



AGENDA

REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD

WEDNESDAY SEPTEMBER 13, 2023 – 7:30 PM

151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple layered masks for attendees.

- A.** Roll Call
- B.** Review and Approval of the Minutes of the Regular Meeting of **August 9, 2023**
- C.** Chairpersons' Comments
- D.** Review of the Agenda
- E.** Unfinished Business
- F.** Rezoning Applications
- G.** Community Impact Studies
- H.** Special Land Use Permits
- I.** Site Plan & Design Reviews
- J.** Study Session
 - 1. **Health Club/Studio – Public Hearing**
 - 2. **Dumpster Screening Materials – Study Session**
 - 3. **Mixed-Use Requirements – Study Session**
- K.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. **Project Updates**
 - ii. **Troy – Master Plan Update ([WEBSITE](#))**
 - iii. **City Commission Joint Meeting – October 9, 2023**
 - 3. Administrative Approval Correspondence
 - i. **August 4, 2023 – September 8, 2023**
 - 4. Draft Agenda – **September 27, 2023**
 - 5. Action List – **2023**
 - 6. Other Business
- L.** Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
- M.** Adjournment

*Please note that board meetings will be conducted in person once again. Members of the public can attend in person at Birmingham City Hall OR may attend virtually at:

Link to Access Virtual Meeting: <https://zoom.us/j/111656967>

Telephone Meeting Access: 877-853-5247 US Toll-Free

Meeting ID Code: 111656967

NOTICE: Due to Building Security, public entrance during non-business hours is through the Police Department—Pierce St. Entrance only. Individuals with disabilities requiring assistance to enter the building should request aid via the intercom system at the parking lot entrance gate on Henrietta St.

Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing, or other assistance.

Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).

City Of Birmingham
Regular Meeting Of The Planning Board
August 9, 2023
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on August 9, 2023.
Chair Clein convened the meeting at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Daniel Share;
Alternate Board Member Jason Emerine; Student Representative Asher Kaftan,
Matthew Wiegand (arrived 7:37 p.m.)

Absent: Vice-Chair Bryan Williams; Board Members Bert Koseck, Janelle Whipple-Boyce;
Alternate Board Member Nasseem Ramin

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

B. Approval Of The Minutes Of The Regular Planning Board Meeting of July 12, 2023

08-32-23

Motion by Mr. Share

Seconded by Mr. Boyle to approve the minutes of the Regular Planning Board meeting of July 12, 2023 as presented.

Motion carried, 5-0

VOICE VOTE

Yeas: Clein, Emerine, Boyle, Jeffares, Share

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. Site Plan & Design Review

J. Study Session

1. Health Club/Studio – Study Session

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

Board members' comments were as follows:

- It might be possible to allow a health club/studio use on the first floor if the activity of the establishment were required to be next to the front window. This use should not be permitted to be within a certain distance of another establishment with the same permitted use. Allowing the use could be beneficial in the event of an increase in retail vacancies;
- The proposed ordinance amendment seemed reasonable as long as health club/studios were located on the second floor or above or in the basement;
- The use could not be inappropriately large since it would be limited by the present building sizes in which the use could be located; and,
- While limiting music to certain hours was discussed, Board consensus was that was not necessary.

08-33-23

Motion by Mr. Share

Seconded by Mr. Emerine to set a public hearing for September 13, to consider draft amendments to Article 2, Section 2.27, B4 Uses Section 2.37, and Section 5.12(G) of the regulations.

Motion carried, 5-0

VOICE VOTE

Yeas: Clein, Emerine, Boyle, Jeffares, Share

Nays: None

The Chair thanked SP Cowan.

2. Dumpster Screening Materials – Study Session

PD Dupuis presented the item and answered informational questions from the Board.

Board members' comments were as follows:

- There would be certain plastic, resin, and PVC based products that could be considered 'high quality materials';
- New products that may meet the definition of 'high quality' would likely be produced in the future;
- The word 'durable' should be added to the section on 'gates';
- The language of paragraph eight should be modified to better echo the language of paragraph one; and,
- There was some discussion about whether the screen walls should be required to be capped masonry. It was decided to remove that requirement for the next discussion, with the understanding that it could be restored as a requirement.

3. Mixed-Use Requirements – Study Session

PD Dupuis presented the item and answered informational questions from the Board.

Board members' comments were as follows:

- The 2040 Plan said the Triangle District would be largely residential with first floor, targeted retail;
- 'Commercial' may not be the correct phrasing since office uses would not be preferred;
- Developers are able to commit to receiving LEED certification in order to receive additional stories on a project. The City presently has no consequences in place for when the committed LEED certification is not received. Adding consequences should be considered;
- Other types of sustainability certifications should also be explored;
- A minimum square footage and a percentage of the first floor excluding the parking should be considered for paragraph three; and,
- The need for parking must be considered when formulating the requirement for paragraph three.

K. Miscellaneous Business and Communications

1. Administrative Approval Correspondence

Board consensus was that ordinance-compliant additions within single family clusters could be administratively approved.

- 2. Communications**
- 3. Draft Agenda**
- 4. Action List – 2023**
- 5. Other Business**

L. Planning Division Action Items

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

M. Adjournment

No further business being evident, the Chair adjourned the meeting at 8:23 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist



MEMORANDUM

Planning Division

DATE: September 8th, 2023

TO: Planning Board Members

FROM: Brooks Cowan, Senior Planner

APPROVED: Nicholas Dupuis, Planning Director

SUBJECT: Public Hearing – Health Club/Studio Use in the B4 (Business Residential) District

Health club/studio uses such as yoga, barre, pilates, spinning, and personal training are not currently permitted in the downtown B4 zone. The use is permitted in the B3, MX, and TZ3 zone districts, as well as the Triangle District. Chapter 9 of the Zoning Ordinance defines health club / studios as “a place designated and equipped for the conduct of sports, exercise and physical fitness activities.”

