City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, March 8, 2023
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 8, 2023. Chair Clein convened the meeting at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein, Vice-Chair Bryan Williams; Board Members Bert Koseck, Daniel Share, Janelle Whipple-Boyce; Alternate Board Members Jason Emerine, Nasseem Ramin; Student Representatives Asher Kaftan, Matthew Wiegand

Absent: Board Members Robin Boyle, Stuart Jeffares

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

B. Approval Of The Minutes Of The Regular Planning Board Meeting of February 8, 2023

03-08-23

Motion by Mr. Williams
Seconded by Ms. Whipple-Boyce to approve the minutes of the Regular Planning Board meeting of February 8, 2023 as submitted.

Motion carried, 7-0

VOICE VOTE
Yeas: Emerine, Clein, Koseck, Williams, Share, Whipple-Boyce, Ramin
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. Community Impact Studies
H. Special Land Use Permits and Site Plan & Design Reviews
I. Study Session
1. **The Birmingham Plan 2040 – Public Hearing**

Chair Clein explained how the public hearing would proceed. He then opened the public hearing at 7:35 p.m.

PD Dupuis:

- Reviewed the emailed comments from residents that were included in the agenda packet;
- Listed emails from residents which arrived after the agenda packet was published on March 3, 2023;
- Noted that the majority of the latter group of emails regarded the northeast corner at Lincoln and Eton, and asked that the parcel on the corner not be recommended for a commercial destination;
- Stated that one of the emails in the latter group related to sidewalks, and one related to multifamily housing;
- Noted that he attempted to respond to as many of the residents as possible; and,
- Noting that the 2040 Plan would not rezone any parcels, and any potential future rezoning would undergo rigorous review before occurring.

The Chair noted that all the emails had been provided to the Board members before the evening's meeting.

Staff and Board members reiterated that the draft Plan was not a rezoning.

Public Comment

Pam Willis, Denise Rumsey, Claudia Unruh, Grant Nimtz, Larry Bertollini, Richard Miner, and Diane Smith asked that the northeast corner parcel at Lincoln and Eton not be recommended for commercial rezoning, citing reasons such as: the value of the green space, the benefit of the parcel for children, the benefit of the parcel for community groups and community health, concerns about a future potential increase in traffic with a commercial use, the lack of park space in neighboring Torry, the need for parks in the area if multifamily units are to be added, the parcel's history, and its accessibility to those with mobility impairments.

Ms. Smith added that she did not want to see commercial destinations in any of the City's parks and that upzoning should be put to a public vote before being implemented.

Mr. Bertollini recommended that more public input on the draft 2040 Plan (draft Plan) be solicited, that increasing the safety of Woodward be prioritized in the shorter term, that cost estimates be generated for the larger ideas included in the draft Plan, and that commercial uses be disallowed on Birmingham's east side.

Kevin Kozlowski requested that the area near his home be recommended for rezoning to a more transitional land use as it was in the first draft of the Plan.

Norm Cohen said he was concerned that parking and privacy issues could arise from the potential allowance of accessory dwelling units.

David Bloom raised concerns about an area zoned R2 that he said had at least 15 non-conforming parcels. He recommended the draft Plan's zoning category for that area be reconsidered. He said he was also aware of non-conforming homes presently being built in that area. He asked about the difference between a Planning Board and Planning Commission and said he did not believe public feedback was sufficiently integrated into the draft Plan.

Seeing no further public comment, the Chair closed the public hearing at 8:13 p.m.

The Chair thanked all those who provided comment and noted that all written comments would be filed with the agenda for future reference. He noted that there was a lot of public input regarding the northeast corner of Lincoln and Eton, and noted that the Board's opinion regarding that parcel was split 4-3 at the February 8, 2023 meeting as well.

Mr. Koseck noted that he was not in attendance at the February 8, 2023 meeting, and said he would be in favor of leaving the northeast corner of Lincoln and Eton as-is.

