recommendation had been reduced from the first draft, and that study remains necessary.

Mr. Koseck said he had not spoken with anyone thus far who supported ADUs.

Mr. Lambert reported that the second Plan survey had 116 replies, and raised the topic of ADUs. He said of the replies, 43% of the respondents were in favor of ADUs, 43% were not, and the remainder of the respondents were undecided.

Chair Clein asked Mr. Lambert to reply to the email from Larry Bertollini which was submitted to the Board.

In reply to the Chair, Mr. Lambert said he was recommending a commercial destination for the parcel on the northeast corner of Eton and Lincoln because it is adjacent to a substantial park and it would encourage further development of the Rail District.

SP Cowan advised the Planning Board that the Parks and Recreation Board had recommended said parcel be developed with eight pickleball courts at its December 7, 2021 meeting.

<u>Public Comment</u>

Carl Kona spoke as a resident living in an area zoned for multifamily and said he was not in favor of ADUs. He said he could only see ADUs being appropriate on a case-by-case basis.

Mr. Bertollini reviewed his email to the Board.

Norm Cohen concurred with Mr. Kona. He said he was unsure how ADUs would add value to the community.

Mr. Williams said further exploration of zoning to allow main-floor additions, instead of vertical additions like ADUs, would likely be more beneficial in terms of keeping seniors in the community.

Ms. Whipple-Boyce said she was curious to learn more about ADUs and was glad they had not been eliminated entirely from the draft Plan. She said study of ADUs would be appropriate.

Chair Clein concurred with Ms. Whipple-Boyce, adding that he was not persuaded that denser areas were the appropriate trial locations for ADUs.

Chair Clein responded to Mr. Bertollini's comments. The Chair noted that sometimes broader Master Plan efforts supersede more local Master Plan efforts, as may be the case with the 2040 Plan and the Kenning Park Master Plan. Chair Clein acknowledged that can be disappointing when one has put effort into the more local Master Plan, but can also be necessary when trying to plan for a whole community. He concluded by stating that he did not believe the best use for the northeast corner of Eton and Lincoln was pickleball or tennis courts.

Chair Clein thanked all participants.

2. **Outdoor Dining (End Date)**

PD Dupuis and Chair Clein introduced the item.

There was no Board or public comment or inquiry.

Motion by Mr. Williams
Seconded by Mr. Boyle to recommend approval to the City Commission the ordinance amendments to Article 4, Section 4.44, Outdoor Dining Standards, to remove temporal restrictions on outdoor dining patios in the public right-of-way, and to allow outdoor dining fixtures and furnishings to stay outside overnight.

Motion carried, 7-0.

ROLL CALL VOTE
Yeas: Williams, Boyle, Koseck, Share, Whipple-Boyce, Clein, Jeffares
Nays: None

3. **Outdoor Dining (Comprehensive)**

PD Dupuis reviewed the item. He noted that an establishment's outdoor dining is restricted in most cases by ordinance to only being in front of said establishment's storefront.

Mr. Jeffares stated that while the resident survey on Engage Birmingham regarding outdoor dining had hundreds of respondents, he had heard from Birmingham Shopping District (BSD) members that very few business owners participated in writing the letter from the BSD to the Planning Board. He noted that page six of the BSD letter specified that the BSD received minimal feedback from business owners. He recommended that the Board not give the letter from the BSD disproportionate weight given the rate of participation.

Chair Clein said Mr. Jeffares' point was fair and that the perspectives of the BSD members still needed to be taken into account as property and business owners in the City.

Motion by Mr. Williams
Seconded by Mr. Jeffares to receive and file an email from Joe Bongiovanni to PD Dupuis dated December 7, 2021.

Motion carried, 7-0.

VOICE VOTE
Yeas: Williams, Jeffares, Boyle, Koseck, Share, Whipple-Boyce, Clein
Nays: None

Chair Clein noted that the email was signed by both Joe and Kristen Bongiovanni. The Chair summarized that the Bongiovannis recommended outdoor dining be enclosed and heated during colder months, and that they stated the lean-to Luxe had would likely meet guest expectations while not meeting pedestrian expectations. The Bongiovannis also recommended retractable awnings that cover a wider width of the sidewalk and at a lower height to protect against inclement weather.