Concerns about the health club/studio use is that it promotes big box gyms and can lead to classes with higher hourly parking demands. In order to accommodate for smaller studio classes such as yoga and pilates while preventing larger big box gyms, cities have regulated the size and square footage of the use to an appropriate size that fits in with the fabric of the downtown shops.

City staff has encountered a number of inquiries to place a small health club/studio use in the downtown, however staff has continually denied such inquiries and applications over the years due to the current zoning.

City staff recommends that the Planning Board consider including health club/studio use in the B4 zoning district. Such a proposal was presented to the City Commission during long range planning in 2020 and the City Commission was amenable to such a consideration.

The Planning Division recommends that the health club/studio use be included within the B4 zone because it is within the former parking assessment district and nearest to the city's five public parking structures. Such a use typically promotes weekly visits and can have a multiplier effect on surrounding businesses. The use typically operates with peak hours in the morning and after 5pm which could assist in activating downtown Birmingham during non-work hours. Health club/studio uses have grown as “experience based retail” and could increase the supply of uses

in the Downtown B4 zone to provide an alternative to current retail blend while increasing the daily and/or weekly visitations.

On June 14th, 2023 ([Agenda – Minutes](#)), the Planning Board discussed allowing health club/studio uses in the downtown. General consensus was that the board is comfortable permitting the use in the basement levels as well as the 2nd floor and above in the downtown. However there was mixed reviews on allowing the use on the first floor. The Planning Board wished to maintain the ethos of the first floor retail requirement and were concerned about blinds closing off the space or workout equipment occupying the window frontage. There was suggestion that the use be considered for a SLUP on the first floor.

The Planning Board requested feedback from the Birmingham Shopping District (BSD) and local brokers. The Planning Division met with the BSD's Business Development Committee on June 27th, 2023 and then with the Birmingham Shopping District Executive Committee on July 6th, 2023. Members of the BSD commented that they support the additional use of health/club studios to the downtown's B4 District in downtown in the basements as well as the second floor and above. However, there was concern about allowing the use on the first floor where the City's goal has been to promote active retail and restaurants. The BSD would prefer if the fitness studios did not interfere with the vision for first floor retail. The BSD has provided a letter of support which summarizes their recommendations which can be found in the attachments below.

City staff also spoke with local commercial brokers involved in Birmingham's downtown. Angela Thomas of Aeres Real Estate commented that she gets calls about fitness studios in Birmingham's downtown on a weekly basis. Inquiries for high end boutique yoga and pilates studios have been turned down given the current ordinance regulations. Ms. Thomas' input was that 1,500 to 2,500 square feet would be ideal for the boutique fitness studios she receives inquiries about.

Cindy Ciura of CC Consulting also commented that she has received a number of inquiries from potential tenants looking to have a high end fitness studio in Birmingham. The retail consultant stated that there is a demand for such a use, though one thing the City should consider is the noise levels coming from music and weights.

Robert Hibbert of Friedman Real Estate commented that the use would help increase foot traffic on a weekly basis, particularly after work hours. The increase in foot traffic could have a spillover effect on surrounding businesses and lead to additional purchases. Mr. Hibbert supported allowing the use on all floors as well, stating that having more use options will enable stronger businesses with longer occupancies.

On July 12th, 2023 ([Agenda - Minutes](#)) the Planning Board reviewed input from the BSD, local brokers, and draft ordinance language. The general consensus was that everyone supported allowing the use in the B4 district, however there was some disagreement on whether to allow the use on the first floor. The majority of Planning Board members appeared to support limiting the use to basements and second floor and above. They felt the first floor should be reserved for more retail and restaurant style uses.

The Planning Board also discussed whether or not to limit the square footage. Board members referenced other cities where they have seen treadmills and other workout equipment facing the upper floor windows looking out into the city. Fitness studios in urban environments can range in

size from Powerhouse Fitness to Blue yoga in Birmingham and Boll Family YMCA to Citizens Yoga in Detroit. While searching fitness studios in nearby cities with downtowns, Royal Oak and Northville appear to have most of their fitness studios located on the periphery of downtown, while Ann Arbor is scattered throughout the core. Nearby cities do not appear to regulate the floor which fitness studios are permitted.

On August 9th, 2023 ([Agenda](#)), The Planning Board reviewed a draft of the proposed language allowing health club/studio uses in the basement levels and second floor and above in the B4 zoning district. There was no opposition to the language and the Planning Board approved a motion to set a public hearing date of September 13th, 2023 for the proposed zoning amendment.

SAMPLE MOTION LANGUAGE

Move to recommend to the City Commission APPROVAL of the proposed amendments to Article 2, Section 2.27 and Article 5, Section 5.12 to allow health club/studio uses in the B4 Business Residential District in the basement levels and floors two and above.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 2, SECTION 2.27, B4 (BUSINESS RESIDENTIAL), PERMITTED USES TO ADD HEALTH CLUB / STUDIO TO COMMERCIAL PERMITTED USES.

ARTICLE 2: ZONING DISTRICTS AND REGULATIONS

2.37 B4 (Business-Residential) District Intent, Permitted Uses, and Special Uses

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. dwelling - multiple-family
 - b. dwelling - one-family*
 - c. dwelling - two-family*
 - d. live/work unit
2. Institutional Permitted Uses
 - a. community center
 - b. garage - public
 - c. government office
 - d. government use
 - e. loading facility - off-street
 - f. parking facility - off-street
 - g. religious institution
 - h. school - private
 - i. school - public
 - j. social club
3. Recreational Permitted Uses
 - a. bowling alley
 - b. outdoor amusement*
 - c. recreational club
 - d. swimming pool - public & semiprivate
4. Commercial Permitted Uses
 - a. auto sales agency
 - b. bakery
 - c. bank
 - d. barber shop/beauty salon
 - e. catering
 - f. child care center
 - g. clothing store
 - h. delicatessen
 - i. department store