In reply to Mr. Williams, PD Dupuis stated that the Planning Board is a recommending body in terms of the Michigan Planning Enabling Act and that the Commission would assume the role of a Planning Commission. He stated that accordingly the Board could legally make minor changes to the draft Plan before sending it to the Commission.

Mr. Share noted, and the Board agreed, that three changes still needed to be made to the draft Plan before its advancement to the Commission:

- There should be no reference to creating a 'Friends of the Rouge' organization. Rather, the Plan should contemplate the City cooperating with various public and private authorities to strengthen the watershed;
- LEED should not be required. Rather, the Plan should specify that the City 'seeks to advance sustainability standards within the City in all mixed use districts and municipal buildings through green building standards, technology, etc.' or similar language; and,
- Rather than advocacy for 25 m.p.h., the Plan should advocate for slower speeds throughout town.

The Chair stated that while those changes needed to be made, they were not substantive enough to require another public hearing at the Board level. He stated that as someone in the master planning business, this process received the most public input he has seen in approximately 29 years.

Further Board comment was as follows:

- While the Board was split on the best use for the northeast corner of Lincoln and Eton, the Board should not vote on the draft Plan parcel-by-parcel;
- The Commission would be aware from the minutes that the Board was split on that parcel;
- The present draft Plan was substantially improved over the original draft Plan;
- Residents' feedback regarding 'seams' was thoroughly integrated into the draft Plan;
- It was difficult to hear from some residents that residents were not involved in the master planning process, given the fact that nearly 40 public meetings on the master planning process were held over the course of four years;
- There was a difference between resident input being ignored and resident input being disagreed with by the Board. It is the Board's responsibility to filter input and provide recommendations;
- While the Board was split on the best use for the northeast corner of Lincoln and Eton, given the draft Plan's size it was remarkable that parcel was the most controversy-generating aspect of the Plan at this point;

- The Board was united on the draft Plan being a sound plan, based on sound planning principles, with very good concepts that would help the City resolve issues related to housing prices, reducing teardowns, and protecting the character of the neighborhoods;
- The draft Plan focuses on managed, contextually-appropriate growth as opposed to unfettered growth; and,
- This is a 20-year Plan, and accordingly focuses on what the community will need in the next 20 years.

03-09-23

Motion by Mr. Williams
Seconded by Mr. Share to recommend that the City Commission adopt and approve in its entirety the Birmingham Plan 2040, with the three conditions pointed out during the course of the meeting by Mr. Share, inclusive of all maps, plats, charts, and other related matter, figures and the Future Land Use Map, and together with the comments of the Board with respect to various parcels within the City.

Mr. Share observed that while each Board member could likely identify small changes they would make to the draft Plan if so empowered, overall the draft Plan was excellent. In terms of significant changes, if the draft Plan is implemented he noted Woodward would cease to divide the City as it does now, the Haynes Square area would revolutionize S. Old Woodward, the southern gateway would become safe, and the neighborhoods would be strengthened.

<u>Public Comment</u>

Mr. Kozlowski stated he would appreciate his comments being discussed before the vote.

Mr. Bertollini, Ms. Rumsey, and Todd Macintosh said they disagreed with the motion.

Ms. Unruh said she was disappointed that the Board did not recommend leaving the northeast corner of Lincoln and Eton as-is.

Motion carried, 7-0

ROLL CALL VOTE
Yeas: Emerine, Clein, Koseck, Williams, Share, Whipple-Boyce, Ramin
Nays: None

Mr. Williams echoed Mr. Share's statement that the draft Plan was very good.

2. **B1 Zoning District – Commercial Permitted Uses Study Session**

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

PD Dupuis recommended this review remain focused since it was requested by an applicant. He suggested that obviously inappropriate uses could be struck from the ordinance, but continued that defining and reviewing every use might be more thorough than necessary for this particular request.