Mr. Williams stated the Bongiovannis' perspective was largely opposite of what was contained in the BSD's letter. Mr. Williams said it was unlikely that all stakeholders would reach an agreement about how to approach outdoor dining. Mr. Williams said he was not in favor of fully enclosed outdoor dining but remained in favor of being able to provide protection from inclement weather during months of the year when people may want to dine outdoors.

Mr. Koseck said he was comfortable either with maintaining the outdoor dining as it was prior to Covid-19 or bringing in professionals to study the options and make recommendations. He said that changing the outdoor dining standards was a complex enough undertaking that the City should have outside assistance.

Chair Clein said that if the Board were at more of an impasse he might agree with Mr. Koseck, but that there were already a number of points of agreement among the Board members. He cited the Commission's and Board's agreement that there should not be full enclosures as one example.

Chair Clein said the Board must first determine the purpose of expanding outdoor dining. He said that decision would then help guide the further recommendations the Board would make.

In reply to the Chair, Mr. Share ventured that not all days or times of day would be appropriate for outdoor dining. He stated that pedestrian access and other accessibility concerns should all be appropriately addressed. He said that the purpose of this study would be creating opportunities to seize the infrequent times between November and April when outdoor dining would be appropriate, and to preserve the look, feel and utility of the City. He said he would prefer to err on the side of maintaining access over drastically increasing the number of days that outdoor dining would be feasible. He said those would be possible criteria for guiding the study.

In reply to the BSD letter, the Chair noted that hours of operation are a SLUP matter and not an outdoor dining one.

After Board discussion, Chair Clein summarized the matters to be decided regarding outdoor dining. Those matters included:

- Whether establishments with liquor licenses and establishments without liquor licenses should be handled differently;
- Whether there should be on-season and off-season dates for outdoor dining, and what should happen to furniture and other equipment on public property if there are different 'seasons';
- Whether establishments should be permitted outdoor dining on both a sidewalk and a deck if requested, and if not, what the City wants to incentivize instead;
- What types of coverings and equipment should be allowed, and how specific the standards should be in terms of material, location, and other considerations;
- Whether outdoor dining should be permitted to extend beyond the storefront of an establishment, and if so, what the limitations should be;
- Whether outdoor dining decks should be limited to a certain number per block; and,
- Whether outdoor dining in public space and outdoor dining in private space should be regulated differently.

Mr. Williams asked PD Dupuis to get a clear opinion from the BSD regarding whether the number of outdoor dining operations on a block should be limited and/or clustered in some way.

Mr. Boyle noted the City already has outdoor design standards that the Board can use to inform the discussion.

Chair Clein said it would be helpful for PD Dupuis to provide, if possible:

- A map with all non-liquor, bistro, and Class C establishments in the City;
- The number of parking spaces per street in the central business district; and,
- A compilation of all existing outdoor dining standards in the ordinance.

Mr. Jeffares asked PD Dupuis to seek clarification from the Fire Marshal about how an awning that is more than four feet wide and made of a non-combustible material would be handled.

Ms. Whipple-Boyce and Mr. Jeffares said it could be helpful to learn more about social districts, especially since it could help address a concern about too many potential outdoor dining decks on particular blocks.

Chair Clein said hearing about social districts might be helpful anecdotally, but that the Board was not tasked with studying social districts and should be careful not to overly focus on the topic.

Mr. Share noted any recommendations made by the Board can be observed post-implementation and then amended later if need be.

Chair Clein said the Board could likely make initial recommendations on a majority of the matters, while some of the other decisions could be potentially delayed to see how the initial implementation goes.

Chair Clein also recommended that a poll be posted to Engage Birmingham sometime in the new year to ascertain whether the public was actually interested in al fresco outdoor dining, as opposed to outdoor dining in semi-permanent structures with climate control.

12-196-21

K. Miscellaneous Business and Communications

- **a. Communications**
- **b. Administrative Approval Correspondence**
- **c. Draft Agenda for next meeting**
- **d. Other Business**

12-197-21

L. Planning Division Action Items

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

12-198-21

M. Adjournment

No further business being evident, the Chair adjourned the meeting at 9:48 p.m.

Nick Dupuis
Planning Director