- j. drugstore
- k. dry cleaning
- l. flower/gift shop
- m. food or drink establishment*
- n. furniture
- o. greenhouse
- p. grocery store
- q. hardware store
- r. health club/studio***
- s. hotel
- t. jewelry store
- u. motel
- v. neighborhood convenience store
- w. office
- x. paint
- y. party store
- z. retail photocopying
- aa. school-business
- bb. shoe store/shoe repair
- cc. showroom of electricians/plumbers
- dd. tailor
- ee. theater*

- 5. Other Permitted Uses
 - a. utility substation

C. Other Use Regulations

- 1. Accessory Permitted Uses
 - a. alcoholic beverage sales (off-premise consumption)*
 - b. laboratory - medical/dental*
 - c. loading facility - off-street
 - d. outdoor cafe*
 - e. outdoor display*
 - f. parking facility - off-street
 - g. retail fur sales cold storage facility
 - h. sign
- 2. Uses Requiring a Special Land Use Permit
 - a. alcoholic beverage sales (on-premise consumption)
 - b. assisted living
 - c. continued care retirement community
 - d. establishments operated with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 5, Licenses for Theaters and Hotels
 - e. independent hospice facility
 - f. independent senior living
 - g. skilled nursing facility
- 3. Uses Requiring City Commission Approval
 - a. regulated uses*

* = Use Specific Standards in Section 5.12 Apply

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 5, SECTION 5.12, B4 BUSINESS RESIDENTIAL DISTRICT USE SPECIFIC STANDARDS TO ALLOW HEALTH CLUB/STUDIO USES TO OCCUPY THE BASEMENT LEVELS AND FLOORS TWO AND ABOVE.

G. Health Club/Studio: Health club/studio uses are permitted in the B4 District in the basement level and the second floor and above. Health club/studio uses are not permitted on the first floor of a building in the B4 District.

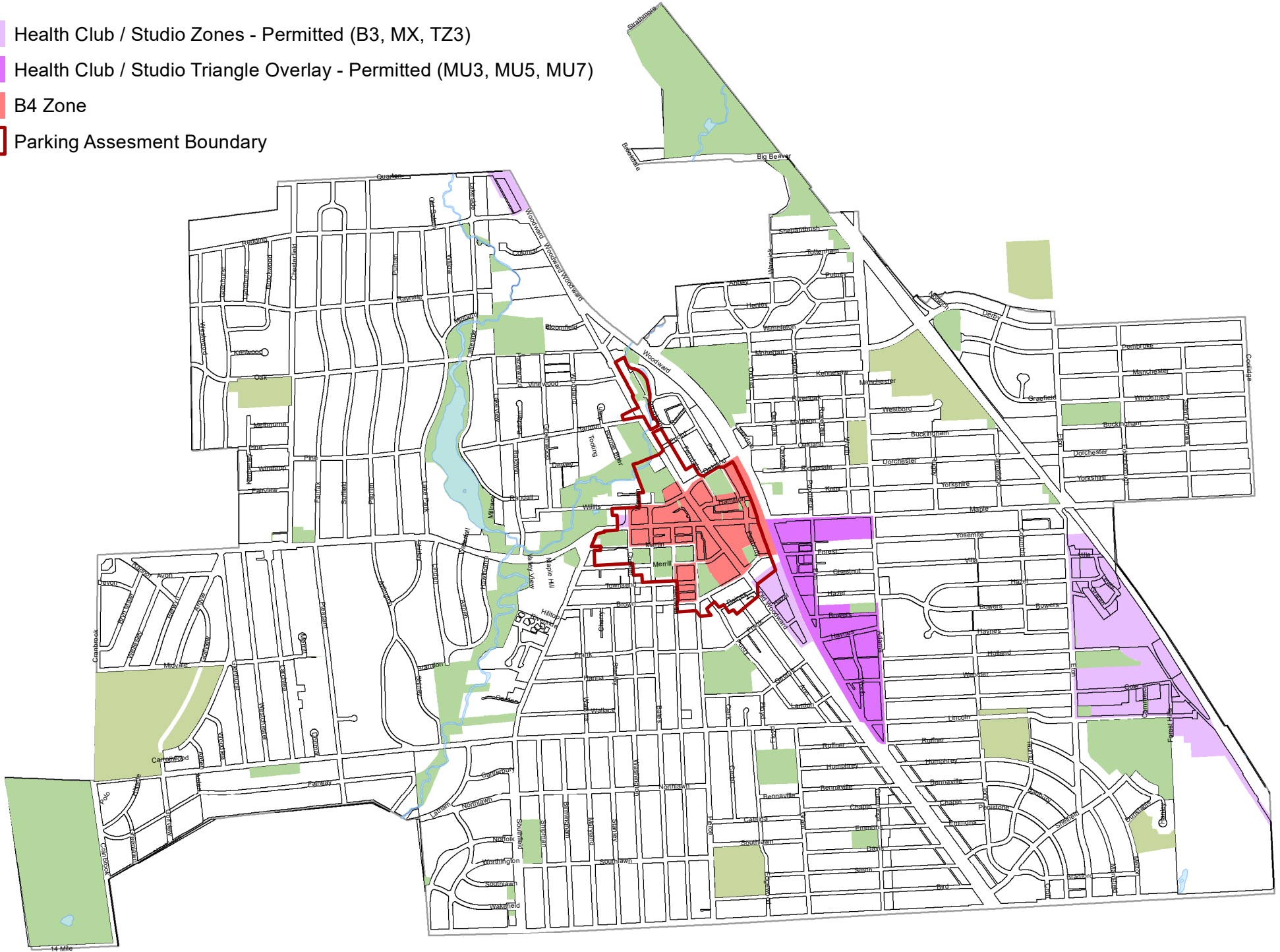
ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

Health Club/Studio Use

-  Health Club / Studio Zones - Permitted (B3, MX, TZ3)
 Health Club / Studio Triangle Overlay - Permitted (MU3, MU5, MU7)
 B4 Zone
 Parking Assessment Boundary





Birmingham Shopping District
151 Martin Street
Birmingham, MI 48009
248-530-1200
ALLINBirmingham.com

MEMORANDUM

DATE: July 6, 2023
TO: City of Birmingham Planning Commission
Brooks Cowan, Planning Department
FROM: BSD Executive Director Cristina Sheppard-Decius, CMSM
SUBJECT: Health Club Zoning Change for B4

The Birmingham Shopping District (BSD) Board of Directors met on July 6, 2023, to review and discuss the potential zoning change to B4 to include health clubs and fitness studios.