Board members' comments were as follows:

- Some of the permitted uses in a B1 district should probably be removed;
- The uses should serve the neighborhood, and the Board needs to consider whether the uses would come with an increased parking demand;
- The uses should be ones that serve the neighborhood and are not regional draws;
- The Board should generate agreed-upon definitions for the uses, determine whether the as-defined uses are appropriate in the City's B1 locations, and determine whether the attendant impacts like parking would be a concern;
- The review of this request would be benefited by beginning with a list of present and proposed uses, the definitions of the uses, and then adding and eliminating uses from the list as appropriate;
- It might be possible to do a focused review for the applicant and a more general review of the ordinance subsequently;
- The Board could remove the obviously inappropriate uses to start, and then proceed with a more limited review for the time being;
- The only concern of the proposed list of uses would be food and drink;
- Having tables as an ancillary use to a permitted sale of food, plus limiting either the size or the number of tables in relation to the size, might be a way of permitting certain desired uses while preventing other uses. A SLUP may also be an appropriate way of regulating this use,;
- There would not be much difference between this location, in terms of use, and the Holiday Market Select concept;
- A food and drink establishment is one where the primary business is seating and table service;
- SP Cowan's definition of a use that "that involves counter service only, does not offer full table service, and consumption is either dine-in or carry out in nature" offered a good starting point for one of the potential uses;
- Health and fitness uses could possibly be permitted with limitations based on the available parking;
- While many B1 tenant spaces are smaller, tenants could possibly take over adjacent spaces. For this reason, it may be worth considering size limitations on businesses in B1; and,
- The Board should be able to expand the number of uses in B1 in some appropriate ways.

Based on discussion, the Chair asked Board members to individually email Staff with any presently listed B1 uses that arose as candidates for potential removal. It was noted that those uses would then be discussed at the next appropriate Board meeting.

PD Dupuis observed that the Board seemed to agree on adding three or four definitions to the allowed uses in B1. Then, the Board might be willing to explore adding an accessory permitted use or some other phrase that would allow indoor dining.

In reply to Board comment, PD Dupuis observed that allowing health and fitness uses in B1 would likely result in destination locations, which would bring more traffic into the neighborhoods than B1 zoning intends.

The Chair concurred.

SP Cowan suggested that specialty food stores and bakeries could have an allowed accessory indoor dining use within the use-specific standards, plus a size limitation either based on square footage or percentage of the entire tenant space or the assembly area.

In reply to Board comment, SP Cowan added that a cafe definition could possibly serve as an intermediate definition missing in some zones in the City.

Michael Vogt, attorney for the applicant, spoke on behalf of the request. He noted that the SLUP process might prove prohibitive for the smaller businesses likely to occupy most B1-zoned spaces, which would limit the tenants that could potentially move into the spaces being discussed. He asked the Board to keep in mind the kinds of neighborhood businesses that would be desirable when amending the ordinance. He also asked the Board to consider limiting the parking calculation to the square footage used by customers, as opposed to the square footage of the total space.

Mr. Williams noted that the SLUP requirement could limited to businesses only over a certain size or based on other potential factors.

The Chair agreed and said he just wanted the opportunity to discuss whether SLUPs might be beneficial in certain cases.

J. Miscellaneous Business and Communications

1. **Pre-Application Discussions**
2. **Communications**
3. **Administrative Approval Correspondence**
4. **Draft Agenda**
5. **Action List - 2023**
6. **Other Business**

PD Dupuis encouraged Board members to attend the Commission meeting where the draft 2040 Plan will be discussed. He said it would likely be set for the end of May 2023.

Mr. Koseck recommended that the consultant be present in person.

Mr. Williams recommended Staff summarize and emphasize the changes from draft one to draft three.

03-10-23

Motion by Mr. Williams

Seconded by Mr. Share to schedule a special meeting for April 17, 2023 at 7:30 p.m. at 151 Martin Street, City Commission Room, to consider both site plan and study session matters.

Motion carried, 7-0

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

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 9:48 p.m.

Nick Dupuis, Planning Director

Laura Eichenhorn, City Transcriptionist