City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, February 9, 2022
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on February 9, 2022. Chair Scott Clein convened the meeting at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein; Board Members Stuart Jeffares, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Jason Emerine, Nasseem Ramin

Absent: Board Members Robin Boyle, Bert Koseck

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

Master Planning Team:
Matt Lambert

02-25-22

B. Approval Of The Minutes Of The Regular Planning Board Meeting of January 26, 2022

On page two, second-to-last paragraph, Mr. Williams recommended that 'a parking deck' be changed to 'the proposed parking deck'.

Mr. Jeffares concurred.

Motion by Mr. Williams
Seconded by Ms. Whipple-Boyce to approve the minutes of the Regular Planning Board Meeting of January 26, 2022 as amended.

Motion carried, 7-0.

VOICE VOTE
Yeas: Share, Jeffares, Williams, Whipple-Boyce, Ramin, Emerine, Clein
Nays: None

02-26-22

C. Chair's Comments

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

02-27-22

D. Review Of The Agenda

02-28-22

E. Unfinished Business

None.

02-29-22

F. Rezoning Applications

None.

02-30-22

G. Community Impact Studies

None.

02-31-22

H. Special Land Use Permits

None.

02-32-22

I. Site Plan & Design Reviews

None.

02-33-22

J. Study Session

1. **Outdoor Dining (Comprehensive)**

PD Dupuis presented the item.

Board member comments were as follows:

- Article 4, Section 4.44(B)(4) should address whether an outdoor dining patio could extend onto the private property of a neighboring property owner with written permission from the neighboring property owner;
- Article 4, Section 4.44(B)(5)(iii) should be amended to require that all aspects of outdoor dining should be brought in from January 1 to March 31 at night, including railings or

planters. Applicants should be expected to propose temporary outdoor dining delineations for those months rather than permanent ones drilled into the ground. It was noted that unobtrusive planters could possibly be pressed up against the exterior of the building at night instead of being brought in;

- Article 4, Section 4.44(C)(5) should require a five foot clear path with some way of providing the Planning Board and/or the Engineering Department leeway to require a greater width for a clear path if necessary;
- Article 4, Section 4.44(C)(8) should require barriers be a maximum of 42 inches in height with no exception for planting material;
- Article 4, Section 4.44(C)(9) should specify that 'Windbreaks must be constructed of a clear, rigid, and durable material,' adding 'rigid';
- Article 4, Section 4.44(C)(3) and Article 4, Section 4.44(C)(11) could likely be combined;
- These standards should be crosschecked for redundancy with the overlay standards and redundancy should be eliminated wherever possible;
- The enclosure definition should prohibit vertical elements above 60 inches except for exterior building walls~~, windbreaks~~, umbrellas, or landscaping; and,
- BO Johnson should be asked how the ordinance could best address the definition of 'permanent fixtures', whether by defining it, allowing the Building Official to judge at their discretion, or some other approach.

In regards to comments that Article 4, Section 4.44(C)(8) should be updated to reflect the changes to be made to Article 4, Section 4.44(B)(5)(iii) regarding immovable barriers between January 1 and March 31, PD Dupuis said he would likely add language stating that the Board could provide flexibility on the immovable barrier requirement between January 1 and March 31.

There was Board consensus that requiring barriers for establishments without alcohol was likely inappropriate.

PD Dupuis noted that the concern is not alcohol service but expansion of outdoor dining beyond its allowed parameters into the public clear path.

Chair Clein asked PD Dupuis to come back with recommendations regarding barriers for establishments that do not serve alcohol. He suggested that the ordinance could specify differential treatment based on the number or location of outdoor dining tables, such as more than one row of tables against a building.

Ms. Whipple-Boyce asked that the Commission be made aware via a memo included with the outdoor dining recommendations that members of the Board are interested in studying the topic of social districts. She noted that social districts would complement the Board's work on outdoor dining. She said she did not want the Board to miss the opportunity to review the topic.

Public Comment

Ann Steglich asked how the ordinances are enforced.

The Chair explained the City has code enforcement in place.

There was Board consensus to discuss the questions posed in the Study Session #8 summary at the next Board discussion of outdoor dining.

Mr. Williams asked for photographic examples of outdoor dining located on both a deck and the sidewalk.

2. 2040 Plan – Chapter 4 (Support Mixed-Use Districts) & Chapter 5 (Advance Sustainability Practices)

Chair Clein and PD Dupuis introduced the item.

Mr. Lambert presented the item.

In reply to Mr. Williams, ACM Ecker noted that all boards and committees provided feedback on the first draft of the master plan.

Chair Clein asked Staff to solicit feedback from other boards and committees on the second draft of the master plan, especially regarding tasks the draft suggests the various boards and committees undertake in the future.

Individual Board member comments were as follows:

- Chapters Four and Five had areas that were too detailed for a master plan;
- Discouraging barriers for outdoor dining may not be appropriate;
- There may be too much flexibility recommended for the Rail District;
- It may be appropriate to include an appendix of potential ways to implement recommendations rather than including those examples in the body of the plan;
- Prioritizing intergovernmental cooperation should be emphasized as part of the sustainability recommendations;
- It might be more appropriate for the City to determine what sustainability goals it would like its developments to meet instead of using LEED certification as a metric since LEED is an imperfect measure of sustainability;
- The canopy recommendations would likely be helpful in mitigating the noise and speeding problems on Woodward but may not be enough to eliminate the issues;
- Enhancing the safety of crossing Woodward may need more attention in the plan;
- Mr. Lambert should stay apprised of the Board's decisions regarding 770 S. Adams because it will impact the plan's recommendations for Worth Plaza;
- The recommendations for Market North and the Rail District are both attractive and likely feasible;
- The sustainability board is a good idea and would likely get new and different residents involved with the City;
- The draft recommends EV charging in the parking decks but also notes that the parking decks cannot afford to lose spaces to dedicated EV charging, which is an inconsistency that should be addressed;
- The focus on increasing pedestrian activity in the downtown is appropriate, and social districts could be recommended as another way of increasing downtown pedestrian activity;