The BSD Business Development Committee recommended to the BSD Board that the health and fitness clubs not be allowed on main floors in the B4 area, but to allow them on second floors and basements/sub-levels. This would open up opportunities for property owners to fill second floor vacant spaces. The committee felt that there is such a high occupancy rate of main floors in the B4 area that property owners are not in need of expanding use groups for main floors in this area. It was also important to the Business Development Committee that the BSD focus on specific uses for recruitment on the main floors identified in the business mix analysis and recommendations presented to the BSD Board in May 2023, including apparel, books/media/toys, specialty gifts and fast casual dining.

The BSD Board unanimously agreed with the BSD Business Development Committee's recommendation, and felt that the flexibility for upper floors and basement/sub-levels would provide the BSD a great opportunity to market upper floor occupancy.

The BSD Board hopes this insight is helpful in making your decision on this subject. If you have any further questions, please do not hesitate to contact me at csdecius@bhamgov.org.



MEMORANDUM

Planning Division

DATE: September 13, 2023

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Dumpster Screening Materials

Over the years, the Planning Board has grappled with design proposals for dumpster enclosures that do not meet the technical requirements of the Zoning Ordinance, but have generally offered a high quality design and material composition that appeared to meet the intent of the ordinance when it was written. As it stands, an applicant that wished to utilize alternate materials would be required to acquire a variance from the Board of Zoning Appeals. The language is as follows:

Article 4, Section 4.54 (B)(8)

When required to screen a trash receptacle or ground-mounted mechanical or electrical equipment, a masonry screenwall with wood gates. The screenwall shall match the material of the principal building.

On July 10, 2019 ([Agenda](#) – [Minutes](#)), the Planning Board held its last study session on the topic, which had been discussed or several months prior. At that time, the conversations appeared to be more detailed, and were revolving around the level of screening that certain materials might offer, and how far the City should go in regulating opening sizes.

At this time, the Planning Board has expressed interest in reviving the conversation and opening up the standards to permit more materials for dumpster screening enclosures.

Study Session #1

On August 9, 2023 ([Agenda](#)), the Planning Board reviewed proposed ordinance amendments that expanded the permitted materials for gates on dumpster enclosures. In conversation, the Planning Board expressed an interest in relaxing the strict requirements for capped masonry and generally including provisions that were flexible and consistent, but also emphasized durability and quality.

Study Session #2

In response to the discussion in the previous study session, the Planning Division has reworked the language to relax the strict material requirements while still emphasizing durability and quality. In addition, the Planning Division performed some local ordinance research to gain an understanding of what other communities in Southeast Michigan require in terms of dumpster screening. A summary table is provided below:

Community	General Requirements
Ferndale	- Screening walls shall be constructed of face brick; poured-in-place simulated face brick; precast brick face panels having simulated wood, brick or stone texture; or similar materials as approved by the planning commission. One-sided decorative wall materials shall be installed with the decorative side facing the adjacent property or street. - Screening walls shall be kept sound, free of deterioration and maintained in a proper condition.
Royal Oak	Outside refuse disposal and recyclable containers shall be screened on three sides with a durable six-foot or higher masonry enclosure, and sight-obscuring decorative gate at least as high as the container, so as not to be visible from adjacent lots or sites, neighboring properties or streets. The enclosure shall also be constructed so as to be compatible with the architectural styles used in the site development. The Planning Commission may, at its discretion, require a higher screen if deemed necessary due to the proximity to conflicting land uses.
Berkley	Screen wall shall be of masonry construction. A maintenance agreement shall be required for any masonry screen wall receiving paint or other impermeable coating.
Southfield	- Screening materials shall consist of any of the following: - Masonry, either brick, concrete block or reinforced concrete; - Wood, provided the wood is heartwood cedar, redwood, marine grade exterior plywood or equivalent of at least five-eighths-inch thickness (1.5875 centimeters) or other types of wood which have been pressure treated with preservatives. If cedar, redwood or plywood are used in the screening, it shall be protected from possible rot or decay by the application of an oil-base exterior stain of a neutral color. Wood that has been pressure treated need not be further protected from possible rot or decay.
Rochester Hills	When screening is required for trash receptacles or other outdoor storage of refuse or waste, an enclosure constructed of masonry material and sturdy obscuring wood gates shall be provided. The enclosure shall be at least six feet in height or equal to the height of the receptacle or waste material being stored, whichever is greater. If the enclosure is in a conspicuous location or visible from a public road or residential zoning district, the Planning Commission or official approving the site plan may specify the type and/or appearance of masonry material to be used to construct the enclosure.
Northville	The screening shall be of live landscape material such as, but not limited, to trees, shrubs and hedges, and shall provide eighty (80) percent or more summer opacity and sixty (60) percent winter opacity within two (2)

	years when viewed from between two (2) and ten (10) feet above ground level. The height of the dumpster enclosure shall be at least one (1) foot higher than the dumpster in use. • Wood fencing or masonry walls may be used to screen trash receptacle areas in conjunction with one (1) vine which adheres to the fence or wall and planted every ten (10) lineal feet along said wood fence or wall.
Ann Arbor	• Screening shall consist of a six-foot high opaque wall or Fence. Live landscape material shall be located so it does not interfere with the function of the refuse container is encouraged in addition to the opaque screen.
Clawson	• A decorative masonry wall of six feet in height shall enclose three sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. Screening gates may be required by the planning commission when deemed necessary to obscure a trash receptacle from view from a public right-of-way
Clarkston	• All trash enclosures shall be enclosed and screened by a combination of the following: fence or wall and landscape material as approved by the Planning Commission. A solid screen of a minimum height equal to the height of the trash enclosure shall be erected around three (3) sides of the trash enclosure excluding the side for access. Access to the trash enclosure shall be screened by a solid gate and shall remain closed and secured at all times excluding the loading and unloading of material within said enclosure.
Canton	• Dumpsters shall be screened on three sides with a permanent building, or wall, which matches the masonry of the primary structure on the site, shall not be less than eight feet in height and be at least one foot above the height of the enclosed dumpster, whichever is taller. If constructed primarily of brick, the enclosure walls shall be topped with a limestone or similar-looking material cap to provide a finished appearance. • The walls of the dumpster enclosure shall not be constructed of poured or precast concrete panels. • The fourth side of the dumpster screen shall be equipped with an opaque, lockable gate that is the same height as the enclosure around the other three sides. Chain link or similar type gates with inserted opaque slats are unacceptable.

In addition to ordinance level research, general research suggests that there are indeed other high quality options for dumpster enclosures that the Planning Board could consider. The materials include metal, wood, wood composites, or a combination of materials (see attached for examples).

While considering the design of dumpster enclosures, it is important to discuss at least three ancillary issues related to design: rodents/pests, litter, and storm water. In regards to rodents/pests, permitting new materials on the solid portions of the enclosure would likely leave a gap at the base of the enclosure, which would provide new entry/exit points for these creatures. Along the same lines, a gap at the base could permit litter in unkempt enclosures to be washed

or blown out of the enclosure, leading to increased trash content in waterways, storm water systems, and neighboring properties. Finally, any additional gaps in screening enclosures could promote the “washing out” of these facilities during heavy rainfall. The washout could include the aforementioned solid waste litter, but also any liquids, grease or chemicals that have seeped out of the dumpster. For all of these reasons, special consideration should be given when crafting ordinances for the design of these enclosures.

Please see the attached revised ordinance language that takes into account the feedback from the Planning Board, other local regulations, and general research.

Sample Motion Language

I move that the Planning Board set a public hearing date of October 11, 2023 to review amendments to Article 4, Section 4.54 of the Zoning Ordinance.

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CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 4, SECTION 4.54, SCREENING STANDARDS, TO AMEND DUMPSTER SCREENING REQUIREMENTS.

-
- A. Purpose: The purpose of this section is to require a barrier, capable of containing noise, vehicular lights, visual disarray, debris and other factors detrimental to the health, safety and welfare of the community, between an open parking station, outdoor storage, dumpsters and adjacent properties. Flexibility in the materials, size, height and placement of walls is permitted in order to allow architectural harmony and usable open space and to accomplish a unified design.
- B. Screenwall Descriptions: Screenwall as required by this section shall mean:
1. When required along a street line, alley, passage or mixed passage, a masonry wall with an exterior face of brick, precast aggregate panels, sculptured block, stone, architecturally treated concrete or other materials acceptable to the Planning Board which are demonstrated to be durable, easily maintained, and provide a similar permanent visual barrier.
 2. When required, a screenwall of capped masonry.
 3. Screenwalls shall be so constructed that the lower 32 inches in height, as measured from the finished parking lot surface, or ground surface on the outside of the screenwall, whichever is higher, shall be solid. Openings above 32 inches may be permitted provided the intent of the Zoning Ordinance is maintained and further provided the openings are not larger than 64 square inches and do not exceed 33% of the surface of the screenwall.
 4. Where a screenwall is adjacent to a vehicular or pedestrian accessway, the screenwall shall be so designed and constructed as to not constitute a hazard to vehicular or pedestrian traffic.
 5. Screenwalls along a street shall be so designed as to not form a continuous barrier. Depending upon the length, location and ground contour, a break in the screenwall is required every 50 to 100 feet. Such break shall be a minimum of 10 feet long. A screening wall of a material permitted under Section 4.54(C)(1) shall be constructed for the full length of the required break and shall be located a minimum

of 2 feet to either the front of or the rear of the principal screenwall. The Planning Board may, upon Site Plan Review, require the screenwall spanning the break to be attached to the principal screenwall. Landscaping is required in any area created on the street side of the screenwall by the required break and shall be subject to the requirements of Section 4.54(D)(1).

6. When required along the front, side or rear of any building, a masonry screenwall shall match or complement the exterior of the building.
7. When required along the side or rear lot line of any parking facility which immediately adjoins the rear lot line of property located in a residential zone, a masonry screenwall of 6 feet. When required along the side or rear lot line of any parking facility which adjoins an alley or passage adjoining the rear line of property located in a residential zone, a masonry screenwall of 3 feet.
- ~~8. When required to screen a trash receptacle or ground-mounted mechanical or electrical equipment, a masonry screenwall with wood gates. The screenwall shall match the material of the principal building.~~
- 8. When required to screen a solid waste receptacle or ground-mounted mechanical or electrical equipment, a screenwall that is designed to be durable, easily maintained, and provide a complete and permanent visual barrier. Screenwalls for solid waste receptacles, ground mounted mechanical equipment and electrical equipment shall meet the following requirements:**
 - a. Screenwalls shall measure at least 6 feet in height, or roughly equal to the height of the receptacle or equipment being screened, whichever is greater around all sides of the screening enclosure, including the side for access. In no case shall the screenwall exceed the height of the object(s) being screened by more than 1 foot;**
 - b. Screenwalls and access gates shall be constructed of high quality and durable materials such as masonry, wood, wood composite, metal or other materials acceptable to the Planning Board. Screenwall materials shall complement the material of the principal building;**
 - c. For solid waste receptacle screenwall enclosures, in order to reduce the displacement of debris, liquids, grease, chemicals or other noxious elements from the screenwall enclosure, the first 1 foot of screenwall enclosure (excluding the side for access) must contain a solid wall with no gaps to prevent the escaping of such materials from the enclosure.**