- Parking deck occupancy is currently around 55% and the draft says it is at 90%, so that should be updated;
- Studying shared use streets is a good idea more broadly, though Merrill may not be an appropriate location;
- The draft should tie-in the Library's long-range plan in terms of Library-related recommendations;
- The recommendations regarding Bates Street and parking at the Farmer's Market should be coordinated;
- Bumpouts should be considered in the Bates Street-Farmer's Market area, particularly on the east side, to provide some space for outdoor dining; and,
- A reference to the Low Impact Design Manual put together by SEMCOG and EGLE would likely be appropriate in the draft's Green Stormwater Infrastructure section.

Regarding the South Woodward Gateway, Mr. Williams said more feedback should be solicited from the residents that would be impacted to the east and west.

Ms. Whipple-Boyce said she loved the recommendations for the South Woodward Gateway but was concerned that they were not achievable.

Mr. Jeffares liked the recommendations for the South Woodward Gateway and said he did not believe them to be farfetched. He concurred with Mr. Williams that the development in that area would likely be piecemeal, and stated that this is a good project to include as something to stretch towards in the plan.

Messrs. Jeffares and Emerine spoke in favor of the recommendations to improve the Rouge River natural area. Mr. Jeffares emphasized the importance of creating an accessible pathway so all can enjoy the Rouge River.

Mr. Emerine noted that the City was in the process of updating its stormwater standards to align with the State's and County's updated standards. He said that those standards would apply to all developments except ~~but~~ single family residential. He said he was not sure if that information tied in to the plan but that he thought it relevant to provide.

Chair Clein thanked Mr. Jeffares for his recommendation that the plan include projects to stretch towards. He said he was respectfully frustrated with some Board members' comments that would seek to remove some of the more ambitious parts of the draft. He questioned the point of having done a master plan in that scenario.

The Chair continued by noting that the Board, City, and Master Planning Team have actively pursued public feedback regarding the plan for two years. He emphatically stated that this process has solicited more public feedback than any other master plan he had been involved in. He said he wanted to challenge the Board to push forward on getting final public input and on finishing the plan. He warned the Board about getting caught up in 'analysis paralysis'.

Public Comment

Ms. Steglish said she wanted to see diversity of residents and housing stock prioritized in the plan.

Chair Clein noted that the draft addresses those issues in other chapters.

David Bloom raised concerns about the City having sufficient parking to accommodate its current and potential growth.

Mr. Jeffares commended Mr. Lambert. He recommended that items that were not accomplished from the 2016 Plan be considered for inclusion in the 2040 Plan.

Chair Clein thanked Mr. Lambert.

02-34-22

K. Miscellaneous Business and Communications

Mr. Williams asked PD Dupuis to clarify when the next joint Planning Board-City Commission meeting will be.

1. **Pre-Application Discussions**
   i. **Sweet Green**

PD Dupuis presented the item.

The Board granted permission for administrative approval.

Chair Clein noted that if other establishments near Sweet Green want to add outdoor dining in the future, attention must be paid to the layout of the outdoor dining so as not to negatively impact those with visual or other impairments.

   ii. **Cannelle Patisserie**

SP Cowan and owner ~~Matt Knio~~ Garen Damiryan presented the item.

SP Cowan noted that the Building and Engineering Departments' previous concerns with the outdoor dining design were resolved.

It was noted that if queuing issues result from the walkup window the proprietor could find ways to address the issue.

The Board granted permission for administrative approval.

2. **Communications**
   i. **City Attorney Memo – Roberts Rules**

Chair Clein said he appreciated the the City Attorney's guidance.

3. Administrative Approval Correspondence
4. Draft Agenda

Mr. Williams recommended changes to the agenda's order and directed Staff to ensure that the Board and the public are provided the traffic updates for 770 S. Adams before the meeting.

5. Other Business
i. Action List – 2022

Chair Clein asked that 'Handicap Accessible Ramps' be changed to 'Barrier Free Ramps'.

The Board asked that it be clarified whether window treatments are in the same part of the ordinance as window glazing. If not, it was recommended that the Board's previous window glazing recommendations be re-sent to the Commission for approval, with a statement that the Board could review window treatments subsequently if still desired.

PD Dupuis said he would ask the City Attorney about the potential consequences of failing to designate any area for medical marijuana businesses.

Chair Clein recommended that items addressed by the draft master plan be removed from the list. He noted that once the 2040 Plan is adopted there will additional action items for the Board.

Ms. Whipple-Boyce said she felt the front setback item was a priority, and reiterated her interest in social districts being potentially added to the action list. She suggested that items could be ordered with some attention to seasonal relevance, like finishing building-related items as early in the building season as possible.

There was Board consensus that resolving window glazing as soon as possible would be appropriate.

PD Dupuis said he would make the requisite changes and return it for the Board's review on February 23, 2022.

02-35-22

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

02-36-22

M. Adjournment

No further business being evident, the Chair adjourned the meeting at 10:01 p.m.

Nick Dupuis
Planning Director

Laura Eichenhorn
City Transcriptionist