C. Screening Requirements: Screening shall be placed as follows:

1. Along the side or rear line of any parking facility which immediately adjoins the side line of property zoned to a residential district under the Zoning Ordinance, provided that the screenwall along the side of a parking facility located in the parking district shall not extend further than the front setback area of the abutting residential district.
2. Along the side or rear lot line of any parking facility which immediately adjoins the rear line of property located in a residential district.
3. Along the front or side of any parking facility that abuts a street, alley, passage or mixed passage.
 - a. When the property being utilized for the parking facility is zoned residential, the screenwall shall be placed along the setback line.
 - b. When the property being utilized for the parking facility is zoned parking, and abuts a residential district, the screenwall shall be placed along the setback line applicable to the abutting residential district.
 - c. When the property being utilized for the parking facility is zoned to a business or industrial district, and abuts a residential district, the screenwall shall be placed along the setback line applicable to the abutting residential zoning for that district.
 - d. When the property being utilized for a parking facility is zoned to a business or industrial district, and abuts business or industrial district, the screenwall shall be placed along the setback line; however, upon review of the Site Plan, the Planning Board may approve an alternate location for the screenwall in order to maximize the screening effect of the parking facility, or may modify the screenwall requirement by approving an evergreen screen in its place.
4. Along the front, side or rear of any parking facility underneath a building which is visible to the general public in a manner which screens the parking from public view.
5. Adjacent to ground-mounted mechanical or electrical equipment which is visible to the public in a manner which obscures the receptacle and equipment from public view.
6. In the B2B district, along the side or rear lot line of any parking facility located on the side of the building in the B2B district and immediately adjoining the rear line or an alley adjoining the rear line of property located in a residential district.
- ~~7. In all multiple family districts and all office and business districts, the screening of trash containers shall be required and shall be constructed of 6-foot masonry~~

~~screenwall with a gate. All materials shall match or complement the exterior of the building.~~

8. Rooftop mechanical and other equipment shall be limited, positioned and screened to minimize views from adjacent properties and public rights-of-way.
 - a. To minimize the visual impact of such equipment from adjacent elevated views all rooftop mechanical equipment and associated screening must be removed if:
 - i. The equipment is inoperable and not serviceable; or
 - ii. The equipment is obsolete and not in service, or
 - iii. The equipment is not being utilized for its intended purpose.
 - b. To minimize the visual impact of such equipment from other points of observation, rooftop mechanical and other equipment shall be obscured by a screenwall composed of materials compatible with the building or by landscaping demonstrated to provide an effective permanent visual barrier.
 - c. Any screenwall barrier:
 - i. Shall, to the best extent possible, not extend above the top edge of an imaginary plane extending upward no more than 45 degrees from the eave line; and
 - ii. Shall not exceed 10 feet in height.
 - iii. For buildings sharing a lot line with a building of the same or greater height, such rooftop screenwalls are not required to be set back from the main building wall along the common lot line.

D. Miscellaneous Screening Requirements:

1. When screening is placed along a front setback line, the resulting front yard shall be void of all parking and storage and shall be planted and otherwise landscaped and maintained by the owner.
2. Any driveway furnishing access to a parking facility shall be considered as part of the parking facility for the purposes of the Zoning Ordinance.
3. Where two parking facilities adjoin each other and the common boundary is either a side or rear line, no screening is required along the line common to both parking facilities.

4. All screenwalls shall be maintained in good order. Plant materials in vegetative screenwalls shall be maintained in a healthy condition. Dead or diseased plant materials shall be replaced with healthy materials of like size and kind.
- E. Review: The design, height and location of all screening shall be reviewed by the Planning Board.

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk





MEMORANDUM

Planning Division

DATE: September 13, 2023

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Mixed Use Requirements

As development applications have increased in the Triangle District of Birmingham, the Planning Board has expressed concerns over the proportions of mixed use buildings, specifically as it relates to the opportunity for bonus stories.

In the Triangle District, buildings or portions of buildings that are 100 feet or more from a single-family residential zoning district may have additional building where 2 or more of the following are provided as part of the development:

1. A multi-level parking structure that offers parking available to the public at the rate of one parking space available to the public for every 300 square feet of building floor area allowed in the additional stories. Where additional building height is proposed without additional stories, then the parking shall be based upon the building floor area in the top floor. The applicant may provide payment-in-lieu to the City for construction of parking in a public parking deck at an offsite location. Parking rates will be calculated as follows:
 - a. The rate of \$27,500 per space to match the current cost per above-ground structured parking space in 2018.
 - b. Starting July 1st, 2019, the rate of payment per parking space shall be increased by 3 percent each year.
2. Dedication of an improved public plaza with an area that is at least equal to 25% of the additional floor area of building area allowed in the additional stories. Where additional building height is proposed without additional stories, then public plaza space shall be based upon 25% of the building floor area on the top floor. The location and design of the plaza shall be approved by the Planning Board and shall be in accordance with the Triangle District Urban Design Plan.
3. **A mixed use building that provides residential dwelling units above first-floor commercial where a mini- mum of 50% of the buildings floor area is residential.**
4. Leadership in Energy and Environmental Design (LEED) building design, accredited based upon the rating system of the United States Green Building Council.

5. Transfer of development rights for additional floor area that zoning would permit on a site containing an historic building or resource designated under Section 127 of the Birmingham Code. The development rights shall be dedicated through recording a conservation easement on the designated historic resource, which shall be reviewed and approved by the Historic District Commission.

Using figures from recent development proposals, the percentage of commercial area provided has been less than 5 percent of total gross floor area, and in one case less than 2 percent. While the requirement noted above contains a clear percentage threshold for residential floor area, it does not address the commercial floor area.

Study Session #1

On August 9, 2023 (Agenda), the Planning Division provided draft ordinance amendments for discussion at the Planning Board level. The amendment added a percentage required for commercial uses alongside the minimum residential percentage. During the discussion, it was determined that adding a simple broad percentage may not address the issue fully in that the it would not meet what the Planning Board felt was the intent of the [Triangle District Urban Design Plan](#). The Planning Board directed the Planning Division to explore percentage requirements for the first floor excluding parking, frontage lines, and the type of commercial uses that the City would prefer to see in these spaces.

Study Session #2

The Planning Division has revised the proposed ordinance language to better capture the intent of the changes requested, and has provided more clarity on where/what this commercial space should be.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.08, HEIGHT AND PLACEMENT REQUIREMENTS, TO ADD COMMERCIAL FLOOR AREA REQUIREMENTS TO BONUS HEIGHT PROVISION.

- E. Additional Building Height: Buildings or portions of buildings that are 100 feet or more from a single-family residential zoning district may have the additional building height (in number of stories and/or feet of height) noted in Section 3.08B, Section 3.08C, and Section 3.08D where 2 or more of the following are provided as part of the development. Additional stories shall be stepped back at a 45-degree angle from the top story allowed by right without the height bonus.
1. A multi-level parking structure that offers parking available to the public at the rate of one parking space available to the public for every 300 square feet of building floor area allowed in the additional stories. Where additional building height is proposed without additional stories, then the parking shall be based upon the building floor area in the top floor. The applicant may provide payment-in-lieu to the City for construction of parking in a public parking deck at an offsite location. Parking rates will be calculated as follows:
 - a. The rate of \$27,500 per space to match the current cost per above-ground structured parking space in 2018.
 - b. Starting July 1st, 2019, the rate of payment per parking space shall be increased by 3 percent each year.
 2. Dedication of an improved public plaza with an area that is at least equal to 25% of the additional floor area of building area allowed in the additional stories. Where additional building height is proposed without additional stories, then public plaza space shall be based upon 25% of the building floor area on the top floor. The location and design of the plaza shall be approved by the Planning Board and shall be in accordance with the Triangle District Urban Design Plan.
 3. A mixed use building that provides residential dwelling units above first-floor commercial where a minimum of 50% of the buildings floor area is residential **and a minimum of 25% of the buildings first floor area is retail, excluding**

areas provided for parking or circulation. All retail areas shall be located on a frontage line and contain a minimum depth of 20 ft. from the storefront.

4. Leadership in Energy and Environmental Design (LEED) building design, accredited based upon the rating system of the United States Green Building Council.
5. Transfer of development rights for additional floor area that zoning would permit on a site containing an historic building or resource designated under Section 127 of the Birmingham Code. The development rights shall be dedicated through recording a conservation easement on the designated historic resource, which shall be reviewed and approved by the Historic District Commission.

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk



MEMORANDUM

Planning Division

DATE: September 13, 2023

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Project Updates & Information

The following report contains the most recent updates on projects that have completed by the Planning Board and are on to the next steps of approval. In addition, other significant development-related projects that have been reviewed or embarked upon by boards/commissions such as the Historic District Commission, Design Review Board, Multi-Modal Transportation Board, or similar bodies have been included for reference as well.

Site Plan & Design Reviews

- 2159 E. Lincoln – Lincoln Yard – Under construction
- 34965 Woodward – Peabody Redevelopment – Permitting, numerous extensions requested
- 35001 Woodward – Land lease executed by City Commission/Design development
- 707 S. Worth – Under construction
- 2225 E. 14 Mile – Our Shepherd – Under construction
- 36877 Woodward – Gasow Veterinary Hospital – Building demolished, permitting
- 243 Merrill – La Strada – Permitting/Construction
- 320 Martin – Birmingham Post Office – Design Development
- 185 N. Old Woodward – Bell Bistro – Permitting
- 460 N. Old Woodward – Wilders – Under construction
- 295 Elm St. – Forest Townhomes – Design Development
- 34350 Woodward – Fred Lavery Porsche – Public Hearing at the City Commission was tabled by the City Commission to afford the applicant and City Staff time to work out any issues. No new public hearing date set at this time
- 479 S. Old Woodward – Birmingham Tower – Design Development and demolition
- 245 S. Eton – Big Rock – Permitting and interior demolition
- 33866 Woodward – Polestar – Permitting/Design development

Ordinance Amendments/Master Planning

- -

Non-Planning Board Projects

- 148 Pierce – Telephone Exchange Building – New mural on rear of building (**project approval has expired**)
- 135-139 S. Old Woodward – Stifel – Façade renovations on historic Briggs Building, under construction.
- 34040 Woodward – Community Unity Bank – **Façade renovations completed.**
- 185 Oakland – Belfor – Façade renovations, design development.
- 33680 Woodward – Petrucci Studio – Façade renovations, permitting.
- 188 N. Old Woodward – Comerica Bank – Façade renovations, permitting.
- 163 W. Maple – Seven Daughters – Façade renovations, postponed indefinitely.
- 298 S. Old Woodward – Daxton Hotel – Wall Art approved for Via Space on north side of building.
- 138 W. Maple – Blakeslee Building – Façade renovations, scheduled at HDC on 9/20/23.
- 172 N. Old Woodward – National Bank Building – Façade renovations, scheduled at HDC on 9/20/23.
- Citywide Wayfinding and Signage Design Program Update – Corbin Design Group presented concept artwork to the Wayfinding and Branding Committee on 8/14/23. The Committee directed Corbin to pursue a design with minor revisions requested.
- Historic Preservation Master Plan – In progress.

Sustainability & Climate Action Plan/Greenhouse Gas Emissions Inventory

- Next meeting – October 16, 2023
- Remaining planned Public Engagement
 - [Engage Birmingham Survey – Live Now](#)
- Greenhouse Gas Emissions inventory - In progress
- Sustainability and Climate Action Plan – In progress



500 West Big Beaver
Troy, MI 48084
troymi.gov

Planning Department
248.524.3364
planning@troymi.gov

August 29, 2023

Planning Commission Chairperson
City of Birmingham
151 Martin St.
P.O. Box 3001
Birmingham, MI 48012

SUBJECT: Distribution of Draft Master Plan

In accordance with the Michigan Planning Enabling Act (PA 33 of 2008 as amended), the City of Troy has prepared an update to the existing Master Plan and requests your cooperation and comment on the Plan. The proposed amendments are related to the Neighborhood Node land classification as well as updates to land use and demographics.

A copy of the draft plan can be found here: www.troymi.gov/draftmasterplan. Hard (paper) copies may be provided upon request.

This letter represents a second notice, and initiation of the 63-day comment period, which will conclude with a public hearing at an upcoming Planning Commission meeting. Please direct all comments to the Secretary of the Planning Commission via the Planning Department, at the e-mail address below.

We thank you for your consideration in this matter. If you have any questions or comments on the City of Troy Draft Master Plan or process at this time, please contact:

R. Brent Savidant, AICP
Planning Director
City of Troy Planning Department
500 W. Big Beaver
Troy, MI 48084

You can contact the City of Troy Planning Department at 248.524.3364 or by email to planning@troymi.gov with any questions you might have.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Brent Savidant', is written over a light blue horizontal line.

R. Brent Savidant, AICP
Community Development Director

cc: File/ City of Troy Master Plan

ADMIN APPROVAL - PB

App Date	Case #	Scope of Work	Property Address	Status
06/15/2023	PAA23-0044	Landscaping changes	751 CHESTNUT ST	COMPLETED - APPROVED
08/24/2023	PAA23-0068		711 MAPLE HILL LN	IN PROGRESS
08/28/2023	PAA23-0070	Remembrance garden installation	2425 E 14 MILE RD	IN PROGRESS
09/05/2023	PAA23-0074	Remove/Replace existing porches on end of Lincoln Commerce Center	1066 COMMERCE	IN PROGRESS

Total Processes For Type: 4



AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY SEPTEMBER 27, 2023 – 7:30 PM
151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple layered masks for attendees.

- A.** Roll Call
- B.** Review and Approval of the Minutes of the Regular Meeting of **September 13, 2023**
- C.** Chairpersons' Comments
- D.** Review of the Agenda
- E.** Unfinished Business
- F.** Rezoning Applications
- G.** Community Impact Studies
 - 1. **380 S. Bates – Community House – Request for Community Impact Study Review for New 3-Story Addition to Existing Building in Downtown Birmingham.**
- H.** Special Land Use Permits
- I.** Site Plan & Design Reviews
 - 1. **380 S. Bates – Community House – Request for Preliminary Site Plan Review for New 3-Story Addition to Existing Building in Downtown Birmingham.**
- J.** Study Session
- K.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. **Project Updates**
 - ii. **City Commission Joint Meeting – October 9, 2023**
 - 3. Administrative Approval Correspondence
 - i. **September 8, 2023 – September 22, 2023**
 - 4. Draft Agenda – **October 11, 2023**
 - 5. Action List – **2023**
 - 6. Other Business
- L.** Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
- M.** Adjournment

*Please note that board meetings will be conducted in person once again. Members of the public can attend in person at Birmingham City Hall OR may attend virtually at:

Link to Access Virtual Meeting: <https://zoom.us/j/111656967>
Telephone Meeting Access: 877-853-5247 US Toll-Free
Meeting ID Code: 111656967

NOTICE: Due to Building Security, public entrance during non-business hours is through the Police Department—Pierce St. Entrance only. Individuals with disabilities requiring assistance to enter the building should request aid via the intercom system at the parking lot entrance gate on Henrietta St.

Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing, or other assistance.

Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).



AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY OCTOBER 11, 2023 – 7:30 PM
151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple layered masks for attendees.

- A.** Roll Call
- B.** Review and Approval of the Minutes of the Regular Meeting of **September 27, 2023**
- C.** Chairpersons' Comments
- D.** Review of the Agenda
- E.** Unfinished Business
- F.** Rezoning Applications
- G.** Community Impact Studies
- H.** Special Land Use Permits
- I.** Site Plan & Design Reviews
- J.** Study Session
 - 1. **Dumpster Screening Materials – Study Session**
 - 2. **Mixed-Use Requirements – Study Session**
- K.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. **Project Updates**
 - 3. Administrative Approval Correspondence
 - i. **September 22, 2023 – October 6, 2023**
 - 4. Draft Agenda – **October 25, 2023**
 - 5. Action List – **2023**
 - 6. Other Business
- L.** Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
- M.** Adjournment

*Please note that board meetings will be conducted in person once again. Members of the public can attend in person at Birmingham City Hall OR may attend virtually at:

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Planning Board Action List – 2023

Topic	General Goals	City Commission Directive?	Quarter	Status	
				In Progress	Complete
2040 Master Plan	Adopt a new comprehensive master plan.	☒	Ongoing	☐	☒
B1 Neighborhood Business Uses	Consider adding additional commercial permitted uses in the B1 zone.	☐	1 st (January-March)	☐	☒
Mixed Use Requirements	Consider changing the requirements for mixed use in the Triangle District.	☐	1 st (January-March)	☒	☐
Impervious Surface Definition	Clarify definition to promote the infiltration of storm water.	☐	2 nd (April-June)	☐	☐
Lighting Standards	Review lighting standards and study residential districts to reduce light pollution and nuisance.	☐	2 nd (April-June)	☐	☐
Health Club/Studio Use	Consider allowing health/fitness type activities in more areas of the City.	☐	3 rd (July-September)	☒	☐
Dumpster Enclosures	Expand the materials permitted/not permitted in dumpster enclosures.	☐	3 rd (July-September)	☒	☐
Definitions	Revisit key definitions to address any challenges presented and clean up verbiage to aid Planning Staff.	☐	4 th (October-December)	☐	☐

Next Up...

Topic	General Goals	City Commission Directive?	Quarter	Status	
				In Progress	Complete
Public Project Review	Place on joint meeting agenda to express concerns over the review process of public projects.	☐	-	☐	☐